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GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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Honolulu, Hawaii 96814

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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 Health
Representative Josh Green, Chair
Representative John Mizuno, Vice Chair

Friday, March 14, 2008, 9:00 a.m.
State Capitol, Room 329

Representative Green, Representative Mizuno, and Members of the Committee:

The Department of Public Safety strongly opposes House Concurrent Resolution 49 that if passed, 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 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 would allow each licensed family farmer to produce marijuana for up to two 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 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 possess, cultivate, or have under the person's control one hundred or more marijuana plants; or cultivate on land owned by another person, including land owned by the government or other legal entity, twenty-five or more marijuana plants, unless the person has the express permission from the owner of the land to cultivate the marijuana or the person has a legal or an equitable ownership interest in the land or the person has a legal right to occupy the land. 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. Moreover, the property could be seized by and criminally forfeited to Federal law enforcement officers.

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

Thank you for the opportunity to testify on this matter.

mizuno1-Edgar

From: Amanda Murphy [amandajanis@yahoo.com]
Sent: Thursday, March 13, 2008 12:43 PM
To: HLTtestimony
Subject: Amanda Murphy's testimony for HCR 49

email: HLTtestimony@Capitol.hawaii.gov

Testimony For HCR49

Committee: Health

Chair: Rep. Josh Green

Vice-Chair: Rep. John Mizuno

3-14-08 at 10:00 in House Conference Room 329

Position: SUPPORT

Number of copies needed for committee: 11

Aloha Representative,

I am a medical marijuana patient registered with the State of Hawai'i department of Public Safety. I write to you today to urge your support for HCR 49, legislation that seeks to improve Hawaii's medicinal cannabis program. The intent of this bill 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 continually force our most vulnerable patients, those who do not respond well to standard pharmaceuticals, 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 recommends.

Hawaii does not provide for a legal means of supplying marijuana. Discussing and acknowledging the right of patients to form **secure** collective and cooperative operations will allow for individual patients to have their needs met safely. This way, many patients can have an operation together, sharing 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 issues patients face when growing medical marijuana. Allowing patients to grow more plants, particularly in secure growing facilities, and possess more "usable product" will only ensure patients' safe access to medicine during times when issues arise.

It is very telling that in testimony to the Health Committee, the only opposition to HB 2675 came from

3/13/2008

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law enforcement officers and state and county prosecutor's offices. Doctors, patients and the legislature have supported an initiative to further protect patients. Last week, the American College of Physicians, a 124,000-member group that is the nation's largest for doctors of internal medicine, called on the federal government to ease its strict ban on marijuana as medicine and hasten research into the drug's therapeutic use. Meanwhile, Maui Police Chief Thomas Phillips testified against HB2675 claiming: "Marijuana as medicine is questionable at best, and debatable in scientific circles." He continued on, "We at the Maui Police Department do not support medical marijuana in its entirety." Apparently, he seeks to continue to treat medical marijuana patients like criminals, enforcing his agenda while failing to perform his duties as guided by the state law.

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.

Further research on the medical efficacy is in the best interests of the state and the state's medical marijuana patients. Marijuana is currently classified as a schedule I controlled substance pursuant to section 329-14, HRS, which is a category designated for substances that have no medical value. This neither reflects the results of scientific research, past legislative action, nor the medical laws in at least 14 states. For the public safety of the citizens of Hawai'i, it may be worth considering changing the classification to a schedule III controlled substance.

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.

Mahalo for the Opportunity to testify.

Name:
Amanda Murphy

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mizuno1-Edgar

From: jens@stepaheadpro.com
Sent: Thursday, March 13, 2008 12:40 PM
To: HLTtestimony
Subject: Jens Bishop's testimony for HCR 49

email: HLTtestimony@Capitol.hawaii.gov

Testimony For HCR49

Committee: Health
Chair: Rep. Josh Green
Vice-Chair: Rep. John Mizuno
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It is very telling that in testimony to the Health Committee, the only opposition to HB 2675 came from law enforcement officers and state and county prosecutor's offices. Doctors, patients and the legislature have supported an initiative to further protect patients. Last week, the American College of Physicians, a 124,000-member group that is the nation's largest for doctors of internal medicine, called on the federal government to ease its strict ban on marijuana as medicine and hasten research into the drug's therapeutic use. Meanwhile, Maui Police Chief Thomas Phillips testified against HB2675 claiming: "Marijuana as medicine is questionable at best, and debatable in scientific circles." He continued on, "We at the Maui Police Department do not support medical marijuana in its entirety." Apparently, he seeks to continue to treat medical marijuana patients like criminals, enforcing his agenda while failing to perform his duties as guided by the state law.

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Mahalo for the Opportunity to testify.

Name:
Jens Bishop

mizuno1-Edgar

From: Hot Sauce [greenfigital@hotmail.com]
Sent: Thursday, March 13, 2008 12:37 PM
To: HLTtestimony
Subject: Brian Igersheim's testimony for HCR 49

email: HLTtestimony@Capitol.hawaii.gov

Testimony For HCR49

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Mahalo for the Opportunity to testify.

Name:
Brian Igersheim

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