



DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
150 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
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Deputy Prosecuting Attorney
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TESTIMONY
ON
SB 472, SD 1, PROPOSED HD 1 - RELATING TO MARIJUANA

March 14, 2013

The Honorable Karl Rhoads
Chair
The Honorable Sharon E. Har
Vice Chair
and Members
House Committee on Judiciary

Chair Rhoads, Vice Chair Har and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, **STRONGLY OPPOSES** SB 472, SD 1, PROPOSED HD 1, Relating to Marijuana.

We believe that the claim by proponents of this bill that this measure will "clear up the courts" is unfounded. Contrary to claims by proponents, there are very few cases in which Promoting a Detrimental Drug in the Third Degree is the sole charge. In a large majority of the cases in district court, the charge of Promoting a Detrimental Drug in the Third Degree is in addition to other charges. We feel that this bill will have no impact on the congestion in the courts.

Further, Section 1 of the Proposed HD 1 specifically limits the civil prohibition of the possession of 20 grams or less of marijuana to adults 18 years of age or older. Under this provision, minors under the age of 18 years old would be allowed to possess up to 20 grams of marijuana with no consequences. This sends the wrong message to the youth in our community. While we do not agree with decriminalizing the possession of marijuana, if this Legislature sees fit to do so, then at the very least the provision allowing minors to possess up to 20 grams of marijuana should be deleted.

Finally, we believe that Section 9 of the bill is unnecessary. If the possession of up to 20 grams of marijuana is decriminalized, there is no "conviction" if a person is found to be in violation of the civil prohibition. There would only be a "judgment in favor of the State" in the amount of the civil fine. Thus, the judgment in favor of the State would not be a prior conviction, and the proposed changes to HRS § 712-1255 are unnecessary.

We ask that the committee HOLD SB 472, SD 1, Proposed HD 1

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



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SEVENTH LEGISLATURE, 2013**

ON THE FOLLOWING MEASURE:

S.B. NO. 472, S.D. 1, PROPOSED H.D. 1, RELATING TO MARIJUANA.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

LATE

DATE: Thursday, March 14, 2013

TIME: 2:00 p.m.

LOCATION: State Capitol, Room 325

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

Chair Rhoads and Members of the Committee:

The Department of the Attorney General submits testimony in strong opposition to both S.B. No. 472, S.D. 1, and the proposed H.D. 1.

The purpose of this bill is to decriminalize the possession of one ounce or less of marijuana, and make such conduct a civil violation subject to a fine of \$1,000.

The proposed H.D. 1: (1) makes it a civil violation for adults to possess twenty grams or less of marijuana, with violators subject to a fine of \$100; (2) establishes a civil cause of action, for those injured by a minor intoxicated by marijuana, against the adult who provided the marijuana; (3) amends the marijuana quantities for the promoting detrimental drug offenses under chapter 712, and excludes the possession of twenty grams or less of marijuana from the criminal provisions; and (4) amends the conditional discharge law to except the civil violation.

The Department has numerous concerns about both the S.D. 1 and the proposed H.D. 1, which promote the recreational use of marijuana. By decriminalizing marijuana, the message being sent to the residents of Hawaii, including our youth, is that the use of marijuana is not harmful. People will be able to use marijuana and carry around perhaps as many as forty marijuana cigarettes. If caught, a person would only be subject to a fine of \$100. Marijuana will be much more prevalent in the community and much more accessible to youth. Minors would not be subject to any criminal or civil penalty for the possession of twenty grams or less of marijuana. More people will likely be engaging in a variety of conduct, like driving motor vehicles, while still under the influence of marijuana.

In support of the decriminalization provisions, it has been suggested that the decriminalization of marijuana would assist the Judiciary in reducing a backlog of cases involving the offense of promoting detrimental drugs in the third degree, in violation of section 712-1249, Hawaii Revised Statutes (HRS). But the attached statewide statistics from the Hawaii Criminal Justice Data Center shows that there is no significant backlog of cases in the courts. Most of the cases initiated during a calendar year are being disposed in the calendar year. Those that remain pending at the end of year probably do so because they were initiated late in the year or were continued by the court.

1. Marijuana possession, cultivation, and distribution is illegal under federal law.

Marijuana is still a schedule I controlled substance under federal law. It is in violation of federal law to grow, distribute, or use marijuana. Although this bill could decriminalize conduct that is currently prohibited under state law, federal law cannot be ignored.

2. Marijuana use is harmful.

Douglas B. Marlowe, Chief of Science, Law and Policy, for the National Association of Drug Court Professionals (NADCP), wrote a Need to Know brief on the Facts on Marijuana that was published by NADCP in December 2010. In his brief, he discusses the addiction potential of marijuana, the "psychosocial dysfunction resulting from repeated use of the substance," and the negative medical effects of marijuana use. He wrote:

By the early 1990's, the scientific community had concluded from rigorous laboratory and epidemiological studies that marijuana is physiologically and psychologically addictive. Every drug of abuse has what is called a dependence liability, which refers to the statistical probability that a person who uses that drug for nonmedical purposes will develop a compulsive addiction. Based upon several nationwide epidemiological studies, marijuana's dependence liability has been reliably determined to be 8 to 10 percent.... This means that one out of every 10 to 12 people who use marijuana will become addicted to the drug. Importantly, the dependence liability of any drug increases with more frequent usage. Individuals who have used marijuana at least five times have a 20 to 30 percent likelihood of becoming addicted to the drug, and those who use it regularly have a 40 percent likelihood of becoming addicted.

Marlowe also wrote:

The most commonly diagnosed symptoms of psychosocial dysfunction among marijuana addicts include persistent procrastination, bad or guilty feelings, low productivity, low self-confidence, interpersonal or family conflicts, memory problems, and financial difficulties.

With respect to negative medical effects of marijuana, Marlowe wrote:

There is no question that regular marijuana use is associated with a wide spectrum of chronic respiratory ailments.... Marijuana has undisputed negative effects on cognitive functioning, including memory, learning and motor coordination. These negative effects persist long after the period of acute intoxication, averaging approximately 30 days of residual cognitive impairment.... This means that individuals are apt to wrongly believe they are capable of performing critical tasks, such as driving a car, operating heavy machinery, caring for children or solving work-related intellectual problems, when in fact they may be performing in the mildly to moderately impaired range of functioning.

As marijuana laws have been relaxed in the United States, the harmful effects of marijuana have increased significantly. According to the United States Department of Health and Human Services DAWN report, in 2002, the estimated number of marijuana-related visits to emergency rooms in the United States was 129,546. In 2008, there were an estimated 374,435 marijuana-related visits to emergency rooms.

The Office of National Drug Control Policy, in its most recent Hawaii Drug Control Update, reports that in 2010 based on the Treatment Episode Data Set of the Substance Abuse and Mental Health Service Administration, marijuana was "the most commonly cited drug among primary drug treatment admissions in Hawaii, followed closely by stimulants (including methamphetamine). It reported about 1,900 primary drug treatment episodes involving marijuana in Hawaii in 2010.

3. Marijuana use among teenagers is rising as teenagers see fewer dangers and risks associated with marijuana use.

On December 14, 2011, the University of Michigan reported on the release of the results of its Monitoring the Future survey. (<http://www.monitoringthefuture.org/>) It explained the survey as follows:

In 2011, a nationally representative sample of 47,000 8th-, 10th-, and 12th-grade students, attending 400 public and private secondary schools, participated in the Monitoring the Future 2011 survey. The study is conducted at the University of Michigan's Institute for Social Research and funded since its inception in 1975 under a series of research grants from the National Institute on Drug Abuse, one of the National Institutes of Health.

A key finding was that:

Marijuana use among teens rose in 2011 for the fourth straight year—a sharp contrast to the considerable decline that had occurred in the preceding decade. Daily marijuana use is now at a 30-year peak level among high school seniors.

It was explained as follows:

“Put another way, one in every fifteen high school seniors today is smoking pot on a daily or near daily basis,” says Lloyd Johnston, the principal investigator of the study, “And that’s the highest rate that we have seen over the past thirty years—since 1981.”

One possible explanation for the resurgence in marijuana use is that in recent years fewer teens report seeing much danger associated with its use, even with regular use (Figure 3). “Perceived risk,” as the investigators call it—which the study has shown is often a harbinger of changes to come in the use of a drug—has been falling rather sharply for marijuana over the past five years or so; it continued to decline in all three grades this year. Teens’ disapproval of marijuana use also has fallen over the past three or four years, suggesting a lowering of peer norms against use. (The decline in disapproval may be a consequence of the decline in perceived risk; past research has shown that these two dimensions are closely linked.)

The decriminalization provisions of this bill will only further the message to youth in Hawaii that there are no dangers or risks associated with marijuana use.

- 4. The proposed H.D. 1, by amending the prohibited amount of marijuana for the promoting detrimental drug in the third degree offense, from the current "any amount" to "possession of more than twenty grams," and creating a civil violation, only applicable to adults, for the possession of twenty grams or less of marijuana, means that minors, under eighteen, are being allowed to possess twenty grams or less of marijuana.**

The proposed H.D. 1 makes the possession of more than twenty grams of marijuana just a petty misdemeanor offense. And anything less than that would be a civil violation subject to a \$100 fine, provided that the offender is eighteen years of age or older. It would not be a violation of any kind if the offender was under 18.

Marijuana cigarettes usually contain about 0.5-0.75 grams of marijuana. Therefore, a person could make about 27-40 marijuana cigarettes from 20 grams of marijuana. That means that children could possess 40 marijuana cigarettes and not violate any law.

Minors should not be allowed to possess or use marijuana, but the proposed H.D. 1 allows just that. Marijuana is a schedule 1 controlled substance for good reason. By allowing

minors to possess and use it, more marijuana will be brought into our schools, and more of our children will start to use it and become addicted to it.

5. **The proposed H.D. 1, by setting the prohibited amount of marijuana for the promoting detrimental drug in the third degree offense, at "more than twenty grams," means that adults can possess up to twenty grams of marijuana, a significant quantity, and be subject only to a \$100 civil fine and no criminal penalties.**

This means that an adult could possess twenty grams of marijuana or up to about forty marijuana cigarettes and only face a \$100 fine if caught. Twenty grams of marijuana is a significant quantity, and the risk of a \$100 fine will not deter individuals from possessing that amount of marijuana. Marijuana will be much more prevalent in the community and much more accessible to youth. More people will likely be engaging in a variety of conduct, like driving motor vehicles, while still under the influence of marijuana.

For the foregoing reasons, the Department strongly opposes this bill and the proposed H.D. 1, and respectfully asks that this measure be held.

YEAR	712-1249						Disposition		
	Arrests	Dismissed/ Declined	Pending	Deferrals	Conditional Discharge	Convictions	Totals		
1995	310	215	15	2	4	74	310		
1996	281	197	7	2	1	74	281		
1997	376	271	10	2	0	93	376		
1998	337	250	5	0	0	82	337		
1999	332	244	5	0	1	82	332		
2000	301	225	5	0	2	69	301		
2001	288	228	3	1	0	56	288		
2002	309	226	14	0	1	68	309		
2003	397	288	24	0	0	85	397		
2004	410	285	31	0	0	94	410		
2005	347	226	30	0	0	91	347		
2006	387	242	44	0	0	101	387		
2007	494	300	37	0	1	156	494		
2008	498	300	26	0	0	172	498		
2009	544	291	58	0	1	194	544		
2010	614	315	84	0	1	214	614		
2011	511	206	73	3	2	227	511		
2012	594	224	163	6	17	184	594		
2013	58	11	32	0	2	13	58		

Confinement Total	Confinement Less than 6 days	confinement 6 days - 10 days	Confinement greater than 10 days	Probation	Fines Total	Fines 1 - 50	Fines 51 - 100
18	10	2	6	11	45	29	7
13	12	0	1	7	42	28	11
18	8	3	7	15	52	19	24
19	6	1	12	10	50	20	21
19	11	4	4	10	46	22	12
17	13	1	3	10	36	18	9
19	12	3	4	10	26	9	11
25	13	1	11	15	31	10	19
25	13	3	9	13	44	5	23
22	12	1	9	22	52	6	32
28	17	4	7	13	53	9	26
32	15	10	7	14	57	2	36
37	20	9	8	12	99	13	57
55	40	8	7	10	104	30	55
43	30	8	5	6	125	52	54
71	52	12	7	3	116	41	52
84	59	16	9	3	116	43	51
72	53	12	7	2	78	31	29
6	6	0	0	0	4	2	1

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

LATE

KEITH M. KANESHIRO
PROSECUTING ATTORNEY

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ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY



**THE HONORABLE KARL RHOADS, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawai'i**

March 14, 2013

RE: S.B. 472, S.D. 1; RELATING TO MARIJUANA.

Chair Rhoads, Vice-Chair Har, members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in strong opposition to S.B. 472, S.D. 1. The Department also strongly opposes the Proposed H.D. 1 for this measure, which was recently published online for public consideration.

While there has been mention that marijuana cases currently "clog" our criminal justice system, such that "decriminalizing" the possession of certain amounts of marijuana would ease the burden, our records do not reflect any such clogging. In 2012, the Department charged 221 stand-alone counts of HRS §712-1249, which is essentially possession of less than 1 ounce marijuana. Similarly, there were 241 charges in 2011, 216 charges in 2010, and 240 charges in 2009. These figures are considerably lower than some other petty misdemeanor charges, and based on the experience of our deputies, it is extremely rare for these HRS §712-1249 cases to receive any jail-time, aside from the possible holding-time while a defendant awaits hearing.

Thus, decreasing the possession of marijuana to a civil violation would not only fail to address the concern, but it would vastly decrease the significance that the legislature, law enforcement, and ultimately the public, place on this Schedule I controlled substance.

Pursuant to both State and Federal schedules, possession of any amount of marijuana is strictly prohibited, except by qualifying patients registered to use medical marijuana (and their caregivers). In fact, the Federal schedule of controlled substances was recently updated in September 2012, and continues to list marijuana as a Schedule I controlled substance. Even in recent years, numerous and ongoing studies have shown that marijuana presents significant

health concerns, particularly to youth, who will inevitably receive the message that marijuana is simply "not that bad" because "it's not even a crime." Businesses who currently allow smoke breaks for those who smoke cigarettes would potentially see a sharp increase in smoking marijuana on or off the job, because "it's not even a crime." Given the strong potential for widespread abuse and negative effects on the community, the Department strongly maintains that marijuana should continue to be strictly regulated and enforced, and that current statutes are appropriate in this regard.

For this reason, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly opposes S.B. 472, S.D. 1, and its Proposed H.D. 1. Thank you for the opportunity to testify on this matter.



**Office of the Public Defender
State of Hawaii
Timothy Ho, Chief Deputy Public Defender**



**Testimony of the Office of the Public Defender,
State of Hawaii to the House Committee on Judiciary**

March 14, 2013 2:00 p.m.

LATE

S.B. No. 472, S.D. 1: RELATING TO MARIJUANA

Chair Rhoads and Members of the Committee:

The Office of the Public Defender has reviewed S.B. 472, S.D. 1 and the proposed H.D. 1. We prefer the proposed H.D. 1, and offer the following commentary and testimony in support of this measure.

Fourteen states have decriminalized the possession of marijuana. The governor of New York, along with its police commissioner and various district attorneys, support the decriminalization of marijuana. Two states, Colorado and Washington, have legalized the possession of small amounts of the drug. Nationally, public sentiment has not only moved toward supporting the decriminalization of marijuana, but the actual legalization of the drug.

People charged with the marijuana possession are most often young males without a prior criminal record. The decriminalization of marijuana possession will remove these individuals from the criminal justice system, avoid having them labeled as criminals, and allow law enforcement to focus their limited resources on more serious offenses.

A collateral benefit of decriminalization hopefully will be a reduction in the amount of crystal methamphetamine users. When I started trying criminal cases twenty-five years ago, there were very few “ice” cases being prosecuted. Crystal methamphetamine was not even listed as one of the prohibited drugs in our dangerous drug statutes. What we noticed at our office was that the increased focus on the elimination of marijuana through eradication efforts such as Operation Green Harvest reduced the supply of marijuana and increased its street value. Recreational drug users, looking for another drug that could be ingested by smoking, turned to crystal methamphetamine. We saw our meth cases skyrocket at the same time that our marijuana cases were dropping. We believe that the community of recreational drug users in Hawaii was and has always been, averse to using needles to ingest drugs. Ice, although different in the type of intoxicating effects, was similar to marijuana in that it could be smoked. Ice use took off, and became an epidemic.

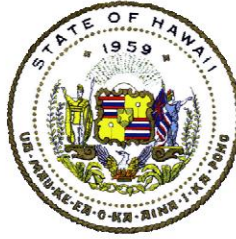
The proposed H.D. 1 is much more complete than the Senate version, and addresses the changes that need to be made to the detrimental drug sections of the Hawaii Revised Statutes. There are a few portions of this bill that we feel need clarification. On page 4, lines 5 – 9, page 5, line 5 and 13, page 7, line 9, specific numbers of grams have been

inserted. If the attempt of this committee was to convert ounces and pounds to grams, we believe the conversion amounts included in H.D. 2 are in error. For example, on page 4, line 9, the word “ounce” is stricken, and “more than twenty grams” was inserted. The actual conversion rate for an ounce is twenty-eight grams. On page 4, lines 5 and 6, “four hundred and twenty six grams” was inserted. If the intent was to give the metric equivalent of a pound of marijuana, the correct amount should be four hundred and forty-eight grams.

The Office of the Public Defender is not advocating the legalization or decriminalization of marijuana. We believe that is a policy decision that should be made by this legislature and the executive branch. In other states, decriminalization and legalization efforts have drawn the support of police agencies and prosecuting attorneys. We should seek their input and advice on what caused them to support a change the decriminalization and legalization of marijuana.

Thank you for the opportunity to provide input on this measure.

NEIL ABERCROMBIE
GOVERNOR



TED SAKAI
DIRECTOR

MARTHA TORNEY
Deputy Director
Administration

MAX OTANI
Deputy Director
Corrections

KEITH KAMITA
Deputy Director
Law Enforcement

STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

919 Ala Moana Blvd. 4th Floor
Honolulu, Hawaii 96813

No. _____

TESTIMONY ON SENATE BILL 472, SENATE DRAFT (SD) 1, PROPOSED HD1
RELATING TO MARIJUANA

By

Ted Sakai, Director
Department of Public Safety

House Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Sharon E. Har, Vice Chair

Thursday, March 14, 2013, 2:00 p.m.
State Capitol, Room 325

Chair Rhoads, Vice Chair Har, and Members of the Committee:

The Department of Public Safety **does not support** SB 472, SD1, Proposed HD1 which proposes to create a civil violation for the possession of twenty grams or less of marijuana that will be subject to a fine of \$100 and establishes a cause of action for selling, furnishing, or providing marijuana to a minor. The use of illegal drugs should not be dealt with like a traffic violation where a suspect can just pay a \$100 fine unlimited times with it never becoming a criminal violation. SB 472, SD1, Proposed HD1 goes even further by deleting the penalty for any person under the age of 18 from possessing less than 20 grams of marijuana. SB 472, SD1, Proposed HD1, as written, would also allow any person even individuals under the age of 18 to possess 20 grams or less of marijuana in, on, or near schools, school vehicles, public parks, or public housing projects or complexes without it being a criminal violation. PSD feels that this sends the wrong message to the citizens and youth of Hawaii, that smoking and possessing under one ounce of marijuana is not a big deal, it's not a criminal violation, that "it's just a fine."

SB 472, SD1, Proposed HD1

March 14, 2013

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PSD feels that the existing language in section 706-622.5 gives the courts the latitude to sentence the first time drug offender to probation and even expungement of their criminal records if they do not re-offend.

For these reasons, PSD cannot support SB 472, SD1, Proposed HD1 and ask that it be held.

Thank you for the opportunity to testify on this matter.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 03/14/2013

Committee: House Judiciary

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: SB 0472,SD1,HD1 Proposed RELATING TO MARIJUANA

Purpose of Bill: Establishes a civil violation for possession of one ounce or less of marijuana that is subject to a fine of \$1,000. Effective 07/01/50. (SD1)

Department's Position:

The Department of Education (Department) strongly opposes SB 472 SD1,HD1 Proposed.. Relaxing criminal penalties on marijuana use below certain amounts - and the messages such decriminalization will inevitably send - undermines our fundamental mission to prepare our students for further education, for fulfilling careers, and for responsible citizenship.

The Department is a vibrant community. On any given school day, there are 175,000 students throughout our 250 campuses, taught by 13,000 teachers, and supported by thousands of school officials, staff, administrators, and a central office workforce. We believe, as is stated in our Board Policy, that all students have the right to an education in safe and orderly school environments.

We also believe the Department has a fundamental responsibility to provide a safe and healthy work and learning environment. Thus, the Department has directed its efforts to eliminate alcohol and illicit drug use and distribution in public school and during school activities.

In addition, under our Student Code of Conduct, students are expected to come to school free from the influence of tobacco products, alcohol or drugs. Students are expected not to use or possess such substance. These expectations are enforced by detailed Administrative Rules on Student Conduct and disciplinary consequences.

We are pressing forward in the direction set by our drug-free school policies, codes of student conduct, and rules. This proposed legislation to decriminalize marijuana use below certain amounts, has far-reaching adverse implications and poses incalculable risks to our educational mission. We urge the Committee to hold the bill.



POLICE DEPARTMENT

COUNTY OF MAUI



ALAN M. ARAKAWA
MAYOR

GARY A. YABUTA
CHIEF OF POLICE

OUR REFERENCE
YOUR REFERENCE

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

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

March 13, 2013

The Honorable Karl Rhoads, Chair
And Members of the Committee on Judiciary
House of Representatives
Hawaii State Capitol
Honolulu, HI 96813



RE: Senate Bill No. 472, SD1, RELATING TO MARIJUANA

Dear Chair Rhoads and Members of the Committee:

The Maui Police Department strongly OPPOSES the passing of Senate Bill No. 472, SD1. This bill creates a civil violation for the possession of twenty grams or less of marijuana subject to a fine of \$100 and establishes a cause of action for selling, furnishing, or providing marijuana to a minor.

The Maui Police Department opposes this measure as it sends the wrong message to the community. We feel that it will increase the demand for marijuana and will have negative effects with increased negative social issues and problems associated with drug addictions.

If this bill becomes law and only becomes a civil offense for the possession of less than one ounce (or twenty grams) of marijuana, we feel this will just increase the amount of marijuana in our community. Just for the Committee's information, with the possession of one ounce of marijuana for personal use, it is commonly known that one ounce (28.35 grams) of marijuana can produce approximately 56 marijuana cigarette joints. One person with 56 marijuana joints on a daily basis cultures an atmosphere for total abuse, as the excess will be sold or distributed and put out on the streets of our communities.

