

STAND. COM. REP. NO.

418

Honolulu, Hawaii

FEB 20 2009

RE: S.B. No. 130
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Health, to which was referred S.B. No. 130
entitled:

"A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES,"

begs leave to report as follows:

The purpose of this measure is to encourage individuals to
implement life-saving procedures during medical emergencies
involving controlled substances.

Specifically, this measure provides limited immunity from
criminal drug possession charges and asset forfeiture for persons
experiencing a drug overdose or who summon assistance for another
person experiencing a drug overdose, when a person calls for
medical assistance during a drug overdose emergency. The measure
further provides that the immunity shall not apply to the person
who sold the drugs to the victim.

Your Committee received testimony in support of this measure
from the Drug Policy Forum of Hawaii. Your Committee received
testimony in opposition to this measure from the City and County
of Honolulu Department of the Prosecuting Attorney.

Written testimony presented to the Committee may be reviewed
on the Legislature's website.

Your Committee finds that this measure is modeled after New
Mexico's 911 Good Samaritan law and recognizes that many drug-
related overdoses occur in the presence of close friends. Your

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Committee further finds that this measure will increase the chance that an individual will survive a drug overdose because the fear of criminal liability will be diminished.

Your Committee further finds that limitations and exclusions on the immunity granted defeats the intent of the measure.

Accordingly, your Committee has amended this measure by:

- (1) Removing the provision that states that the immunity shall not apply to the person who sold the drugs to the victim; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity 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. 130, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 130, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

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

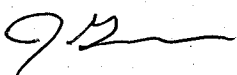


DAVID Y. IGE, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* <div style="text-align: center; font-size: 1.2em;">SR 130</div>	Committee Referral: <div style="text-align: center; font-size: 1.2em;">HTH, JSG</div>	Date: <div style="text-align: center; font-size: 1.2em;">2-11-9</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div> <input type="checkbox"/> Pass, unamended 2312 </div> <div> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div> <input type="checkbox"/> Hold 2310 </div> <div> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	/			
GREEN, M.D., Josh (VC)	/			
BAKER, Rosalyn H.	/			
ESPERO, Will	/			
NISHIHARA, Clarence K.				/
HEMMINGS, Fred	/			
TOTAL	5	0	0	1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="text-align: center; font-size: 1.5em; margin-top: 10px;">  </div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

***Only one measure per Record of Votes**