## STAND. COM. REP. NO. 96

Honolulu, Hawaii **FEB 2 8** , 2019 RE: H.B. No. 1383 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirtieth State Legislature Regular Session of 2019 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1383 entitled:

"A BILL FOR AN ACT RELATING TO MARIJUANA,"

begs leave to report as follows:

The purpose of this measure is to decriminalize certain offenses related to marijuana and establish a schedule of monetary fines for violations. This measure also:

- (1) Changes statutory references from "marijuana" to "cannabis";
- (2) Provides for the dismissal of charges and expungement of criminal records based solely on cannabis offenses; and
- (3) Establishes a cannabis evaluation working group to study the future of cannabis in the State.

The Drug Policy Forum of Hawai'i, American Civil Liberties Union of Hawai'i, IMUAlliance, Hawai'i Alliance for Progressive Action, Young Progressives Demanding Action, Hawai'i Health and Harm Reduction Center, Drug Policy Action Group, Community Alliance on Prisons, and many individuals testified in support of this measure. The Department of the Attorney General, Department of Transportation, City and County of Honolulu Department of the

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Prosecuting Attorney, Honolulu Police Department, Maui Police Department, Hawaii Family Forum, Uturn for Christ Kauai, Metro Christian Church, Coalition for a Drug-Free Hawaii, Inspire Church Waikele, Calvary Chapel Wahiawa, and numerous individuals testified in opposition to this measure. Several individuals provided comments.

Your Committee has amended this measure by:

- (1) Amending its preamble;
- (2) Establishing an adjudicatory process for civil cannabis violations similar to the traffic violation adjudicatory process;
- (3) Deleting language that decriminalized the offenses of promoting marijuana concentrates in the first degree and the commercial promotion of marijuana in the first and second degree;
- (4) Inserting incremental fines for civil cannabis violations;
- (5) Ensuring that the distribution of cannabis concentrates to minors remains a criminal offense;
- (6) Amending the definitions of "detrimental drug" and "harmful drug" to delete the inclusion of cannabis or cannabis concentrates;
- (7) Deleting the establishment of a cannabis evaluation working group to study the future of cannabis in the State;
- (8) Making conforming amendments to various statutory sections;
- (9) Changing its effective date to January 11, 2020; and
- (10) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your



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Committee is in accord with the intent and purpose of H.B. No. 1383, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1383, H.D. 1, and be placed on the calendar for Third Reading.

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

CHRIS LEE, Chair



State of Hawaii House of Representatives The THIRTIETH Legislature



**Record of Votes of the Committee on Judiciary** 

Bill/Resolution No.: HB1383 Committee Referral: JUD Date: 2/27/19				
□ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <ul> <li>Pass, unamended (as is)</li> <li>Pass, with amendments (HD)</li> <li>Hold</li> <li>Pass short form bill with HD to recommit for future public hearing (recommit)</li> </ul>				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)				
2. SAN BUENAVENTURA, Joy A. (VC)				Statute a subserve and
3. BROWER, Tom			an a su a	
4. CREAGAN, Richard P.				
5. LOWEN, Nicole E.			· 编示 - 把下 机铸成	
6 Makel Vev Angus L K				
6. McKELVEY, Angus L.K.				
7. MORIKAWA, Dee				
8. SAY, Calvin K.Y.			aalayii yahad.	
9. TAKAYAMA, Gregg		<u> </u>	<u>an an a</u>	<u></u>
10. YAMANE, Ryan I.	hti muliimu ai			
11. THIELEN, Cynthia		Same Sume Summer Strand Stra	an a	an
			<u> </u>	
TOTAL (11)	7			4
The recommendation is: If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				