

LINDA LINGLE
GOVERNOR



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

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Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE CONCURRENT RESOLUTION 49
REQUESTING THE MAUI COUNTY MAYOR AND
COUNTY COUNCIL TO IMPLEMENT VARIOUS
MEASURES REGARDING MEDICAL MARIJUANA
IN THE COUNTY OF MAUI

by

Clayton A. Frank, Director
Department of Public Safety

House Committee on Judiciary
Representative Tommy Waters, Chair
Representative Blake K. Oshiro, Vice Chair

Tuesday, March 25, 2008, 4:05 p.m.
State Capitol, Conference Room 329

Representative Waters, Representative Oshiro, and Members of the Committee:

The Department of Public Safety strongly opposes House Concurrent Resolution 49 HD1 which would require the Maui County Council and Maui Mayor to violate State law relating to Hawaii's Medical Use of Marijuana Program.

House Concurrent Resolution 49 HD1 urges the Maui Mayor and County Council to develop a Maui County Family Farmer Medical Marijuana Regulation and Revenue Program to tax and regulate and provide access to medical marijuana by "license qualified family farmers" in designated agricultural zones. House Concurrent Resolution 49 HD1 would allow each licensed family farmer to produce marijuana for up to 200 hundred qualifying patients (200 X 7 marijuana plants = 1400 plants), which violates

Section 329-123(c), Hawaii Revised Statutes, stating that every primary caregiver shall be responsible for the care of only one qualifying patient at any given time. House Concurrent Resolution 49 HD1 would also violate Section 712-1249.4, Hawaii Revised Statutes, relating to the Commercial promotion of marijuana in the first degree by allowing "licensed qualified family farmers" to lease out plots of land to individual patients. Commercial promotion of marijuana in the first degree is a Class A felony.

Further due to the fact that existing Hawaii and Federal laws still consider marijuana a Schedule I controlled substance, all individuals growing marijuana without a State and Federal Controlled Substance research permit would be subject to arrest and the property could be seized and criminally forfeited by Federal law enforcement officers.

In summary, the Department of Public Safety strongly opposes passage of House Concurrent Resolution 49 HD1.

Thank you for the opportunity to testify on this matter.

LINDA LINGLE
Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512

SANDRA LEE KUNIMOTO
Chairperson, Board of Agriculture

DUANE K. OKAMOTO
Deputy to the Chairperson

**WRITTEN TESTIMONY OF SANDRA LEE KUNIMOTO
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON JUDICIARY
TUESDAY, MARCH 25, 2008
4:05 P.M.
ROOM 325**

**HOUSE RESOLUTION NO. 49, H.D. 1
HOUSE CONCURRENT RESOLUTION 49, H.D. 1
REQUESTING THE MAUI COUNTY MAYOR AND COUNTY COUNCIL TO
IMPLEMENT VARIOUS MEASURES REGARDING MEDICAL MARIJUANA IN THE
COUNTY OF MAUI**

Chairperson Waters and Members of the Committee:

Thank you for the opportunity to testify on House Resolution No. 49, H.D. 1 and House Concurrent Resolution 49, H.D. 1. The Department of Agriculture strongly opposes this measure. It is our understanding that this measure is in direct violation of State and Federal law.

000214



CHARMAINE TAVARES
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

March 24, 2008



THOMAS M. PHILLIPS
CHIEF OF POLICE

GARY A. YABUTA
DEPUTY CHIEF OF POLICE

The Honorable Tommy Waters, Chair
And Members of the
Committee on Judiciary
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Waters and Members of the Committee:

SUBJECT: H.C.R. No. 49, HD1, Requesting the Maui County Mayor and County Council to implement various measures regarding Medical Marijuana in the County of Maui.

I am Thomas M. Phillips, Chief of Police of the Maui County Police Department. I am submitting this written testimony expressing my profound opposition to the passage of House Concurrent Resolution No. 49, HD1, requesting the Maui County Mayor and County Council to implement various measures regarding medical marijuana in the County of Maui.

The United States Supreme Court does not recognize medical marijuana, and marijuana is considered a controlled substance under Federal Law and Hawaii State Law. Therefore, it is a federal crime to possess and distribute marijuana whether it is for medicinal, profit, or recreational purposes. This resolution strongly urges the Mayor and County Council of the County of Maui to implement various measures contrary to state and federal law.

This resolution also asked the Mayor and County Council of the County of Maui to develop a Maui County Family Farmer Medical Marijuana Regulation and Revenue Program to tax, regulate and provide safe access to medical marijuana. To license qualified family farmers, designate agricultural zones to accommodate up to 200 qualifying patients to grow marijuana, create an allotment system allowing family farmers to supply medical marijuana, and create an oversight committee to administer implementation of the program.

000215

The Honorable Tommy Waters, Chair
And Members of the
Committee on Judiciary
March 24, 2008
Page 2

To allow such a program will cause the Mayor and County Council of the County of Maui to be a party to breaking federal laws. The potential for abuse will outweigh any benefit this resolution is attempting to provide. Who will be responsible for the security of this agricultural area? Who will stand guard on this sanctioned marijuana growing area and stop those who, at present, are willing to commit burglaries, assaults and homicides to obtain marijuana?

The resolution also suggests that Maui County needs a cash crop to keep the family farmers on the land. First of all, I don't believe that the family farmers on Maui will risk their livelihood on a "crop" which is illegal to grow under state and federal laws, nor the overhead costs which will be associated with the security of such a crop. Do we want to change "Maui, the Valley Isle" to "Maui, the Marijuana Isle"?

The Maui County Police Department strongly urges the non passage of House Concurrent Resolution No. 49, HD1. The passage of this resolution is detrimental to all the efforts implemented to eradicate the use, distribution, sale, manufacture, and cultivation of marijuana in the County of Maui. How can we promote the concept of Drug Awareness, Resistance and Education (DARE) to our children, if our government becomes a part of the problem?

Thank you for the opportunity to testify.

Sincerely,



THOMAS M. PHILLIPS

Chief of Police

000216



TO: HOUSE COMMITTEE ON JUDICIARY

FROM: PAMELA LICHTY, MPH, PRESIDENT

HEARING DATE & TIME: MARCH 25, 2008

RE: HCR 49, HD 1 REQUESTING THE MAUI COUNTY MAYOR AND COUNTY COUNCIL TO IMPLEMENT VARIOUS MEASURES REGARDING MEDICAL MARIJUANA IN THE COUNTY OF MAUI – **IN SUPPORT**

The Drug Policy Action Group is in support of HCR 49, HD 1. This resolution highlights some of the problems facing patients who are registered with the medical marijuana program in our state and offers innovative solutions.

Although the current medical marijuana law permits a qualifying patient to grow a specified amount of cannabis plants, not every person – especially in urban areas – has the space, the knowledge or the capacity to grow their own supply. It is not as easy as one would think and requires some specialized equipment, security arrangements, etc. Moreover many patients are gravely ill and are not capable of the physical exertion required.

Just last week a patient contacted me who had been diagnosed with cancer. His physician had him in chemotherapy by the very next week. Soon thereafter he experienced the severe nausea and other side effects from that regimen. Surely it's both unrealistic and inhumane to expect a newly diagnosed person, still reeling from his diagnosis, to expend his time and energy seeking out a source for cannabis to help him.

Their other option, of course, is to go to the black market for their supply. This is a risky endeavor, especially for the elderly and the sick. Part of the rationale for legalizing medical marijuana in Hawai'i was to eliminate this market, and certainly not to force sick people to resort to the underground, criminal market for their legally permitted medicine. We hear from patients all the time that they do not want to break the law and that's why they want a legal way of acquiring their medicine.

This resolution sketches the outline of a program, a pilot program if you will, to bring the production of medical cannabis under control of agronomists on Maui. The proposed Community Oversight Committee is extremely important since

000217

obviously this would be a complicated undertaking and one that is inherently controversial. There is little detail in this resolution about how such a program should be designed, but you will note that it calls for Maui County to “develop” such a program, so they would be the entity to flesh out the details along with the representatives from the Departments of Health, Public Safety, and Agriculture who are to be part of this committee.

In 2007 New Mexico became the latest state (now numbering 13) to legalize the medical use of marijuana for their residents. Governor Bill Richardson, a strong proponent, signed it into law last year. Their law, while similar to Hawaii’s in many ways, has an Advisory Committee with broad responsibilities. Among these is a requirement to:

“(5) identify requirements for the licensure of producers and cannabis production facilities and set forth procedures to obtain licenses;

(6) develop a distribution system for medical cannabis that provides for:

(a) cannabis production facilities within New Mexico housed on

secured grounds and operated by licensed producers; and

(b) distribution of medical cannabis to qualified patients or their primary caregivers to take place at locations designated by the [Health] Department.”

At this time the New Mexico Department of Health has promulgated rules and they are holding the required public hearings throughout their state. We would be happy to update the Committee on the status of these regulations.

We appreciate that the Committee has taken the time to hear this resolution and to discuss the realistic and compassionate approach that it embodies. We urge you to pass it out. Thank you for the opportunity to testify today.

The Drug Policy Action Group is a sister organization to the Drug Policy Forum of Hawai'i. Since 1993 DPFH has been Hawai'i's leading organization dedicated to promoting responsible, effective, and research-based drug policies.

Drug Policy Action Group · P.O. Box 61233 · Honolulu, HI 96839
phone/fax: 808 988 4386 email: Plichty@hawaii.rr.com

000218



the
**Drug Policy
Forum**
of hawaii

March 25, 2007

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To: Representative Tommy Waters, Chair
Representative Blake Oshiro, Vice Chair and
Members of the Committee on Judiciary

From: Jeanne Y. Ohta, Executive Director

Re: HCR 49 HD1 and HR HD1
Requesting the Maui County Mayor and County Council to Implement
Various Measures Regarding Medical Marijuana in the County of Maui
Hearing: Tuesday, March 25, 2008, 4:05 p.m., Conf. Room 325

Position: Support

The Drug Policy Forum of Hawaii writes in support of HCR 49 HD1 and HR 49 HD1 Requesting the Mayor and the Council of Maui County to Implement Various Measures Regarding Medical Marijuana in the County of Maui.

In my role as executive director, I speak with many patients who participate in the Medical Use of Marijuana Program in Hawaii. I want to emphasize that these are patients who want their use of marijuana to be legal. They want to comply with the law, that's why they obtain the necessary documents and consult with a physician.

The medical marijuana program was implemented as a compassionate care program for seriously ill patients who may alleviate their suffering by using marijuana. We ask that you pass this resolution to support these patients.

Improving Access to Adequate Supply

Hawaii's program allows patients to grow their own marijuana, but for a variety of reasons, many patients are unable to. Some are too sick to tend to the plants; some live in apartments or condominiums; some have had their plants stolen; and some are afraid that people will see their plants. Many patients I speak with are unfamiliar with the illegal market for marijuana or are uncomfortable with obtaining their marijuana through the illegal market.

Efforts need to be made to explore ways to provide a method for patients to obtain marijuana for their medical needs without patronizing the illegal market. It would establish a legal source other than having to grow their own medicine.

P.O. Box 61233
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000219

Federal Interference

Although medical marijuana programs are still not recognized by the federal government and such use is still against federal law; medical marijuana programs have continued to be enacted by states across the country. States have done so because the directors of both the Federal Bureau of Investigation and the Drug Enforcement Administration have stated publicly that their mandate is to pursue drug traffickers who deal in large quantities of illegal drugs. They do not have the resources to pursue medical marijuana patients who are restricted to 7 plants each. There are over 4,000 patients in Hawaii. So, the possibility of federal interference is based more on their priorities and their available resources rather than strictly enforcing federal law.

For a facility which grows marijuana, federal mandatory sentencing laws start at the possession of 100 plants. It would be unlikely that a facility growing less than 100 plants would attract federal attention as the federal government is responsible for only 1% of all marijuana prosecutions. The vast majority of the marijuana prosecutions are done at the state and county levels.

In January 2008 referring to federal raids on California's medical marijuana dispensaries, Northern California's United States Attorney Joseph Russoniello said, "We could spend a lifetime closing dispensaries and doing other kinds of drugs, enforcement actions, bringing cases and prosecuting people, shoveling sand against the tide. It would be terribly unproductive and probably not an efficient use of precious federal resources."

The "Gateway Theory"

While widely promoted in the sixties and seventies, the theory that marijuana is a "gateway" has been largely disproved and is no longer accepted by scientists in the addiction-related fields.

In March 1999, the Institute of Medicine issued a report that stated, "There is no conclusive evidence that the drug effects of marijuana are causally linked to the subsequent abuse of other illicit drugs." In addition, the National Center on Addiction and Substance Abuse says there is no proof that a causal relationship exists between cigarettes, alcohol, marijuana and other drugs; basic scientific and clinical research establishing causality does not exist.

Rand's Drug Policy Research Center in 2002 offers quantitative evidence that any association between marijuana and other drugs can be explained by the individuals' higher propensity to use drugs; not the specific drug itself.

Teen Use of Marijuana

Concerns that teen use of marijuana would increase because of medical marijuana programs are unfounded. In 2005 (and updated in 2007) the Marijuana Policy Project and Mitch Earleywine, Ph.D. of the State University of New York at Albany issued a report that analyzed data to determine teen trends in states with medical marijuana programs. It showed that no state with a medical marijuana law experienced an increase in youth marijuana use.

The 2005 Hawaii Youth Behavior Risk Survey showed a 22% decrease in lifetime use by Hawaii High School students since 1999. (The program was enacted in 2000.)

Physicians Support of Medical Marijuana

The American College of Physicians (ACP), a 124,000 member organization issued a position paper on medical marijuana (February 2008). Among the positions in that paper:

- ACP strongly supports exemption from federal criminal prosecution; civil liability; or professional sanctioning, for physicians who prescribe or dispense medical marijuana in accordance with state law.
- ACP strongly urges protection from criminal or civil penalties for patients who use medical marijuana as permitted under state laws.
- ACP urges review of marijuana's status as a schedule I controlled substance and its reclassification into a more appropriate schedule, given the scientific evidence regarding marijuana's safety and efficacy in some clinical conditions. (Schedule I drugs are drugs with no accepted medical use and high potential for abuse.)

The current Schedule I classification conflicts with reviews of the Institute of Medicine (IOM) which found that scientific studies support the medical use of marijuana for treatment; and that compared with other legal and illegal drugs, including alcohol and cocaine, dependence among marijuana users is relatively rare and dependence is less severe than dependence on other drugs.

The report also explains the concern that marijuana is a "gateway" drug is unfounded and that the IOM concluded that marijuana has not been proven to be the cause or even the most serious predictor of drug abuse. This continued confusion hinders opportunities to evaluate its medical uses and its availability to patients who need it.

We urge the committee to pass this resolution so that Maui County will be encouraged to explore ways to improve access to an adequate supply of marijuana for the seriously ill patients on Maui participating in the Medical Use of Marijuana Program.

Thank you for hearing this resolution and for this opportunity to testify.

JUDtestimony

From: Darryl [REDACTED]
Sent: Monday, March 24, 2008 5:05 PM
To: JUDtestimony
Subject: HR 49 Support Letter

Testimony For HR 49

Committee: House Judiciary Committee
Chair: Rep. Tommy Waters
Vice-Chair: Rep. Blake K. Oshiro
3-25-08 at 4:05 pm in Conference Room 325 Position: SUPPORT Number of copies needed for committee: 17

Aloha Representative,

I am a medical marijuana patient from Maui registered with the State of Hawai'i department of Public Safety. I write to you today to urge your support for House Resolution 49, legislation that seeks to improve Hawaii's medicinal cannabis program. The intent of this resolution is to provide medical marijuana patients "safe access" to their medicine.

It is not in the interest of the public safety of Hawai'i's residents to force our most vulnerable patients, those who do not respond well to standard pharmaceuticals, to be continually forced to the black market for the medicine that their doctors recommend. There have been numerous recent cases of police harrasment towards medical marijuana patients, theft and violence. I no longer want to be treated like a criminal to acquire the medicine my doctor recommended.

Hawaii does not provide for a legal means of supplying marijuana. By recommending patients to form collective and cooperative operations, will allow for individual patients to have their needs met safely and share knowledge and resources in one secure location that is easily transparent to local law enforcement.

The most critical issue facing Hawaii medical marijuana patients is the acquisition of our medicine. It is very difficult for individual patients to grow enough viable product to assure an "adequate supply," and/or find a responsible caregiver how will grow for them. Theft, bugs, disease, lacking knowledge of successful growing techniques and time-consuming trial and error, and dependence on an unethical, unregulated and illegal "black market" are a few of the issues patients face when growing medical marijuana.

In 2000, the legislature found that medical research had discovered a beneficial use for marijuana in treating or alleviating the pain or other symptoms associated with certain debilitating illnesses. However, the legislature also recognized the need to regulate such use, for the health and welfare of our citizens. As a result, regulation of the medical use of marijuana was enacted into law in 2000 in act 228, Session Laws of Hawaii 2000 and codified in part IX, Chapter 329, Hawaii Revised Statutes (HRS).

In its mission statement, the Food and Drug Administration (FDA) declared that its goal is to speed along innovations that make foods and medicines more effective, safer, and more affordable. However, the FDA does not seem to have offered much information on the use of medical marijuana to improve our health. As a result, states have taken the initiative to find evidence to support the proposition that certain diseases and conditions respond favorably to medically controlled use of marijuana.

In 2006, the California attorney general's office joined the American Civil Liberties Union, American for Safe Access, and the Drug Policy Alliance in arguing that state medical marijuana laws are not invalidated by conflicting federal statutes; an opinion previously voiced by Hawai'i's attorney general. The groups argued that while the federal government is free to enforce its ban on medical marijuana, even in states such as Californiua that permit its use, all states remain free to adopt and implement medical

marijuana policies of their own design. An attorney for the Drug Policy Alliance stated that, "The ruling upholds the state of California's sovereign right to fashion common-sense, responsible and compassionate policies for its residents.

The initiative process has been difficult in Maui county. Our 2006 petition drive (the first ever in Maui County) had many beauracratia impediment. Until the last month of the drive, the Maui County Corporate Counsel maintained that only the five members of the petitioners committee could gather all 8000 required signatures to put the ordinance on the ballot. This year, we have received a limited number of wiki-wiki forms (voter registration forms), and have had great difficulty receiving any information from the County in respect to any help we need (including deadlines).

Mahalo for the Oppportunity to testify and urging Maui County to do what is right.

Darryl Amaral Caregiver
Tom Sayle Patient

JUDtestimony

From: Satoshi Hirotsu [REDACTED]
Sent: Monday, March 24, 2008 10:16 AM
To: JUDtestimony
Subject: Testimony For HR 49

Testimony For HR 49
Committee: House Judiciary Committee
Chair: Rep. Tommy Waters
Vice-Chair: Rep. Blake K. Oshiro
3-25-08 at 4:05 pm in Conference Room 325 Position:
SUPPORT
Number of copies needed for committee: 17

Aloha Representative,

I am a medical marijuana patient from Maui registered with the State of Hawai'i Department of Public Safety.

I write to you today to urge your support for House Resolution 49.

The mind-boggling inhumanity of how we treat of our most vulnerable friends and neighbors will some day be judged on par with other failed social experiments such as prohibition and witch hunts. To acknowledge the medical value of cannabis while maintaining laws that render it unavailable for the majority of licensed patients would be comedic if it weren't so tragic.

What would happen if diabetics faced the same challenges in acquiring their insulin? Would you force a diabetic to manufacture his own medicine under the threats of thefts and raids? It's time provide medical marijuana patients with the relief and protection that other patients already enjoy.

Please do not be swayed by the misrepresentations offered by misinformed officials who tend to agendas other than the interests of the people of Maui.

mahalo
Stuart

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JUDtestimony

From: Hot Sauce [REDACTED]
Sent: Monday, March 24, 2008 8:29 AM
To: JUDtestimony
Subject: Brian Igersheim's Testimony of Support for HR 49

Testimony For HR 49

Committee: House Judiciary Committee
Chair: Rep. Tommy Waters
Vice-Chair: Rep. Blake K. Oshiro
3-25-08 at 4:05 pm in Conference Room 325 Position: SUPPORT Number of copies needed for committee: 17

Aloha Representative,

I am a medical marijuana patient from Maui registered with the State of Hawai'i department of Public Safety. I write to you today to urge your support for House Resolution 49, legislation that seeks to improve Hawaii's medicinal cannabis program. The intent of this resolution bill is to provide medical marijuana patients "safe access" to their medicine. I stand by my previous testimony for House Bill 2678 which became HB 2675, still alive in the Senate.

It is not in the interest of the public safety of Hawai'i's residents to force our most vulnerable patients, those who do not respond well to standard pharmaceuticals, to be continually forced to the black market for the medicine that their doctors recommend. There have been numerous recent cases of police harrasment towards medical marijuana patients, theft and violence. I no longer want to be treated like a criminal to acquire the medicine my doctor recommended.

Last September, I personally had a "Green Harvest" Marijuana eradication programs' helicopter land on my property, kill my plants, ultimately return them to me at the police station dead, but became a target for theft in my neighborhood. After a burglary and a machete left at my doorstep, My family and I were forced to move, causing great financial strife. We are not yet on our feet. In this situation and others, the Maui County Police Department failed to do follow the Hawaii Revised Statute, choosing to enforce the federal law that provides them much of their funding. HR 49, urging patients to grow their medicine collectively will provide an easier means for Maui's law enforcement officers to do their jobs

Hawaii does not provide for a legal means of supplying marijuana. By recommending patients to form collective and cooperative operations, will allow for individual patients to have their needs met safely and share knowledge and resources in one secure location that is easily transparent to local law enforcement.

The most critical issue facing Hawaii medical marijuana patients is the acquisition of our medicine. It is very difficult for individual patients to grow enough viable product to assure an "adequate supply," and/or find a responsible caregiver how will grow for them. Theft, bugs, disease, lacking knowledge of successful growing techniques and time-consuming trial and error, and dependence on an unethical, unregulated and illegal "black market" are a few of the issues patients face when growing medical marijuana.

In 2000, the legislature found that medical research had discovered a beneficial use for marijuana in treating or alleviating the pain or other symptoms associated with certain debilitating illnesses. However, the legislature also recognized the need to regulate such use, for the health and welfare of our citizens. As a result, regulation of the medical use of marijuana was enacted into law in 2000 in act 228, Session Laws of Hawaii 2000 and codified in part IX, Chapter 329, Hawaii Revised Statutes (HRS).

In its mission statement, the Food and Drug Administration (FDA) declared that its goal is to speed along innovations that make foods and medicines more effective, safer, and more affordable. However, the FDA does not seem to have offered much information on the use of

medical marijuana to improve our health. As a result, states have taken the initiative to find evidence to support the proposition that certain diseases and conditions respond favorably to medically controlled use of marijuana.

In 2006, the California attorney general's office joined the American Civil Liberties Union, American for Safe Access, and the Drug Policy Alliance in arguing that state medical marijuana laws are not invalidated by conflicting federal statutes; an opinion previously voiced by Hawai'i's attorney general. The groups argued that while the federal government is free to enforce its ban on medical marijuana, even in states such as California that permit its use, all states remain free to adopt and implement medical marijuana policies of their own design. An attorney for the Drug Policy Alliance stated that, "The ruling upholds the state of California's sovereign right to fashion common-sense, responsible and compassionate policies for its residents.

The initiative process has been difficult in Maui county. Our 2006 petition drive (the first ever in Maui County) had many beauracritic impediment. Until the last month of the drive, the Maui County Corporate Counsel maintained that only the five members of the petitioners committee could gather all 8000 required signatures to put the ordinance on the ballot. This year, we have received a limited number of wiki-wiki forms (voter registration forms), and have had great difficulty receiving any information from the County in respect to any help we need (including deadlines).

Mahalo for the Opportunity to testify and urging Maui County to do what is right.

Name: Brian Igersheim

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JUDtestimony

From: Anam Kinsey [REDACTED]
Sent: Monday, March 24, 2008 1:28 PM
To: JUDtestimony
Subject: Testimony For HR 49

Testimony For HR 49

Committee: House Judiciary Committee
Chair: Rep. Tommy Waters
Vice-Chair: Rep. Blake K. Oshiro
3-25-08 at 4:05 pm in Conference Room 325 Position: SUPPORT
Number of copies needed for committee: 17

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Mahalo for the Opportunity to testify and urging Maui County to do what is right.

