
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY TO
ESTABLISH A RELIABLE SCIENTIFIC THRESHOLD AND TESTING
PROTOCOL FOR DETERMINING WHETHER A PERSON CANNOT SAFELY
OPERATE A MOTOR VEHICLE DUE TO BEING UNDER THE INFLUENCE OF
MARIJUANA.

1 WHEREAS, the protection of public safety demands that the
2 safe and prudent operation of motor vehicles be of the utmost
3 importance; and

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5 WHEREAS, the use of marijuana can impair the ability of a
6 person to safely operate a motor vehicle; and

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8 WHEREAS, section 291E-61(a)(2), Hawaii Revised Statutes
9 (HRS), provides that a person is prohibited from operating a
10 motor vehicle "while under the influence of any drug that
11 impairs the person's ability to operate the vehicle in a careful
12 and prudent manner"; and

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14 WHEREAS, section 291E-11(a), HRS, provides that any person
15 who "operates a vehicle upon a public way, street, road, or
16 highway or on or in the waters of the State shall be deemed to
17 have given consent . . . to a test or tests approved by the
18 director of health of the person's breath, blood, or urine for
19 the purpose of determining alcohol concentration or drug content
20 of the person's breath, blood, or urine, as applicable"; and

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22 WHEREAS, section 329-122(a), HRS, provides, in pertinent
23 part, that a qualifying patient who has been diagnosed by a
24 physician as having a debilitating medical condition may use
25 medical marijuana; and

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1 WHEREAS, Act 241, Session Laws of Hawaii 2015, authorized
2 the Department of Health to license medical marijuana
3 dispensaries to operate in the State; and
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5 WHEREAS, the operation of medical marijuana dispensaries is
6 expected to lead to an increase in qualifying patients who use
7 medical marijuana to treat debilitating medical conditions,
8 including some who operate motor vehicles; and
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10 WHEREAS, Alaska, Colorado, Oregon, Washington, and the
11 District of Columbia have legalized marijuana for recreational
12 use; and
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14 WHEREAS, it seems possible that Hawaii could legalize
15 marijuana for recreational use in the foreseeable future; and
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17 WHEREAS, the legalization of marijuana for recreational use
18 in Hawaii could also lead to an increase in marijuana users who
19 operate motor vehicles; and
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21 WHEREAS, there are no federal guidelines or standards to
22 determine safe or unsafe levels of marijuana or its principal
23 psychoactive component, tetrahydrocannabinol (THC), in a
24 driver's body for purposes of operating a motor vehicle; and
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26 WHEREAS, a basic principle of criminal justice is that a
27 person should be able to know whether that person is breaking
28 the law or not; and
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30 WHEREAS, indicators of marijuana use may be detectable in a
31 user's blood stream long after that use, and while a person is
32 no longer under the influence of marijuana; and
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34 WHEREAS, there clearly exists a need to establish a
35 reliable scientific threshold and testing protocol for
36 determining whether a person cannot safely operate a motor
37 vehicle due to being under the influence of marijuana; now,
38 therefore,
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40 BE IT RESOLVED by the House of Representatives of the
41 Twenty-eighth Legislature of the State of Hawaii, Regular
42 Session of 2016, the Senate concurring, that the Department of



H.C.R. NO. 97

1 Health is requested to conduct a study to establish a reliable
 2 scientific threshold and testing protocol for determining
 3 whether a person cannot safely operate a motor vehicle due to
 4 being under the influence of marijuana; and
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6 BE IT FURTHER RESOLVED that the Department of Health is
 7 requested to submit a report of its findings and
 8 recommendations, including any proposed legislation, to the
 9 Legislature no later than twenty days prior to the convening of
 10 the Regular Session of 2017; and
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12 BE IT FURTHER RESOLVED that a certified copy of this
 13 Concurrent Resolution be transmitted to the Director of Health.
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OFFERED BY:

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