

STAND. COM. REP. NO.

1541

Honolulu, Hawaii

April 5, 2013

RE: S.B. No. 642
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committees on Consumer Protection & Commerce and
Judiciary, to which was referred S.B. No. 642, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

beg leave to report as follows:

The purpose of this measure is to protect public health by
reducing the number of children who smoke and amending the Medical
Use of Marijuana Law to address the concerns of Hawaii's seriously
ill patients by:

- (1) Requiring cigarettes and tobacco products to be sold,
offered for sale, or displayed only in a direct, face-
to-face exchange between the retailer and the consumer;
- (2) Permitting the transfer of no more than the adequate
supply amount of marijuana among registered medical use
of marijuana patients and caregivers;
- (3) Defining permitted conduct of a qualifying medical use
of marijuana patient licensed or registered in another
jurisdiction and temporarily present in this State;
- (4) Amending age and other requirements for a registered
primary caregiver, permitting reimbursement for
services, and authorizing care of up to three qualifying
patients;



- (5) Transferring certain functions regarding the issuance of certification, registration, and maintenance of registry information from the Department of Public Safety to the Department of Health and amending registration requirements for patients and caregivers; and
- (6) Specifying that there shall be no more than twenty-eight marijuana plants grown for medical use at a single property as defined by a single Tax Map Key.

The American Civil Liberties Union of Hawaii, American Cancer Society Cancer Action Network, Coalition for a Tobacco-Free Hawaii, Drug Policy Action Group, Community Alliance on Prisons, Drug Policy Forum of Hawaii, and numerous individuals testified in support of this measure. The Department of Public Safety, Department of the Prosecuting Attorney of the City and County of Honolulu, and an individual testified in opposition to this measure. The Department of Health, Department of the Attorney General, and Airport Concessionaires Committee provided comments on this measure.

Your Committees have amended this measure by:

- (1) Specifying that the cigarette and tobacco product regulations in this measure do not apply to in-bond concession;
- (2) Specifying that the display of cigarettes and tobacco products shall be permitted only behind the check-out counter and that cigarettes and tobacco products shall only be offered for sale if the customer specifically requests cigarettes or tobacco products;
- (3) Specifying that usable marijuana or any part of the marijuana plant may only be transferred among the primary caregiver and the two qualifying patients registered under the primary caregiver;
- (4) Deleting the language regarding authorized conduct by a visiting qualifying patient;
- (5) Reducing the number of marijuana plants allowed at a single property to twenty-one plants;



- (6) Specifying that a primary caregiver shall be responsible for the care of not more than two qualifying patients at any given time;
- (7) Specifying that the Department of Health shall issue to a registered primary caregiver a registration certificate that includes the name of the qualifying patients for whom the primary caregiver is responsible, and may charge a reasonable fee not to exceed \$35;
- (8) Inserting the contents of H.B. No. 668, H.D. 2, which, among other things:
 - (A) Establishes the Medical Marijuana Registry Revolving Fund to be administered by the Department of Health;
 - (B) Transfers the State's Medical Use of Marijuana Program from the Department of Public Safety to the Department of Health no later than June 30, 2014; and
 - (C) Requires the Department of Public Safety and the Department of Health to develop a plan for transferring the Medical Use of Marijuana Program by June 30, 2014;
- (9) Changing the effective date to July 1, 2012, to encourage further discussion; and
- (10) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 642, H.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 642, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committees on Consumer
Protection & Commerce and
Judiciary,



KARL RHOADS, Chair



ANGUS L.K. MCKELVEY, Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

HSCR 1541

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: SB642 HD1	Committee Referral: HLT, CPC/JUD	Date: 4/3/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	✓			
2. KAWAKAMI, Derek S.K. (VC)	✓			
3. BELATTI, Della Au	✓			
4. BROWER, Tom	✓			
5. CABANILLA, Rida T.R.				✓
6. CACHOLA, Romy M.				✓
7. CARROLL, Mele				✓
8. EVANS, Cindy	✓	✓		
9. HAR, Sharon E.		✓		✓
10. ITO, Ken				✓
11. LEE, Chris	✓			
12. TSUJI, Clift		✓		
13. YAMANE, Ryan I.		✓		
14. MCDERMOTT, Bob		✓		
15. THIELEN, Cynthia	✓			
TOTAL (15)	7	4		4
The recommendation is: <input type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				

State of Hawaii
House of Representatives
The Twenty-seventh Legislature

HSR 1541

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB642, HD1	Committee Referral: HLT, CPC/JUD	Date: 4/3/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	✓			
2. HAR, Sharon E. (VC)		✓		
3. BELATTI, Della Au	✓			
4. BROWER, Tom	✓			
5. CABANILLA, Rida T.R.				✓
6. CARROLL, Mele				✓
7. ITO, Ken				✓
8. KAWAKAMI, Derek S.K.	✓			
9. LEE, Chris	✓			
10. TSUJI, Clift		✓		
11. WOOLEY, Jessica	✓			
12. MCDERMOTT, Bob		✓		
13. THIELEN, Cynthia	✓			
TOTAL (13)	7	3		3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				