

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Blvd. 4<sup>th</sup> Floor  
Honolulu, Hawaii 96813

JODIE F. MAESAKA-HIRATA  
DIRECTOR

MARTHA TORNEY  
Deputy Director of  
Administration

JOE W. BOOKER, JR.  
Deputy Director  
Corrections

KEITH KAMITA  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 1963  
A BILL FOR AN ACT RELATING TO MEDICAL USE OF MARIJUANA

by

Jodie F. Maesaka-Hirata, Director  
Department of Public Safety

Committee on Public Safety & Military Affairs  
Representative Henry J.C. Aquino, Chair  
Representative Ty Cullen, Vice Chair

Committee on Health  
Representative Ryan I. Yamane, Chair  
Representative Dee Morikawa, Vice Chair

Thursday, February 2, 2012, 11:15 AM  
State Capitol, Room 309

Chair Aquino, Chair Yamane and Members of the Committees:

The Department of Public Safety (PSD) supports House Bill 1963 that proposes to tighten up the laws relating to Hawaii's medical use of marijuana program by (1) adding a new section to Chapter 329 part IX to require the Department of Health to submit a report to the legislature on recommendations for additions, deletions or revisions to the authorized list of debilitating medical conditions; (2) requiring physicians who recommend medical marijuana to register a place of business or professional practice with the department of public safety; (3) clarifying definitions with respect to medical use of marijuana; (4) establishing a revocation period for those violating the medical marijuana program conditions; (5) limiting the amount of marijuana that can be

grown or possessed at a location; (6) requiring patients and caregivers to have their registration identification certificates with them when they are in possession or control of marijuana; and (7) increasing the penalties for fraudulent misrepresentations about the medical use of marijuana.

The Department has received complaints from patients of practitioners setting up offices in hotel rooms, business centers or rented space for a few hours to see patients. The patients informed the department that these physicians did not conduct a physical examination, made them complete the application forms for Hawaii's medical use of marijuana program, then collected their fees and closed up shop. Patients have called PSD's Narcotics Enforcement Division complaining that they went back to the location where they saw their physician but the physician was no longer at the location. They complained of being possibly "ripped off" and ask for assistance in locating their physician in order to get their money back or receive their permit. Section 2 of House Bill 1963 would solve this problem and protect patients. The Department is recommending that on page 2, lines 1 through 12 be amended to read as follows:

"SECTION 2. Section 329-32, Hawaii Revised Statute, is amended to read as follows:

**§329-32 Registration requirements.** (a) Every person who:

- (1) Manufactures, distributes, prescribes, or dispenses any controlled substance within this State;
- (2) Proposes to engage in the manufacture, distribution, prescription, or dispensing of any controlled substance within this State; or
- (3) Dispenses or proposes to dispense any controlled substance for use in this State by shipping, mailing, or otherwise delivering the controlled substance from a location outside this State;
- (4) Recommends the medical use of marijuana to patients:**

shall obtain a registration issued by the department of public safety in accordance with the department's rules. A licensed or registered health care professional who acts as

the authorized agent of a practitioner and who administers controlled substances at the direction of the practitioner shall not be required to obtain a registration.

(b) Persons registered by the department of public safety under this chapter to manufacture, distribute, prescribe, dispense, store, or conduct research with controlled substances may possess, manufacture, distribute, prescribe, dispense, store, or conduct research with those substances to the extent authorized by their registration and in conformity with this part.

(c) Except as otherwise provided by law, the following persons shall not be required to register and may lawfully possess controlled substances under this chapter:

- (1) An agent or employee of any registered manufacturer, distributor, or dispenser of any controlled substance, if the agent or employee is acting in the usual course of the agent's or employee's business or employment;
- (2) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of the person's business or employment; and
- (3) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner.

(d) The department of public safety may waive the registration or filing requirement for certain manufacturers, distributors, prescribers, or dispensers by rule if:

- (1) It is consistent with the public health and safety; and
- (2) The department of public safety states the specific reasons for the waiver and the time period for which the waiver is to be valid.

(e) A separate registration shall be required at each principal place of business or professional practice where the applicant manufactures, distributes, prescribes, or dispenses controlled substances, **recommends the medical use of marijuana**, except an office used by a practitioner (who is registered at another location) where controlled substances are prescribed but neither administered nor otherwise dispensed as a regular part of the professional practice of the practitioner at such office, and where no supplies of controlled substances are maintained.

(f) The department of public safety may inspect the establishment of a registrant or applicant for registration in accordance with the department's rule.

(g) The department of public safety may require a registrant to submit documents or written statements of fact relevant to a registration that the department deems necessary to determine whether the registration should be granted or denied. The failure of the registrant to provide the documents or statements within a reasonable time after being requested to do so shall be deemed to be a waiver by the registrant of the opportunity to present the documents or statements for consideration by the department in granting or denying the registration.

(h) The failure to renew the controlled substance registration on a timely basis or to pay the applicable fees or payment with a check that is dishonored upon first deposit shall cause the registration to be automatically forfeited."

The Department applauds the legislature for correcting an error in the definition of "debilitating medical conditions" that also allowed individuals to abuse the program by obtaining medical use of marijuana permits for treating any medical condition that produced "pain." The original intent of the legislation that passed in 2000 was to allow physicians, the ability to recommend the medical use of marijuana to their patients for the treatment of severe debilitating medical conditions such as Cancer, Glaucoma HIV, AIDS and the pain caused by these serious debilitating medical conditions.

The Department would like to point out a drafting error on page 3, line 11 of House Bill 1963, the word "these" should not be deleted. This line should read, "syndrome, or the treatment of these conditions." By deleting the word "these" a physician could continue to abuse the program by issuing medical use of marijuana permits to any person complaining any type of "pain" ranging from a stubbed toe to the severe pain experienced from cancer.

The Department would also request an amendment to page 4, line 2 through 4 of House Bill 1963 to read as follows:

**" (3) Severe and persistent muscle spasms[, including these characteristic-of] caused by multiple sclerosis or Crohn's disease; or"**

This amendment would close the loophole for patients to obtain a medical use of marijuana permit for any kind of muscle spasms and not just those characteristics of multiple sclerosis or Crohn's disease that was intended in the original bill. House Bill 1963 protects the public by restricting persons convicted of a felony from being caregivers, increases the penalties for individuals that fraudulently obtain or provide

medical use of marijuana permits and sufficient punishment for those individuals who violate the program.

Thank you for the opportunity to testify on this matter.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SIXTH LEGISLATURE, 2012**

---

ON THE FOLLOWING MEASURE:

H.B. NO. 1963, RELATING TO MEDICAL USE OF MARIJUANA.

BEFORE THE:

HOUSE COMMITTEES ON PUBLIC SAFETY AND MILITARY AFFAIRS AND ON  
HEALTH

DATE: Thursday, February 2, 2012 TIME: 11:15 a.m.

LOCATION: State Capitol, Room 309

TESTIFIER(S): David M. Louie, Attorney General, or  
Lance M. Goto, Deputy Attorney General

---

Chairs Aquino and Yamane and Members of the Committees:

The Department of the Attorney General supports this bill with amendments.

The purpose of the bill is to update the law regarding the medical use of marijuana by:  
(1) requiring the Department of Health to submit a report to the Legislature each session with recommendations on any additions, deletions, or revisions to the list of debilitating medical conditions that qualify a patient for the use of medical marijuana; (2) requiring physicians to register with the Department of Public Safety each place of business or professional practice where the physician recommends the medical use of marijuana; (3) clarifying definitions with respect to the medical use of marijuana; (4) establishing a suspension period for those who violate the medical marijuana program conditions; (5) limiting the amount of marijuana that can be grown or possessed at a particular location; and (6) increasing penalties for fraudulent misrepresentations about the medical use of marijuana.

The discussion of the Department's recommended amendments are highlighted below with bold lettering.

**Requiring physicians to register with the Department of Public  
Safety each place of business or professional practice  
where the physician recommends the medical use of marijuana.**

Section 329-32(e), Hawaii Revised Statutes (HRS), is being amended to clarify that, in addition to each principal place of business or professional practice where the physician manufactures, distributes, prescribes, or dispenses controlled substances, a physician must also

obtain a separate controlled substance registration from the Department of Public Safety for each principal place of business or professional practice where the physician recommends the medical use of marijuana. This amendment is necessary to clarify that the medical-use-of-marijuana law requires physicians participating in the program to actually have physical offices to see and treat their patients, and not just locations rented for the day or virtual offices where physicians just process permit applications with no physician-patient relationship.

To conform with the amendment of section 329-32(e), the Department recommends a similar amendment to section 329-32(a), HRS, as follows:

Every person who:

- (1) Manufactures, distributes, prescribes, or dispenses any controlled substance, or recommends the medical use of marijuana within this State;
- (2) Proposes to engage in the manufacture, distribution, prescription, or dispensing of any controlled substance within this State; or
- (3) Dispenses or proposes to dispense any controlled substance for use in this State by shipping, mailing, or otherwise delivering the controlled substance from a location outside this State;

shall obtain a registration issued by the department of public safety in accordance with the department's rules. A licensed or registered health care professional who acts as the authorized agent of a practitioner and who administers controlled substances at the direction of the practitioner shall not be required to obtain a registration.

Clarifying definitions with respect to the medical use of marijuana.

Section 329-121, HRS, is being amended to clarify the definitions for "adequate supply," "debilitating medical condition," "primary caregiver," and "written certification." The Department supports the amendments to "primary caregiver" and "written certification," but recommends amendments to the proposed definitions of "adequate supply" and "debilitating medical condition."

The definition of "adequate supply" is being amended to mean seven plants and not more than three ounces of usable marijuana, instead of the current definition of "three mature marijuana plants, four immature marijuana plants, and one ounce of usable marijuana per each mature plant." This part of the new definition will make it easier to understand, follow, and enforce the law. The bill also adds the following provision to the definition:

**No address used by a qualifying patient or caregiver to grow that patient's**

or caregiver's marijuana may exceed twenty-one plants or nine ounces of usable marijuana, regardless of the number of permits authorized for that location.

While the Department supports the intent of this provision, it is concerned about the placement of this prohibition language in the definition of "adequate supply." The Department recommends that this prohibition be added as a new paragraph to section 329-122(c), HRS, which sets out limitations to the authorized use of medical marijuana. The new paragraph would read as follows:

A qualifying patient or caregiver who maintains or possesses marijuana plants or usable marijuana at a particular address or property with other patients or caregivers, if there are more than twenty-one marijuana plants or more than nine ounces of usable marijuana at that location, regardless of the number of qualifying patients or caregivers who are maintaining or possessing marijuana at that location.

This provision will help prevent the development of major marijuana growing operations under the guise of the medical marijuana program.

The definition of "debilitating medical condition" is apparently being amended to greatly broaden it to include the treatment of any conditions that produce cachexia or wasting syndrome, severe pain, severe nausea, or seizures. The medical use of marijuana may be allowed for any qualifying patient who has been diagnosed with a debilitating medical condition. The Department, therefore, is greatly concerned about broadening the definition to include the treatment of any conditions that produce pain and nausea that are not directly related to a diagnosed significant disease or illness.

To bring the definition in line with the original intent of the law to allow the limited use of marijuana to treat patients with severe debilitating medical conditions such as cancer, glaucoma, positive status for human immunodeficiency virus, and acquired immune deficiency syndrome, the Department recommends that the definition of "debilitating medical condition" be amended such that paragraph (1) reads:

Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, epilepsy, multiple sclerosis, Crohn's disease, or the treatment of these conditions;

Paragraph (2) should be repealed.



Establishing a suspension period for those who  
violate the medical marijuana program conditions.

Section 329-122, HRS, is being amended to allow the administrator to suspend anyone from participation in the medical marijuana program for up to three years for violating the medical marijuana law. This provision will clarify the consequences for users and providers who refuse to comply with the requirements of the medical marijuana laws.

**Because this amendment adds a suspension provision to the section, the Department recommends that the section title be amended as follows:**

**§329-122 Medical use of marijuana; conditions of use [-]; suspension.**

Increasing penalties for fraudulent  
misrepresentations about the medical use of marijuana.

Section 329-128, HRS, is being amended to increase penalties for individuals violating the provisions of the medical marijuana laws by falsifying information on the department-issued medical use application form or in any statement made to a law enforcement official of any fact or circumstance relating to the medical use of marijuana to avoid arrest or prosecution.

The reclassification of the offense to a class C felony is consistent with section 329-42(a)(3) and (4), HRS, which makes it a class C felony for any person to knowingly or intentionally obtain or attempt to obtain any controlled substance by fraud, deceit, or misrepresentation; by furnishing fraudulent medical information; or by furnishing false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under chapter 329.

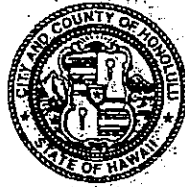
The proposed increase in penalties for physicians falsifying information on the department-issued application for the medical use of marijuana form is consistent with section 329-41(b), HRS, which prohibits physicians from administering, prescribing, or dispensing any controlled substance without a bona fide physician-patient relationship.

Conclusion.

The Department respectfully asks the Committee to pass this bill with the recommended amendments.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 • INTERNET: www.honolulu.org



PETER B. CARLISLE  
MAYOR

LOUIS M. KEALOHA  
CHIEF

DAVE M. KAJIHIRO  
MARIE A. McCAULEY  
DEPUTY CHIEFS

OUR REFERENCE JM-TA

February 2, 2012

The Honorable Henry J. C. Aquino, Chair  
and Members  
Committee on Public Safety  
and Military Affairs  
The Honorable Ryan I. Yamane, Chair  
and Members  
Committee on Health  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chairs Aquino and Yamane and Members:

Subject: House Bill No. 1963, Relating to Medical Use of Marijuana

I am John McEntire, Major of the Narcotics/Vice Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports House Bill No. 1963, Relating to Medical Use of Marijuana.

The Honolulu Police Department is against the legalization, decriminalization, and medicinal use of marijuana. However, regarding Hawaii's Medical Use of Marijuana Program, we support House Bill No. 1963. Passage of this bill will limit qualifying medical conditions and would close a loophole for those who simply listed severe pain as a condition to meet the current requirement to obtain a medical marijuana permit in Hawaii. Out of compassion for the health and welfare of the seriously ill, the legislature enacted the State's medical marijuana or cannabis program in 2000.

*Serving and Protecting With Aloha*

The Honorable Henry J.C. Aquino, Chair  
and Members

The Honorable Ryan I. Yamane, Chair  
and Members

Page 2

February 2, 2012

According to State Narcotics Enforcement Division's records as of June 30, 2010, more than 8,000 patients registered. Of that number, a total of 4,938 listed severe pain as a debilitating medical condition to obtain their medical use of marijuana permit. In addition, the passage of this bill will elevate the current penalties for fraudulent misrepresentation of the medical marijuana permit application and statements made to law enforcement officials. This bill will limit abuse and deter people from violating the rules.

The Honolulu Police Department urges you to support House Bill No. 1963, Relating to Medical Use of Marijuana.

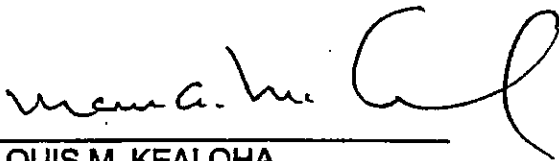
Thank you for the opportunity to testify.

Sincerely,



JOHN McENTIRE, Major  
Narcotics/Vice Division

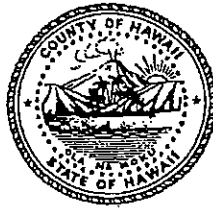
APPROVED:



*for*  
LOUIS M. KEALOHA  
Chief of Police

CHARLENE Y. IBOSHI  
PROSECUTING ATTORNEY

DALE A. ROSS  
FIRST DEPUTY  
PROSECUTING ATTORNEY



OFFICE OF THE PROSECUTING ATTORNEY

655 KĪLAUEA AVENUE  
HILO, HAWAII 96720  
PH: (808) 961-0466  
FAX: (808) 961-8908  
(808) 934-3403  
(808) 934-3503

WEST HAWAII UNIT  
81-980 HALEKĪ'I ST, SUITE 150  
KEALAKEKUA, HAWAII 96750  
PH: (808) 322-2552  
FAX: (808) 322-6584

TESTIMONY IN SUPPORT WITH AMENDMENTS TO  
HOUSE BILL 1963  
A BILL FOR AN ACT RELATING TO MEDICAL USE OF  
MARIJUANA

Committee on Public Safety and Military Affairs  
Rep. Henry J.C. Aquino, Chair  
Rep. Ty Cullen, Vice Chair

Committee on Health  
Rep. Ryan I. Yamane, Chair  
Rep. Dee Morikawa, Vice Chair

Thursday, February 2, 2012, 11:15 AM  
State Capitol, Room 309

Representatives Aquino, Yamane and Members of the  
Committees:

The Hawaii County Office of the Prosecuting Attorney supports the intent of House Bill 1963 with amendments. This Bill updates the law relating to the medical use of marijuana. The bill limits the amount of marijuana at one address eliminating multiple combined permits which result in large amounts of marijuana. However, we ask for the following changes to be made.

