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MAYOR

OUR REFERENCE
YOUR REFERENCE

LATE TESTIMONY

POLICE DEPARTMENT COUNTY OF MAUI

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March 13, 2008



THOMAS M. PHILLIPS
CHIEF OF POLICE

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

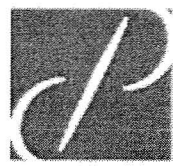
Dear Chair Green and Members of the Committee:

SUBJECT: H.C.R. No. 49, 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, 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.



the
**Drug Policy
Forum**
of hawaii

March 14, 2007

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To: Representative Josh Green M.D., Chair
Representative John Mizuno, Vice Chair and
Members of the Committee on Health

From: Jeanne Y. Ohta, Executive Director

Re: HCR 49 Requesting the Maui County Mayor and County Council to
Implement Various Measures Regarding Medical Marijuana in the County
of Maui
Hearing: Friday, March 14, 2008, 10:00 a.m., Room 329

Position: Support

The Drug Policy Forum of Hawaii writes in support of HCR 49 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.

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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.

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.)

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.