

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

**CLAYTON A. FRANK**  
DIRECTOR

**DAVID F. FESTERLING**  
Deputy Director  
Administration

**TOMMY JOHNSON**  
Deputy Director  
Corrections

**JAMES L. PROPOTNICK**  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 2678  
A BILL FOR AN ACT RELATING TO  
MEDICAL MARIJUANA  
Clayton A. Frank, Director  
Department of Public Safety

House Committee on Health  
Representative Josh Green, Chair  
Representative John Mizuno, Vice Chair

Friday, February 1, 2008, 8:00 a.m.  
State Capitol, Room 329

**LATE**  
Testimony

Representative Green and Members of the Committee:

The Department of Public Safety strongly opposes House Bill 2678, which attempts to add a new section to Chapter 329 Hawaii Revised Statutes to require the Department of Health to develop and implement a secure growing facility on the island of Maui and lease plots to an organization "certified facilitator" that will grow marijuana for medical use. House Bill 2678 also requires that the Department of Health employ or contract a "certified facilitator" to grow up to 98 marijuana plants on this State owned or leased property. Due to the direct involvement of the State in the growing of the marijuana ingested by the patients participating in this program, the State could be held liable for any adverse reaction experienced by the patients ingesting the marijuana supplied by the facility. Further due to the fact that existing Hawaii law and Federal law still consider marijuana a schedule I controlled substance, the individuals growing marijuana at this facility could be arrested and the property seized by Federal law enforcement officers.

House Bill 2678  
February 1, 2008  
Page 2

Due to these reasons and other liability concerns for the State, the Department cannot support House Bill 2678.

Thank you for the opportunity to testify on this matter.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org

MUFI HANNEMANN  
MAYOR



BOISSE P. CORREA  
CHIEF

PAUL D. PUTZULU  
MICHAEL D. TUCKER  
DEPUTY CHIEFS

OUR REFERENCE DC-TA

February 1, 2008

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

LATE  
Testimony

Dear Chair Green and Members:

Subject: House Bill No. 2678, Relating to Marijuana

I am Darren Chun, Acting Captain of the Narcotics/Vice Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes House Bill No. 2678, Relating to Marijuana. This bill has several concerns for law enforcement in the areas of marijuana cultivation.

All marijuana is illegal under the federal statutes. Passage of this bill would require a government agency in the State of Hawaii to develop and implement a marijuana growing facility and specifically provide security for its cultivation. As the lessor, the State of Hawaii would collect money for leases for such cultivation. These leases would probably include rent, water, electricity, and liability insurance. In essence, the state would be profiting from marijuana cultivation, which the federal government currently lists as illegal.

The Honolulu Police Department urges you to oppose House Bill No. 2678, Relating to Marijuana.

Thank you for the opportunity to testify.

Sincerely,

Handwritten signature of Darren Chun in black ink.

DARREN CHUN, Acting Captain  
Narcotics/Vice Division

APPROVED:

for: Paul Putzulu  
BOISSE P. CORREA  
Chief of Police

**mizuno1-Edgar**

---

**From:** DaCoconutWireless [DaCoconutWireless@hawaii.rr.com]  
**Sent:** Friday, February 01, 2008 6:36 AM  
**To:** HLTtestimony  
**Subject:** Testimony in Strong Support of HB 2678 Relating to Marijuana

**Bill No:** HB 2678  
**Bill Title:** RELATING TO MARIJUANA  
**COMMITTEE ON HEALTH**

**LATE**  
testimony

**Chair:** Representative Josh Green, M.D.

**Co-Chair:** Representative John Mizuno

Hearing Date: Friday, February 1, 2008, Hearing Time: 8a.m. Conference Room 329

*Scott Orton, HIV/AIDS Awareness Advocate*

1130 Hassinger St. #3A

Honolulu, HI 96822 Ph. 808-383-2016

**My testimony is in strong support of HB 2678.**

*Aloha Representative Green, Representative Mizuno and Committee Members,*

**I tested HIV positive 8 years ago** this coming Valentines Day, and since then things haven't been easy for me. Medical Marijuana was made legal about then, to the relief of many in the HIV community. I have seen very sick individuals make full recoveries, because they were able to obtain marijuana to use to help them with their illness.

**The toxic medications are sometimes very difficult to take.** And Marijuana use makes the difference between being able to take the necessary drugs to survive.

**The issue, years later, is all about access.** This is very important to those that are too sick to grow and maintain a supply of **Legal Medical Marijuana**. We need to support in every way the **LEGAL USE of MEDICAL MARIJUANA**. Access to this important herb is imperative to many that are sick and can't take the medications and loss of appetite.

**Please help those that are in need medically, to gain access to this very important herb by supporting this measure.**

**In strong support of HB 2678.**

Love and Aloha,

***Scott Orton, HIV/AIDS Awareness Advocate***

1130 Hassinger St. #3A

Honolulu, HI 96822 808-383-2016

Bcc: DaCoconutWireless Members and Others

**LATE**  
testimony

**HB 2678 Testimony**

1. Health Committee: Chair - Rep. Josh Green, Vice-chair - Rep. John Mizuno
2. Date of Hearing: 2/1/08
3. Time of Hearing: 8:00 am
- 4: Location of Hearing: House Conference Room 329
- 5: Bill Number HB 2678
5. Position: Support
- 6: Number of copies needed for committee: 10

Aloha Representatives,

I am writing today to urge your support for House Bill 2678, a bill that seeks to improve Hawai'i's medical marijuana program.

On the seventh of September, 2007, the "green harvest" helicopter eradication helicopter landed on the property where my family and I rented a house. My girlfriend and I had been growing our medical marijuana plants in the backyard. I also served as a caregiver for another patient, and had her plants in my backyard as well; so there were 21 plants in the backyard at the time when the helicopter landed and police officers seized the plants by cutting them down and hauling them through the mud back to their helicopter.

My landlord brought this to my attention, as I was not home at the time. I called an attorney I knew and we went down to the police station to have my plants returned. Many months later, I did not understand why all the plants had been killed in the first place. None of them were mature, and because marijuana must be harvested at a particular time, when the buds are mature, the product was now useless. At the police station, the vice officers took me to a container in the parking lot. All of the plants had been broken and covered with dirt (did they not realize that this was a medicine to be handled gently), with stacks of branches in piles. The two plants closest to maturity were not present. I filled my front seat with the branches that I was returned and drove home to see if there was anything salvagable, maybe something for the lady who whom I serve as the caregiver.

I asked the vice officer who had been in the helicopter if he had called the Department of Public Safety to varify if the growsite was a registered medical

marijuana grow site. The officer responded, "We cannot call the office from the helicopter, and besides, we did not even know where we are." Had these officers not read the state law? Because they receive federal funding, do they even care about the state law? Or are they only trying to harrass me for being a medical marijuana patient?

*HRS 329 -*

*"A. Stops and Encounters - Warrant less Arrests and Searches. Before making a warrant less arrest or warrant less search or seizure based on probable cause, an officer shall ascertain if the person has a registry identification certificate, unless evidence exists of conduct that would disqualify the person from the medical use of marijuana defense (Hawaii Revised Statutes, Chapter 329-125).*

*1. An officer may confirm the claim of possessing a registry identification certificate by a qualifying patient or primary caregiver by contacting the Department of Public Safety. The Department of Public Safety can be contacted by telephone, 24 hours a day, at (808) 837-8470.*

*2. If the person is not present, but their identification is known, an officer shall check with the Department of Public Safety to determine if the person is a registered qualifying patient or primary caregiver.*

*3. If the identification of the person is not known, an officer shall check with the Department of Public Safety, to determine if the location is a registered medical marijuana growing site.*

*C. Marijuana Eradication. Officers participating in marijuana eradication missions shall be guided by the above procedures and the rules and regulations governing marijuana eradication operations and reconnaissance missions."*

Over the following weeks, particularly because of living on a small island, many neighbors confronted me about the helicopter incident. By hovering for some time (well lower than 500 feet) and then landing, the vice officers could not have drawn more attention to the medical marijuana grow site. One neighbor pointed out that they flew on a straight line as if they predetermined where they were going? Does my grow site put me on a list that is targeted by the helicopter eradication squad? Could they not have taken pictures and come back with a search warrant if there was probable cause? Or flown away and come back in cars to create less attention. Do they not care about my family's safety.

Instead, less than three months later, my garden was victim to a robbery. With a machete lying on our front steps, and worried about our safety and that of our 1 1/2 year old son, we were forced to move. I have included as testimony police reports for both the helicopter and this theft incident as well as photographs of the broken and filthy branches returned to me by the Maui Police Department. Without subjecting a caregiver to the same safety concerns I have, I still do not have a medical marijuana garden. My doctor recommended marijuana to me rather than using pharmaceutical drugs, and the state department of public safety has issued me a medical marijuana registry certificate, yet the police department treats me like a criminal.

For this reason I urge you to support HB 2678. A lot of thought has been put into this bill, particularly from a health and law enforcement standpoint. It will serve as a model plan on Maui county to be implemented state wide, ensuring legal medical marijuana patients safe access to their medicine without compromising families' safety. HB 2678 will provide for a safe and secure growing environment. With the help of this model secure growing facility, agriculturally zoned landowners ('family farmers') will be able to secure a grow facility and lease out the plots within to medical marijuana patients statewide. A 'certified facilitator' will be employed to ensure that this model works for patients to best grow and acquire the particular strains of marijuana for their particular ailment.

HB 2678 does not violate federal or state law. There is no sales of marijuana, money will only be exchanged over the lease of land in the secure growing facility. It does not even violate our state law. HB 2678 serves more so to clarify the state law, and provides a means for medical marijuana patients to safely access the medicine that their doctor recommends without having to visit the unethical and unregulated "black market." HB 2678 is certainly in the interest of the health of the State of Hawai'i, and particularly the most vulnerable patients, those who do not respond well to standard pharmaceutical drugs.

Thank you for your time,

Brian Igersheim

Medical Marijuana Registration Number: MJ07710







MAUI COUNTY POLICE DEPARTMENT  
GENERAL CASE / INCIDENT REPORT

RECORDS

07-104087

1	CLASSIFICATION <b>THEFT IV</b>		Form 132	
2	WHERE OCCURRED	DAY OF WEEK <b>Thu</b>	DATE <b>112907</b>	TIME <b>0700</b>
3	REPORTED BY <b>C-1</b>	ADDRESS <b>See Below</b>	DATE <b>112907</b>	TIME <b>1437</b>
4	HOW REPORTED <input checked="" type="checkbox"/> PHONE <input type="checkbox"/> STN	INVESTIGATOR ASSIGNED <b>KENUI, C. 012981</b>	BT <b>31</b>	WT <b>2</b>
	BEAT <b>31</b>	VIEW <b>2</b>	TIME SENT <b>1519</b>	ARRIVAL <b>1525</b>
	WIRE <b>2</b>	LTR	BACK <b>1555</b>	

5	CODE: <b>C - COMPLAINANT</b>		V - VICTIM	
6	CODE <b>C</b>	NO. OF <b>1</b>	LAST NAME <b>IGERSHEIM</b>	FIRST <b>Bryan</b>
7	RESIDENCE STREET		CITY/TOWN <b>Haiku</b>	STATE <b>HI</b>
8	IF TOURIST - LOCAL HOTEL/CONDO/APT.		ROOM NO.	DATE DEPART
9	OCCUPATION <b>Self Employed</b>		BUS./EMP. PHONE NO.	
10	CODE <b>C</b>	NO. OF <b>1</b>	LAST NAME <b>IGERSHEIM</b>	FIRST <b>Bryan</b>
11	RESIDENCE STREET		CITY/TOWN <b>Haiku</b>	STATE <b>HI</b>
12	IF TOURIST - LOCAL HOTEL/CONDO/APT.		ROOM NO.	DATE DEPART
13	OCCUPATION <b>Landscaper</b>		BUS./EMP. PHONE NO.	
14	CODE <b>C</b>	NO. OF <b>1</b>	LAST NAME <b>IGERSHEIM</b>	FIRST <b>Bryan</b>
15	RESIDENCE STREET		CITY/TOWN <b>Haiku</b>	STATE <b>HI</b>
16	IF TOURIST - LOCAL HOTEL/CONDO/APT.		ROOM NO.	DATE DEPART
17	OCCUPATION <b>Landscaper</b>		BUS./EMP. PHONE NO.	
18	CODE <b>C</b>	NO. OF <b>1</b>	LAST NAME <b>IGERSHEIM</b>	FIRST <b>Bryan</b>
19	RESIDENCE STREET		CITY/TOWN <b>Haiku</b>	STATE <b>HI</b>
20	IF TOURIST - LOCAL HOTEL/CONDO/APT.		ROOM NO.	DATE DEPART
21	OCCUPATION <b>Landscaper</b>		BUS./EMP. PHONE NO.	

15	CODE: <b>A - ARRESTED PERSON</b>		<b>CA - CITIZEN ARREST</b>	
16	CODE <b>R</b>	NO. OF <b>1</b>	LAST NAME <b>UNK</b>	FIRST <b>UNK</b>
17	RESIDENCE ADDRESS STREET		CITY/TOWN	STATE
18	SOBER <input type="checkbox"/>		INTOXICATED <input type="checkbox"/>	SINGLE <input type="checkbox"/>
19	DRINKING <input type="checkbox"/>		OTHER <input type="checkbox"/>	MARRIED <input type="checkbox"/>
20	CLOTHING WORN		SHIRT COLOR	PANTS COLOR
21	PROSECUTION DESIRED <input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> X <input type="checkbox"/> U <input type="checkbox"/> P		ARREST <input checked="" type="checkbox"/> Y <input type="checkbox"/> C <input type="checkbox"/> P	RIGHTS READ <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> P
22	VEH. USED IN CRIME <input checked="" type="checkbox"/> Y <input type="checkbox"/> N		STOLEN <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	MAKE <input checked="" type="checkbox"/> Y <input type="checkbox"/> N
23	PROPERTY ATTACKED <b>Open grass area used as a yard located at [REDACTED]</b>		POINT OF ENTRY	F DOOR <input type="checkbox"/>
24	HOW ATTACKED <b>Hands used to remove</b>		MEANS OF ATTACK	R DOOR <input type="checkbox"/>
25	PECULIARITIES (TRADEMARKS, ETC.) <b>None</b>		PROPERTY TAKEN	ROOF <input type="checkbox"/>
26	EVIDENCE <input checked="" type="checkbox"/> Y <input type="checkbox"/> N		LATENT PRINTS <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	WINDOW <input type="checkbox"/>
27	PERSON INJURED <input checked="" type="checkbox"/> Y <input type="checkbox"/> N		PERSON INJURED <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	CUTTING <input type="checkbox"/>
28	WEAPONS/FORCE USED <input checked="" type="checkbox"/> Y <input type="checkbox"/> N		TYPE <b>DNA</b>	KEY <input type="checkbox"/>
29	TYPE INJURIES SUSTAINED <b>DNA</b>		TREATED BY <b>DNA</b>	JIMMY <input checked="" type="checkbox"/>
30	PLACE TREATED <b>DNA</b>		OTHER (INDICATE HOW)	HANDS <input type="checkbox"/>

8 SYNOPSIS: C-1 reported unknown person(s) stole his seven pots containing his medical marijuana plants from within his yard at the above mentioned location. C-1 stated he has no suspects in this matter. C-1 stated he grows his plants under medical card #MJ07710, issued by Dr. LEY. Estimated value of the pots and soil stolen is approximately \$100.00. C-1 requested report be made for documentation purposes.

ITEM	QTY	ITEM/ARTICLE	PROPERTY DESCRIPTION (TRADEMARK, COLOR, SIZE, ETC.)	SERIAL NUMBER	VALUE	VALUE RECOVERED
1	7	Pots	Black, plastic, 5 gallon size, with soil, and marijuana plants.		\$100.00	\$0.00
CONNECT-UPS REPORT NOS				TOTALS		
					\$100.00	\$0.00

ASSISTING INVESTIGATORS		Y	NAME	BT	ARRIVAL TIME	NAME	BT	ARR TIME
COPY TO	DIST CID	JUVENILE C/A	OTHER	HOW CLEARED UNFOUNDED LOCATED	WARNED/REPRIMANDED ARREST/PROSECUTED	ARRESTED NOT PROS TURNED OVER TO JUV	OTHER (INDICATE HOW)	
WANT COPY FORWARDED		REPORT WRITTEN BY <b>KENUI, C. 012981</b>		DATE <b>112907</b>	TIME <b>1615</b>	SIGNATURES OR APPROVAL <i>[Signature]</i>		

**07-78721**

TYPE OF PROPERTY	<b>PRISONER PROPERTY RECEIPT</b>		DATE ARRESTED	CHARGE			
	NAME OF PRISONER		LAST NAME	FIRST	MIDDLE	OFFICER CONDUCTING SEARCH	DISTRICT REPORT NO.
	PRISONER SIGNATURE				DATE PROPERTY TAKEN - TIME	WITNESS TO SEARCH	
	<b>PROPERTY RECEIPT</b>		OFFICER RECEIVING PROPERTY			DATE PROPERTY REC. - TIME	
	NAME OF OWNER (IF KNOWN)		LAST NAME	FIRST	MIDDLE	ADDRESS	
	<b>X</b>	<b>EVIDENCE RECORD</b>	CLASSIFICATION	DATE OCCURRED	RECOVERED BY	NAME	DATE RECOVERED - TIME
			<b>PRO DET DRUG I</b>	<b>9/7/2007</b>	<b>MAEDA, W.</b>	<b>010859</b>	<b>9/7/2007 1320</b>
		COMPLAINANT	LAST NAME	FIRST	MIDDLE	ADDRESS	
		<b>MPD (MAEDA, W)</b>				<b>55 Mahalani Street Wailuku HI</b>	
		NAME OF OWNER	LAST NAME	FIRST	MIDDLE	ADDRESS	
<b>IGERSHEIM</b>			<b>Brian</b>	<b>A</b>	[REDACTED]		
LOCATION/PERSON RECOVERED FROM		LAST NAME	FIRST	MIDDLE	ADDRESS		
[REDACTED]					[REDACTED]		
WITNESS TO RECOVERY		LAST NAME	FIRST	MIDDLE	ADDRESS		
<b>MPD (WONG, T.)</b>		<b>c/o Vice Division</b>					
BRIEF FACTS AND CIRCUMSTANCES OF RECOVERY							
The below listed Marijuana was released to Brian IGER SHEIM after proof of Medical Marijuana permit and proof of Caregiver.							

IT. NO.	QTY.	ITEM/ARTICLE	DESCRIPTION (TRADEMARK, COLOR, SIZE, ETC.)	SERIAL NO.	\$ VALUE	WHERE/HOW MARKED (EVIDENCE ONLY)
2	6	Marijuana	Mature "budding" Marijuana vegetation <i>PICKED OUT BY BRIAN IGER SHEIM</i>			

CHAIN OF CUSTODY / PROPERTY TRANSFER			
ITEM NO.	RECEIVED FROM SIGNATURE	RECEIVED BY SIGNATURE	DATE TIME
2	<i>[Signature]</i> MAEDA, W. 010859	<i>[Signature]</i>	09.07.07 16.45

REPORT WRITTEN BY <b>MAEDA, W. 010859</b>	DATE <b>09 07 07</b>	TIME <b>1626</b>	SUPERVISOR APPROVAL	DATE	TIME
RECEIVED OF THE CHIEF OF POLICE PER OFFICER <b>W. Maeda</b>			THE ABOVE-DESCRIBED PROPERTY.		
I HEREBY CERTIFY THAT I AM THE LEGAL OWNER OR LEGAL AGENT OF OWNER OF THE ABOVE-DESCRIBED PROPERTY.					
SIGNATURE	ADDRESS	STREET	CITY	TOWN	STATE
<i>[Signature]</i>	[REDACTED]				
DATE	TIME	DATE	TIME		
<b>09.07.07</b>	<b>1645</b>	<b>09.07.07</b>	<b>1645</b>		
FINAL DISPOSITION OF PROPERTY	<b>RETURNED TO OWNER</b>				

**From:** Deborah Cohn [dtcohn@gmail.com]  
**Sent:** Friday, February 01, 2008 9:14 AM  
**To:** HLTtestimony  
**Subject:** Testimony for Health Committee HB 2678

LATE  
Testimony

Aloha Councilmember,

I am writing today to urge your support for House Bill 2678, a bill that seeks to improve Hawai'i's medical marijuana program.

The most critical issue facing Hawaii medical marijuana patients is the acquisition of our medicine. Theft, armed robbery, and police/helicopter eradication raids continually threaten patients' safety. The Hawaii Revised Statute states that legal medical marijuana patients can acquire and possess the medicine that their doctor recommends, but patients have no choice but to acquire from an unregulated and unethical black market. It is not in the interest of Hawai'i's public health to force patients into this "black market."

The important question is: How does a patient who is diagnosed with cancer and to undergo chemotherapy immediately acquire the medicine that his/her doctor recommends? In this case, there is not enough time for the patient to grow, harvest and cure the medicine that will help with nausea during imminent chemotherapy treatments; added stress from buying medicine from drug dealers will not help the health of such vulnerable patient.

Because of conflicts with federal law, Hawaii does not provide for a legal means of supplying marijuana. Allowing patients to form collective and co-operative operations will help patients to have their needs met immediately. By employing a "certified facilitator," it will ensure that I will have safe access to the right strains of medical marijuana most suitable for my ailment. According to the Hawai'i Revised Statutes, a medical marijuana patient must control (through lease or ownership) the area of his or her grow site. By creating this model allotment system on the island of Maui with the hope to implement the program statewide, agriculturally zoned "family-farmers" will be able to secure and lease individual plots of land to individual patients. This plan will not violate state or federal law; there will be no distribution of marijuana; money will only be exchanged only over the land lease in the secure facility.

Although the State of Hawai'i has had its medical marijuana program in place for eight years, it is time to rectify some of the problematic aspects of the law. For the majority of Hawai'i's medical marijuana patients, it is extremely difficult to consistently grow medical-grade marijuana to continuously meet one's needs. Theft, mold, bug infestation, disease, lacking knowledge of successful growing and curing techniques and time consuming trial and error are just a few of the issues patients face. Allowing patients to grow together in a secure location with access to a knowledgeable facilitator will make it easier and safer for patients and law enforcement.

Once again, I urge you to vote "yes" on HB 2678.

I am a medical marijuana Patients in Maui County and I would like to see Hawai'i pave the way for patients to have safe, secure, and affordable medicine.

Mahalo  
Deborah Phelan Cohn

**mizuno1-Edgar**

---

**From:** ZanGirl@aol.com  
**Sent:** Friday, February 01, 2008 9:12 AM  
**To:** HLTtestimony  
**Subject:** HB 2678

**LATE**  
**Testimony**

HB 2678 Testimony

1. Health Committee: Chair - Rep. Josh Green, Vice-chair - Rep. John Mizuno
2. Date of Hearing: 2/1/07
3. Time of Hearing:
4. Location of Hearing:
5. Bill Number HB 2678
5. Position: Support
6. Number of copies needed for committee: 10

Aloha Council Member,

I am writing today to urge your support for House Bill 2678, a bill that seeks to improve Hawai'i's medical marijuana program.

The most critical issue facing Hawaii medical marijuana patients is the safe and legal acquisition of medicine. Theft, armed robbery, and helicopter eradication programs continually threaten patients.

The Hawaii Revised Statute states that legal medical marijuana patients can acquire and possess the medicine that their doctor recommends, but patients have no choice but to acquire from an unregulated and unethical black market.

It is not in the interest of Hawai'i's public health to force patients into the black market.

An important question is:

How does a patient who is diagnosed with cancer and to undergo chemotherapy immediately acquire the medicine that his/her doctor recommends?

In this case, there is not enough time for the patient to grow, harvest and cure the medicine that will help with nausea during immediate chemotherapy treatments, and any stress from buying medicine from drug dealers will not help the health of the patient.

Because of conflicts with federal law, Hawaii does not provide for a legal means of supplying marijuana. Allowing patients to form collective and co-operative operations will help individual patients to have their needs met immediately. By employing a "certified facilitator," it will ensure that patients will have access to the right strains of medical marijuana most suitable for their ailment.

According to the Hawai'i Revised Statutes, a medical marijuana patient must control (through lease or ownership) the area of his or her grow site.

By creating this model allotment system on the island of Maui, agriculturally zoned family farms will be able to secure and lease individual plots of land to individual patients.

This plan will not violate state or federal law. There will be no distribution of marijuana. Money will only be exchanged over the land lease in the secure facility.

The State of Hawai'i has had its medical marijuana program in place for eight years and it is time to rectify some

2/1/2008

of the problematic aspects of the law.

For the majority of Hawai'i's medical marijuana patients, it is extremely difficult to consistently grow medical-grade marijuana to continuously meet their needs. Theft, mold, bug infestation, disease, lacking knowledge of successful growing and curing techniques and time consuming trial and error are just a few of the issues patients face.

Allowing patients to grow together in a secure location with access to a knowledgeable facilitator will make it easier and safer for patients and law enforcement. There will be no need for marijuana eradication helicopters to fly low over backyard medical marijuana grow sites.

Once again, I urge you to vote "yes" on HB 2678.

Sincerely,

Suzanne Kayian,

California and Hawaii resident

---

Who's never won? [Biggest Grammy Award surprises of all time on AOL Music.](#)

**Hauani Olds**

**From:** Jbrhawaii1@aol.com  
**Sent:** Thursday, January 31, 2008 2:32 AM  
**To:** Rep. Joe Bertram III; dacoconutwireless  
**Cc:** Sen. Will Espero  
**Subject:** Fwd: TESTIMONY IN SUPPORT OF HB 2678

**LATE  
Testimony**

Aloha,  
I hope this educates!

**Joseph B. Rattner, OD, CSAC**  
**Executive Director-WOHFAC**  
91-211 Makaina Place  
Ewa Beach, Hawaii 96706  
Phone-808-685-6702  
Cell-808-781-3663  
Fax-808-685-6840  
Email-jbrhawaii1@aol.com

**West Oahu Hope For A Cure Foundation**  
PO Box 2487  
Ewa Beach, Hawaii 96706  
Phone-808-685-6702  
Fax-808-685-6840  
Email-WOHFAC@hotmail.com  
Website-westoahuhopeforacure.org

**NOTICE TO RECIPIENT:** If you are not the intended recipient of this e-mail, you are prohibited from sharing, copying, or otherwise using or disclosing its contents.

If you have received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments without reading,

forwarding or saving them. Thank you.

---

From: Jbrhawaii1  
To: HLTtestimony@Capitol.hawaii.gov  
Sent: 1/31/2008 2:28:18 A.M. Hawaiian Standard Time  
Subj: TESTIMONY IN SUPPORT OF HB 2678

**Bill No: HB 2678**

**Bill Title: RELATING TO MARIJUANA**

**COMMITTEE ON HEALTH**



Chair: Representative Josh Green, M.D.

Co-Chair: Representative John Mizuno

Hearing Date: Friday, February 1, 2008

Hearing Time: 8a.m.

Hearing Location: Conference Room 329

LATE  
Testimony

Testimony from: Joseph B. Rattner, OD, CSAC

91-211 Makaina Place

Ewa Beach, Hawaii 96706

808-685-6702

Representing: Myself; Patients living with AIDS in Hawaii

West Oahu Hope For A Cure Foundation

Aloha Representative Green, Representative Mizuno and Committee Members,

My name is Joseph Rattner, and it is an honor to submit testimony in full support of HB 2678.

I will be HIV positive for sixteen years come this March 15<sup>th</sup>.

I have lived on this beautiful island of Oahu, Hawaii for 6 years now and have possessed a Medicinal Medical Marijuana license here for four. I am also a Certified Substance Abuse Counselor and am proud to say that I have counseled many into recovery from the East Coast of New Jersey to Hawaii. Mostly I am proud to be the Founder and Executive Director of West Oahu Hope For A Cure Foundation located in Ewa Beach.

First off, I must say that trying to grow Marijuana is a science, which takes an enormous amount of time. Although my first plant was successful, the ways and means of it happening; correctly each time; can be nerve racking, especially if your medicine is running out. Appetite, nausea, pain relief and even a major stress reducer, which is of course advantageous when you have a CHRONIC ILLNESS, is the need that medicinal marijuana serves.

There are approximately 1,000 patients in the State of Hawaii presently possessing medical marijuana licenses.

HB 2678 is giving patients who qualify the opportunity to Lease a plot of growing area on Maui and a Farmer that will grow your medicine. Marijuana is legal in Hawaii and by allowing patients of HIV, Cancer, Glaucoma, and other conditions, which require this treatment a more *secure* way of getting what they need to survive, the safer we all are. A "*certified facilitator*" will determine the strains needed for the plants, a "*plot*"; will then be "*leased*" by the qualifying patient from a "*secure growing facility*". All of these new laws will be over seen and monitored by the Department of Health. Patients from all the islands of Hawaii will qualify, but the 1<sup>st</sup> "*secure growing facility*" will be on Maui.

It is essential for people living with HIV to take their medications. The side effects cause much stomach upset with the constant need to try and stop vomiting. The marijuana makes taking the medicines bearable.

Hunger and the need to stay hungry for a balanced diet is where another important aspect of medicinal marijuana plays such a huge role in recovery and better health for patients.

This bill makes it easier for patients' to have access to their legally prescribed marijuana. There will be less drug trafficking from Waikiki to Waianae, especially preventing the risk areas near our schools.

Experienced patients, who have proven to comply with their regimen, should be given this chance to feel safe about smoking their medicinal marijuana.

For these and many other reasons, I **strongly** support HB 2678.

Mahalo nui loa for giving me the opportunity to share my views.

With much Aloha,

Joseph B. Rattner, OD, CSAC  
Executive Director-WOHFAC  
91-211 Makaina Place  
Ewa Beach, Hawaii 96706  
Phone-808-685-6702  
Cell-808-781-3663  
Fax-808-685-6840  
Email-[jbrhawaii1@aol.com](mailto:jbrhawaii1@aol.com)

West Oahu Hope For A Cure Foundation  
PO Box 2487  
Ewa Beach, Hawaii 96706  
Phone-808-685-6702  
Fax-808-685-6840  
Email-[WOHFAC@hotmail.com](mailto:WOHFAC@hotmail.com)  
Website-[westoahuhopeforacure.org](http://westoahuhopeforacure.org)

**NOTICE TO RECIPIENT:** If you are not the intended recipient of this e-mail, you are prohibited from sharing, copying, or otherwise using or disclosing its contents.

If you have received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments without reading, forwarding or saving them. Thank you.

---

Start the year off right. [Easy ways to stay in shape](#) in the new year.

Bill No: HB 2678

Bill Title: RELATING TO MARIJUANA

COMMITTEE ON HEALTH

Chair: Representative Josh Green, M.D.

Co-Chair: Representative John Mizuno

Hearing Date: Friday, February 1, 2008

Hearing Time: 8a.m.

Hearing Location: Conference Room 329

Testimony from: Joseph B. Rattner, OD, CSAC

91-211 Makaina Place

Ewa Beach, Hawaii 96706

808-685-6702

Representing: Myself; Patients living with AIDS in Hawaii

West Oahu Hope For A Cure Foundation

Aloha Representative Green, Representative Mizuno and Committee Members,

My name is Joseph Rattner, and it is an honor to submit testimony in full support of HB 2678.

I will be HIV positive for sixteen years come this March 15<sup>th</sup>.

I have lived on this beautiful island of Oahu, Hawaii for 6 years now and have possessed a Medicinal Medical Marijuana license here for four. I am also a Certified Substance Abuse Counselor and am proud to say that I have counseled many into recovery from the East Coast of New Jersey to Hawaii. Mostly I am proud to be the Founder and Executive Director of West Oahu Hope For A Cure Foundation located in Ewa Beach.