We believe the increase from one ounce of usable marijuana to three ounces of usable marijuana is excessive and should remain at one ounce of usable marijuana. Likewise, the next language would follow and limit one address to 21 plants and 3 ounces of usable marijuana given 3 valid permits existed for that one address.

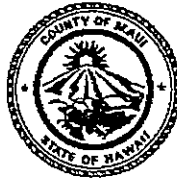
On pages 3 and 4, regarding the definition of "debilitating medical condition" on page 3, line 11, the deleted "these" should not be deleted. It changes the meaning and makes it extremely broad.

On page 4, lines 1-4, the bill reinserts "seizures characteristic of epilepsy," and "severe and persistent muscle spasms, including those characteristic of multiple sclerosis or Crohn's disease." The wording as proposed is too general. We suggest deleting these two provisions on lines 1-4 and insert epilepsy, multiple sclerosis, and Crohn's disease into the list of diseases under paragraph (1), at page 3, lines 9-11.

For these reasons the Hawaii County Office of the Prosecuting Attorney supports the intent of HB 1963 with the above amendments.

Thank you for the opportunity to testify on this matter.

ALAN M. ARAKAWA  
Mayor



JOHN D. KIM  
Acting Prosecuting Attorney  
ROBERT D. RIVERA  
First Deputy Prosecuting Attorney

DEPARTMENT OF THE PROSECUTING ATTORNEY  
COUNTY OF MAUI  
150 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
PHONE (808) 270-7777 • FAX (808) 270-7625

CONTACT: RICHARD. K. MINATOYA  
Deputy Prosecuting Attorney  
Supervisor, Appellate, Asset Forfeiture and Administrative Services Division

**AMENDED** TESTIMONY

ON

HB 1963 - RELATING TO MEDICAL USE OF MARIJUANA

January 30, 2012

The Honorable Henry J. C. Aquino  
Chair  
The Honorable Ty Cullen  
Vice Chair  
and Members  
House Committee on Public Safety & Military Affairs  
The Honorable Ryan I. Yamane  
Chair  
The Honorable Dee Morikawa  
Vice Chair  
House Committee on Health

Chairs Aquino and Yamane, Vice Chairs Cullen and Morikawa, and Members of the Committees on Public Safety & Military Affairs and Health:

HB 1963, Relating to Medical Use of Marijuana, proposes to make various changes regarding medical marijuana laws: (1) require physicians who recommend medical marijuana to register a place of business or professional practice with the Department of Public Safety; (2) clarify definitions with respect to medical use of marijuana; (3) establish a revocation period for those violating the medical marijuana program conditions; (4) limit the amount of marijuana that can be grown or processed at a location; (5) require patients and caregivers to have their registration identification certificates with them when they are in possession or control of marijuana; and (6) increase the penalties for fraudulent misrepresentation about medical use of marijuana.

The Department of the Prosecuting Attorney, County of Maui, SUPPORTS the passage of this bill WITH AMENDMENTS. We propose the following amendments:

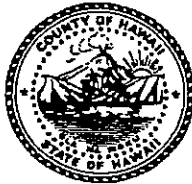
1. On pages 3 and 4, regarding the definition of "debilitating medical condition," on page 3, line 11, the deleted "these" should not be deleted; and
2. On page 4, lines 1-4, "seizures characteristic of epilepsy," and "severe and persistent muscle spasms, including those characteristic of multiple sclerosis or Crohn's disease" should be deleted, and and epilepsy, multiple sclerosis, and Crohn's disease should be inserted into the list of diseases under paragraph (1), at page 3, lines 9-11.

This bill will allow qualified patients to receive medical marijuana prescriptions, while giving law enforcement the means to help ensure that medical marijuana will not be used illegally. We ask that the committees PASS HB 1963 AS AMENDED

Thank you very much for the opportunity to provide testimony on this bill.



William P. Kenoi  
Mayor



Harry S. Kubojiri  
Police Chief

Paul K. Ferreira  
Deputy Police Chief

## County of Hawai`i

### POLICE DEPARTMENT

349 Kapiolani Street • Hilo, Hawai`i 96720-3998  
(808) 935-3311 • Fax (808) 961-8865

February 1, 2012

Representative Henry J. C. Aquino  
Chairperson and Committee Members  
Committee On Public Safety & Military Affairs  
415 South Beretania Street, Room 224  
Honolulu, Hawai`i 96813

### **Re: House Bill 1963, Relating To Medical Use of Marijuana**

Dear Representative Aquino:

The Hawai`i Police Department supports HB 1963 relating to the Medical Use of Marijuana, this bill updates the law relating to the medical use of marijuana by: requiring physicians who recommend medical marijuana to register a place of business or professional practice with the department of public safety; clarifying definitions with respect to medical use of marijuana; establishing a revocation period for those violating the medical marijuana program conditions; limiting the amount of marijuana that can be grown or possessed at a location; requiring patients and caregivers to have their registration identification certificates with them when they are in possession or control of marijuana; and increases penalties for fraudulent misrepresentations about the medical use of marijuana.

It is our contention that since the Department of Public Safety oversees the medical marijuana program, they should be well informed as to the business locations where medical marijuana is being recommended, and it would be practical for physicians to register their business locations with them.

With respect to the clarifying definitions regarding medical use of marijuana, this bill seeks to define "debilitating medical condition" as: Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, or the treatment of conditions that produce one or more of the following: cachexia or wasting syndrome; severe pain; severe nausea; or seizures; seizures characteristic of epilepsy; severe and persistent muscle spasms, including those characteristic of multiple sclerosis or Crohn's disease; or any other medical condition approved by the department of health pursuant to administrative rules in response to a request from a physician or potentially qualifying patient that has been authorized by the legislature. This change removes the loosely defined ailments currently in the statutes and severely limits the ailments a patient must

REPRESENTATIVE HENRY J. C. AQUINO  
CHAIRPERSON AND COMMITTEE MEMBERS  
COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS  
RE: HOUSE BILL 1963, RELATING TO MEDICAL USE OF MARIJUANA  
PAGE 2

have before being recommended for a medical marijuana permit. As the statutes are written now, anyone with "severe" pain can be recommended for a medical marijuana permit. It is my understanding, from discussions with NED personnel, the largest age group of medical marijuana permit holders are the "18 through mid 20 year-olds" who suffer from "severe pain," which takes away from the original intent of medical marijuana program, which was designed to assist those who are diagnosed with terminal or severely life threatening types of diseases, such as cancer, HIV, and AIDS. This change also ensures that physicians, who are recommending medical marijuana for their patients, are conducting thorough medical examinations on their patients to ensure they meet the criteria for the program.

With respect to limiting the amount of marijuana that can be grown or possessed at a location, this bill seeks to 1) define "adequate supply" as seven marijuana plants (versus the current definition of three mature and four immature marijuana plants) and three ounces of usable marijuana (instead of one ounce of usable marijuana per mature marijuana plant); 2) limit the amount of marijuana permissible at a single address to no more than twenty-one plants or nine ounces of usable marijuana, regardless of the number of permits authorized for that location. I am in support of simplifying the definition of marijuana plants to simply seven; this will aid in clarity with respect to what is a mature versus immature marijuana plant as it can be difficult to say with certainty at what stage in growth the marijuana plants are. I am also in support of limiting the amount of marijuana permissible at a single address; this has become an increasing problem here on the Big Island. For instance there was one particular property recently encountered by our personnel which had approximately 14 medical marijuana permits allowed for a single address; with only a small structure on the property, it is hard to argue all 14 permit holders reside there.

With respect to establishing a revocation period for those violating the medical marijuana program conditions, I think a revocation period for violators is needed as currently there is no penalty if a patient violates the conditions of a marijuana permit. Without any type of revocation plan in place, violators can violate the conditions of the program with no repercussions and, thus, providing little incentive for following guidelines established by the Legislature.

For these stated reasons, we urge this Committee to approve this measure. Thank you for allowing the Hawai'i Police Department to provide comments relating to House Bill 1963.

Sincerely,

  
HARRY S. KUBOJIRI  
POLICE CHIEF



ALAN M. ARAKAWA  
MAYOR

OUR REFERENCE

YOUR REFERENCE

# POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET  
WAILUKU, HAWAII 96793  
(808) 244-6400  
FAX (808) 244-6411

February 1, 2012



GARY A. YABUTA  
CHIEF OF POLICE

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

The Honorable Henry J.C. Aquino, Chair  
And Members of the Committee on  
Public Safety & Military Affairs  
House of Representatives  
State Capitol  
Honolulu, HI 96813

The Honorable Ryan I. Yamane, Chair  
and Members of the Committee on Health  
House of Representatives  
State Capitol  
Honolulu, HI 96813

Re: HB 1963 Relating to Medical Use of Marijuana

Dear Chairs Aquino, Yamane, and Members of the Committees:

The Maui Police Department supports HB 1963 and is in favor of the following proposals:

- 1) HRS Chapter 329, Part IX, which will require the Department of Health to submit a legislative report on recommendations for additions, deletions, or revisions to the list of debilitating medical conditions. Hopefully, this will legitimize the ailments for which the enactment of the medical use of marijuana was intended - for those with true debilitating medical conditions:
- 2) Requiring physicians who recommend the use of medical marijuana to register a physical place of business or professional practice with the Department of Public Safety (DPS). This should reduce the number of temporary clinics within any given area. The DPS has gotten complaints regarding practitioners conducting business from a hotel room or location with no long term plans (a couple of hours at times). Complaints have been received by patients indicating their examination consisted of filling out the application forms for the Hawaii permitting process and no actual physical examination.
- 3) The clarification of definitions with respect to medical use of marijuana. This would close the loophole where a patient with any type of muscle spasm could obtain a permit. It was intended for spasms characteristic of Multiple Sclerosis or Crohn's disease patients.

The Honorable Henry J.C. Aquino, Chair  
Committee on Public Safety & Military Affairs

The Honorable Ryan I. Yamane, Chair  
Committee on Health  
February 1, 2012  
Page 2

- 4) The establishment of a revocation period for those in violation of the program conditions. The Maui Police Department executed numerous search warrants during 2011 where the offender(s) possessed a medical marijuana permit, but was in violation of the terms and conditions. The violations ranged from the number of live marijuana plants to the amount of processed marijuana in their possession. Currently, there are no consequences for these violators.
- 5) The limitation of the amount grown or possessed at any given location. This will restrict the aforementioned regardless of the amount of alleged permit holders at any given residence.
- 6) Requiring the patient and caregiver to have their registration identification certificate with them when in possession or control of marijuana. The justification for the aforementioned is self-explanatory.
- 7) The increase in penalties for fraudulent misrepresentations regarding the medical use of marijuana. As mentioned prior, there are no penalties or repercussions for any violation regarding this. The implementation of this proposal will hold violators responsible and deter further or future violations.

We hope these changes will put into place laws that will benefit those for which it was truly intended.

Thank you for the opportunity to testify.

Sincerely,

  
GARY A. YABUTA  
Chief of Police



Testimony for HB 1963 Relating to Medical Use of Marijuana

Thursday, February 2, 2012 at 11:15 am., Room 309

House Committee on Public Safety and Military Affairs

Rep. Henry Aquino, Chair

Rep. Ty Cullen, Vice Chair

House Committee on Health

Rep. Ryan Yamane, Chair

Rep. Dee Morikawa, Vice Chair

**Strong Opposition to HB 1963- Medical Use of Marijuana**

Chairs Aquino and Yamane, Vice Chairs Cullen and Morikawa and Member of the Committees

Mahalo for this opportunity to testify in strong opposition to HB 1963 regarding medical marijuana. The Big Island Chapter of Americans for Safe Access has worked during the past three years in lobbying the legislature to pass laws which make cannabis more accessible to the sick people who benefit from the use of this efficacious medicine.

HB 1963 is the total antitheses of that purpose. In fact we are astounded that a bill such as this would be introduced at a time when medical cannabis is receiving more public approval than ever before, and medical research and studies are finding more medicinal uses for a drug that has been used for thousands of years. Additionally, fourteen states have medical cannabis laws with the number increasing during each election cycle and there are law suits against the federal government to force the FDA's rescheduling of the drug. And in Hawai'i there are over 7,000 patients with recommendations from their doctors for cannabis.

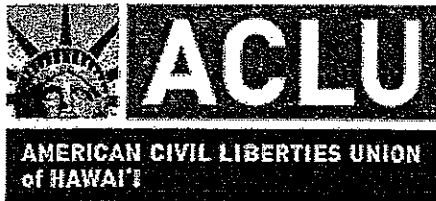
With respect to Section 1, Chapter 329, by eliminating chronic pain as a "stand alone" qualifying condition it is doctors not legislators or law enforcement that should determine if a patient needs cannabis for his/her treatment. When you look at all the FDA approved prescriptive medicines for chronic pain that cause detrimental body and organ harm, adverse side effects, addiction and even death (50,000 died from Vioxx), cannabis is less harmful and causes fewer side effects than any other drug pain medication on the market. And, it was the legislature that passed the original bill in 2000 that included chronic pain as a qualifying condition.

What this bill proposes will disqualify 85% of the patients who benefit from pain relief. They will no longer be able to obtain a recommendation from their doctors. That means that nearly 6000 of the 7000 state patients will no longer be able to legally use the medicine.

If this bill is passed and signed by the governor do you really believe that these patients will stop using the medicine that works best for them? The answer, clearly, is no. So now when they are stopped by the police and found to have cannabis in their possession they will be charged criminally for they will not be able to use a medical defense. Arresting these citizens will create more work and costs for law enforcement, will jam the courts, resulting in more people in prison and in the criminal justice system. Tax payers will bare the costs of this increased burden. Yes, this is just what we want during economic hard times in our aloha state.

ASA asks you to consider the unintended consequences of limiting and narrowly defining the qualifying conditions that doctors find most beneficial for their patients. Please, please do not pass this bill out of you committees. Mahalo for your compassion and caring for the sick people of this beautiful state.

375 Hoaka Road, Hilo, Hawaii 96720 • [bigislandsafeaccess@gmail.com](mailto:bigislandsafeaccess@gmail.com)



Committee: Committee on Public Safety & Military Affairs  
Committee on Health  
Hearing Date/Time: Thursday, February 2, 2012, 11:15 a.m.  
Place: Conference Room 309  
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 1963, Relating to Medical Use of Marijuana

Dear Chair Aquino, Vice Chair Cullen, and Members of the Committee on Public Safety & Military Affairs, and Chair Yamane, Vice Chair Morikawa, and Members of the Committee on Health:

The ACLU of Hawaii opposes Sections 2 and 3. Section 2 is likely unconstitutional, and Section 3 appears to have no basis in promoting the health of sick patients or the community.

- **Section 2**

Section 2 would fundamentally change registration requirements for physicians who recommend medical cannabis – but not for other controlled substances. As such, H.B. 1963 is singling out medical cannabis for disproportionately harsher treatment than other controlled substances, despite the large number of bills moving through the Legislature to do the exact opposite.

Currently, HRS § 329-32 provides that physicians must register any office locations at which they maintain controlled substances. Physicians are not required to register other office locations, provided that (a) they have registered at least one office location, and (b) they do not maintain controlled substances at the non-registered office locations. The current wording of the law, therefore, allows physicians flexibility in their medical practices, in that physicians need not submit new registrations every time they consult with a patient in a new location. The current law also allows for house calls, a long-standing practice in the medical community (and a practice that is becoming more and more common).<sup>1</sup>

---

<sup>1</sup> For recent news stories regarding the increasing popularity (and medical benefits) of house calls, see:

[http://www.hawaiinewsnow.com/Global/story.asp?s=5682542;](http://www.hawaiinewsnow.com/Global/story.asp?s=5682542)

[http://www.midweek.com/content/columns/doctorinthehouse\\_article/bringing\\_back\\_house\\_calls/](http://www.midweek.com/content/columns/doctorinthehouse_article/bringing_back_house_calls/)

American Civil Liberties Union of Hawai'i  
P.O. Box 3410  
Honolulu, Hawai'i 96801  
T: 808.522-5900  
F: 808.522-5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)



Section 2 of H.B. 1963, however, would single out medical cannabis for substantially harsher treatment (and disproportionately more burdensome registration requirements for physicians) than that given to other controlled substances. House calls would be banned, and physicians who run into their patients at Costco or Long's would not be able to speak with their patients or risk disciplinary action.

Indeed, such a broad restriction on the *place* where a conversation about medical cannabis takes place may be unconstitutional, per *Conant v. Walters*, 309 F.3d 629 (9th Cir. 2002), *cert. denied*, 540 U.S. 946 (2003). Physicians have a First Amendment right to discuss medical cannabis with their patients, and such a heavy restriction on the place where those conversations may take place would certainly be subjected to a legal challenge on free speech grounds. Requiring physicians to register one principal office, as well as any office where controlled substances are maintained, makes sense – making physicians register every place at which they converse with patients does not.

- **Section 3**

By limiting the number of allowable plants at any one location, Section 3 requires sick patients to choose between living with their family members and having access to their medicine; likewise, Section 3 would also require patients interested in group homes to have to make difficult, if not impossible, choices between having access to needed medicine or having access to other necessary care options. The ACLU of Hawaii is unaware of any other law that limits the amount of medication a family or facility may have as a collective unit. Hawaii law already sets limits on the number of plants allowable per license, and if an individual exceeds that allowance, then law enforcement may take appropriate action. Section 3 of H.B. 1963, though, will force many patients into cruel dilemmas regarding their health and their families.

Section 3 also limits the medical conditions that allow patients to participate in the medical marijuana program. There does not appear to be any medical basis for these restrictions. If anything, the Legislature ought to be expanding, rather than contracting, the list of qualifying medical conditions.

As a member of the Medical Cannabis Working Group, the ACLU of Hawaii is aware of the many problems that patients have with the medical marijuana program. H.B. 1963 does nothing to improve these problems (e.g., the fact that sick patients must resort to the black

---

[http://www.midweek.com/content/columns/doctorinthehouse\\_article/making\\_chiropractic\\_house\\_calls/](http://www.midweek.com/content/columns/doctorinthehouse_article/making_chiropractic_house_calls/)

Chairs Aquino and Yamane and Members of PBM and HLT  
February 2, 2012  
Page 3 of 3

market to obtain their medicine), and makes these problems worse, not better. The Working Group's full report is available at <http://www.acluhawaii.org/downloads/1002MCWG.pdf>.

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,

Daniel M. Gluck  
Senior Staff Attorney  
ACLU of Hawaii

American Civil Liberties Union of Hawaii  
P.O. Box 3410  
Honolulu, Hawaii 96801  
T: 808.522-5900  
F: 808.522-5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)

# COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phones/E-Mail: (808) 533-3454, (808) 927-1214 / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Rep. Henry Aquino, Chair

Rep. Ty Cullen, Vice Chair

## COMMITTEE ON HEALTH

Rep. Ryan Yamane, Chair

Rep. Dee Morikawa, Vice Chair

Thursday, February 2, 2012

11:15 a.m.

Room 309

## STRONG OPPOSITION to HB 1963 - MEDICAL USE OF MARIJUANA

Chairs Aquino and Yamane, Vice Chairs Cullen and Morikawa and Members of the Committees!

My name is Kat Brady and I am the Coordinator Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered, always being mindful that 6,000 Hawai'i individuals are living behind bars, including 1,800 men who are serving their sentences abroad, thousands of miles from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

HB1963 purports to update the law relating to the medical use of marijuana by: (1) requiring physicians who recommend medical marijuana to register a place of business or professional practice with PSD; (2) 'clarifying' definitions with respect to medical use of marijuana; (3) establishing a revocation period for those violating the medical marijuana program conditions; (4) limits the amount of marijuana that can be grown or possessed at a location; (5) requiring patients and caregivers to have their registration identification certificates with them when they are in possession or control of marijuana; and (6) increasing the penalties for fraudulent misrepresentations about the medical use of marijuana.

Community Alliance on Prisons is in strong opposition to this outrageous attack on our suffering citizens. The medical marijuana program was passed as a compassionate way for Hawai'i's people to access a medical remedy that has been used for thousands of years to relieve pain, nausea and other ailments. As a caregiver to several sick and dying individuals I have seen how cannabis improved the quality of their last days.

My friend Joe, who was diagnosed with lung cancer that then progressed into bone cancer, was in Florida, a state that does not allow medical marijuana yet his doctor recommended that he find some way to get it to help relieve his incredible pain and suffering.

When I got to Florida to take care of him in his last remaining weeks he was in a narcotic stupor, barely lucid and practically unable to communicate. The first thing I did was write down all his medications and how often he took them. Then I did research. I found he was seriously over-medicated and asked him if he knew somewhere we could get some cannabis to relieve his pain so that he could reduce his narcotic intake and be able to communicate and enjoy his last days.

Luckily we found someone who provided the medicine for him. The difference was amazing. We were able to talk and he felt more in control of his last days. He was able to plan his remaining time and contact people to whom he wanted to say goodbye. We were able to discuss getting him hospice care and he died shortly thereafter in a hospice near his home. I spoke to him a few hours before he passed.

This bill assumes that everyone using medical cannabis is scamming the system. If that is so, then why are prescription narcotics the largest drug problem in the country? Do we deny cancer patients, like my friend Joe, the various heavy narcotic they are prescribed? Do we make them prove that they are in pain? Joe looked great until the last month of his life. No one would have known he was dying from looking at him.

Section 1 of the bill calls for a yearly report regarding DOH's recommendations regarding any additions, deletions, or revisions to the list of debilitating medical conditions. If this wasn't so sad, it would be laughable since DOH HAS NEVER BOTHERED TO DO THEIR JOB. They have never researched the plethora of ailments that medical cannabis can help. This law was passed in 2001 and they have NEVER looked at it again, except to oppose taking this medical program into their agency, where it belongs. This is so shameful.

Section 2 is telling doctors where they must practice. How outrageous, especially when PSD has been irresponsible in their administration of the program. They released the records of patients in the medical marijuana program to a news agency in Hilo, they have gone around to community groups posting pictures of doctors who LEGALLY recommend medical marijuana as if they are criminals, and they continue to demonize patients whose suffering has been relieved by using LEGALLY recommended medical cannabis.

To have a law enforcement agency deem what is necessary to treat pain and suffering is unconscionable. This is not their expertise and they have no business interfering with the doctor-patient relationship.

Arresting sick people? What is that about? This is a legal program that is based on compassion for our people. Where is that compassion evidenced in this bill?

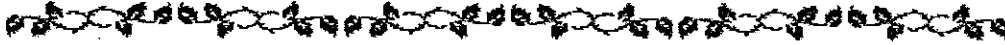
I hope that none of you have to experience what many patients go through. We, therefore, implore the committee to HOLD this terrible and mean-spirited bill. This is not Hawai'i. This is not aloha. This is downright nasty.

Mahalo for the opportunity to testify.

# COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phones/E-Mail: (808) 533-3454, (808) 927-1214 / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Rep. Henry Aquino, Chair

Rep. Ty Cullen, Vice Chair

## COMMITTEE ON HEALTH

Rep. Ryan Yamane, Chair

Rep. Dee Morikawa, Vice Chair

Thursday, February 2, 2012

11:15 a.m.

Room 309

## SUPPLEMENTAL TESTIMONY to HB 1963 to EDUCATE POLICYMAKERS on the MEDICAL USE OF MARIJUANA

Chairs Aquino and Yamane, Vice Chairs Cullen and Morikawa and Members of the Committees!

My name is Kat Brady and I am the Coordinator Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered, always being mindful that 6,000 Hawai'i individuals are living behind bars, including 1,800 men who are serving their sentences abroad, thousands of miles from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

Committee members, I attended the 164<sup>th</sup> Annual Meeting of the American Psychiatric Association's conference at the Hawai'i Convention Center on May 18, 2011. Since there is such a grave misunderstanding of the medical use of cannabis, I feel compelled to share this information with you.

### Dr. Sunil Aggarwal, M.D., Ph.D.<sup>1</sup>

- Endocannabinoid signaling evolved 600 million years ago
- Cannabis evolved 37 million years ago
- Hominids evolved 4.4 million years ago
- Homo sapiens evolved ~100,000 years ago
- 1st US state law criminalizing cannabis signed 100 years ago

---

<sup>1</sup> Aggarwal SK. Cannabis: A Commonwealth Medicinal Plant, Long Suppressed, Now at Risk of Monopolization. 88 Denver University Law Review (2010), pp 1-12. Available online: <http://www.denverlawreview.org/storage/2009-03/Aggarwal%20-%20Macroed.pdf>.

## 1937 Marihuana Tax Act

- Congressional Record rife with lurid tales of homicidal mania, racial slurs, and fears of miscegenation → enhances threat level of marijuana use in civil society
- William Woodward, MD, JD, Legislative Counsel, American Medical Association; Chair, Council in Scientific Affairs said: "future investigation may show...substantial medical uses for Cannabis"
- AMA stood virtually alone in their opposition to the bill saying
  - cannabis not inherently dangerous
  - had already been part of the United States Pharmacopoeia for nearly a century
  - had irreplaceable, already-accepted and future-promising medical utilities that would go unrealized

## 41 years of Schedule I placement

"Since there is still a considerable void in our knowledge of the plant and effects of the active drug contained in it, our recommendation is that marihuana be retained within schedule I at least until the completion of certain studies now underway to resolve the issue. If those studies make it appropriate for the Attorney General to change the placement of marihuana to a different schedule, he may do so in accordance with the authority provided under section 201 of the bill."<sup>2</sup>

" with regards to "the appropriate location of marihuana within the schedules of the bill . . . the recommendations of this Commission will be of aid in determining the appropriate disposition of this question in the future."<sup>3</sup>

The inclusion of cannabis in Schedule IV of the Single Convention which equates it with heroin is inappropriate...Therefore, the Commission suggests that the United States adopt the position that the existing status of marihuana under the Single Convention is not appropriate...and [seek instead] for diminished controls of cannabis."<sup>4</sup>

## Nixon Tapes show scientific corruption

President Nixon became furious because he associated the drug with groups in society he despised: Jews, psychiatrists, war protestors, and communists.

*May 26, 1971*

- "You know, it's a funny thing, every one of the bastards that are out for legalizing marijuana are Jewish. What the Christ is the matter with the Jews, Bob? What is the matter with them? I suppose because most of them are psychiatrists."

*September 9th, 1971*

- Commission had better not come out with a report that was "soft on marijuana."
- "I think there's a need to come out with a report that is totally, uh, uh, oblivious to some obvious, uh, differences between marijuana and other drugs, other dangerous drugs. . . ."
- "Keep your Commission in line."

---

<sup>2</sup> Dr. Roger O. Egeberg\*, Assistant Secretary of Health in the United States Department of Health and Human Services (1970 Congressional Testimony)

<sup>3</sup> H.R. Rep. No. 91-1444 (1970)

<sup>4</sup> The Report of the National Commission on Marihuana and Drug Abuse (March 1972)

Rescheduling petition filed 1972 -DEA Administrative Law Judge Ruling - 1988:

- cannabis should be rescheduled to Schedule II, with painkillers and anesthetics such as morphine and cocaine, and that to not do so would be “unreasonable, arbitrary, and capricious.”

Cannabis and many natural cannabinoids continue to be listed as marijuana in the Schedule I classification, thus...

1. hamstringing research, with only a very limited number of clinical trials being approved by federal agencies,
2. impeding development of a pharmacy stocking system needed for inpatient and outpatient empiric treatment trials, and
3. standing at odds with the evidence base and studied recommendations of many major medical associations and expert bodies such as the Institute of Medicine (IOM), the American Medical Association (AMA), and the American College of Physicians (ACP), among others

An Emerging Medical Consensus

AMA, 2009: reversed previous position that cannabis be retained in Schedule I and “urge[d]” regulatory authorities to review its Schedule I classification so the emerging field of cannabinoid medical science and development can take flight.

ACP, 2008: called for evidence-based review by federal regulatory authorities on cannabis’s safety and efficacy...would “likely provide evidence to support both appropriate reclassification [of cannabis] and adjustment of federal drug enforcement laws, reduce conflict between federal and state law, and strengthen public confidence in the federal regulatory structure.”

APA Assembly, 2007: support protection for patients and physicians participating in state approved medical marijuana programs

IOM, 1999: recommended that physicians be permitted to use cannabis in their medical practice for symptom relief in seriously ill patients in locally-implemented, peer-reviewed empiric treatment trials.

Pharmaceutical Privilege – Protecting the Monopoly

- lead product, proprietary name Sativex®, is “quite different” from “generic and unrefined cannabis” and that “it cannot be said that all cannabis – or all cannabis extracts – are the same.” (2005 letter to HHS)
- “it would be a great irony if generic herbal cannabis were to be removed from Schedule I of the Controlled Substances Act, and made available for general medical use, based in part on data relating to a specific product [Sativex®].”

*real irony:* plant on which entire company is based, relegated to status of irredeemably dangerous drug.  
*MEANWHILE:* extract of the plant is blithely elevated to the status of profitable, salable good?

Is that any way to thank Mother Nature?



the  
**Drug Policy  
Forum**  
of hawaii

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

February 2, 2012

To: Committee on Public Safety and Military Affairs and  
Committee on Health

From: Jeanne Ohta, Executive Director

RE: HB 1963 Relating to Medical Use of Marijuana  
Hearing: Thursday, February 2, 2012, 11:15 a.m., Conference Room 309

Position: Strong Opposition

Chair Aquino, Vice Chair Cullen and members of the Committee on Public Safety and Military Affairs; Chair Yamane, Vice Chair Morikawa, and members of the Committee on Health, I am testifying today in strong opposition to HB 1963 Relating to Medical Use of Marijuana.

Amendments to the medical marijuana program should not make the program more ambiguous and therefore place patients at risk for arrest due to misunderstandings of the law. The only clarifying amendment made here is to eliminate the mature/immature distinction. The rest of the changes in this measure do not help clarify the program, they in fact, increase ambiguity, and foster intimidation and fear to discourage patients and physicians from participating in the program.

Section 1 requires the department of health to submit a report to the legislature on recommendations for additions, deletions, or revisions to the list of authorized debilitating medical conditions. There is no provision to allow for input by physicians, patients or potential patients or for a public hearing process on the proposed changes.

Currently HRS §329-121(3): "Any other medical condition approved by the department of health pursuant to administrative rules in response to a request from a physician or potentially qualifying patient," provides for patient or a potentially qualifying patient to request additional medical conditions to be added. However, in the more than 10 years of the program, no administrative rules have ever been made. Instead of making the proposed change, why not require the department of health to draft administrative rules for this process, which would include physicians and patients?

Section 2 adds that physicians who recommend medical marijuana must have a separate registration for each place of business. Why add this additional burden? Recommending medical marijuana is clearly different than the rest of that list, namely physicians who manufacture, distributes, prescribes, or dispenses controlled substances. This is an attempt to limit the physicians who participate in the program. The Narcotics Enforcement Division (NED) has opposed allowing physicians to make house calls and recommend cannabis. Some patients are too sick to leave their homes. Physicians must be



allowed to practice medicine based on the needs of their patients. The Ninth Circuit Court has ruled that physicians have the first amendment right to speak openly and candidly about cannabis to their patients about cannabis. The Supreme Court let the ruling stand (*Conant v. Walters*, 309F. 3d 629, 2002). Registration should not be required for a physician to exercise their right of free speech.

Section 3 limits the number of plants that may be grown at a single address to 21 plants OR nine ounces of usable marijuana, regardless of the number of permits authorized for that location. This is a severe restriction. Each patient is allowed 7 plants AND 3 ounces. This limit on the number of plants and the number of patients and caregivers who may reside in a home is limited by this program, while county ordinances allow 5 unrelated individuals to reside in a home. This limit seems arbitrary and without data to show why this restriction is necessary.

Section 3 also changes the definition of “debilitating medical condition.” It is confusing, but seems to eliminate severe pain unless it is caused by a condition that produces pain. It is unfortunate that the NED has chosen to object so strenuously to the inclusion of severe or chronic pain as qualifying for the medical cannabis program.

The irony of this particular effort is that there exists more ‘gold standard’ clinical data (double-blind, placebo controlled cross-over trials) regarding the use of inhaled cannabis or organic cannabis extracts for pain than there is evidence for arguably any other condition. Further, many of the standard analgesics that cannabis may replace are far more potentially habit forming and are associated with increased morbidity. In fact, one recent published review of the subject recommended cannabis as an alternative to opioids for this very reason.

<http://www.harmreductionjournal.com/content/pdf/1477-7517-9-1.pdf>

Both Institute of Medicine and the Veteran’s Administration acknowledge that about 1 in 3 Americans suffer from chronic pain. Patients and their doctors should be allowed to choose the appropriate medicine for their individual conditions. It should not be a law enforcement decision to limit medical choices.

Section 3 also places a restriction on who should be a caregiver. It is already almost impossible to find caregivers. If someone is willing to be a caregiver, but has a felony conviction, and the patient cannot find another person willing to be a caregiver, that patient will then be forced to buy medicine from the black market, from a drug dealer. What does this restriction solve, but to direct people to the black market?

Section 4 adds “any person who violates any section under this part may be suspended from participating in the program by the administrator for a period of up to three years.” It is irresponsible to include possible suspension from the program without clarifying ambiguous parts of the program.

For instance, four medical marijuana patients were arrested on the Big Island while transporting their marijuana. The medical marijuana section allows transportation, however, the amendment is needed to clarify that it is allowed. One patient was convicted, 2 cases were dismissed, and the last patient is awaiting trial. All 3 cases are being appealed. In dismissing the cases, Judge Barbara Takase ruled that “HRS §329 is void for vagueness.”

Section 6 increases the penalty from a petty misdemeanor to a class C felony and adds language to fraudulent misrepresentation to include: “in the medical use of marijuana application form issued by the department or statements made” to a law enforcement official. This increasing penalty is overly

punitive, especially considering that NED changes the application form at will, refuses to make it public, and gives no notice of the changes that have been made. Further, this program allows for a small amount of marijuana, 7 plants and 3 ounces; in no way approaching what a Class C felony would be for marijuana:

§712-1247 Promoting a detrimental drug in the first degree is possession of one pound or more of marijuana, or possesses, cultivates, or has under the person's control twenty-five or more marijuana plants.

The proposals in this measure are excessively law enforcement oriented and have nothing to do with the medical needs of patients. Hawai'i has already determined that marijuana is a legitimate medical treatment. Medical cannabis patients should be accorded the same respect by NED that patients receive when they purchase controlled substances from a pharmacy.

Because of the numerous problems with the text of this bill, I respectfully request that it be held.



**HAWAII MEDICAL ASSOCIATION**

1360 S. Beretania Street, Suite 200, Honolulu, Hawaii 96814  
Phone (808) 536-7702 Fax (808) 528-2376 www.hmaonline.net

**Thursday, February 2, 2012**  
**11:15 A.M.**  
**Conference Room 309**

To: COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS  
Rep. Henry J. C. Aquino, Chair  
Rep. Ty Cullen, Vice Chair

COMMITTEE ON HEALTH  
Rep. Ryan I. Yamane, Chair  
Rep. Dee Morikawa, Vice Chair

From: Hawaii Medical Association  
Dr. Roger Kimura, MD, President  
Linda Rasmussen, MD, Legislative Co-Chair  
Dr. Joseph Zobian, MD, Legislative Co-Chair  
Dr. Christopher Flanders, DO, Executive Director  
Lauren Zirbel, Community and Government Relations

Re: HB 1963

No position, with Comments

Chairs & Committee Members:

Hawaii Medical Association does not take a position on this bill, however would like to comment on a portion of Section 2.

We would ask for clarification in the language of Section 2 in regard to an exemption to the registration of practitioners who recommend the medical use of marijuana, and who have already registered with the Hawaii Department of Public Service to prescribe controlled substances in order to avoid redundancy and duplication of the registration process.

Thank you for the opportunity to provide this comment.

**OFFICERS**

**PRESIDENT - ROGER KIMURA, MD, PRESIDENT ELECT - STEVE KEMBLE, MD**  
**IMMEDIATE PAST PRESIDENT - MORRIS MITSUNAGA, MD, SECRETARY - THOMAS KOSASA, MD, TREASURER -**  
**WALTON SHIM, MD, EXECUTIVE DIRECTOR - CHRISTOPHER FLANDERS, DO**

**TO:**

**COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS**

Rep. Henry Aquino, Chair  
Rep. Ty Cullen, Vice Chair

**COMMITTEE ON HEALTH**

Rep. Ryan Yamane, Chair  
Rep. Dee Morikawa, Vice Chair

**FROM:**

**David J. Barton, MD**  
Chief Medical Officer, Malama First, LLC  
Board certified in Pain Medicine  
Hawaiian-Pacific Pain and Palliative Care  
Waimanalo, HI  
808-321-3793

**RE:**

**HB 1963**  
Thursday, February 2, 2012  
11:15 a.m.  
Room 309

**POSITION: STRONGLY OPPOSE**

This bill is a dangerous subterfuge that would increase crime and hurt real people. The changes are based on the unproven fears and opinions of law enforcement individuals who have no proven expertise in health care issues. They seek to render an atmosphere of state wide fear in a program for those citizens who are chronically ill and disabled and most at risk in society. The program is already severely under-utilized due to the present unfriendly atmosphere and this bill will make that environment toxic. These are health care issues, and not law enforcement or criminal activities.

I was told last year by a NED director that house calls to severely debilitated and ill, paraplegic and quadriplegic patients' homes were forbidden when I asked about the registration requirements. The State's Attorney General, after being contacted by the ACLU, eventually overruled him and traditional house-call physician and patient rights were preserved. Are you trying to revisit this area again by this registration requirement?

This same language was tried last year and was thrown out when the ACLU pointed out that it would limit constitutionally preserved rights of free speech that have been determined by the highest courts of the land. The constitution guarantees us the rights to free speech so that I may talk about these things anywhere I choose to be an appropriate medical setting such as a private home of a patient. The Ninth US Court of Appeals has already expressed its displeasure at any

government attempts "to chill" the constitutional rights of physicians. I will let the ACLU provide this testimony to you.

Clinically, most patients do NOT have access to an adequate supply. I would estimate that 75% of patients who are in need of medical cannabis are unable to provide for their own use. There is an extreme lack of caregivers on the islands as well. Most Kupunas are still forced to either buy it off the street themselves or ask their children or grandchildren to provide for them by illegal street cannabis. This is a great shame cast upon those leaders of the communities and state who have failed to care for their elders. This shame will continue until leaders make provisions for safe access on ALL the islands. This was promised by the Governor who presently sits in the Governor's Chair.

Patients and their providers should NOT be subjected to the threats of a class c felony. The current limits of growing and possession are severely restrictive in practical reality due to the lack of a state dispensary system. Most patients do not want to use smoking as the delivery method and the other delivery methods require higher amounts to make edibles, tinctures and creams or oils. The current system fails miserably to provide an adequate supply of safe and effective medication for sick and chronically ill patients. The legislature needs to show courage and leadership by making the system work for all Hawaiians in reality and not on "paper"

No attempts should be made to limit the use of marijuana for chronic severe pain. All clinical scientific and medical evidence supports the fact that medical cannabis should be a front line medication for the treatment of chronic pain of all types due to its safety of use and limited adverse effects, as well as its protection against overdose and death, as compared to all other analgesics and "pain killing" medications commonly used, including over the counter medications advertised in the media.

Medical cannabis is an ideal medication due to its effectiveness and safety in treating so many chronic illnesses. I personally believe that it is a God of Hawaii given herb medication and we have a God of Hawaii given right to use it. All human beings make many different cannabinoids, the medical substance in cannabis, naturally in the body. I am not supporting a legalization line of thought, but access needs to be increased to alleviate pain and suffering, especially during the "end of life" period when it is ideal medication for the many clinical issues of death.

Lastly, the very last section which allows for punishment of physicians with a class c felony is an attempt by law enforcement to overrule the jurisdiction of the medical board and medical community to set medical standards and govern those medical standards. It is an attempt to criminalize the practice of medicine in this area. They know that all they would have to do is use the resources of the government to accuse a physician and the illegal "chill" effect would severely limit all participants in the program, and effectively shut it down. No physicians will take this risk. I will stop this mode of treatment if this bill passes, which already shows its illegal chilling effect, based on my past interactions with law enforcement and their past public assertions about physicians in public neighborhood board meetings on Oahu that had no merit and were without cause. The result would be a return to the dark days of total illegality and further criminalization of our ill and disabled most at risk citizens. Why would I put my life and children's well-being at risk due to the political

whims of the government and law enforcement that have already shown their predisposition to accuse in public meetings a highly trained triple boarded physician with over 30 years of clinical experience without cause or evidence?

I echo my colleague in that: "AS LAWMAKERS YOU HAVE A RESPONSIBILITY TO FIX HAWAII'S PROGRAM, NOT BUY IN TO THE FEAR TACTICS OF A LAW ENFORCEMENT AGENCY THAT IS WORKING TO JUSTIFY ITS OWN EXISTENCE AND BELIEVES THAT ALL PATIENTS ARE CRIMINALS.

IF MEDICAL MARIJUANA WERE TREATED AS THE ACCEPTED MEDICAL TREATMENT THAT IT IS, AND NOT A CRIMINAL ACTIVITY, THEN THIS TYPE OF PROPOSED LEGISLATION WOULD NOT BE NECESSARY."

Medical Marijuana is now accepted by over 80% of both citizens and medical professionals as an accepted mode of treatment. I am sorry if this bothers law enforcement who wishes to continue the outdated and proven falsehoods of the propaganda machines of the past forty years with fear tactics. I urge you to abandon this bill.

THANK YOU,

David J. Barton, MD

Chief Medical Officer, Malama First, LLC

Board Certified in Pain and Palliative Medicine

Past Board Certifications in both Surgery and Plastic Surgery

James Berg, MD  
PO Box 371  
Hawi, HI 96719  
808-889-1822  
barefootmd@aol.com

RE: Please do not support bill HB1963, which is trying to remove chronic pain and other severe medical conditions as a potential qualifications for medical marijuana certification.

To whom it may concern:

I am a licensed medical doctor in the State of Hawaii and an expert on medical marijuana. I have personally licensed many sincere patients in this state who have found significant relief for the very conditions this bill is trying to remove. Most of these people have reduced or gotten off of their more toxic pharmaceuticals and are very thankful to be able to use marijuana as their medicine, responsibly, legally and successfully.

There is significant medical research that shows clearly the ability of marijuana to help relieve these conditions. Please review the following reports by the American Medical Association and the American College of Physicians that clearly point out the studies that have shown the benefit for marijuana for especially severe pain, muscle spasm and appetite stimulation. The AMA report said, "short term controlled trials indicate that smoked cannabis reduces neuropathic pain, improves appetite and caloric intake especially in patients with reduced muscle mass, and may relieve spasticity and pain in patients with multiple sclerosis."

Report adopted by the AMA: [http://AmericansForSafeAccess.org/downloads/AMA\\_Report.pdf](http://AmericansForSafeAccess.org/downloads/AMA_Report.pdf)  
American College of Physicians resolution:  
[http://www.acponline.org/advocacy/where we stand/other issues/medmarijuana.pdf](http://www.acponline.org/advocacy/where_we_stand/other_issues/medmarijuana.pdf)

My patients had made a decision to obey the law and registered with the state of Hawaii in good faith that this decision would not be held against them. Now the legislature is considering making over 90% of these patients ineligible to use the medicine that has been helpful for their chronic condition that disables them, despite the fact that they have sworn to me and the state the truth about their relief with marijuana. These patients are not the criminals who are abusing illegal drugs, but kind and hardworking citizens who have chosen to obey the law to find a legal medical relief from their debility. Why would anyone want to take away a well-tolerated, non-toxic medicine from a person who using it effectively and legally under doctors supervision?

Please do not pass any bills that further restrict the medical marijuana law. The law should be expanded, not restricted, to include other ailments like PTSD, insomnia and anxiety disorders. I have witnessed the words of many patients who have praised the legislators who were brave and wise enough to originally pass this law in the State of Hawaii. I have also heard the bitterness of patients who would never forgive those legislators who did not hear their cries for relief, medically and legally. They would feel like politicians have lost their compassion, and that the state tricked them into admitting that they use marijuana for medical purposes and now have their name and address. Please honor these patients and reject the bill HB1963

Thank you for this consideration,

Sincerely,

James Berg, MD

Matthew Brittain, MA, LCSW, DCSW, DABFSW  
Diplomate, Clinical Social Work, NASW  
Diplomate, American College of Forensic Examiners  
56 Waiianuenue Ave. Suite #207 Hilo HI 96720  
(808) 934-7566 (phone) 934-9442 (Fax)  
[brittainpro@sprynet.com](mailto:brittainpro@sprynet.com) [WWW.effectivechangelc.com](http://WWW.effectivechangelc.com)

Date: 01-31-2012

Dear Committee on Public Safety and Military Affairs

Rep. Henry J.C. Aquino, Chair

Rep. Ty Cullen, Vice Chair

And Committee on Health:

Rep. Ryan I. Yamane, Chair

Rep. Dee Morikawa, Vice Chair

DATE: Thursday, February 02, 2012

TIME: 11:15 AM

PLACE: Conference Room 309

State Capitol

415 South Beretania Street

**RE: HB 1963-----OUR POSITION: COMMENTS AND CLARIFICATIONS**

**POSITIVE ATTRIBUTES OF HB 1963:**

- 1) HB 1963 Is positive in that it requires the Department of Health to provide updated scientific analysis to support the revision of health conditions that qualify patients for the medical marijuana program.
- 2) HB 1963 deletes the ambiguous and subjective reference to the difference between mature and immature marijuana plants. This clarification relieves law enforcement of the burden of making a subjective call that can cause conflict during trial as to legal definition.
- 3) HB clarifies and makes more succinct the list of qualifying conditions without limiting the conditions that are currently encoded in State law

**NEGATIVE ATTRIBUTES OF HB 1963:**

- 1) HB 1963 unfairly limits the number of plants and marijuana at any one location.
- 2) HB 1963 unfairly prohibits any convicted felon from being a patients caregiver.
- 3) HB 1963 unfairly authorizes seizure of all legal marijuana in cases where a patient or caregiver has more than the allowed number of plants or weight of usable marijuana.
- 4) HB 1963 creates unfair penalties for fraudulent misrepresentation without clarification of intent to make those misrepresentations.



## RECOMMENDATIONS FOR REASONABLE MODIFICATIONS TO HB 1963:

**Increase the Positive Attribute #1** (above) by requiring the Department of Health to cite the references and sources for their conclusions as to how they came about to the recommendations for changes to the list of qualifications for participation in the medical marijuana program;

**Reduce the harm caused by Negative Attributes** (above), as follows, with logic and reasoning explained:

- 1) **Place no restrictions on the number of plants or weight of marijuana at one property:** Many families in Hawaii are large, and hence multiple caregivers and patients reside at one location. A restriction on the number of plants or weight of marijuana at one property effectively nullifies the intent of the law, and prevents qualified patients from producing an adequate supply of medicine. Specifically:

In addition, due to the fashion in which marijuana plants grow, a larger number of marijuana plants in one location allows for the group of patients to more easily stay within the legal limit overall. The reasons for this is because half of the plants turn male, and hence must be culled out once they show their gender, as they will not produce usable marijuana, and; during half the year the plants only grow to produce very small quantities per plant, and the other half of the year one plant may produce more than an adequate supply. Patients have found that having 4 to 10 medical marijuana certificates at one location allows for an adequate number of plants and weight without exceeding the limit. One, two or even 3 certificates almost always is not enough for an individual or group of patients to maintain an adequate supply and remain within the legal limit.

Also, security at one location with multiple medical marijuana certificates can be much better, as it is more likely that someone can be guarding the crop against theft. Public safety is improved when a maximum number of plants can be located in one location. Indeed, a very good change to the law would require marijuana to be grown in large grow operations with set security perimeters, direct video surveillance, alarm systems connected directly to police stations, and 24/7 supervision. The language as it stands would weaken safety considerations, and increase the chances that individual patients and caregivers would be criminalized for inadvertently exceeding the legally allowed number of plants or weight.

- 2) **Convicted felons are not prohibited from possessing narcotic medications,** so hence it is disingenuous to prohibit felons from growing marijuana for qualified patients. If this section is to be made law, though, the language

should be changed such that only convicted DRUG FELONS should be prohibited from growing marijuana for a qualified grower.

- 3) In cases where a patient or caregiver is found to be in excess of the allowed amount of marijuana, only the excess amount should be confiscated, and the legal amount should be left for the patient pending judicial processing and determination as to guilt or innocence of the suspect. To confiscate all the marijuana and plants is a violation of the Constitutional right to due process, is a violation of the State laws related to access to health care, and also violates other sections of the Medical Marijuana law that allows for the legal quantity to be retained by the patient and/or caregiver. Confiscation of all the plants and marijuana in these cases would impart an undue hardship upon the patients and is seen as a possible mode of corruption on the part of law enforcement. Hence, this language should be stricken.
- 4) Fraudulent misrepresentation of facts or statements made on the medical marijuana application form or to law enforcement officers could be unintentional. Hence, the HB 1963 language should indicate that only intentional misrepresentation of facts is punishable.

Overall, this is a good bill, except for the items clarified above.

Respectfully submitted,

Matthew Brittain, MA, LCSW, DCSW, DABFSW

## House Bill 1963

I am opposed to removing "chronic pain" as a qualifying diagnosis for medical marijuana patients.

As a hospital nurse I have witnessed many patients with chronic pain—from a variety of sources—struggle to get good pain management. Most of the patients end up taking opiates which have many side effects, including painful constipation, hallucinations, a variety of mood changes and an increasing need for larger doses of medication.

I have also witnessed the immediate pain relief that medical marijuana can provide. This was done with a very small amount of the substance and the pain relief lasted for at least as long as an oral medication would. I witnessed only small side effects—which resolved quickly. The patient used only what was needed and put the rest away for when it was needed again.

Please do not allow the possible abuse of the current system by the few to remove the possible benefits to the many patients with chronic pain.

I am sorry that I am not able to be present to provide further testimonies regarding this bill.

Wendy Gibson P.T.A./ R.N./ B.S.N.

I support HB1963. I believe that this bill will help curb the abuse of marijuana and bring the law back to its original intent to aid people with severe debilitating diseases. The Bill will also hold physicians, caregivers and permit holders more accountable for their actions.

Respectfully submitted.

Wayde Hoapili Lee

Honorable House Members Chair and Co Chair: Testimony for HB 1963

I am in opposition to HB1963: I am a Hawaii Resident since 2001 and a Medical Marijuana patient since 2006. I was diagnosed with Rheumatoid Arthritis in 2003 and began treatment using Prednisone & Methotrexate prescription drugs prescribed by my Arthritis doctor. The first year on these drugs I have to admit, I felt better. Not so much going into the second year. Not only did I gain a lot of weight due to the drugs, but they just were not working. My Arthritis doctor tried several other alternative prescription drugs but they either made me really sick or just plain did not work. So I went back on the Prednisone/ Methotrexate combination, by the advice of my doctor, for another year but I did not see any improvement. While on all of these different drugs I also had to be checked monthly to make sure none of them were damaging my liver or any other vital organs. I chose to seek out alternative methods to help me with my disease. Because after all, who better to understand my pain than myself and what will work and what does not. I chose Medical Marijuana in addition to natural herbal vitamins that I take daily without any side effects and believe that this was the best decision I could make. It helps me deal with this ugly disease that I have and be a functional citizen. This bill HB1963 will not give me the alternative to use this medicine, so therefore I am extremely opposed of Bill HB1936. I do not have medical insurance at this time and I can grow my own medicine that works for me and my disease as the state law currently allows me to do so. I urge the House Committee to really listen without prejudice to the patients of this state and how this program and medicine helps us.

Cheryl Nelson

## Honorable House Members Chair and Co Chair: Testimony for HB 1963

I am in opposition to HB1963: I am a Hawaii Island Resident since 1975 and a Medical Marijuana Patient since 2001. In August 1997 I was injured by a "DRUNKEN" Crane operator who dropped 2500 lbs of Roof Trusses & my left arm was the recipient of that blunt force. I suffered 6 breaks to my left arm and 3 major surgeries. I was then given Bextra as a Pain Relief Medication. After 6 months my stomach could no longer accept Bextra, so I was prescribed Vioxx and Protonix (to combat the severe abdominal cramps and pain) or side effects of the Vioxx and Bextra. 3 years later I was diagnosed as having heart episodes in which it was determined to be directly related to the VIOXX. Vioxx was removed after KILLING Thousands of people. A drug approved by the almighty FDA. My insurance costs for these prescriptions were over \$700.00 per month. I paid a co pay of \$100.00. What a rip off for the Insurance Companies, and quite a racket, the Dr's were making on it too. AT MY PHYSICAL EXPENSE!!!

In 2004 Dr. Okimura of the Kona Hospital, made a very bad medical decision that literally left me with a Club foot, until Dr. Hiller rebuilt the Left foot, 5 months later. I have had 2 knee surgeries (My O'ahu Dr. has over 9,000 patients please see his TV commercial) to remove the damages caused by work in a physical environment. 6 major surgeries total.

My daily pain level is sustained by using the Medical Cannabis I grow for myself. My health is much better today because I have choice. Whether it be baking and eating Cannabis or Smoking to elevate the Fucked up Stomach that the Vioxx, Bextra & Protonix left me with, as well as my pain management. Did I mention I was 195lbs before this; I am now trying to sustain weight at 150 lbs, all this after 14 years... So you in the House and Senate want to take this away from me? How Dare you!!! Is it because you were all threatened on 2011 by the Federal Government of "Personal Lawsuits" if you were to further any Medical Marijuana Legislation? YES. You are a bunch of wimps, who have sold out your own people in Hawaii & selling out to Big Pharmaceuticals'. Hmm what about Aloe Vera which is now a schedule 2 plant? Y Illegal. I still use it for by burns. Justice Clarence Thomas as made it Illegal to grow and possess as well as it has no "Medical Value" he declared this, last April 2011. WTF are you Hooligans up to? Have you all turned in your Illegal Aloe Vera plants to the Police? I won't!!!

LIES by Dept of Public Safety Keith Kamita are still being preached to members of the community, while being paid by the People. No County funds can be used for this, and you continually allow Kamita to do this? It is a Violation of Ethics... and you, Mr. & Mrs. House Members are just as guilty for allowing this to continue to take place in Hawaii. This is a severe conflict of interest. Mr. Keith Kamita is a very Unethical, Immoral and destructive manipulative behavior of a person, as well as his continual LIES must END!! As a Maui Judge said of Mr. Kamita he has "MISLEAD the Grand Jury" as well as the public, in disseminating FLASE information of the Medical Marijuana Program and lies in Court on Major Cases.. What gives this Fool Kamita the right? So, yes I oppose this HB1963 Vehemently. And so should each and every member of the House of Representatives. But I suppose Dr. Josh Green will prescribe to me all the Vicoden / Flexural Percocet I want, (NOT) to one of his 4,000+ patients who already receive enough Pain Meds to choke a horse with, Oh yeah I forgot Dr. Josh Greens Campaign was financed by his In Laws Back East who just happen to work for a Major Pharmaceutical Firm..

Mark Nelson

I support HB1963. I believe that this bill will help curb the abuse of marijuana and stop it from getting into the hands of people who are trying to abuse the system for illegal monetary and recreational gains. As a Substance Abuse Treatment Counselor, who works with adolescents who are currently abusing drugs, I know first hand the devastation that accompanies substance abuse. My fear is that with the current abuse of the Medical Marijuana Program, marijuana will become more readily available to children who where once without access to it.

I believe in HB1963 because it will help institute control measures that will keep people from abusing the Medical Marijuana Program and using it as a way to obtain marijuana. My hope is that with these restrictions and controls, marijuana will not be as accessible to young people which will result in a lower rate of abuse among youth. We must keep in mind that studies have clearly shown that adolescents who abuse marijuana at a young age are more likely to abuse harder drugs when they get older. This is our chance to stop marijuana from getting into the hands of young people which will undoubtedly reduce the likelihood that they will abuse of harder drugs by the time they become adults.

Respectfully submitted,

Robin Oania  
Substance Abuse Treatment Counselor

TO:

**COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS**

Rep. Henry Aquino, Chair

Rep. Ty Cullen, Vice Chair

**COMMITTEE ON HEALTH**

Rep. Ryan Yamane, Chair

Rep. Dee Morikawa, Vice Chair

**FROM: CLIFTON OTTO, MD**

HONOLULU, HI

808-292-4951

**RE: HB 1963**

Thursday, February 2, 2012

11:15 a.m.

Room 309

**POSITION: STRONGLY OPPOSE**

**Pain relief is one of the best characterized benefits of Cannabis. This indication has a strong basis in Science and cannot be ignored.**

**There are better ways to prevent misuse of Hawaii's program than giving in to the requests of the law enforcement agency that should be a part of fixing the current problems, not using them to undermine the program's success.**

**An arbitrary limit on number of plants at one address and felony charges for claims of fraudulent misrepresentation are law enforcement tactics, and not appropriate legislative methods to prevent abuse of the current system.**

**Better regulation at the department level, and recognition of the accepted medical use of Cannabis that our State created, would prevent the need for this kind of proposed legislation.**

**Thank you.**



TO:

**COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS**

Rep. Henry Aquino, Chair

Rep. Ty Cullen, Vice Chair

**COMMITTEE ON HEALTH**

Rep. Ryan Yamane, Chair

Rep. Dee Morikawa, Vice Chair

**FROM: CLIFTON OTTO, MD**

HONOLULU, HI

808-292-4951

**RE: HB 1963, Amendment Proposal**

Thursday, February 2, 2012

11:15 a.m.

Room 309

**PROPOSED AMENDMENT:**

Insertion at Page 3, Line 3:

“three ounces of usable cannabis (marijuana), or an adequate supply based on need as demonstrated by the patient to the agency administering this program.

For the purposes of this Statute, and all associated administrative rules, a plant is defined as having at least one primary stem, at least eight visible leaves, a multi-branching set of roots, and be at least six inches tall from the lowest visible part of the stem to the highest reaching leaf.”

Testimony for HB 1963 Relating to Medical Use of Marijuana

Thursday February 2, 2012 at 11:15am

House Committee on Health  
House Committee on Public Safety and Military Affairs

**STRONGLY OPPOSED**

Aloha. I am a medical cannabis patient residing in Hawaii County.

I am 52 years old and have type-2 diabetes. I watch my diet, and exercise and as a result, at this time, I am not taking any medicine to manage the diabetes. It takes a lot of work to stay off those types of medicine and I am proud of being in control of my health. However, I do have various persistent pains that are a result of being active, therefore I am in chronic pain.

About 30 years ago, while living in Japan, I contracted hepatitis. I have had to monitor my liver function ever since. One of the most common pain medications is Acetaminophen (Tylenol) and its prolonged use can damage the liver. Therefore it is not an option for me. Many medications, taken over time can damage the liver, or other organs, and I would not want to use them. Cannabis offers me a far safer alternative. Yet, you want to take that option away from me.

If I understand the wording of this bill correctly, since neither the diabetes nor hepatitis directly produces the pain I suffer from, I would not qualify for medical cannabis? That is absurd.

This bill attempts to restrict my freedom of choice. This bill attempts to regulate what I put into my own body by prohibiting me from using a plant that has been used as medicine for thousands of years. Many pharmaceutical medications have serious, potentially fatal side effects (remember Vioxx? 50,000 people had to die before the FDA took it off the market), while cannabis does not. And, yet you try to restrict the use of it.

I also find it absurd to mandate that the legislature must pass the addition of new qualifying conditions. If the present law were properly being implemented, the department of health would create a committee of medical professionals to review requests for adding qualifying conditions. Doctors, not law enforcement or legislators, should be the ones making that kind of decision, based on science and research. Putting it up for a vote to the legislators requires them to become experts in a field, medicine, that they are not trained in.

The three year ban from the program for violating the conditions is outrageous, especially since the statute (329-122) makes no distinction between simply transporting medical cannabis and actually smoking it (they are both defined as "medical use" and a patient can be in violation of 329-122c-1-e simply by possessing it in a public place).

This bill is horrible from beginning to end. Do not pass it.

Respectfully submitted,

Matthew Rifkin  
Hilo, HI

I support HB1963. I believe that this bill will help curb the abuse of marijuana and bring the law back to its original intent to aid people with severe debilitating diseases. The Bill will also hold physicians, caregivers and permit holders more accountable for their actions.

Guy T. Shibayama

Testimony for Public Hearing  
Committee on Public Safety and Military Affairs, Committee on Health  
February 02, 2012

Submitted by: Wesley Shinkawa

HB1963 (Committees) - RELATING TO MEDICAL USE OF MARIJUANA

Good Morning Committee Members. My name is Wesley Shinkawa and I am here to ask you to ensure that HB1963's language, intent, and enforcement regarding the specific identification, registration and monitoring of medical marijuana dispensaries and qualified patient usage remain intact if passed.

Although the US Government Accountability Office (GAO) noted the following symptoms or conditions under Appendix IV of their Nov. 2002 report titled "Descriptions of Allowable Conditions under State Medical Marijuana Laws": *Alzheimer's Disease, Anorexia, AIDS, Arthritis, Cachexia, Cancer, Crohn's Disease, Epilepsy, Glaucoma, HIV, Migraine, Multiple Sclerosis, Nausea, Pain, Spasticity, Wasting Syndrome* as those in which marijuana usage may provide relief, there needs to be further measures for accountability and control in order to prevent the proliferation of illegal usage. HB1963, in its' current language, intent and spirit address these accountability issues while acknowledging the medically relevant research that suggest possible symptom relief for patients with these debilitating conditions.

Although I am deeply concerned about the type of message we will send to our youth regarding the use of illegal drugs, such as marijuana. If, and only if, marijuana is the only source of relief for patients with the above mentioned conditions then HB1963 should be considered.

Thank you for your time.

Sincerely,

Wesley Shinkawa

My name is Gina Stephens, I am writing this letter to you as a testimonial towards the HB1963 Act. I have been suffering for several years from Anxiety, High Blood Pressure triggered by Anxiety, as well as chronic neck and back pain from an accident that I got into in 1991. Marijuana helps calm my nerves, take away the pain, making me functional; so that I can concentrate and perform my daily duties. It as well as keep my blood pressure within acceptable range because I do not suffer as many Anxiety Attacks when I am medicated on Marijuana.

Without my daily dosage of Marijuana; I am irritable and unable to concentrate, hindering my work performance. At night it helps me relax and sleep soundly, not feeling the pains that I suffer from. As for medical purposes, I would a definite supporter of the use of Marijuana.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 11:19 PM  
**To:** PBMtestimony  
**Cc:** cmagena@aol.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Clarence M. Agena  
Organization: Individual  
E-mail: [cmagena@aol.com](mailto:cmagena@aol.com)  
Submitted on: 1/31/2012

**Comments:**

I support HB1963. Better controls and justifications are required in the authorized medical use of marijuana.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 9:30 AM  
**To:** PBMtestimony  
**Cc:** mpaiello@gmail.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM  
**Attachments:** veterans-administration-medical-marijuana-directive.pdf

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Michael Aiello  
Organization: Individual  
E-mail: [mpaiello@gmail.com](mailto:mpaiello@gmail.com)  
Submitted on: 1/31/2012

**Comments:**

The US Federal Government has acknowledged SPECIFICALLY that Cannabis (marijuana) is a legitimate treatment for CHRONIC PAIN.

On July 22, 2010, the US Veteran's Health Administration, in VHA DIRECTIVE 2010-035, issued the following statement:

"Medical conditions associated with the use of medical marijuana include, BUT ARE NOT LIMITED TO to: glaucoma, chemotherapy induced nausea, multiple sclerosis, epilepsy and CHRONIC PAIN." (Emphasis added).

A copy of the VHA DIRECTIVE 2010-035 is attached to this message. It can also be viewed here:

<http://medicalmarijuana.procon.org/sourcefiles/VHAdirectiveJuly22.pdf>

Medical decisions must be made medical professionals and their patients -- not by paid law enforcement personnel or overreaching state legislators.

HB1963 is very bad legislation.

Please VOTE NO on HB1963.

Michael Aiello  
Keaau, Hawaii

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 12:25 PM  
**To:** PBMtestimony  
**Cc:** cariolajr@hawaii.rr.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Clarence Ariola Jr.  
Organization: Individual  
E-mail: [cariolajr@hawaii.rr.com](mailto:cariolajr@hawaii.rr.com)  
Submitted on: 2/1/2012

**Comments:**

I support HB1963. I believe that this bill will help curb the abuse of marijuana and bring the law back to it's original intent to aid people with severe debillitating diseases. The Bill will also hold physicians, caregivers and permit holders more accountable for their actions.

Respectfully submitted.



## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 10:39 PM  
**To:** PBMtestimony  
**Cc:** samoahu@yahoo.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Samson Au  
Organization: Individual  
E-mail: [samoahu@yahoo.com](mailto:samoahu@yahoo.com)  
Submitted on: 1/31/2012

**Comments:**

I support HB1963. I believe that this bill will help curb the abuse of marijuana and bring the law back to it's original intent to aid people with severe debilitating diseases. The Bill will also hold physicians, caregivers and permit holders more accountable for their actions. Respectfully submitted.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 2:10 PM  
**To:** PBMtestimony  
**Cc:** bacher.robert@gmail.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: Yes  
Submitted by: Robert Bacher  
Organization: Individual  
E-mail: [bacher.robert@gmail.com](mailto:bacher.robert@gmail.com)  
Submitted on: 1/31/2012

### Comments:

This bill seems only to limit patients instead of establishing real regulations regarding SAFE ACCESS to Medical Cannabis as patients and about 80% of the public have said that they want. If you want to keep getting paid by our taxes, show us you can overcome your irrational fears and create thousands of jobs and millions of dollars in tax revenue instead of losing millions to the black market for the 12th year since Governor Cayetano signed Medical Cannabis into law in 2000. Local advocates have been fighting for years for a safe, regulated distribution system and to increase the amount of marijuana patients can possess.

Does this make house-calls illegal?

Why do you insist on counting plants, and limiting how many patients a caregiver is allowed to help? Some people like concentrating on a few larger plants, but some people prefer to grow many smaller plants, but there is no good reason that they shouldn't be free to choose how people will use their space. This is not done in medicine or in agriculture. As you may have seen recently on the news, the problem isn't if someone has too many plants, it's if they do not have a professional electrician constantly ensuring that everything is done SAFELY. When you do finally realize how many jobs this will create and that real regulation is needed, the commercial grows and dispensaries will require city performed inspections by a fire marshal to do an inspection of the building, a building inspector do an electrical inspection and a plumbing inspection, and the zoning administrator go out and determine if they were within a 1,000 ft of a school or park. These inspections and the inspectors that perform them are an example of the many thousands of more jobs that will be created by the financial ripples of bringing a currently multimillion (possibly billion) dollar black market industry here in Hawaii, and bringing it back above the table, where it belongs by regulating and taxing it appropriately.

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 9:06 AM  
**To:** PBMtestimony  
**Cc:** konabakers@hawaii.rr.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Richard Baker  
Organization: Individual  
E-mail: [konabakers@hawaii.rr.com](mailto:konabakers@hawaii.rr.com)  
Submitted on: 2/1/2012

**Comments:**

I am writing in opposition to HB 1963 Relating to the Medical Use of Marijuana as it is written.

The bill creates more ambiguities in the program, adds overly punitive criminal penalties, and makes the allowable conditions more confusing. The pharmaceutical pain remedies have far more serious side effects than marijuana, many of which include internal bleeding, swelling, and even organ failure.

The program was meant to help sick people, not to treat them as criminals. What the people of Hawaii need is compassion and the freedom to self-administer pain relief without the fear of retribution by overzealous government agencies.

Please do not pass this bill.

## PBMtestimony

---

From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, January 31, 2012 7:52 AM  
To: PBMtestimony  
Cc: randomnesskypie@yahoo.com  
Subject: Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Comments Only  
Testifier will be present: No  
Submitted by: Pam Brewer-Fink  
Organization: Individual  
E-mail: [randomskypie@yahoo.com](mailto:randomskypie@yahoo.com)  
Submitted on: 1/31/2012

### Comments:

I am 62 & use cannabis as a medicine for my chronic pain of my sciatica nerve & for arthritis that is starting in my hand. I can not use the drugs that are prescribed due to being too harsh on my system. The #1 prescription drug in America is Vicodin, which is for CHRONIC PAIN!! One out of three people suffer from CHRONIC PAIN, so this is not a random problem. You should not be in charge of people's right to choose their forms of medicine. We should have the CHOICE on what we can put into our bodies. The drug companies are bringing out their own products containing cannabis, so why the big disconnect from, we the people, growing our own medicine? This should not be in the hands of every day legislators, but w/ the Doctors that one is talking to about their health problems! There is so much new research coming out about the many BENEFITS of cannabis, so please do not make these harsh decisions for people just trying to make it through their day w/out pain. You are not qualified to make Dr's decisions- & do not PUNISH all of us for the few that are abusing the system. Our quality of life is at stake!!

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 1:53 PM  
**To:** PBMtestimony  
**Cc:** vince.callagher@gmail.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: Yes  
Submitted by: vincent callagher  
Organization: Individual  
E-mail: [vince.callagher@gmail.com](mailto:vince.callagher@gmail.com)  
Submitted on: 2/1/2012

**Comments:**

I believe the law to be over restrictive as it stands. More restrictions would serve no one and inhibit the legal use of a safe and inexpensive medicine. I myself would not be able to work without cannabis as pain relief. And there is no other pain killer I can safely use.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 12:12 PM  
**To:** PBMtestimony  
**Cc:** imokasis@gmail.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Carol Campbell  
Organization: Individual  
E-mail: [imokasis@gmail.com](mailto:imokasis@gmail.com)  
Submitted on: 2/1/2012

**Comments:**

I am opposed to this bill. Hawaii's Medical Marijuana Law is already so restrictive that it made me decide to forgo any effort to obtain legal status.

Police target Medical Marijuana users for special attention, IMO. The requirement that the property be posted with the Medical License Number etc, makes the patient/grower a target for home invasions and burglaries. Citizens have been attacked, injured, and then arrested for defending themselves.

I would have to be Mentally Handicapped to volunteer for this status - and now this Bill would tighten the provisions.

Frankly, it is easier to get marijuana without a Medical Certificate, as well as safer.

The current law is a disaster for many, now the Pro-Drug War advocates want to make it worse.

I would suggest de-criminalizing most drugs, and tax the Hell out of them. That would solve the budget problems, and greatly lower the cost of tossing peaceful citizens in jail for private use in their own home.

It also would increase the peace and quiet in our rural neighborhoods by grounding the Drug Search Helicopters.

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 8:52 AM  
**To:** PBMtestimony  
**Cc:** kathy.cole@marriott.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Kathy Cole  
Organization: Individual  
E-mail: [kathy.cole@marriott.com](mailto:kathy.cole@marriott.com)  
Submitted on: 1/31/2012

**Comments:**

I support HB1963. I believe that this bill will help curb the abuse of marijuana and bring the law back to it's original intent to aid people with severe debillitating diseases. The Bill will also hold physicians, caregivers and permit holders more accountable for their actions.

Respectfully submitted

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 11:24 AM  
**To:** PBMtestimony  
**Cc:** hanaherb@maui.net  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM.HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Rene' Comeaux  
Organization: Individual  
E-mail: [hanaherb@maui.net](mailto:hanaherb@maui.net)  
Submitted on: 1/31/2012

**Comments:**

The drug that I was prescribed by VA NAPROXEN for back pain that I was told by other doctors was not good for my liver or stomach. The medical cannabis does not affect me in that way, and I receive the same effect as NAPROXEN without the side effects. There is too much research on medical cannabis for this bill to go through; to prevent medical use of a useful drug. Is this bill HB1963 something the BIG drug companies want?



## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 12:33 AM  
**To:** PBMtestimony  
**Cc:** shadowjack@hawaii.rr.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM  
**Attachments:** medical marijuana testimony.doc

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: shadow diessner  
Organization: Individual  
E-mail: [shadowjack@hawaii.rr.com](mailto:shadowjack@hawaii.rr.com)  
Submitted on: 2/1/2012

### Comments:

This change would effectively cost the State of Hawaii hundreds of thousands of dollars, if not millions by taking roughly 9000 patients suffering from chronic pain that currently get their medication for free at NO COST to the State in the form of medical marijuana, and make them turn to State Assisted programs like Quest to receive their pain medication in the form of prescription narcotics that cost the State hundreds of thousands of dollars, if not millions every year!

This bill will take normal everyday citizens that maybe don't have medical insurance to revert to the street to buy pain medications like Vicodin and Oxycodone and other narcotics that lead to domestic violence, overdose, accidental youth overdose, and even death. All the while strengthening the illegal black market drug trade. It will also add to endless jail costs and court fees related to the illegal drug trade.

The medical marijuana program has little abuse and has not resulted in any overdoses, or fatalities. On the contrary, legal pharmaceutical narcotics whether legally prescribed or illegally bought on the street, result in over 20,000 fatalities per year in the USA. As well as hundreds of thousands of overdoses and accidents.

It seems that we should be encouraging the use of this FREE, NO COST, NON-TOXIC, NON-LEATHAL, NON-HABIT FORMING medicine that saves the State money by eliminating ALL Costs normally associated with a State Assisted person obtaining pain medication.

These are my suggestions for the changes this bill seeks to make:

(1)requiring physicians who recommend medical marijuana to register a place of business or professional practice with the department of public safety

- Yes, even regular businesses have to register their place of business. Although it should be registered through the department of Health, not the Department of Public Saftey, as a Doctor's office is not an issue of Public Saftey.

(2)clarifying definitions with respect to medical use of marijuana

- Clarifying definitions is good but it should be less restrictive not more restrictive.

(3) establishing a revocation period for those violating the medical marijuana program condition.

This would have to be very carefully written to clarify what would constitute a violation.

(4) limiting the amount of marijuana that can be grown or possessed at a location

- Yes, it is a reasonable amount.

(5) requiring patients and caregivers to have their registration identification certificates with them when they are in possession or control of marijuana

- NO! There is no other law in this country that requires you to have an ID on your person at all times! This is over-reaching and borders on a violation of Civil Rights.

How can one card be in two places at the same time? A patient needs one card at their place of residence to protect/certify their plants, while simultaneously needing to have one on their person if they are away from home with their medication.

(6) increasing the penalties for fraudulent misrepresentations about the medical use of marijuana.

- Only if the same penalties are enforced for law enforcement officials making fraudulent misrepresentations of statements made to law enforcement or patients of any fact, or circumstance relating to the medical use of marijuana.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 7:46 AM  
**To:** PBMtestimony  
**Cc:** cdoyle2@hawaii.rr.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Charles Doyle  
Organization: Individual  
E-mail: [cdoyle2@hawaii.rr.com](mailto:cdoyle2@hawaii.rr.com)  
Submitted on: 2/1/2012

### Comments:

Folks, what the hell are you doing? I am disabled, a licenced patient and a veteran. I served and fought for you right to be free.

We elected you to serve our needs, not steal our rights. I thnk you have much better things to do solving our problems than making things worse for those less fortunate than you. We may not be able to stop this lunacy but you will find yourselves unemployed this next election.

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 1:48 PM  
**To:** PBMtestimony  
**Cc:** craigellenwood@hawaii.rr.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Craig Ellenwood  
Organization: Individual  
E-mail: [craigellenwood@hawaii.rr.com](mailto:craigellenwood@hawaii.rr.com)  
Submitted on: 1/31/2012

**Comments:**

Hello,

As a person who suffers chronic pain, it is already difficult and expensive to grow my own medicine. There are very few doctors who will recommend medical cannabis for patients for fear of the current and proposed laws governing pain management in the country. Increasing penalties from a petty misdemeanor to a class c felony to doctors and patients alike will make it harder to obtain the permit, as doctors may view it as too much of a risk. I oppose this amendment in &#167;329-128.

Thank you.

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 30, 2012 10:18 PM  
**To:** PBMtestimony  
**Cc:** akfountain@yahoo.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Arlene Fountain  
Organization: Individual  
E-mail: [akfountain@yahoo.com](mailto:akfountain@yahoo.com)  
Submitted on: 1/30/2012

**Comments:**

I support HB1963. I believe that this bill will help curb the abuse of marijuana and bring the law back to it's original intent to aid people with severe debillitating diseases. The Bill will also hold physicians, caregivers and permit holders more accountable for their actions.

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 11:05 AM  
**To:** PBMtestimony  
**Cc:** shllymitchell@yahoo.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Nancy Gex  
Organization: Individual  
E-mail: [shllymitchell@yahoo.com](mailto:shllymitchell@yahoo.com)  
Submitted on: 2/1/2012

**Comments:**

I am a medical marijuana patient who suffers from an eating disorder. Without my medicine I have little or no appetite, and can not keep up a healthy weight. I do not want to be hospitalized again, and I like being able to eat like a normal person. Thanks

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 11:56 PM  
**To:** PBMtestimony  
**Cc:** hansen.abbey@gmail.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Abbey Golden  
Organization: Individual  
E-mail: [hansen.abbey@gmail.com](mailto:hansen.abbey@gmail.com)  
Submitted on: 1/31/2012

### Comments:

I suffer from Crohn's disease and due to the gastrointestinal side effects of pain medications like Vicoden, the only pain medicine that I am able to take is marijuana. I've had flare ups of Crohn's that make it painful to eat any food. I do not like the side effects of other medications. Marijuana is a natural medication that allows me to function in the world without pain or discomfort.

-What is the number one prescription drug in America? Vicoden (Hydrocodone combined with acetaminophen), which is used to treat pain.

-Vioxx was an FDA-approved medication, used to treat pain and arthritis, until it was removed from the US market because of the increased risk of stroke and heart attack resulting in more 55,000 deaths.

-Acetaminophen (Tylenol) is in so many products that people were unknowingly taking too much, leading to liver damage. The dose amounts have been lowered, and warning labels changed.

-There are more than 20,000 deaths per year from opiate and NSAID's (nonsteroidal anti-inflammatory drugs) vs. zero for cannabis -Both Institute of Medicine and the Veteran's Administration acknowledge that about 1 in 3 Americans suffer from chronic pain.

You should be allowed to choose the medicine that you want. It should not be a law enforcement decision to limit your choices.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 12:17 PM  
**To:** PBMtestimony  
**Cc:** talktomemj@yahoo.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Marianne Haglund  
Organization: Individual  
E-mail: [talktomemj@yahoo.com](mailto:talktomemj@yahoo.com)  
Submitted on: 1/31/2012

Comments:



## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 10:41 AM  
**To:** PBMtestimony  
**Cc:** aukaipacific@aol.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Robert J Hall  
Organization: Individual  
E-mail: [aukaipacific@aol.com](mailto:aukaipacific@aol.com)  
Submitted on: 2/1/2012

**Comments:**

Current practices have veered away from the intended purpose and target group of this bill. Its a joke as to how abusive &quot;physicians&quot; are in prescribing medical use. Majority of &quot;patients&quot; are under age 30. Please fix this.

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 10:45 AM  
**To:** PBMtestimony  
**Cc:** punarasta@yahoo.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position:  
Testifier will be present: No  
Submitted by: Rev. Nancy Waite Harris  
Organization: Individual  
E-mail: [punarasta@yahoo.com](mailto:punarasta@yahoo.com)  
Submitted on: 2/1/2012

### **Comments:**

Aloha. Thank you for accepting testimony. This bill contains provisions to "fix" medical marijuana which actually potentially penalize patients. If you persist in passing such a measure, many very sick people will be in positions to pay a very great price. I am a medical marijuana patient, and with the passage of this bill, I will be in jeopardy if I need to travel to Oahu to consult with a specialist. I will be forced to choose whether to do without my medicine for the duration of the trip, travel with it in possible violation of the law, or obtain it on the black market while receiving treatment. Maybe I could hobble out from the hospital to the taxi stand and ask the driver to take me to the part of town where marijuana is available, and just start asking random people? That is ridiculous, and would also be a serious violation of the law! Please have compassion for those of us who are suffering.

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 7:25 AM  
**To:** PBMtestimony  
**Cc:** johnhayeser@yahoo.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: john hayes  
Organization: Individual  
E-mail: [johnhayeser@yahoo.com](mailto:johnhayeser@yahoo.com)  
Submitted on: 1/31/2012

**Comments:**

I have been a medical marijuana patient in Hawaii for many years. This program has improved the quality of my life, alleviating the symptoms of my illness without doing harm to my liver. This is an effective and safe medicine.

Sincerely, John Hayes

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 4:32 PM  
**To:** PBMtestimony  
**Cc:** theede@hawaii.rr.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: Yes  
Submitted by: Teri Heede  
Organization: Individual  
E-mail: [theede@hawaii.rr.com](mailto:theede@hawaii.rr.com)  
Submitted on: 1/31/2012

**Comments:**

Aloha and Mahalo for accepting my testimony.

I would like to say thanks for listening. I want to emphasize to you present that I personally feel that this legislation's introduction and consideration makes it obvious that I have received little more than ridicule and attempted intimidation by law enforcement for my efforts in testifying prior to today. Yet, here I am again. I will not be intimidated and I won't stop testifying as long as I am able.

I come in and dump a basket of prescription drugs that didn't work to cure or alleviate the symptoms of my disease and the only legislator with medical experience advises his colleagues that a drug regimen can replace marijuana. It is amazing that an ER doctor can accomplish this when I have been to 4 countries and consulted with neurologists, ophthalmologists, pain specialists and a plethora of medical professionals that have not provided me with any other reasonable solution.

Besides my own testimony, you have been provided with a mountain of information including but not limited to the results of a Working Group consisting of patients and other professionals that outlined problems with the Hawai'i program and which could have suggested reasonable and compassionate solutions. It was totally disregarded.

Today you have this proposed legislation before you and I am appalled as a human being, not only a patient.

How can this legislation be justified? It has absolutely no intention of making beneficial changes to a program based on compassion for the sick and dying but instead demands criminalization of patients. It creates a hostile environment so the sick can easily be persecuted and then prosecuted.

It is diabolical that law enforcement, the very same people who blatantly violate medical patients' rights, can expect the State Legislature to support such vicious and heartless regulation.

I ask you to reject this legislation without modification or regard.

Mahalo ahead of time for your cooperation, Teri Heede

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 10:20 AM  
**To:** PBMtestimony  
**Cc:** erikhow@gmail.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Erik Howell  
Organization: Individual  
E-mail: [erikhow@gmail.com](mailto:erikhow@gmail.com)  
Submitted on: 1/31/2012

### Comments:

I currently suffer from cronic joint pain from a rare desease that I suffered 7 years ago. I was taking prescription drugs to manage the pain. I had to deal with all the side effects of the medicine, until I was able to use medical marijuana. Medical marijuana easies my pain and helps me function as a normal human. I hope that this medicine will not be taken away from people that need it.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 11:12 AM  
**To:** PBMtestimony  
**Cc:** ohanakauainow@yahoo.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM  
**Attachments:** medical marijuana.wps

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: shawn Joseph  
Organization: Individual  
E-mail: [ohanakauainow@yahoo.com](mailto:ohanakauainow@yahoo.com)  
Submitted on: 2/1/2012

### Comments:

#### Keep It Local

As Hawaiian born citizens of Kauai, we are proud that our home is known to the world as the "Garden Island". A garden is more than simply aesthetic, our gardens of Kauai are functional. Kauai is a place where we can set an example. Many of us are trying to restore our balance with nature. As a people we are proud that much of the foods we eat, that we feed our children, come from our own soil. Not only is it healthier, it is also supporting our local economy. So then, why do we think of gardens in the same way when it comes to our medicine?

