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# A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

**PART I**

SECTION 1. (a) There is established a medical cannabis task force that shall be placed within the department of public safety for administrative purposes. The purpose of the medical cannabis task force shall be to review issues relating to the medical marijuana program. The director of public safety shall be responsible for administering the work of the medical cannabis task force. The medical cannabis task force shall:

(1) Examine current state statutes, state administrative rules, and all county policies and procedures relating to the medical marijuana program;

(2) Examine all issues and obstacles that qualifying patients have encountered with the medical marijuana program;

(3) Examine all issue and obstacles that state and county law enforcement agencies have encountered with the medical marijuana program;



1 (4) Compare and contrast Hawaii's medical marijuana  
2 program with all other state medical marijuana  
3 programs; and

4 (5) Address other issues and perform any other function  
5 necessary as the task force deems appropriate,  
6 relating to the medical marijuana program.

7 (b) The medical cannabis task force shall consist of  
8 thirteen members as follows:

9 (1) The director of public safety or the director's  
10 designee;

11 (2) The director of health or the director's designee;

12 (3) The director of transportation or the director's  
13 designee;

14 (4) The attorney general or the attorney general's  
15 designee;

16 (5) The chairperson of the board of agriculture or the  
17 chairperson's designee;

18 (6) The president of the Drug Policy Forum of Hawaii or  
19 the president's designee;

20 (7) One medical cannabis advocate who is a patient that  
21 uses cannabis in a medically authorized or recommended  
22 manner to be appointed by the governor;



1 (8) A physician who authorizes or recommends the use of  
2 medical cannabis that is nominated from a list jointly  
3 submitted by the senate president and speaker of the  
4 house of representatives to be appointed by the  
5 governor;

6 (9) A Hawaii-licensed physician who specializes in pain  
7 control and has issued a medical cannabis  
8 recommendation that is nominated from a list jointly  
9 submitted by the senate president and speaker of the  
10 house of representatives to be appointed by the  
11 governor;

12 (10) The president of West Oahu Hope for a Cure Foundation  
13 or the president's designee;

14 (11) The director of Americans for Safe Access - Honolulu  
15 Chapter, or the director's designee;

16 (12) One registered caregiver to be appointed by the  
17 governor; and

18 (13) One representative of the American Civil Liberties  
19 Union.

20 (c) The members of the task force shall select a  
21 chairperson from among its members, who, in conjunction with the  
22 director of public safety, shall establish task force



1 procedures, including the meeting schedule, voting procedures,  
2 and member duties.

3 The members of the task force shall serve without  
4 compensation, but shall be reimbursed for necessary expenses,  
5 including travel expenses, incurred in the performance of their  
6 official duties.

7 (d) No later than August 30, 2009, the legislative  
8 reference bureau shall complete and submit to the task force a  
9 report on the policies and procedures for access, distribution,  
10 security, and other relevant issues related to the medical use  
11 of cannabis for all the states that currently have a medical  
12 cannabis program.

13 (e) The director of public safety shall submit a report of  
14 the medical cannabis task force's findings and recommendations,  
15 including any proposed legislation and rules, to the legislature  
16 no later than twenty days prior to the convening of the regular  
17 session of 2010.

18 (f) The medical cannabis task force shall cease to exist  
19 on June 30, 2010.

20 **PART II**

21 SECTION 2. The legislature finds that *Salvia divinorum*,  
22 otherwise known as "diviner's sage" or "magic mint," is not



1 regulated in Hawaii. The legislature further notes that several  
2 countries, such as Australia, Belgium, Denmark, Estonia,  
3 Finland, Italy, Japan, Spain, and Sweden have passed regulatory  
4 laws on *Salvia divinorum* or its primary psychoactive  
5 constituent, salvinorin A. In the United States, California,  
6 Delaware, Florida, Illinois, Iowa, Kansas, Louisiana, Maine,  
7 Michigan, Mississippi, Missouri, New Jersey, North Dakota, Ohio,  
8 Oklahoma, Pennsylvania, South Carolina, Tennessee, and Virginia  
9 regulate *Salvia divinorum*, with approaches ranging from  
10 classification as a Schedule I controlled substance to placing  
11 restrictions on its sale. The legislature finds that possible  
12 regulation of *Salvia divinorum* and its primary psychoactive  
13 constituent, salvinorin A, is worthy of formal examination by  
14 the State.

15 SECTION 3. (a) There is established a *Salvia divinorum*  
16 task force within the department of public safety for  
17 administrative purposes. The purpose of the *Salvia divinorum*  
18 task force shall be to review the effects of *Salvia divinorum*  
19 and its primary psychoactive constituent, salvinorin A. The  
20 director of public safety shall be responsible for administering  
21 the work of the *salvia divinorum* task force. The *Salvia*  
22 *divinorum* task force shall:



1 (1) Research the uses and effects of *Salvia divinorum* and  
2 salvinorin A on adults and minors;

3 (2) Research all other states' legislation relating to  
4 *salvia divinorum* and salvinorin A;

5 (3) Recommend appropriate legislation resulting from its  
6 findings to address the sale and use of *Salvia*  
7 *divinorum* and salvinorin A in Hawaii; and

8 (4) Address other issues and perform any other function  
9 necessary as the task force deems appropriate,  
10 relating to *Salvia divinorum* or salvinorin A.

11 (b) The *salvia divinorum* task force shall consist of the  
12 following members:

13 (1) The director of public safety or the director's  
14 designee;

15 (2) The director of health or the director's designee;

16 (3) The administrative director of the judiciary or the  
17 administrative director's designee;

18 (4) The attorney general or the attorney general's  
19 designee;

20 (5) The president of the Hawaii State Bar Association or  
21 the president's designee; and



1 (6) The president of the Drug Policy Forum of Hawaii or  
2 the president's designee.

3 (c) The members of the task force shall select a  
4 chairperson from among its members, who, in conjunction with the  
5 director of public safety, shall establish task force  
6 procedures, including the meeting schedule, voting procedures,  
7 and member duties.

8 The members of the task force shall serve without  
9 compensation, but shall be reimbursed for necessary expenses,  
10 including travel expenses, incurred in the performance of their  
11 official duties.

12 (d) The director of public safety shall submit a report of  
13 the *Salvia divinorum* task force's findings and recommendations,  
14 including any proposed legislation or rules, to the legislature  
15 no later than twenty days prior to the convening of the regular  
16 session of 2010.

17 (e) The *Salvia divinorum* task force shall cease to exist  
18 on June 30, 2010.

19 **PART III**

20 **SECTION 4.** This Act shall take effect upon its approval.



S.B. NO. 1058  
S.D. 2  
H.D. 2  
C.D. 1

**Report Title:**

Controlled Substances; Medical Marijuana; Salvia Divinorum

**Description:**

Establishes a task force to examine issues relating to medical cannabis patients and current medical cannabis laws.

Establishes a task force to examine the effects of salvia divinorum. (CD1)