Marijuana is still a Schedule I drug in both the federal and state legal systems. This means that it has a high propensity for abuse and very little, if any, medicinal value. In Hawaii, possession of an ounce or more should continue to be a misdemeanor in accordance with the Hawaii Revised Statutes, as it is punishable by a maximum of one-year imprisonment and a \$2,000 fine. To decriminalize a misdemeanor is not in the best interest of the community, which still complains of marijuana propagation, dealing, and open smoking.

The Honorable Karl Rhoads, Chair
Committee on Judiciary
March 13, 2013
Page 2

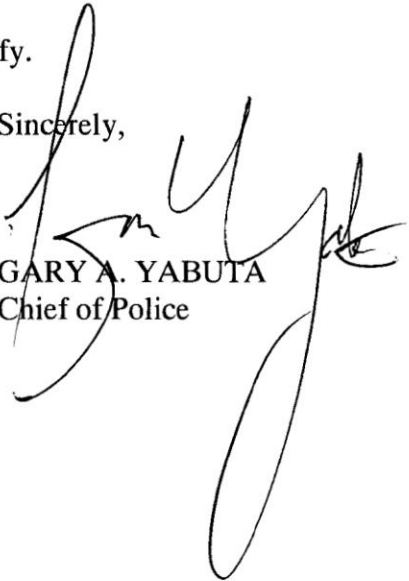
According to the Hawaii Substance Abuse Treatment Admissions report, in fiscal year 2009, 22.5% of those admitted for substance abuse treatment were for marijuana addiction, which ranked third after methamphetamine and alcohol. This figure depicts that Hawaii already has an addiction issue to marijuana, and we do not need to decriminalize an already illegal drug to add to this addiction problem. Nor do we need to add to the affliction caused to society since the legalization of alcohol and tobacco.

Finally, this proposed direction to allow the changes of current laws to make marijuana laws a civil violation will not serve the interests of the silent majority of our community that do not want marijuana and its effects around our communities, our school, or our workplaces.

The Maui Police Department again asks for your OPPOSITION to Senate Bill No. 472, SD1.

Thank you for the opportunity to testify.

Sincerely,



GARY A. YABUTA
Chief of Police

TESTIMONY OF THE HAWAI`I POLICE DEPARTMENT

SENATE BILL 472

RELATING TO MARIJUANA

BEFORE THE COMMITTEE ON JUDICIARY

DATE : Thursday, March 14, 2013

TIME : 2:00 P.M.

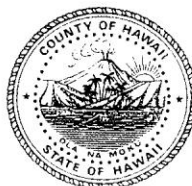
PLACE : Conference Room 325
State Capitol
415 South Beretania Street

PERSON TESTIFYING:

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

(Written Testimony Only)

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

March 12, 2013

Representative Karl Rhoads
Chairperson and Committee Members
Committee On Judiciary
415 South Beretania Street, Room 325
Honolulu, Hawai`i 96813

Re: Senate Bill 472, Relating to Marijuana

Dear Representative Rhoads:

The Hawaii Police Department once again strongly opposes the proposed Bill. As written, this Bill would make possession of one ounce or less of Marijuana a Civil violation, subject to no more than a \$1,000 fine.

This Bill is flawed in failing to address some fundamental Health issues. First and foremost, Marijuana contains a mind-altering substance. Hawai`i is constantly facing a myriad of both physiological and psychological problems associated with Marijuana use. The University of Mississippi's National Center for Natural Products Research, in their January 2010 "Potency Monitoring Project Quarterly Report 107, revealed that since 1998 through 2008, the average potency of THC percentage content in Marijuana rose from 5% to 10%. This study, in its most basic interpretation, means this mind-altering substance is getting stronger and would lead one to conclude it is, therefore, having a greater effect on the user.

In addition, we are also concerned about the message that decriminalization will send. First of all, a maximum civil fine of \$1,000 fails to take into account the fact that the current market value of one ounce of Marijuana is \$250 to \$400. Secondly, it may have prosecution/judicial ramifications in those instances where the user has both an ounce or less of Marijuana, while at the same time illegally possessing other Schedule I drugs, where one is civil and the other criminal.

REPRESENTATIVE KARL RHOADS, CHAIRPERSON AND COMMITTEE MEMBERS
COMMITTEE ON JUDICIARY
RE: SENATE BILL 472, RELATING TO MARIJUANA
MARCH 12, 2013
PAGE 2

The Medical Marijuana Program is already in place for those individuals who have been determined to need medicinal marijuana in order to improve upon their quality of life. We are concerned as to the message we are sending to society if we allow the blatant possession and/or consumption of Marijuana.

By decriminalizing Marijuana, no matter what the amount is, the clear message being sent to our communities, to include our impressionable youth, is that Marijuana consumption is acceptable and harmless. That is not the case and, as such, the current statutes governing Marijuana possession and consumption should not be decriminalized.

We are disappointed that although the Senate Committee on Judiciary and Labor noted the testimony in opposition to this measure from the Department of the Attorney General, which testified that this measure is contrary to federal law that makes it illegal to grow, distribute, or use marijuana, this Bill remains alive. Further, that the Department of the Prosecuting Attorney of the City and County of Honolulu testified that the federal schedule of controlled substances was recently updated in September 2012 and continues to list Marijuana as a Schedule 1 controlled substance despite the ongoing debate about the physical effects of marijuana. One conclusion that again cannot be overlooked is that Marijuana contains chemicals that are mind-altering substances.

We are concerned as to the Senate Committee's report stating, "Recent polls have shown that there is growing sentiment among voters for making marijuana possession for personal use a civil violation instead of a crime." Our concern is first of all the validity of the polling methods utilized; and secondly, our belief that popularity should not be an overriding concern but rather the safety and lawfulness of the issue at hand should be first and foremost in the consideration of all legislation.

Lastly, we are hard-pressed to ignore the recent statements by eight former heads of the DEA and four former heads of the Office of National Drug Control Policy urging the federal government to act now to nullify the recent votes in Colorado and Washington with regards to legalization/decriminalization.

REPRESENTATIVE KARL RHOADS, CHAIRPERSON AND COMMITTEE MEMBERS
COMMITTEE ON JUDICIARY
RE: SENATE BILL 472, RELATING TO MARIJUANA
MARCH 12, 2013
PAGE 3

For these reasons, we urge this committee to reject this legislation. Thank you for allowing the Hawai'i Police Department to testify on Senate Bill No. 472.

Sincerely,

A handwritten signature in cursive script that reads "Harry S. Kubojiri". The signature is written in black ink and is positioned above the printed name and title.

HARRY S. KUBOJIRI
POLICE CHIEF

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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



KIRK W. CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE **JI-TA**

March 14, 2013

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

Subject: Senate Bill No. 472, S.D. 1, H.D. 1, Proposed, Relating to Marijuana

I am Marie McCauley, Deputy Chief of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes Senate Bill No. 472, S.D. 1, H.D. 1, Proposed, Relating to Marijuana.

The 2012 White House National Drug Control Strategy cited "the presence of messages and policies that downplay the consequences of drug use" as one reason for the increase in the use of marijuana and other illegal drugs by America's youth. Decriminalization is one such policy. Furthermore, as written, this bill makes it legal for juveniles to possess less than 20 grams of marijuana.

Statistics from the State Department of the Attorney General show that in 2012, of the 594 persons arrested for possession of an ounce or less of marijuana, only seven spent more than 10 days in jail. This demonstrates that petty misdemeanor marijuana charges are not creating a backlog in the criminal justice system.

The Honolulu Police Department strongly urges you to oppose Senate Bill No. 472, S.D. 1, H.D. 1, Proposed, Relating to Marijuana.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

Handwritten signature of Louis M. Kealoha in black ink.

LOUIS M. KEALOHA
Chief of Police

Handwritten signature of Marie McCauley in black ink.

MARIE McCAULEY
Deputy Chief of Police

Serving and Protecting With Aloha



BERNARD P. CARVALHO, JR.
Mayor

GARY K. HEU
Managing Director

POLICE DEPARTMENT COUNTY OF KAUAI

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DARRYL D. PERRY
Chief of Police
dperry@kauai.gov

MICHAEL M. CONTRADES
Deputy Chief
mcontrades@kauai.gov

March 13, 2013

Senator Clayton Hee, Chair
Committee on Judiciary and Labor
Hearing: Thursday, March 14, 2013, 3:00pm, Room 224

SUBJECT: Senate Bill Senate Bill 472, S.D. 1, H.D. 1 Proposal, Relating To Marijuana

Dear Chair Hee and Committee Members:

The Kauai Police Department opposes Senate Bill No. 472, S.D. 1, H.D. 1 Proposal Relating to Marijuana.

In recent studies by Smart Approaches to Marijuana (SAM) the following facts were validated:

1. Less than 0.7% of all state inmates were behind bars for marijuana possession.
2. 99.8 % of Federal prisoners sentenced for drug offenses were incarcerated for drug trafficking.
3. Under legalization, more people, not fewer, will be ensnared in the criminal justice system. A fact most people do not know is that alcohol—not cocaine, heroin or marijuana—is responsible for 2.6 million arrests every year. That is 1 million more arrests than for all illegal drugs combined.
4. Federal excise taxes collected on alcohol in 2007 totaled around \$9 billion; states collected around \$5.5 billion. Combined, these amounts are less than 10 percent of the estimated \$185 billion in alcohol—related costs to health care, criminal justice, and the workplace in lost productivity.
5. Tobacco does not yield net revenue when taxed. Each year, Americans spend more than \$200 billion on the social costs of smoking, but only about \$25 billion is collected in taxes.

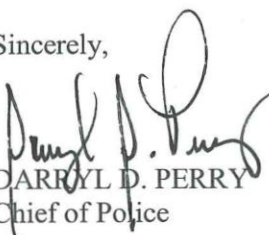
6. Legalizing marijuana would not curtail drug cartels and the Black Market from continuing in their criminal enterprise.
7. 1 in 10 people who try marijuana becomes addicted to it, developing a dependence that produces withdrawal and cravings. If marijuana use starts in adolescence, the chances of addiction are 1 in 6.
8. Marijuana use directly affects the brain, specifically the parts of the brain responsible for memory, learning, attention and reaction time.
9. Science confirms that the adolescent brain, particularly the part of the brain that regulates complex cognitive behavior, personality expression, decision making and social behavior, is not fully developed until about the age of 25. Developing brains are especially susceptible to all of the negative effects of marijuana and other drug use.
10. Marijuana use has been shown to be significantly linked with mental illness, especially schizophrenia and psychosis, and also depression and anxiety.

There is a false belief that this bill will not harm society, but will significantly reduce the number of individuals in our prisons or jails, negatively impact organized crime, while promoting health care, and personal responsibility. However, the reality is just the opposite. The passage of this bill would be incredibly detrimental to this and future generations. Moreover, the link between marijuana and the adolescent mind may be more detrimental with respect to suicidal tendencies.

The negative personal and social costs would be long-lasting, and the family structure as we know it today would be a thing of the past; memories viewed only through home-made videos.

Because the Kauai Police Department believes strongly in maintaining and preserving the family structure and cultural values, we, in no uncertain terms oppose the passage of this bill.

Sincerely,



DARRYL D. PERRY
Chief of Police

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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KIRK W. CALDWELL
MAYOR



LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE **JI-TA**

March 14, 2013

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

Subject: Senate Bill No. 472, S.D. 1, Relating to Marijuana

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

The Honolulu Police Department opposes Senate Bill No. 472, S.D. 1, Relating to Marijuana.


This bill would amend chapter 329, Hawaii Revised Statutes, by reclassifying possession of one ounce or less of marijuana to a civil violation. As a civil violation, it would be virtually unenforceable because there are no provisions requiring proper identification.

Petty misdemeanor arrests for possession of an ounce or less of marijuana made up only two percent of all Honolulu Police Department arrests in 2012. Therefore, it is unlikely that there will be any significant savings for law enforcement or the Judiciary.

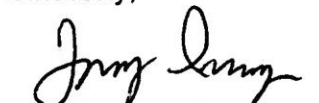
The Honolulu Police Department strongly urges you to oppose Senate Bill No. 472, S.D. 1, Relating to Marijuana.

Thank you for the opportunity to testify.

APPROVED:


LOUIS M. KEALOHA
Chief of Police

Sincerely,


JERRY INOUE, Major
Narcotics/Vice Division

NEIL ABERCROMBIE
GOVERNOR



HAKIM OUANSAFI
EXECUTIVE DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
Honolulu, Hawaii 96817

BARBARA E. ARASHIRO
EXECUTIVE ASSISTANT

Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

HOUSE COMMITTEE ON JUDICIARY

March 14, 2013 2:00 P.M.
Room 325, Hawaii State Capitol

In consideration of

**Senate Bill No. 472, Senate Draft 1, Proposed House Draft 1
Relating to Marijuana**

Honorable Chair Rhoads and Members of the House Committee on Judiciary, thank you for the opportunity to provide you with comments regarding Senate Bill (S.B.) 472, Senate Draft (SD) 1, Proposed House Draft (HD) 1, relating to marijuana.

The Hawaii Public Housing Authority (HPHA) strongly opposes enactment of this measure which would make the intentional, knowing, or reckless possession of twenty (20) grams or less of marijuana by a person eighteen (18) years of age or older a "civil violation," subject to only a \$100 fine. Enactment of this measure will significantly harm the ability of the HPHA to ensure a secure, drug-free and livable community for our residents.

One of the objectives in the agency's Admissions and Continued Occupancy Policy (ACOP) is to help maintain an environment where children can live safely, learn and grow up to be productive citizens. By decriminalizing marijuana, the message that we will be sending to the youth living in our low-income public housing communities is that smoking or consuming marijuana is harmless. With no strict penalty in place, marijuana will be more prevalent in our low-income public housing communities, and in turn, will be more accessible to the youth.

As you know, science reveals that the brain develops throughout adolescence and does not mature until ages 22 to 23 for young women, 24 to 25 for young men. Also, the younger kids are when they start using addictive drugs, the more likely they'll become addicted. Children who start drinking or smoking pot at age 14 or before are eight times more likely to become addicted to alcohol, six times more likely to become addicted to

marijuana than those who start in their 20s, according to the National Survey on Drug Use and Health.

In reality, chronic marijuana use is associated with impaired brain development in young people, diverse physical and psychological problems and poor work and school performance. And, despite common misperceptions that marijuana has a low addiction rate; it is in fact second only to alcohol as a drug for which individuals seek addiction treatment in the United States.

The HPHA urges you to not pass legislation that is opposed by leaders in the healthcare and law enforcement communities which will be responsible for supporting its implementation.

The HPHA appreciates the opportunity to provide the House Committee on Judiciary with the agency's position regarding S.B. No. 472, SD1, HD1. We respectfully request the Committee to hold this measure, and we thank you very much for your dedicated support.



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

TO: House Committee on Judiciary

FROM: Pamela Lichty, MPH
President

DATE: March 14, 2013, 2:00 p.m., room 325

RE: S.B. 472, S.D.1, proposed H.D. 1 RELATING TO MARIJUANA – **IN SUPPORT**

Aloha Chair Rhoads, Vice Chair Har and members of the Committee. My name is Pam Lichty and I'm testifying in strong support of this measure on behalf of the Drug Policy Action Group.

S.B. 472, S.D. 1, (proposed) H.D. 1 which would move the possession of an ounce or less of marijuana from a petty misdemeanor to a civil infraction makes a great deal of sense and is similar to measures that passed the Senate in both 2010 and 2011.

A recent poll commissioned by the Drug Policy Action Group and conducted by QMark Research showed strong support for decriminalization among Hawaii voters at 58%. National polling is similar and is showing a distinct upward trend. (The QMark results are posted on freshapproachhawaii.org.)

A 2012 economic report by David Nixon of the UH Public Policy Center found that cost savings for decriminalization of small amounts of marijuana would save the state \$9.3 million annually in enforcement and judiciary costs.

Professor Nixon also found that marijuana possession laws disproportionately impact certain groups in Hawaii. These include young people, males and Native Hawaiians in particular. (The Executive Summary appears on pages 4 and 5 of this testimony. The full report "Marijuana Decriminalization and Legalization in Hawaii" can be accessed on Freshapproachhawaii.org.)

We are pleased to see that the proposed H.D. 1 restores the \$100 fine for possession of small amounts of marijuana. This is in line with the average fine in the 14 states that have decriminalized marijuana in the last decade or so.

It would also be consistent with other jurisdictions, to raise the amount of marijuana permitted to 28 grams or “one ounce or less” (as in the original S.B. 472). A very useful chart comparing provisions in the states that have decriminalized marijuana, as well as in the two that have legalized it, can be found at:

<http://www.mpp.org/assets/pdfs/library/State-Decrim-Chart.pdf>

This illustrates that the average amount permitted is indeed one ounce (with some outliers permitting far more, e.g. Ohio at 3.5 ounces and Maine at 2.5 ounces) and that the typical fine is \$100.

We would like to respectfully suggest that the Committee consider incorporating some of the language of H.B. 455 which explains in detail the adjudicatory process that will be used following a citation, which is similar to that for traffic violations. We note that it is similar to language added in response to law enforcement concerns to S.B.1460, S.D.2 which passed the Senate in 2011.

We would be pleased to see language added clarifying that the medical marijuana law will not be affected since these are two separate, though related, issues. Even if this bill were enacted, registered medical marijuana patients would still have different rights and responsibilities (for example being able to possess more than one ounce of marijuana and to grow marijuana plants, and the obligation to register with the state.)

To briefly summarizing the rationale for enacting this bill:

- Decriminalizing marijuana frees the police and judiciary to deal with more important issues such as violent crimes or more harmful drugs such as ice.
- The current status of possession of small amounts of marijuana – a petty misdemeanor – does not deter use. Studies show that the legal status of marijuana possession has no correlation with the rates of use.
- **Changes to the law in the 14 other states (plus cities and counties) that have decriminalized have not affected use among either youths or adults. None of these jurisdictions has re-criminalized marijuana possession.**
- Enacting this bill would save the state millions of dollars annually. According to the Nixon report cited above, state and county law enforcement agencies spend \$9.3 million per year to enforce marijuana possession laws.
- National and Hawai`i polling indicates that the majority of U.S. residents agree that people should not be subject to criminal penalties for simple marijuana possession.

- There is no evidence that using marijuana has a gateway effect to other more harmful drugs (Institute of Medicine report, 1999).
- Criminal penalties for possession of small amounts of marijuana saddle those arrested with a damaging criminal record that can make it impossible for an otherwise law-abiding citizen to obtain a job, housing, or federal student loans.

As President Jimmy Carter declared in a message to Congress on August 2, 1977:
“Penalties against drug use should not be more damaging to an individual than the use of the drug itself. Nowhere is this more clear than in the laws against the possession of marijuana in private for personal use.”

In sum, we believe that evidence from other jurisdictions and the new data and analysis of Hawaii’s situation argue strongly for adoption of this measure.

We urge the Committee to pass this bill on to the Finance Committee with a strong recommendation. Mahalo for hearing this measure and for the opportunity to testify.

Marijuana Decriminalization and Legalization in Hawai‘i

Executive Summary

January 2013

Voter initiatives to legalize, tax, and regulate marijuana passed resoundingly in both Colorado and Washington in 2012. These results make the legalization and regulation of marijuana in Hawai‘i more than the theoretical possibility they seemed just a few years ago.

This Executive Summary describes a recent report on enforcement of marijuana laws in Hawai‘i that is an update to a report by Lawrence Boyd on the same topic in 2005. New data have become available and the political landscape of the U.S. has changed since the Boyd report was written.

Decriminalization or legalization of marijuana has the potential to reduce or eliminate the social and economic costs of law enforcement, and could provide a unique new revenue stream for government. Economic analysis of current public policies on marijuana reveals that Hawai‘i state and county governments could save up to \$12 million annually on enforcement costs and could attain tax revenues of at least \$11 million annually under the different scenarios of decriminalization or legalization.

Decriminalization is an approach that treats marijuana possession in small amounts as a civil infraction (incurring a fine like a parking violation), rather than as a crime resulting in possible incarceration.

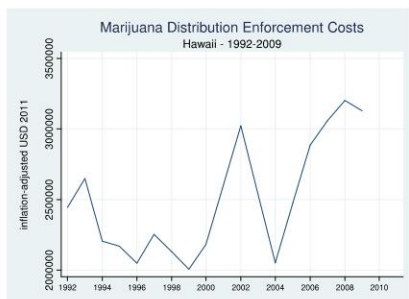
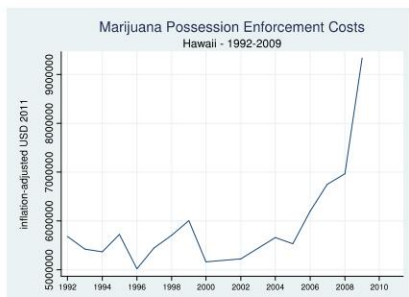
As used in this report, *Legalization* is a system that allows the use and sale of marijuana to adults under a system of taxation, regulation, and sometimes licensing, in much the same way as alcohol.

Drawing from publicly available arrest and budget data, it is possible to estimate the average cost of marijuana possession and distribution arrests and prosecutions in Hawai‘i. In 2005, marijuana possession enforcement was estimated to cost Hawai‘i taxpayers \$5 million annually. Enforcement of laws against growing or selling marijuana were estimated in 2005 to cost \$3 million annually.

Key Findings

- Recent years have seen a surge in marijuana arrests. Since 2004, possession arrests have increased almost 50% and distribution arrests almost doubled.
- Marijuana arrests are 50% more likely for males, 70% more likely for juveniles, twice as likely for those under 25, and 70% more likely for Native Hawaiians than their shares of the population would predict.
- Decriminalization could save state and county governments \$9 million annually, an increase from the \$5 million estimated in 2005.
- Legalization (regulation, control, and taxation) could save state and county governments an additional \$3 million in enforcement costs annually, and could realize an additional \$11.3 million in annual tax revenue.

But recent increases in arrests and increased costs for police departments and the judiciary have led to large increases in enforcement costs for misdemeanor marijuana possession and for criminal marijuana distribution - to a combined total over \$12 million annually.



It is tempting to attribute increased arrests and their attendant costs to increases in marijuana consumption in Hawai'i. But an analysis of trends in consumption and arrests for juveniles and adults in Hawai'i between 2002 and 2009 demonstrates that arrests are driven by factors largely if not entirely unrelated to changes in marijuana consumption.

Marijuana arrests have dramatically uneven impacts on different demographic groups in Hawai'i. For example, non-Oahu residents are between 40% and 140% more likely to be arrested for marijuana possession than those on Oahu.

increased risk of arrest for marijuana possession

male	50% more likely than female
under 25	110% more likely than over 25
under 18	70% more likely than over 18
Hawaiian	70% more likely than non-Hawaiian
Filipino	30% more likely than non-Filipino
Samoan	30% more likely than non-Samoan

The report concludes that the cost for enforcement of marijuana laws is increasing in Hawai'i, the increased arrests for marijuana possession are not driven by increased marijuana usage, and the impacts of arrest for marijuana possession fall much more heavily on some demographic groups than others.

About the Author

David C. Nixon is Associate Professor of Public Policy and Public Administration at the University of Hawai'i, Manoa. He researches a variety of health policy issues with a specialty in aging and long-term care.

THE LIBERTARIAN PARTY OF HAWAII
C/O 1658 LIHOLIHO ST #205
HONOLULU, HI 96822

TESTIMONY

To The House Committee on Judiciary

RE: SB472, SD1

To be heard Thursday, March 14, 2013 at 2PM in Room 325

Dear Sirs:

We support the intent of this bill and prefer the HD1 draft to the Senate version.

We would fully support the House if it would avoid trying to engage in half measures on this issue. If possession is to be decriminalized so should production and distribution, even if those activities incurred additional fines. Forcing the law to split hairs over the amount of ounces is both technically problematic and ethically questionable.

Our proposal would be to simply delete all references to marijuana in sections 329, 712-1244, 712-1245, 712-1246, 712-1247, 712-1248, and 712-1249. This would leave only the issue of how to deal with underage usage which could be drafted based on current statutes involving tobacco.

I believe marijuana will be fully legal in a few years. This is what the public seems to want. The arguments in favor of its illegality make little impression on the public aside from the elderly and those in law enforcement. The legislature needs to be a lot more aggressive in pursuing change than is represented by SB472. This bill doesn't represent what reformers really want and doesn't please opponents much either. It is legislation no one would choose if they had a choice.

Very Truly Yours:



Tracy Ryan
Vice Chair, The Libertarian Party of Hawaii

tracyar@hawaiiantel.net

(808) 534-1846



To: Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair
From: Andrea Tischler, Chair, Big Island Americans for Safe Access
RE: SB 472 HD1 Relating to Marijuana
Hearing: Thursday, March 14, 2013, 2:00 pm, Room 325
Position: Strong Support

Big Island Americans for Safe Access strongly supports passage of SB 472, SD 1 to decriminalize possession of cannabis for up to 20 grams. As public attitudes toward cannabis are rapidly changing it is important to our Hawai'i legislators reflect the societal shift. Cannabis decrim no longer reflects a "soft on drugs" position or "political suicide" for elected officials.

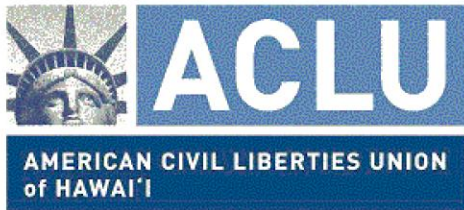
Of the Hawai'i registered voters 75% said that if their state legislator voted to decriminalize cannabis, it would either have no impact on their vote or it would make them more likely to vote for that legislator.

Fourteen states have already decriminalized cannabis and two states have legalized the drug. Decriminalization of cannabis has not led to mass addiction nor has crime increased.

Cannabis criminalization on the other hand has not reduced the use of cannabis. However, it has inflicted appalling damage to native Hawai'ians and to youth. Arrest and possible incarceration has ruined the lives and careers of many. A cannabis arrest denies a person to obtain a student loan or may be used in denying housing and adoption.

The advantages of cannabis decriminalization are many. Our police could be used more efficiently by having local enforcement focus on serious and violent crimes. It will unclog our courts and improve operation and efficiency with fewer backlogs and cost savings. And, in these difficult economic times we will save the taxpayers millions by treating cannabis as a civil offense.

Please let's make Hawai'i the next state to decriminalize cannabis for adults. The time is NOW! Mahalo for the opportunity to testify on this very important bill.



Committee: Committee on Judiciary
Hearing Date/Time: March 14, 2013 / 2:00 pm
Place: Conference Room 325
Re: Testimony of the ACLU of Hawaii in Support of S.B. 472, H.D. 1
Proposed, Relating to Marijuana

Dear Chair Rhoads and Members of the Committee on Judiciary:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of S.B. 472, H.D. 1, which seeks to decriminalize marijuana possession.

Decriminalization is a safe and smart alternative approach to marijuana criminalization. Our state’s unfair and ineffective marijuana laws have damaged civil liberties in many ways – eroding protections against searches and seizures, putting large numbers of non-violent individuals behind bars and targeting people of color. Eliminating criminal penalties for low-level marijuana possession will prevent thousands of people from becoming entangled needlessly in the criminal justice system, eliminate many collateral consequences that flow from marijuana arrests (often more dangerous than the use of marijuana itself) and allow Hawaii to reinvest the money it saves for important community needs.

Decriminalization takes a step towards ending Hawaii’s participation in the nation’s failed War on Drugs, which has cost taxpayers \$1 trillion but has produced little to no effect on the supply of or demand for drugs. The War on Drugs has sent millions of people to prison for low-level offenses and seriously eroded our civil liberties and civil rights while costing taxpayers billions of dollars a year, with nothing to show for it except our status as the world’s largest jailer. There are 2.3 million people behind bars in this country — triple the amount of prisoners we had in 1987 and more than all of Europe combined — and 25 percent of those incarcerated are locked up for drug offenses. It’s time to end the unjust and unsuccessful war on drugs and implement a more responsible drug policy in Hawaii by passing S.B. 472, H.D. 1.

Decriminalization will allow Hawaii to shift its resources towards more serious threats to public safety and direct savings and revenue towards health care, drug prevention and public health education and other community concerns.

Decriminalizing possession of small amounts of marijuana will (1) redirect law enforcement resources to more serious threats to public safety; (2) direct savings and revenue towards health care, drug prevention and public health education and other community concerns; (3) reduce the

American Civil Liberties Union of Hawaii
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number of unreasonable arrests for marijuana possession and (4) reduce the targeting of communities disproportionately impacted by Hawaii's current marijuana laws.

David Nixon, an independent University of Hawaii economist, was commissioned to update a 2005 study on the state of marijuana law enforcement in Hawaii. Nixon was asked to examine the costs of current law enforcement policies, and to predict the economic impacts if Hawaii were to decriminalize or legalize, tax and regulate marijuana. According to Nixon, by decriminalizing marijuana, Hawaii could redirect over \$9 million annually in law enforcement costs.

The decriminalization of small amounts of marijuana will reduce the number of unreasonable arrests for marijuana possession in our already bloated criminal justice system.

Since 2004, Hawaii has seen a surge in marijuana arrests. Possession arrests have increased almost 50 percent, and distribution arrests have almost doubled. Arrests for possession of small amounts of marijuana constitute one of the most common points of entry into the criminal justice system. Removing criminal penalties for marijuana possession will keep people out of jail for probation and parole violations, and will eliminate the many collateral consequences that flow from marijuana arrests (often more dangerous than the use of marijuana itself), thereby reducing the gross number of people entering or otherwise harmed by the criminal justice system.

Decriminalization will reduce the targeting of communities disproportionately impacted by Hawaii's current laws.

Hawaii's marijuana laws overly impact males under the age of 25 years of age and people of native Hawaiian descent. These groups were arrested in numbers disproportionate to their share of the population.

Sixteen states have decriminalized the adult possession of marijuana.¹ Cultivation and distribution remain criminal offenses. In November 2012, voters in Colorado and Washington made history when they took a stand for a safe and smart alternative to marijuana prohibition and chose to legalize small quantities of marijuana for persons over 21 years of age or older. Similar

¹ Alaska, California, Colorado, Connecticut, Maine, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New York, North Carolina, Ohio, Oregon, Rhode Island, and Washington. See Marijuana Policy Project, State Laws with Alternatives to Incarceration for Marijuana Possession, *available at* <http://www.mpp.org/assets/pdfs/library/State-Decrim-Chart.pdf>.

Chair Rhoads and Members of Committee on Judiciary
March 13, 2013
Page 3 of 3

proposals have been or are expected to be introduced this year by lawmakers in Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. We hope that you will follow these states' leads and implement sensible marijuana law reform in Hawaii.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney and Legislative Program Director
ACLU of Hawaii

The American Civil Liberties Union ("ACLU") is our nation's guardian of liberty - working daily in courts, legislatures and communities to defend and preserve the individual rights and liberties that the Constitution and laws of the United States guarantee everyone in this country.

American Civil Liberties Union of Hawai'i
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Progressive Democrats of Hawai'i

<http://pd-hawaii.com>

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tel: 808.371-9334

HOUSE JUDICIARY COMMITTEE

Rep. Karl Rhoads, Chair

Rep. Sharon Har, Vice Chair

Date: Thursday, March 14, 2013

Time: 2:00 p.m.

Place: Conference room 325

SB 472 RELATING TO MARIJUANA, in STRONG SUPPORT

Good morning Chair Rhoads, Vice-Chair Har and members of the committee,

My name is Bart Dame and I am testifying today on behalf of Progressive Democrats of Hawaii.

We strongly support SB472, which calls for decriminalizing possession of small amounts of marijuana and subjecting violations to a civil fine of \$100.

While we support the complete legalization of marijuana, we believe this legislation is a significant step forward in adopting a more sensible approach towards the use of marijuana than the current, punitive, criminal approach which I believe to be highly irrational and destructive, both in its immediate effects upon those who use marijuana and their families, but upon the legitimacy of our legal system. We believe the current approach also reinforces an irrational, moralistic attitude towards recreational drug use, which undermines effective education about and treatment for drug abuse.

We do not believe all drug use is inherently harmful, whether of legal drugs or illegal drugs. We believe the prohibition against marijuana is rooted in extreme prejudice and an authoritarian attitude which holds that some people are able to impose their ideas of normalcy, their ideas on the "proper" way for people to pursue happiness upon others. We also believe that some legal drugs, like alcohol and tobacco, are not only tolerated, but have created great wealth for powerful corporations who, in turn, contribute to politicians, sponsor sports events, and are able to protect their form of vice from the unreasonable tyranny of the police and the courts. Despite the fact they are generally more harmful than marijuana.

But we also recognize that complete legalization was a much larger step than some legislators, as well as some members of the public, are willing to take at this time. So we support this bill as a significant step in reducing harm. And we believe that harm reduction, combined with respect for individual liberty, should guide drug policies. Not prejudice.

As Mark Twain famously said, "**Nothing so needs reforming as other people's habits.**" Let's take some wisdom from one of America's greatest writers and move forward towards a sane drug policy.

Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair
From: Americans for Democratic Action, Hawaii
RE: SB 472, HD 1 – Relating to Marijuana
Hearing: Thursday, March 14, 2013, 2:00 pm, Room 325
Position: Strong Support

Aloha honorable Chair, Vice Chair and committee members,

We write in strong support of SB472 to decriminalize marijuana in the State of Hawaii. Criminal penalties for low level, adult marijuana possession are doing more harm than good. In a society where one criminal conviction often leads to a lifetime of closed doors and lost opportunities, we need to reserve the full weight of our criminal justice system for violent crimes and to improve communities. Yet, Hawaii squanders over \$9M a year (and the number of arrests is growing, not shrinking) arresting and prosecuting people for small amounts of marijuana.

Add to that the fact that (despite similar usage rates among all ethnic groups) it is overwhelmingly the poor and people of color who get caught in the vicious cycle of criminal conviction for low level marijuana offenses. The racial and social justice aspects of disproportionate enforcement and conviction should be a major red flag that these laws need to be reexamined and reformed.

Around the nation, 15 other states have decriminalized marijuana, and two have legalized it. Voters have rejected propaganda, and know that marijuana is a soft drug, more like alcohol...and that it does not make sense to ruin lives and rip families apart to enforce what most consider to be antiquated "blue laws" on its prohibition. It just makes sense to modernize our approach to marijuana enforcement, and the time is right.

SB 472 is a step in the right direction. 69% of Hawaii's voters think that criminalizing marijuana is inappropriate. We hope you will hear our voice and take a step to end the cost, the harm and the waste of our current criminal penalties for low level, adult marijuana possession. Finally, we urge you to revert to the original language allowing up to 28 grams ("one ounce") of product. Even though it bafflingly mixes metric and standard, this is a uniform measure and term of art understood by both law enforcement and consumers.

Respectfully submitted,

James R. Olson

Board Member

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

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



COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Sharon Har, Vice Chair

Thursday, March 14, 2013

2:00 p.m.

Room 325

SUPPORT FOR *PROPOSED SB 472 SD1* - DECRIMINALIZATION OF MARIJUANA

Aloha Chair Rhoads, Vice Chair Har and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered on behalf of the 5,800 Hawai'i individuals living behind bars, always mindful that approximately 1,500 individuals are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

I am also the Vice President of Drug Policy Forum of Hawai'i, a twenty year old organization dedicated to safe, responsible, and effective drug policies.

Community Alliance on Prisons supports this measure. Our correctional facilities are bursting with low-level drug offenders.

A recent economic report¹ by an economist stated:

Decriminalization is an approach that treats marijuana possession in small amounts as a civil infraction (incurring a fine like a parking violation), rather than as a crime resulting in possible incarceration.

- Recent years have seen a surge in marijuana arrests. Since 2004, possession arrests have increased almost 50%

¹ Marijuana Decriminalization and Legalization in Hawai'i, Executive Summary, David C. Nixon, January 2013.

http://www.dpfhi.org/A_PDF/Budget_Imp_Marijuana_ES_2013.pdf

- Marijuana arrests are 50% more likely for males, 70% more likely for juveniles, twice as likely for those under 25, and 70% more likely for Native Hawaiians than their shares of the population would predict
- Decriminalization could save the state and county governments \$9 million annually
- Legalization (regulation, control, and taxation could save an additional \$3 m, and realize \$11.3 m in annual tax revenue

Decriminalization or legalization of marijuana has the potential to reduce or eliminate the social and economic costs of law enforcement, and could provide a unique new revenue stream for government. Economic analysis of current public policies on marijuana reveals that Hawai'i state and county governments could save up to \$12 million annually on enforcement costs and could attain tax revenues of at least \$11 million annually under the different scenarios of decriminalization or legalization.

Drawing from publicly available arrest and budget data, it is possible to estimate the average cost of marijuana possession and distribution arrests and prosecutions in Hawai'i. In 2005, marijuana possession enforcement was estimated to cost Hawai'i taxpayers \$5 million annually. Enforcement of laws against growing or selling marijuana was estimated in 2005 to cost \$3 million annually.

But recent increases in arrests and increased costs for police departments and the judiciary have led to large increases in enforcement costs for misdemeanor marijuana possession and for criminal marijuana distribution - to a combined total over \$12 million annually.

Public Opinion is Changing

Marijuana/Cannabis Decriminalization

A recent poll asked residents for their thoughts on the topic of decriminalization making possession and personal use of marijuana a violation instead, similar to a parking ticket.

	2005	2012
Yes, make marijuana use a violation	42%	58%
No, leave marijuana use a crime	55%	36%
Don't know	3%	6%

The findings indicate a growing sentiment among voters towards decriminalization making marijuana possession for personal use a violation instead of a crime. A little more than half (58%) the voters polled would not have an issue if this change were made. This represents an increase of 16-percentage points from seven years ago.

War on Drugs

Nixon's war on drugs has become a war on families and its effects have been more devastating than the drugs.

Nationally the U.S. has spent \$1,000,000,000 (a TRILLION dollars) over the last four decades with little effect except to cause great harm to communities and families. The war on drugs is the largest federal program with NO EVALUATION to track its success. Of course, it is common knowledge that it has been a huge failure.

In Hawai'i...

\$24,600 a day is spent enforcing marijuana laws; that is \$9 million a year in law enforcement time that local voters prefer be used to address violent crime;

There were **50% more marijuana arrests in 2011 than in 2004**. Arrest rates are surging mostly for people of color despite similar use rates for all ethnic groups; and

69% of voters say that jail time for low level marijuana offenses is inappropriate and a waste of resources.

Research respondents were informed that the current war on drugs costs the state \$105 million dollars each year. Knowing this fact, they were then asked if they felt the financial and manpower allocations were too high for the results we get.

	<u>2012</u>
Yes, financial expenditures are too high	65%
No worth it	28%
Don't know	7%

It is clear that the public would rather have law enforcement and correctional resources spent protecting the community from violent crime. The war on drugs is a complete and utter failure, has wasted valuable resources, and has done little to protect the community. It has, however, done plenty to enhance criminal activity. It is time to end this 40 year failed experiment and use our resources wisely.

Mahalo for this opportunity to testify.

LATE

Testimony in Opposition to SB 472 SD1 – Relating to Marijuana

March 14, 2013

TO: Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair

FR: Alan Shinn, Executive Director
Coalition for a Drug-Free Hawaii
1130 N. Nimitz Hwy, Suite A-259
Honolulu, HI 96817
(808) 545-3228 x29

Please accept this testimony in opposition to *SB 472 SD1 – Relating to Marijuana* that establishes a civil violation for possession of one ounce or less of marijuana and a fine of not more than \$1,000.

This bill attempts to decriminalize marijuana to the point that it blurs the line with legalization. Under SB 472 SD1, there is little or no risk to use or possess small amounts of marijuana which is still a Schedule I drug under federal law. It sends a conflicting message to youth and young adults under 21 years of age who may be contemplating experimenting with pakalolo.

SB 472 presumes that marijuana is a harmless substance and presents no harmful effects to users. It effectively lowers the perception of harm and gives the green light to use to our youth. My agency provides substance abuse prevention and family treatment services. We have seen behavioral and psychological problems such as depression, mood swings, paranoia, and overall lower functioning associated with youth and adults who chronically use high potency marijuana.

According to National Institute on Drug Abuse (NIDA), recent studies found lasting harm to learning and memory in adolescents with persistent and heavy use before 18 years of age. Lost cognitive abilities were not restored in those who quit smoking marijuana as adults.

Marijuana does not appear to be a harmless substance for many chronic users and adolescents who are still maturing mentally, emotionally, and physically.

This bill's introduction also comes after several years of social service budget reductions, where millions of dollars of state funding for substance abuse prevention and education programs, non-school hour program, cultural arts, and other positive youth development programs have been cut. This has left our youth with more unsupervised and unstructured time on their hands and more opportunities for alcohol and drug use and other related negative behaviors. Prevention requires consistent messaging, alternative structured activities, and realistic deterrents to drug use to be effective.

Thank you for the opportunity to provide testimony on SB 472 SD1.

LATE

Testimony of Glenn Ida
Representing
The Plumbers and Fitters Local 675
1109 Bethel St., Lower Level
Honolulu, Hi. 96813

House Committee on Judiciary
Rep. Karl Rhoads, Chair
Rep. Sharon Har, Vice-Chair

Thursday, Mar. 14, 2013
2:00 PM, Room 325

Re: Strongly Oppose SB472, SD1 and the proposed HD1

Aloha Chair Rhoads, Vice-Chair Har and Members of the Committee,

My name is Glenn Ida representing the active and retired members of the Plumbers and Fitters Local 675.

Local 675 strongly opposes SB472, SD1, which establishes a civil violation for possession of one ounce or less of marijuana that is subject to a fine of \$1000.00; And the proposed HD1, which creates a civil violation for the possession of twenty grams or less of marijuana subject to a fine of \$100.00 and establishes a cause of action for selling, furnishing, or providing marijuana to a minor.

I retired from an industry which required mandatory random drug testing. If caught, an employee faces sanctions that include suspension from work, loss of pay and may include counseling or rehab. The company was trying to ensure a safe work environment and promote public confidence of our performance.

In my opinion having up to 20 grams of marijuana, a person is either using or selling marijuana. Marijuana is still a schedule I controlled substance under federal law. It is in violation of federal law to grow, distribute or use marijuana. This bill could decriminalize conduct prohibited under current state law but the federal law cannot be ignored.

SB472 as amended will send the wrong message to the youth and workforce of Hawaii if passed.

Therefore Local 675 strongly opposes SB472, as amended.

Thank you for this opportunity to testify.

Mahalo, Glenn Ida



WEED & SEED

LATE

*A program of the United States Attorney
District of Hawaii*

*PJJK Federal Building
300 Ala Moana Blvd., Room 6-100
Honolulu, Hawaii 96850*

*(808)541-2850
FAX (808) 541-2958*

Representative Karl Rhodes, Chair
Representative Sharon Har, Vice Chair
Committee on Judiciary
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Rhodes, Vice Chair Har and Committee on Judiciary:

REGARDING SB 472.SD1: RELATING TO MARIJUANA

My name is Gale Bracerros and I am the Program Director of Weed and Seed Hawaii – Site I: Chinatown-Ala Moana-Sheridan and Site III: Ewa –Ewa Beach.

Weed and Seed strategy is based on a two-pronged approach, to “weed out” criminal activities and to collaborate with Law Enforcement, service providers, businesses and residents revitalization efforts are introduced to “seed” the area, ensuring long-term positive change and a higher quality of life for residents.

Therefore, I am writing to you opposing SB 472.SD1.

Thank you,

Gale Bracerros
Program Director



Mothers Against Drunk Driving HAWAII
745 Fort Street, Suite 303
Honolulu, HI 96813
Phone (808) 532-6232
Fax (808) 532-6004

LATE

March 14, 2013

To: Representative Karl Rhoads, Chair –House Committee on Judiciary;
Representative Sharon E. Har, Vice Chair; and members of the committee

From: Carol McNamee/Arkie Koehl — Co-chairmen, Public Policy Committee -
MADD Hawaii

Re: Senate Bill 472, SD 1 – Relating to Marijuana

I am Carol McNamee, testifying on behalf of the Hawaii organization of Mothers Against Drunk Driving to voice concerns about Senate Bill 472, SD1 which decriminalizes the possession of twenty grams or less of marijuana. In a nutshell, MADD believes this bill will put more impaired drivers on the road – and quite possibly more young impaired drivers.

MADD Hawaii worked for many years to pass legislation to include scheduled drugs in the impaired driving statutes of the state because of the knowledge that it is not only the drug alcohol that results in carnage on our roads and highways. SB472 will allow the drug THC which, other than alcohol, is most often found in the system of impaired drivers in fatal crashes, to become more available.

Hawaii leads the nation in the percent of traffic crashes that are alcohol related. In the four year period, 2007 to 2010, the number of drivers in fatal crashes who tested positive for alcohol averaged 40%. In addition, almost one quarter of the total number of drivers involved in fatal crashes tested positive for other drugs (23%). Considered together, almost half the drivers tested positive for either alcohol or other drugs (49%). THC is the substance most frequently implicated in these collisions.

