

STAND. COM. REP. NO.

1215

Honolulu, Hawaii

March 22, 2013

RE: S.B. No. 642

H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 642
entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure as received by your Committee is
to reduce the number of children and teens in Hawaii who smoke by
requiring cigarettes and tobacco products to be stored for sale
behind a counter in an area accessible only to the personnel of
the business.

Your Committee held a public hearing and received testimony
on this measure as it was received by your Committee.

The Department of Health, Coalition for a Tobacco-Free
Hawaii, Community Alliance on Prisons, American Cancer Society
Cancer Action Network, and numerous individuals supported this
measure. The Department of the Attorney General, ABC Stores,
SWAM, and numerous individuals opposed this measure. Kauai Cigar
Company, Hawaii Cigar Association, and several individuals
commented on this measure.

For purposes of facilitating public input on this measure,
your Committee gave notice of and held a public hearing on a
proposed draft of this measure. The proposed draft circulated by
your Committee:

SB642 HD1 HSCR HLT HMS 2013-2905-1



- (1) Amends the provisions of S.B. No. 642 to require that cigarettes and tobacco products be sold, offered for sale, or displayed only in a direct, face-to-face exchange between the retailer and the consumer; and
- (2) Inserts the contents of H.B. No. 667, H.D. 2, which amends the Medical Use of Marijuana Law, and was passed out of this Committee, your Committee on Judiciary, and this Chamber, and
 - (a) Permits the transfer of no more than the adequate supply amount of marijuana among registered patients and caregivers;
 - (b) Defines permitted conduct of a qualifying patient licensed or registered in another jurisdiction and temporarily present in this State;
 - (c) Amends the allowable adequate supply amount to include up to seven plants in any state of maturity and up to five ounces of useable marijuana;
 - (d) Amends requirements for a registered primary caregiver; and
 - (e) Transfers certain functions regarding the issuance of certification, registration, and maintenance of registry information from the Department of Public Safety to the Department of Health and specifies certain registration requirements.

Your Committee received testimony on the proposed draft. The Department of Public Safety, City and County of Honolulu Department of the Prosecuting Attorney, Honolulu Police Department, Maui Police Department, Hawaii Police Department, and several individuals opposed this measure. The Coalition for a Tobacco-Free Hawaii, American Cancer Society Cancer Action Network, American Civil Liberties Union of Hawaii, Drug Policy Action Group, and an individual commented on this measure.

Upon consideration of this measure in the form in which it was received and in the form of the proposed draft, your Committee has adopted the proposed draft and has further amended it by:



- (1) Including a provision that specifies that there shall be no more than 28 marijuana plants located at a single property as defined by a single Tax Map Key;
- (2) Changing its effective date to July 1, 2050, to facilitate further discussion; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 642, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 642, H.D. 1, and be referred to the Committees on Consumer Protection & Commerce and Judiciary.

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



DELLA AU BELATTI, Chair



