

SB2450

Late

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2010 6:00 PM
To: JGO Testimony
Cc: forecharlee@msn.com
Subject: Testimony for SB2450 on 2/25/2010 11:00:00 AM

LATE

Testimony for JGO 2/25/2010 11:00:00 AM SB2450

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Charles Webb, MD
Organization: Individual
Address: 73993 Ahikawa St Kailua Kona, HI 96740
Phone: 8083256274
E-mail: forecharlee@msn.com
Submitted on: 2/24/2010

Comments:

Cannabis has been safely used as both medicine and as spiritual enjoyment for thousands of years. It is safer than tylenol and ibuprofen and far safer than tobacco and alcohol. In truth there should be no penalty nor criminalization for adult use. This is at least a worthy step toward justice.

From: Andrea Tischler [andreatischler@yahoo.com]
Sent: Wednesday, February 24, 2010 5:54 PM
To: JGO Testimony
Subject: RE: In Support of SB 2450 Relating to Marijuana

LATE

Senator Brian Taniguchi, Chair
Senator Dwight Takamine, Vice Chair
Members of the Committee on Judiciary and Government Operations

RE: STRONGLY SUPPORT 2450 Relating to Marijuana

Hearing: Thursday, February 25, 2010, 11:00 A. M., Conference Room 016

The executive board of Peaceful Sky Alliance on the Big Island strongly support SB2450, the decriminalization bill for cannabis. Twelve states have enacted laws decriminalizing cannabis and there has not been a single state that has repealed the law. California decriminalized cannabis in 1975, thirty five years ago, which has saved millions of dollars in arrest and incarceration costs. In a time of economic hardship it seems obvious that Hawai'i look at the cost savings that could be realized by decriminalizing cannabis.

The savings are not entirely economic. Even though the current penalty for possession of cannabis is a petty misdemeanor, it is, nevertheless, a criminal offense. Criminal records prevent students from obtaining federal student loans, prevent employment for jobs, even decades after a conviction and prevent low income offenders to qualify for federal or state housing programs. The laws against cannabis in small amounts create additional harm to the citizens; far more harm than caused by the drug itself.

The Peaceful Sky initiative that was passed by 53% of the voters of Hawai'i County in 2008 indicates changing attitudes by voters in the State. That initiative made cannabis lowest law enforcement priority and prohibits the county from accepting funds for cannabis eradication and enforcing potential offenses for adult personal use. SB2450 is necessary to uphold the will of Hawai'i county voters.

We ask that our legislature this year to pass legislation making one ounce of cannabis or less a penalty punishable by a fine.

Sincerely,

Wolf Daniel Braun, President
Peaceful Sky Alliance

From: Teri Heede [theede@hawaii.rr.com]
Sent: Wednesday, February 24, 2010 7:06 PM
To: JGO Testimony
Subject: Support of SB 2450 Relating to Marijuana

LATE

Follow Up Flag: Follow up
Flag Status: Flagged

SB 2450 Relating to Marijuana

Establishes a civil violation for possession of one ounce or less of marijuana that is subject to a fine of not more than \$100.

Hearing: Thursday, February 25, 2010, 11:00 a.m., Conference Room 016

Senator Brian Taniguchi, Chair
Senator Dwight Takamine, Vice Chair and
Members of the Committee on Judiciary and Government Operations

In Support of SB 2450 Relating to Marijuana

Aloha, Senators and Members of the Committee!

I appreciate this opportunity to testify in support of SB 2450. Passage of this type of bill is further proof of Hawaii legislators commitment to decency, belief in truthful debate and common sense solutions.

Public support in Hawaii for changing marijuana laws is unquestionable. In November 2008, 53% of voters in Hawai'i County voted to make marijuana possession the "lowest law enforcement priority." That initiative directs law enforcement officials to treat the adult personal use of marijuana as its lowest law enforcement priority and prohibits the county from accepting or expending funds for marijuana eradication and for enforcing potential offenses for adult personal use. However, since local law enforcement refuses to support the public's decision and continues to follow this ordinance, the passage of SB2450 is even more necessary to uphold the will of Hawaii citizens.

Even ancient statistics from a 2004 poll of 501 adults conducted by QMark Research and Polling (Hawai'i) found that 60 percent strongly feel that adults should not go to jail for possessing marijuana for personal use. The same percentage, 60 percent, believed that the decades-long "war on drugs" is a failure. And a strong majority (56 percent) said that Hawai'i's seven-year old medical marijuana law makes it more likely to support a taxation and regulation policy for marijuana.

As a nation we spend \$68 billion per year on corrections, and one-third of those being corrected are serving time for nonviolent drug crimes. We spend about \$150 billion on policing and courts, and 47.5% of all drug arrests are marijuana-related. That is an awful lot of money, most of it nonfederal, that could be spent on better schools or infrastructure — or simply returned to the public or maybe we could somehow resolve Furlough Fridays.

There are plenty of other reasons why marijuana should be legal. Just to name a few:

1. Medicinal use: Marijuana can be used as medicine because it helps to stimulate appetite and relieve nausea in cancer and AIDS patients.

2. Hemp: The hemp plant is a valuable natural resource. Legalizing marijuana would eliminate the confusion surrounding hemp and allow us to take advantage of hemp's agricultural and industrial uses.
3. Religious Use: Some religions instruct their followers to use marijuana. Just like Christianity and Judaism instruct their followers to drink wine on certain occasions, some Hindus, Buddhists, Rastafarians, and members of other religions use marijuana as part of their spiritual and religious ceremonies. These people deserve the freedom to practice their religion as they see fit. The First Amendment to the U.S. Constitution says that the government cannot 'prohibit the free exercise' of religion, and so marijuana should be legal.

People who support marijuana prohibition claim that marijuana is unhealthy and dangerous. They say we need to keep drugs illegal to protect our society from the addiction and disease that they cause. These arguments are not consistent with the fact that the two most deadly drugs in America are legal. Alcohol and tobacco are far more addictive and harmful than marijuana, but they are legally available. If we want to have drug policies that are logical and effective, we need to legalize and regulate marijuana in a manner similar to the regulation of alcohol and tobacco.

Here is the reality: Nobody gets high and beats their spouse and children. Nobody loses their kidneys, a pancreas, or a liver, no matter how much cannabis they consume. And now studies are conclusive that cannabis smoke is non-carcinogenic. There is no such thing as a pot-o-holic. Cannabis does not create any physiological addiction.

TOBACCO.....	400,000
ALCOHOL.....	100,000
ALL LEGAL DRUGS.....	20,000
ALL ILLEGAL DRUGS.....	15,000
CAFFEINE	2,000
ASPIRIN	500
MARIJUANA	0

Source: United States government
National Institute on Drug Abuse,
Bureau of Mortality Statistics

Alcohol

- Alcohol causes a wide variety of health problems.
 - According to the University of Michigan Health System report "Alcohol: Effects on Health", alcohol contributes to numerous health problems including gastritis, pancreatitis, ulcers, liver cancer, cirrhosis, and other liver diseases.
 - According to researched published in the Journal of the American Medical Association (Vol. 275 No. 1, January 3, 1996), alcohol abuse increases the risk of developing acute respiratory distress syndrome (ARDS).
- Alcohol abuse increases cancer risk.
 - "Alcohol May Raise Breast Cancer Risk" - from cbsnews.com.
 - "Considerable evidence suggests a connection between heavy alcohol consumption and increased risk for cancer" - from the National Institutes of Health "Alcohol Alert."
- Alcohol abuse kills over 100,000 Americans every year.
See "By the Numbers: Deaths Caused by Alcohol" from *Scientific American* magazine (December 1996), and "Magnitude of Alcohol-Related Mortality and Morbidity Among U.S. College Students Ages 18-24" from the Harvard School of Public Health.

- Alcohol prohibition failed miserably. Marijuana prohibition is failing for the same reasons. For an economic analysis of why prohibition doesn't work, see Alcohol Prohibition Was A Failure, by Auburn Economics professor Mark Thornton.

Tobacco

- Nicotine, the active chemical in tobacco, is highly addictive. See "The Health Consequences of Smoking: Nicotine Addiction" from the U.S. Surgeon General (1988).
- Tobacco is the second major cause of death in the world, responsible for roughly 5 million deaths each year. See the "Tobacco Free Initiative" from the World Health Organization (WHO)
- Cigarette smoking is the single most preventable cause of premature death in the United States. According to the Centers for Disease Control and Prevention (CDC) fact sheet on "Cigarette Smoking-Related Mortality", more than 400,000 Americans die from cigarette smoking each year.
- Despite the known health risks of tobacco use, cigarettes are legally available throughout the United States and can be purchased at gas stations, convenience stores, and supermarkets for less than \$5 per pack.

Once all the facts are known, it becomes clear that Hawai'i's marijuana laws need reform. This issue must be openly debated using only the facts and not groundless claims, meaningless statistics, white papers pulled out from under a rock and 60 years of fear mongering.

One more item to remember, the State of California saved nearly \$1 billion dollars from 1976 to 1985 by decriminalizing the personal possession of one ounce of marijuana. This is a win-win for the State of Hawaii.

Mahalo for your time,

Teri Heede

LATE

My name is Joan Lewis and I am writing in support of SB2450. As a teacher, I take the issue of drug usage quite seriously. I don't use drugs and I would like it if my students didn't use drugs either. In reality, however, I am well aware that on any given day, I have students who attend school (or sometimes skip school) under the influence of "the ganja". If we are able to make a verifiable claim that they are under the influence, then said students will generally get the full force of Chapter 19: 90 days of suspension (the equivalent of a semester). I support this measure, not because I think it is okay for my students to "get high", but because until there is a sense that not all use is "criminal", I don't think the help my students need to get sober will ever be available in any meaningful way. Not unlike what happens to adult users, my students get the full force of the punishment, even if something else might actually be more helpful. I have students who are chronic users and they have been suspended multiple times. Their use is not abating and their loss of instruction is frightening. I want them to get counseling, and perhaps assistance in determining why the need is so all-encompassing. Unfortunately, until we, as a society, stop seeing marijuana use as something that we can stomp out by labeling it "evil" and hoping that fear of consequences will stop usage, my students will never get the help they need.

I understand that enacting this bill in to law will help our criminal justice system move their focus to "bigger fish". I am hoping that enacting this bill will allow our youth services system to move in to assist where law enforcement no longer has to arrest.

Thank you for your consideration.

Joan Lewis

From: Kalani Bullard [kalanib@paccoastmarbletile.com]
Sent: Wednesday, February 24, 2010 11:01 PM
To: JGO Testimony
Subject: SB 2450 - Testimony
Attachments: image003.jpg

LATE

Aloha!!!

This is a Testimony on behalf of Hawaiian Herbal Health Center, we feel that by Legalizing Medical Marijuana It will bring many sick people back to a semi-normal life. We get Patients on a daily basis in Colorado and the stories We here from them are not only Sad but it`s all Surreal. By criminalizing a Patient, you are taking their lives away And making it harder for them to survive.

I have a patient that frequently comes to our Compassion Center in Colorado and she describes her pains as laying in Bed And someone stabbing her with a knife every second, she has taken every prescribed drugs for her Cancer condition and she Says the only medical drug that helps her even feel normal is Medical Marijuana. Imagine yourself without a Prescription that Really helps you when you are in severe pain every second of the day.

I support SB 2450 and we will continue to help and support Medical Marijuana for Patients that are suffering on a daily basis. Patients need a Dispensary (Compassion Center) for them to obtain their Medical Marijuana, not all Patients know how to grow Marijuana and not only do you make it easier for them to purchase it from the black market but you support the underground drug Dealing. The only way to cut the drug dealing in half is to legalize it and approve a Compassion Center for these patients and have the State of Hawaii benefit financially from this business.

Please say yes on SB 2450 and as I mentioned, remember the feeling a patient has when he or she has Cancer, some may not make it but as long As they are alive at least let them live there remaining lives without pain.....

Kalani Bullard
President / CEO



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the
**Drug Policy
Forum**
of h a w a i ' i

LATE

February 25, 2010

To: Senator Brian Taniguchi, Chair
Senator Dwight Takamine, Vice Chair and
Members of the Committee on Judiciary and Government Operations

From: Jeanne Y. Ohta, Executive Director

RE: SB 2450 Relating to Marijuana
Hearing: Thursday, February 25, 2010, 11:00 a.m., Room 016

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Chair Taniguchi, Vice Chair Takamine, and members of the committee, thank you for hearing this measure. The Drug Policy Forum of Hawai'i writes in strong support of SB 2450 Relating to Marijuana which makes the possession one ounce or less of marijuana a civil offense and imposes a fine of not more than \$100.

A study by University of Hawai'i West Oahu Economist Lawrence W. Boyd found that making possession of marijuana a civil penalty could save the state \$5 million annually. The primary cost of marijuana criminalization is enforcement; this change would free police to deal with more serious crime.

The savings are not only economic. Although the current penalty is a petty misdemeanor, punishable by a fine of \$1,000 and up to 30 days in jail, the collateral consequences of a criminal conviction are grave. Criminal records prevent some from obtaining federal student loans; prevent employment in certain jobs, even decades after the conviction; and prevent some from federal or state housing programs.

In 2006 Students for Sensible Drug Policy reported that approximately 472 students in Hawai'i were refused financial aid because of drug convictions. Criminalizing possession of small amounts of marijuana creates additional harm to the individual; more harm than caused by the drug itself.

Public support for changing marijuana laws is growing. In November 2008, 53% of voters in Hawai'i County voted to make marijuana possession the "lowest law enforcement priority." That initiative directs law enforcement officials to treat the adult personal use of marijuana as its lowest law enforcement priority and prohibits the county from accepting or expending funds for marijuana eradication and for enforcing potential offenses for adult personal use.

Also in November 2008 65% of Massachusetts voters approved a decriminalization initiative which makes possession of up to an ounce of marijuana a civil citation

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punishable by a \$100 fine. Eleven other states have decriminalized possession of marijuana.

These recent trends confirm a 2004 poll of 501 adults conducted by QMark Research and Polling (Hawai`i) found that 60 percent strongly feel that adults should not go to jail for possessing marijuana for personal use. The same percentage, 60 percent, believed that the decades-long "war on drugs" is a failure. And a strong majority (56 percent) said that Hawai`i's seven-year old medical marijuana law makes it more likely to support a taxation and regulation policy for marijuana.

There are many myths about marijuana. Decriminalization does not lead to increased marijuana use. Research on the effects of marijuana decriminalization has tended to find either no relationship or a weak positive relation between marijuana decriminalization and drug use. The Cato Institute reported that while Portugal decriminalized all drugs in 2001, "none of the nightmare scenarios touted by pre-enactment decriminalization opponents—from rampant increases in drug usage among the young to transformation of Lisbon into a haven for "drug tourists"—has occurred."¹ In fact, compared to many European Union countries, teens in Portugal have among the lowest levels of cannabis use. (*See Figure 1*)

The report also says, "That while there is a widespread perception that bureaucratic changes need to be made to Portugal's decriminalization framework to make it more efficient and effective, there is no real debate about whether drugs should once again be criminalized."

Twelve states have enacted various forms of decriminalization, replacing criminal sanctions with fine-only penalties (California, Colorado, Maine, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New York, North Carolina, Ohio, and Oregon). In no instance have lawmakers recriminalized marijuana after implementing decriminalization.

The State of California saved nearly \$1 billion dollars from 1976 to 1985 by decriminalizing the personal possession of one ounce of marijuana, according to a study of the state justice department budget.²

Potency of Marijuana

There have been claims that today's marijuana is "not your grandfather's marijuana." According to the University of Mississippi's Potency Monitoring Project's 2008 report, the average THC (the psychoactive ingredient) in domestically grown marijuana, which comprises the bulk of the U.S. market—is less than 5%, a figure that has been unchanged for the last decade.

Marijuana—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."³

"Penalties against drug use should not be more damaging to an individual than the use of the drug itself. Nowhere is this more clear than in the laws against the possession of marijuana in private for personal use."⁴

¹ Greenwald, Glenn, "Drug Decriminalization in Portugal: Lessons for Creating Fair and Successful Drug Policies," Cato Institute, 2009, pg. 1.

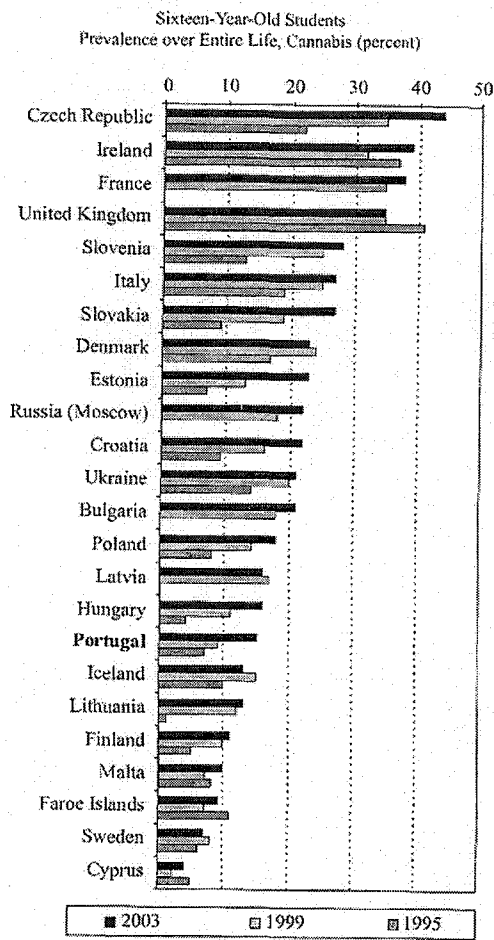
² M. Aldrich and T. Mikuriya, 1988.

³ National Academy of Sciences, Institute of Medicine, 199, *Marijuana and Medicine: Assessing the Science Base*, National Academy Press, Washington, DC, 5, 6.

⁴ President Jimmy Carter, Message to Congress, August 2, 1977.

The State of Hawaii is facing a severe financial crisis. It is absolutely necessary to evaluate our laws and policies on drugs; are they working and are they effective? And what are they costing the state? Our current marijuana policy is a failed one. Decriminalizing the possession of one ounce or less of marijuana will allow us to focus law enforcement and criminal justice resources on more dangerous drugs and on solving and preventing violent crime. It benefits our community both financially and socially. We urge the committee to pass this measure. Thank you for allowing us to present testimony today.

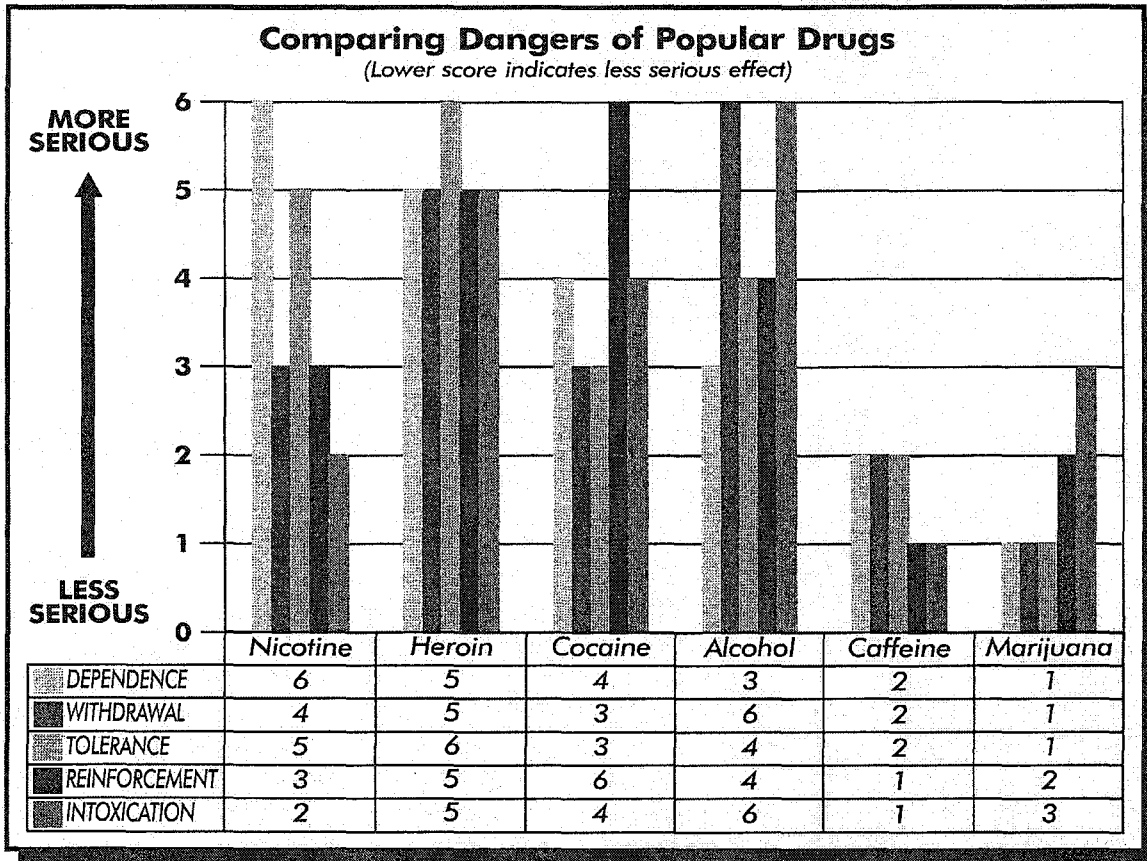
Figure 1
European School Survey Project on Alcohol and Other Drugs



Source: Instituto da Droga e da Toxicoddependência de Portugal (Institute on Drugs and Drug Addiction of Portugal), "Os Adolescentes e a Droga" ("Adolescents and Drugs"), 2003, p. 6.

Portugal which has decriminalized all drugs has among the lowest rates of teen use of cannabis of European Union countries

Do Our Drug Laws Focus on the Truly Dangerous Drugs?



Source: Dr. Jack E. Henningfield, Ph.D. for NIDA. Reported by: Philip J. Hiltz, *New York Times*, Aug. 2, 1994
"Is Nicotine Addictive? It Depends on Whose Criteria You Use."

Does Jailing Marijuana Users Make More Sense than Jailing Coffee Drinkers?

www.CommonSenseDrugPolicy.org, www.DrugWarFacts.org, www.MedicalMJ.org

Mike Gray, Chair; Robert Field, Co-Chair; Kevin Zeese, President – 717-288-0600 – info@cspd.org

Dependence: How difficult it is for the user to quit, the relapse rate, the percentage of people who eventually become dependent, the rating users give their own need for the substance and the degree to which the substance will be used in the face of evidence that it causes harm.

Withdrawal: Presence and severity of characteristic withdrawal symptoms.

Tolerance: How much of the substance is needed to satisfy increasing cravings for it, and the level of stable need that is eventually reached.

Reinforcement: A measure of the substance's ability, in human and animal test, to get users to take it again and again, and in preference to other substances.

Intoxication: Though not usually counted as a measure of addiction in itself, the level of intoxication is associated with addiction and increases the personal and social damage a substance may do.

From: Ann Freed [annfreed@hotmail.com]
Sent: Wednesday, February 24, 2010 11:28 PM
To: JGO Testimony
Subject: Support for SB2450
Attachments: Marijuana Testimony pdf

LATE

Please accept testimony below for tomorrows hearing.

Senator Brian Taniguchi, Chair
Senator Dwight Takamine, Vice Chair and
Members of the Committee on Judiciary and Government Operations

I am in **support of SB 2450** Relating to Marijuana

While I am always mindful of the effects of recreational substances on those who are addicts and/or alcoholics, criminalization of the use of drugs and alcohol has never served as a deterrent for this class of people. They are predisposed to the illness of addiction and addicts/alcoholics will do what they must in order to satisfy the craving.

Instead the State and law enforcement organizations are faced with ever increasing costs associated with criminalization. Meanwhile drug lords prosper from the inevitable rise in prices that are a direct result of criminalization. We should have learned this lesson from the national failed experiment know as prohibition.

Having said that, marijuana appears to be the least harmful of recreational drugs and this includes alcohol and tobacco.

Treatment and regulation are the solutions not prosecution and incarceration. No need to repeat the facts relating to the economic and social costs already cited in the bill.

Anecdotally, I have been asking my friends and colleagues about de-criminalization of marijuana and most of them favor it. Some have stated that the eradication of marijuana crops in the islands resulted in the current "ice" epidemic since marijuana became too expensive and "ice" is relatively cheap to make and to buy.

Please pass this law, eliminate the high cost of criminilization and foster treatment for those who need it.

Mahalo for the opportunity to testify.

Ann S. Freed
95-227 Waikalani Dr. A403
Mililani, HI 96789

LATE

Kat Brady



COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Sen. Brian Taniguchi, Chair

Sen. Dwight Takamine, Vice Chair

February 25, 2010

11:00 a.m.

Room 016

STRONG SUPPORT of SB 2450 – Civil Violation for Marijuana Possession

Aloha Chair Taniguchi, Vice Chair Takamine and Members of the Committee!

I'm Kat Brady and I am testifying as a private citizen in strong support of SB 2450 to amend §712-1249.6 to read, *"mere possession of marijuana in an amount of one ounce or less shall not constitute a possession with intent to distribute without other conduct indicating intent to distribute."*

The most important thing that you, as policymakers, can do this session is to repair the gaping holes in our safety net, which left unmended will only result in even bigger problems later.

The Attorney General's Crime in Hawai'i 2008 report (hawaii.gov/ag/cpja) released in August 2009 reported the number of adults arrested for marijuana over the last decade: 1999 – 625; 2000 – 597, 2001 – 512; 2002 – 513; 2003 – 635; 2004 – 555; 2005 – 561; 2006 – 687; 2007 – 752; 2008 – 698. Is this a good use of public resources? Shouldn't we be focusing the expertise and stretched resources of law enforcement to the more pressing social problems facing our communities?

I love that this bills suggests ways to best use the penalties collected: *"Funds collected from the civil penalties imposed for marijuana possession could help Hawaii's families by being directed into the early intervention special fund to expand and enhance early intervention services for infants and toddlers with special needs by providing programs to provide early intervention services for infants and toddlers with developmental delays or at biological or environmental risk; family support programs to strengthen families to reduce the risk of child abuse and neglect; training and education for professionals, paraprofessionals, and families; and research, evaluation, and data management related to early intervention services. One of the many benefits reaped would be a reduction in the stressors that lead to drug abuse."*

This bill does several things at once...it stops the flow of nonviolent individuals who pose no threat to public safety to jail or prison saving hundreds of thousands, if not millions, of dollars and it suggests ways the penalties collected can help to repair the safety net.

Decriminalization of marijuana is not a new idea. More than a dozen states already have some form of decriminalization including: Alaska, California, Colorado, Maine, Massachusetts, Michigan, Minnesota, Mississippi Nebraska, Nevada, New York, Ohio, and Oregon.

In 1999 the congressionally-chartered Institute of Medicine examined the "gateway theory" and determined, "There is no conclusive evidence that the drug effects of marijuana are causally linked to the subsequent abuse of other illicit drugs." (Joy, J., et al., *Marijuana and Medicine; Assessing the Science Base*, Division of Neuroscience and Behavioral Research, Institute of Medicine (Washington, DC: National Academy Press, 1999)

Since 1969, government-appointed commissions in the United States, Canada, England, Australia, and the Netherlands concluded, after reviewing the scientific evidence, that marijuana's dangers had previously been exaggerated, and urged lawmakers to drastically reduce or eliminate penalties for possession. (Advisory Committee on Drug Dependence, *Cannabis* (London, Her Majesty's Stationery Office, 1969); Canadian Government Commission of Inquiry, *The Non-Medical Use of Drugs* (Ottawa, Canada: Information Canada, 1970); The National Commission on Marihuana and Drug Abuse, *Marihuana, A Signal of Misunderstanding*, (Nixon-Shafer Report) (Washington, DC: USGPO, 1972); Werkgoep Verdovende Middelen, *Background and Risks of Drug use* (The Hague, The Netherlands: Staatsuigeverij, 1972); Senate Standing Committee on Social Welfare, *Drug Problems in Australia-An Intoxicated Society* (Canberra, Australia: Australian Government Publishing Service, 1977).

The Drug Policy Alliance, a research-based organization, compiled a fact sheet on civil penalties for possession of 1 ounce or less of marijuana in 2001 which stated: "***Over the past century, numerous reports from independent, government-sponsored commissions have concluded that replacing criminal sanctions with civil penalties causes no increase in marijuana use, and have recommended the elimination of criminal sanctions for marijuana consumption-related offenses.***" (http://www.drugpolicy.org/library/factsheets/civilpenalties_factsheet_library.cfm)

I applaud the committee for hearing this bill and for thinking outside the box and looking for ways to help our communities. I hope you will consider this measure. It is more than due time for the community to have a frank discussion about drugs, about drug policy, and their impacts on our lives.

Mahalo for this opportunity to testify.

**Testimony in Opposition to SB 2450
Relating to Marijuana**
February 25, 2010

To: Senator Brian Taniguchi, Chair
Senator Dwight Takamine, Vice-Chair
Committee on Judiciary and Government Operations

Fr: Alan Shinn, Executive Director
Coalition for a Drug-Free Hawaii
1130 N. Nimitz Hwy, Suite A259
Honolulu, Hi 96817

Thank you for accepting my testimony opposing SB 2450-Relating to Marijuana, which portrays marijuana as a benign drug, a mild intoxicant and that recreational use is so wide spread that enforcement is not cost-effective. Lack of perceived harm is a major risk factor that hampers substance abuse prevention efforts, especially for our youth.

There are many drugs that can cause physical and psychological harm to individuals including marijuana. Marijuana today is not the same as in the 60's and 70's, and is much more potent in the chemical THC (Tetrahydrocannabinol), which produces the high. Drugs like marijuana act on the brain and can alter perception, attention, balance, mood, and reaction time. Vehicle accidents are leading cause of death among youth 16-19 years due to inexperience and many times combined with alcohol, marijuana or other substances (CDC, NIDA). Local research studies show that youth who are long term users of marijuana seem to have higher levels of paranoia and depression than none users.

Prevention efforts have shown results, but need to be maintained. Nationally, marijuana past month use rates among youth 12-17 years has been constant between 2005 and 2007, 2002 (8.2%) to 2005 (6.8%) (NSDUH). In Hawaii lifetime use in 2003 at 7% 8th graders, 15% 10th graders, and 18% for 12th graders, a slight decrease since 2002 (ADAD).

Recommend:

- Continue use of judicial discretion in adjudicating arrest cases involving small amounts of marijuana
- Continue substance abuse prevention/education efforts to increase level of perception of harm among youth for marijuana as well as alcohol and other drugs
- Continue to be in line with national drug control policies to avoid blurred lines between state and federal law enforcement and court systems

LATE

Testimony of Pamela Nakanelua for SB2450

My name is Pamela Nakanelua and I am a Graduate Student at the University of Hawai'i's Myron B. Thompson School of Social Work.

I am testifying today to urge your support for Senate Bill 2450, which would decriminalize possession of less than an ounce of marijuana. This would also provide counties the authority to set up dispensaries for medical cannabis patients, which will in turn contribute to the economy by charging consumers a \$30 per ounce tax.

Passage of this proposal would ensure an adult found in possession of a personal amount of marijuana would not be subject to a criminal arrest, prosecution or incarceration and the emotional, social, and financial hardships that follow.

Similar bills to Senate Bill 2450 are strongly supported by the public in other states. In November 2008, 65 percent of voters in Massachusetts endorsed a similar statewide measure reclassifying marijuana possession as a fine-only offense under state law. To date, thirteen states -- including Nebraska, Ohio, Maine, and Mississippi -- have enacted marijuana decriminalization laws. The enactment of this legislation in these states has not led to increased marijuana use or altered the public's perceptions regarding the potential harms of drug use.

Senate Bill 2450 is a common sense, fiscally responsible proposal that will cut costs without altering the public's attitudes or use of marijuana. It will strengthen public safety by reprioritizing police activities toward violent crime and other serious offenses. I urge you to vote yes on SB2450 and stop arresting responsible marijuana consumers.

Thank you for allowing me to testify here today.

From: Vic Polidoro [vicpolidoro@gmail.com]
Sent: Thursday, February 25, 2010 9:36 PM
To: JGO Testimony
Subject: measure SB 2450 at meeting on Thursday, February 25, 2010

LATE

Dear Members of the Senate Judiciary Committee

This message is in regard to measure SB 2450 at the hearing on Thursday, February 25, 2010. I support this measure as a sensible approach to regulating marijuana. I am a resident of Kailua, and I support this measure.

I believe it makes financial sense to spend less money on incarceration, and to generate revenue from fines. I also believe it is an appropriate level of punishment for the offense.

-Vic Polidoro

From: Myron Berney [myberney@hotmail.com]
Sent: Friday, February 26, 2010 8:21 AM
To: Sen. Brian Taniguchi; Sen. Dwight Takamine; JGO Testimony
Subject: SB2450 Late Testimony

LATE

Dr. Myron Berney, ND Lac

In support of SB2450 as written however the Legislature may also wish to address **additional concerns** at the in this bill of medical and social concern.

The Senators seemed to be concerned with marijuana abuse at schools. It should be noted that **behavior at schools is commonly more restrictive than permitted to the general public**, e.g., access to junk foods, or dangerous weapons and firearms [2nd Amendment]. It should be noted that Cancer in children is common in Hawaii.

Rules and regulations for distribution and access should be not be more lax than the rules and regulations for the distribution of over-the-counter Tobacco products.

The use of the word **marijuana should be changed to Cannabis.**

SECTION 2. Section 302A-1002, Hawaii Revised Statutes, is amended to read as follows:

"[§]302A-1002[§] Reporting of crime-related incidents.

(B) Involves crimes relating to arson, assault, animal abuse, burglary, disorderly conduct, dangerous weapons, dangerous drugs, harmful drugs, extortion, firearms, gambling, harassment, intoxicating drugs, abuse of psychoactive prescription drugs, herbs or other products, ~~[marijuana or]~~ marijuana concentrate, or more than one ounce of marijuana, murder, attempted murder, sexual offenses, rendering a false alarm, criminal property damage, robbery, terrorism, terroristic threatening, theft, or trespass;

SECTION 4. Section 329-125, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) A qualifying patient or the primary caregiver may assert the medical use of marijuana as an affirmative defense to any prosecution, criminal or civil, involving marijuana under this [§]part[§], section 329-A, or chapter 712; provided that the qualifying patient or the primary caregiver [~~strictly~~] complied with the requirements of this part."

*use of the word strictly opens the door to cruel application of law. Violations of 14th Amendment prohibiting cruel and unusual punishment.

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