Most concerning to MADD is that young drivers are the most involved in drug-related crashes. The highest percentage (36%) of drivers involved in fatal crashes who tested positive for drugs were under the age of 21. From age 21 to age 34, the drivers testing positive average about 26%. Pedestrians who test positive for drugs also have significant involvement in highway fatality statistics.

Hawaii already sees a high rate of drug involvement in fatal crashes. Many more individuals are seriously injured in drug and alcohol related crashes but that data is not readily available. MADD believes that making marijuana more easily available to the public, and especially to youth, will increase death and injury on our roads. It is interesting that although the legal age for consuming or possessing alcohol is 21, the age proposed for non-criminal possession of marijuana is 18. The brain research which shows harmful consequences for use of alcohol under the age of 21 also extends to other substances as well. There is little or no deterrent for teens and young adults to become users of marijuana and jeopardize their futures.

Thank you for this opportunity to share MADD's concerns about Senate bill 472.



46-063 Emepele Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Legislative Director

**TESTIMONY FOR SENATE BILL 472, SENATE DRAFT 1, PROPOSED
HOUSE DRAFT 1, RELATING TO MARIJUANA**

**House Committee on Judiciary
Hon. Karl Rhoads, Chair
Hon. Sharon E. Har, Vice Chair**

**Thursday, March 14, 2013, 2:00 PM
State Capitol, Conference Room 325**

Honorable Chair Rhoads and committee members:

I am Kris Coffield, representing the IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 150 local members. On behalf of our members, we offer this testimony in strong support of, with proposed amendments for SB 472, relating to marijuana.

More than a decade ago, former governor Ben Cayetano legalized the use of medical marijuana, allowing thousands of patients suffering from painful, debilitating illnesses to take advantage of cannabis's analgesic effects. This bill would not legalize and tax marijuana possession. Yet, according to poll results commissioned by the Drug Policy Action Group (conducted by Qmark Research) that were released early this year, 57 percent of local residents support legalizing, taxing, and regulating recreational use of marijuana, a 20 percent increase from a similar poll conducted in 2005. One can safely conclude that if these numbers are true, a similar, if not greater, percentage of the local population would support the far less radical step of making marijuana possession of 20 grams or less a civil violation punishable by \$100 fine, which this proposed measure achieves.

Granted, marijuana remains illegal under federal law, where it is classified as a Schedule I substance, along with other psychoactive drugs, like heroin and LSD. Nonetheless, voters in Colorado and Washington approved ballot measures approving recreational marijuana, last year, in part because drug enforcement efforts disproportionately target minorities, leading to elevated incarceration rates for nonviolent crimes. Consider some brief facts about cannabis consumption. To

begin, marijuana has a lower organic toxicity and addictive risk than alcohol, along with fewer correlating incidents of influence-related accidents and violence. More than half of all traffic fatalities in Hawaii involve alcohol, yet no one seriously discusses the possibility of prohibition because of path dependence. In other words, alcohol is ingrained in our culture in a way that marijuana consumption is not, despite the former being more dangerous, statistically speaking, than the latter. Similarly, marijuana abuse and dependence afflicts approximately 1.7 percent of the U.S. population, while alcohol abuse afflicts roughly 7.5 percent—over four times as many individuals. Marijuana is also not conclusively linked to an increase in violent behavior in and of itself. Rather, the main report used by the Honolulu Police Department to bolster this assertion, compiled by the Office of National Drug Control Policy, relies on source material that a) did not account for drug-trafficking and dispositional or psychological disorders; and b) failed to account for levels of deviancy (increased usage beyond average consumption rates)—a more stark statistical correlation exists between increased alcohol consumption and violent crime, including child and spousal abuse, yet, again, no one is introducing, much less considering the merits of, limiting the personal consumption of alcohol. Finally, only 30 percent of frequent (every other day or more) cannabis users report symptoms suggesting dependence, in contrast to nearly 70 percent for nicotine and 88 percent for harder drugs, like cocaine, leading one to conclude that marijuana usage parallels alcohol more than harder illicit substances and calling into question legal opinions asserting that marijuana and hard drugs can be readily correlated to one another. If we do not criminalize overconsumption of the more dangerous drug of alcohol, why do we unduly criminalize cannabis consumption, particularly in small amounts?

To be clear, we would prefer to see lawmakers legalize and tax marijuana possession of an ounce or less. An economic study that accompanied the aforementioned Drug Policy Action Group poll estimated that the state would save \$12 million (mostly in law enforcement costs) by decriminalizing cannabis usage, while taxing and regulating sales of the substance would bring in at least \$11 million (as much as \$15-20 million, by other analyses), amounting to a potential \$23 million swing in state funds at a time when revenue is needed to cover such items as unfunded liabilities, rising energy costs, infrastructure improvement, technology investments, and new education initiatives. We acknowledge that the votes for decriminalization or legalization may not exist at the moment, though, and see this bill as progress toward taking a healthier legal stance toward marijuana usage, one based on empirical and scientific research, as well as progressive sentencing philosophy.

That said, we encourage the committee to amend this measure by replacing all references to 20 grams to, instead, refer to one ounce of marijuana, thereby bringing this measure into conformity with similar recreational marijuana reform laws, such as those recently enacted in Washington and Colorado. The difference between 20 grams and one ounce is 8.3495 grams, hardly enough to make a sizable impact on the intent or enforcement of this measure.

Put simply, it is high time that Hawaii stopped participating in counterproductive crackdowns on nonviolent, virtually victimless crimes and, instead, devoted its law enforcement resources to more worthy causes, including high rates of property theft and the fight to end human trafficking. Mahalo for the opportunity to testify in strong support of this bill.

Sincerely,
Kris Coffield
Legislative Director
IMUAlliance

Dr. Myron Berney SB 472, SD1

Support with changes to

1. remove specification on amount of marijuana and
2. reduce fines
3. Delete Section 2.

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Sharon E. Har, Vice Chair

Rep. Della Au Belatti

Rep. Tom Brower

Rep. Rida T.R. Cabanilla

Rep. Mele Carroll

Rep. Ken Ito

Rep. Derek S.K. Kawakami

Rep. Chris Lee

Rep. Clift Tsuji

Rep. Jessica Wooley

Rep. Bob McDermott

Rep. Cynthia Thielen

DATE: Thursday, March 14, 2013

TIME: 2:00 p.m.

PLACE: Conference Room 325

[SB 472, SD1](#)

[\(SSCR633\)](#)

[Status](#)

RELATING TO MARIJUANA.

Proposed HD1: Creates a civil violation for the possession of twenty grams or less of marijuana subject to a fine of \$100 and establishes a cause of action for selling, furnishing, or providing marijuana to a minor.

DELETE on line 5 [~~of one ounce or less~~] and 6. [~~1,000~~].

INSERT on line 6 1.00

"S329- Possession of marijuana. (a) Intentional or knowing possession [~~of one ounce or less~~] of marijuana shall constitute a civil violation subject to a fine of \$1.00 [~~1,000~~]. (b) Civil fines and penalties for violations under this section shall be deposited by the director of finance to the credit of the state general fund."

DELETE: ALL OF SECTION 2

SECTION 2. [~~This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.~~]

Under HRS Marijuana is a Medicine under HRS 329-121 Part IX the Medical Use of Marijuana. Under HRS 329-14 Marijuana is listed as Schedule 1, Schedule 1 in Hawaii does not restrict the medical use of Marijuana.

Marijuana was recognized as having a medical use by the federal VA system in January 2011. Since Federal Schedule 1 requires a substance to have no medical use, having a medical use, Marijuana was bumped out of the Federal Schedule 1 definition. Marijuana was not rescheduled and is therefore

currently unscheduled.

Scientifically and Medically Marijuana is NOT a dangerous drug. That is a Government and Law Enforcement medical lie and criminal fraud.

You can easily see that the Law Enforcement Community wants maintain restrictions in Medical Marijuana health care delivery and arrest seriously ill patients that don't strictly comply with the UNCONSTITUTIONAL Law.

What you thought that the Right of Privacy only applied to Abortions? Not sure if any of the founding fathers were actually doing abortions, but I am 100% sure that some of them, most if not all, were growing Marijuana.

The Constitution does not turn on and off based upon Federal Law. Federal Law turns on and off based upon the Constitution. Automatically and Immediately as soon a Marijuana was a medicine in the State of Hawaii, Marijuana was 100% protected by the Right of Privacy. Any restrictions on the medical use of Marijuana is 100% prohibited by the US Supreme Court.

Any consideration that Marijuana is a Dangerous Drug is not supported Scientifically or Medically. Marijuana is safer than Aspirin or Tylenol. In addition to the more common use in Pain, Nausea and Anxiety, Marijuana actually protects dying brain cells and helps eliminate and prevent Cancer.

In 2013, Why even consider putting some in Jail for Marijuana?

Obama applied the Right of Privacy in Marijuana Medical Care as soon as he took office.

Now Obama has declared no law enforcement for the Recreational Use of Marijuana on a Federal Level.

Obama has directed Congress to make room for the States to Legalize Marijuana on a State by State basis.

Washington DC is in the process of licensing the growing, harvesting, sale and distribution of medical marijuana.

Don't look to the Feds for support for current UNCONSTITUTIONAL Marijuana Laws cause it ain't there anymore.

Don't look to Hawaii State Law for support for Criminal Penalties cause it ain't there at all.

Look to the Constitution and be an American Statesman, DO THE RIGHT THING, BE PONO with PAKALOLO.

Pakalolo is also protected in the Compassionate Clause in Medical Licensing from way back in 1909.

It's also a Native Hawaiian thing.

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Sharon E. Har, Vice Chair

Rep. Della Au Belatti

Rep. Chris Lee

Rep. Tom Brower

Rep. Clift Tsuji

Rep. Rida T.R. Cabanilla

Rep. Jessica Wooley

Rep. Mele Carroll

Rep. Bob McDermott

Rep. Ken Ito

Rep. Cynthia Thielen

Rep. Derek S.K. Kawakami

NOTICE OF HEARING

DATE:

Thursday, March 14, 2013

TIME:

2:00 p.m.

PLACE:

Conference Room 325

State Capitol

415 South Beretania Street

From: Angela Flynn, 1090 Kealoha Road, Kapa'a, HI 96746

808-822-3982/angelaflynn80@msn.com

RE: SB 472 – Relating to Marijuana; Civil Penalties for Possession of One Ounce or Less

Description: Establishes a civil violation for possession of one ounce or less of marijuana that is subject to a fine of not more than \$100.

Position: Strong Support

Dear Committee on Judiciary,

I strongly support SB472, creating civil penalties for possession of one ounce or less of marijuana subjected to a fine of not more than \$100.

As with many people I have enjoyed marijuana use. I am not a habitual user and I see the use as no different than enjoying a glass of wine with dinner or a few beers after work. Yes there are people who may smoke too much just as there are those who drink too much alcohol. But for the most part the people I know who smoke regularly are professionals with good jobs and good lives. Marijuana offers a pleasant high feeling and may enhance creativity.

Marijuana is not a “gateway drug”. The National Academy of Sciences found, “There is no conclusive evidence that the drug effects of marijuana are causally linked to the subsequent abuse of other illicit drugs.”(1) I can attest that I and the people I know who smoke marijuana did not go on to partake in hard drugs like heroin and crystal meth. The greatest danger of marijuana use is due to it being illegal as this leads to a black market scenario where people are reluctant to seek police help if needed.

I find it totally unacceptable that we can have an admitted marijuana user serving as our President while those who are unfortunate enough to get "caught" and are convicted:

Are confined in prison;

Are denied federal student aid;

Lose their professional licenses;

Encounter barriers to employment, housing, and adoption.

These penalties disproportionately affect young, low income, and minority individuals.(2)

Hawai‘i supports decriminalization, 75% of our registered voters said if their state legislator voted to decriminalize marijuana it would either have no impact on their vote or it would actually make them more likely to vote for that legislator. (3) In addition, 14 states have already decriminalized marijuana: Alaska, California, Connecticut, Maine, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New York, Ohio, Oregon, Pennsylvania, and Rhode Island, plus in cities and counties in nine other states. In November 2012, Colorado and Washington went a step further and passed voter initiatives to tax and regulate marijuana for recreational use.

Please support this legislation. I can only believe that those who are against decriminalizing marijuana are those who profit from it being illegal and this should not dictate our laws and ruin people's lives.

References:

(1) National Academy of Sciences, Institute of Medicine. “Marijuana and Medicine: Assessing the Science Base”. National Academy Press: Washington, DC, 5, 6. 1999.

(2) Duncan, Cynthia. “The Need for Change: An Economic Analysis of Marijuana Policy.” Connecticut Law Review 14 (July 2009)

(3) <http://acluhawaii.files.wordpress.com/2013/01/dpagmarijuanapolicyfindings.pdf>

SB472

Submitted on: 3/11/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara B. Polk	Individual	Support	No

Comments: Although I'm not a user of marijuana, I strongly support this bill. The current criminalization of use of a substance that has little negative effect is a blot on our society, and one that costs the state considerable amounts of money in the time taken by police and the courts to enforce it, as well as for prisons to house those who violate probation. In addition, it is disruptive of families and appears to be differentially enforced by race and ethnicity. Although passing this bill will not change the federal laws, President Obama has already said that prosecuting marijuana cases is very low priority for him. Let's make it low priority for our police as well, so they have time to focus on important crimes. I concur with the \$100 fine, though I'd prefer to see even that eliminated. We do not fine adults for use of alcohol or tobacco, though both are arguably much more dangerous to health and to society than is marijuana. Please pass this bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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SB472

Submitted on: 3/11/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Kellam	Individual	Oppose	No

Comments: I am opposed to any sort of measures making Marijuana possession a civil violation.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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SB472

Submitted on: 3/11/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Chun	Individual	Support	No

Comments: Better you make marijuana completely legal and tax it. But this is a good first step.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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SB472

Submitted on: 3/11/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Alexander jones	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Arnold Rabin	Individual	Support	No

Comments: If you are to lame to legalize one of G-D's greatest gifts, at least decriminalize it.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Barney Choy	Na Keiki Mauloa	Oppose	No

Comments: I represent a non-profit youth club from ages 11 - 17. We promote a drug-free environment in our lives. Please consider the affects of passage of this bill into law on the youth of Hawaii. I am referencing the youth as Hawaii's future, our own essence of the islands. Please oppose this bill.

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To_Representative Karl Rhoads, Chair
Representative Sharon Har. vice Chair
From Carlos J. Trahan
RE:SB472, HD 1_ Relating to Marijuana
Hearing: Thursday, March 14, 2013, 2;00pm, Room 325
Position: Strong Support

I ask you support the decriminalization of marijuana and make it a non criminal offense. The time is now to be of a more progressive mind set where it pertains to marijuana.

Thank you
Carlos J. Trahan

SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Chance King	Individual	Support	No

Comments: I fully support this.

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SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Chi Mok	Individual	Oppose	No

Comments: I oppose this bill because it will send the wrong message to our youth and encourage them that it's not that bad to smoke marijuana because it's not a "crime". I also oppose this bill because it will lead to increased drug dealing, addiction and crime which this bill is stating that it'll save money for the arrests, but it'll be just the opposite when crime increases, addition programs will need to spend more money and this will encourage the drug dealers to expand their targer market to include youths.

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SB472

Submitted on: 3/11/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Abernathy	Individual	Support	Yes

Comments: Aloha, I'm in favor of this bill. I have never ever been involed in politics before but this bill I feel so strongly about that I have to get involve and use my rights as an American. The rights that I defended for seven years in the US Navy. I'm actually in favor full legalization of marijuana. I just cant see why a natural plant that has never ever killed anyone from overdose and that helps the human race is banned. There are people dying everyday from alcohol and tobacco. Everyone has been brainwashed into thinking that marijuana is bad but marijuana was once America's largest crop and was legal. How can a country that is for the people and by the people tell thier citizens that they have no right to enjoy what nature produces and what humans have been using for over 5,000 years??? I know this bill isnt about legalization but it's the first step. I feel the current laws are unfair and unjust. Treating marijuana offenders as the same as ICE,crack, herion, cocane offenders is unfair. Keeping marijuana in the same class as those harder drugs is unjust. This Thursday please vote yes to SB472 but with a max fine of \$100. Thank you

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SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Cindy Saiki	Individual	Oppose	No

Comments: I oppose this bill because it sends the wrong message to my children, their peers and society. I also oppose this bill because it will lead to increased drug dealing, addition and crime.

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To: Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair

From: Rev. Cloudia Charters

RE: SB 472, HD 1 – Relating to Marijuana

Hearing: Thursday, March 14, 2013, 2:00 pm, Room 325

Position: Strong Support

Aloha Greetings:

Our little faith community here in Waikiki feels that this is a compassionate & commonsense measure that is long overdue. We will save our tax dollars for more pressing needs, including increased enforcement against ICE, and investing in our public infrastructure - notable schools and corrections.

We support this measure after serious prayer and discussion.

Thank You for your leadership in this matter.

Malama Pono, (Rev) Cloudia Charters
Hobron Lane, Waikiki

--

<<http://www.amazon.com/dp/B00AZ62OXU>>

<www.comfortspiral.blogspot.com>

SB472

Submitted on: 3/11/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Cody F.	Individual	Support	No

Comments:

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SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Cristy	Individual	Support	No

Comments: I support bill 472. decriminalize marijuana, it's safer than percription pills,stop arresting innocent people.,Alcohol is more dangerous than marijuana or cigarettes but thats legal? it just dont make sense to me why not make alcohol and cigarettes illegal if it kills and marijuana has NOT killed one person. Its Time to full on legalize it and watch the crime rate drop.it does have risks but so does everything else.I have insomia,panic attacks,and anxiety and let me say marijuana helped me better than any other pill.

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SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Patterson	Individual	Support	No

Comments: I am in support of this bill! Our prisons are full of minor marijuana offenders.

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To: Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair
From: Duke H. Au Hoon
RE: SB 472, HD 1 – Relating to Marijuana
Hearing: Thursday, March 14, 2013, 2:00 pm, Room 325
Position: Strong Support

Aloha All,

We need change in these islands bad enough you wont give land back to the Hawaiians. At least try to stay at the for front and lead the rest of the states in this matter sides hanging back and watching the rest of the states benefit of the beginning of this change. I kind of question the 20 grams thats stupid. Stay with the natural scale 28grams makes an ounce doesn't help if the rules don't co-aside from medicinal too decriminalized rules. Its ok for the medicinal patient to carry an ounce at 28grams other then 18yrs & up carry 8grams less for decriminalized rules. Please create this bill to the fullest so it doesn't bite us in the ass later...? Creating jobs for the blue card patients...!

ALOHA & MAHALO

Duke H. Au Hoon

SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Edmund "Fred" Hyun	Individual	Oppose	No

Comments: I strongly oppose decriminalizing and/or legalizing the use of marijuana.

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TESTIMONY ON SENATE BILL 472 SB1
RELATING TO MARIJUANA

Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Sharon E. Har, Vice Chair

Chair Rhoads, Vice Chair Har, and Members of the Committee:

I do not support Senate Bill 472 SB1 that proposes to make possession of less than one ounce of marijuana a civil fine and delete the criminal offence of possessing any amount of marijuana. The use and possession of illegal drugs should not be penalized the same way as a traffic violation. Doing so will create the impression that the use of marijuana is not a big deal. Any legislative action that legalizes or decriminalizes marijuana will negatively affect the people of Hawaii. According to SAMSHA Treatment Episode Data (TEDS), treatment admissions with marijuana as the primary drug in Hawaii accounts for 72.70% of the total amount for the 12 to 17 age group in 2010. Marijuana is a highly addicting drug and effort to decriminalize it will decrease the perception of health risk.

Decriminalizing the possession of less than an ounce would allow drug dealing to flourish. Twenty eight (28) grams equals one ounce. Many dealers sell ½ gram joints, so a one gram joint is a really good sized joint. SB 472 SB1 would allow individuals to have at least 27 joints at any given time. Any individual could deal 189 joints per week and have no fear of criminal prosecution if caught with less than an ounce.

Senate Bill 472 SB1 goes even further by allowing any person (teacher, student, visitor) to possess one ounce or less of marijuana in, on, or near schools, school vehicles, public parks, or public housing projects or complexes without it being a criminal violation. This would create a conflict with the drug free zones around our schools that were created to protect our children and teachers.

Thank you for the opportunity to testify in this manner,

Gary Shimabukuro

TESTIMONY ON SENATE BILL 472 SB1
RELATING TO MARIJUANA

Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Sharon E. Har, Vice Chair

Chair Rhoads, Vice Chair Har, and Members of the Committee:

I oppose Senate Bill 472 SB1 that proposes to make possession of less than one ounce of marijuana a civil fine and delete the criminal offense of possessing any amount of marijuana. I strongly believe that any legislative action that legalizes or decriminalizes marijuana will negatively affect the people of Hawaii. I also know from personal life experiences that MARIJUANA IS A GATEWAY DRUG! Therefore, decriminalizing marijuana in any form or manner sends a bad perception to the people and keiki of Hawaii.

According to SAMSHA Treatment Episode Data (TEDS), treatment admissions with marijuana as the primary drug in Hawaii accounts for 72.70% of the total amount for the 12 to 17 age group in 2010. Marijuana is a highly addicting drug and any effort to decriminalize it will decrease the perception of its health risk.

An ounce of marijuana is quite a bit, and a street dealer could make an enormous amount of money just dealing an ounce or two a week. Twenty eight (28) grams equals one ounce. Many street dealers sell ½ to one gram joints. SB 472 SB1 would allow individuals to have at least 28 to 56 joints at any given time. Therefore, given a conservative amount of two ounces a week, an individual could sell anywhere from 56 to 112 joints just on two ounces a week, and have no fear of criminal prosecution if caught with less than an ounce at a time. Joints normally sell from five to ten dollars each, thus a thousand dollar fine would be miniscule for a street dealer making thousands of dollars over a short period of time.

Senate Bill 472 SB1 goes even further by allowing any person (teacher, student, visitor) to possess one ounce or less of marijuana in, on, or near schools, school vehicles, public parks, or public housing projects or complexes without it being a criminal violation. This would create a conflict with the drug free zones around our schools that were created to protect our keiki and teachers.

Thank you for the opportunity to testify in this manner,

Gerald Matsunaga

SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Helene Adams	Individual	Support	No

Comments: Time to get out of the dark ages and reject the old Reefer Madness mentality.

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SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
James Macey	Individual	Support	No

Comments: Strongly support this bill with a reduced fine.

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SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
janice palma-glenie	Individual	Support	No

Comments: The decriminalization of marijuana is a long overdue way for our society and government to focus on the big issues of the day, which include the expansion of the use of "ice". Our criminal justice system and prisons are over burdened with the lack of marijuana issue. Mahalo for supporting SB 472.

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SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Joan Lander	Individual	Support	No

Comments: It's just a plant, for Pete's sake. How can you make something created by the Creator illegal?

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aloha-let my cannabis free! Joe Bertram III

To whom it may concern,

I am not in full favor of the current bill you will be voting on for marijuana. However I am very proud in the strides this nation has made in correcting the wrong it did by making marijuana illegal. I am a medical and recreational user and I fully know the extent marijuana has on me and the people who use it. I believe this bill is a great stepping stone in the battle for full legalization. I urge you to vote yes for this bill because as intellectual people with minds far advanced than most you should be able to see the positive aspects of marijuana. I know you've heard all of the scientific evidence and read the report on marijuana so you obviously know the science behind it. However, do you know the social aspect of it? Marijuana is a social substance yes people use it by themselves but for the most part it is for socializing just like drinking coffee or going to dinner with some friends. Marijuana is safe and harmless and I do believe there should be measures in place to prevent people from driving on it and participating in other dangerous activities but this is something that can be done after legalization because you can better train your police to detect it properly.

Please, I urge you to vote yes. Smart rational people like yourselves should know when something as beneficial and harmless as pot should be legal.

Thank you and have a wonderful day

Sent from my iPhone

SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kai Takayama	Individual	Oppose	No

Comments: I support the decriminalization of marijuana but will not support legislation such as this that unjustly penalizes people with a \$1000 fine. Any politician who supports the continued demonization of a plant that has never directly caused the death of anyone, has no serious long-term side effects, and that has many proven positive uses is not a politician that can be trusted to serve the best interests of their constituents. It's time to legalize marijuana, limit the sale to over 21 as with alcohol, tax the sale as with alcohol, and get the government out of peoples' lives and allow them the personal responsibility to do as they please.

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SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kaleo Shimabukuro	Individual	Oppose	No

Comments: I oppose this bill because it sends the wrong message to our youth.

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SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kathy Cole	Individual	Oppose	No

Comments: I oppose this bill because it sends the wrong message to our youth and weakens our law enforcement.

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SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kenneth Yamamoto	HAWAI`IGAS	Oppose	No

Comments: I oppose this bill because it will lead to increased drug use, dealing, addiction and crime.

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SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lawrence Shimabukuro	Individual	Oppose	No

Comments: I oppose this bill because it sends the wrong message to our youth.

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SB472

Submitted on: 3/11/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lea bussell	Individual	Support	No

Comments:

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To: Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair
From: (Your Name)
RE: SB 472, HD 1 - Relating to Marijuana
Hearing: Thursday, March 14, 2013, 2:00 pm, Room 325
Position: Strong Support

Aloha,

Compounds in marijuana are treating and in many cases, curing people of a large variety of diseases, infections and conditions, including drug resistant staph, MERSA and cancers. Clinical research and documented patient experiences have documented this and much more. Profound, patient experiences and cures are now being documented daily.

Creams made from marijuana are causing severe burns to heal in record time, as patient case documentation now shows. Potent, marijuana oils are curing skin cancers, quickly, as patient experience has now documented.

These compounds have been shown to significantly extend lifespan, in clinical tests. Consuming large amounts of raw or fresh frozen and therefore, non-psychoactive marijuana, is strongly effective against MERSA, as shown in clinical studies and patient experiences.

It is non-toxic, not physically addictive and causes FAR FEWER SOCIAL PROBLEMS THEN ALCOHOL. Raw, marijuana has powerful anti-inflammatory abilities and inflammation is a cause of common, serious diseases and conditions and it's consumption does not produce a, "high".

That's right. No high and massive curative and preventative powers. Clinical studies show life extension, with safe, non toxic, non-psychoactive, cannabinoidal supplementation.

For people to use it in this manner to protect their health, possibly extend their lifespan, as clinical research has strongly indicated, boost their health and lower their health care costs, they MUST have the FREEDOM, to produce much greater number of plants than the paltry and grotesquely inadequate, seven, the currently "politically acceptable" limit on plants.

With all due respect, what does it take, for you people to stop pretending that it's use is some kind of crime?

When will lawmakers wake up and act like adults, instead of frightened children? Marijuana should NOT be considered a crime.

In view of what we know know about cannabis and the cannabinoids, treating this plant as a crime is medieval.

Given the current state of knowledge, based on social research, clinical studies and documented, remarkable, patient experiences, treating it as a "crime" is in itself, a crime.

Decriminalize at this time, but also draw up and pass legislation ending these corrupt, harmful laws!

Decriminalization allows police to spend money on serious and violent crimes:

Decriminalizing possession of less than an ounce of marijuana could save state and county governments in Hawai'i an estimated \$9 million annually.(1)

Nationally, approximately \$8 billion is spent every year arresting and prosecuting individuals for marijuana violations.² Almost 90% of these arrests are for marijuana possession only.(3)

Since 2004, possession arrests in Hawai'i have increased almost 50% and distribution arrests almost doubled.(1)

Decriminalization does not allow anyone to sell marijuana, nor does it allow anyone to purchase or possess marijuana.

Marijuana is not a "gateway drug". The National Academy of Sciences found, "There is no conclusive evidence that the drug effects of marijuana are causally linked to the subsequent abuse of other illicit drugs."(8)

Compared to possession of marijuana - ice and violent crimes are much bigger problems. Our police should spend more time and resources going after violent crime or hard drugs.

Far more harm results from the criminalization of marijuana than from marijuana use itself:

In Hawai'i:

Juveniles are 70% more likely to be arrested than adults.(1)

Native Hawaiians are 70% more likely to be arrested than non-native Hawaiians.(1)

Convicted marijuana offenders:

Are denied federal student aid;

Lose their professional licenses;

Encounter barriers to employment, housing, and adoption.

These penalties disproportionately affect young, low income, and minority individuals.(2)

Decriminalization does not increase marijuana use:

There is no evidence to support claims that criminalization reduces use or decriminalization increases use.(4)

Studies find that decriminalizing marijuana has had no effect on marijuana use among young people.(5)

Harsh marijuana laws do not deter use. (6)

Hawai'i supports decriminalization:

58% of residents believe that marijuana possession for personal use should carry a fine instead of jail time.(7)

75% of the registered voters said if their state legislator voted to decriminalize marijuana it would either have no impact on their vote or it would actually make them more likely to vote for that legislator

14 states have already decriminalized marijuana: Alaska, California, Connecticut, Maine, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New York, Ohio, Oregon, Pennsylvania, and Rhode Island, plus in cities and counties in nine other states. Cultivation and distribution remain criminal offenses. In November 2012, Colorado and Washington went a step further and passed voter initiatives to tax and regulate marijuana for recreational use.

Studies cited:

1. Nixon, David. Update to: Budgetary Implications of Marijuana Decriminalization and Legalization in Hawai'i. University of Hawai'i, Dec 2012. <www.dpfhi.org>
2. Duncan, Cynthia. "The Need for Change: An Economic Analysis of Marijuana Policy." Connecticut Law Review 14 (July 2009)
3. United States. Federal Bureau of Investigation's combined Uniform Reports. Crime in the United States: Table: Arrest for Drug Abuse Violations. U.S. Department of Justice: Washington, DC. 2010.
4. Reinerman, Cohen, and Kaal. "The Limited Relevance of Drug Policy: Cannabis in Amsterdam and San Francisco." American Journal of Public Health 94.5 (May 2004)
5. Williams, Jenny. "The Effects of Price and Policy on Marijuana Use: What Can Be Learned from the Australian Experience?" Health Economics 13 (2004): 123-137.
6. Connecticut. Connecticut Law Review Commission. Drug Policy in Connecticut and Strategy Options: Report to the Judiciary Committee of the Connecticut Assembly. State Capitol: Hartford, 1997.
7. QMark Research & Polling. November 19 -December 4, 2012. Survey of 603 adults statewide, MOE +/-4%
8. National Academy of Sciences, Institute of Medicine. "Marijuana and Medicine: Assessing the Science Base". National Academy Press: Washington, DC, 5, 6. 1999.

Aloha,

Lee

<<http://members.cruzio.com/~lionel/dreamerdemo.htm>>

SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Leighton Lum	Individual	Oppose	No

Comments: What a terrible Bill, please do not enact this. I oppose this bill because it will lead to increased drug dealing, addiction and crime. Why would we do this to our community. By legalizing marijuana it would be detrimental to the future of our islands. Mahalo!

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It is preposterous to make plants, created by God, illegal. Do people claim to be more knowing than God? Stop criminalizing people for growing plants, regardless of the kind of plant. Preposterous!

To: Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair
From: Lynn Beittel
RE: SB 472, HD 1 – Relating to Marijuana
Hearing: Thursday, March 14, 2013, 2:00 pm, Room 325
Position: Strong Support

Dear Committee,

I believe that marijuana should be decriminalized in Hawaii and the rest of the country. It is a waste of the taxpayers' money and limited police resources!

Thank you for listening.

Lynn Beittel
Kealakekua

Representative Karl Rhoads - Chair
Representative Sharon Har - Vice Chair
From: Lynn Merrill - Editor - **Kaulana Na Pua Newspaper**
RE: SB 472 - Relating to Marijuana
Hearing: Thursday, March 14, 2013, 2pm Rm 325
Position: STRONG SUPPORT

Aloha,

I write to you today as a legally licensed medical marijuana patient, and the editor of the only medical marijuana newspaper in Hawaii, Kaulana Na Pua, which means, Famous are the Flowers. I have been a patients for the past 20+ years, and am a strong advocate of the benefits of medical marijuana. In fact, I would not be alive, were it not for marijuana/cannabis. **Medical or not, I cannot stress the extreme importance behind moving this bill forward, as it is written. It will help us all, patients and the public in general. The cost savings to the state of Hawaii is staggering, I encourage you to consider the court costs and the costs to the people and their families impacted by current laws. This must change!**

Please, I beg of you, take this bill seriously and pass it with a passion. **Acknowledge the desires of the people of Hawaii**, 57% favor legalized, taxed and regulated marijuana, 69% think that jail time for marijuana offenses is inappropriate, and 78% support a dispensary system, according to a recent survey.

You are in a position of power, regarding our lives, please acknowledge your impact on the lives of those who depend on your decisions and actions, especially the majority, even if you don't understand. The majority spoke, please listen, and do the right thing.

Very Sincerely,

Lynn Merrill
Kaulana Na Pua Newspaper

SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Domingcil	Individual	Comments Only	No

Comments: I oppose this bill because it sends the wrong message to our youth. This will increase drug dealing, addiction and crime especially towards our tourists.

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SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Nelson	Individual	Oppose	No

Comments: "Changing the civil penalty from a fine not to exceed \$100 to a fine of \$1,000 to align with the petty misdemeanor fine under section 712-1249, Hawaii Revised Statutes:" I oppose this bill on this position that has been ammended. A \$1000.00 fine is at best a highway robbery tax unfounded and unworthy by our illustrious legislatures. A comprehensive & pragmatic approach as many other States that have only a \$100.00 fine maximum, is in line. What is so special about Hawaii that our Lawmakers would impose upon its citizens an extra \$900.00 fine / tax? I think than it is fair to ask that our Legislatures only get paid for 4 months of the year, as, why should we pay those salaries for the other 8 months you campaign?

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To: Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair
From: Matt Binder
RE: SB 472, HD 1 – Relating to Marijuana
Hearing: Thursday, March 14, 2013, 2:00 pm, Room 325
Position: Strong Support

Aloha Representatives,

I am in strong support of SB 472 for several reasons.

First is the tragedy of sending people to prison for something as harmless as having a tiny bit of marijuana, a substance similar to alcohol. Imagine having a law that put people in prison for having a sixpack of beer and you will see how I think about the current law.

Second, the law is being applied in a discriminatory fashion. I understand that a huge percentage of the people arrested under the current possession law are Native Hawaiians and/or juveniles.

Third is the money and time could be better spent pursuing hard drug cases and trafficking cases.

Thank you,

Matt Binder
Kealakekua

SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Rifkin	Individual	Support	No

Comments: It is time for Hawaii to enact sensible laws relating to possession of small amounts of cannabis. Arresting individuals for simply possessing a personal amount of cannabis is a terrible waste of police, prosecutor and court money. States like Massachusetts and California have enacted laws similar to SB472 and the sky has not fallen. Please move this bill forward.

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Please hear this bill and pass it. Legalize marijuana!

Mike Pellerin

Prohibition has never worked. Our prisons are over crowded. We are creating an unemployable society because of past prison record for no violent crime. We need to build more schools and put more teachers, police, fireman, city and federal workers to work. We are spending millions of dollars trying to eradicate marijuana. We now have the same amount of users 100,000 in Hawaii. Enough to fill aloha stadium 2x over. This black market would disappear and tax revenues would appear. No one has ever perished from overdose on marijuana. It is easy now to do your own research on the benefits of medical marijuana, also the multi use of hemp. People are going to use marijuana. The new thing now is synthetic marijuana. It is more addictive and it is legal. The authorities try to prohibit by making the chemicals illegal. Then the chemists change the chemical and it is still legal. This is what the children can get now because of prohibition. Paint, glue, mouthwash, hand cleaner are all products that are abused and are harmful if not deadly. Yet legal. Save the future of the children. Educate them tell them the truth.

SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Myrna M. Iwamasa	Individual	Oppose	No

Comments: I am surprised this bill passed through the Senate Judiciary Committee. I oppose this bill because I have young grandchildren and am quite concerned the passage of this bill will send the wrong message to them and other youth and it will increase the drug dealing, addiction and crime in everyone's neighborhood. Already we double lock our doors even when we are at home. It never used to be that way of life for us. Marijuana is a drug and it is going to bring families down more than it is now if this becomes a law. Thank you.

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SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Natalie	Individual	Oppose	No

Comments: I think passing this bill sends the wrong message to our youth and community. I am a teacher and tell my students that it is not ok to do drugs for many reasons, including addiction, negatively impacting their health, and it is against the law. How am I supposed to justify that it is ok, so long as you don't have more than 1 ounce? Drugs are highly addictive and students will get the wrong impression that if its ok to have 1 ounce of marijuana (ok in their minds/rationale, cause not against the law), then its ok to take 1 ounce of another type of drug. Crack can be addictive after only the first use. Thus, this inconsistent message regarding drug/substance use is a very dangerous one and detrimental to our community.

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SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Orion Adamson	Individual	Support	Yes

Comments:

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**Written Testimony In Favor of Senate Bill 472, HD 1
To Be Heard By The Members of the House Judiciary Committee
On Thursday March 14, 2013, at 2:00pm
By Paul Armentano
Deputy Director
National Organization for the Reform of Marijuana Laws (NORML)**

I thank members of the House Judiciary Committee for considering Senate Bill 472, HD 1, which reduces minor marijuana possession offenses to a non-criminal, \$100 fine-only offense. NORML supports this change in law.

Under present state law, the possession of one ounce of cannabis or less is classified as a criminal misdemeanor punishable by up to 30 days in jail and a \$1000 fine. Amending state law to make these offenses a fine-only, non-criminal infraction will significantly reduce state prosecutorial costs and allow law enforcement resources to be refocused on other, more serious criminal offenses.

Decriminalization would spare thousands of minor marijuana offenders from criminal arrest, prosecution, and incarceration, as well as the emotional and financial hardships that follow -- including the loss of certain jobs, students loans, federal and state subsidies, and child custody rights. Though monetary sanctions would remain in place for violators of the law, decriminalization would spare offenders from being saddled with lifelong criminal records. It will also bring greater uniformity to sentencing in marijuana possession cases.

Such a change would arguably improve public safety. This is because law enforcement resource allocation is a zero-sum gain. The time that a police officer spends arresting and processing minor marijuana offenders is time when he or she is not out on the streets protecting the public from more significant criminal activity. Decriminalization would allow law enforcement, prosecutors, and the courts to reallocate their existing resources toward activities that will more effectively target serious criminal behavior and keep the public safe. Public opinion strongly favors such a reprioritization of law enforcement resources. Marijuana decriminalization enjoys support from the majority of Americans and is already the law in 15 states -- including Oregon, Maine, Nebraska, Ohio and Mississippi. To date, there is not a single instance where lawmakers have ever recriminalized marijuana after implementing decriminalization. Contrary to the

concerns of some, making marijuana possession offenses a civil matter would not negatively impact marijuana use patterns or attitudes. Passage of similar legislation in other states has not led to increased cannabis use or altered adolescents' perceptions regarding the potential harms of drug use. In fact, the only United States government study ever commissioned to assess whether the enforcement of strict legal penalties positively impacts marijuana use found, "Overall, the preponderance of the evidence which we have gathered and examined points to the conclusion that decriminalization has had virtually no effect either on the marijuana use or on related attitudes and beliefs about marijuana use among American young people." Senate lawmakers unanimously approved SB 472. I am asking House lawmakers to act similarly and vote 'yes' on SB 472, HD 1.

Author's Note: Paul Armentano is the Deputy Director of the National Organization for the Reform of Marijuana Laws (NORML).

Testimony in Support of SB472 HD1

Chair of the Judiciary committee Room 325, March 14, 2013, 202:00 PM

As a public health professional with over almost 30 year of experience I would like to strongly support HD1 for SB472. It is folly for our society to continue to criminalize, arrest and prosecute primarily our younger generation for the recreational use of marijuana. The punishment is far worse than any negative societal or personal impact from using marijuana. Continuation of criminal marijuana laws leads to disrespect for the legal system and for law enforcement because there laws are seen as oppressive and based on prejudice. There are no victims or marijuana use and we should not be creating victims by criminalization, imprisonment and heavy fines. HD 1 offers a reasonable measured move in the right direction.

Thank you for accepting my testimony.

Peter Whitar

SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Rafael Marquez	Individual	Support	No

Comments:

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SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ricardo Tubbs	Individual	Oppose	No

Comments: I oppose this bill because it sends the wrong message to our youth.

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: Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair
From: Rich waxman kauai
RE: SB 472, HD 1 - Relating to Marijuana
Hearing: Thursday, March 14, 2013, 2:00 pm, Room 325
Position: Strong Support

Hello

I am writing this to urge you to consider the bill. I am a 58 year old man who suffers from arthritis. I use a marijuana tincture to alliviate the pain. Steroid based anti-inflamatories cause me terrible asthma, so I turned to cannibis for relief. I was arrested here on Kauai for cannibas possession, payed nearly \$10,000 in fines and lawyer fees, served 300 hours of community service, and have suffered much mental anguish.

The State incarcerates large amounts of young Hawaiians for cannabis, wasting huge sums of needed tax payer dollars to the prison industrial complex. At the same time the state government is subsidizing the GMO corporations to poison us. I am quickly loosing faith in the ability of Ron Kiouchi to effectively represent this county. I *am urging you to decriminalize cannabis and start using common sense to spend our hard earned tax dollars on making this a better place to live.*

***Rich Waxman
PO Box 1327
Kalaheo, HI 96741***

SB472

Submitted on: 3/11/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Riki Robertts	Individual	Comments Only	No

Comments: I support decriminalizing marijuana, but not for a civil penalty of \$1000. That's insane. You should keep it at a fine not to exceed \$100, or better yet, no fine at all. Recent polls have shown the people of Hawaii want marijuana legalized. Please represent the people and nobody else. Do your job. Thank you.

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SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Riki Shimabukuro	Individual	Oppose	No

Comments: I oppose this bill because it sends the wrong message to our youth.

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I do not support Senate Bill 472 SB1 that proposes to make possession of less than one ounce of marijuana a civil fine and delete the criminal offence of possessing any amount of marijuana.

The abuse and possession of illegal drugs is causing hundreds of millions of dollars in harm to our society.

This sends the wrong message to our society. It will cost us more in the long run.

Nearly $\frac{3}{4}$ of all treatment admissions in Hawaii are addicts hooked on marijuana. Who do you think pays for that? These addicts are between 12 and 17 years old.

Marijuana is a highly addictive and getting more and more so with the technology the growers are learning.

Please send the right message to our society, smoking marijuana is not okay!

SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Julius Lannutti	Individual	Support	Yes

Comments: Thank you for this opportunity to submit testimony and discuss this with you. This issue is primarily about whether there is a need to 'arrest' versus 'ticket' a marijuana user. I would like to remind you that anyone driving a car is much more dangerous to society than a person sitting at home using marijuana; and, our punishment is not appropriate. I hope my testimony helps to show that prohibition is creating more problems than it has been solving. Decriminalization is a huge step for me, and it gives me much more comfort to know 100,000 people won't be subject to arrest if caught in possession of minor amounts marijuana. But, decriminalization still empowers the black markets that exist today and doesn't let a local regulated market thrive at all. Although arguably our black market isn't as dangerous as some of those on the mainland, according to the federal government, much of our illicit drug money (of which marijuana is the most used illicit drug) does go to Mexican drug cartels, and I'm sure you've seen the reports about the dangers and influence of the Mexican drug cartels in Hawaii. But, I want to point out to you that Americans can supply drugs much more safely, and a market wherein marijuana is regulated like alcohol is the best policy. Also, marijuana is safer than alcohol, in several categories. From number of documented deaths, to comparable rates of dangerous DUI events per capita, to effect of the drug on emotions that cause violent behavior, marijuana is proven safer than alcohol so should some citizens move from alcohol to marijuana because of full legalization then our society is better off.

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To: Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair
From: Anthony Julius Lannutti
RE: SB 472, HD 1 – Relating to Marijuana
Hearing: Thursday, March 14, 2013, 2:00 pm, Room 325
Position: Strong Support

Criminalization has failed. Conservative federal estimates indicate approx. 20,000,000 regular marijuana users in America. WHO estimates put it at 13.7%. This means about 100,000 or more Hawaii adults use it. We subject these otherwise law-abiding citizens to constant threat of arrest, for the sake of children, who try it in huge numbers despite it being a crime. We owe it to the dignity and respect of 100,000 otherwise good citizens of Hawaii to change our law.

