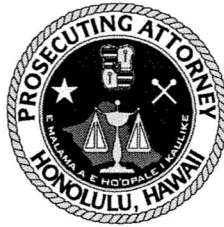


DEPARTMENT OF THE PROSECUTING ATTORNEY  
CITY AND COUNTY OF HONOLULU

ALII PLACE  
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**THE HONORABLE JOSH GREEN, M.D., CHAIR**  
**HOUSE COMMITTEE ON HEALTH**  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

February 1, 2008

**RE: H.B. 2675; RELATING TO MEDICAL MARIJUANA.**

Chair Green and members of the House Committee on Health, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in opposition to H.B. 2675.

The purpose of this bill is to add a new section to Chapter 329, Part IX, Hawaii Revised Statutes regarding the medical use of marijuana. The new section would require the state to accept certifications of medical marijuana use issued by another state to have the same validity and effect as written certifications issued here.

We oppose this bill due to the fact that certifications from other jurisdictions may permit use for under conditions not authorized by Hawaii's medical marijuana laws. If the patient had a condition which qualified for medical marijuana in the other jurisdiction but did not qualify here, would the out-of-state certification still be valid for use here under H.B. 2675? Or if the patient was permitted by the other jurisdiction to use a quantity of marijuana above what was permitted by Hawaii's law, would the out-of-state certification still be valid under H.B. 2675?

In addition, verification of the validity of the out-of-state certificate may be difficult. Written certificates issued in the state can be verified by calling the Department of Public Safety; however there may be difficulties in verifying whether a

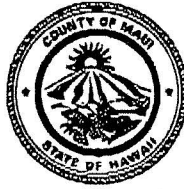
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person who is found to possess marijuana does have a valid out-of-state certification.

For these reasons, we respectfully request that you hold H.B. 2675 and thank you for this opportunity to testify.

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CHARMAINE TAVARES  
Mayor



BENJAMIN M. ACOB  
Prosecuting Attorney

PETER A. HANANO  
First Deputy Prosecuting Attorney

DEPARTMENT OF THE PROSECUTING ATTORNEY  
COUNTY OF MAUI  
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January 31, 2008

THE HONORABLE Josh Green, M.D., CHAIR  
THE HONORABLE JOHN MIZUNO, VICE-CHAIR  
COMMITTEE ON HEALTH

THE HONORABLE MAILE S.L. SHIMABUKURO, CHAIR  
THE HONORABLE KARL RHOADS, VICE-CHAIR  
COMMITTEE ON HUMAN SERVICES & HOUSING

HOUSE OF REPRESENTATIVES  
THE TWENTY-FOURTH LEGISLATURE  
REGULAR SESSION OF 2008  
STATE OF HAWAII

TESTIMONY OF BENJAMIN M. ACOB,  
PROSECUTING ATTORNEY FOR THE COUNTY OF MAUI,  
IN OPPOSITION OF H.B. NO. 2675  
RELATING TO MEDICAL MARIJUANA

The Honorable Chairpersons and Committee Members:

The Department of the Prosecuting Attorney for the County of Maui opposes H.B. 2675 Relating to Medical Marijuana.

This bill would essentially mandate the State of Hawaii to accept without question, another state's medical marijuana certificate. This is problematic for a couple of reasons.

First, this type of reciprocity would encourage individuals to "forum shop", i.e. people who would not normally qualify under Hawaii law, may go to another state where it may be easier to obtain a medical marijuana certification. Thus, this essentially allows an individual to circumvent Hawaii's laws by simply obtaining a medical marijuana certificate from a less stringent state.

Second, conflicts between Hawaii law and the laws of the other state will create uncertainty and will adversely affect

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enforcement. For example, if the other state's law allows a person to possess more than what is allowed under Hawaii law, could that person still be prosecuted under Hawaii law?

Third, prosecuting someone who possessed an out-of-state medical marijuana certificate and violated Hawaii's marijuana drug laws would become more complicated and costly. Under the current law, the prosecution would simply call someone from the State Narcotics Enforcement Division testify. However, under the proposed law, the State would be required to call witnesses from the issuing mainland state. This would undoubtedly increase the cost of prosecution.

Accordingly, for the reasons discussed above, our Department opposes the bill.

Thank you for the opportunity to testify.

