

Honolulu, Hawaii

APR 03 , 2024

RE: S.B. No. 2487
S.D. 1
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 S.B. No. 2487, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MARIJUANA,"

begs leave to report as follows:

The purpose of this measure is to increase:

- (1) The minimum amount of marijuana that a person must possess under the offense of promoting a detrimental drug in the second degree from one ounce to thirty grams; and
- (2) The amount of marijuana that is decriminalized under the offense of promoting a detrimental drug in the third degree from three grams to fifteen grams.

Your Committee received testimony in support of this measure from the Office of the Public Defender; Drug Policy Forum of Hawai'i; Last Prisoner Project; ACLU of Hawai'i; Marijuana Policy Project; Aloha Green Apothecary; Hawaii Substance Abuse Coalition; Democratic Party of Hawai'i; Hawaii Cannabis Industry Solutions; Hawai'i Alliance for Cannabis Reform; Cannabis Society of Hawai'i; Hawai'i Public Health Institute; and numerous individuals. Your Committee received testimony in opposition to this measure from



the Department of the Attorney General; Honolulu Police Department; Department of the Prosecuting Attorney of the City and County of Honolulu; and four individuals.

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) Exempting the possession of drug paraphernalia for marijuana from certain penalties under the Uniform Controlled Substances Act;
- (2) Amending the offense of promoting a detrimental drug in the second degree to prohibit knowingly possessing two ounces or more of marijuana other than marijuana concentrate and marijuana-infused products; ten grams or more of marijuana concentrate; or marijuana-infused products containing one gram or more of tetrahydrocannabinol, in the aggregate;
- (3) Amending the offense of promoting a detrimental drug in the third degree to:
 - (A) Prohibit knowingly possessing any marijuana concentrate in any amount or marijuana-infused products containing any amount of tetrahydrocannabinol; transferring a personal use quantity of marijuana to a person who is twenty-one years of age or older without remuneration; and smoking marijuana in a public place;
 - (B) Further decriminalize the possession of marijuana by making the possession or transfer without remuneration of a personal use quantity of



marijuana a fine of \$25, or two hours of community service if requested;

- (C) Make smoking marijuana in a public place a fine of up to \$130, or up to ten hours of community service if requested; and
 - (D) Defining when a transfer of marijuana is considered for remuneration and the term "personal use quantity or marijuana"; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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 S.B. No. 2487, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2487, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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



DAVID A. TARNAS, Chair



