

Action the Drug Policy Group

A sister organization of the Drug Policy Forum of Hawai'i
PO Box 61233, Honolulu, HI 96839 ~ (808) 988-4386

Dedicated to safe, responsible, and effective drug policies since 1993

TO: Senate Committee on Ways and Means

FROM: Pamela Lichty, MPH
President

L A T E

DATE: April 1, 2011, 9 a.m., room 211

RE: H.B. 1085, HD 2, SD 1 RELATING TO CONTROLLED SUBSTANCES
– IN OPPOSITION

Aloha Senator Ige, Senator Kidani and members of the Committee. My name is Pam Lichty and I'm testifying on behalf of the Drug Policy Action Group.

We are opposed to several of the provisions in this measure. While this measure has been presented as an innocuous effort to conform Hawaii's statutes on controlled substances to the Federal ones, there are several problematic areas which we would like to call to your attention.

In Section 1, which amends the list of controlled substances, (29) amends the description of tetrahydrocannabinols to include both synthetic and naturally occurring THC substances. This is problematic because in an apparent attempt to make marijuana or cannabis even more tightly controlled than it currently is, synthetic THC, commercially known as Marinol is included. Unimed Pharmaceuticals might be displeased to learn it would be more highly restricted than its current listing of schedule 3 in the federal system (a fairly unrestricted classification.)

In Section 6., which amends Hawaii's medical marijuana statute, there is no reason to require in subsection (b) that the physician sign the patient's "blue card" in addition to the Narcotics Enforcement Division (NED). This card is carried by the patient and is shown to law enforcement officials on demand. This signature compromises the physician's privacy and is both unnecessary and unwarranted. The Senate Committee Report says NED's position is that is simply putting existing practice into statute. We disagree. We contend that this language is rather formalizing the overreaching that has been typical of NED's administration of the program.

Finally the fee that the patient must pay annually to maintain his registration is capped at \$25. This measure would raise that to \$35. This small raise is nonetheless burdensome for the patients who are often impoverished and on Medicaid. Many patients have told us, that they would be willing to pay a slightly higher annual registration fee if they felt that NED was acting in good faith and in an efficient manner. This is decidedly not the case.

Since there are over 8,000 patients registered with the program, the current registration income exceeds \$200,000. Even with this amount, the Narcotics Enforcement Office is currently taking more than 4 months to issue cards from the time all of the required materials are submitted. The then-administrator of NED, Mr. Keith Kamita (now a Deputy Director of PSD), in budget hearings for his Division, stated that one of his secretaries submitted a request for 2,500 hours of overtime. We suggest that this indicates a badly managed agency which requires a streamlining of its (self-imposed) procedures - not additional monies.

We urge you to remove the egregious provisions we have noted in this bill if you see fit to pass it out. Mahalo for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 31, 2011 8:05 PM
To: WAM Testimony
Cc: nimo1767@gmail.com
Subject: Testimony for HB1085 on 4/1/2011 9:00:00 AM

Testimony for WAM 4/1/2011 9:00:00 AM HB1085

Conference room: 211
Testifier position: oppose
Testifier will be present: No
Submitted by: Robert Petricci
Organization: Friends 4 Justice
Address:
Phone:
E-mail: nimo1767@gmail.com
Submitted on: 3/31/2011

L A T E

Comments:
Sen. David Ige, Chair
Sen. Michelle Kidani, Vice Chair and
Members of the Committee on Ways and Means

Aloha from the Big Island

My name is Robert Petricci testifying for Friends 4 Justice

RE: HB 1085 HD 2 SD1 Relating to Controlled Substances
Hearing: Friday, April 1, 2011, 9:00 a.m., Room 211

Position: Opposed

I am testifying today in opposition to HB 1085 HD 1 Relating to Controlled Substances. I am opposed to raising the medical marijuana registration fee.

The Narcotics Enforcement Division (NED) claims that the current fee does not cover their costs and that they need additional fees to fund a position within the department. With 8,000 patients, the office receives \$200,000 per year to operate the patient registry. If NED cannot cover expenses with the current fee, it is their responsibility to streamline the application process. They designed the process, they should make the necessary changes. Please do not reward mismanagement it sets a bad example in these hard economic times.

It is unreasonable to require that patients pay for NED's poor administrative abilities. According to NED's own annual report, "NED was forced to utilize additional PSD clerical staff, after hours, and at overtime rates to assist in processing the increasing number of medical use of marijuana applications." Patients should not be forced to pay an increased fee because NED could not manage their personnel and because overtime pay was given to employees. Dept. of Public Safety has been a sacred cow and has become a poor financial steward of the public's funds.

Patients should not pay increased fees when their current needs are not being met. They should not be forced to wait months to receive their cards, then taxed for the privilege of the unrealistic delay.

Many patients are seriously ill, on disability, and cannot work. They cannot afford increased fees.

The changes in this measure are the only changes in the medical marijuana program that the Dept. of Public Safety has supported. The department has not supported changes that would help clarify certain provisions and protect patients from arrest. The department does not care about patients and should not profit from them. Medical marijuana patients are the only sick people that have to pay this special fee and now they want even more.

Thank you for your consideration

Robert Petricci for Friends 4 Justice

From: Michael [mvtalerico@gmail.com]
Sent: Thursday, March 31, 2011 7:51 PM
To: WAM Testimony
Subject: Testimony in Opposition to HB1085

To: Sen. David Ige, Chair
Sen. Michelle Kidani, Vice Chair and
Members of the Committee on Ways and Means

L A T E

From: Michael Talerico
Naalehu, HI.

RE: HB 1085 HD 2 SD1 Relating to Controlled Substances
Hearing: Friday, April 1, 2011, 9:00 a.m., Room 211

Position: Opposed

I am testifying today in opposition to HB 1085 HD 1 Relating to Controlled Substances. I am opposed to raising the medical marijuana registration fee for the reasons given below.

-The Narcotics Enforcement Division (NED) claims that the current fee does not cover their costs and that they need additional fees to fund a position within the department. With 8,000 patients, the office receives \$200,000 per year to operate the patient registry. If NED cannot cover expenses with the current fee, it is their responsibility to streamline the application process. They designed the process, they should make the necessary changes.

-It is unreasonable to require that patients pay for NED's mismanagement. According to NED's own annual report, "NED was forced to utilize additional PSD clerical staff, after hours, and at overtime rates to assist in processing the increasing number of medical use of marijuana applications." Patients should not be forced to pay an increased fee because NED could not manage their personnel and because overtime pay was given to employees.

-Patients should not pay increased fees when their current needs are not being met. They should not be forced to wait three to four months to receive their cards.

-Many patients are seriously ill, on disability, and cannot work. They cannot afford increased fees.

-The changes in this measure are the only changes in the medical marijuana program that the Dept. of Public Safety has supported. The department has not supported changes that would help clarify certain provisions and protect patients from arrest. The department does not care about patients and should not profit from them