



Re: My Testimony

Wednesday, March 18, 2009 7:34 PM

From: "bdperreira@yahoo.com" <bdperreira@yahoo.com>
To: rc@honoluluusa.org

House Judiciary Committee
March 19, 2009 At 2:00 p.m.
SB1058_SD2 Relating To Controlled Substances
March 19, 2009

Im A Medical Cannabis User I Have Been A Patient Under A Doctors Care For The Lasst Two Years Im Honored And Grateful To Be Registred To Use Cannabis Legally Patients Like Myself Use Cannabis As An Alternative Over Our Prescribed Medicines That Sometimes hinder A Patients Progress To His/Her Better Health Or Ease Of Healings Because Of Side Effects That And Im Speaking From My Very Own Experiences Its More Of A Deterent Taking Prescribed Medicines Sometimes But As Ive Been Using Cannabis For Medicinal Purposes And Enhancing It As Needed Between My Pharmeceuticals That Im Taking Daily My Quality Of Life Has Improved To 50% To 60% Percent Better In Tolerance And My Many Aches And Pains Has Subsided To A Level That Gives Me Gratifying Pleasure Of Being Here Today But You Dont Know The Adequate Supply Is Ok For The Short Term But The So Called Adequate Supply Legal Limit Isnt Going To Be Adequate Supply Under These Terms Unless You Know How To Time Your Growing Cannabis Medicinly Correctly And Still Be Under The Legality Of Adequate Supply Under These Terms Without Risk Of Being A Criminal Whos Just Trying To Keep An On-going Adequate Supply For His/Her Personal Use without Running Out Of His/Her Medicine Under The Terms He /She Follows By Being Compliant So He/she Doesnt Lose His/Her Priviliges To Be A Cannabis Medical Patient In Hawaii Thank You Very Much

House Judiciary Committee
March 19, 2009 2:00 p.m.
SB 1058, SD2 - Relating to Controlled Substances

Position: Strongly Support with Amendment

Good afternoon Chair and distinguished members. I thank you for the opportunity to submit testimony for this bill, and I will only take a moment of your time today.

I am the director of the Honolulu, Hawaii chapter of Americans for Safe Access, and am one of the over 4,000 legally registered medical cannabis patients here in Hawaii.

I am here today representing over 300 current ASA members in the State of Hawaii asking that this bill be amended to include a task force which will be set up to find ways which the current Hawaii Medical Marijuana Program can be improved to better meet the needs of the seriously ill patients in the state.

Currently the medical marijuana program in Hawaii is seriously lacking in meeting the needs of the patients, which it was originally enacted to protect and provide for.

Safe Acquisition, Distribution, Plant Limits, and Inter Island Transport are the main defects that are not adequately addressed, or are not addressed at all in the current program.

A task force needs to be set up which can look at these issues and find the best way to provide for the safety and needs of the seriously ill of the state.

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As you are already aware, the United States Attorney General just this week has issued a statement that the DEA will stop prosecuting medical marijuana patients who are following the laws within their state. Unless the person is breaking both federal and state law, they will no longer intervene. Now is the time for the elected officials of Hawaii to step up and take care of the needs of their constituents regarding medical marijuana.

With the amendment of the addition of a task force to study the medical marijuana program and to find solutions to its defects, we urge you to vote favorably on this bill, and we ask that you keep the wishes of the seriously ill patients of Hawaii in your mind, and that you represent us accordingly.

Once again, I thank you for your time, and for allowing me the opportunity to provide testimony today, and I am available if you have any questions.

Dr. RC Anderson, Ph.D.
Director
Honolulu ASA

(808) 352-5815

*Please Pass w/ Amendments in next Draft
MARIJUANA*

To: JUDtestimony@capitol.hawaii.gov
Topic: SB 1058, SD2



Committee on Judiciary, Jon Riki Karamatsu, Chair
Committee on Public Safety, Faye Hanohano, Chair

Its time to make a workable program for the medical marijuana needs of Hawaii and at the same time create a economic Farm base. Please pass SB1058 w/ amendments.

Request that the bill include an amendment that would set up a working group to study changes and make recommendations to address patient concerns with the current medical marijuana program.

Medical Marijuana Sustainable Family Farm Plan

To qualify for a Medical Marijuana Allotment License(M.M.A) The farmer will need to create a five year organic farm plan which is based on at less two organic crops. The first crop will be the Medical Marijuana Allotment which would cover the cost of Land, Labor & start up expense.

Let's use a second crop example, organic vegetables. The cost of the land, buildings, equipment, tools and labor would be covered by the M.M.A. At the end of the fifth year the land and all farming expenses will have been paid and a Family farm has been created! The path to self Sustainable Farms is real, and it's time to tap this resource.

The Dept. of Ag. would work with family farmers creating farm plans that would both meet local needs, and create a local supply of food and medical products used here in Hawaii. Hawaii through small local farmers, could create & register specific various strains, bake goods, tinctures and other Hawaii cannabis Products. What we need to do is create a farming source, which ultimately could put Hawaii in the fore front of the Nation.

Anywhere in the world you say "Maui WoWie" people think of the best cannabis available! we are looking at the start up of a multi-Billion Dollar National Industry, based in Hawaii!

HB1191 support Hawaii's over 4000 medical marijuana patients. This alone will create 285 local sustainable family farms! Due to the effectiveness of the medicine, the current national trend is increasing.

Reciprocity for visitors from other medical marijuana states, would inflate these figures substantially.

HB1191 Tax

There would be a State of Hawaii medical marijuana tax stamp! All farmers would pay \$.50 per gram for finished medical grade marijuana or marijuana product for medical use. A stamp would be required to be on all container that hold medical marijuana products.
Medical Tax @ .50 = \$14.00 per OZ. per month = 3 oz X \$14.00= \$42.00 per patient
\$2,016,000.00 first year tax (with 4000 patients using 3 oz per month).

Would you support the following amendments to SB1058 SD1 Request that the bill include an amendment that would set up a working group to study changes and make recommendations to address patient concerns with the current medical marijuana program.

Section II

Create a working Group, to report back within 120 days of enactment of SB1058 with a model Farm Plan for the cultivation of medial Marijuana for the over 4000 medical marijuana patients. This Farm Plan will take into account Small Farm Sustainability. This working group will use HB1191 to formulate a Farm Plan. The working group will be made up as followed

**Chair Ag.
Attorney Gen. Office
Chair Economic development
Chair of Finance
Chair PS
Chair JUD
Self Sustainability Groups
Small Farmer Organization, from each Island
Marijuana Researcher/Patient**

120 days after enactment of SB1058 this working group will report back with a Model Family farm Plan for supply & distribution.

Section III

Change:

“adequate supply” shall not exceed (three mature) seven marijuana plants(, four immature plants) and one ounce of usable marijuana per mature plant.

To:

“adequate supply” shall not exceed seven marijuana plants and one ounce of usable marijuana per mature plant

Change: 1 plant per 1 caregiver since ~~tax~~ # 5 plant 1 caregiver

A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. (a) The attorney general shall coordinate a
3 review of the impact that diversion of minor drug possession
4 offenders into drug treatment would have on the criminal justice
5 system, drug treatment program resources, and the public's
6 safety. For purposes of this review:

7 (1) "Diversion" means placement of an offender into drug
8 treatment either in lieu of charging the offender or
9 allowing the offender to plead to a misdemeanor and be
10 placed in treatment in lieu of imprisonment; and

11 (2) "Minor drug possession offenders" means offenders
12 accused of felony marijuana possession offenses of any
13 grade and class B or C felony possession offenses
14 involving other drugs.

15 (b) The review required by subsection (a) shall address
16 the following issues:



- 1 (1) The number of offenders that could be diverted if
- 2 diversion occurred before charging and the number that
- 3 could be deferred post-charging;
- 4 (2) The affect of diversion on law enforcement;
- 5 prosecution, judicial, and correctional resources;
- 6 (3) The type, cost, and availability of treatment services
- 7 that would be needed under a diversion program; and
- 8 (4) The impact on the public's safety by diverting minor
- 9 drug possession offenders and whether the impact could
- 10 be reduced by, for example, excluding offenders with a
- 11 history of violent offenses.