It is important not to fully enforce our current law, and I seriously doubt the State has the means or desire to fully enforce these laws as there isn't enough prison space for all the users. And this law is symbolic, however, what are the full implications of such enforcing such a symbolic law:

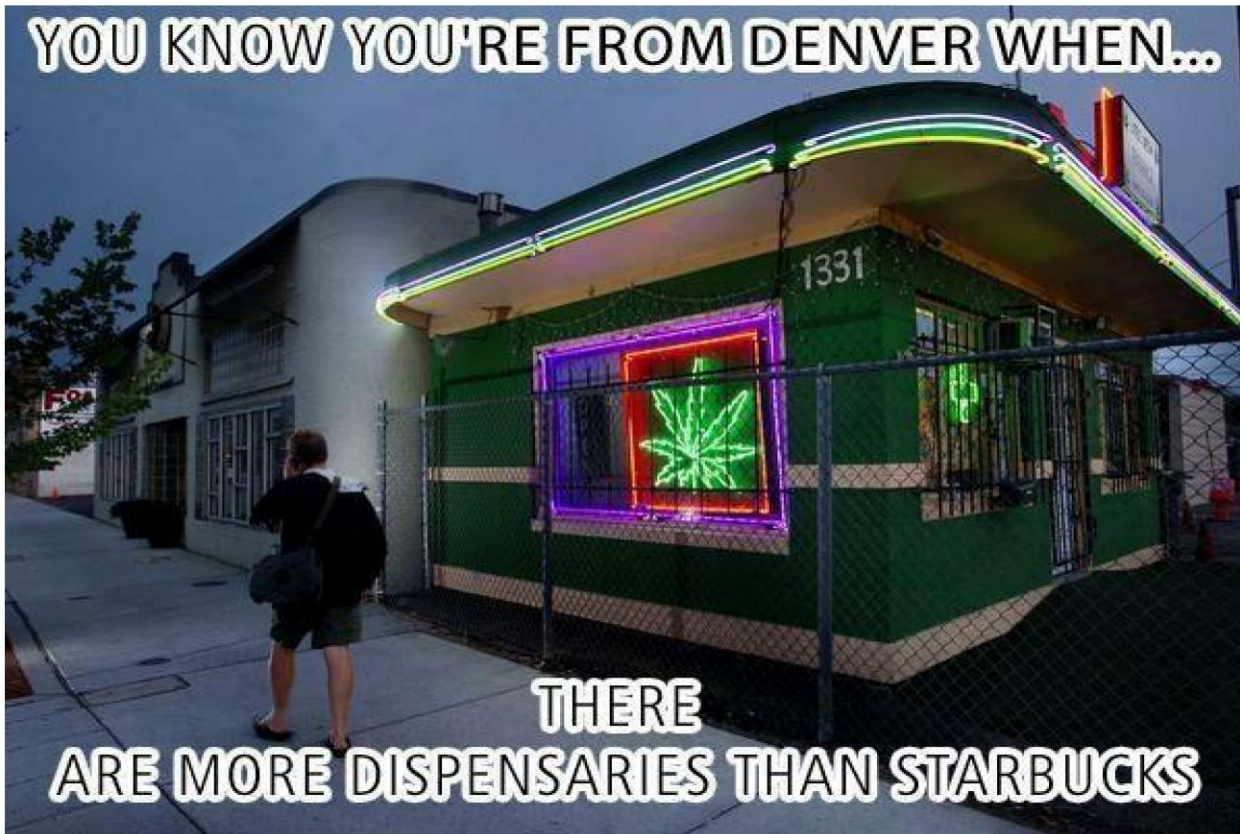


It's important to remember approximately 700,000 are arrested in this nation each year.... That is almost as many as the population of our entire state.

Why is it important to stop any legal sales of marijuana? Children? Clearly our prohibition is meant to stop the natural capitalist market. A market that has created things like this in Amsterdam and soon Denver:

CAPITALISM

YOU KNOW YOU'RE FROM DENVER WHEN...



Instead our laws have created this:

PROHIBITION (UNNATURAL CAPITALISM)



NOT ONLY ARE WE FAILING TO STOP IT, BUT WE HAVE CREATED IT, IT'S RICH AND POWER AND DANGEROUS...

S ▾

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Joaquin Guzman Loera

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At a Glance

Drug Trafficker, Sinaloa Cartel

Age: **55**

Source of Wealth: **drug trafficking, self-made**

Residence: **Sinaloa State, Mexico**

Country of Citizenship: **Mexico**

Forbes Lists

#63 Powerful People

#1153 Forbes Billionaires

| **#10** in Mexico

Profile

Powerful People: December 2012 ▾

The world's most powerful drug trafficker, billionaire "El Chapo" is responsible for many of the illegal narcotics imported into the U.S. from Mexico each year. 2012 LOWLIGHT: The murders continue--70,000 estimated dead in the ongoing Mexican drug war.

With tens of thousands dead in Mexico, this is a huge danger sitting at our border and it does affect our national security too. Yet, we continue to support drug laws that continue to give billions and billions to these potentially dangerous sources.

The Richest Drug Dealers:

#20 Frank Lucas – Net Worth \$52 Million

#19 José Figueroa Agosto – Net Worth \$100 Million

- #17 Nicky Barnes – Net Worth \$105 Million
- #16 Paul Lir Alexander – Net Worth \$170 Million
- #15 Zhenli Ye Gon – Net Worth \$300 Million
- #14 Joseph Kennedy – Net Worth \$400 Million
- #13 Freeway Ricky Ross – Net Worth \$600 Million
- #12 Rafael Caro Quintero – Net Worth \$650 Million
- #11 Joaquín Loera AKA Chapo Guzman – Net Worth \$1 Billion
- #10 Al Capone – Net Worth \$1.3 Billion
- #9 Griselda Blanco – Net Worth \$2 Billion
- #8 Carlos Lehder – Net Worth \$2.7 Billion
- #7 The Orejuela Brothers – Net Worth \$3 Billion
- #6 Jose Gonzalo Rodriguez Gacha – Net Worth \$5 Billion
- #5 Khun Sa – Net Worth \$5 Billion
- #4 The Ochoa Brothers – Net Worth \$6 Billion
- #3 Dawood Ibrahim Kaskar – Net Worth \$6.7 Billion
- #2 Amado Carrillo Fuentes – Net Worth \$25 Billion
- #1 Pablo Escobar – Net Worth \$30 Billion

***Fabio Ochoa – Net Worth: Unknown

from this site:

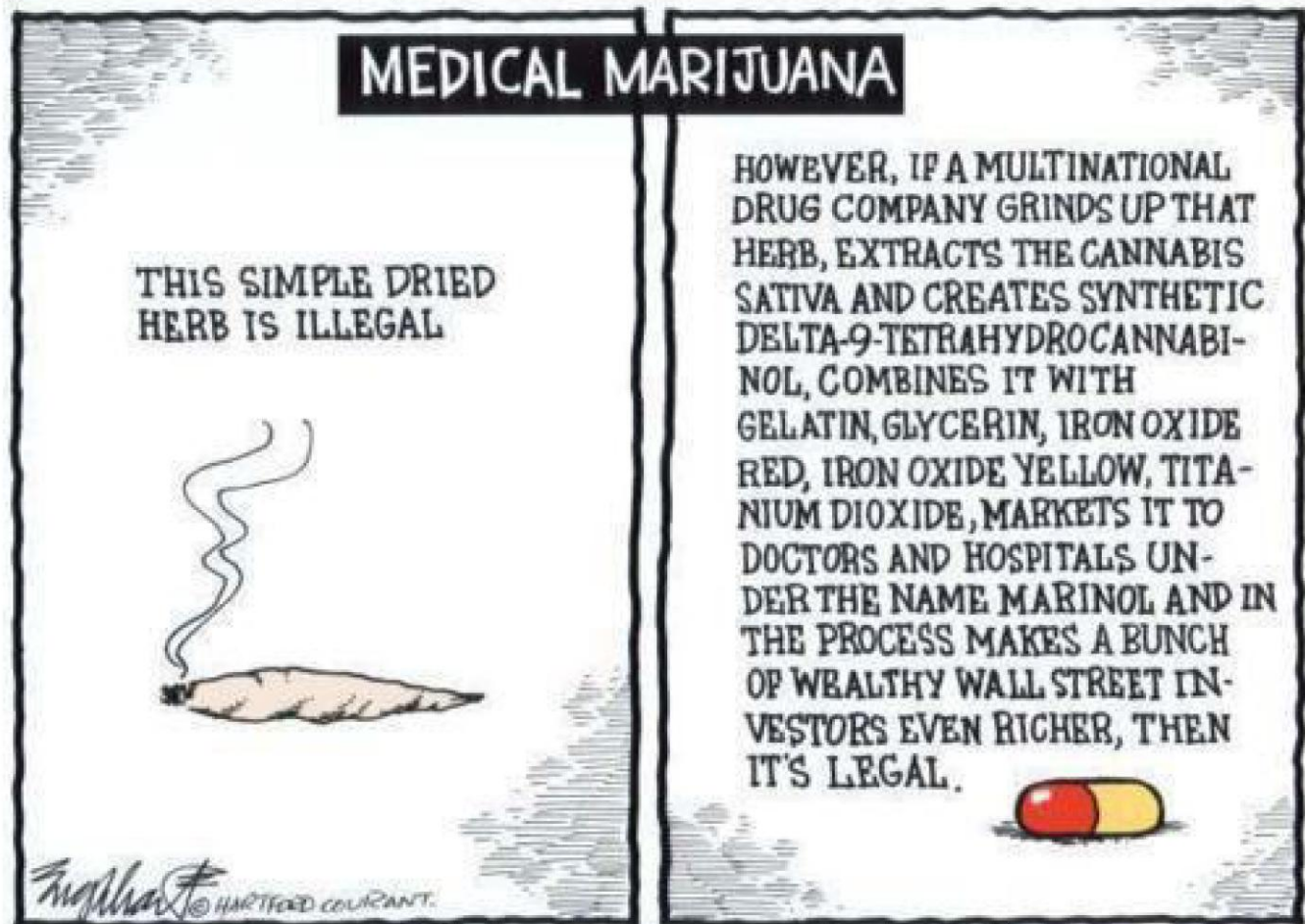
<http://www.celebritynetworth.com/articles/entertainment-articles/20-richest-drug-dealers-time/>

Our drug laws are underestimating the financial REALITY of the situation based on ideals created in the 1920's about an unattainable 'drug-free' society, which has NEVER EXISTED ON EARTH. And I beg you not to follow the 'public message' created in the 1920-50s against marijuana. Sure, have 'say no to drugs' campaigns at our schools.... But the criminalization of huge segments of our population, building bigger jails, proliferation of guns in the illegal drug market, teenage gangs, and multi-billion dollar black markets are all a result of our utterly failed laws, and this should end.

What about the federal government?



The federal government laughs when asked about the conflict between state and federal marijuana laws and it has 'bigger fish to fry'. However, it still fails to recognize any medicinal benefit of marijuana. The federal government hypocrisy can be summed up as follows:



Clearly, only the threat of a Constitutional Amendment will move them. And, with almost 23 states either decriminalizing or allowing medical marijuana, a 33 state effort may be in the near future.

SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Arlene Fountain	Individual	Oppose	No

Comments:

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SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Brian	Individual	Support	No

Comments:

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SB472

Submitted on: 3/13/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Christine Olanda	Individual	Oppose	No

Comments: I oppose the drug Marijuana although I do support it for medical purposes only.

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SB472

Submitted on: 3/13/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Debora Lopes	Individual	Oppose	No

Comments: I strongly oppose legalizing the possession of any amount of marijuana. It sends a message to our youth that is 'ok' to possess it and use it as a recreational drug.

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To: Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair
From: Erick Ehrhorn
RE: SB 472, HD 1 - Relating to Marijuana
Hearing: Thursday, March 14, 2013, 2:00 pm, Room 325
Position: Strong Support

I support this measure as a step towards the full legalization of Marijuana, a plant that was given to us by God on the third day of creation. This plant is far different from many drugs that are given to us by Man after much processing using dangerous chemicals.

I am tired of seeing my tax dollars be wasted on a drug war which has been anything but successful. While the prison industrial complex will say this is not true, it is obvious that the drug war has resulted in more and stronger drugs. When I was a kid, drugs basically consisted of marijuana, LSD, & magic mushrooms. Then under Nixon the war on drugs was started and Hawaii saw its number one crop under attack. (marijuana) Operation green harvest, a total waste of tax payer dollars succeeded in making marijuana less available and expensive. Marijuana usage may have dropped but it was soon replaced by stronger and more dangerous drugs. Cocaine soon became common place. Today there is a slight problem with Chrystal Meth. Thank you politicians. This problem would not exist today if not for this war on drugs.

Why hasn't this country learn anything from its past? We went through a period called prohibition. Alcohol was outlawed for a short period of time. Well guess what? Alcohol consumption while it may have dropped initially, soon recovered and by the end of prohibition there were more drinkers than prior to prohibition. There was a slight problem with criminal activity during prohibition which largely disappeared when alcohol was legalized again.

Today the United states leads the world in the number of its own citizens behind bars. We have 716 prisoners per 100,000 population. Compare this to Cuba which has only 510, or Russia which has 502 what does this say about freedom in this country. A teacher said while I was growing up that the Soviet Union is moving towards more freedom the United States is moving towards less freedom. At that time Russia was suppose to have the most prisoners behind bars. Times have changed and unfortunately for us, not for the better.

Please pass this law but reduce the fine to one cent. Government will be saving tons of money by not having to prosecute people and keeping them locked up.

Thank you for consideration of this bill and please reject anything the prison industrial complex says in opposition. Shame people have forgotten what President Eisenhower said about the military industrial complex. Today we have a problem with the prison industrial complex which just feeds off tax payor dollars and only makes matters worse.

Best Regards,

Erick Peter Ehrhorn
ehrhornp1@gmail.com
254 Kaha St.
Kailua, HI 96734

SB472

Submitted on: 3/13/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Frances Rivero	Individual	Oppose	No

Comments: I oppose Bill HB 472

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TESTIMONY ON SENATE BILL 472 SB1
RELATING TO MARIJUANA

Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Sharon E. Har, Vice Chair

Chair Rhoads, Vice Chair Har, and Members of the Committee:

I oppose Senate Bill 472 SB1 that makes possession of less than one ounce of marijuana to a civil fine for the following reasons.

Basically, the use of marijuana is to get high. For a lesser group marijuana is medicinal relief from pain and suffering. This bill opens a door to more harmful drugs that only creates more social problems for committees such as yours to resolve in the future. I do not want our families and future generations to suffer from marijuana or other social drugs because your committee made a grave error.

Mahalo,

Jerry Trinidad

SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kalfreda Wataoka	Individual	Oppose	No

Comments: I oppose Senate Bill 472 that proposes to make possession of less than one ounce of marijuana a civil fine and deletes the criminal offense of possessing any amount of marijuana. As a grandparent of four, are you law makers now saying it is okay for our children, grandchildren and great grandchildren that there is no harm in using and possessing marijuana? Are you saying by allowing people to possess marijuana, it will make it less of a problem to our society? According to SAMSHA, in 2010, treatment admissions with marijuana as the primary drug in Hawaii was 72.70%. A marijuana joint only takes between 1/2 to one gram. There are 28 grams to an ounce. You will be allowing an individual to have or sell 189 to 378 joints per week which will be even higher for those who are trafficking the joints. These will eventually end in, on, or around our neighborhoods, schools, school vehicles, public parks, public housing projects. What kind of environment, you the lawmakers, are encouraging? You should be the guardians of the community and think of ways to rid the community of illegal substances. Thank you for the opportunity to testify on this matter. It is a sad that you the lawmakers are encouraging the use of marijuana while you think that it is not okay for our young people to just smoke. Why are you not protecting our future generation? Please do not pass this law. Thank you.

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Kyle Sleppy

March 14, 2013

JUD/Committee On Judiciary @ 1400 hours

SB472, SD. 1

In SB472 Hawaii Revised Statutes is amended by adding the section stating that intentional or knowing possession of one ounce or less of marijuana shall constitute a civil violation subject to a fine of \$1,000.

I would like to oppose the current amendment by stating that if a person were to be found in knowing or intentional possession of even one gram of marijuana, they would subject to a \$1,000 fine for such. I propose that in Section 329- Possession of marijuana. Part (a) shall be amended to state- (a) Intentional or knowing possession of one ounce of, but more than five grams of marijuana shall constitute a civil violation subject to a fine of \$500, and intentional or knowing possession of five grams or less of marijuana shall constitute a civil violation subject to a fine of \$100.

The reason for the proposed amendment I made above is that it leaves room for the difference between a "misdemeanor possession fine" for intentional or knowing possession of five grams or less of marijuana and a higher possession fine of \$500 for intentional or knowing possession more than five grams of marijuana but less than one ounce. With my proposed amendments, the message is still put across by Law Enforcement via the fines given, but no unreasonable or stiff fines are in place.

Sincerely,

Kyle Sleppy

SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Larry Caldwell	Individual	Support	No

Comments: Being a disabled veteran passage of this bill would definitely help my pain situation Mahalo

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SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lori Lei Nishida	Individual	Oppose	No

Comments:

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SB472

Submitted on: 3/13/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Marian Shimabukuro	Individual	Oppose	No

Comments:

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Re: Strong SUPPORT SB472, HD-1 - Relating to Marijuana

Aloha Chair Rhoads, Vice Chair Har, and all Committee members!

While I am not a marijuana user, I have never understood the hypocrisy of making marijuana users criminal while alcohol users are legal. Decriminalizing possession of marijuana would save Hawaii many millions dollars. Far more harm results from the criminalization of marijuana than from marijuana use itself. Harsh marijuana laws do not deter use. Nor is it a 'gateway drug, as the National Academy of Sciences has reported.

I urge you to completely support this bill. Hawaii will be better for it.

Mahalo,
Marjorie Erway
PO Box 2807
Kailua Kona, HI 96745
324-4624

SB472

Submitted on: 3/13/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Marsha Nakasone	Individual	Oppose	No

Comments: It sends the wrong message to our children.

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SB 472 known as SB 472, HD 1, a measure that would decriminalize marijuana in Hawai'i.

ALOHA

I AM A 65 YEAR OLD 5TH GENERATION LIVING HERE IN HAWAII AND FOURTH BORN HERE. UNFORTUNATELY, I HAVE HAD PROBLEMS WITH MY BACK AND LEGS SINCE I WAS ABOUT 8 YEARS OLD. I HAVE 14 SURGERIES ON LEGS AND GET TWITCHY EVERY TIME I DRIVE BY QUEENS HOSPITAL.

WHILE I WOULD LOVE TO BE ABLE TO TAKE CHEAP AND INCREDIBLY AVAILABLE DRUGS, I HAVE BEEN ALLERGIC SINCE THE DAYS OF FALL OUT SHELTERS AND ID BRACELETS, PROCLAIMING MY ALLERGY TO MORPHINE (AND UNFORTUNATELY) ALL ITS DERIVATIVES...DRUGS SEEMINGLY ARE ACCEPTED, EVEN THO THEY HAVE BEEN KILLING FOR YEARS, FROM BRUCE LEE TO WHITNEY ETC AD NAUSEUM WHERE AS PAKALOLO MAKES YOU CALM AND RAID THE FRIDGE AND HAS NEVER KILLED ANYONE AS IT CANNOT BE OD'D ON.

MARIJUANA HAS BEEN USED FOR CENTURIES, BUT WITH LOBBYISTS IN AMERICA KEEPING THE PROHIBITION ON WEED ACCOMPLISH BIG LEGAL BUDGET AND FIEFDOMS, AND KEEP THE PROFITS HIGHER FOR THE DRUG COMPANIES.

PLEASE DECRIMINALIZE MARIJUANA, HELP THOSE WHO NEED IT, STOP FILLING JAILS AND JUDICIAL SYSTEM WITH NEEDLESS TRAFFIC.

HERE ARE A COUPLE PIX OF MY ANKLE, THAT FAMOUS DOC KIMO HARPSTITE (IN HONOLULU) SAYS WORST HE HAS EVER SEEN. ASIDE FROM THT POSSIBILITY IT DOES HURT EVERY STEP I TAKE, ALONG WITH THE OTHER ANKLE AND BOTH KNEES. THE BEST PAIN RELIEF IS ICE PACKS, AND I HAVE 7 IN THE FREEZER, FOR ODD AND EVEN DAYS AS IT REALLY TAKES 2 FULL DAYS TO FREZE THOROUGHLY TO REALLY HELP THE BOD.

THANK YOU FOR TAKING THE TIME TO READ THIS
ALOHA AND MALAMA PONO

H.A. "REN" WALKER III





To: Representative Karl Rhoads, Chair of the House Judiciary Committee
Representative Sharon Har, Vice Chair of the House Judiciary Committee
From: Robert Slavin
RE: SB 472, HD 1 - Relating to Marijuana
Hearing: Thursday, March 14, 2013, 2:00 pm, Room 325
Position: Strong Support

It is clear that more harm results from the criminalization of marijuana than from marijuana use itself.
Please help Hawaii dial back the criminal penalties for marijuana possession that are resulting in court backlogs and overcrowding of prisons.
There are already 14 states that have moved to decriminalize marijuana. This is sadly overdue; please support SB 472, HD 1.

Thank you,

Robert Slavin
1129 Rycroft St #208
Honolulu, HI 96814

SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald Katto	Individual	Oppose	No

Comments: Please do not treat marijuana use as a trivial action. Passage of this bill would send the wrong message to our children and make it difficult, if not impossible, to enforce.

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SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
sandi shimabukuro	Individual	Oppose	No

Comments: I oppose this bill because it will lead to increased drug dealing, addiction and crime. What kind of message are we sending to the next generation. Please consider the consequences before making a rash decision that could cause harm to our future generations and individuals. I would hate for many to suffer. Do you know the harmful consequences of marijuana please do your research first. Mahalo

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SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
sean haggerty	Individual	Oppose	No

Comments:

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SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Share Christie	Individual	Support	No

Comments: Aloha Committee Members, and thank you for taking testimony on this bill. I strongly support SB 472 HD 1. Decriminalizing Cannabis with this bill is a step in a positive direction. Vital law enforcement resources will now be freed to address the kind of crime that threatens the quality of life of Hawai'i citizens. Our tax money can now be spent on needed services. People who use cannabis come from all walks of life, and are usually good citizens who contribute to society, hold good jobs, pay their taxes and obey the law in all other areas. It is good, proper, and important that they not be branded as criminals for the use of a plant that has been used as medicine and sacrament for thousands of years.

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I support SB472 HD 1 to decriminalize marijuana possession for those 18 yrs old and older

Sherrian Witt

--

sara

SB472

Submitted on: 3/11/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Support	Yes

Comments: Aloha, Chair, Vice Chair and Committee Members! Polling indicates that most people think like I do and 57% of registered voters in Hawai'i support legalizing, taxing, and regulating cannabis for personal use. Criminal prosecution/jail for minor possession have contributed to prison overcrowding, a higher rate of incarceration for Hawaiians and generally has been a bad idea. Just yesterday some old man had his head beat in while in an overcrowded cell. It is time we take a reasonable approach to adults recreational use and stop ruining people's lives for such a minor offense. Please support this bill!

