

STAND. COM. REP. NO.

2567

Honolulu, Hawaii

FEB 12 2020

RE: S.B. No. 2361  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2361 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to repeal criminal prohibitions and penalties pertaining to marijuana.

Your Committee received testimony in support of this measure from the Office of the Public Defender, IMUAlliance, Libertarian Party of Hawaii, Drug Policy Forum of Hawai'i, and three individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Department of Transportation, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, Department of the Prosecuting Attorney of the County of Maui, and one individual.

Your Committee finds that notwithstanding the prospect of federal prosecution, several states, including Hawai'i, have enacted medical marijuana laws. As Hawai'i expands its medical marijuana program through the use of highly regulated and monitored dispensaries, more patients are anticipated to consider medical marijuana as a viable treatment, knowing that the medicine will be regulated and tested. In addition to medicinal marijuana laws, some states have legalized or decriminalized marijuana.



Your Committee finds that the decriminalization of marijuana for personal or recreational use is a natural, logical, and reasonable outgrowth of the current science of marijuana and attitude toward marijuana; however, your Committee finds that this measure takes the matter a step further by fully legalizing the use, possession, and distribution of marijuana without any regulatory scheme.

Your Committee therefore has amended this measure by:

- (1) Inserting language to classify marijuana as a schedule V drug, rather than removing it from the Uniform Controlled Substances Act;
- (2) Increasing the amount possessed in order to be a violation for promoting a detrimental drug in the third degree from three grams to ten grams;
- (3) Deleting language that would have repealed all criminal prohibitions and penalties pertaining to marijuana;
- (4) Inserting an effective date of August 26, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 2361, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2361, S.D. 1, and be referred to your Committee on Ways and Means.

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



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KARL RHOADS, Chair



