



## STATE TESTIMONY

**TO:** HOUSE COMMITTEE ON JUDICIARY

**FROM:** PAMELA LICHTY, PRESIDENT

**HEARING DATE & TIME:** MARCH, 13, 2008, 3:15 p.m., ROOM 325

**RE:** SB 945, PROPOSED HD 1, RELATING TO ETHICS – IN OPPOSITION

DPAG is strongly opposed to the proposed House Draft 1 of SB 945 which would mandate the drug testing of all elected officials in the state of Hawaii.

This is truly a bill which addresses a non-problem. As we have said in other contexts, job performance and accountability are what we should be judging in our elected officials (and in all other public servants for that matter.) Any performance issue caused by a drug or alcohol problem should be apparent to others. If it is not evident in the person's work performance, than we would argue that it is not a problem by definition.

The Drug Policy Action Group has no objection to drug testing for cause, i.e. if there is "reasonable suspicion" that they are using an illegal drug, but drug testing officials upon their certification to see what is in their bloodstream is incredibly demeaning to these people who the voters have entrusted.

Even with suspicion-based drug testing, there are still many potential problems. Some of the factors to consider are:

- It would be extremely costly, at least \$17-35 per person plus confirmatory tests (the cheaper saliva test has been not been FDA approved)
- It would be demeaning to the officials and undermine morale
- It would violate individuals' privacy and undermine their constitutional rights
- It would be subject to false positives and their consequences
- It would take valuable time away from the duties of these individuals
- It would divert scarce resources from the state coffers
- It will not effectively identify officials with serious drug problems
- It may lead to unintended consequences such as persons turning to less detectable but more dangerous drugs
- It will send the message that alcohol and tobacco use are of less concern
- It will reveal that resources are not in place to assist those officials who test positive

It is often asked why people of good character are not more inclined to public service. Institute this bill and you will certainly worsen that problem. I hope that if you pass this measure with this language intact you will at least provide an exception for persons registered with the state's medical marijuana program. Such an exemption would be necessary because people holding a

blue card do not hold a “valid prescription” for cannabis as it is not prescribable under state or federal law.

We urge the Committee to re-think this highly problematic measure. Mahalo for the opportunity to testify.

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

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