

STAND. COM. REP. NO.

174

Honolulu, Hawaii

FEB 15 2011

RE: S.B. No. 58
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Public Safety, Government Operations, and
Military Affairs, to which was referred S.B. No. 58 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to amend the
medical use of marijuana law to address the concerns of Hawaii's
seriously ill patients. Specifically, this measure:

- (1) Allows a qualified patient or a registered primary caregiver to provide usable cannabis or any part thereof to any other registered qualifying patients or any other registered primary caregiver, if no consideration is paid for the transfer and if the amount does not exceed an adequate supply;
- (2) Clarifies that the primary caregiver must be eighteen years of age or older who has agreed with or without reimbursement to take on that care;
- (3) Increases the adequate supply limit to ten cannabis plants and five ounces of usable cannabis at any given time;
- (4) Clarifies the designated form requirements for the written certification and the written certification requirements issued by physicians;



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- (5) Changes the term "marijuana" to "cannabis" in certain instances; and
- (6) Allows the Department of Public Safety to require by administrative rule, that a registration be based on information contained in a designated form completed by or on behalf of a qualifying patient, and specifying that information.

Your Committee received testimony in support of this measure from ten private entities and numerous individuals. Your Committee received testimony in opposition to this measure from three state departments and three county departments.

Your Committee finds that this measure addresses the issues and obstacles that qualifying patients, physicians, caregivers, and law enforcement officials have encountered over the years with the Medical Marijuana Program. The intent of your Committee is to avoid the use of necessity of patients to resort to illegal means of obtaining marijuana. This measure is recommended for passage by the Medical Cannabis Working Group to facilitate the legal distribution of medical marijuana.

Your Committee has amended this measure by:

- (1) Specifying that a qualifying patient who is registered and who transports cannabis that is intended for medical use shall be immune from searches, seizures, and prosecution for drug offenses under the penal code while in the course of the transport;
- (2) Adding cannabis seeds, seedlings, and clones to the allowance of transfers of usable cannabis;
- (3) Decreasing from four to three the number of qualifying patients that a primary caregiver may be responsible for at any given time;
- (4) Streamlining the purpose section to delete inaccurate or incomplete material; 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 Public Safety, Government Operations, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 58, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 58, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Government Operations, and
Military Affairs,

Will Espero

WILL ESPERO, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Government Operations, and
Military Affairs
PGM

| | | | | |
|--|--|------------------------|-----|----------|
| Bill / Resolution No.:* SB 58 | Committee Referral: PGM, JDL | Date: 2-8-11 | | |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| ESPERO, Will (C) | / | | | |
| KIDANI, Michelle N. (VC) | / | | | |
| BAKER, Rosalyn H. | / | | | |
| RYAN, Pohai | / | | | |
| SLOM, Sam | | | | / |
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| TOTAL | 4 | | | 1 |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div> | | | | |
| Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy | | | | |

*Only one measure per Record of Votes