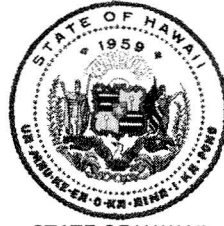


LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Blvd. 4th Floor
Honolulu, Hawaii 96813

CLAYTON A. FRANK
DIRECTOR

DAVID F. FESTERLING
Deputy Director of
Administration

TOMMY JOHNSON
Deputy Director
Corrections

JAMES L. PROPOTNICK
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE RESOLUTION 67
RELATING TO MARIJUANA
Clayton A. Frank, Director
Department of Public Safety

Committee on Public Safety
Representative Faye P. Hanohano, Chair
Representative Henry J.C. Aquino, Vice Chair

Thursday, March 12, 2009, 10:15 AM
State Capitol, Room 309

Representative Hanohano and Members of the Committees:

The Department of Public Safety does not support House Resolution 67, which insinuates that State and County law enforcement officers do not follow State law relating to Hawaii's Medical Use of Marijuana program delineated under Chapter 329, Part IX, Hawaii Revised Statutes.

Since 2000, the Department's Narcotics Enforcement Division (NED) has worked very closely with county law enforcement officers in providing medical use of marijuana permit verifications. During FY 2008, NED conducted 271 medical use of marijuana verification checks for county, federal and state law enforcement agencies. In FY 2009, NED has already conducted 190 medical use of marijuana verifications for law enforcement agencies. Of these 190 law enforcement verification checks in FY 2009, NED has only received 11 cases relating to patients or caregivers arrested for violating the program due to

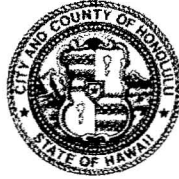
possession of more than the authorized number of marijuana plants or processed marijuana. NED has received numerous verification calls resulting in an individual being released without arrest or seizure of the patients' plants due to the ability of law enforcement officers to contact NED 24 hours a day, 7 days a week to verify a patient or caregiver's medical use of marijuana certificate status.

The Department feels that House Resolution 67 is not necessary and derogatory in nature to Hawaii's hard working law enforcement officers. For these reason the department cannot support House Resolution 67 and asks that it be held.

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
KARL A. GODSEY
DEPUTY CHIEFS

OUR REFERENCE LH-TA

March 12, 2009

The Honorable Faye P. Hanohano, Chair
and Members
Committee on Public Safety
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Hanohano and Members:

Subject: House Resolution No. 67, Requesting State and Local Law Enforcement Officers to Abide by State Laws Relating to the Medical Use of Marijuana

I am Lester Hite, captain of the Narcotics/Vice Division, Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes House Resolution No. 67, Requesting State and Local Law Enforcement Officers to Abide by State Laws Relating to the Medical Use of Marijuana. The purpose of this resolution is to remind state and local law enforcement officers about our duty to obey the law. The medical marijuana law was enacted to discourage people from exploiting Hawaii's medical marijuana program for their own benefit. We are well aware of the medical marijuana law of this state and do not need a resolution to remind us of our obligation to obey the law.

The Honolulu Police Department urges you to oppose House Resolution No. 67, Requesting State and Local Law Enforcement Officers to Abide by State Laws Relating to the Medical Use of Marijuana.

Thank you for the opportunity to testify.

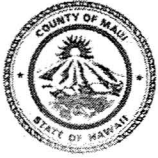
APPROVED:

Sincerely,


BOISSE P. CORREA
Chief of Police


LESTER HITE, Captain
Narcotics/Vice Division

Serving and Protecting With Aloha



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



THOMAS M. PHILLIPS
CHIEF OF POLICE

GARY A. YABUTA
DEPUTY CHIEF OF POLICE

March 10, 2009

The Honorable Faye P. Hanohano, Chair
And Members of the Committee on Public Safety
House of Representatives
State Capitol
Honolulu, HI 96813

Dear Chair Hanohano and Members of the Committee:

SUBJECT: House Resolution No. 67, Requesting State and Local Law Enforcement Officers to Abide by State Laws Relating to the Medical Use of Marijuana

House Resolution No. 67 requests that State and local law enforcement officers abide by State laws relating to the medical use of marijuana, thus, issuing a direct accusation to all law enforcement officers in the State of Hawaii that they are violating the laws that they swore to protect.

All searches and seizures of qualified patients were done because they failed to follow State laws regarding the medical use of marijuana. Patients were selling marijuana for profit and growing or possessing more marijuana plants than allowed by this very law. This resolution failed to indicate this point.

In all of my years of police service, I have never been accused of violating the law. To have our legislators accuse all law enforcement in this State of violating the laws they swore to protect is outrageous, disrespectful, and shameful.


This lopsided resolution sends a loud and clear message to all law enforcement officers in the State of Hawaii that you don't have trust or belief in them and are calling them criminals! And, that you would make a statement such as this without looking at all the facts and circumstances of each search, seizure, and arrest of patients, who were in violation of the very law, made to help them.

The Honorable Faye P. Hanohano, Chair
Committee on Public Safety
March 10, 2009
Page 2

I am disgusted with this resolution, and ashamed of all of you who would support such an untruthful and biased act. I hope you realize the accusations you make are wrong.

Thank you for the opportunity to testify.

Sincerely,



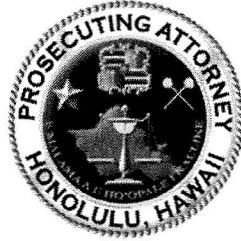
THOMAS M. PHILLIPS
Chief of Police

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

PETER B. CARLISLE
PROSECUTING ATTORNEY

Douglas S. Chin
FIRST DEPUTY PROSECUTING ATTORNEY



THE HONORABLE FAYE HANOHANO, CHAIR
HOUSE COMMITTEE ON PUBLIC SAFETY
Twenty-fifth State Legislature
Regular Session of 2009
State of Hawai`i

March 12, 2009

**RE: H.R. 67; REQUESTING STATE AND LOCAL LAW ENFORCEMENT OFFICERS
TO ABIDE BY STATE LAWS RELATING TO THE MEDICAL USE OF
MARIJUANA.**

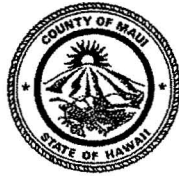
Chair Hanohano and members of the House Committee on Public Safety, the Department of the Prosecuting Attorney submits the following testimony in opposition to H.R. 67

The purpose of this resolution is to urge that state and local law enforcement officers be requested to abide by state laws regarding the medicinal use of marijuana.

Since its inception, the state's medical marijuana program has been operated with verification component where the department of public safety permits local and state law enforcement officers twenty-four hour access to the medical marijuana registry information so that officers may substantiate claims that persons possessing or cultivating marijuana are legally entitled to do so. Given this feature, Honolulu police have been able to obtain timely information on the medical marijuana status of persons and take action in accordance with the information. We have not heard of any problems with enforcement actions taken with respect to medical marijuana on Oahu, so we believe this resolution is unnecessary as it relates to enforcement in the City and County of Honolulu.

Thank you for this opportunity to testify.

CHARMAINE TAVARES
Mayor



BENJAMIN M. ACOB
Prosecuting Attorney
PETER A. HANANO
First Deputy Prosecuting Attorney

DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
150 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7777 • FAX (808) 270-7625

February 4, 2009

HONORABLE FAYE P. HANOHANO, CHAIR
HONORABLE HENRY J.C. AQUINO, VICE CHAIR
COMMITTEE ON PUBLIC SAFETY

HOUSE OF REPRESENTATIVES
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2009
STATE OF HAWAII

TESTIMONY OF BENJAMIN M. ACOB,
PROSECUTING ATTORNEY FOR THE COUNTY OF MAUI,
IN OPPOSITION TO H.R. NO. 67
REQUESTING STATE AND LOCAL LAW ENFORCEMENT OFFICERS TO ABIDE BY
STATE LAWS RELATING TO THE MEDICAL USE OF MARIJUANA

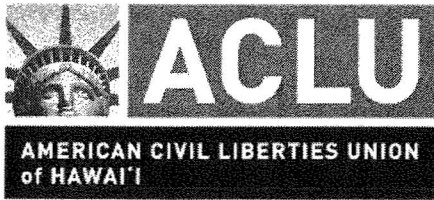
The Honorable Chairpersons and Committee Members:

The Department of the Prosecuting Attorney for the County of Maui opposes the passage of H.R. 67 Requesting State and Local Law Enforcement Officers to Abide by State Laws Relating to the Medical Use of Marijuana.

The Resolution's implication that local law enforcement agencies have not abided by state law is troubling. As far as the County of Maui is concerned, our Department is unaware of any case where Maui County law enforcement officers have not abided by state laws pertaining to medical marijuana. Granted, there are some instances where medical marijuana individuals were arrested for marijuana related offenses due to alleged violations of state law. For example, these individuals either possessed marijuana in an amount which exceeded the allowable legal limit, or illegally distributed marijuana.

Accordingly, for the reasons discussed above, our Department believes that the Resolution is unnecessary as it relates to enforcement in the County of Maui. Thank you for the opportunity to testify.

(H.R. 67, Requesting State and Local Law Enforcement Officers to Abide by State Laws Relating to the Medical Use of Marijuana)



Via E-mail: PBSTestimony@Capitol.hawaii.gov
Committee: Committees on Public Safety
Hearing Date/Time: Thursday, March 12, 2009, 10:15 a.m.
Place: Room 309
Re: Testimony of the ACLU of Hawaii in Support of HR 67

Dear Chair Hanohano and Members of the Committees on Public Safety:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) supports HR 67, which requests that state and local law enforcement officers abide by state laws relating to the medical use of marijuana.

The Hawaii state legislature, in its wisdom, passed Act 228 to ensure that seriously ill people were not penalized by the State for their medical use of marijuana after carefully considering the benefits the drug provides for people who suffer from uncontrollable pain, and weighing those benefits against the way federal law considers cannabis. With their actions against medical marijuana users, state and local law enforcement officers have attempted to thwart the Legislature and that sensible law. HR 67 will serve to clear the way for the state to run their sensible, conservative medical marijuana program by removing the threat of arrest by state and local law enforcement that currently hangs over participants in the program.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Lois K. Perrin
Legal Director
ACLU of Hawaii

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawaii'i 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org



the
**Drug Policy
Forum**

February 12, 2009

To: Representative Faye Hanohano, Chair
Representative Henry Aquino, Vice Chair and
Members of the Committee on Public Safety

From: Jeanne Ohta, Executive Director

RE: HR 67 Requesting State and Local Law Enforcement Officers to Abide by
State Laws Relating to the Medical Use of Marijuana
Hearing: February 12, 2009, 10:15 a.m., Room 309

Position: Strong Support

I am Jeanne Ohta, Executive Director of the Drug Policy Forum of Hawai'i. Thank you for this opportunity to testify in strong support of HR 67.

HR 67 merely asks that local state and county law enforcement officers abide by the state law on medical marijuana which permits patients participating in Hawai'i's medical marijuana program to possess a certain specified amount of marijuana.

In December 2008, the U.S. Supreme Court refused to review a California appellate court decision from November 28, 2007 which found "it is not the job of the local police to enforce the federal drug laws." (*California Fourth Appellate District Court, City of Garden Grove v. Kha*)

Better adherence to Hawai'i's medical marijuana laws by local police will result in fewer needless arrests and seizures. Local law enforcement officers cannot arrest medical marijuana patients or seize their medicine simply because they prefer the contrary federal law or because they disagree with the medical marijuana program.

It has become very apparent that various law enforcement officials in Hawai'i do not support the medical marijuana program. However, Hawai'i's medical marijuana program was established out of compassion for seriously ill patients. It is the duty of state and county law enforcement to uphold state law which protects these patients.

DPFH urges the committee to pass HR 67.

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P.O. Box 61233
Honolulu, HI 96839

Phone: (808)-988-4386
Fax: (808) 373-7064

Email: info@dpfhi.org
Website: www.dpfhi.org

From: Nathan Clark [natclark@yahoo.com]
Sent: Wednesday, March 11, 2009 9:07 AM
To: PBStestimony
Subject: Testimony

Categories: Green Category

Testimony submitted by Nathan Clark

House Committee on Public Safety

March 12, 2009 at 10:15am

HR 67 Requesting State and Local Law Enforcement Officers to Abide By State Laws Relating to the Medical Use of Marijuana

STRONG SUPPORT

I am not a medical marijuana patient at this time, but was one in the past and could easily qualify for it again if I trusted the program. As a resident of the state of Hawaii, I look to our state and local police for protection. It is my understanding that their motto is to protect and serve. But who are they protecting and serving, the DEA's interests or the people of Hawaii?

Medical marijuana is a state law that around 85% of the residents on the Big Island support. Yet numerous arrests are still being made of medical marijuana patients within their limits by state and local authorities.

Again, I ask who are they protecting and serving? Who are YOU protecting and serving? I would like to feel safe when I see law enforcement, instead I feel like a Jew in Nazi Germany being harassed by the Gestapo. My heart skips a beat and I feel anxiety. This is a persecution of sick and dying people who don't want the medications of the corporate pharmaceutical companies or who can't afford them, even if they did.

Also, why should it be up to a probation officer in the state of Hawaii whether or not his probationers are allowed to use medical marijuana? Where does he get his medical authority? Why would it be OK for one of his probationers to get a prescription for an opiate that is highly addictive and costly, but not be allowed a blue card for medical marijuana that is legal in the state of Hawaii? Medical marijuana could be grown by the patient saving them money and is not addictive like prescription pain meds. WHY is medical marijuana treated different than other prescription drugs?

Also if a patient needs to travel inter-island they aren't currently allowed by the TSA to bring their medical marijuana yet they can bring their highly addictive pain meds with no problem. And what about tourists from other med-pot states coming to Hawaii? Why can't they bring their meds with them so they don't have to go to the black market when they get here? Why can't Hawaiian med-pot patients travel to other med-pot states with their meds? Why are people of other medications allowed to do so, but med-pot patients are treated differently? Why isn't there an agreement between med-pot states protecting med-pot tourists?

Please help protect and have compassion for the legal medical marijuana patients of Hawaii and vote for HR 67.

Thank you,

Nathan Clark

PO Box 492692
Kea'au, HI 96749

From: Kevin Diminyatz [kevindiminyatz@gmail.com]
Sent: Wednesday, March 11, 2009 11:15 AM
To: PBStestimony
Subject: Testimony submitted by Kevin Diminyatz

Categories: Green Category

House Committee on Public Safety

March 11, 2009 at 11:15am

HR 67 Requesting State and Local Law Enforcement Officers to Abide By State Laws Relating to the Medical Use of Marijuana

STRONG SUPPORT

I am a medical marijuana patient residing on the Big Island.

Patients living on the outer islands must travel to Honolulu for treatments such as chemotherapy and need medical marijuana to ease our symptoms. We are prohibited from traveling inter-island and there are no dispensaries to obtain medical marijuana on other islands, so we are left to either suffer or to transact on the black market.

Please vote in favor of HR 67, and make sure that state law is applied with regard to the medical marijuana program.

Respectfully submitted,

Kevin Diminyatz
PO Box 1234
Volcano, HI 96785

From: Georgia Pinsky [georgiaroots@gmail.com]
Sent: Wednesday, March 11, 2009 10:50 AM
To: PBStestimony
Subject: concerning the mmj, HR 67

Categories: Green Category

Aloha

I am writing because I heard this committee will be considering a resolution for State and Local Law Enforcement to abide by State MMJ Laws.

Those residents here in Hawaii that are sick, and are patients utilizing The Medical Marijuana/Cannabis need to know that they are not in danger of being arrested for a prescription.

This consistent sense of fear in one's head is unhealthy, and does not promote healing and health. These are patients without the time to be in fear. Those of us who are sick, and need help, need to know that we're (all of us) are behind the 100%!

Please support this Resolution, HR 67, and request our law enforcement to abide by state law.

