

STAND. COM. REP. NO.

**3594**

Honolulu, Hawaii

**APR 06 2018**

RE: H.B. No. 2399  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2399, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the definition of "drug" in chapter 291E, Hawaii Revised Statutes, to include any substance that can impair the ability of a person to operate a vehicle safely.

Your Committee received testimony in support of this measure from the Department of Transportation, Honolulu Police Department, Maui Police Department, Coalition for a Drug-Free Hawaii, Mothers Against Drunk Driving Hawaii, Hawaii Strategic Highway Safety Plan, and five individuals. Your Committee received testimony in opposition to this measure from the Drug Policy Forum of Hawai'i and one individual. Your Committee received comments on this measure from one individual.

Your Committee finds that the definition of "drug" in chapter 291E, Hawaii Revised Statutes, includes only those substances listed in schedules I through IV of chapter 329, Hawaii Revised Statutes. As a result, individuals using emerging drugs or other psychoactive chemicals that have not been added to the controlled substance schedules cannot be prosecuted under existing law as



being under the influence of "drugs". This measure will clarify the definition of "drug" in chapter 291E, Hawaii Revised Statutes, to include psychoactive chemical substances that do not appear on the controlled substance schedules.

Your Committee has amended this measure by:

- (1) Abbreviating the legislative findings;
- (2) Clarifying the definition of "drug" to include any non-controlled psychoactive chemical substance, excluding caffeine or nicotine, that alters brain function and results in significant change in perception, consciousness, or behavior; and
- (3) Inserting an effective date of July 1, 2035, to encourage further discussion.

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 H.B. No. 2399, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2399, H.D. 1, S.D. 1.

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

  
BRIAN T. TANIGUCHI, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>HB2399, HD1</i>	<i>TRE, JDC</i>	<i>4/5/18</i>		
<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
TANIGUCHI, Brian T. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
<b>TOTAL</b>	<i>4</i>	<i>0</i>	<i>0</i>	<i>1</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Karl Rhoads</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes