

Honolulu, Hawaii

FEB 12, 2024

RE: H.B. No. 1596
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1596 entitled:

"A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Make the class B felony offense of delivering drug paraphernalia to persons under eighteen years of age applicable to offenders who are at least twenty-one years old;
- (2) Exempts drug paraphernalia for marijuana from certain penalties under the Uniform Controlled Substances Act; and
- (3) Makes possession of less than one ounce of recreational marijuana a nonjailable violation punishable by a fine of \$25.

Your Committee received testimony in support of this measure from the Office of the Public Defender; Community Alliance on Prisons; ACLU of Hawai'i; Marijuana Policy Project; Last Prisoner Project; Drug Policy Forum of Hawai'i; Opportunity Youth Action Hawai'i; Cannabis Society of Hawai'i; and numerous individuals.



Your Committee received testimony in opposition to this measure from the Department of the Attorney General and one individual.

Your Committee finds that arrest for possession of small amounts of marijuana, or related paraphernalia, is one of the most common points of entry into the criminal justice system. Recognizing the push toward decriminalizing recreational marijuana across the nation, the Legislature decriminalized the possession of three grams or less of recreational marijuana in 2019. Your Committee believes that recreational marijuana should be further decriminalized to prevent individuals in possession of small amounts of marijuana, and related paraphernalia, from entering the criminal justice system. This will ensure that funds and resources are allocated to more serious drug offenses.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests your Committee on Finance, should it deliberate on this measure, to consider the amendment proposed by the Department of the Attorney General that would clarify that the proposed exemption for marijuana drug paraphernalia under the Uniform Controlled Substances Act does not apply to the possession of drug paraphernalia by persons twenty-one years of age or older.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1596, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1596, H.D. 1, and be referred to your Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,

David Tarnas

DAVID A. TARNAS, Chair