Name: Chetan Anam Kinsey

000228

JUDtestimony

From: Kathleen Marchetti [REDACTED]
Sent: Monday, March 24, 2008 1:05 PM
To: JUDtestimony
Subject: Testimony

Testimony For HR 49

Committee: House Judiciary Committee
Chair: Rep. Tommy Waters
Vice-Chair: Rep. Blake K. Oshiro
3-25-08 at 4:05 PM in Conference Room 325 Position: SUPPORT
Number of copies needed for committee: 17

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000229

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Mahalo for the Opportunity to testify and urging Maui County to do what is right.

Name: Kathleen D. Notestone


Makawao, HI. 96768

000230

JUDtestimony

From: Brian Murphy [REDACTED]
Sent: Monday, March 24, 2008 1:25 PM
To: JUDtestimony
Subject: HR49 testimonial

Testimony For HR 49
Committee: House Judiciary Committee
Chair: Rep. Tommy Waters
Vice-Chair: Rep. Blake K. Oshiro
3-25-08 at 4:05 pm in Conference Room 325 Position:
SUPPORT
Number of copies needed for committee: 17

Aloha Representative,

I am a medical marijuana patient from Maui registered with the State of Hawai'i department of Public Safety.

I write to you today to urge your support for House Resolution 49, legislation that seeks to improve Hawaii's medicinal cannabis program. The intent of this resolution is to provide medical marijuana patients "safe access" to their medicine.

It is not in the interest of the public safety of Hawai'i's residents to force our most vulnerable patients, those who do not respond well to standard pharmaceuticals, to be continually forced to the black market for the medicine that their doctors recommend. There have been numerous recent cases of police harassment towards medical marijuana patients, theft and violence. I no longer want to be treated like a criminal to acquire the medicine my doctor recommended.

Hawaii does not provide for a legal means of supplying marijuana. By recommending patients to form collective and cooperative operations, will allow for individual patients to have their needs met safely and share knowledge and resources in one secure location that is easily transparent to local law enforcement.

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It is very difficult for individual patients to grow enough viable product to assure an "adequate supply," and/or find a responsible caregiver how will grow for them. Theft, bugs, disease, lacking knowledge of successful growing techniques and time-consuming trial and error, and dependence on an unethical, unregulated and illegal "black market" are a few of the issues patients face when growing medical marijuana.

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Brian J. Murphy

Maui County Family Farmer Regulation and Revenue Ordinance

Section 1: Title

Maui County Family Farmer Regulation and Revenue Ordinance

Section 2: Findings

The people of Maui, Hawai'i find as follows:

WHEREAS: It is the intention of the people of Maui to provide the finest care and to ease the suffering of those citizens who might be in acute pain; and

WHEREAS: Modern research has shown that marijuana is a valuable aid in the treatment of a wide range of clinical applications. These include pain relief -- particularly of neuropathic pain (pain from nerve damage) -- nausea, spasticity, glaucoma, migraines and movement disorders (MS). Marijuana is also a powerful appetite stimulant, specifically for patients suffering from HIV, the AIDS wasting syndrome, or dementia; and

WHEREAS: Dr. Tashkin, the Drug Enforcement Agency's (DEA) often quoted researcher from UCLA who consistently claimed that smoking marijuana causes cancer, released his most comprehensive study in May of 2006 finding no marijuana-cancer connection and indicating that marijuana's medicinal properties are neuroprotective and actually protect the body against malignant tumors; and

WHEREAS: The Data Quality Act, passed by Congress in 2001, clearly states that government agencies must disseminate accurate information; and

WHEREAS: The federal Government (D.E.A., F.D.A.) fail to update public policy according to science and truth, classifying marijuana as a schedule I drug with absolutely no known medical value, failing to take into account anything but smoked marijuana; and

WHEREAS: Vaporization is a "safe and effective" cannabinoid delivery mode for patients who desire the rapid onset of action associated with inhalation while avoiding the respiratory risks of smoking, according to clinical trial data to be published in the journal Clinical Pharmacology & Therapeutics; and

WHEREAS: American Medical Association, American Cancer Society, American Nurses Association, American Society of Addictive Medicine, National Academy of Sciences Institute of Medicine (IOM), The National Institute of Health, Hawaii Nurses Association, the National Commission on Marijuana and Drug Abuse, 13 of the United States, D.E.A. Administrative Judge Francis Young have all published reports validating marijuana having medicinal value; and

WHEREAS: The State of Hawai'i House of Representatives Committee on Health approved House Concurrent Resolution 10 (HCR 10) allowing for safe access, taxing and regulating of medical marijuana; and

WHEREAS: The State of Hawaii House of Representatives adopted HCR 10 after its second reading and the resolution has been deferred by the Committee on Judiciary; and

