

Honolulu, Hawaii

MAR 22 2019

RE: H.B. No. 1383
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committees on Judiciary and Public Safety,
Intergovernmental, and Military Affairs, to which was referred
H.B. No. 1383, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO MARIJUANA,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Decriminalize the possession of three grams or less of marijuana and establish that the possession is an infraction punishable by a monetary fine of \$200;
- (2) Provide for the dismissal of criminal charges, and expungement of criminal records, pertaining solely to the possession of three grams or less of marijuana; and
- (3) Establish a marijuana evaluation task force to make recommendations on changing marijuana use penalties and outcomes in the State.

Your Committees received testimony in support of this measure from Americans for Democratic Action, Community Alliance on Prisons, IMUAlliance, Drug Policy Forum of Hawai'i, Pono Hawai'i Initiative, American Civil Liberties Union of Hawai'i, Marijuana Policy Project, Hawai'i Health and Harm Reduction Center, and



forty-five individuals. Your Committees received testimony in opposition to this measure from the Department of the Attorney General, Department of Transportation, Department of the Prosecuting Attorney of the City and County of Honolulu, Maui Police Department, Kaua'i Police Department, Hawai'i County Police Department, Honolulu Police Department, Hawaii Family Forum, and sixteen individuals. Your Committees received comments on this measure from the Judiciary, Akamai Cannabis Clinic, National Organization for the Reform of Marijuana Laws, and Maui Chamber of Commerce.

Your Committees find that ten states and the District of Columbia have legalized the recreational use of marijuana by adults, and that others are in the process of considering legalization. Your Committees further find that legalization in these states has avoided the criminalization of thousands of people, reduced opioid overdose deaths and untreated opioid use disorders, and lowered the number of arrests for driving under the influence of alcohol and other drugs. Your Committees additionally find that recent polling indicates broad public support in Hawaii for the legalization of marijuana. This measure decriminalizes the possession of small amounts of marijuana and establishes a task force to make recommendations on marijuana policy for consideration in future sessions of the Legislature.

Your Committees have amended this measure by:

- (1) Making possession of three grams or less of marijuana a violation punishable by a monetary fine of \$30;
- (2) Removing language establishing an adjudication process for the dismissal of criminal charges for marijuana infractions;
- (3) Changing the effective date to February 1, 2020; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1383,



H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1383, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Public Safety,
Intergovernmental, and Military
Affairs,

Clarence K. Nishihara

CLARENCE K. NISHIHARA, Chair

Karl Rhoads

KARL RHOADS, Chair