In my personal life my job entails physical labor eight hours a day, six days a week. Throughout the day, especially towards the end, my body experiences pain. For years my doctor prescribed many different medications that all came with various side effects and led me down a road of addiction. Taking these medications also led to headaches, stomach cramping, intestinal bleeding, and finally a colonoscopy. At 25 years old I was believed to have Chrones Disease only later to discover it was due to my daily prescribes medication for pain. I didn't know where my medicine came from or what was in them. When I was prescribed medical marijuana my pain became more manageable than it had been in years and I was no longer experiencing any negative side effects. Just like when I noticed the positive effects of eating vegetables and fruits coming from my own garden, it was clear to me that my own health was directly linked to the health of my garden. Since I was a child my family has used many plants to cure ailments including 'Olena, Echinacea, Noni, Awa, Ti, Kalo, Ginger root, and many others to keep us happy and healthy. In this way, cooperation with nature made sense. So now, I would postulate, if I can add one more plant, in this case medicinal marijuana, in my medicinal garden that helps me stay healthy and pain free, why would anyone want to take the right away from me?

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 30, 2012 10:57 PM  
**To:** PBMtestimony  
**Cc:** elecbuyer@yahoo.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Ron Katto  
Organization: Individual  
E-mail: [elecbuyer@yahoo.com](mailto:elecbuyer@yahoo.com)  
Submitted on: 1/30/2012

### Comments:

I support HB1963. I believe that this bill will help curb the abuse of marijuana and bring the law back to it's original intent to aid people with severe debilitating diseases. The Bill will also hold physicians, caregivers and permit holders more accountable for their actions. Respectfully submitted,  
Ron Katto

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 8:55 AM  
**To:** PBMtestimony  
**Cc:** solsir42003@yahoo.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: andy kress  
Organization: Individual  
E-mail: [solsir42003@yahoo.com](mailto:solsir42003@yahoo.com)  
Submitted on: 1/31/2012

### Comments:

America is an inherently free society . How can we be free if we cant choose what medicine we want to use ? How is it the role of Government to tell me what i can or can not put into my body ? This is why America has took a turn for the worst , its because they Govt has overstepped their boundries and allowed themselves to dictate what free Americans can or cant do , EVEN WITH THEIR DOCTORS AND STATES CONSENT ! Get out of my life ! My Doctor and I both agree that cannabis helps manage my chronic pain , who are you to tell me it doesnt ? This bill is wrong and voting for it is a knife in the heart of freedom and liberty ...

&#167; What is the number one prescription drug in America? Vicoden (Hydrocodone combined with acetaminophen), which is used to treat...pain.

&#167; Vioxx was an FDA-approved medication, used to treat pain and arthritis, until it was removed from the US market because of the increased risk of stroke and heart attack resulting in more 55,000 deaths. Cannabis deaths , ZERO !

&#167; There are more than 20,000 deaths per year from opiate and NSAID's (nonsteroidal anti-inflammatory drugs) vs. ZERO for cannabis !

&#167; Both Institute of Medicine and the Veteran's Administration acknowledge that about 1 in 3 Americans suffer from chronic pain.

We as Americans and Hawaiians should be allowed to choose the medicine that we want. It should not be a law enforcement decision to limit our choices for managing our pain .



## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 9:48 AM  
**To:** PBMtestimony  
**Cc:** jeffray@pacific.net  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: jeff lafrance  
Organization: Individual  
E-mail: [jeffray@pacific.net](mailto:jeffray@pacific.net)  
Submitted on: 1/31/2012

### Comments:

I should be able to chose what medical choices I have available to use for my personal health. Personal choice, is protected by the Constitution, and should not be decided by others. Personal choice should include herbal remedies, which include medical marijuana. I should not be limited to chemical solutions that have been proven to be addictive, have potential adverse side effects, or even cause death, as noted below. I urge the preservation of personal choice. My personal choice, should include the use of medical marijuana for chronic pain, which has been clinically proven to be non-addictive, and to have a low toxicity level, as reportd by government funded studies, clinical findings by major university studies, and hospital studies around the world, as compared to the other available choices below. Laws restricting personal choice, that impose undue, and abusive criminal prosecution penalties, should be considered un-constitutional, and void.

What is the number one prescription drug in America? Vicoden (Hydrocodone combined with acetaminophen), which is used to treat...pain.

Vioxx was an FDA-approved medication, used to treat pain and arthritis, until it was removed from the US market because of the increased risk of stroke and heart attack resulting in more 55,000 deaths.

Acetaminophen (Tylenol) is in so many products that people were unknowingly taking too much, leading\*to liver damage. The dose amounts have been lowered, and warning labels changed.

There are more than 20,000 deaths per year from opiate and NSAID's (nonsteroidal anti-inflammatory drugs) vs. zero for cannabis

Both Institute of Medicine and the Veteran's Administration acknowledge that about 1 in 3 Americans suffer from chronic pain.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 10:50 AM  
**To:** PBMtestimony  
**Cc:** Jls@hawaii.rr.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Jason Lamport  
Organization: Individual  
E-mail: [Jls@hawaii.rr.com](mailto:Jls@hawaii.rr.com)  
Submitted on: 2/1/2012

**Comments:**

I do not feel that this bill is fair to all of the people that are now registered with the department of public safety narcotics division. This list of patients then becomes a list of criminals.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 3:41 PM  
**To:** PBMtestimony  
**Cc:** jlawi3@gmail.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Judy Lawi  
Organization: Individual  
E-mail: [jlawi3@gmail.com](mailto:jlawi3@gmail.com)  
Submitted on: 2/1/2012

### Comments:

I support HB1963. I believe that this bill will help curb the abuse of marijuana and bring the law back to it's original intent to aid people with severe debilitating diseases. The Bill will also hold physicians, caregivers and permit holders more accountable for their actions.

Respectfully submitted.

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 6:40 AM  
**To:** PBMtestimony  
**Cc:** dawninspirit@hotmail.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: dawn Libby  
Organization: Individual  
E-mail: [dawninspirit@hotmail.com](mailto:dawninspirit@hotmail.com)  
Submitted on: 2/1/2012

**Comments:**

I am writing in opposition to HB 1963 Relating to the Medical Use of Marijuana. The bill creates more ambiguities in the program, adds overly punitive criminal penalties, and makes the allowable conditions more confusing.

The program was meant to help sick people, not to treat them as criminals. Please do not pass this bill.

Thank You for your time and attention to this matter.

Aloha

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 2:48 PM  
**To:** PBMtestimony  
**Cc:** debbie@jaycohawaii.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Debora Lopes  
Organization: Individual  
E-mail: [debbie@jaycohawaii.com](mailto:debbie@jaycohawaii.com)  
Submitted on: 2/1/2012

### Comments:

I am in support of this bill. I feel there are too many people who are obtaining medical marijuana prescriptions for bogus reasons and doctors are too quick to give them out.

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 3:56 PM  
**To:** PBMtestimony  
**Cc:** ianleeloy@hotmail.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Ian B. Lee Loy  
Organization: Individual  
E-mail: [ianleeloy@hotmail.com](mailto:ianleeloy@hotmail.com)  
Submitted on: 1/31/2012

Comments:

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 5:34 PM  
**To:** PBMtestimony  
**Cc:** snn@hawaii.edu  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: David McFadden  
Organization: Individual  
E-mail: [snn@hawaii.edu](mailto:snn@hawaii.edu)  
Submitted on: 1/31/2012

**Comments:**

i oppose the proposed Bill to make changes to the current medical marijuana program.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 9:52 PM  
**To:** PBMtestimony  
**Cc:** nedimcknight@gmail.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Nedi McKnight  
Organization: Individual  
E-mail: [nedimcknight@gmail.com](mailto:nedimcknight@gmail.com)  
Submitted on: 1/31/2012

**Comments:**  
Strong Opposition to HB 1963

Chairs Aquino and Yamane, Vice Chairs Cullen and Morikawa and Members of the Committees:

My name is Nedi McKnight. I am a concerned and law abiding citizen. I would like to express my opposition to HB 1963.

I am a working business professional. I am active in my community and I vote. I do not break the law, nor do I support those that do. That is why I strongly believe all of our laws should be reasonable and fair. When our laws concerning controlled substances overlap with people's decisions regarding their own personal well-being, freedom to pursue homeopathic and natural remedies and health-care decisions, the laws must be based on facts and medical research.

Where is the medical research to support laws concerning more restrictions on marijuana? For that matter, where is the research regarding saliva divinorum and psilocybin? These plants have been used for thousands of years for health and religious purposes. There are many things in our environment and daily lives that are dangerous and harmful. Fast food, stress, sodas, alcohol, cigarettes, pollution, pesticides... we all know the true health threats. Yet the focus seems to be on further restricting people's access to medicinal and religious plant use. Why?

Marijuana and/or Cannabis is a helpful medicinal plant that has been utilized by humans for a very long time. Many people including myself suffer from chronic pain and other ailments. We should not be excluded from being allowed to legally obtain and use marijuana as a medicine. Why would you rather a person be in pain, use strong legal prescription pain killers and potentially become disabled or unable to work? All because a medicinal plant offers some mild pleasant side effects in addition to healing and alleviating pain and symptoms?

We should all be pushing for more research regarding natural plant based medicines and therapies. All avenues of alternative healing should be open for research, advocacy and development. Focus and finances should be put towards helping people. Instead of incarcerating people who have problems with substance abuse, the money should be spent on sending them to drug and alcohol rehabilitation and if needed, providing occupational retraining.



I do support restricting and tightening laws concerning dangerous and chemically altered substances, however, marijuana does not fall into this category.

Respectfully,

Nedi McKnight  
Honokaa, HI

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 11:20 AM  
**To:** PBMtestimony  
**Cc:** rmiller@aya.yale.edu  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Richard S. Miller  
Organization: Individual  
E-mail: [rmiller@aya.yale.edu](mailto:rmiller@aya.yale.edu)  
Submitted on: 2/1/2012

### Comments:

I am writing in opposition to HB 1963 Relating to the Medical Use of Marijuana. The bill creates more ambiguities in the program, adds overly punitive criminal penalties, and makes the allowable conditions more confusing.

The program was meant to help sick people, not to treat them as criminals. Please do not pass this bill.

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 9:34 AM  
**To:** PBMtestimony  
**Cc:** chi.mok@marriott.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Chi Mok  
Organization: Waikiki Beach Marriott Resort & Spa  
E-mail: [chi.mok@marriott.com](mailto:chi.mok@marriott.com)  
Submitted on: 1/31/2012

**Comments:**

I strongly support HB1963. I believe that this bill will help curb the abuse of marijuana and bring the law back to it's original intent to aid people with severe debillitating diseases. The Bill will also hold physicians, caregivers and permit holders more accountable for their actions.

Respectfully submitted

Chi Mok

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 30, 2012 11:16 PM  
**To:** PBMtestimony  
**Cc:** jm2day@yahoo.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: joLENE MOLINARO  
Organization: Individual  
E-mail: [jm2day@yahoo.com](mailto:jm2day@yahoo.com)  
Submitted on: 1/30/2012

Comments:

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 10:17 AM  
**To:** PBMtestimony  
**Cc:** bmurphy420@msn.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Brian Murphy  
Organization: MCCFDIA  
E-mail: [bmurphy420@msn.com](mailto:bmurphy420@msn.com)  
Submitted on: 2/1/2012

Comments:  
punitive nature of HB 1963 (and SB 2026)

The current law allows the department of health to add new qualifying conditions, but they have never even tried to set up a panel to process requests from physicians or patients. HB 1963 would require the legislature to approve new qualifying conditions (after the DOH submits a request). So, instead of trained doctors of medicine, the state legislators would have the final say in which new conditions are added, by voting on it.

The law would limit the number of blue cards at any single property to three. That implies that any group of four or more patients living together (for any reason) are inclined to grow too much medical cannabis and divert it to the black market. In Hawai'i County, the parcels of land can be large and extended families live together. Can every one of them be breaking the law?

Not letting a felon become a caregiver could be quite harsh. Are they going to restrict all former felons, or only ones convicted of commercial distribution? Every felon must be prohibited from growing because they are likely to break the law again with regards to cannabis? That seems very broad.

If a patient violates any section of the "conditions of use" they may be suspended for up to three years from the medical cannabis program. The "conditions of use" is poorly writing and prohibits "medical use" in a public place, and it makes no difference whether you are transporting it or actually smoking/using it. This is how the police and prosecutors are arresting and charging patients for traveling with their medicine. There are cases in the state appellate court which may clarify it. The Narcotics Enforcement Division publishes a guide for patients and physicians that say you are allowed to travel with your medicine. Yet, you could be arrested and lose the medicine of your choice for three years. That is incredibly harsh for a program that is supposed to be about compassion.

The raising of the penalty from a petty misdemeanor to a class C felony for fraudulent misrepresentation in the application form or in statements made to a law enforcement official of any fact or circumstance relating to medical use of marijuana to avoid arrest or prosecution is quite a substantial increase. A class C felony is as if you were arrested for having between 1 and 2 pounds of cannabis, and it carries up to five years in jail and \$10,000 fine. Wow! That is serious trouble. It is also absurd.

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 4:41 PM  
**To:** PBMtestimony  
**Cc:** dragonballz311@yahoo.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Mike Murphy  
Organization: Individual  
E-mail: [dragonballz311@yahoo.com](mailto:dragonballz311@yahoo.com)  
Submitted on: 1/31/2012

Comments:

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 5:47 PM  
**To:** PBMtestimony  
**Cc:** seyaat420@yahoo.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Chris Nagy  
Organization: Individual  
E-mail: [seyaat420@yahoo.com](mailto:seyaat420@yahoo.com)  
Submitted on: 1/31/2012

**Comments:**

I think that HB1963 would not benefit Hawaii. We should be spending our resources, time, and money on more important issues in Hawaii, why change a system that already works just fine.....Chris from the Big Island Hawaii, Kailua Kona, Hi



## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 5:31 PM  
**To:** PBMtestimony  
**Cc:** snn@hawaii.edu  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Sarah Nicolaisen  
Organization: Individual  
E-mail: [snn@hawaii.edu](mailto:snn@hawaii.edu)  
Submitted on: 1/31/2012

**Comments:**

i oppose the proposed changes to the current Medical Marijuana laws because patients should have the choice of natropathic approach to their medical issues.

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 8:10 AM  
**To:** PBMtestimony  
**Cc:** lokumura@honolulu.gov  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Lorrin Okumura  
Organization: Individual  
E-mail: [lokumura@honolulu.gov](mailto:lokumura@honolulu.gov)  
Submitted on: 1/31/2012

**Comments:**

I support HB1963. I believe that this bill will help curb the abuse of marijuana and bring the law back to it's original intent to aid people with severe debilitating diseases. Bill HB1963 will also hold physicians, caregivers and permit holders more accountable for their actions.

Respectfully submitted.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 12:59 PM  
**To:** PBMtestimony  
**Cc:** joseph.pascua@vacationclub.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Joseph Pacua  
Organization: Individual  
E-mail: [joseph.pascua@vacationclub.com](mailto:joseph.pascua@vacationclub.com)  
Submitted on: 1/31/2012

### Comments:

I support HB1963. I believe that this bill will help curb the abuse of marijuana and bring the law back to it's original intent to aid people with severe debillitating diseases. The Bill will also hold physicians, caregivers and permit holders more accountable for their actions.

Respectfully submitted.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 8:54 AM  
**To:** PBMtestimony  
**Cc:** ganjafarmer808@gmail.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Daniel Patin  
Organization: Individual  
E-mail: [ganjafarmer808@gmail.com](mailto:ganjafarmer808@gmail.com)  
Submitted on: 2/1/2012

**Comments:**

We really need to spend money on other parts of the marijuana laws.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 8:44 AM  
**To:** PBMtestimony  
**Cc:** surferphilip@gmail.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Philip Provance  
Organization: Individual  
E-mail: [surferphilip@gmail.com](mailto:surferphilip@gmail.com)  
Submitted on: 2/1/2012

**Comments:**

There are many problems to solve dealing with Medical Marijuana legislation. This in not one of them

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 3:03 PM  
**To:** PBMtestimony  
**Cc:** christopherallenwerner@yahoo.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Chelsey Riddle  
Organization: Individual  
E-mail: [christopherallenwerner@yahoo.com](mailto:christopherallenwerner@yahoo.com) Submitted on: 2/1/2012

**Comments:**

I am writing in opposition to HB 1963 Relating to the Medical Use of Marijuana. The bill creates more ambiguities in the program, adds overly punitive criminal penalties, and makes the allowable conditions more confusing.

The program was meant to help sick people, not to treat them as criminals. Please do not pass this bill.

