

STAND. COM. REP. NO. 510

Honolulu, Hawaii

FEB 20 2015

RE: S.B. No. 1302
S.D. 1

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

Madam:

Your Committees on Health, Public Safety, Intergovernmental and Military Affairs, and Judiciary and Labor, to which was referred S.B. No. 1302 entitled:

"A BILL FOR AN ACT RELATING TO MEDICAL MARIJUANA DISPENSARIES,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish a system of medical marijuana dispensaries and production centers;
- (2) Prohibit counties from enacting zoning regulations that discriminate against licensed dispensaries and production centers;
- (3) Rename "medical marijuana registry special fund" to "medical marijuana registry and regulation special fund" and expand expending options;
- (4) Establish protections for an owner or qualified employee of a licensed production center or dispensary;
- (5) Clarify the right of qualifying patients and primary caregivers to transport medical marijuana;



- (6) Appropriate funds in an unspecified amount to hire an unspecified number of positions to carry out the medical marijuana dispensary program; and
- (7) Repeal the requirement that the physician who issues a written certification for a qualifying patient be the patient's primary care physician.

Your Committees received testimony in support of this measure from Green Futures; Drug Policy Forum of Hawaii; American Civil Liberties Union of Hawaii; The Hawaii Cannabis Ministry; Americans for Safe Access, Big Island Chapter; and twenty-one individuals. Your Committees received testimony in opposition to this measure from the Department of the Prosecuting Attorney, City and County of Honolulu; Honolulu Police Department; Hawaii Police Department; Maui Police Department; Hawaii Cannabis Care; Alternative Pain Management Pu'uhonua, LLC; Coalition for a Drug-Free Hawaii; and five individuals. Your Committees received comments on this measure from the Office of the Auditor, Department of Health, Department of the Attorney General, Hawaii Substance Abuse Coalition, Hawaii Catholic Conference, Hawaii Family Forum, Hawaii Family Advocates, Drug Policy Action Group, and five individuals.

Your Committees find that Hawaii's medical use of marijuana law was enacted on June 14, 2000, as Act 228, Session Laws of Hawaii 2000, to provide medical relief for seriously ill individuals in the State. While existing law recognizes the beneficial use of marijuana in treating or alleviating pain or other symptoms associated with certain debilitating illnesses, it is silent on how patients can obtain medical marijuana if they or their caregivers are unable to grow their own supply of medical marijuana.

Your Committees further find that many of the State's nearly thirteen thousand qualifying patients lack the ability to grow their own supply of medical marijuana due to a number of factors, including disability and limited space to grow medical marijuana. As a result, a regulated statewide dispensary system for medical marijuana is urgently needed by qualifying patients in the State.

Your Committees have amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and



- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

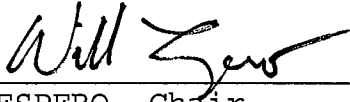
Your Committees have heard the testimony of concerned entities and individuals about several key issues and request your Committees on Commerce and Consumer Protection and Ways and Means to consider the following as it relates to this measure and medical marijuana dispensaries in general:

- (1) Consideration of interim rules before the Department of Health establishes rules for the implementation of medical marijuana dispensaries;
- (2) Concern for interstate commerce as it relates to the sales of medical marijuana;
- (3) Bill title issues as it relates to sections 6 and 7 of this measure and whether the contents of these sections can be inserted into another measure;
- (4) Consideration of whether the rules establishing and implementing medical marijuana dispensaries should be codified in the Hawaii Revised Statutes;
- (5) Consideration for how much medical marijuana a qualifying patient can possess and purchase from a dispensary;
- (6) Edibles and other means of consuming medical marijuana; and
- (7) Other legal issues.

As affirmed by the records of votes of the members of your Committees on Health, Public Safety, Intergovernmental and Military Affairs, and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1302, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1302, S.D. 1, and be referred to the Committees on Commerce and Consumer Protection and Ways and Means.



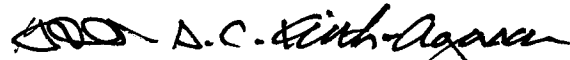
Respectfully submitted on
behalf of the members of the
Committees on Health, Public
Safety, Intergovernmental and
Military Affairs, and Judiciary
and Labor,



WILL ESPERO, Chair



JOSH GREEN, Chair

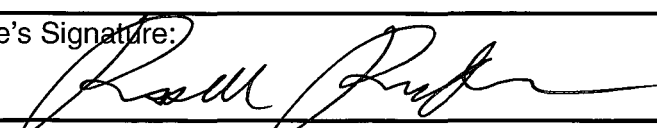


GILBERT S.C. KEITH-AGARAN Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

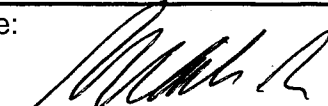
Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* SB 1302	Committee Referral: HTH/PSM/JDL,CPN/WAM	Date: 2/18/15		
<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
GREEN, Josh (C)	X			
WAKAI, Glenn (VC)				X
BAKER, Rosalyn H.		X		
GABBARD, Mike				X
RIVIERE, Gil	X			
RUDERMAN, Russell E.	X			
SLOM, Sam				X
TOTAL	3	1		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

The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 1302	Committee Referral: HTH/PSM/JDL, CPN/WAM	Date: 2/18/15		
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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	2	2	0	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				

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