Thanks for your Time
Georgia

--

Pupukahi i holomua = unite to move forward

UHHSA Legislative Delegation 2009
Chair and Delegate

University Radio Hilo
Business Manager
www.uhhradio.com

Ke Kalahea Student Newspaper
Business Manager

Active Participant, BobM Concert & Ag Fair creation committee
<http://eventful.com/hilo/events/1st-annual-bob-marley-day-concert-agricultural-fair-/E0-001-018163771-1>

Mr. K's Recycle & Redemption Center
815 Kino'ole Street
Give me a HI 6 today!

From: Matt Rifkin [mattrifkin28@gmail.com]
Sent: Wednesday, March 11, 2009 7:42 AM
To: PBStestimony
Cc: rephahohaho@capitol.hawaii.gov
Subject: Testimony

Categories: Green Category

Testimony submitted by Matthew Rifkin

House Committee on Public Safety

March 12, 2009 at 10:15am

HR 67 Requesting State and Local Law Enforcement Officers to Abide By State Laws Relating to the Medical Use of Marijuana

STRONG SUPPORT

I am a medical marijuana patient residing on the Big Island.

I recently traveled to Honolulu and asked both TSA and airport security if the statement by US Attorney General Holden that the Federal Government would no longer interfere with state medical marijuana law would allow me to travel inter-island with my medicine. Unfortunately, I was informed that their policy had not changed, and that I would be arrested.

This is unfair. If a patient can travel with a prescription medication such as vicodin or oxycontin, I should be able to travel with my medical marijuana within the state.

The TSA is a Federal agency, but their main concern is finding guns, knives and/or bombs that would be a danger to passengers. They should not impede someone who is in compliance with state law.

The airport security officers are generally retired policemen, and as I understand it, they contact the Sheriff, who would actually make the arrest. HR 67 perfect for this situation...it would make clear that if a patient has the proper identification there should be no arrest by a law enforcement officer, because the officer is required to apply state law and not Federal.

Patients living on the outer islands must travel to Honolulu for treatments such as chemotherapy and need medical marijuana to ease our symptoms. We are prohibited from traveling inter-island and there are no dispensaries to obtain medical marijuana on other islands, so we are left to either suffer or to transact on the black market.

Please vote in favor of HR 67, and make sure that state law is applied with regard to the medical marijuana program.

Respectfully submitted,

Matthew Rifkin
HC 1, Box 4078

From: Sandra Winter [mommakitty_007@hawaiiantel.net]
Sent: Wednesday, March 11, 2009 3:56 PM
To: PBStestimony
Subject: HR 67 Requesting State and Local Law Enforcement Officers to Abide By State Laws Relating to the Medical Use of Marijuana

Aloha!

I am a medical marijuana patient residing on the Big Island.

I recently traveled to Honolulu and asked both TSA and airport security if the statement by US Attorney General Holden that the Federal Government would no longer interfere with state medical marijuana law would allow me to travel inter-island with my medicine. Unfortunately, I was informed that their policy had not changed, and that I would be arrested.

This is unfair. If I can travel with a prescription medication such as vicodin, percocet and valium, I should be able to travel with my medical marijuana within the state.

The TSA is a Federal agency, but their main concern is finding guns, knives and/or bombs that would be a danger to passengers. They should not impede someone who is in compliance with state law.

The airport security officers are generally retired policemen, and as I understand it, they contact the Sheriff, who would actually make the arrest. HR 67 perfect for this situation...it would make clear that if a patient has the proper identification there should be no arrest by a law enforcement officer, because the officer is required to apply state law and not Federal.

I must travel to Honolulu for treatments such as chemotherapy, MRI's and other procedures. I need my medical marijuana to ease my pain and help gain appetite. I have went from 120 lbs. down to 82 lbs. suffering with cancer. There are no dispensaries or seed sources to obtain medical marijuana on any islands, so I am left to either suffer or to transact on the black market, which I cannot afford.

Please vote in favor of HR 67, and make sure that state law is applied with regard to the medical marijuana program.

A very compliant patient,

Sandra C. Winter