WHEREAS: A representative on behalf of the Maui County Council testified in front of the Committee on Judiciary clearly stating that the Council does not oppose HCR 10; and

WHEREAS: The State of New Mexico passed legislation in April of 2007 establishing a medical marijuana distribution system; and

WHEREAS: 329-123 HRS has established that marijuana is safe and effective medicine and that medical marijuana certificate cardholders are permitted to acquire, cultivate and possess an "adequate supply" of their herbal medicine on-hand, however the law is not clear on how a patient is to acquire their medicine; and

WHEREAS: D.E.A. Administrative Law Mary Ellen Bittner ruled in February 2007 that the private growth of marijuana for medicinal research is in the public's interest; and

WHEREAS: The National Institute on Drug Abuse (N.I.D.A.) provides a standard dose of smokeable Marijuana to patients in the Compassionate Investigational New Drug (IND) research program. The Federal Government has established that a medical marijuana patient's adequate supply is 6.63 lb. per year; and

WHEREAS: Over 90% of the legal medical marijuana card holders of Maui County cannot meet their own medical needs because of theft, bugs, mold and reliance on an unethical, unregulated, illegal black market; and

WHEREAS: The Maui County family farmers (agriculturally-zoned landowners) are able to supply the medical needs of the community, and

WHEREAS: Maui County needs a cash crop to be able to keep the family farmer on the land; and

WHEREAS: Each year the County of Maui spends tax dollars enforcing marijuana laws; resources that would be better spent fighting violent and serious crimes; and

WHEREAS: The revenue from licensing and taxing the lease of secured land for the growth of individual medical marijuana patients would help fund vital Maui County services; and

WHEREAS: The current laws against marijuana needlessly harm patients who use it for legitimate medical purposes; and

WHEREAS: criminal theft and eradication under color of state law of medical marijuana plants remains one of medical marijuana patient's biggest problems; and

WHEREAS: It is the hope of the people of Maui that state and federal law reform will eliminate the problems and costs caused by marijuana prohibition, which are far greater than the problems of the plant itself; and

WHEREAS: The County of Maui has been, and remains absolutely committed to the protection of civil rights and civil liberties for all of its residents and affirms its commitment to embody democracy and to embrace, defend and uphold the inalienable rights and fundamental liberties granted by the United States' Constitution, the Bill of Rights, the Hawaii State Constitution and the Maui County Charter; and

THEREFORE: The people of Maui do hereby enact the following ordinance establishing the marijuana policy of the County of Maui.

Section 3: AS DEFINITION

"Marijuana" - Means "Marijuana" as currently defined in the Hawaii Health & Safety Code Section 329-123 HRS.

Section 4: AS PURPOSE

The purpose of this ordinance is to:

a) Direct the County of Maui to develop a system to tax and regulate medical marijuana by

licensing family farmers' land-leases/service contracts to individual State of Hawai'i certified medical marijuana patients; as to keep it off the streets and away from children, and to raise revenue for the County;

b) Direct the County of Maui to create an allotment system, licensing agriculturally zoned family farmers of Maui to supply the medical needs of the community by securing, and leasing out plots of land to individual medical marijuana patients. Sixty-percent of all allotments will go to residents that can prove over seventy years of residency in Maui County. Money will only be exchanged over the land lease as to not violate state or federal law.

c) Direct the Maui County Prosecutor to follow and enforce state and county laws pertaining to the medical use of marijuana;

d) Direct the Maui County Council to be a strong advocate for legislative change at both the State and Federal levels.

Section: 5: AS REGULATION

a) The County of Maui shall establish a system to license, tax and regulate medical marijuana. The Maui County Council shall promulgate regulations that do not conflict with state law; and

b) Marijuana family farmers shall be required to pay licensing fees and taxes on land leases to individual patient and be subject to other reasonable safety and regulations standards.

Section 6: AS LICENSING FAMILY FARMERS

a) The County of Maui will issue licenses to agriculturally zoned family farmers to supply the medical needs of the community.

b) The Licensed family farmer may have allotments to allow for the production of marijuana for no more than two hundred State of Hawai'i medical marijuana certificate holders.

Section 7: AS MEDICAL MARIJUANA ALLOTMENT SYSTEM Maui County shall establish a farming program along the lines of the Tobacco Allotment system:

a) For an agriculturally zoned, Maui County Family Farmer to meet and qualify for a medical marijuana allotment (M.M.A.), they will need to create a five-year organic farm plan based on at least two organic crops. The first crop shall be medical marijuana, covering the cost of: land, labor, and start up expenses for the first five years of establishing the second organic crop b) The Licensed family farmer may have an allotment of no more than two hundred State of Hawai'i medical marijuana certificate holders.

Section 8: AS COMMUNITY OVERSIGHT COMMITTEE A Community Oversight Committee shall be appointed to oversee the implementation of the Maui County Compassionate Choice/Family Farmer Regulation and Revenue Ordinance.

The Committee shall be comprised of the 5 qualified voters from this petition committee, and:

- 1 Community member appointed by the Maui County Council,
- 1 Community member appointed by the Mayor of Maui,
- 1 Representative of the Maui County Auditor,
- 1 Representative of Maui County Manager.

Responsibilities of the Committee shall include:

- a) Ensure timely implementation of this ordinance;
- b) Make recommendations to the Maui County Council regarding appropriate regulations, in accordance with Section 5 above;
- c) To form the Committee within 30 days,
- d) To develop a land-lease tax and service tax for medical marijuana farmers and submit allotment, license & tax plan within 60 days,
- e) To vote on plans & submit a final draft to County Council within 90 days,
- f) To issue licenses to Family Farmers that meet the approved plan requirements within 120 days,
- g) Report annually to the Maui County Council on implementation and progress of this ordinance.

Section 9: AS MAUI COUNTY LEGAL PROTECTION

a) Maui County shall defend the State rights of legal State of Hawai'i medical marijuana certificate holders; and

b) The Maui County prosecutor shall follow and enforce state and county laws pertaining to the medical use of marijuana.

Section 10: AS ADVOCACY FOR LEGISLATIVE REFORM Maui County Council shall advocate the will

of the people to support the goals and implementation of this ordinance.

Advocated legislative changes to include:

End the arrest, prosecution imprisonment and law enforcement harrassment of adults for the cultivation, possession, not for profit distribution, and use of medical marijuana; and to be a strong advocate for legislative change at both the State and Federal levels.

Section 11: AS SEVERABILITY

If any provision of this ordinance, or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to persons or circumstances shall not be affected thereby.

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JUDtestimony

From: Terry Murphy [REDACTED]
Sent: Monday, March 24, 2008 2:08 PM
To: JUDtestimony
Subject: <http://mccfdia.com/fortynine.html> - Sent Using Google Toolbar

<http://mccfdia.com/fortynine.html>

Testimony For HR 49

Committee: House Judiciary Committee
Chair: Rep. Tommy Waters
Vice-Chair: Rep. Blake K. Oshiro
3-25-08 at 4:05 pm in Conference Room 325 Position: SUPPORT
Number of copies needed for committee: 17

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Name:
Terry Murphy

000237

JUDtestimony

From: Will Navran [REDACTED]
Sent: Monday, March 24, 2008 9:36 AM
To: JUDtestimony
Subject: HR 49

Committee: House Judiciary Committee
Chair: Rep. Tommy Waters
Vice-Chair: Rep. Blake K. Oshiro
3-25-08 at 4:05 pm in Conference Room 325 Position: SUPPORT Number of copies needed for committee: 17

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William Navran

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C00239

JUDtestimony

From: Kathleen Vierra [REDACTED]
Sent: Monday, March 24, 2008 12:18 PM
To: JUDtestimony
Subject: Testimony for HR49

Testimony for HR49
Committee: House Judiciary Committee
Chair: Rep. Tommy Waters
Vice-Chair: Rep. Blake K. Oshiro
3-25-08 at 4:05 pm in Conference Room 325 Position: SUPPORT Number of copies needed for committee: 17

Aloha Representative,

I am a medical marijuana patient registered with the State of Hawai'i department of Public Safety. I am a 57-year-old conservative Christian female. I was diagnosed with Rheumatoid Arthritis in 1998 and Fybromyalgia in 2002. Throughout the years of treatment I have developed allergic reactions to Rheumatoid Arthritis treatments and other common medications:

Piroxicam,
Methotrexate, Cephalixin, Minocycline, Clindamycin, Hydroxychloroquine, Azathioprine-
Imuranicillamine,
Sulfonamides, Neomy-Bacit-PolymyxPramoxine, Gold, N-SAIDS, Estrogen,
Maxzide, Remicade, Glucosamine, Arava, Rituxan, Beta Adrenergic Blockers, Imatrex

My Kaiser Rheumatologist prescribed Medical Marijuana to me after many treatments failed. With such a sensitive system, my battle with Rheumatoid Arthritis and Fybromyalgia has basically come down to Enbrel, when I can tolerate it, and pain management. I have prescriptions for Vicodin and Morphine Sulfate to use as needed.

During a recent flare-up I had to use regular doses of both Vicodin and Morphine Sulfate since I could not tolerate Enbrel at the time and did not have marijuana. My body was not able to handle these strong narcotics and on February 4, 2008, I lost consciousness and when I came to, I was unable to move the left side of my body. This was not the first time my body has reacted this way to medications and I have had to undergo Physical Therapy to regain function.

When I have marijuana, it alleviates the pain quickly. Since it is a natural herb without synthetic chemicals, my body is able to accept it. However, growing my own marijuana has been a challenge in itself and my supply is not guaranteed. I have had days when the pain of Rheumatoid Arthritis and Fybromyalgia flare-ups have been so severe, I have not been able to get out of bed. Marijuana helps me function normally.

If there were some legal means to access marijuana or have assistance in growing it, I know the quality of my life would be greatly improved. I hope a system can be established to help people like myself get relief legally and consistently.

Sincerely,

Kathleen Vierra