

STAND. COM. REP. NO. 2884

Honolulu, Hawaii

MAR 06 2026

RE: S.B. No. 2418  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Third State Legislature  
Regular Session of 2026  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2418 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to repeal the law prohibiting drug paraphernalia under the Uniform Controlled Substances Act.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Hawai'i Health and Harm Reduction Center, Community Alliance on Prisons, Drug Policy Forum of Hawai'i, and three individuals.

Your Committee received testimony in opposition to this measure from the Department of the Prosecuting Attorney of the County of Maui, Maui Police Department, Honolulu Police Department, and two individuals.

Your Committee received comments on this measure from the Department of Law Enforcement and Department of Health.

Your Committee finds that drug paraphernalia laws originated from the 1979 federal Model Drug Paraphernalia Act and were widely adopted across the country. However, a significant body of public health scholarship has concluded that drug paraphernalia



criminalization reduces access to safer-use supplies, increases overdose and infectious disease risk, diverts limited public resources from treatment and prevention, and disproportionately impacts marginalized communities. Additionally, although Act 72, Session Laws of Hawaii 2017, reduced possession of paraphernalia to a violation, paraphernalia charges continue to serve as an entry point into the criminal legal system, and possession of even unusable trace or residual amounts of controlled substances can still result in serious felony consequences. This measure will shift the State's focus from criminalization to health-based responses to save lives by promoting disease prevention and strengthening connection to important services that not only support the health of individuals, but the broader health of the State's communities.

Your Committee notes that this measure, as written, repeals the law prohibiting drug paraphernalia under the Uniform Controlled Substances Act in its entirety. However, this lifts the prohibition on items used in the manufacturing, compounding, converting, production, processing, or preparing of controlled substances, which are typically used by dealers and producers of controlled substances, not individuals suffering from addiction or other health-related issues. Your Committee believes that lifting the prohibition on certain items used to ingest controlled substances while retaining the prohibition on items used for the manufacture of these substances will strike an appropriate balance that ensures the efficacy of the State's ongoing public health efforts to prevent accidental and fatal overdoses and the transmission of certain diseases while continuing to hold individuals accountable who produce controlled substances. Therefore, amendments to this measure are necessary.

Accordingly, your Committee has amended this measure by:

- (1) Restricting the law prohibiting drug paraphernalia under the Uniform Controlled Substances Act to only prohibit items used for the manufacturing, compounding, converting, production, processing, or preparing of controlled substances, rather than repealing the law in its entirety;
- (2) Amending section 1 to reflect its amended purpose; and



- (3) 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. 2418, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2418, S.D. 1, and be placed on the calendar for Third Reading.

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



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KARL RHOADS, Chair



