

NEIL ABERCROMBIE
GOVERNOR



LATE TESTIMONY

SUNSHINE P.W. TOPPING
INTERIM DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

February 8, 2011

TESTIMONY TO THE
COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS,
AND MILITARY AFFAIRS
For Hearing on Tuesday, February 8, 2011
3:15 p.m. Conference Room 224

BY

SUNSHINE P.W. TOPPING,
INTERIM DIRECTOR

**Senate Bill No. 58
Relating to Medical Cannabis**

WRITTEN TESTIMONY ONLY

TO CHAIRPERSON WILL ESPERO AND MEMBERS OF THE COMMITTEE:

S.B. 58 proposes to amend the medical use of marijuana law to address the concerns of Hawaii's seriously ill patients.

The Department of Human Resources Development does not support the proposed change to HRS Section 329-123, Registration Requirements. In this amendment, physicians would not be required, in their written certifications, to name or describe the particular condition the patient has that warrants the certificate. We are concerned that the medical-marijuana program may be subject to abuse if physicians are not required to identify the patient's debilitating medical condition.

The State as an employer would like the option to consult with the physician issuing the certificate as to the worker's abilities to perform normal duties. Our concern is that the individual's impaired abilities to function safely may create a hazardous condition in the work environment for the individual, other employees, and the general

public.

Passage of this amendment would make it difficult for us to determine performance and behavior issues, without documentation of the condition requiring the medical marijuana certificate.

Thank you for the opportunity to testify on this matter.

LATE TESTIMONY

To: Senator Will Espero, Chair
Senator Michelle Kidani, Vice Chair and
Members of the Committee on Public Safety, Government Operations, and Military Affairs

From : Paul Minar, Committee member Oahu Americans for Safe Access

RE: SB 58 Relating to Medical Cannabis

Position: Support

I am testifying today in support of SB 58 Relating to Medical Cannabis. Medical cannabis patients have been asking for changes in the medical marijuana program for several years.

Make the law workable. Highest Priority Recommendations

1. Create a distribution system so that patients no longer have to grow it themselves or resort to the black market to obtain their medicine;
2. Increase the allowable number of plants and the amount of usable cannabis to ensure that patients have an adequate supply of their medicine;
3. Allow caregivers to care for at least five patients to ensure that patients are assured of an adequate supply and a competent caregiver; and
4. Transfer medical cannabis program oversight from the Department of Public Safety to the Department of Health.
5. Amend the bill to "provide patients protection from arrest while transporting their medicine

Paul Minar Oahu ASA

LATE TESTIMONY

TESTIMONY OF THE HAWAI'I POLICE DEPARTMENT

SENATE BILL 58

RELATING TO MEDICAL CANNABIS

BEFORE THE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS,
AND MILITARY AFFAIRS

DATE : Tuesday, February 8, 2011

TIME : 3:15 P.M.

PLACE : Conference Room 224
State Capitol

PERSON TESTIFYING:

Police Chief Harry S. Kubojiri
Hawai'i Police Department
County of Hawai'i

(Written Testimony Only)

Senator Will Espero
Chair and Members
Committee on Public Safety, Government Operations,
and Military Affairs
State Capitol
415 South Beretania Street, Room 224
Honolulu, Hawai'i 96813
Page 2

Re: Senate Bill 58, Relating to Medical Cannabis

Just one mature marijuana plant can produce several ounces of processed marijuana, so what is the justification for increasing the permissible number of marijuana plants to ten and processed cannabis to 5 ounces? If this bill were to be adopted, what would become of the excess processed marijuana? Is the State of Hawai'i sending a message that we condone the distribution of a controlled substance? Law enforcement actively participates in proactive "sting" operations that seek to enforce the numerous state and federal laws that prohibit the sale and distribution of tobacco and alcohol to minors. However, by increasing the number of marijuana plants allowed by this measure, is the State of Hawai'i potentially creating a surplus of processed marijuana, which could be distributed to minors, with no possibility of proactive enforcement activity?


Marijuana is still a controlled substance under both Federal and Hawai'i state law. Therefore, it would be hypocritical for law enforcement to support the passage of a law seeking to circumvent federal and state laws. The message could be interpreted as the State of Hawai'i Legislature legalizing drug trafficking within the state.

To expand the medical marijuana laws and amend our current statutes from their current restrictions would only assist those individuals now growing marijuana illegally and generating huge profits by allowing them to use the medical marijuana law to aid in avoiding detection. Passage of these bills would further hamper law enforcement organizations in their efforts to control this drug and the related crimes that come with it.

For the reasons above, we urge this committee to reject Senate Bill 58, Relating to Medical Cannabis.

Thank you for allowing the Hawai'i Police Department to testify on this bill.

Sincerely,


HARRY S. KUBONIRI
POLICE CHIEF

LATE TESTIMONY

green1 - Karen

From: Crystal Kam [Crystal@pacificwasteinc.com]
Sent: Monday, February 07, 2011 8:06 AM
To: HTHTestimony
Subject: SB58 2011

Dear Chair Espero,

I am writing in opposition to SB58. I don't think people who are on medical marijuana should be allowed to possess more marijuana than they are already allowed. If they have children in their household their children will be able to take the marijuana and sell them in school to other children. There is already a marijuana problem with children and I for one don't want my children to be influenced by other children to try marijuana. I honestly think the medical marijuana permit is being abused so why allow the users to have more than what they REALLY need!! Please take the children of Hawaii into consideration! We don't need more drug abuse in Hawaii and allowing medical marijuana users to grow more plants will just increase the drug abuse problem. The medical marijuana users will be able to grow more plants and be the main drug dealer for marijuana, thus increasing the amount of users in Hawaii.

Thank you for your time and hearing my testimony.

Sincerely,
Crystal Kam

LATE TESTIMONY

From: sara steiner [saralegal@live.com]
Sent: Monday, February 07, 2011 6:32 PM
To: PGM Testimony
Subject: Re: SB 58 Relating to Medical Cannabis

To: Senator Will Espero, Chair

Senator Michelle Kidani, Vice Chair and

Members of the Committee on Public Safety, Government Operations, and Military Affairs

From: Sara Steiner

13-430 Pohoiki Road

Po-Box-1965

Pahoa, HI 96778

Re: SB 58 Relating to Cannabis

Position: Strong Support

Aloha from the Big Island,

This Senate Bill 58 has been needed for the last 10 years. The plant allotment increase to 10 plants and 5 useable ounces is a good start! And more importantly, increasing the caregiver patient ratio is a huge step forward. Good caregivers are hard to find, and growing your own medicine is not practical for many patients. Being able to grow for several people, give extra cannabis to other qualifying patients, and to be reimbursed for your expenses make a lot of sense for the people who donate their time, yards and expertise to the task of caregiving.

This bill is also important, because it adds another layer of protection for doctor and patient confidentiality. It is also important that the cannabis doctor does not need to be the primary care physician. I myself have a primary care physician who could not recommend cannabis because she works for the Bay Clinic, and they are federally

funded. It is hard to find doctors that are not afraid to recommend cannabis, and it would be nice that they no longer have to describe all your pertinent information to the registry.

One of the most important subjects that needs to be addressed, but is not on this bill yet, is the question of transporting your medicine without fear of arrest and prosecution. We are not talking driving around smoking, we are talking a prescription that can be on your person if you are traveling inter-island, or just going to Kona for the weekend. We need to stop the discrimination of cannabis patients, and this is a perfect opportunity to rectify and clarify needed laws!

Thank you for your consideration of this important bill.

Sincerely,

Sara Steiner

Sara Steiner

808-936-9546

LATE TESTIMONY

From: robert petricci [nimo1767@gmail.com]
Sent: Monday, February 07, 2011 10:44 PM
To: PGM Testimony
Subject: Re: SB 58 Relating to Cannabis

To: Senator Will Espero, Chair

Senator Michelle Kidani, Vice Chair and

Members of the Committee on Public Safety, Government Operations, and Military Affairs

From: Robert Petricci

13-430 Pohoiki Road

Po-Box 2011

Pahoa, HI 96778

Representing Friends 4 Justice

Re: SB 58 Relating to Cannabis

Position: Strong Support

Aloha from the Big Island,

This Senate Bill 58 is an overdue reform to the medical marijuana law passed ten years ago.. The plant allotment increase to 10 plants and 5 usable ounces is reasonable after the ten year trial period! And more importantly, increasing the caregiver patient ratio is a huge step forward. Good caregivers are hard to find, and growing your own medicine is not practical for many patients. Being able to grow for several people, give extra cannabis to other qualifying patients, and to be reimbursed for your expenses make a lot of sense for the people who donate their time, yards and expertise to the task of care giving.

This bill is also important, because it adds another layer of protection for doctor and patient confidentiality. It is also important that the cannabis doctor does not need to be the primary care physician. Many primary care

physician do not recommend cannabis because they works for the Bay Clinic, or other organizations that are federally funded. Further many doctors have been intimidated by Mr. Kamita's campaign and law enforcements implication that marijuana is not "real" medicine. It can be hard to find doctors that are not afraid to recommend cannabis, particularly with the shortage of doctors in the state. It would be better and more would participate if they no longer have to describe all your pertinent information to the registry.

One of the most important subjects that needs to be addressed, but is not on this bill yet, is the question of transporting your medicine without fear of arrest and prosecution. We are not talking driving around smoking, we are talking a prescription that can be on your person if you are traveling inter-island, or just going to Kona for the weekend. We need to stop the discrimination of cannabis patients, and this is a perfect opportunity to rectify and clarify needed laws!

Thank you for your consideration of this important bill.

Sincerely,

Robert Petricci

Representing Friends 4 Justice

808-936-5239

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 10:35 PM
To: PGM Testimony
Cc: strawbrrymarigold@yahoo.com
Subject: Testimony for SB58 on 2/8/2011 3:15:00 PM

Testimony for PGM 2/8/2011 3:15:00 PM SB58

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Dana Hileman
Organization: Individual
Address:
Phone: 8082249795
E-mail: strawbrrymarigold@yahoo.com
Submitted on: 2/7/2011

Comments:

There are so many who are suffering who could be helped by medical marijuana who do not have the access they need. This change to caregiver ratio would help to mitigate the fact that we do not have dispensaries where patients can legally purchase their required medication. I have personally witnessed how complicated this can be for patients to obtain a caregiver and their medication. This situation should not be the norm for suffering patients who are attempting to obtain a medication prescribed by their doctor.

Increasing the patient to caregiver ratio from one-to-one to four-to-one is necessary because there are not enough caregivers to meet the demand of patients. Many patients are too incapacitated to grow their own medicine and must rely on caregivers. Furthermore, many qualified patients share housing so it makes sense that they share a caregiver.

Hawaii should increase the amount of marijuana allowed per patient from one ounce of usable marijuana, three mature plants, and four immature plants to five ounces of usable marijuana and 10 marijuana plants, mature or immature. This will bring Hawaii in line with other state programs and ensure that patients have an adequate and consistent supply of medicine.

If a patient has a co-occurring diagnosis of respiratory illness along with severe pain, they are not going to be able to inhale their medication, therefore edibles or oils are their only options. Please ensure that these people can obtain their medication as well.

Not all patients inhale their medical marijuana, many prefer to use marijuana infused products. The current limit on plants makes producing marijuana infused products, such as oils or edibles, more difficult as it takes more marijuana to create these products than one typically needs if they inhale their medicine.

It is ludicrous that we fine thousands of dollars if medical personnel or entities release private health information, but it is acceptable to break patient confidentiality in this manner because someone needs a natural pain medication with proven results. Please ensure their right to protection of privacy and access to their needed medication without reprisals.

Prohibiting a physician from naming the patient's particular condition protects patient confidentiality and follows the spirit of HIPAA. Because patients must submit their recommendation to a state department, it is essential that patients be given the opportunity to keep their private health records confidential. This is vital, as the Department of Public Safety has shown it is willing to divulge patient information when it sent a list of patients to a newspaper reporter. It is enough that a certified physician has recommended that marijuana would benefit the patient.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 1:41 PM
To: PGM Testimony
Cc: izzy_sannic@yahoo.com
Subject: Testimony for SB58 on 2/8/2011 3:15:00 PM

Testimony for PGM 2/8/2011 3:15:00 PM SB58

Conference room: 224
Testifier position: oppose
Testifier will be present: No
Submitted by: Lindsay San Nicolas
Organization: Individual
Address: 6382-B Nueku St. Kailua, Hawaii
Phone: 7282785
E-mail: izzy_sannic@yahoo.com
Submitted on: 2/8/2011

Comments:

I dont think it's necessary to give qualifying patients more cannabis because it will increase the risk for more abuse of the drug and inappropriate handling of cannabis.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 12:16 PM
To: PGM Testimony
Cc: bjose@kauai.gov
Subject: Testimony for SB58 on 2/8/2011 3:15:00 PM

Testimony for PGM 2/8/2011 3:15:00 PM SB58

Conference room: 224
Testifier position: oppose
Testifier will be present: No
Submitted by: Brenda Jose
Organization: Individual
Address: 7938 Elepaio Road Kekaha, HI
Phone: 808-346-9722
E-mail: bjose@kauai.gov
Submitted on: 2/8/2011

Comments: