



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2011**

ON THE FOLLOWING MEASURE:

H.B. NO. 142, H.D. 1, RELATING TO CONTROLLED SUBSTANCES.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Thursday, February 17, 2011 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): David M. Louie, Attorney General, or
Mark K. Miyahira, Deputy Attorney General

Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General opposes this bill.

The purpose of this bill is to require the Department of the Attorney General to coordinate a review of the impact that diversion of minor drug possession offenders into drug treatment would have on the criminal justice system, drug treatment program resources, and the safety of the public.

The Department believes that it does not have the available resources, at present, to complete the study as described within the specified time frame. Although the bill was amended to extend the date by which the Department of the Attorney General is to submit a report, it would take at least a year's worth of preliminary or background research and meetings with the relevant agencies to identify the necessary data and assess their availability and quality to formulate a basic research plan and methodologies. It would probably also take years, rather than months, to complete the actual research.

The three-position Research and Statistics Branch of the Department's Crime Prevention and Justice Assistance Division does not have any additional resources to conduct studies beyond its present commitments. Branch staff positions were reduced by

twenty-five percent following the recent abolishment of its Research Statistician III position.

Furloughs reduced the availability of the remaining three staff positions by approximately ten percent. (Thus, we currently have the equivalent of 2.7 FTE positions, a 32.5 percent reduction from our previous 4.0 FTEs.)

The Senior Research Analyst assumed the duties of the Research Statistician position (which includes conducting the day-to-day operations of Hawaii's participation in the national Uniform Crime Reporting Program, from which all basic crime trend statistics are derived) and is already doing the work of two people.

The Interagency Council on Intermediate Sanctions (ICIS) Research Analyst position is dedicated solely to conducting research relating to the Interagency Council on Intermediate Sanctions' efforts to reduce criminal recidivism in Hawaii. This position cannot be assigned to non-ICIS duties.

The Branch Chief coordinates and supervises the work of both positions, works independently on various projects (including two legislatively mandated, annual research projects), and fills a variety of other roles.

In addition, and despite their expertise in a wide range of other methodologies, the Research and Statistics Branch has no experience in conducting impact studies of the nature and extent described in these measures. We estimate that two full-time, highly qualified and specialized researchers would need to be added to provide a progress report and preliminary findings to the Legislature in two years time. It might also be possible to contract the work out, although our ability to provide a cost estimate would depend on a greater level of specificity and detail than is currently set forth in these measures, and time

to conduct the necessary assessments of data availability and quality.

The Department is also concerned that this measure proposes to review the impact that diversion of "drug possession offenders" into drug treatment would have on public safety, while focusing the review on offenders accused of serious drug offenses.

Felony marijuana possession offenses of any grade, and class C and B felony possession offenses involving other drugs, involve serious criminal offenses, where the defendant is often a drug dealer. An individual may commit the offense of Promoting a Detrimental Drug in the First Degree, in violation of section 712-1247, Hawaii Revised Statutes, a class C felony, by being in possession of one or more substances of an aggregate weight of one ounce or more, containing marijuana.

It is not uncommon in street sales involving marijuana, that the marijuana may be packaged and sold in quantities of one-fourth, one-eighth, and one-sixteenth of an ounce, or as individually rolled marijuana cigarettes (joints). According to various sources and studies, one ounce of marijuana can produce as many as fifty-six marijuana joints. Therefore, a dealer of marijuana could be found to be in possession of as little as one ounce (28.35 grams) of marijuana that may be individually packaged into small quantities or as marijuana joints for sale.

An individual may commit the offense of Commercial Promotion of Marijuana in the First Degree, in violation of section 712-1249.4, Hawaii Revised Statutes, a class A felony, by being in possession of marijuana with an aggregate weight of twenty-five pounds or more. This individual is clearly a drug dealer.

An individual may commit the offense of Promoting a Dangerous Drug in the Second Degree, in violation of section 712-1242, Hawaii Revised Statutes, a class B felony, by being in possession of one or more substances of an aggregate weight of one-eighth of an ounce or more, but less than one ounce, containing methamphetamine, heroin, morphine, or cocaine.

It is common knowledge among the vice divisions that possession of one-eighth of an ounce (3.54 grams) of methamphetamine, heroin, morphine, or cocaine is considered a drug dealer quantity. The person in possession of this amount of a dangerous drug is likely to be a drug dealer as well as a user.

The Department believes that diversion of these "drug possession offenders" into drug treatment, in lieu of charging the offenders, or allowing these offenders to plead to misdemeanors and be placed in treatment in lieu of imprisonment, is inappropriate given the nature of their offenses.

The Department respectfully requests that this measure be held.



THE JUDICIARY, STATE OF HAWAII

Testimony to the House Committee on Judiciary
Representative Gilbert S.C. Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair

Thursday, February 17, 2011, 2:00 p.m.
State Capitol, Conference Room 325

by
Rodney A. Maile
Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 142, H.D. 1, Relating to Controlled Substances

Purpose: Directs the Attorney General to coordinate a review of the impact of diverting marijuana and felony drug offenders out of the criminal justice system into treatment.

Judiciary's Position:

The Judiciary supports the intent of this bill, which requires the attorney general to coordinate a review of the impact that diversion of minor drug possession offenders into drug treatment would have on the criminal justice system, drug treatment program resources, and public safety. If the diversion programs mentioned in the bill require supervision, the responsibility for that supervision might be assigned to the Judiciary. Therefore, it would be helpful for the Judiciary to gain an understanding of the possible numbers of individuals involved and the scope of responsibility related to their supervision.

Thank you for the opportunity to testify on House Bill No. 142, H.D. 1.



HB 142 HD1
RELATING TO CONTROLLED SUBSTANCES
House Committee on Judiciary

February 17, 2011

2:00 p.m.

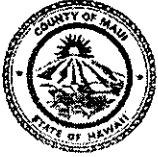
Room 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB 142 HD1. This bill directs the Attorney General to coordinate a review of the impact of diverting marijuana and felony drug offenders out of the criminal justice system into treatment.

OHA's recent report, "The Disparate Treatment of Native Hawaiians in the Criminal Justice System", shows that Native Hawaiians constitute a disproportionate population in Hawai'i's prison system. Native Hawaiians do not use drugs at a higher rate than other populations yet they are overrepresented in the criminal justice system.

This bill creates the foundation for a justice system to restore its focus on rehabilitation. Overspending on incarceration is not an efficient solution in these tough economic times when rehabilitation costs less and is more likely to reduce recidivism.

OHA urges the committee to PASS HB 142 HD1. Mahalo for the opportunity to testify on this important measure.



ALAN M. ARAKAWA
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

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GARY A. YABUTA
CHIEF OF POLICE

CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

February 14, 2011

The Honorable Gilbert S.C. Keith-Agaran, Chair
and Members of the Committee on Judiciary
House of Representative
State Capitol
Honolulu, Hawaii 96813

RE: House Bill No. 142, HD 1, Relating to Controlled Substances;
Diversion; Treatment

Dear Chair Keith-Agaran and Members of the Committee:

The Maui Police Department does not support the passage of H.B. No. 142, HD1. The passage of this bill will direct the Attorney General to coordinate a review of the impact of diverting marijuana and felony drug offenders out of the criminal justice system into treatment. (HB142 HD1).

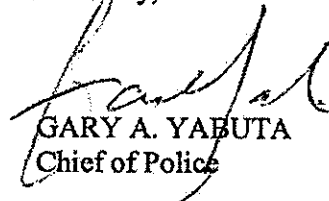
Conducting an impact review of this magnitude is easier said than done. In fact, it may take years in the making at additional costs to the Attorney General's budget or in essence, to the taxpayers.

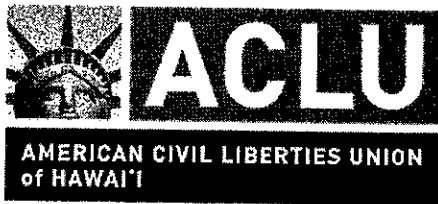
In addition, these crimes are listed as felony offenses because of the quantities of possession. Quantities that dictate not just mere possession of an addict, but quantities possessed by drug dealers.

The Maui Police Department asks that you do not support the passage of H.B. No. 142, HD 1.

Thank you for the opportunity to testify.

Sincerely,


GARY A. YABUTA
Chief of Police



Committee: Committee on Judiciary
Hearing Date/Time: Thursday, February 17, 2011, 2:00 p.m.
Place: Room 325
Re: Testimony of the ACLU of Hawaii in Support of H.B. 142, HD1,
Relating to Controlled Substances

Dear Chair Keith-Agaran and Members of the Committee on Judiciary:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of H.B. 142, HD1, Relating to Controlled Substances.

The budget for Hawaii's Department of Public Safety increased 87.5% from 2000-2009, and the number of inmates has skyrocketed over the last few decades. The ACLU of Hawaii encourages legislative actions that end punitive drug policies that cause widespread violations of constitutional and human rights as well as unprecedented levels of incarceration. In furtherance of that goal, we support legislation like H.B. 142, HD1, that seeks research-based information that can better inform our state's drug policies.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 45 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney
ACLU of Hawaii

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COMMITTEE ON JUDICIARY

Rep. Gil Keith-Agaran, Chair

Rep. Karl Rhoads, Vice Chair

Thursday, February 17, 2011

2:00 PM

Room 325

HB 142 HD1 - AG STUDY RE DIVERTING NONVIOLENT DRUG OFFENDERS SUPPORT

<http://www.capitol.hawaii.gov/emailtestimony>

Aloha Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working to improve conditions of confinement for our incarcerated individuals, improve the quality of justice, and enhance community safety by promoting smart justice policies. We are always mindful that there are 6,000 individuals whose voices have been silenced by incarceration with 1,800 individuals are serving their sentences abroad, thousands of miles from their loved ones and, in many cases, from far from their ancestral lands.

HB 142 directs the Attorney General to coordinate a review of the impact of diverting marijuana and low-level felony drug offenders out of the criminal justice system into treatment. The HD1 expands the scope of the review to include all drug possession offenders and changes the date by which the Attorney General is to submit a report on the findings and recommendations of the review, to one year following the enactment of this measure.

Community Alliance is in strong support of HB 142 HD1.

In 2002, the Legislature passed Act 161 in 2002, which diverted first-time, nonviolent drug lawbreakers to treatment instead of prison. The opposition came from the police and prosecutors (as it has in every jurisdiction where similar laws passed) who said that first timers are never incarcerated. A cursory review of the files at Halawa by a staffer at Public Safety, however, found 48 first-time, nonviolent drug lawbreakers incarcerated there. The prosecutor's response? They shouldn't be there!

In 2004, Act 161 was changed to make it discretionary, not mandatory, to divert first-time nonviolent drug offenders to treatment. (Act 44 - HB 2003 HD1,SD1). Act 44 finally provided funding, but it changed the purpose of the law.

It is not unusual today to meet many to meet many first timers in prison – most for drugs.

The rising costs of prison and the pitiful outcomes demand that we rethink what we are doing and explore other options. During times of fiscal austerity businesses try a number of things to cut costs and improve efficiency – getting a bigger bang for the buck, so to speak.

The data confirms that *for every \$1 spent on drug treatment in the community, you save approximately \$18*. Substance abuse treatment provided in the community is more cost-effective than imprisonment. Individuals with substance abuse histories compose a large portion of the prison population. Substance use/abuse plays a role in the commission of certain crimes. Treatment delivered in the community is one of the most cost-effective ways to prevent such crimes.¹

Increasing investment in community-based treatment, improving diversion from prison and jail, and ensuring that those leaving prison have adequate care, all will reduce the financial burden of imprisoning community members suffering with a substance abuse disorders and mental illness.

In this same vein, the state can look upon these trying times as an opportunity to take a close look at what we are doing, how we are doing it, and ask if there is some way to do it better and at a lower cost. My Mom used to say that necessity is the mother of invention, and she was right.

One concrete proposal for cutting expenditures on incarceration would be to reduce the number of non-violent offenders in prison and jail by half (with no change in the incarceration rates for violent offenders).²

A study, if it is independent, will take an unbiased look at diverting nonviolent drug lawbreakers and do a cost-benefit analysis of our current system and projections for law changes.

This is another reason that the Sentencing Simulation Model, a tool for legislators to see the impact of legislation before it becomes law, needs to be restarted. Sadly there is no funding for this terrific project, so it sits in limbo. The Sentencing Simulation Model predicts the unintended consequences of policies enacted into law that result in higher costs and many problems.

In these lean times, we need to explore every option to promote justice, protect public safety, and preserve precious resources.

Community Alliance on Prisons urges passage of HB 142 HD1.

Mahalo for this opportunity to testify.

¹ Aos, Steve, Polly Phipps, Robert Barnoski, and Roxanne Lieb. 2001. The comparative costs and benefits of programs to reduce crime. Olympia: Washington State Institute for Public Policy.

² The High Budgetary Cost of Incarceration, John Schmitt, Kris Warner, and Sarika Gupta, June 2010, Center for Economic and Policy Research. <http://www.cepr.net/documents/publications/incarceration-2010-06.pdf>

HAWAII SUBSTANCE ABUSE COALITION

Subject: HB142: *RELATING TO CONTROLLED SUBSTANCES*- Attorney General to review the impact of diverting marijuana and felony drug offenders into treatment.

To: COMMITTEE ON JUDICIARY: Representative Gilbert Keith-Agaran, Chair; Representative Karl Rhoads, Vice Chair

When: Thursday, Feb. 17th, 2011 at 2:00 pm in Room 325

Good morning Chair Keith-Agaran, Vice Chair Rhoads and Distinguished Committee members: My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide hui of more than twenty non-profit treatment and prevention agencies.

HSAC Supports HB142:

SUMMARY:

Strong empirical evidence over the past few decades consistently has shown that substance abuse treatment reduces crime.¹

The vast majority of prisoners who could benefit from drug abuse treatment do not receive it, despite two decades of research that demonstrate its effectiveness.² Over 50% of all prisoners are dependent on drugs, yet less than 20% of inmates suffering from drug abuse or dependence receive formal treatment.

"Treating drug-abusing offenders improves public health and safety," said National Institute of Drug Abuse (NIDA) Director Dr. Nora D. Volkow. "In addition to the devastating social consequences for individuals and their families, drug abuse exacts serious health effects, including increased risk for infectious diseases such as HIV and hepatitis C; and treatment for addiction can help prevent their spread. Providing drug abusers with treatment also makes it less likely that these abusers will return to the criminal justice system."

EXPLANATION:

The criminal justice system is in a unique position to encourage drug abusers to enter and remain in treatment, thereby disrupting the vicious cycle of drug use and crime. In fact, most studies indicate that outcomes for those who are legally pressured to enter treatment are as good as or better than outcomes for those who enter treatment without legal pressure.

"Addiction is a stigmatized disease that the criminal justice system often fails to view it as a medical condition; as a consequence, its treatment is not as available as it is for other medical conditions," stated Dr. Redonna K. Chandler, the Chief of NIDA's Services Research Branch.

There are several ways in which drug abuse treatment can be incorporated into the criminal justice system. These include therapeutic alternatives to incarceration, treatment

merged with judicial oversight in drug courts, treatments provided in prison and jail, and reentry programs to help offenders transition from incarceration back into the community.

Some communities are not aware of the cost savings. According to Dr. Chandler:

"A dollar spent on drug courts saves about \$4 in avoided costs of incarceration and health care; and prison-based treatment saves between \$2 and \$6,"

The NIDA emphasizes that addiction is a chronic brain disease: that repeated drug exposure in those who are vulnerable triggers brain changes that result in the compulsive drug use and loss of control over drug-related behaviors that characterize addiction. "Viewing addiction as a disease does not remove the responsibility of the individual," said Volkow. "It highlights the responsibility of the addicted person to get drug treatment and society's responsibility to make treatment available."

CONCLUSION:

For many people in need of alcohol and drug treatment, the criminal justice system is an opportunity for treatment. They can provide legal incentives to enter substance abuse treatment and often motivate the individual to begin and complete recovery. For some offenders who have multiple arrest and incarcerations, they have a recurring cycle of drug abuse and crime that are essentially ingrained patterns of maladaptive coping skills, criminal values and beliefs. A more intensive treatment approach, may be the only relevant solution to end their prolonged history of substance abuse and crime.

The need for treatment is high. For men and women whose struggle with substance abuse brings them into contact with the legal system, the personal losses can be enormous: families can break apart, health deteriorates, freedom is restricted, and far too often, lives are lost. But this is just the beginning of the potential devastation. Personal costs to the victims of crime are immeasurable. The effects of every theft, burglary, and violent crime reverberate throughout the whole community. Economic losses include the costs of arresting, processing, and incarcerating offenders, as well as the costs of police protection, increased insurance rates, and property losses.

Treatment saves money and lives. We appreciate the opportunity to testify today and are available for questions, if needed.

References:

1. Center for Substance Abuse Treatment. *Substance Abuse Treatment for Adults in the Criminal Justice System*. Treatment Improvement Protocol (TIP) Series 44. DHHS Publication No. (SMA) 05-4056. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2005. <http://www.ncbi.nlm.nih.gov/books/NBK14168/>
2. Dr. Nora Volkow/ Dr. Redonna K. Chandler, Directors of National Institute on Drug Abuse (NIDA), part of the National Institutes of Health. *Journal of the American Medical Association, Treating Inmates Has Proven Public Health, Safety, and Economic Benefits*, 2009 <http://www.drugabuse.gov/newsroom/09/NR1-13.html>

A the Drug Policy *Action* 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: House Committee on Judiciary

FROM: Pamela Lichty, MPH
President

DATE: February 17, 2011, 2 p.m., room 325

RE: H.B. 142, HD 1 RELATING TO CONTROLLED SUBSTANCES – **IN
SUPPORT**

Aloha Representative Keith-Agaran and members of the Committee. My name is Pam Lichty and I'm testifying on behalf of the Drug Policy Action Group.

We are in strong support of this measure.

In 2002 the Hawaii State Legislature passed ACT 161 that aimed to divert non-violent drug offenders into treatment in lieu of incarceration. Unfortunately there was no funding attached to that measure; the language was weakened in subsequent sessions and the law was never fully implemented.

Nonetheless the rationale for diversion programs is even stronger now than it was nine years ago. Many states, including Texas quite recently, have gone this route as fiscal crises have forced re-examination of state policies on drugs, incarceration and the **real** costs of such policies.

The one amendment we would make is to include criminologists and/or other policy researchers into the list of stakeholders with whom to consult.

We urge this Committee to pass this bill on with a strong recommendation for passage.

Mahalo for the opportunity to testify.



The Salvation Army

Addiction Treatment Services

DOING THE MOST GOOD

Founded in 1865

William Booth
Founder

Linda Bond
General

James Knaggs
Territorial Commander

Edward Hill
Divisional Commander

Lawrence Williams
Executive Director

Subject: HB142: Relating To Controlled Substances

**To: COMMITTEE ON JUDICIARY: Representative Gilbert Keith-Agaran, Chair;
Representative Karl Rhoads, Vice Chair**

When: Thursday, Feb. 17th, 2011 at 2:00 pm in Room 325

WRITTEN TESTIMONY IN SUPPORT OF HB142

ALOHA CHAIR KEITH-AGARAN, VICE CHAIR RHOADS, AND COMMITTEE MEMBERS:

My name is Larry Williams, executive director of The Salvation Army Addiction Treatment Services. ATS provides a comprehensive continuum of substance abuse treatment services for more than 1,200 adults annually, many of whom are referred from Hawaii's criminal justice system. I **support passage of House Bill No. 142** for the following reasons:

For many people in need of alcohol and drug treatment, contact with the criminal justice system is their first opportunity for treatment. A substance use disorder may be recognized and diagnosed for the first time, and legal incentives to enter substance abuse treatment sometimes motivate the individual to begin recovery. For other offenders, arrest and incarceration are part of a recurring cycle of drug abuse and crime. Ingrained patterns of maladaptive coping skills, criminal values and beliefs, and a lack of job skills may require a more intensive treatment approach, particularly among offenders with a prolonged history of substance abuse and crime.

The need for treatment is high. For men and women whose struggle with substance abuse brings them into contact with the legal system, the personal losses can be enormous: families can break apart, health deteriorates, freedom is restricted, and far too often, lives are lost. But this is just the beginning of the potential devastation. Personal costs to the victims of crime are immeasurable. The effects of every theft, burglary, and violent crime reverberate throughout the whole community. Economic losses include the costs of arresting, processing, and incarcerating offenders, as well as the costs of police protection, increased insurance rates, and property losses.

Treatment saves money and lives. Diversion of low risk offenders from prison to substance abuse treatment will help to reduce current prison overcrowding and reduce the cost of incarceration.

Therefore, I respectfully request that the **House Committee on Judiciary support HB142 by passing it out of committee.**

Thank you for this opportunity to provide input regarding this important subject matter.

Participating Agency



Aloha United Way

2228 Liliha Street, Unit 304 • Honolulu, Hawai'i 96817 • Tel: (808) 595-5808 • Fax: (808) 529-1490
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Medicine Buddhas and Bodhisattvas
Natural Cancer Wellness Foundation
Dr. Myron Berney, ND LAc
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HB142 HD1 SUPPORT

COMMITTEE ON JUDICIARY

Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair

DATE: Thursday, February 17, 2011

TIME: 2:00 PM

PLACE: Conference Room 325

The State of Hawaii spends, **wastes**, over **\$6.2 million** dollars annually on Marijuana enforcement and prosecution with nearly all cases receiving probation.

Marijuana is a non-toxic, non-addicting herbal medicine known in Hawaii as Medical Marijuana. Medical Marijuana is a effective herbal medicine for many chronic debilitating diseases. Medical Marijuana is often the most effective remedy for these same chronic debilitating diseases.

Based upon a **Pack of Lies**, a total disinformation campaign, after over 5,000 years of unsupervised social and medical use Marijuana was banned in 1939 In the USA. This immediately established a black market and a black market cash flow in Marijuana for the benefit of the Mob Bosses and Crime Syndicates as well as increased power and cash flow benefits for Law Enforcement.

Marijuana Laws have not brought any benefit to Society. In fact, the Marijuana Laws have harmed society.

The Rope verses Snake example.

If we were to see a coil of rope in the dark, we might mistake it for a snake and become really frightened and concerned. However, if we were to shine the light of our intelligence on the object and discovered that it was in fact a rope and not a snake, we would be able to relax. No snake no fear. We would be very happy. We might even find the rope very useful.

Marijuana is not a snake in the grass, Marijuana is a herbal medicine, a Gift from God, given on the third day of Creation, Genesis. And God said, "It was good."

There has never been any scientific documented evidence that Marijuana is a dangerous addicting drug that has no medical use and is unsafe even with the most strict supervision. [Schedule 1 legal definition requirements do not fit.] Science says the opposite that Marijuana is a safe and effective.

Science says:

- Marijuana is Safe, effective and non-toxic
- Marijuana is not addicting or habit forming
- Marijuana supports the endocannabinoid system; doesn't cause drug dependence or rebound.
- Marijuana supports the endocannabinoid system balancing all the functions of all the various cells, tissues and organ systems of the body and mind.
- Marijuana enhances new learning skills and creative problem solving
- Marijuana regulates auto immune diseases
- Marijuana reorganizes the neuromuscular system after injury for rehabilitation and pain management.
- Marijuana not only assists with the nausea of Chemo and Cancer but has effective anti-cancer effects as a stand alone medicine.
- Marijuana supports longevity and makes the sufferings of old age more comfortable through better functioning of the body and mind.
- Marijuana doesn't cover up or dope up the pain.
- Marijuana is never ever abusive; the recreational use of Marijuana is therapeutic.

One of the primary functions of the endocannabinoid system is in the brain and nervous system. Basically, the endocannabinoids in the post synaptic neuron are released to tell the pre synaptic neuron, **“Hey, I hear you, I got the message, RELAX.”** Once, the post synaptic neuron gets the signal it's time to relax the pre synaptic neuron so it doesn't keep firing off and cause the entire system to burn out. Marijuana is anti-stress anti-burn out. Marijuana by eliminating distracting signaling and neurological noise and burnout improves concentration, memory and creative learning.

Even if Marijuana was as dangerous as hard drugs or hard liquor or beer [Marijuana is not as dangerous as alcohol or tobacco or aspirin or OTC cough medicine], the marijuana laws and American Drug Policy is still a complete failure causing as much or more social harm than either

- no drug laws as prior to 1924 or
- European style social and medical drug management systems

Simply put there is less of a drug problem in States and Countries that have less criminal justice and more social and medical justice in their drug policy.

But Marijuana is not a snake. Marijuana is God's Blessing, God's Gift to Man, given on the third day of Creation. And God said, “That's Good.” The Snake in the Bible is man saying that God's Gift was Bad when God said that “It is Good.”

The only thing bad about Marijuana is the Politics of Lies to promote Crime and drug wars.

Estimates of Marijuana use range from 30% up to 50% or better in the general population.

None of these thousand of voters want to go to jail for enjoying God's Gifts.

None of these thousands of voters want any problems concerning their use of herbal medicine.

The use of herbal medicine is a protected Constitutional Right in the USA.

Obey the Federal and State Constitution. Repeal all Marijuana Laws today. Back to 1939.

Dr. Myron Berney, ND LAc



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

February 17, 2011

To: Representative Gilbert Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair and
Members of the Committee on Judiciary

From: Jeanne Y. Ohta, Executive Director

RE: HB 142, HD1 Relating to Controlled Substances
Hearing: Tuesday, February 17, 2011, 2:00 p.m., Room 325

Position: Support

Good afternoon Chair Keith-Agaran, Vice Chair Rhoads, and members of the Committee. I am Jeanne Ohta, Executive Director of the Drug Policy Forum of Hawai'i testifying in support of this measure.

DPFH supports this request for a study and also supports the policy of diverting people with drug abuse and addiction problems into treatment rather than the criminal justice system. Hawai'i spends \$60 million per year on out-of-state-prisons. If we are to reduce that cost, we must find alternate ways to address the issue of drug addiction in our community. Drug addiction is a public health issue that should be addressed with public health solutions rather than through the criminal justice system.

The proposed study could identify how this can be accomplished and what the impact would be. This is a good beginning for a better policy.

We strongly believe that appropriate treatment for drug offenders saves money over incarceration. Incarceration does not reduce recidivism and does not address addiction, but treatment provides long-term results.

We urge the committee to pass this measure.

Board of Directors

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