(H.B. 2675, Relating to Medical Marijuana)

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**POLICE DEPARTMENT  
COUNTY OF MAUI**



**CHARMAINE TAVARES  
MAYOR**

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**THOMAS M. PHILLIPS  
CHIEF OF POLICE**

OUR REFERENCE  
YOUR REFERENCE

**GARY A. YABUTA  
DEPUTY CHIEF OF POLICE**

January 31, 2008

The Honorable Josh Green, M.D., Chair  
And Members of the  
Committee on Health  
House of Representatives  
State Capitol  
Honolulu, HI 96813

Dear Chair Green and Members of the Committee:

**SUBJECT: HOUSE BILL 2675, RELATING TO MEDICAL MARIJUANA;  
RECIPROCITY**

I am Thomas M. Phillips, Chief of Police of the Maui County Police Department. I am taking this opportunity to submit written testimony expressing my profound opposition to the passage of H.B. 2675, Medical Marijuana; Reciprocity. I believe that other law enforcement entities throughout the State of Hawaii will also oppose these bills along with the Law Enforcement Coalition (LEC).

The value of medicinal marijuana is suspect at best, and debatable in scientific circles. The United States Supreme Court doesn't recognize medical marijuana, and marijuana is still considered a controlled substance under Federal and Hawaii State law. Thus, it is still a federal crime to possess, and distribute marijuana, whether it is for medicinal, profit, or recreational purposes. If such a bill is passed, the State of Hawaii would be legally and civilly liable for breaking federal law.

Law enforcement would be caught in a quandary, due to the fact that we there is no conceivable way to check on the authenticity of the out-of-state medical marijuana permit. Anyone could forge a medical marijuana permit, and there would be no way to validate it on a twenty-four hour/seven-days-a-week basis.

There is also no conceivable way to validate that the qualifying conditions needed to obtain a medical marijuana permit from out-of-state residents were met, and to assure that it complies with our state law. There are twelve other states in the nation that have some form of medical marijuana laws. They all have different qualifying parameters. Law enforcement cannot check on the validity of qualifying parameters on each permit holder.

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The Honorable Josh Green, M.D., Chair  
And Members of the  
Committee on Health  
January 31, 2008  
Page 2


The out-of-state permit holders wouldn't be able to transport the medical marijuana between states, due to the fact that it is a federal crime to transport a controlled substance between states. If they came to Hawaii and bought, traded, or bartered marijuana, they would be breaking state law, as well as federal law.

Obtaining the marijuana illegally would enhance a recipe for disaster, as there is also the potential for more violence and property thefts that has recently occurred on the island of Maui involving growing and distributing marijuana. If this bill is passed, there is an immense potential for abuse of the illicit marijuana, by people trying to legalize it, and those trying to make a profit by selling and distributing it.

Marijuana has been determined to be the gateway drug. It is no wonder that we consistently rank in the top seven states in the nation in regards to marijuana plants eradicated, and consequently have one of the worst crystal methamphetamine problems in the nation. Maui County and the State of Hawaii doesn't need more marijuana related crimes, and more people addicted to marijuana.

I strongly urge for your favorable support of opposing House Bill 2675. Passage of this bill will considerably enhance the potential for marijuana abuse, thefts relating to marijuana, and violence relating to marijuana. Hawaii does not need the negativity that is associated with a safe haven for medical marijuana users. We need to protect our communities from these harms, and build a prosperous and safe community for our future generations.

Very truly yours,

  
THOMAS M. PHILLIPS  
Chief of Police

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the  
**Drug Policy  
Forum**  
of hawai'i

February 1, 2008

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To: House Committee on Health and  
House Committee on Human Services and Housing

From: Jeanne Y. Ohta, Executive Director

RE: HB 2675 Relating to Medical Marijuana  
Friday, February 1, 1008, 8:00 a.m., Room 329

Position: Strong Support

Good morning, the Drug Policy Forum of Hawai'i strongly supports HB 2675 which would allow medical marijuana patients who hold valid medical marijuana certificates from other states to be recognized as medical marijuana patients in the State of Hawaii.

As a tourist destination, Hawaii receives thousands of visitors every year. I often receive emails and phone calls from patients on the mainland asking how they would be able to continue to use their medicine while they are on vacation in Hawaii. Currently, they cannot use medical marijuana legally while in Hawaii.

As these patients have serious medical conditions, asking them to suffer in pain or with other debilitating symptoms while they are on vacation is simply uncaring. One tourist told me he wanted to stay for two or three weeks but was not sure he could forego his medication for that long.

Hawaii would not be the first state to recognize other states' certificates. The State of Montana offers this reciprocity.

I urge you to pass this bill so that compassionate care can extend to our visitors as well as our residents.

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