

Honolulu, Hawaii

APR 04 2008

RE: H.B. No. 2346
H.D. 2
S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 2346, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF A
MINOR, "

begs leave to report as follows:

The purpose of this measure is to expand:

- (1) The offenses of endangering the welfare of a minor in the first degree to include intentionally or knowingly causing or permitting the minor to inject, ingest, inhale, or otherwise introduce into the minor's body any schedule I, schedule II, schedule III, or schedule IV controlled substance, that has not been prescribed by a physician for the minor; and
- (2) The offenses of endangering the welfare of a minor in the second degree to include recklessly causing or permitting the minor to inject, ingest, inhale, or otherwise introduce into the minor's body any schedule I, schedule II, schedule III, or schedule IV controlled substance, that has not been prescribed by a physician for the minor. The use of medical marijuana by a minor as permitted under the stringent requirements of the medical use of marijuana law would not be an offense under these expanded crimes.



Your Committee received testimony in support of this measure from the Department of Public Safety and Honolulu Prosecuting Attorney. Testimony in opposition was received from the Drug Policy Forum of Hawaii.

Your Committee finds that this measure would create greater protection for the health and safety of the children of Hawaii, and is necessary because of the high risk of injury caused by ingestion of Schedule I, II, III, and IV controlled substances.

Your Committee remains concerned about the applicability of this measure to breastfeeding women who may have ingested controlled substances, whether knowingly or otherwise. Your Committee is not satisfied that the current language of the measure will not apply to a breastfeeding woman. Accordingly, your Committee has amended this measure by changing the effective date to July 1, 2050 to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2346, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2346, H.D. 2, S.D. 2.

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


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:
HB 2340 HD2 SD1	HSP, JDL	4-1-08

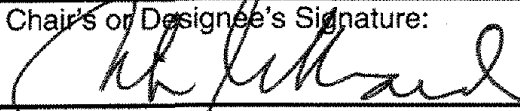
The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)	✓			
HEE, Clayton (VC)				✓
GABBARD, Mike	✓			
KOKUBUN, Russell S.	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	5	—	—	1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes