

Honolulu, Hawaii

**FEB 28 2025**

RE: S.B. No. 1433  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1433, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HARM REDUCTION,"

begs leave to report as follows:

The purpose and intent of this measure is to improve the safety, effectiveness, and cost savings of the State's Sterile Needle and Syringe Exchange Program by amending it based on current recommendations from the Centers for Disease Control and Prevention and the White House Office of National Drug Control Policy's model legislation.

Your Committee received testimony in support of this measure from the Department of Health, Kalihi Palama Neighborhood Board No. 15, Hawai'i Health & Harm Reduction Center, Hawaii Substance Abuse Coalition, and seven individuals.

Your Committee received testimony in opposition to this measure from Hawaiian Islands Republican Women, Calvary Chapel Westside, and sixty-three individuals.

Your Committee received comments on this measure from one individual.

Your Committee finds that for more than thirty years, the State's Sterile Needle and Syringe Exchange Program has improved



public health by reducing the incidence of bloodborne infections related to injection drug use and has been effective in supporting people who inject drugs to improve their health. Your Committee further finds that in the decades since the State's Program began, research has found that one-to-one exchange is less effective than needs-based syringe distribution. This measure will update existing law to allow critical improvements and increase the effectiveness and impact of the Program.

Your Committee notes that although possession of drug paraphernalia is a violation and no longer a criminal offense, it is critical to permit program staff to possess and distribute these objects that are otherwise unlawful. Your Committee believes that the Department of Health should have the authority to determine the "authorized objects" exempted under this measure without being required to do so by rule to more quickly and effectively respond to emerging substance use trends and public health issues.

Your Committee further notes that dead space is the difference between the amount of fluid drawn up in a syringe and the amount that can be expelled, and that dead space varies by syringe size, type, and manufacturer. Your Committee therefore believes that, given these inconsistencies, the definition of "residue" should be amended.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have required the Department of Health to determine "authorized objects" by rule;
- (2) Changing the definition of "residue" to mean the amount of controlled substance, as that term is defined in section 329-1, Hawaii Revised Statutes, remaining in a syringe and needle after the plunger stopper is fully depressed;
- (3) Clarifying that possession or delivery of used needles or syringes containing residue shall not constitute a drug possession offense for participants within the last two months, rather than the last six months; and



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

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1433, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1433, S.D. 2.

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



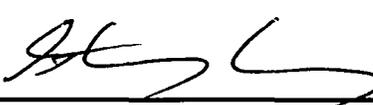
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KARL RHOADS, Chair



The Senate  
 Thirty-Third Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

|   |   |                                       |                                  |         |
|---|---|---------------------------------------|----------------------------------|---------|
| Bill / Resolution No.:*   | Committee Referral:   | Date:                                 |                                  |         |
| SB 1433, SD 1   | HHS, JDC  | 2/20/25                               |                                  |         |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____ |   |                                       |                                  |         |
| The Recommendation is:  |   |                                       |                                  |         |
| <input type="checkbox"/> Pass, unamended<br>2312  | <input checked="" type="checkbox"/> Pass, with amendments<br>2311 | <input type="checkbox"/> Hold<br>2310 |                                  |         |
| <input type="checkbox"/> Recommit<br>2313   |   |                                       |                                  |         |
| Members   | Aye   | Aye (WR)                              | Nay                              | Excused |
| RHOADS, Karl (C)  | ✓   |                                       |                                  |         |
| GABBARD, Mike (VC)  |   |                                       |                                  | ✓       |
| CHANG, Stanley  | ✓   |                                       |                                  |         |
| SAN BUENAVENTURA, Joy A.  | ✓   |                                       |                                  |         |
| AWA, Brenton  |   |                                       | ✓                                |         |
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| <b>TOTAL</b>  | 3   |                                       | 1                                | 1       |
| Recommendation:   |   |                                       |                                  |         |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted  |   |                                       |                                  |         |
| Chair's or Designee's Signature:  |   |                                       |                                  |         |
|   |   |                                       |                                  |         |
| Distribution:   |   |                                       |                                  |         |
| Original<br>File with Committee Report  | Yellow<br>Clerk's Office  | Pink<br>Drafting Agency               | Goldenrod<br>Committee File Copy |         |

\*Only one measure per Record of Votes