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Please pass this patients need to be able to use it. Nothing else helps my pain like medical marijuana. Please provide access to patients. We need this! Thank you, please pass this in the house! Terry Murphy

Marijuana is an herb proven to be helpful for cancer, pain, and other illnesses. Criminalizing people for using an herb to cure themselves is criminal.

Please support decriminalization, SB 472, HD 1.

Mahalo

**Tom Wallace
7203 Makaa St
Honolulu HI 96825**

SB472

Submitted on: 3/12/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Trenton Sousa	Individual	Support	No

Comments:

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To: Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair
From: Vincent Callagher
RE: SB 472, HD 1 – Relating to Marijuana
Hearing: Thursday, March 14, 2013, 2:00 pm, Room 325
Position: Strong Support

Testimony:

Passing this bill will Save the state a fortune and keep the police focused on the real criminals in Hawaii.

I am a responsible, tax paying citizen, and have been put in compromising situations because I use cannabis medicinally.

This bill will take a large burden off the police force so they can direct their energies on more important issues.

Thank you for allowing me to express my opinion.

Sincerely,
Vincent Callagher

Address:
Pobox 1701
Keaau, Hawaii
96749
Phone:
808-557-1270

--

Aloha, Vincent

SB727

Submitted on: 3/12/2013

Testimony for JUD on Mar 15, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Smith	Individual	Oppose	No

Comments:

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SB727

Submitted on: 3/13/2013

Testimony for JUD on Mar 15, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Carl York	Individual	Oppose	No

Comments:

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SB472

Submitted on: 3/13/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
David R Stevenson	Individual	Support	No

Comments: I strongly support the decriminalization of marijuana possession in Hawaii. The prohibition of marijuana has been a complete disaster for our nation. The money and lives that have been wasted trying to enforce these misguided laws is a tragedy. Decriminalization is a step in the right direction and will allow our police funds to be redirected towards fighting violent crime. Please support SB 472! Mahalo and Aloha! David R. Stevenson Hilo, Kingdom of the Hawaiian Islands, HI 96720

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SB472

Submitted on: 3/13/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kenneth Kobatake	Delta Construction Corporation	Oppose	No

Comments: Honorable Chair, Vice-Chair and Committee Members: As a construction business owner, I oppose possession of marijuana in any amount. Heavy construction machinery is dangerous. The jobsite becomes exponentially more dangerous when an operator's senses are impaired with the effects of marijuana. Thank you for the opportunity to testify on this matter. Sincerely, Kenneth Kobatake, President Delta Construction Corporation

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SB472

Submitted on: 3/13/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Junet Higashihara	Individual	Oppose	No

Comments: I oppose this Bill because it sends a wrong message to our youth.

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Hearing: Thursday, March 14, 2013, 2:00 pm, Room 325

RE: SB 472, HD 1 – Relating to Marijuana

Position: Strong Support

Aloha:

Representative Karl Rhoads, Chair, Representative Sharon Har, Vice Chair, and committee members.

My name is Robert Petricci

Marijuana policy in Hawaii for all it's good intentions has failed to meet it's stated goals. Even after decades of get tough policies that took massive economic and law enforcement resources, we see more marijuana use now not less. The results of current policy need to be recognized if we are to seriously speak to the issue. We are not plowing new ground here, prohibition like that of alcohol before it has aggravated the problems of crime and abuse instead of solving them.

It is time for this body to recognize this is a failed policy and address it, not allow emotion to continue to dictate policy or make excuses for the results it produces. This is long a overdue step in a new direction in how we address a policy that has never worked. SB472 HD1 would make better use of limited financial and LEO resources that many times are by and large wasted behind current marijuana laws.

The results after decades of criminalizing what is a in essence for all intents and purposes a health issue are fairly definitive. Current policy has created more crime not less. Harm to family units in Hawaii is worse under current policy than a health based policy would produce as evidenced in by the results produced in other places that have switched to health based policies.

Judging by what we see today, the countless millions of dollars spent criminalizing marijuana, could be more effectively utilized behind a policy based on treating it as the health issue it clearly is. We have created a domino effect through out the economy by manufacturing criminals. There can be severe ripple effects of arrest and or conviction, both social and economic on families, it does not just impact the arrested individuals.

Many times this can lead generally productive law abiding members of our state to become less productive or even economic liabilities because of impacts to their family situation, employment, or educational prospects.

Decriminalization would allow police to focus on serious and violent crimes with identifiable victims that need those resources.

Marijuana policy in Hawaii needs to be revisited, HB472 HD1 starts that process. Not only has current policy failed the problems around the issue have grown progressively worse.

Arrests for possession as one example have increased in Hawaii, not decreased.

Our time and resources would be more effectively utilized to protect people in Hawaii by focusing on violent crime.

Minors under the current unregulated policy are 70% more likely to be arrested than adults. This can ruin or severely curtail educational and employment opportunities, for what many times is youthful indiscretions that many millions of Americans have had. President Obama being an example that comes to mind. If Barack Obama had been arrested and convicted of a drug crime for his admitted indiscretions while he was in school at Punahou, would he be president today? Would his educational opportunities have been restricted?

Further Indigenous Hawaiians are 70% more likely to be arrested than non Hawaiians, I see that as indicative of a policy that just does not work.

As hard as this is for some people, or agencies, that are married to current policy to accept, far more harm has resulted from the criminalization of marijuana than from marijuana use itself:

Convicted marijuana offenders:

Are denied federal student aid;

Lose their professional licenses;

Encounter barriers to employment, housing, and adoption.

These penalties disproportionately affect young, low income, and minority individuals.

A conviction can lead to an economic handicap that will follow some people the rest of their lives. It is needless IMO and counter productive economically for all of us who must support them in one way or another.

Current policy can take what many times are productive or potentially productive economic assets (tax payers) and turns them into economic liabilities (prisoners, un or under employable) leading them to jail, and dependance on social programs to support themselves.

14 states have already decriminalized marijuana: Alaska, California, Connecticut, Maine, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New York, North Carolina, Ohio, Oregon, and Rhode Island, plus in cities and counties in nine other states. Cultivation and distribution remain criminal offenses.

In November 2012, Colorado and Washington went a step further and passed voter initiatives to tax and regulate marijuana for

recreational use.

Nothing in the Constitution or in federal law prohibits states from having penalties that differ from federal law.

Thank you for your consideration on the very important legislation.

Robert Petricci

SB472

Submitted on: 3/13/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Michele Nihipali	Individual	Support	No

Comments: I strongly support SB 472 H.D. 1. Marijuana should be legalized, but if this is not possible, possession and use of small amounts should not have extreme criminal actions attached. \$100 is better than the original \$1000 and what is currently enforced by the law.

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SB472

Submitted on: 3/13/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
norene furutani	Individual	Oppose	No

Comments: I oppose this measure because I believe it sends the wrong message to youth and that it promotes further drug addiction.

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SB472

Submitted on: 3/13/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Don Tsuha	Individual	Oppose	No

Comments: I am strongly opposed to this bill that legalizes the possession of marijuana. The decriminalization of marijuana possession of any amount will lead to increased drug abuse, crime, and addiction. Passage of this bill will initiate the demise of the safety and welfare of Hawaii for not only our generation, but for that of my children's and grandchildren's generations to come. Please consider the negative impact this bill and do not allow its passage. Thank you very much for your consideration.

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SB472

Submitted on: 3/13/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Leinaala Enos	Individual	Oppose	No

Comments: I oppose this bill and need to urge our legislators from Kau, Hawaii not to support this bill as they well know the drug problems we have in Kau that stem from the use of marijuana! I also hope that all our elected officials realize what an impact this will have on our young students in all our schools. PLEASE DO NOT PASS THIS BILL

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To: Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair

From: Wendy Gibson R.N./ B.S.N.
RE: SB 472, HD 1 – Relating to Marijuana

Hearing: Thursday, March 14, 2013, 2:00 pm, Room 325
Position: **Strong Support**

Honorable Chair Rhoads and Vice-Chair Har,

I grew up in the 1960's and have worked in health care for almost 35 years. I feel that the penalties for marijuana use are harsher than any harm that the drug has ever caused. To my knowledge, no one has ever died from overdosing on marijuana and it does not appear to be related to violent behavior. It is not a "gateway drug" to harsher drugs, and is about as addictive as coffee.

The casualties of this "Failed War on Drugs" are mainly Native Hawaiians juveniles and low income individuals. The harm done by this drug is from the penalties imposed upon people. Many lives are disrupted and damaged beyond repair for getting caught. Students can lose their loans and employment opportunities. Professionals can lose their licenses and subsequently their livelihood.

I believe it is time to rethink how we handle people who violate marijuana laws. This bill will provide a needed alternative to the War on Drugs

I believe in harm reduction, described as "The idea that society benefits most when drug policy is designed to help people with drug problems to live better lives rather than to punish them."

As a Unitarian Universalist, I embrace this Statement of Conscience:

" To conceive and develop a more just and compassionate drug policy, it **is necessary to transform how we view drugs and particularly drug addiction.** Drug use, drug abuse, and drug addiction are **distinct from one another.** Using a drug does not necessarily mean abusing the drug, much less becoming addicted to it. Drug abuse issues are essentially matters for **medical attention.**

We do not believe that drug use should be considered criminal behavior. Advocates for harsh drug policies with severe penalties for drug use often cite violent crime as a direct result of drug use.

Drugs alone do not cause crime. Legal prohibition of drugs leads to inflated street value, which in turn incites violent turf wars among distributors. The whole pattern is reminiscent of the proliferation of organized crime at the time of alcohol prohibition in the early twentieth century. That policy also failed."

It is time to update our thinking about this plant which has been considered to be a medicinal herb for thousands of years--in many civilizations. Cannabis products were available in pharmacies in the United States for about 100 years.

I'm pleased to see that the majority of registered voters (75%) favor decriminalization.

Please consider decriminalization of marijuana so that our law enforcement agents can focus on more serious crimes.

It is estimated that decriminalizing marijuana and setting up a system of fines could save the state and county governments in Hawai'i about 9 million dollars annually. Lets do that!

I would prefer that my tax dollars go towards a harm reduction process which makes the punishment for the crime less destructive.

Thank you,

Wendy Gibson R.N.

SB472

Submitted on: 3/13/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Edmund Lee	Individual	Oppose	No

Comments: This takes us into the direction of becoming a decadent society.

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SB472

Submitted on: 3/13/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Lee	Individual	Oppose	No

Comments:

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SB472

Submitted on: 3/13/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Kanakaole	Individual	Support	No

Comments: I fully support this new draft. There is a need for review and comprehensive overhaul of our state's drug policies, particularly related to cannabis prohibition. This legislation is a step in the right direction. I agree with the change back to a \$100 fine from \$1000 because a \$1000 fine, although not accompanied by a criminal conviction, would be too severe a punishment. Especially considering the fact that most arrested for marijuana possession are in the lower strata of the socioeconomic ladder. A \$100 fine would substantially affect a violator without causing that person to forgo an exorbitant amount of money. The punishment should fit the crime. No one should be forced to choose between rent/utilities/food and paying a \$1000 fine for possession of personal use amounts of cannabis. While I do support decriminalization for possession of cannabis for personal use, I support increased penalties for individuals selling/distributing cannabis to minors. I am glad to see that this issue is addressed in the draft legislation being proposed before this Committee. Prohibitionists (i.e. law enforcement agencies) tend to argue that (1) cannabis is a gateway drug and(2) cannabis is much more dangerous now than before because of higher concentrations of psychoactive material. These arguments are misleading. First, the gateway argument is unsubstantiated; it confuses correlation with causation. While there is a correlation between marijuana users being more likely to use hard substances such as cocaine, there is no showing that cannabis use causes an individual to move on to other drugs. The gateway argument could be just as easily applied to alcohol use or tobacco use being gateways to hard drugs. See "Cannabis: A History" by Martin Booth. The gateway argument is akin to saying that because individuals who are in biker gangs probably rode bicycles in their youth, riding a bicycle is a gateway into joining a biker gang. Second, while it is true that THC content in cannabis has risen since the 1970s, the increase in THC does not equate to higher levels of danger. Advances in horticulture and the shift towards indoor growing has allowed cannabis growers to coax out more psychoactive material from the plant. In spite of higher concentrations of THC, there has been no recorded deaths solely attributed to cannabis use. In fact, the lethal dose ratio of cannabis is between 1:20,000 and 1:40,000, meaning one would have to intake between 20,000 to 40,000 active doses of cannabis in order for it to be lethal. By comparison, the lethal dose ratio of aspirin is 1:20; caffiene is 1:100. Further, higher THC content does not mean higher levels of intoxication among users. In general, cannabis users "self-titrate" meaning they will consume cannabis up until they reach their preferred level of intoxication. If anything, higher levels of THC would equate to less cannabis material being consumed. See "Marijuana Legalization: What Everyone Needs to Know" by John Caulkins PhD, et al. Thank you for allowing me to testify. Again, I fully support this measure as the current policies have proven to be a failure.

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To: Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair

From: Wendy Gibson R.N./ B.S.N.
RE: SB 472, HD 1 – Relating to Marijuana

Hearing: Thursday, March 14, 2013, 2:00 pm, Room 325
Position: **Strong Support**

Honorable Chair Rhoads and Vice-Chair Har,

I grew up in the 1960's and have worked in health care for almost 35 years. I feel that the penalties for marijuana use are harsher than any harm that the drug has ever caused. To my knowledge, no one has ever died from overdosing on marijuana and it does not appear to be related to violent behavior. It is not a "gateway drug" to harsher drugs, and is about as addictive as coffee.

The casualties of this "Failed War on Drugs" are mainly Native Hawaiians juveniles and low income individuals. The harm done by this drug is from the penalties imposed upon people. Many lives are disrupted and damaged beyond repair for getting caught. Students can lose their loans and employment opportunities. Professionals can lose their licenses and subsequently their livelihood.

I believe it is time to rethink how we handle people who violate marijuana laws. This bill will provide a needed alternative to the War on Drugs

I believe in harm reduction, described as "The idea that society benefits most when drug policy is designed to help people with drug problems to live better lives rather than to punish them."

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We do not believe that drug use should be considered criminal behavior. Advocates for harsh drug policies with severe penalties for drug use often cite violent crime as a direct result of drug use.

Drugs alone do not cause crime. Legal prohibition of drugs leads to inflated street value, which in turn incites violent turf wars among distributors. The whole pattern is reminiscent of the proliferation of organized crime at the time of alcohol prohibition in the early twentieth century. That policy also failed."

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I'm pleased to see that the majority of registered voters (75%) favor decriminalization.

Please consider decriminalization of marijuana so that our law enforcement agents can focus on more serious crimes.

It is estimated that decriminalizing marijuana and setting up a system of fines could save the state and county governments in Hawai'i about 9 million dollars annually. Lets do that!

I would prefer that my tax dollars go towards a harm reduction process which makes the punishment for the crime less destructive.

Thank you,

Wendy Gibson R.N.

SB472

Submitted on: 3/13/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Calvin Lee	Individual	Oppose	No

Comments: I oppose this bill because it sends the wrong message to our youth. I oppose this bill because it will lead to increased drug dealing, addiction and crime.

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To: Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair
From: Gayland Baker
RE: SB 472, HD 1 – Relating to Marijuana
Hearing: Thursday, March 14, 2013, 2:00 pm, Room 325
Position: Strong Support

Public support requires this positive initiative go forward... Reallocation of resources would become a huge benefit to all Hawaii's people. A redirecting of resources will open opportunities and benefit our state in a number of new areas. Please support this legislation. Thank you for your consideration. Respectfully, Gayland Baker
Kamuela, Hawaii

Richard S. Miller
Professor of Law, Emeritus
Kailua, Hawai'i 96734

Tel.: (808) 254-1796
Email: rmiller@aya.yale.edu

TO: House Committee on Judiciary

DATE, TIME AND PLACE: March 14, 2013, 2:00 p.m., room 325

SUBJECT: S.B. 472, S.D.1, proposed H.D.1 RELATING TO
MARIJUANA -- **IN STRONG SUPPORT**

Chair Rhoads, Vice Chair Har and Representatives Belatti, Brower, Cabanilla, Carroll, Ito, Kawakami, Lee, Tsuji, Wooley, McDermott and Thielen: Aloha. My name is Richard Miller and I am here to testify in very strong support of this measure. I am a retired law professor who came to Hawaii in 1973 to help start the University of Hawai'i School of Law. I sit on the board of both the Drug Policy Forum of Hawai'i and Kokua Council and, while I am speaking in my own behalf, I can assure you that both organizations support this measure. I can also assure you that I do not use marijuana, in any form.

There are many good and very good reasons for supporting this bill, which substitutes a civil penalty for a criminal penalty for possession of up to 20 grams of marijuana. There are no truly rational reasons for not doing so. However, it would make very good sense and I urge you to change the amount to "one ounce or less" as set forth in the original S.B.472, because most of us are unfamiliar with the gram, which is 0.0363 of an ounce (an ounce is 28.350 grams), while we are likely to have some idea of what weight constitutes an ounce and to know, for example, that a pound has 16 ounces and that a cup has 8 ounces. If we are to hold individuals liable for a fine for possessing marijuana it is only fair to set a maximum permissible amount with which the target group has or can easily acquire some familiarity.

I understand that members of the police have been regularly opposing bills to do away with or reduce the penalty for possession of marijuana. May I suggest that the more typical approach of very knowledgeable and experienced police and law enforcement individuals, including many judges, is reflected in the policies and programs of a national organization known as LEAP – Law Enforcement Against Prohibition. It is composed of many thousands of retired law enforcement officers and judges who have been sickened and appalled by the negative consequences of the war against marijuana, including their own conduct while waging that war. They would decriminalize drug use of marijuana. Their Director, Neil Franklin, who has visited Hawai'i and addressed members of the Drug Policy Forum of Hawai'i, has prepared an excellent statement—too long for testimony – which I will e-mail to each of you.

You may rightly ask, if many of the most experienced and knowledgeable retired police officers and judges are opposed to decriminalizing marijuana, why would our police officers testify in favor of retaining criminal penalties for possessing it or using it? The short answer is the State's forfeiture program, HRS § 712 et seq., which requires the Attorney General (at the state level

with similar laws at the federal level) to seize property used by those who violate the drug laws and to give it or the proceeds of its sale to various governmental agencies, especially to the police, to fund their programs. In fiscal year 2011-2012, for example, “\$82,391.62 in forfeited currency and auction proceeds were distributed to the Honolulu, Kauai, Maui, and Hawaii County Police Departments and Prosecuting Attorneys’ offices. Forfeited property other than currency, including vehicles with an estimated value of \$57,495.00, was transferred to the Kauai, Maui, and Hawaii County Police Departments.” In addition, \$436,394.56 was deposited by the Attorney General into the Criminal Forfeiture Fund and expended for a variety of law enforcement and asset forfeiture purposes. The details of the product of our asset forfeiture act may be seen in State of Hawaii, Department of the Attorney General REPORT ON THE USE OF THE HAWAII OMNIBUS CRIMINAL FORFEITURE ACT, Fiscal Year 2011-2012 (available on the Web.) At the least, this suggests that police officers whose organizations or supportive agencies may benefit from the forfeiture program have a conflict of interest when they testify against decriminalization.

For the remainder of my testimony I am going to rely entirely on and add my support to the testimony which has been submitted separately by Pam Lichty. Pam regrets that she can’t be here today because she is out of town. Here are her principal recommendations:

“We would like to respectfully suggest that the Committee consider incorporating some of the language of H.B. 455 which explains in detail the adjudicatory process that will be used following a citation, which is similar to that for traffic violations. We note that it is similar to language added in response to law enforcement concerns to S.B.1460, S.D.2 which passed the Senate in 2011.

“We would be pleased to see language added clarifying that the medical marijuana law will not be affected since these are two separate, though related, issues. Even if this bill were enacted, registered medical marijuana patients would still have different rights and responsibilities (for example being able to possess more than one ounce of marijuana and to grow marijuana plants, and the obligation to register with the state.)

“To briefly summarizing the rationale for enacting this bill:

- Decriminalizing marijuana frees the police and judiciary to deal with more important issues such as violent crimes or more harmful drugs such as ice.
- The current status of possession of small amounts of marijuana – a petty misdemeanor – does not deter use. Studies show that the legal status of marijuana possession has no correlation with the rates of use.
- **Changes to the law in the 14 other states (plus cities and counties) that have decriminalized have not affected use among either youths or adults. None of these jurisdictions has re-criminalized marijuana possession.**

- Enacting this bill would save the state millions of dollars annually. According to the Nixon report [copied to Pam Lichty's testimony], state and county law enforcement agencies spend \$9.3 million per year to enforce marijuana possession laws.
- National and Hawai'i polling indicates that the majority of U.S. residents agree that people should not be subject to criminal penalties for simple marijuana possession.
- There is no evidence that using marijuana has a gateway effect to other more harmful drugs (Institute of Medicine report, 1999).
- Criminal penalties for possession of small amounts of marijuana saddle those arrested with a damaging criminal record that can make it impossible for an otherwise law-abiding citizen to obtain a job, housing, or federal student loans.

“As President Jimmy Carter declared in a message to Congress on August 2, 1977: ‘Penalties against drug use should not be more damaging to an individual than the use of the drug itself. Nowhere is this more clear than in the laws against the possession of marijuana in private for personal use.’

“In sum, we believe that evidence from other jurisdictions and the new data and analysis of Hawaii’s situation argue strongly for adoption of this measure.

“We urge the Committee to pass this bill on to the Finance Committee with a strong recommendation. Mahalo for hearing this measure and for the opportunity to testify.”

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "P. Lichty".

SB472

Submitted on: 3/13/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
nina ota	Individual	Oppose	No

Comments: I oppose this bill because it will lead to increased drug dealing, addiction and crime.

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Re: SB 472, HD1, Regarding marijuana

Position: Strong support.

Aloha esteemed members of the Judiciary Committee:

America's marijuana policies since 1937 have been based, not on science or logic, but on favoritism towards industries whose profits could be increased by eliminating competition from hemp. I refer you to Wikipedia's summary at http://en.wikipedia.org/wiki/Legal_history_of_cannabis_in_the_United_States.

Lies told in the 1930s by Hearst newspapers to criminalize cannabis are still being spread by the Partnership for a Drug Free America, founded and funded by the pharmaceutical, tobacco and alcohol industries and others whose profits are threatened by legal hemp - including profit-making prisons.

Police leave their beats to make intimidating shows of force at marijuana-related hearings because many of their beliefs are based on disinformation from the above-mentioned sources. Also, police profit uniquely from marijuana enforcement, because of federal grants and property forfeiture schemes that apply to no other category of "crime".

