

STAND. COM. REP. NO. 1198

Honolulu, Hawaii

March 24, 2011

RE: S.B. No. 1458
S.D. 2
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1458, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this bill is to establish a regulated distribution program for medical marijuana by:

- (1) Establishing a five-year medical marijuana distribution pilot program within the Department of Health (DOH) established and implemented in Maui County to license one compassion center to distribute medical marijuana to qualified patients; and
- (2) Authorizing DOH to conduct criminal history record checks on applicants for compassion care center licenses.

The Pacific Wellness Coalition, National Association of Reformed Criminals, and many concerned individuals supported this measure. The Drug Policy Action Group, Community Alliance on Prisons, The Drug Policy Forum of Hawaii, American Civil Liberties Union of Hawaii, Law Enforcement Against Prohibition, Big Island Chapter of Americans for Access, Friends 4 Justice, Kahuna Compassion Consulting, LLC., and numerous concerned individuals supported this bill with amendments. DOH, Department of Public

SB1458 HD2 HSCR JUD HMS 2011-3305



Safety (PSD), The Department of the Prosecuting Attorney of the City and County of Honolulu, Maui Police Department, Hawaii Police Department, County of Kauai, Honolulu Police Department, Coalition for a Drug-Free Hawaii, Maui Interscholastic League, Paukukalo Hawaiian Homes Commission Association, Medicine Buddhas and Bodhisattvas, and numerous concerned individuals opposed this measure. Hawaii Youth Services Network and many concerned individuals commented on this bill.

Your Committee has amended this bill by:

- (1) Replacing DOH with PSD as the supervising agency for the pilot project;
- (2) Changing the pilot project's location to an unspecified site;
- (3) Defining "compassion center" and "compassion care center" to be interchangeable;
- (4) Changing the definition of "department" to mean PSD;
- (5) Clarifying references to qualified patients to establish that "primary caregiver" and "qualifying patient" are defined under section 329-121, Hawaii Revised Statutes;
- (6) Requiring PSD to assess and collect an unspecified fee;
- (7) Authorizing PSD to convene a task force to study and advise in the drafting of PSD's administrative rules for the pilot program; and
- (8) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1458, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 1458, S.D. 2, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



GILBERT KEITH-AGARAN, Chair