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 10:23 AM  
**To:** PBMtestimony  
**Cc:** jgroberts@cryptoheaven.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Jeff Roberts  
Organization: Individual  
E-mail: [jgroberts@cryptoheaven.com](mailto:jgroberts@cryptoheaven.com)  
Submitted on: 2/1/2012

Comments:

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 9:42 AM  
**To:** PBMtestimony  
**Cc:** cnssaiki@hotmail.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: CINDY SAIKI  
Organization: Individual  
E-mail: [cnssaiki@hotmail.com](mailto:cnssaiki@hotmail.com)  
Submitted on: 1/31/2012

**Comments:**

I support HB1963. I believe that this bill will help curb the abuse of marijuana and bring the law back to it's original intent to aid people with severe debilitating diseases. The Bill will also hold physicians, caregivers and permit holders more accountable for their actions. Respectfully submitted.



## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 2:31 PM  
**To:** PBMtestimony  
**Cc:** laulimahi@gmail.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Gary shimabukuro  
Organization: Individual  
E-mail: [laulimahi@gmail.com](mailto:laulimahi@gmail.com)  
Submitted on: 1/31/2012

**Comments:**

I support the changes to HB1963. I believe it will help address the abuse of marijuana under the guise of medical use. I also believe that the physicians, caregivers and card holders who flaunt the law should be held accountable. Respectfully submitted.

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 11:31 AM  
**To:** PBMtestimony  
**Cc:** mshima@hawaii.rr.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Marian Shimabukuro  
Organization: Individual  
E-mail: [mshima@hawaii.rr.com](mailto:mshima@hawaii.rr.com)  
Submitted on: 2/1/2012

### Comments:

I support HB1963. We need to stop the misuse of medical marijuana. I believe that this bill will help curb the abuse of marijuana and bring the law back to it's original intent to aid people with severe debillitating diseases. The Bill will also hold physicians, caregivers and permit holders more accountable for their actions. Respectfully submitted, Marian Shimabukuro

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 9:57 AM  
**To:** PBMtestimony  
**Cc:** traceyaosiu@gmail.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Tracey Siu  
Organization: Individual  
E-mail: [traceyaosiu@gmail.com](mailto:traceyaosiu@gmail.com)  
Submitted on: 2/1/2012

**Comments:**

I support HB1963. I believe that this bill will help curb the abuse of marijuana and bring the law back to it's original intent to aid people with severe debilitating diseases. The Bill will also hold physicians, caregivers and permit holders more accountable for their actions.

Respectfully submitted.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 1:09 PM  
**To:** PBMtestimony  
**Cc:** lionel@cruzio.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Lionel Standish  
Organization: Individual  
E-mail: [lionel@cruzio.com](mailto:lionel@cruzio.com)  
Submitted on: 1/31/2012

**Comments:**

HB1963 is based on false information and is an act of politically motivated viciousness and arrogance, directed against the people of Hawaii.

The US Federal Government has acknowledged SPECIFICALLY that Cannabis (marijuana) is a legitimate treatment for CHRONIC PAIN.

On July 22, 2010, the US Veteran's Health Administration, in VHA DIRECTIVE 2010-035, issued the following statement:

"Medical conditions associated with the use of medical marijuana include, BUT ARE NOT LIMITED TO to: glaucoma, chemotherapy induced nausea, multiple sclerosis, epilepsy and CHRONIC PAIN."

Medical decisions must be made by medical professionals and their patients – not by paid law enforcement personnel or overreaching state legislators.

HB1963 is very bad legislation and should be opposed.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 6:53 AM  
**To:** PBMtestimony  
**Cc:** matt.stevenson@fourseasons.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: matt stevenson  
Organization: Individual  
E-mail: [matt.stevenson@fourseasons.com](mailto:matt.stevenson@fourseasons.com)  
Submitted on: 1/31/2012

**Comments:**

I support HB 1963. I believe that this bill will help reduce the abuse of marijuana and bring law back to it's original intent to aid people with real debilitating diseases. This bill will aslos hold physicians, caregivers and permit holders more accounatable for their actions. Respectfully submitted matt stevenson

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 8:27 AM  
**To:** PBMtestimony  
**Cc:** jimudesu@msn.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: James Stoeckel  
Organization: Individual  
E-mail: [jimudesu@msn.com](mailto:jimudesu@msn.com)  
Submitted on: 2/1/2012

**Comments:**

I oppose HB1963.

We need legislation that HELPS Medical Marijuana Patients. This bill is an attempt to CONTROL us.

(I am a 66 year old Vet with Chronic Arthritic pain in both hands. I own my own business (30yrs) and work 60-70 hours/wk....the medicine prescribed for me by the VA is so powerful, that I cannot do my job. Medical Marijuana controls the pain so well, I never have to use it while I am serving my customers in my store. I only need to use it in the evenings, at home, so the pain is lessened enough to allow me to sleep well.)

Mahalo for your attention.

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 11:05 AM  
**To:** PBMtestimony  
**Cc:** kthomas4567@hotmail.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position:  
Testifier will be present: No  
Submitted by: K. Thomas  
Organization: Individual  
E-mail: [kthomas4567@hotmail.com](mailto:kthomas4567@hotmail.com)  
Submitted on: 2/1/2012

### **Comments:**

The provisions of HB 1963, through the limiting, narrow and arbitrary confinements, is in blatant conflict with the overwhelming scientific and medical facts regarding the effective, safe and wide range of uses of medical marijuana. This is a very mean spirited action that would deny or limit access by thousands of physician referred patients. Why should medical patients be so harshly regulated to a degree so void of pragmatic policy making based on the scientific facts, empirical evidence, professional recommendations and patient testimony?

In the wake of study results showing over 100,000 people dying from prescribed pharmaceutical use, (not including mistaken diagnosis or other mistakes as in the filling of the prescription, or overdoses ) the Representatives should vote to honestly represent their constituents and vote no on this and any like legislation.

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 8:33 AM  
**To:** PBMtestimony  
**Cc:** paddler@hialoha.net  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Virginia Thomas  
Organization: Individual  
E-mail: [paddler@hialoha.net](mailto:paddler@hialoha.net)  
Submitted on: 1/31/2012

**Comments:**

Dear Legislators,

I hope you will note that the use of marijuana to combat pain, lack of appetite, as well as depression that accompanies patients maladies is VERY necessary. I find that in this day and age that we are still fighting about this issue. My best friend passed away from pancreatic cancer, used marijuana while she was dying and had never used drugs in here life. Michelle Bono was her name and after giving her testimony several times, we still see this natural substance as a hard drug included in category with heroin?

Please consider the good that this does for people who suffer with constant pain, some who will pass and need the relief as they slowly die. Some will live with injuries for their entire lives like my husband. He is another that never used drugs in his life, a proud marine and now suffers from incredible pain from an accident that he was involved in over 15 years ago.

Please consider this as a plea for your positive support in this matter. remember that prescription medications cause addiction. Marijuana doesnt. Dont let big Pharma control your vote. Think of your constituents that will suffer if the criteria is changed. Think of someone in your family that may need to use marijuana for their ills.

Thank you for your consideration

Virginia Thomas



## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 8:34 PM  
**To:** PBMtestimony  
**Cc:** kaleo93@yahoo.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Jerry Trinidad  
Organization: Individual  
E-mail: [kaleo93@yahoo.com](mailto:kaleo93@yahoo.com)  
Submitted on: 1/31/2012

**Comments:**

I support this bill it will keep track of physicians who abuse their occupation by using the legal system to provide marijuana to those who do not medically need it.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 10:30 PM  
**To:** PBMtestimony  
**Cc:** jvallis2002@yahoo.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: john vallis  
Organization: Individual  
E-mail: [jvallis2002@yahoo.com](mailto:jvallis2002@yahoo.com)  
Submitted on: 1/31/2012

### Comments:

finding safe long term ways to cope with chronic pain and enhance sleep is something the pharmaceutical companies have failed to accomplish. Mother natures formula once again proves best. Removing conditions and adding limitations and restrictions increases the cost of enforcement through the police and court system. To what purpose? The time and money spent on increased enforcement can be used for something the public would enjoy more such as cleaning up the homeless out of the popular tourist areas.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 9:19 AM  
**To:** PBMtestimony  
**Cc:** janice\_walin@notes.k12.hi.us  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Janice Walin  
Organization: Individual  
E-mail: [janice\\_walin@notes.k12.hi.us](mailto:janice_walin@notes.k12.hi.us)  
Submitted on: 1/31/2012

### Comments:

I support HB1963. I believe that this bill will help curb the abuse of marijuana and bring the law back to it's original intent to aid people with severe debillitating diseases. The Bill will also hold physicians, caregivers and permit holders more accountable for their actions. It will help in the fight against drug use and the availability and access to gateway drugs and using marijuana for the intended medical purposes and not the abuse of accessibility.

Respectfully submitted.

Janice Walin

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 7:01 AM  
**To:** PBMtestimony  
**Cc:** renwalker@hawaii.rr.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Ren Walker  
Organization: Individual  
E-mail: [renwalker@hawaii.rr.com](mailto:renwalker@hawaii.rr.com)  
Submitted on: 2/1/2012

### Comments:

i am a soon to be 64 year old kama'aina male, that has had leg problems since i was a kid on Oahu. I have had 14 operations on my legs, and to make it worse the arthritis makes e v e r y step a trip in pain. The BEST surgeon on Oahu, Dr Kimo Harpstyte, says worst looking ankle he has ever seen, and oly cure it to cut it off and get a fake one...i am allergic to most serious pain meds, except for aspirin. i have also been in a few auto accidents that has wrecked my lower and middle back. i cannot lie down on my stomache, which also means i have not been able to surf or body board for years...i cannot take heavy meds for pain as they make me sick, but it is silly that even with pain meds over the counter killing people, the gov would rather we risk death than have a much lighter substitute in medical marijuana. the joke in the public sector, is, that if the gov found out pakalolo would kill you (like alcohol, cigaretts, heavy prescription drugs etc) they would legalize it. while deaths come from all sorts of daily things in our lives, to single out a benign plant and compare it to heroin and cocain is not only ignorant it is ranting fear mongering...while there are are abusers to anything, eg, all the deaths from od on the other drugs, there are NO deaths from smoking pot, and while it doesn't cure the pain, it makes me think of something else. please don't take away our medication...i have pix of legs and scars i would be happy to send so you can see what pain looks like. aloha rw

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 9:09 AM  
**To:** PBMtestimony  
**Cc:** Im12fishard@yahoo.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Comments Only  
Testifier will be present: No  
Submitted by: Todd Weatherford  
Organization: Individual  
E-mail: [Im12fishard@yahoo.com](mailto:Im12fishard@yahoo.com)  
Submitted on: 1/31/2012

### Comments:

I have had 9 different operations for orthopedic reasons, and also a triple hernia from taking high doses of hydrocodone. I also have a kidney disease called IGA nephropathy that does not allow me to take any anti-inflammatory for pain and swelling. Medical Marijuana for chronic pain has allowed me to greatly reduce the amount of hydrocodone that I have to take. I have been on high doses of hydrocodone for the past 10 years, and the Medical Marijuana has been such a huge help for me in so many ways. It helps with inflammation, appetite, constipation, and a huge reduction of the deadly pain medication.

Why would anyone want to take away anything that can reduce pain in a natural way, and physically non-addictive. The addiction that I have from taking pain pills is terrible, and withdrawals from not having it is awful! Medical marijuana is such a great natural medication, and used with a vaporizer, it is healthier than any other option.

Please do not remove chronic pain as a qualifier for medical marijuana. Doing this will force people to go back to heavy narcotics, and that is NOT a better option for anyone. Medical Marijuana has helped me in so many ways. Thankyou.

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 30, 2012 8:36 PM  
**To:** PBMtestimony  
**Cc:** forecharlee@msn.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Charles Webb, MD  
Organization: Individual  
E-mail: [forecharlee@msn.com](mailto:forecharlee@msn.com)  
Submitted on: 1/30/2012

### Comments:

Against HB 1963

HB 1963 is an extremely harsh and cruel attempt to eliminate the use of medical cannabis for chronic pain patients. The Institute of Medicine states that well over 30% of citizens suffer from chronic pain, so naturally the most common reason for using medical cannabis is chronic pain. But less than one percent of Hawaii residents are currently certified for use of medical cannabis, so there can be no argument that the program is over-utilized.

Treatment options for chronic pain are limited and mostly dangerous: opioids like Oxycontin and Vicodin are very addicting and accidentally kill thousands of patients every year. Cannabis is effective for many forms of chronic pain and frequently helps patients to wean completely off opioids. As you are probably aware, cannabis is relatively non-addicting and kills no one. Taking medical cannabis away from chronic pain patients will force many of them to resort to expensive and addicting and potentially fatal medications.

The Hawaii Pain Patients' Bill of Rights guarantees these people the right to request or reject any treatment alternative. Please do not vote for this and take this right away.

Charles W Webb, MD  
Kailua Kona

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 8:22 PM  
**To:** PBMtestimony  
**Cc:** buzzzed@msn.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Sandra Webb, RN  
Organization: Individual  
E-mail: [buzzzed@msn.com](mailto:buzzzed@msn.com)  
Submitted on: 1/31/2012

### Comments:

HB 1963 is one more attempt by law enforcement to severely restrict or eliminate medical cannabis in Hawaii. Most doctors are already afraid to participate in the program, and by threatening physicians with felony charges this bill would make it nearly impossible to find one willing to certify patients.

This bill also appears to eliminate almost all chronic pain patients from certification, which would violate the Hawaii Pain Patients' Bill of Rights. Physicians, not law enforcement, should be deciding how to treat chronic pain. Please do not vote for this bill if you care about your fellow Hawaiian citizens.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 2:46 PM  
**To:** PBMtestimony  
**Cc:** christopherallenwerner@yahoo.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Chris Werner  
Organization: Individual  
E-mail: [christopherallenwerner@yahoo.com](mailto:christopherallenwerner@yahoo.com) Submitted on: 2/1/2012

### Comments:

I am writing in opposition to HB 1963 Relating to the Medical Use of Marijuana. The bill creates more ambiguities in the program, adds overly punitive criminal penalties, and makes the allowable conditions more confusing.

Why would a almost non-existent program need any more restrictions, most people already consider Hawaii's medical marijuana program a joke compared to any of the other states with medical marijuana laws. The program needs to move forward towards strict controls on full distribution to cancer and aids patients and those who this program was actually passed for. We don't need anything to make it in any way harder for them to get their medicine they need.

The program was meant to help sick people, not to treat them as criminals. Please do not pass this bill.



## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 9:27 PM  
**To:** PBMtestimony  
**Cc:** ryanagis@wildmail.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Renee Yanagisawa  
Organization: Individual  
E-mail: [ryanagis@wildmail.com](mailto:ryanagis@wildmail.com)  
Submitted on: 1/31/2012

**Comments:**

I support HB1963. I believe that this bill will help curb the abuse of marijuana and bring the law back to it's original intent to aid people with severe debillitating diseases. The Bill will also hold physicians, caregivers and permit holders more accountable for their actions.

Respectfully submitted.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 8:57 AM  
**To:** PBMtestimony  
**Cc:** Kinegaffguy@msn.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Lopaka the peacemaker  
Organization: Individual  
E-mail: [Kinegaffguy@msn.com](mailto:Kinegaffguy@msn.com)  
Submitted on: 1/31/2012

### Comments:

Why do we have to fight for our medicinal rights that you try to strip away ever year but you can push prescription poison pills to the people and contaminate our food with gmo's and our drinking water with flouride.. And lie to everyone through the tell lie vision. Just let the people be. It's their right to pursue their happiness. Marijuana is natural and was discovered by the ancient chinese doctors. please leave our medicinal flowers alone.....

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 30, 2012 10:52 PM  
**To:** PBMtestimony  
**Cc:** nshima411@yahoo.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: nina  
Organization: Individual  
E-mail: [nshima411@yahoo.com](mailto:nshima411@yahoo.com)  
Submitted on: 1/30/2012

**Comments:**

I support HB1963. I believe that this bill will help curb the abuse of marijuana and bring the law back to it's original intent to aid people with severe debillitating diseases. The Bill will also hold physicians, caregivers and permit holders more accountable for their actions. Respectfully submitted.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 30, 2012 10:15 PM  
**To:** PBMtestimony  
**Cc:** miteymouse@hawaii.rr.com  
**Subject:** Testimony for HB1963 on 2/2/2012 11:15:00 AM

Testimony for PBM/HLT 2/2/2012 11:15:00 AM HB1963

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Riki Shimabukuro  
Organization: Individual  
E-mail: [miteymouse@hawaii.rr.com](mailto:miteymouse@hawaii.rr.com)  
Submitted on: 1/30/2012

### Comments:

I support HB1963. I believe that this bill will help curb the abuse of marijuana and bring the law back to it's original intent to aid people with severe debillitating diseases. The Bill will also hold physicians, caregivers and permit holders more accountable for their actions.