63% of the big Island's voters passed an ordinance making cannabis the "lowest law enforcement priority". citizens nationwide are emerging from the fog of disinformation that has undergirded draconian marijuana laws. A majority now also realize that prohibition gives the underworld a monopoly on marijuana distribution, and that our children will be safer when this monopoly is replaced by taxed and regulated distribution.

SB 472, HD1 is a step in the right direction. Prohibition has had 75 years to show what it can do. It has drained treasure and ruined lives while drugs have become more plentiful and more potent. More of the same policies can only bring more of the same results. It is time to stop pitting our police officers against the will a majority of our citizens in a War on Marijuana that does more harm than the marijuana does. Please vote "yes" on SB 472, HD1.

Thank you very much.

Sincerely,

David Pettus, PhD.
47-383 Velez Rd.
Honokaa, HI 96727
808-775-9932
dave@hoolea.com

To: Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair
From: Joseph A. Bobich, Ph. D.
RE: SB 472, HD 1 – Relating to Marijuana
Hearing: Thursday, March 14, 2013, 2:00 pm, Room 325
Position: Strong Support

To Whom It May Concern: When I arrived in Hawai'i in September, 2007, X-rays revealed that I was afflicted with osteoarthritis; a bone spur in my spine was pressing on a nerve in my neck, producing neck pain on my right side. Now I am taking prescribed Celebrex, Lyrica, and full-strength aspirin, but they only partially diminish the pain. Eventually, I applied for a medical marijuana permit and was granted one, but I had no idea how to obtain the marijuana. I am a law-abiding citizen, never having received a traffic ticket (or even a parking ticket) since I arrived in Hawai'i. But the current laws forced me to break one law in order to get the drug by obeying another law. When law-abiding citizens are forced by the State to break it's own laws, something is VERY wrong. The current situation MUST be changed. So I support SB 472, HD 1.

I also would like to address what is currently known about marijuana, writing as a Professor of Chemistry for 34 years (until I retired to take care of my wife, crippled by an acute cerebral hemorrhage in 2006). My specialty was brain chemistry during my entire 40-year professional career. Clearly, the Federal Government has incorrectly classified marijuana as a Schedule I drug. The overwhelming body of evidence demonstrates that, while marijuana may make some people psychologically dependent on it, MARIJUANA IS NOT ADDICTIVE. It has lower addictive potential than alcohol and is much less addictive than tobacco, both products widely available to adults in Hawai'i. The people who say 'it might be addictive, it is potentially addictive', those people are merely blowing smoke and are plain wrong. True, a large recent study has indicated that marijuana is harmful to the developing brain and should not be consumed by those under 18 years of age. But the same study also clearly showed that marijuana is not harmful to those over the age of 18. In terms of harm to society, marijuana appears to be less harmful than alcohol. For example, how many citizens have been killed in Hawai'i in the last decade due to the direct or indirect affects of alcohol intoxication? Quite a few, as we all know. But how many have been killed by marijuana intoxication? Any? The police would do well to think about that comparison; fewer police officers might be killed by drunken drivers if marijuana were legal. Now, we all would like to live in a drug-free society, but that seems unrealistic: what will we do about wine, beer and cigarettes, etc.? A few months ago, I was fortunate to share a bottle of 1982 Chateau Gruaud Larose that I will long remember with fondness. Obviously, we will not eliminate those drugs from society. In addition, there is a rapidly growing body of evidence that marijuana may have many medically beneficial effects. Hawai'i would do well to legalize marijuana so that these beneficial effects could be explored in more detail through scientific research. In that way, agriculture could benefit by growing a medically-useful,

high-dollar-per-acre crop, similar to our world-class coffee and chocolate. In my opinion as an intelligent realist, marijuana has the potential to be as successful a cash crop for Hawai'i as seed corn, and it can be grown in much poorer soils. Therefore, classifying, regulating, and controlling marijuana like alcohol would produce many benefits and upside economic potential to our society with few harmful effects. As a step in that direction, I support decriminalization.

Sincerely,

Joseph A. Bobich, Ph. D.
Professor of Chemistry, Emeritus

SB472

Submitted on: 3/13/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
MARK FURUTANI	Individual	Oppose	No

Comments:

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SB472

Submitted on: 3/13/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Rustin Smith	Hardknocks Incorporated	Support	Yes

Comments:

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SB472

Submitted on: 3/13/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments: Aloha! Most of Hawai'i agrees - We should legalize and TAX this if we're so broke we have to prostitute our public lands on the alter of privatization.

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LATE

SB472

Submitted on: 3/13/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Edwin Moriwaki	Individual	Oppose	No

Comments:

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LATE

To: Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair
From: Georgina McKinley
RE: SB 472, HD 1 - Relating to Marijuana
Hearing: Thursday, March 14, 2013, 2:00 pm, Room 325
Position: Strong Support

*** This submission amends the previous email I sent, as it includes a reference source for the amount of fiscal savings estimated for the state of Hawaii, if the decriminalization bill is passed. It also corrects a textual error.

Thank you, for this opportunity to provide testimony regarding the proposal to decriminalize the possession of marijuana. I have been following this debate closely, both on the local and national levels, while trying to keep an open mind and listen to the logic of both sides. Much of the testimony I've read in opposition to decriminalization appears to be from those in the field of law enforcement. That's understandable, as it is their duty to serve and protect and to enforce the law. They take an oath to do so. The police do not make or change laws. We, the people, through the legislators whom we elect, have that responsibility.

I noticed a recurring theme in the submitted testimony of those against decriminalization. Over and over I heard that they oppose this bill because it sends the wrong message to our youth. Yet alcohol is legal? What kind of message is THAT sending to our youths? Well, according to the National Institute on Drug Abuse, in 2012 "3.6 percent of 8th graders, 14.5 percent of 10th graders, and 28.1 percent of 12th graders reported getting drunk in the past month." Nearly a quarter (23.7 %) of high school seniors reported binge drinking (defined as 5 or more drinks in a row in the past 2 weeks).
(<http://www.drugabuse.gov/publications/drugfacts/high-school-youth-trends>)

Alcohol misuse is the leading risk factor for serious injury in the United States, and the third leading cause of preventable death. It accounts for more than 75,000 deaths annually. ([www.cdc.gov/ncipc/Spotlight/2003 Alcohol Conference Proceedings.htm](http://www.cdc.gov/ncipc/Spotlight/2003%20Alcohol%20Conference%20Proceedings.htm))

Traffic fatalities are the leading cause of injury death in Hawaii and the leading cause of death among teenagers. On average, one person dies on Hawaii's roads every three days. Sadly, Hawaii ranks second in the nation in the percentage of traffic fatalities that are alcohol-related. (<http://www.hawaii247.com/2011/12/08/state-report-on-traffic-crashes-injuries-2005-2010/>) Mothers Against Drunk Driving keeps a record of traffic deaths that are drunk driving related. In 2011, in the state of Hawaii, there were 44 drunk driving deaths. Unfortunately, that number was likely even higher in 2012. It's a well established fact that alcohol increases accident risk.

Although marijuana is said by most experts to be safer with motorists than alcohol and many prescription drugs, responsible marijuana users never operate motor vehicles in an impaired condition, I find it quite interesting that, "crash culpability studies have failed to demonstrate that drivers with cannabinoids in the blood are significantly more likely than drug-free drivers to be culpable in road crashes." According to the National Organization for the Reform of Marijuana

Laws, this result is likely because a person under the influence of marijuana is aware of their impairment and compensates for it accordingly, such as by slowing down and by focusing their attention when they know a response will be required. This reaction is the opposite of that exhibited by drivers under the influence of alcohol, who tend to drive in a more risky manner proportional to their intoxication.

(

<http://norml.org/library/item/marijuana-and-driving-a-review-of-the-scientific-evidence>)

The Journal of Law Enforcement, Volume 2, Number 3 (ISSN: 2161-0231 online) states that "... approximately 17 million, or 1 in 12, Americans abuses alcohol or are alcoholic." That same publication (as well as the Journal of Police and Criminal Psychology, the Journal of Criminal Justice, and several other well-respected, peer-reviewed journals) states that alcohol abuse among U.S. police officers is approximately double that of the general population! The National Institute on Alcohol Abuse and Alcoholism raises the figure, saying that about 18 million people in the United States currently have an alcohol use disorder, classified as either alcohol dependence (alcoholism) or alcohol abuse. Yet alcohol remains not only legal but its' use more socially acceptable in some circles than marijuana? Not for long. As people become better educated and more aware of the facts, I feel confident that this will change.

When I read that members of the County of Hawaii Police Department had concerns about physiological and psychological health issues that might stem from a reported increase in the average potency of THC, the "mind-altering substance" in marijuana, I couldn't help but wonder if they'd considered for a moment how much safer this flower, this plant, is compared to their drug of choice - alcohol - or how much safer it is compared to tobacco and so many other dangerous over-the-counter and prescription drugs. Regardless of potency, THC is virtually non-toxic to healthy cells or organs, and is incapable of causing a fatal overdose. Our Food and Drug Administration found THC to be safe and effective for the treatment of nausea, vomiting, and wasting diseases. It reduces intraocular pressure in people with glaucoma. There is also evidence that marijuana reduces muscle spasticity in people who have neurological disorders. When a user encounters a more potent variety, they adjust their use accordingly and smoke less. (www.drugpolicy.org/drug-facts/marijuana/sources#strength) Remember, marijuana has been legal in the state of Hawaii since June of 2000, specifically for medicinal use, and it has safely and successfully treated a myriad of conditions. That it is still being categorized as a schedule 1 controlled substance, meaning that it has little if any medicinal benefit, demonstrates a blatant hypocrisy which will be rectified, sooner rather than later.

When I read testimony from the Honolulu Police Department, which included highlights from the Office of National Drug Control Policy stating that, "marijuana use can lead to significant health, safety, social, and learning or behavioral problems ..." I was reminded of the 'Reefer Madness' type propaganda that once was common-place during the early history of marijuana prohibition in the U.S. Fortunately, a more rational, evidence-based approach does not yield the same conclusions. The dangers of marijuana use have been exaggerated for nearly a century. The modern scientific record simply does not support these claims. Responsible adults have demonstrated over the last several decades that marijuana

can be used moderately without harmful impacts to the individual or society. Far more harm results from criminalization than from marijuana use itself! The criminalization of marijuana simply doesn't work. Marijuana use is mainstream and widespread and it's time for our state lawmakers to acknowledge this reality.

The aforementioned ONDCP might be pre-disposed to promoting a somewhat biased viewpoint of the dangers of marijuana. They have a vested interest, which anyone interested can easily ascertain by visiting their webpage (<http://www.whitehouse.gov/ondcp/the-national-drug-control-budget-fy-2013-funding-highlights>) . While our government faces a looming financial crisis and many of us, on a personal level, are needing to be more conservative with our budgets, the National Drug Control Budget is actually seeking an increase of \$413.3 million over what they received last year. This year, in Fiscal Year 2013, they've requested an astonishing \$25.6 billion! Our state, like others who have already decriminalized and/or legalized marijuana, could save the money which is currently spent on enforcement costs, arrests, and prosecutions, if this measure is passed. Conservative estimates are that decriminalizing the possession of marijuana could save state and county governments in Hawai'i an estimated \$9 million annually! (Nixon, David. Update to: Budgetary Implications of Marijuana Decriminalization in Hawai'i. Public Policy Center: University of Hawai'i, Dec 2012. <www.dpfhi.org>) Punishing marijuana possession with a fine will allow the police to use those resources to focus on far more serious, violent crimes.

In testimony submitted by the Maui Police Department, they opposed this bill because they feel it sends the wrong message to the community. They feel that "it will increase the demand for marijuana and will have negative effects with increased negative social issues and problems associated with drug addictions". Actually, there is no evidence to support claims that decriminalization increases use. (Reinerman, Cohen, and Kaal. "The Limited Relevance of Drug Policy: Cannabis in Amsterdam and San Francisco." American Journal of Public Health 94.5 (May 2004)) Despite more than 70 years of federal prohibition, Americans' consumption of and demand for marijuana is here to stay. Even harsh laws do not deter use. (Connecticut. Connecticut Law Review Commission. Drug Policy in Connecticut and Strategy Options: Report to the Judiciary Committee of the Connecticut Assembly. State Capitol: Hartford, 1997.) Marijuana use is already mainstream and widespread, despite its current status. Doctors, lawyers, law enforcement officers, even our last three Presidents, have admitted to smoking marijuana. There are millions of regular pot smokers in America and millions more who are infrequent smokers. These are otherwise law-abiding citizens who simply choose to use a plant - a weed. The truth is that breaking the law has far worse consequences than what the law is supposed to protect us from!

The ongoing enforcement of prohibition has failed. Criminalization simply doesn't work. It is time for us to finally acknowledge this reality and seriously re-examine the current law. Never before has there been such great public support, both here in Hawaii and across this nation, for a more rational marijuana policy. It's time for state lawmakers to impose common-sense regulations governing the possession of marijuana by adults.

The majority of voters in Hawaii feel as I do, that we should decriminalize marijuana. I encourage you to vote yes on SB 472, HD 1. Thank you for your consideration of this matter.

Sincerely, and with warmest aloha,
Georgina McKinley

LATE

TESTIMONY ON SENATE BILL 472 SD1 Proposed HD1
RELATING TO MARIJUANA

By
Keith Kamita

House Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Sharon E. Har, Vice Chair

Thursday, March 14, 2013, 2:00 p.m.
State Capitol, Room 325

Chair Rhoads, Vice Chair Har, and Members of the Committee:

I am testifying as a private citizen against passage of Senate Bill 472 SD1 Proposed HD1 that proposes to create a civil violation for the possession of twenty grams or less of marijuana that will be subject to a fine of \$100 and establishes a cause of action for selling, furnishing, or providing marijuana to a minor. The use of illegal drugs should not be dealt with like a traffic violation where a suspect can just pay \$100 fine unlimited times with it never becoming a criminal violation. I feel that this sends the wrong message to the citizens and youth of Hawaii, that smoking and possessing under one ounce of marijuana is not a big deal it's not a criminal violation its "it's just a fine."

Senate Bill 472 SD1 Proposed HD1 goes even further by deleting the penalty for any person under the age of 18 from possessing less than 20 grams of marijuana causing a loop hole where there is now no fine or criminal offence for this act.

Senate Bill 472 SD1 Proposed HD1 as written would also allow any person even individuals under the age of 18 to possess 20 grams or less of marijuana in, on, or near schools, school vehicles, public parks, or public housing projects or complexes without it being a criminal violation. This invites criminal activity in these areas and will result in drug dealers holding only small amounts of marijuana on their person to get around the criminal offence and just pay a \$100.00 fine.

To address the issue of individuals having convictions for possession of small amounts of marijuana on their records presently section 706-622.5 gives

SENATE BILL 472 SD1 Proposed HD1

March 14, 2013

Page 2

the courts the latitude to sentence the first time drug offender to probation and even expungement of their criminal records if they do not re-offend.

For these reasons I ask that you hold Senate Bill 472 SD1 Proposed HD1.

Thank you for the opportunity to testify on this matter.

March 13, 2013

The Honorable Representative Karl Rhoads, Chair
The Honorable Representative Sharon Har, Vice Chair
& Members of the House Committee on Judiciary
State Capitol
Honolulu, Hawaii 96813

Dear Chair Rhoads, Vice Chair Har and Members of the Committee:

Re: SB 472, S.D. 1 – RELATING TO MARIJUANA
Hearing: Thursday, March 14, 2013, 2:00p.m. in Room 325

I am writing in strong OPPOSITION of SB 472, S.D. 1.

As a mother of three young, impressionable children and as a concerned citizen of the State of Hawai'i, I cannot support any legislation that sends the wrong message to our youth and community. I feel that this piece of legislation will encourage our youth to behave irresponsibly and furthermore, hamper the efforts of so many service providers who have worked so hard to deter criminal activity and eliminate drug abuse.

I urge you to oppose the passage of SB 472, S.D. 1.

Sincerely,



Lorrie W. Kanno



TESTIMONY ON SENATE BILL 472 SD1 HD1
RELATING TO MARIJUANA

By
Miss Rachel Kamita
Student Tokai University

LATE

House Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Sharon E. Har, Vice Chair

Thursday, March 14, 2013, 2:00 p.m.
State Capitol, Room 325

Chair Rhoads, Vice Chair Har, and Members of the Committee:

I am a student at Tokai University here in Honolulu and would like to testify in opposition to Senate Bill 472 SD1 HD1 that proposes to create a civil violation for the possession of twenty grams or less of marijuana that will be subject to a fine of \$100 and establishes a cause of action for selling, furnishing, or providing marijuana to a minor. As a college student I feel that the use of illegal drugs like marijuana should not be dealt with like a traffic violation where a suspect can just pay \$100 fine never get arrested. Marijuana is a dangerous drug because it is an "ambition killer" and causes the user to basically do nothing.

As a young adult still in school and with my future ahead of me I feel that passage of bills like SB472 SD1 HD1 that promotes the use of marijuana would severely cripple or hinder my generation from being successful or result in more individuals being under the influence of drugs in the workplace and endangering fellow workers. The US is already slipping behind other countries when it comes to education why would you want to handicap the citizens of Hawaii further by making laws that make it acceptable to use drugs.

Thank you for the opportunity to testify on this matter.

LATE

SB472

Submitted on: 3/13/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Maile Kanemaru	Individual	Oppose	No

Comments: I oppose this Bill. How does law enforcement monitor diving under the influence? I know many teens who are on crystal meth say that marijuana was their first drug of choice because it was so accessible.

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LATE

To: Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair
From: Scott Temple
RE: SB 472, HD 1 - Relating to Marijuana
Hearing: Thursday, March 14, 2013, 2:00 pm, Room 325
Position: Strong Support

Dear Representatives...

I just wish to voice my strong support for SB 472. Let's spend limited state funds on more important things than small pot possession, and allow young people to go forward without a criminal case on their record.

Thank you,
Scott Temple

LATE

To: Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair
From: Karen Hue Sing
RE: SB 472, HD 1 – Relating to Marijuana
Hearing: Thursday, March 14, 2013, 2:00 pm, Room 325
Position: Strong Support

Aloha kakou,

I am in support of SB 472, HD 1-Relating to Marijuana. Please pass this bill forward to decriminalize the possession of less than an ounce of cannabis to a non criminal, \$100 fine-only offense. Decriminalization would allow law enforcement, prosecutors, and the courts to reallocate their existing resources toward activities that will more effectively target serious criminal offenses and keep the public safe. Public opinion strongly favors such a reprioritization of law enforcement resources. 14 states: Alaska, California, Connecticut, Maine, Massachusetts, Minnesota, Mississippi, Nevada, New York, Ohio, Oregon, Pennsylvania, and Rhode Island have already decriminalized marijuana and there is no evidence to support that criminalization reduces use or decriminalization increases use. Marijuana is an herb that is known to have many valuable healing and spiritual uses.

Mahalo and malama aina

LATE

SB472

Submitted on: 3/13/2013

Testimony for JUD on Mar 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Metzko	Individual	Support	Yes

Comments: Marijuana Saved this Veterans life.

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LATE

To: Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair
From: Rev. Dennis Shields
RE: SB 472, HD 1 – Relating to Marijuana
Hearing: Thursday, March 14, 2013, 2:00 pm, Room 325
Position: Strong Support

Aloha Chair Rhoads and Har

Aloha Chair Hee, Vice Chair Shimabukuro, The time to end the long suffering of our citizens is at hand.

Cannabis prohibition is fully 50% of the failed and unconstitutional war on SOME drugs.

Cannabis laws are first and foremost Jim Crow laws designed to subjugate Hispanics and Blacks with arrest rates for minorities even in Hawaii slanted to discriminate and control by subjecting Hawaiians and Filipinos to higher arrest rates than other racial types.

The 'M' word used to smear and slander cannabis is a piece of Mexican military slang implying it takes two women Mary and Jane to satisfy the supposed increased libido of a Mexican cannabis user thus this one word is exposed as a vile Jim Crow exercise being both racist and sexist [by objectifying women].

The unconstitutionality of cannabis prohibition is exposed when asking a simple question.

Where is the amendment to the US Constitution prohibiting cannabis as is required to satisfy the precedent set by the prohibition of alcohol??

With out such precedent having been followed citizens due process rights and our rights of equal protection guaranteed by the 14th amendment have been ignored and thereby destroyed.

The effects of the unwise war on SOME drugs have been devastating to the United States and the war on cannabis amounts to fully half of all drug arrest and contributes to the demise of American exceptionalism as follows :

America with about 5% of the worlds population

- holds 25% of the worlds prisoners
- Americans consume 80% of the worlds supply of Pharmaceutical pain medications
- including 99% of the worlds supply of Vicodin
- while possessing 50% of the worlds privately owned guns.

In other-words :

America has been transformed into the Land of the NOT so free the Home of the barely brave and the pharmacy of the vastly over-medicated who have a gun under every pillow

By passing this law decriminalizing cannabis, this legislature can restore freedom and legitimacy to a government which with regard to the phony and failed war on SOME drugs has slid too far down the slippery slope of tyranny over its own citizens

The negative effects of cannabis have been grossly exaggerated given many examples of super achievers who have used cannabis range from Moses [Ex 30:23 in Hebrew calls for about 7 pounds of cannabis as a principal spice in the recipe for the Holy Anointing Oil of Israel] ; to authors like Victor Hugo and Alexander Dumas ; to scientist like Carl Sagan ; to entertainers from Louis Armstrong to Count Basie and Lennon and McCartney ; to Presidents not only those current and recent but our founding father George Washington wrote regarding his cannabis crops on Mt Vernon "Make the most of the India Hemp seed --sow it EVERYWHERE" [Cannabis Indica is the subspecies of cannabis with the highest percentage of THC -- thus Washington was interested in the medicinal/psychotropic effects as evidenced by both separating out male plants to increase potency and preferring the 'India' hemp over common hemp used primarily for cordage]

Jesus gave the test of the good and evil tree saying that the evil tree can not produce good fruit

It turns out that the fruit of cannabis its seed is the world's most perfect food for human nutrition having a 'perfect' balance of all three of the essential fatty acids [omega's] and the ONLY singular food source known to have all these fatty acids

Cannabis in-spite of all the lies and exaggerations of its supposed harm is the epitome of a "good tree"

As a Minister of a Church which uses cannabis as a sacrament I repeat to you Moses' plea to Pharaoh "LET MY PEOPLE GO"

Mahalo for this hearing on this long overdue change in these failed laws

Aloha

Rev. Dennis Shields

the Religion of Jesus Church