

STAND. COM. REP. NO. 449

Honolulu, Hawaii

FEB 15 2013

RE: S.B. No. 394
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Health, to which was referred S.B. No. 394
entitled:

"A BILL FOR AN ACT RELATING TO MEDICAL AMNESTY,"

begs leave to report as follows:

The purpose and intent of this measure is to establish
limited immunity for individuals who seek medical assistance for
victims of drug-related overdoses.

Your Committee received testimony in support of this measure
from the Hawaii Women's Coalition; Drug Policy Forum; CHOW
Project; Community Alliance on Prisons; American Civil Liberties
Union of Hawaii; Harm Reduction Hawaii; Medicine Buddha and
Bodhisattvas; and nine individuals. Your Committee received
testimony in opposition to this measure from the City and County
of Honolulu Police Department.

Your Committee finds that many people who experience a drug
overdose, or who witness a friend experiencing a drug overdose,
delay seeking medical assistance out of fear of prosecution. This
delay often can result in serious negative medical outcomes or
death for the person experiencing the overdose. Your Committee
finds that medical amnesty is a life-saving policy that immunizes
persons seeking medical assistance from criminal liability in
order to ensure that medical attention is immediately sought for
anyone experiencing a drug overdose.



Your Committee notes the concern of the City and County of Honolulu Police Department that this measure may potentially provide immunity to drug traffickers and finds that amendments to limit immunity to specific possession-related sections of chapter 712, Hawaii Revised Statutes, are necessary. Your Committee finds that medical amnesty makes medical safety paramount in situations where someone is experiencing an overdose and promotes a policy that is beneficial to people of the State.

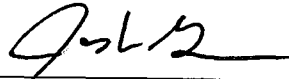
Your Committee has amended this measure by:

- (1) Changing the application of the limited immunity from all of part IV of chapter 712, Hawaii Revised Statutes, to only sections 712-1241(a), 712-1242(a) and (b), 712-1243, 712-1244(a) and (b), 712-1245(a) and (b), 712-1246, 712-1246.5, 712-1247(a), (b), (e), and (g), and 712-1248(a) to (c), Hawaii Revised Statutes;
- (2) Amending the condition that evidence of the specific violation was gained as a result of the person's drug-related overdose and the person's need for medical assistance to a condition that evidence of the specific violation was gained solely as a result of the person's seeking medical assistance;
- (3) Specifying that this measure shall not apply to a prosecution where a person who sought medical assistance distributed drugs to the drug-related overdose victim; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 394, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 394, S.D. 1, and be referred to the Committee on Judiciary and Labor.



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

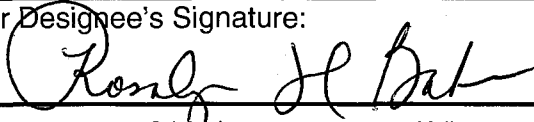


JOSH GREEN, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 394	HTH, JDL	02/11/2013		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GREEN, Josh (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	5	-	-	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes