



# the Drug Policy Forum

of hawai'i

## LATE TESTIMONY

February 4, 2010

To: Committee on Public Safety and Military Affairs  
Committee on Health

From: Jeanne Ohta, Executive Director

Re: SB 2212 Relating to Medical Cannabis  
Hearing: Thursday, February 4, 2010, 1:15 p.m., Room 229

Position: Strong Support

The Drug Policy Forum of Hawai'i writes in strong support of SB 2212 Relating to Medical Cannabis. The medical marijuana program was established by the legislature in 2000. Since then, no changes have been made to the program. After 10 years, and input from patients, we hope the committee will make the changes requested.

The changes to the medical marijuana program in this bill were requested by patients, to make the program more patient-friendly, to protect patients' privacy, and to protect their safety.

### **Increasing the patient to caregiver ratio:**

The current provisions allow a caregiver to care for only one patient. Patients have reported having difficulty finding caregivers; some of them share housing and could more efficiently be assisted by the same caregiver.

Other patients need caregivers because they are unable to grow their own medicine, some live in apartments or condominiums; others live in areas where their plants are not secure and are subject to vandalism or theft; others are just too sick to provide the care needed for their plants to grow to maturity.

Other states allow caregivers to assist up to five patients. DPFH suggests that Hawai'i also use a 1:5 ratio. A Colorado court ruled that by setting the caregiver to patient ration at 1:5 without consulting doctors, patients, and horticulturists, the department's decision was arbitrary and capricious, and struck down the limit.

If legislators are not willing to establish a distribution system at this time, increasing the caregiver ratio is a good short-term alternative that will help many patients obtain their medicine from a reliable and safe source, so they do not resort to the black market to obtain their medicine.

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## INFORMATION ON MEDICAL MARIJUANA

### **Federal Laws do not Preempt State Medical Marijuana Laws**

In December 2008, the U.S. Supreme Court refused to review a landmark decision in which California state courts found that its medical marijuana law was not preempted by federal law. The state appellate court decision from November 28, 2007, ruled that "it is not the job of the local police to enforce the federal drug laws."

### **Many Organizations Support Access to Therapeutic Cannabis**

American Academy of Family Physicians, American Medical Association's Council on Scientific Affairs, American Nurses Association, American Public Health Association, and many others.

"ACP urges an evidence-based review of marijuana's status as a Schedule I controlled substance to determine whether it should be reclassified to a different schedule. ... ACP strongly supports exemption from federal criminal prosecution; civil liability; or professional sanctioning, such as loss of licensure or credentialing, for physicians who prescribe or dispense medical marijuana in accordance with state law. Similarly, ACP strongly urges protection from criminal or civil penalties for patients who use medical marijuana as permitted under state laws. ... Evidence not only supports the use of medical marijuana in certain conditions but also suggests numerous indications for cannabinoids."

— American College of Physicians, *Supporting Research into the Therapeutic Role of Marijuana*, 2008

### **Marinol is not the same as Marijuana**

Marinol, available as a prescription pill, is THC, the active ingredient of marijuana. Many patients cannot tolerate marinol and have better results by using the whole plant. Scientists believe that the whole plant contains other ingredients that work with THC and thus is better tolerated and more effective for some patients.

### **Prescription Drugs**

Available prescription drugs often come with far more serious side effects than marijuana, and many patients who find relief from marijuana simply do not respond to prescription medications. Smoking or vaporizing marijuana are much more effective delivery methods than pills for many patients: The drug works instantly, the dosage may be controlled by the patient, and there is no problem "keeping it down" since it cannot be vomited back up.

Cocaine, morphine, and methamphetamine may all be legally administered to patients — so why not marijuana, which has a far lower rate of dependency and on which no one has ever overdosed?

### **Marijuana is NOT a Gateway Drug**

Marijuana is not now, nor has ever been a "gateway drug." The National Academy of Sciences found, "there is no conclusive evidence that the drug effects of marijuana are causally linked to the subsequent abuse of other illicit drugs."

# LATE TESTIMONY

FROM: HTHTESTIMONY  
SENT: MONDAY, FEBRUARY 08, 2010 11:55 AM  
TO: PSM TESTIMONY  
SUBJECT: FW: TESTIMONY FOR SB2212 ON 2/8/2010 2:45:00 PM

LATE TESTIMONY

-----ORIGINAL MESSAGE-----

FROM: MAILINGLIST@CAPITOL.HAWAII.GOV  
[MAILTO:MAILINGLIST@CAPITOL.HAWAII.GOV]  
SENT: MONDAY, FEBRUARY 08, 2010 11:26 AM  
TO: HTHTESTIMONY  
CC: ERINANN815@AOL.COM  
SUBJECT: TESTIMONY FOR SB2212 ON 2/8/2010 2:45:00 PM

TESTIMONY FOR HTH 2/8/2010 2:45:00 PM SB2212

CONFERENCE ROOM: 016  
TESTIFIER POSITION: SUPPORT  
TESTIFIER WILL BE PRESENT: NO  
SUBMITTED BY: ERIN RUTHERFORD  
ORGANIZATION: INDIVIDUAL  
ADDRESS:  
PHONE:  
E-MAIL: ERINANN815@AOL.COM  
SUBMITTED ON: 2/8/2010

COMMENTS:

JUST BECAUSE SOMEONE IS ON PROBATION OR PAROLE DOES NOT MEAN THAT  
THEY SHOULD BE DENIED THE SAME MEDICAL COVERAGE THAT EVERY OTHER  
HAWAII CITIZEN RECEIVES.