



the
**Drug Policy
Forum**
of hawai'i **LATE TESTIMONY**

February 4, 2010

To: Committee on Public Safety and Military Affairs
Committee on Transportation, International and Intergovernmental Affairs

From: Jeanne Ohta, Executive Director

Re: SB 2213 Relating to Counties
Hearing: Thursday, February 4, 2010, 1:30 p.m., Room 229

Position: Support

The Drug Policy Forum of Hawai'i writes in support of SB 2213 Relating to Counties which would allow each county to establish medical marijuana dispensaries and makes dispensaries subject to the general excise tax.

The most urgent need according to most patients is the establishment of a legal, safe, and reliable source for their medicine. Allowing the counties to establish their own system of dispensaries is certainly one way of fulfilling the need of patients and solving a gray area in the law that established the current medical marijuana program.

Although current law allows patients to grow their own plants, the law is silent as to where patients should acquire seeds or clones to start their supply. Even more confusing is that the Department of Public Safety has said that the only legal transfer of marijuana is between a registered patient and that patient's registered caregiver. Caregivers are difficult to find and they are currently limited to assisting only one patient.

Dispensaries are necessary because many patients want a legal, reliable and safe source for their marijuana. Many patients are unable to grow their own medicine because 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. Patients should not be forced to go to neighborhood drug pushers for their medicine.

It is difficult to find general agreement on taxing medical marijuana. While it may be appropriate to collect fees from the dispensary as a business, through licensing fees, for example; medical marijuana patients should not be singled out for excise tax when other medical goods and services are not. Medical marijuana is an expense not covered by health insurance. Many patients suffer from chronic illnesses and should not be burdened with additional expenses.

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We urge the committee to pass this measure. Thank you for this opportunity to testify.

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: MAILINGLIST@CAPITOL.HAWAII.GOV
[MAILTO:MAILINGLIST@CAPITOL.HAWAII.GOV]
SENT: MONDAY, FEBRUARY 08, 2010 11:23 AM
TO: PSM TESTIMONY
CC: ERINANN815@AOL.COM
SUBJECT: TESTIMONY FOR SB2213 ON 2/9/2010 1:25:00 PM

TESTIMONY FOR PSM 2/9/2010 1:25:00 PM SB2213

CONFERENCE ROOM: 229
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:

MEDICAL MARIJUANA IS NOW LEGAL IN THE STATE OF HAWAII. HOWEVER, FOR THESE PATIENTS THAT USE MEDICAL MARIJUANA, THERE ARE NO CONVENIENT WAYS TO USE IT. THE PATIENT IS REQUIRED TO GROW THE MARIJUANA. IF SOMEONE IS A 60 YEAR OLD CANCER PATIENT WHO HAS SEVERE SIDE EFFECTS FROM THE CANCER, HOW ARE THEY SUPPOSED TO GROW THEIR OWN WEED, MUCH LESS, KNOW HOW TO DO IT? A DISPENSARY WOULD BE MUCH MORE CONVENIENT PLUS YOU CAN TAX IT!