

STAND. COM. REP. NO.

224

Honolulu, Hawaii

FEB 15 2017

RE: S.B. No. 174
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.B. No. 174 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to amend the definition of "debilitating medical condition" to include lupus, epilepsy, multiple sclerosis, arthritis, autism, anxiety, depression, insomnia, and stress as conditions that qualify for the legal use of medical marijuana.

Your Committee received testimony in support of this measure from the Drug Policy Forum of Hawai'i, Hawaii Veteran's Cannabis Alliance, Hawaii Educational Association for Licensed Therapeutic Healthcare, Hawai'i Dispensary Alliance, Pakalōlō Suite, Patients Without Time, and twelve individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Department of Health, Department of the Prosecuting Attorney of the City and County of Honolulu, and two individuals.

Your Committee finds that Hawaii authorized the use of medical marijuana in 2000, and at the time was one of the first states nationwide to do so. Since 2000, the only condition that has been added to the list of debilitating medical conditions is post-traumatic stress disorder, which was added in 2015. Your Committee further finds that, without even considering the states that have legalized the recreational use of marijuana, the use of

2017-1355 SSCR SMA.doc



medical marijuana to treat certain health conditions is now legal in many states. The policy movement of states toward marijuana has afforded patients more options when deciding how to treat and manage their health conditions and illnesses. Your Committee finds, however, that the list of qualifying conditions in Hawaii remains limited compared to other states across the country.

Your Committee further finds that the Department of Health's administrative rules include a comprehensive annual process to consider the addition or deletion of qualifying conditions for the medical use of marijuana. Your Committee heard testimony from the Department about this process, and that the Department has already heard from registering physicians that several plan to petition for a variety of additional conditions. The Department's process involves a public hearing process and assessment of scientific research, common practice in other states, and a recommendation to the Director of Health about whether or not to add a condition to the State's list of qualifying conditions.

Your Committee notes that numerous states nationwide that authorize the use of medical marijuana allow the medical marijuana to be used for many more conditions than the ones currently included in Hawaii's definition of a debilitating medical condition. However, your Committee received testimony opposing this measure that indicated the addition of qualifying conditions could open the floodgates to make medical marijuana available to anyone diagnosed with common health conditions, and could lead to abuse by physicians who issue medical marijuana certifications.

Therefore, your Committee has amended this measure by deleting the conditions of anxiety, depression, insomnia, and stress as conditions that qualify for the legal use of medical marijuana.

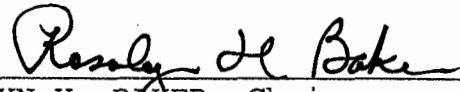
In addition, your Committee appreciates the process to petition for the addition of qualifying conditions pursuant to the Department of Health's administrative rules, and that the Department plans to begin the first annual petition process in a few months. However, at this time, your Committee wants to encourage continuing discussion on this measure and preserve the means to add qualifying conditions through the legislative process.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is



attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 174, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 174, S.D. 1, and be referred to your Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,



ROSALYN H. BAKER, Chair



