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Hawaii News

Bills passed cover pills, a tax credit and bong

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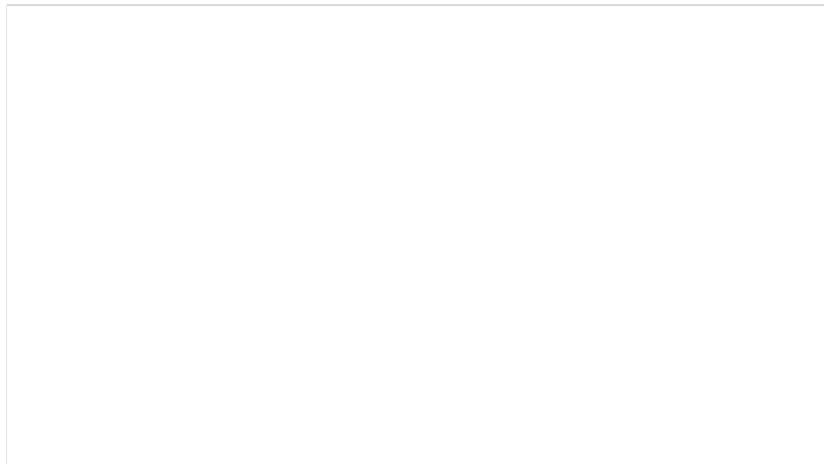
May 3, 2017

The state Legislature passed dozens of bills Tuesday, including measures that would decriminalize drug paraphernalia and limit prescriptions for painkillers.

Lawmakers also tackled cost-of-living issues, agreeing this year to tax the rich at higher rates in order to give a tax break to low- and middle-income workers. A watered-down version of the bill sparked contentious debate on the House floor before gaining final passage.

The measures will now go to Gov. David Ige, who will decide whether to sign, veto or allow bills to become law without his signature.

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Drug legislation

The Legislature passed House Bill 1501, which would decriminalize possession of drug paraphernalia, reducing the penalties for being caught with items such as bongs or rolling papers.

Rep. Gene Ward (R, Kalama Valley-Queen's Gate-Hawaii Kai) criticized the measure on the House floor, arguing that it "promotes the drug culture" during a protracted debate on the issue.

But Rep. Joy San Buena-ventura (D, Hawaiian Acres- Paho- Kalapana), who introduced the bill, said it would help stem the practice of locking up people for nonviolent crimes.

"This is the first step in changing the skewed philosophy," she said. "It is the first step in ensuring that our prison space, at \$104 per person per day ... goes toward the violent criminals. It ensures that we have space for violent criminals."

Hawaii currently has some of the most punitive drug paraphernalia laws in the nation, with possession of a pipe or other items punishable by up to five years in prison and a \$10,000 fine.

While lawmakers seek to relax penalties for possession of drug paraphernalia, they are also hoping to increase restrictions on opioid prescriptions as addiction and overdose deaths increase throughout the country and in Hawaii.

Senate Bill 505 would require doctors to counsel patients about the risks of opioids for initial prescriptions.

Initial opioid prescriptions would also be limited to seven days except under certain circumstances, such as cancer or post-surgical treatment. The seven-day limit on initial prescriptions would also apply to benzodiazepines, which can also be addictive and dangerous if mixed with opioids.

Earned income tax credit

After a decade-long push by tax reform advocates, lawmakers finally passed a state earned income tax credit — a measure touted by its supporters as a means of helping alleviate poverty.

The version that was ultimately passed Tuesday was a watered-down version of the initial proposal, eliciting criticism on the House floor. The bill initially would have made the tax credit refundable — meaning filers could get money back at the end of the year. But legislators amended it to be nonrefundable, which would only offset or zero out any tax liability, making it cheaper for the state but blunting its impact.

The nonrefundable credit is expected to cost the state \$12.7 million in fiscal year 2018, compared with \$49 million if the credit were to be refundable, according to estimates from the state Department of Taxation.

Rep. Isaac Choy (D, Manoa-Punahou-Moilili) criticized the Legislature for not finding money to support the refundable tax credit.

"So why are we doing this? Because we say we can't afford a refundable credit," said Choy. "If affordability, Mr. Speaker, is a problem, then why are we giving special interests in Kapalama millions of dollars in economic tax credits? Why are we giving the film industry over \$35 million in tax credits if we can't afford an earned income tax credit for our poor?"

"I guess the policy is, if you fly to Hawaii in a private jet, we give you money. If you can only afford a 1990 Toyota Corolla, you are out of luck," continued Choy. "Mr. Speaker, we have to stop treating our less fortunate in Hawaii like this."

The bill was also criticized because most of the projected \$50 million in revenue that would be raised annually from increasing taxes on the upper 5 percent of income earners would be diverted to the general fund instead of going to aid low-income workers.

Rep. Della Au Belatti rose in support of the bill, saying she's spent 11 years advocating for a state earned income tax credit.

"We often get criticized for failing, for not doing enough," she said. "Well, this is a measure where we do quite a bit."

Legal services for the poor

On the losing end of the budget debates this year are agencies that provide legal services to low-income residents. The Legislature cut \$750,000 in contracts from the state Judiciary's budget that go to groups like the Legal Aid Society and Volunteer Legal Services of Hawaii.

Sen. Stanley Chang (D, Diamond Head-Kahala-Hawaii Kai) called it one of the "most noxious things" the Senate was asked to do Tuesday, noting the cuts were the House position.

"Their clients are society's most vulnerable," Chang told his colleagues. "They help homeless people get their Social Security or other benefits that can get them off the streets; they help domestic abuse victims secure custody of their children; they help veterans avoid foreclosure or eviction from their homes. These are the people on whose backs we are balancing the budget? Amazing."

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