12 (c) The attorney general shall conduct the review required
13 by subsection (a) in consultation with, and using the problem-
14 solving abilities, of a broad range of public and private
15 stakeholders including:

- 16 (1) Police;
- 17 (2) Prosecutors;
- 18 (3) Judges and other court officials;
- 19 (4) Corrections administrators;
- 20 (5) Public health experts;
- 21 (6) Drug treatment providers;
- 22 (7) Legal service providers;



1 (8) A representative of the office of the public defender;

2 (9) A representative of the American Civil Liberties Union
3 of Hawaii;

4 (10) A representative of a community advocacy group with at
5 least fifteen years of experience, research, and
6 statistical data to provide to the attorney general;
7 and

8 (11) A criminologist or researcher who can analyze the most
9 current statistical data.

10 SECTION 2. The attorney general shall submit a report of
11 the findings and recommendations of the review required by this
12 Act to the legislature, no later than twenty days prior to the
13 convening of the regular session of 2010.

14 PART II

15 SECTION 3. Section 329-121, Hawaii Revised Statutes, is
16 amended by amending the definition of "adequate supply" to read
17 as follows:

18 "Adequate supply" means an amount of marijuana jointly
19 possessed between the qualifying patient and the primary
20 caregiver that is not more than is reasonably necessary to
21 [assure] ensure the uninterrupted availability of marijuana for
22 the purpose of alleviating the symptoms or effects of a



1 qualifying patient's debilitating medical condition; provided
2 that an "adequate supply" shall not exceed [~~three mature~~
3 ~~marijuana plants, four immature~~] seven marijuana plants[~~7~~] and
4 one ounce of usable marijuana per each mature plant."

5 SECTION 4. Section 329-123, Hawaii Revised Statutes, is
6 amended by amending subsection (c) to read as follows:

7 "(c) Primary caregivers shall register with the department
8 of public safety. Every primary caregiver shall be responsible
9 for the care of [~~only one~~] no more than five qualifying
10 [~~patient~~] patients at any given time."

11 SECTION 5. (a) There is created a temporary medical
12 marijuana farm plan working group to be facilitated by the
13 Legislative Reference Bureau, and whose members shall consist of
14 the following:

15 (1) One representative from each of the following standing
16 committees of the senate and the house of
17 representatives, to be selected by the respective
18 chairpersons of those committees:

19 (A) Senate committee on:

20 (i) Water, land, agriculture, and Hawaiian
21 Affairs;

22 (ii) Ways and means;



- 1 (iii) Economic development and technology;
- 2 (iv) Safety and military affairs;
- 3 (v) Judiciary and government operations; and
- 4 (vi) Health; and
- 5 (B) House of representatives committee on:
 - 6 (i) Agriculture;
 - 7 (ii) Finance;
 - 8 (iii) Economic revitalization, business, and
 - 9 military affairs;
 - 10 (iv) Public safety;
 - 11 (v) Judiciary; and
 - 12 (vi) Health;
- 13 (2) One representative from the legislative reference
- 14 bureau;
- 15 (3) One representative from the Self Sustainability group;
- 16 (4) One marijuana researcher/patient; and
- 17 (5) Four representatives from the Small Farmer
- 18 Organization, one each representing the counties of
- 19 Hawaii, Kauai, and Maui and the city and county of
- 20 Honolulu.
- 21 (b) The working group shall develop a model farm plan for
- 22 the cultivation of marijuana for medical use for at least four



1 thousand qualifying patients, as defined in section 329-121,
2 Hawaii Revised Statutes, using the substance of House Bill No,
3 1191, H.D. 1, introduced during the regular session of 2009, as
4 a guide. The model farm plan shall also take into account small
5 farm sustainability.

6 (c) The working group shall report its findings and
7 recommendations and present its model farm plan to the
8 legislature within one hundred twenty days after the effective
9 date of this Act. The working group shall terminate on June 30,
10 2010.

11 PART III

12 SECTION 6. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 7. This Act shall take effect on July 1, 2050;
15 provided that sections 3 and 4 of this Act shall not take effect
16 unless House Bill 1191, H.D. 1, (2009), in any form, is enacted.



Report Title:

Controlled Substances; Diversion; Treatment

Description:

Directs the attorney general to coordinate a review of the impact of diverting marijuana and low-level felony drug offenders out of the criminal justice system into treatment. Clarifies the type of marijuana plants a qualifying patient may have. Creates temporary working group to develop a farm plan to cultivate marijuana for at least 4,000 qualifying patients according to the contents of H.B. No. 1191, HD1, 2009. Designates membership of working group. (HD1 Proposed)

