

SB2475

SD1 Late



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

LATE

February 23, 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 2745 SD1 Relating to Controlled Substances
Hearing: Tuesday, February 23, 2010, 10:00 a.m., Conference Room 016

Position: Comments

The Drug Policy Forum of Hawai'i writes in support of two amendments in SD1, the removal of salvia divinorum from Schedule I; and the addition of a five year retention limit of certain records in the central repository system.

However, DPFH still has concerns that sufficient reason has not been given for the proposed change which adds "**regulatory investigations**" and adds U.S. Attorney (page 12, §329-104 (c) (1)). The language in this measure extends disclosure to "regulatory investigations" whereas it is currently limited to criminal investigations and prosecutions and it adds the U.S. Attorney to those authorized for disclosure. This could be a considerable expansion which is not discussed in the justification sheet.

We are concerned that since the Narcotics Enforcement Division has under its control all of the patient and physician information of the Medical Use of Marijuana Program, that this information will be available to federal authorities. Federal law is in direct conflict with state law with regard to medical marijuana. State agencies must preserve patient and physician confidentiality from federal authorities. It is unclear how this change could affect medical marijuana patient information.

Recall that a past U.S. Attorney for Hawai'i has threatened to arrest physicians and patients and to put an end to the medical marijuana program. Hawai'i state law should not facilitate that potential.

DPFH urges this committee to hold this measure since no convincing reasons have been given for the proposed changes. Thank you for this opportunity to provide testimony.

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