

## ACT 29

S.B. NO. 1058

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;
- (4) Compare and contrast Hawaii's medical marijuana program with all other state medical marijuana programs; and
- (5) Address other issues and perform any other function necessary as the task force deems appropriate, relating to the medical marijuana program.

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

- (1) The director of public safety or the director's designee;
- (2) The director of health or the director's designee;
- (3) The director of transportation or the director's designee;
- (4) The attorney general or the attorney general's designee;
- (5) The chairperson of the board of agriculture or the chairperson's designee;
- (6) The president of the Drug Policy Forum of Hawaii or the president's designee;
- (7) One medical cannabis advocate who is a patient that uses cannabis in a medically authorized or recommended manner to be appointed by the governor;
- (8) A physician who authorizes or recommends the use of medical cannabis that is nominated from a list jointly submitted by the senate president and speaker of the house of representatives to be appointed by the governor;
- (9) A Hawaii-licensed physician who specializes in pain control and has issued a medical cannabis recommendation that is nominated from a list jointly submitted by the senate president and speaker of the house of representatives to be appointed by the governor;
- (10) The president of West Oahu Hope for a Cure Foundation or the president's designee;
- (11) The director of Americans for Safe Access – Honolulu Chapter, or the director's designee;
- (12) One registered caregiver to be appointed by the governor; and
- (13) One representative of the American Civil Liberties Union.

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

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

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

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

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

## PART II

SECTION 2. The legislature finds that *Salvia divinorum*, otherwise known as "diviner's sage" or "magic mint," is not regulated in Hawaii. The legislature further notes that several countries, such as Australia, Belgium, Denmark, Estonia, Finland, Italy, Japan, Spain, and Sweden have passed regulatory laws on *Salvia divinorum* or its primary psychoactive constituent, salvinorin A. In the United States, California, Delaware, Florida, Illinois, Iowa, Kansas, Louisiana, Maine, Michigan, Mississippi, Missouri, New Jersey, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, and Virginia regulate *Salvia divinorum*, with approaches ranging from classification as a Schedule I controlled substance to placing restrictions on its sale. The legislature finds that possible regulation of *Salvia divinorum* and its primary psychoactive constituent, salvinorin A, is worthy of formal examination by the State.

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

- (1) Research the uses and effects of *Salvia divinorum* and salvinorin A on adults and minors;
- (2) Research all other states' legislation relating to salvia divinorum and salvinorin A;
- (3) Recommend appropriate legislation resulting from its findings to address the sale and use of *Salvia divinorum* and salvinorin A in Hawaii; and
- (4) Address other issues and perform any other function necessary as the task force deems appropriate, relating to *Salvia divinorum* or salvinorin A.

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

- (1) The director of public safety or the director's designee;
- (2) The director of health or the director's designee;
- (3) The administrative director of the judiciary or the administrative director's designee;

- (4) The attorney general or the attorney general's designee;
- (5) The president of the Hawaii State Bar Association or the president's designee; and
- (6) The president of the Drug Policy Forum of Hawaii or the president's designee.

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

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

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

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

### PART III

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

(Vetoed by Governor and veto overridden by Legislature on July 15, 2009.)