First off, I must say that trying to grow Marijuana is a science, which takes an enormous amount of time. Although my first plant was successful, the ways and means of it happening; correctly each time; can be nerve racking, especially if your medicine is running out. Appetite, nausea, pain relief and even a major stress reducer, which is of course advantageous when you have a CHRONIC ILLNESS, is the need that medicinal marijuana serves.

There are approximately 1,000 patients in the State of Hawaii presently possessing medical marijuana licenses.

HB 2678 is giving patients who qualify the opportunity to Lease a plot of growing area on Maui and a Farmer that will grow your medicine. Marijuana is legal in Hawaii and by allowing patients of HIV, Cancer, Glaucoma, and other conditions, which require this treatment a more

**secure** way of getting what they need to survive, the safer we all are. A “*certified facilitator*” will determine the strains needed for the plants, a “*plot*”; will then be “leased” by the qualifying patient from a “*secure growing facility*”. All of these new laws will be over seen and monitored by the Department of Health. Patients from all the islands of Hawaii will qualify, but the 1<sup>st</sup> “secure growing facility” will be on Maui.

It is essential for people living with HIV to take their medications. The side effects cause much stomach upset with the constant need to try and stop vomiting. The marijuana makes taking the medicines bearable.

Hunger and the need to stay hungry for a balanced diet is where another important aspect of medicinal marijuana plays such a huge role in recovery and better health for patients.

This bill makes it easier for patients’ to have access to their legally prescribed marijuana. There will be less drug trafficking from Waikiki to Waianae, especially preventing the risk areas near our schools.

Experienced patients, who have proven to comply with their regimen, should be given this chance to feel safe about smoking their medicinal marijuana.

For these and many other reasons, I **strongly** support HB 2678.

Mahalo nui loa for giving me the opportunity to share my views.

With much Aloha,

Joseph B. Rattner, OD, CSAC  
Executive Director-WOHFAC  
91-211 Makaina Place  
Ewa Beach, Hawaii 96706  
Phone-808-685-6702

Cell-808-781-3663  
Fax-808-685-6840  
Email-[jbrhawaii1@aol.com](mailto:jbrhawaii1@aol.com)

West Oahu Hope For A Cure Foundation  
PO Box 2487  
Ewa Beach, Hawaii 96706  
Phone-808-685-6702  
Fax-808-685-6840  
Email-[WONFAC@hotmail.com](mailto:WONFAC@hotmail.com)  
Website-[westoahuhopeforacure.org](http://westoahuhopeforacure.org)

**NOTICE TO RECIPIENT:** If you are not the intended recipient of this e-mail, you are prohibited from sharing, copying, or otherwise using or disclosing its contents.

If you have received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments without reading, forwarding or saving them. Thank you.

## Haunani Olds

---

**From:** ALFRED RICHTER [fritzrichter@yahoo.com]  
**Sent:** Wednesday, January 30, 2008 4:35 PM  
**To:** Rep. Joe Bertram III  
**Subject:** Medical Marijuana on Maui

ALFRED RICHTER  
5180 LIKINI ST APT#1805  
HONOLULU, HI 96818

January 30, 2008

The Honorable Joe Bertram III  
Hawaii House of Representatives  
415 South Beretania Street  
Honolulu, HI 96813

Dear Representative Bertram:

Please have the courage to support common sense. We know what's right.

HB 2678 authorizes the Department of Health to establish a secure growing facility on the island of Maui for the production of medical marijuana. The proposed facility would serve as an alternate source of medicine for registered patients and caregivers.

I think this is a great idea.

Please support HB 2678 this Friday. Also, please support HB 2067, which would increase possession limits from 3 ounces/7 plants to 7 ounces/12 plants per patient, when it come up for hearing before your committee.

Thank you.

Sincerely,

Alfred D. Richter



## Haunani Olds

---

**From:** Alfredo Nava [a\_nava00@yahoo.com]  
**Sent:** Wednesday, January 30, 2008 4:12 PM  
**To:** Rep. Joe Bertram III  
**Subject:** HB 2678 & HB 2067

Alfredo Nava  
1410 Pierce Street  
Pearl Harbor, HI 96860

January 30, 2008

The Honorable Joe Bertram III  
Hawaii House of Representatives  
415 South Beretania Street  
Honolulu, HI 96813

Dear Representative Bertram:

Please support the medical marijuana growing facility bill this Friday. HB 2678 would establish a secure facility on Maui to provide medicine for up to 14 patients. This is a good idea and an excellent improvement to our current medical marijuana law.

Patients need safe, reliable access to their medicine, and HB 2678 has been drafted with this in mind.

HB 2067 is also another good bill, but has not yet been scheduled for hearing by your committee. This bill would allow patients to legally possess 7 ounces/12 plants instead of 3 ounces/7 plants, which is more in line with what other states allow their patients to possess, such as Oregon and Washington.

Please support both of these bills.

Sincerely,

Alfredo Nava  
808-561-5259

## Haunani Olds

---

**From:** Mark Laughlin [hamilton@aol.com]  
**Sent:** Wednesday, January 30, 2008 3:53 PM  
**To:** Rep. Joe Bertram III  
**Subject:** HB 2678

Mark Laughlin  
1407 S. Halliburton  
Kirksville, Missouri, HI 96837

January 30, 2008

The Honorable Joe Bertram III  
Hawaii House of Representatives  
415 South Beretania Street  
Honolulu, HI 96813

Dear Representative Bertram:

HB 2678 is thoughtful legislation that would improve the lives of medical marijuana patients in Hawaii, particularly on the island of Maui. Making patients more comfortable by providing them with a secure source of medicine is a good idea.

I support this bill and other bills that seek to improve Hawaii's medical marijuana law. One such bill is HB 2067, which would allow reciprocity with other states that have a medical marijuana law, increase the caregiver/patient ratio from 1:1 to 1:5, increase limits from 3 ounces/7 plants to 7 ounces/12 plants, and remove the confusing distinction between mature and immature plants, to name a few.

When the growing facility bill - HB 2678 - is heard before your committee this Friday, please give it your support.

I lived in Honolulu between 1987 and 2003, during which time the state's medical marijuana legislation was created. I testified in favor of various bills that would have increased patient access to medical marijuana, and am pleased that Hawaii has taken a leading role in implementing some of those measures.

One problem then was that although it was legal for patients to use marijuana under some circumstances, there was no legal way for them to obtain the seeds to grow it. Sick people don't have the strength to push new legislation through to help themselves, so please reach out a hand and offer new help to them. They depend on a compassionate legislature!

Sincerely,

Mark H. Laughlin, former resident

## Haunani Olds

---

**From:** Jeff Sims [jeffsimslmt@gmail.com]  
**Sent:** Wednesday, January 30, 2008 3:33 PM  
**To:** Rep. Joe Bertram III  
**Subject:** HB 2678

Jeff Sims  
991 Front Street  
Lahaina, HI 96761

January 30, 2008

The Honorable Joe Bertram III  
Hawaii House of Representatives  
415 South Beretania Street  
Honolulu, HI 96813

Dear Representative Bertram:

Please do the responsible thing and support the medical marijuana growing facility bill this Friday. HB 2678 will establish a secure facility on Maui to provide medicine for up to 14 patients. This is a good idea and an excellent improvement to our current medical marijuana law.

Patients need safe, reliable access to their medicine, and HB 2678 has been drafted with this in mind.

HB 2067 is also another good bill, but has not yet been scheduled for hearing by your committee. This bill would allow patients to legally possess 7 ounces/12 plants instead of 3 ounces/7 plants, which is more in line with what other states allow their patients to possess, such as Oregon and Washington.

Please support both of these bills. Thank you for your kokua.

Aloha,

Jeff Sims  
808-357-6459

## Haunani Olds

---

**From:** Douglas Capehart [dougcapehart@gmail.com]  
**Sent:** Thursday, January 31, 2008 8:14 AM  
**To:** Rep. Joe Bertram III  
**Subject:** medical marijuana growing facility bill - HB 2678

Douglas Capehart  
444 Niu St #401  
Honolulu, HI 96815-1825

January 31, 2008

The Honorable Joe Bertram III  
Hawaii House of Representatives  
415 South Beretania Street  
Honolulu, HI 96813

Dear Representative Bertram:

I support the medical marijuana growing facility bill - HB 2678. This is a good idea and would allow patients who have difficulty growing their own medicine to get the help they so desperately need.

I have a relative suffering brain cancer chemotherapy treatments and marijuana is the only drug that relieves her symptoms and restores her appetite.

Allow your compassion for those in pain guide your judgment on this very important issue and not the biases of the past.

Sincerely,

Douglas Capehart  
8084793241

## **Haunani Olds**

---

**From:** Vicki Vierra [vickiv@hawaii.rr.com]  
**Sent:** Thursday, January 31, 2008 8:19 AM  
**To:** Rep. Joe Bertram III  
**Subject:** HB 2678

Vicki Vierra  
HC 1 Box 5077  
Keaau, HI 96749-9505

January 31, 2008

The Honorable Joe Bertram III  
Hawaii House of Representatives  
415 South Beretania Street  
Honolulu, HI 96813

Dear Representative Bertram:

HB 2678 is a good bill that I would like you to support. This bill, also known as the medical marijuana secure growing facility bill, would allow patients and their caregivers to obtain medicine from an alternate source. This would take the guesswork out of obtaining medicine for many patients, allowing them to rest a little easier.

The bill would limit the facility to a total of 98 plants, which is a good thing as federal mandatory minimum sentences that are triggered at 100 plants. The fact is that the federal government typically doesn't care about anything under 100 plants, so this is an excellent way to minimize the risk of federal interference.

Please give this bill your full support when it comes up for hearing this Friday.

Thank you.

Sincerely,

Vicki Vierra  
808 966 6333

## Haunani Olds

---

**From:** Chira Johnston Gallo [faith\_thinkbig@verizon.net]  
**Sent:** Thursday, January 31, 2008 7:44 AM  
**To:** Rep. Joe Bertram III  
**Subject:** Supporter of the HB 2678 Bill

Chira Johnston Gallo  
P.O.Box 157  
Ashaway, R.I. 02804-0011, HI 96740

January 31, 2008

The Honorable Joe Bertram III  
Hawaii House of Representatives  
415 South Beretania Street  
Honolulu, HI 96813

Dear Representative Bertram:

HB 2678 is a good bill that I would like you to support. This bill, also known as the medical marijuana secure growing facility bill, would allow patients and their caregivers to obtain medicine from an alternate source. This would take the guesswork out of obtaining medicine for many patients, allowing them to rest a little easier.

The bill would limit the facility to a total of 98 plants, which is a good thing as federal mandatory minimum sentences that are triggered at 100 plants. The fact is that the federal government typically doesn't care about anything under 100 plants, so this is an excellent way to minimize the risk of federal interference.

Please give this bill your full support when it comes up for hearing this Friday.

Thank you.

Sincerely,

Chira R. Johnston  
401-377-4055