

STAND. COM. REP. NO. 769

Honolulu, Hawaii

MAR 06 2015

RE: S.B. No. 982
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 982 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to establish limited immunity for individuals who seek medical assistance for themselves or others experiencing a drug or alcohol overdose or other medical emergency.

Your Committee received testimony in support of this measure from the Department of Health; Hawaii State Commission on the Status of Women; The Community Health Outreach Work Project; Americans for Safe Access, Big Island Chapter; The Drug Policy Action Group; The Drug Policy Forum of Hawaii; and twelve individuals.

Your Committee finds that Good Samaritan policies, also known as medical amnesty, are life-saving measures that are in the best interest of the public's health, safety, and welfare. These policies facilitate responsible decision-making by shielding individuals from punishment when they seek medical attention during an emergency involving alcohol and controlled substances. Your Committee further finds that if criminal punishment is intended to deter drug abuse, it clearly is too late to deter abuse when a person is already suffering from an overdose. Good Samaritan policies should not be perceived as a "get out of jail free card" or a reward for illegal drug use. Rather, they enable



individuals to make potentially life-saving decisions promptly and without hesitation.

Your Committee has amended this measure by:

- (1) Deleting references to "other medical emergency" in association with "drug or alcohol overdose" for further clarity;
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion;
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 982, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 982, S.D. 1.

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



GILBERT S.C. KEITH-AGAPAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 982	Committee Referral: HTH/PSM, JDL	Date: 3/4/15		
<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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
THIELEN, Laura H.				✓
SLOM, Sam				✓
TOTAL	4			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes