



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

ON THE FOLLOWING MEASURE:

S.B. NO. 472, RELATING TO MARIJUANA.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Tuesday, February 26, 2013 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 016

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

Chair Hee and Members of the Committee:

The Department of the Attorney General submits testimony in strong opposition to this bill.

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 not to exceed \$100.

The Department has numerous concerns about this bill, which promotes the recreational use of marijuana and sends the message to Hawaii residents and our youth that marijuana is not harmful and is okay to use.

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 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. Provision for a "civil violation," "civil fines," and deposit of the civil fines and penalties into the "early intervention special fund" creates some ambiguity about whether the offense is a civil or criminal violation.

Section 1 of this bill adds a new section to chapter 329, Hawaii Revised Statutes (HRS), that makes the intentional or knowing possession of one ounce or less of marijuana a "civil violation" subject to a fine not to exceed \$100. The term "civil violation" appears to only be used once in the Hawaii Revised Statutes, in section 132C-6(d), regarding actions that the Attorney General may bring against those who violate certain cigarette sale laws to obtain injunctive relief and recovery of costs or damages. The term is not used in the Hawaii Penal Code. Section 701-107(5), HRS, provides:

An offense defined by this Code or by any other statute of this State constitutes a violation if it is so designated in this Code or in the law defining the offense or if no other sentence than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction or if it is defined by a statute other than this Code which provides that the offense shall not constitute a crime. A violation does not constitute a crime, and conviction of a violation shall not give rise to any civil disability based on conviction of a criminal offense. [Emphases added.]

The Penal Code simply uses the term "violation" for an offense that can only result in a fine or other civil penalty.

The distinction is important, because it can affect who would be enforcing the offense, and how the offense would be processed or prosecuted.

The new section to be added to chapter 329 by section 1 of this bill also provides that all civil fines and penalties for the violations shall be deposited into the early intervention special fund. This provision adds to the confusion, because the disposition of fines for violations handled pursuant to the Penal Code is controlled by section 706-643, HRS. That section requires criminal fines to be deposited with the Director of Finance to the credit of the state general fund. The section provides specific exceptions for the wildlife revolving fund and the compliance resolution fund.

4. Deposit of the marijuana fine into the early intervention special fund appears to be inconsistent with section 37-52.3(2), HRS.

Section 37-52.3, HRS, sets out the criteria for the establishment and continuance of special funds, and paragraph (2) provides that the legislature shall ensure that the special fund:

Reflects a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program, as opposed to serving primarily as a means to provide the program or users with an automatic means of support that is removed from the normal budget and appropriation process.

In this case, the Early Intervention Special Fund under chapter 321, HRS, is intended to enhance early intervention services for infants and toddlers with special needs. There does not appear to be any nexus between the marijuana fines and early intervention services.

5. Excepting conduct involving an ounce or less of marijuana from the types of criminal conduct required to be reported by school officials is inappropriate.

Section 302A-1002, HRS, requires school officials to report crime-related incidents of specified crimes, including those involving marijuana. Section 2 of this bill seeks to amend this provision to require school officials to report marijuana-related incidents only if it involves more than an ounce of marijuana. When any amount of marijuana is brought into schools and exposed to our children, that incident should be reported to appropriate authorities.

6. It is inappropriate to suggest that a parolee or probationer who violates conditions of parole or probation by using an ounce or less of marijuana need not be required to undergo a substance abuse treatment program.

Sections 5 and 6 of this bill amend parole and probation provisions that currently provide that the paroling authority or the courts may require a defendant to undergo substance abuse treatment when the defendant violates parole or probation conditions involving the possession or use of marijuana. The bill proposes to amend these provisions to only require substance abuse treatment if the defendant's violation involves more than an ounce of marijuana.

A defendant on probation or parole, with conditions prohibiting the use of illegal drugs or substances, usually has a substance abuse problem. It should not matter how much marijuana he is caught with. The law should not suggest that violation of conditions of parole or probation with an ounce or less of marijuana is not a serious matter, and not indicative of a substance abuse problem.

7. **The amendments to the offenses of Promoting a Detrimental Drug in the First Degree, Second Degree, and Third Degree, as reflected in sections 8, 9, and 10 of this bill, make the possession of more than an ounce of marijuana a class C felony, a misdemeanor, and a petty misdemeanor.**

Section 712-1247, HRS, which sets out the offense of Promoting a Detrimental Drug in the First Degree as a class C felony, currently prohibits the knowing possession of a pound or more of marijuana. This bill replaces that provision with a prohibition of more than an ounce of marijuana. This is the same prohibition being proposed for section 712-1248 and 712-1249. In application, this probably means that the knowing possession of any amount of marijuana in excess of an ounce is a petty misdemeanor. Possession of one hundred pounds of marijuana would still be a petty misdemeanor. This is so because if the elements of the offenses are identical to each other, the defendant can only be prosecuted for the lesser offense.

For the foregoing reasons, the Department strongly opposes this bill and respectfully asks that it be held.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO
PROSECUTING ATTORNEY

ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY



THE HONORABLE CLAYTON HEE, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawai'i

February 26, 2013

RE: S.B. 472; RELATING TO MARIJUANA.

Chair Hee, Vice-Chair Shimabukuro, members of the Judiciary and Labor Committee, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in strong opposition to S.B. 472.

The purpose of this bill is to change possession of one ounce or less of marijuana from a criminal offense to a civil violation, exclude one ounce or less of marijuana from the definition of "detrimental drug," and preclude the Courts and Hawaii Paroling Authority from requiring substance abuse treatment for defendants or paroled prisoners found in possession of less than one ounce of marijuana.

Because marijuana continues to be a Schedule I controlled substance (pursuant to both State and Federal schedules), possession of any amount is illegal, except by qualifying patients registered to use medical marijuana (and their caregivers). While there has been ongoing debate about the physical effects of marijuana, the Federal schedule of controlled substances was recently updated in September 2012, and continues to list marijuana as a Schedule I controlled substance. 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.

For this reason, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly opposes S.B. 472. Thank you for this opportunity to testify.



LATE TESTIMONY

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

February 26, 2013

To: Senator Clayton Hee, Chair
Senator Maile Shimabukuro, Vice Chair and
Members of the Committee on Judiciary and Labor

From: Jeanne Y. Ohta, Executive Director

RE: SB 472 Relating to Marijuana
Hearing: February 26, 2013, 10:00 a.m., Room 016

Position: Strong Support

The Drug Policy Forum of Hawai'i writes in strong support of SB 472 Relating to Marijuana which makes the possession one ounce or less of marijuana a civil offense and imposes a fine of not more than \$100.

Decriminalizing the possession of less than one 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 Most of those arrests and prosecutions are made by state and local law enforcement agencies and almost 90% of these arrests are for marijuana possession only.³

Since 2004, possession arrests in Hawaii have increased almost 50% and distribution arrests almost doubled.⁴ There is growing public opinion that the police should focus their resources on solving violent crimes rather than arresting individuals for marijuana possession.

Public support changing marijuana laws has grown. In total, 14 states have decriminalized possession of marijuana, replacing criminal sanctions with fine-only penalties (Alaska, California, Colorado, Maine, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New York, Ohio, Oregon, and Rhode Island). In no instance have lawmakers recriminalized marijuana after implementing decriminalization. In addition, two states: Washington and Colorado have legalized the possession of small amounts of marijuana.

¹ Nixon, David. "Update to: Budgetary Implications of Marijuana Decriminalization and Legalization in Hawaii." University of Hawaii, Dec 2012. (Available at http://www.dpfhi.org/A_PDF/Budget_Imp_Marijuana_2013.pdf)

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 Nixon, David. *op. cit.*

Hawai'i voters support decriminalizing possession of marijuana. In a 2012 poll, 58% of residents believe that marijuana possession for personal use should carry a fine instead of jail time; 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.⁵

In November 2008, 53% of voters in Hawai'i County voted to make marijuana possession the "lowest law enforcement priority." That initiative directs law enforcement officials to treat the adult personal use of marijuana as its lowest law enforcement priority and prohibits the county from accepting or expending funds for marijuana eradication and for enforcing potential offenses for adult personal use

The effects of decriminalizing marijuana possession are not only economic. Our current policy creates far more harm from criminalization than most people are aware of. Although the current penalty is a petty misdemeanor, punishable by a fine of \$1,000 and up to 30 days in jail, the collateral consequences of a criminal conviction are grave. Criminal records prevent some from obtaining federal student loans; prevent employment in certain jobs, even decades after the conviction; and prevent some from federal or state housing programs.

In Hawai'i juveniles are 70% more likely to be arrested than adults; since 1991 over ten thousand juveniles have been arrested for possession so small amounts of marijuana. Marijuana laws impact neighbor islands, specifically Maui and Hawai'i more heavily than Oahu. Native Hawaiians are 70% more likely to be arrested than non-native Hawaiians; Filipinos are 30% more likely to be arrested than non-Filipinos; and Samoans are 30% more likely to be arrested than non-Samoans.⁶ These penalties disproportionately affect young, low income, and minority individuals.⁷

There are many myths about marijuana. Marijuana is not now and has never been 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

Decriminalization does not lead to increased marijuana use. Research on the effects of marijuana decriminalization has tended to find either no relationship or a weak positive relation between marijuana decriminalization and drug use. There is no evidence to support claims that criminalization reduces use or decriminalization increases use.⁹ Studies find that decriminalizing

⁵ QMark Research & Polling. November 19-December 4, 2012. Survey of 603 adults statewide, MOE +/-4%.

⁶ Nixon, David. *op.cit.*

⁷ Duncan, Cynthia. *op.cit.*

⁸ National Academy of Sciences, Institute of Medicine. "Marijuana and Medicine: Assessing the Science Base." National Academy Press: Washington, DC, 5, 6. 1999.

⁹ 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).

marijuana has had no effect on marijuana use among young people¹⁰ and harsh marijuana laws do not deter use.¹¹

The Cato Institute reported that while Portugal decriminalized all drugs in 2001, “none of the nightmare scenarios touted by pre-enactment decriminalization opponents—from rampant increases in drug usage among the young to transformation of Lisbon into a haven for “drug tourists” —has occurred.” In fact, compared to many European Union countries, teens in Portugal have among the lowest levels of cannabis use. (See Figure I)

The report also says, “That while there is a widespread perception that bureaucratic changes need to be made to Portugal’s decriminalization framework to make it more efficient and effective, there is no real debate about whether drugs should once again be criminalized.”

Suggested amendments:

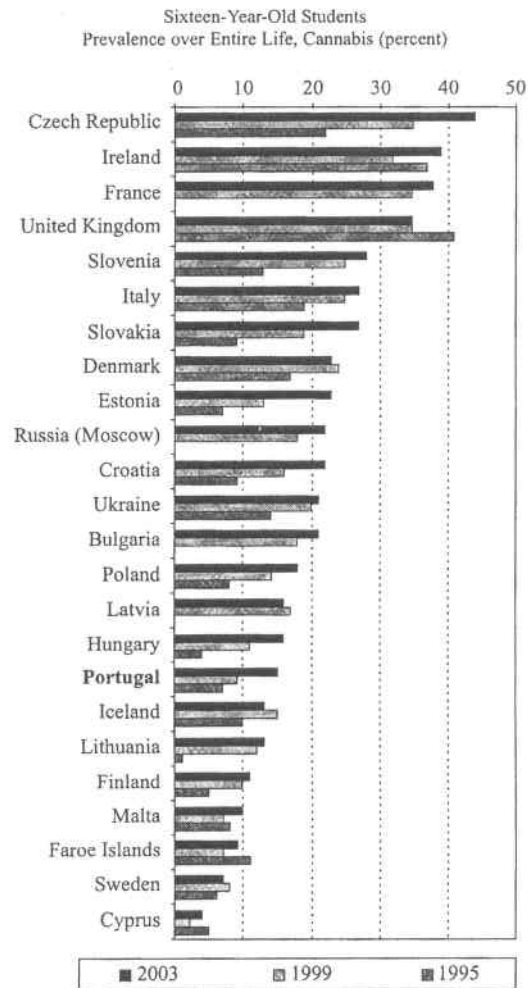
We suggest that should this committee wish to add more specific structural or procedural language on how the decriminalization process should work; consider language from SB 739 Relating to Marijuana. This language was taken from SB 1460 SD1 which passed this body in 2011.

We thank the committee for hearing this measure and ask that it be passed.

¹⁰ 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.

¹¹ 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.

Figure 1
European School Survey Project on Alcohol and Other Drugs



Source: Instituto da Droga e da Toxicodependência de Portugal (Institute on Drugs and Drug Addiction of Portugal), "Os Adolescentes e a Droga" ("Adolescents and Drugs"), 2003, p. 6.

Portugal which has decriminalized all drugs has among the lowest rates of teen use of cannabis of European Union countries

Action the Drug Policy Group

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

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

TO: Senate Committee on Judiciary and Labor

FROM: Pamela Lichty, MPH
President

DATE: February 26, 2013, 10:00 a.m., room 016

RE: S.B. 472 RELATING TO MARIJUANA – **IN SUPPORT**

Aloha Chair Hee, Vice Chair Shimabukuro 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 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 2010 and 2011.

A recent poll commissioned by the Drug Policy Action Group and executed 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.)

An 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 page four of this testimony. The full report "Marijuana Decriminalization and Legalization in Hawaii" can be accessed on Freshapproachhawaii.org.)

The rationale for enacting this bill includes:

- 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.

Turning to the details of SB 472, **we would like to call your attention to what we believe is a drafting error in Section 8 which would make the possession of “more than one ounce of marijuana” constitute the offense of “possession of a detrimental drug in the first degree.” The bill deletes the current language reading, “one pound or more.”** We're quite certain this is in error since it contradicts the thrust of the rest of the measure.

Sections 9 and 10 respectively lay out the conditions for promoting in the 2nd and 3rd degrees. To my lay person interpretation they seem identical unless “knowingly” possessing is somehow different from “possessing.”

We are pleased with the provisions amending current practice in paroling and probation since many offenders returned to prison are there for a drug test showing marijuana present.

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

We have a question as to why “marijuana concentrate,” i.e. hashish or similar preparation should be excluded from decriminalization, as it is in the many places where it appears. If a person possesses a small piece of hash weighing only a few grams, how is this substantively different than one ounce of dried marijuana?

Finally we would like to respectfully suggest that the Committee consider incorporating some of the language of S.B. 739 (also in JDL) 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 resembles the language Senator Hee added to S.B.1460, S.D.2 in 2011 in response to law enforcement concerns. That bill, by the way, passed the Senate unanimously, but never received a hearing in the House.

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

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.”

We ask the Committee to pass this bill on to the full Senate with a strong recommendation. Mahalo 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.

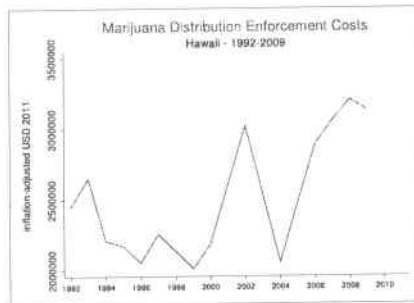
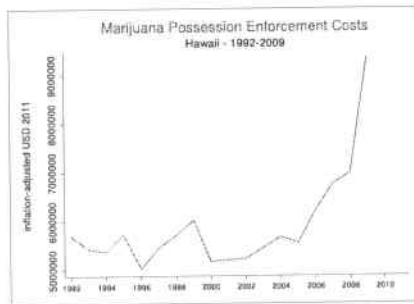
As used in this report, *Legalization* is a system that allows the use and sale of marijuana to adults under a system of taxation, regulation, and sometimes licensing, in much the same way as alcohol.

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.

LATE TESTIMONY

Testimony in Opposition to SB 472 – Relating to Marijuana

February 26, 2013

TO: Committee on Judiciary and Labor
Senator Clayton Hee, Chair
Senator Maile Shimabukuro, 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 – Relating to Marijuana* that establishes a civil violation for possession of one ounce or less of marijuana and a fine of not more than \$100.

This bill attempts to decriminalize marijuana to the point that it blurs the line with legalization. Under SB 472, 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. It is not 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 use to be effective.

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

Written Testimony In Favor of Senate Bill 472

To The Senate Judiciary Committee

February 26, 2013

By Paul Armentano

Deputy Director

National Organization for the Reform of Marijuana Laws (NORML)

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

Under present 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 14 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."??

For these reasons, I urge your support for Senate Bill 472.

From: Tanner Lewis [lewistanner1997@yahoo.com]
Sent: Monday, February 25, 2013 11:35 AM
To: JDLEstimony
Subject: SB 472 Strong Support

To: Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
From: Tanner Lewis
RE: SB 472 – Relating to Marijuana
Hearing: Tuesday, February 26, 2013, 10:00 am, Room 016
Position: Strong Support

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.

hee2 - Kathleen

LATE TESTIMONY

From: Scott Temple [patempl@yahoo.com]
Sent: Monday, February 25, 2013 2:09 PM
To: JDLTestimony
Subject: SB 472

To: Sen. Clayton Hee, chair
Sen. Maile S.L. Shimabukuro, vice chair
From: Scott Temple
Re: SB 473 relating to marijuana
Hearing: Feb. 26, 10am
Position: strong support

Dear Senators of the Judiciary and Labor Committee:

I am in full support of SB 472, and I do hope you will pass it with full confidence to the senate floor. Please pass SB 472. Our state can save millions by not arresting marijuana users. Let's spend the money on more important things!

Thanks and aloha,
Scott Temple

hee2 - Kathleen

From: Mary Marvin Porter [islandeyesvideo@yahoo.com]
Sent: Monday, February 25, 2013 3:54 PM
To: JDLTestimony
Subject: Support of SB 472- RELATING TO MARIJUANA

To: Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
From: Mary Marvin Porter
RE: SB 472 - Relating to Marijuana
Hearing: Tuesday, February 26, 2013, 10:00 am, Room 016
Position: Strong Support

Aloha Senators:

I am asking for your support for SB 472 and I am **pleading** with you to stop criminalizing use of a plant that has many valuable healing and spiritual uses. The public and many of our leaders are speaking out that it is time to end the criminalization of marijuana. The police don't want to do this because they get federal funding and going after marijuana as a crime is much easier than solving real criminal activity.

In June of 2011 a UN commission of world leaders, including former Secretary of State George Shultz, former Chairman of the Federal Reserve Paul Volcker, former UN Secretary-General Kofi Annan, President of Greece, ex-Presidents of Columbia and Mexico, recommended ending the criminalization of marijuana users who "do no harm to others."

Jimmy Carter, the 39th President and winner of the 2002 Nobel Peace Prize, supported their recommendations in an op-ed piece "Call Off the Global Drug War" in the New York Times, June 16, 2011, .

The 2012 Hawaii Democratic Convention passed a Resolution to **Repeal the Prohibition of Cannabis** (11HCD)

A recent poll in Hawai'i by QMark Research shows that 78% support a dispensary system for medical marijuana, and 69% think that jail time for marijuana offenses is inappropriate.

SB472 is not a great bill but it is at least a step in the right direction.

Mahalo,

Mary Marvin Porter

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 25, 2013 12:02 PM
To: JDLTestimony
Cc: enyawrellim@gmail.com
Subject: Submitted testimony for SB472 on Feb 26, 2013 10:00AM

SB472

Submitted on: 2/25/2013

Testimony for JDL on Feb 26, 2013 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne Miller	Individual	Support	No

Comments: Had I seen HB 699 I would have appauled the measure. The State regulating, and controlling the licensing and exportation of marijuana to other State's licensed medical marijuana outlets would provide much needed revenue at a time when revenue is in such need. Please pass this current Senate version and try again in the house. thank you

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 25, 2013 11:55 AM
To: JDLTestimony
Cc: theede@hawaii.rr.com
Subject: Submitted testimony for SB472 on Feb 26, 2013 10:00AM

SB472

Submitted on: 2/25/2013

Testimony for JDL on Feb 26, 2013 10:00AM in Conference Room 016

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

Comments: To: Senator Clayton Hee, Chair Senator Maile S.L. Shimabukuro, Vice Chair From: Teri Heede RE: SB 472 - Relating to Marijuana Hearing: Tuesday, February 26, 2013, 10:00 am, Room 016 Position: Strong Support This is LONG overdue. There is a mountain of evidence to support that CRIMINALIZATION doesn't work. There is no reason to DESTROY someone's life for this piddly amount of pot. Don't listen to the hysteria and "reefer madness". Look at the empirical evidence and move this forward!!! Mahalo ahead of time for your cooperation.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

hee2 - Kathleen

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 25, 2013 12:50 PM
To: JDLTestimony
Cc: bdaly@rocketmail.com
Subject: Submitted testimony for SB472 on Feb 26, 2013 10:00AM

SB472

Submitted on: 2/25/2013
Testimony for JDL on Feb 26, 2013 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Daly	Individual	Support	No

Comments: All legislators, Marijuana is the ONLY effective treatment I have found that has worked by lowering my High Blood Pressure and caused minimal side effects. Up until I started using this medicine, the side effects of ALL of the prescription medicines, which include, amlodipine besylate Norvasc*, Lotrel* bepridil Vasacor* diltiazem hydrochloride Cardizem CD*, Cardizem SR*, Dilacor XR*, Tiazac* felodipine Plendil* isradipine DynaCirc*, DynaCirc CR* nicardipine Cardene SR* nifedipine Adalat CC*, Procardia XL* nisoldipine Sular* verapamil hydrochloride Calan SR*, Covera HS*, Isoptin SR*, Verelan*, created worse problems than those caused by the hypertension. Simply by ingesting a small amount of natural THC, my blood pressure drops, and remains low for as long as I keep taking the medicine. Simply put; it works PERFECTLY. I do NOT like getting high. I like feeling better, and knowing my BP is being safely regulated.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 25, 2013 3:01 PM
To: JDLEstimony
Cc: sherrianwitt@aol.com
Subject: Submitted testimony for SB472 on Feb 26, 2013 10:00AM

SB472

Submitted on: 2/25/2013
Testimony for JDL on Feb 26, 2013 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
sherrian witt	Individual	Support	No

Comments: To: Senator Clayton Hee, Chair Senator Maile S.L. Shimabukuro, Vice Chair From: Sherrian Witt RE: SB 472 - Relating to Marijuana Hearing: Tuesday, February 26, 2013, 10:00 am, Room 016 Position: Strong Support

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

hee2 - Kathleen

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 25, 2013 3:06 PM
To: JDLEvidence
Cc: victoriahokulani@gmail.com
Subject: Submitted testimony for SB472 on Feb 26, 2013 10:00AM
Attachments: sb472testimonyvic.doc

SB472

Submitted on: 2/25/2013

Testimony for JDL on Feb 26, 2013 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Victoria Latenser	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Aloha, Decriminalization makes sense and would un-clog the court system as well as severely reduce negative impact on citizens who seem to be constantly targeted with criminal penalties such as young people and native Hawaiians. So many lives are ruined by possession of a PLANT! A plant that was put on this earth by the CREATOR for a reason. Please do the right thing for the citizens of Hawaii. Mahalo!

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 25, 2013 3:17 PM
To: JDLTestimony
Cc: sharechristie@gmail.com
Subject: Submitted testimony for SB472 on Feb 26, 2013 10:00AM
Attachments: sb472share.doc

SB472

Submitted on: 2/25/2013

Testimony for JDL on Feb 26, 2013 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Share Christie	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

LATE TESTIMONY

To: Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

From: Wendy Gibson R.N./BSN
RE: SB 472 - Relating to Marijuana

Hearing: Tuesday, February 26, 2013, 10:00 am, Room 016
Position: Strong Support

Honorable Senators,

The "War on drugs" has failed and I believe it is time to rethink how we handle people who violate marijuana laws.

I believe in harm reduction which has been 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." The casualties of this "War" are mainly Native Hawaiians juveniles and low income individuals.

Young lives are disrupted and damaged beyond repair for using this drug. Students can lose their loans and employment opportunities. Professionals can lose their licenses and jobs.

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.

Now that more Americans are better educated and have more experience with the outlawed herb --the majority (75%) of registered voters favor decriminalization.

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.

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.

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

Thank you,

Wendy Gibson R.N.

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 25, 2013 4:27 PM
To: JDLTestimony
Cc: ainapaikai@gmail.com
Subject: Submitted testimony for SB472 on Feb 26, 2013 10:00AM

SB472

Submitted on: 2/25/2013
 Testimony for JDL on Feb 26, 2013 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kamakaniokaaina Paikai	Individual	Support	No

Comments: I'm writing to urge you to support legislation (Senate Bill 472) to amend state law so that the adult possession of minor, personal use amounts of marijuana is reclassified from a misdemeanor to a violation. Under present 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. This is a fiscally sensible proposal that will better enable police, prosecutors, and the courts to reallocate their existing resources toward activities that will better serve the public. To date, fourteen states impose similar, fine-only penalties for marijuana possession offenses. Passage of these measures in these states has not led to increased marijuana use or altered the public's perceptions regarding the potential harms of drug use. In fact, population surveys show that fewer people in these states, such as Nebraska and Mississippi, use marijuana compared to the national average. Maine, Connecticut, and Rhode Island have enacted similar laws. This is a common sense, fiscally responsible proposal that will cut costs without altering the public's attitudes or use of marijuana. I urge you to support SB 472.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: Kim Barnes [kimsisland@yahoo.com]
Sent: Monday, February 25, 2013 3:16 PM
To: JDLTestimony
Subject: SB 472 – Relating to Marijuana:

To: Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
From: (Your Name)
RE: SB 472 – Relating to Marijuana
Hearing: Tuesday, February 26, 2013, 10:00 am, Room 016
Position: Strong Support
I do support of decriminalizing marijuana in Hawaii.

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.

Kim Havison
808-398-0076

hee2 - Kathleen

From: Jack Zimmerman [jackzimmerman@gmail.com]
Sent: Monday, February 25, 2013 11:51 AM
To: JDLTestimony
Subject: SB 472

To: Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
From: (Your Name)
RE: SB 472 – Relating to Marijuana
Hearing: Tuesday, February 26, 2013, 10:00 am, Room 016

I am in strong support of SB 472 for a variety of reasons, including the cost savings to Hawaii residents and the removal of a life long stigma to individuals arrested for the possession of a small amount of marijuana. It is very clear from current research that marijuana is not a "gateway" drug. In fact there is increasing evidence of the use of cannabis for the treatment and healing of a variety of illnesses. This bill will move Hawaii Law in the right direction and is long overdue.

I have glaucoma and a license to grow small amounts of marijuana. The plant has made it possible for me to maintain my vision in ways that conventional medicine would not have accomplished.

I urge you to bring Hawaii into the current wisdom and acceptance of the reality of cannabis when used properly for good purpose.

Sincerely,
Jack Zimmerman
PO Box 1868
Honokaa, HI 96727

hee2 - Kathleen

From: Georgina [gmckin11@hawaiiintel.net]
Sent: Monday, February 25, 2013 4:58 PM
To: JDLTestimony
Subject: in support of SB 472

To: Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
From: Georgina McKinley
RE: SB 472 - Relating to Marijuana
Hearing: Tuesday, February 26, 2013, 10:00 am, Room 016
Position: Strong Support

The present debate on marijuana policy is long overdue. I am a strong supporter of SB 472, which seeks to decriminalize possession of one ounce of marijuana or less by removing all criminal penalties for possession by an adult and instead treating it as a civil matter. Never before has there been such great public support, both here in the state of Hawaii as well as across the nation, for a more rational marijuana policy. There was a collective sigh of disappointment earlier this month, when the House Judiciary Committee decided to defer HB 699. Voters in Hawaii support regulating the adult consumption of cannabis. A statewide poll conducted in January of 2013 reported that 57% of Hawaiian voters believe that marijuana should be taxed, regulated, and legalized for adults. A majority of voters believe, as I do, that adults should have the legal right to possess and/or consume marijuana for personal use. The time has come to seriously re-examine our current laws and begin, at the very least, working towards decriminalization.

The ongoing enforcement of cannabis prohibition financially burdens taxpayers, encroaches upon our civil liberties, and engenders disrespect for the law. Despite more than 70 years of federal prohibition, Americans' consumption of and demand for marijuana is here to stay. 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 choose to use a plant, a simple weed. It's ridiculous. Far more harm results from the criminalization of marijuana than from marijuana use itself! The criminalization of cannabis simply doesn't work. Marijuana use is mainstream and widespread. It is time for our state lawmakers to acknowledge this reality.

Fourteen states have already decriminalized marijuana: Alaska, California, Connecticut, Maine, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New York, Ohio, Oregon, Pennsylvania, and Rhode Island. In November 2012, Colorado and Washington went a step further and passed voter initiatives to tax and regulate marijuana for recreational use. The job of government is to represent the people and the people of Hawaii have clearly spoken. It's time for lawmakers to impose common-sense regulations governing cannabis use by adults.

The dangers of marijuana use have been exaggerated for nearly a century. The modern scientific record simply does not support the 'reefer madness' propaganda of the past. Responsible adults have demonstrated over the last several decades that marijuana can be used moderately without harmful impacts to the individual or society. If we want drug policies that are logical and effective, we need to stop the hypocrisy.

Therefore, I encourage you to support legislation to decriminalize marijuana. I encourage you to vote YES on SB 472.

Thank you, sincerely, and with warmest aloha,

hee2 - Kathleen

From: daryl.matthews@gmail.com on behalf of Daryl Matthews [dmatthews@jhu.edu]
Sent: Monday, February 25, 2013 4:24 PM
To: JDLTestimony
Subject: SB 472 - Relating to Marijuana

To: Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
From: (Your Name)
RE: SB 472 - Relating to Marijuana
Hearing: Tuesday, February 26, 2013, 10:00 am, Room 016
Position: Strong Support

I'm writing to urge you to support legislation (Senate Bill 472) to amend state law so that the adult possession of small, personal use amounts of marijuana is reclassified from a misdemeanor to a violation.

Under present 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. This is a fiscally sensible proposal that will better enable police, prosecutors, and the courts to reallocate their existing resources toward activities that will better serve the public. To date, fourteen states impose similar, fine-only penalties for marijuana possession offenses. Passage of these measures in these states has not led to increased marijuana use or altered the public's perceptions regarding the potential harms of drug use. In fact, population surveys show that fewer people in these states, such as Nebraska and Mississippi, use marijuana compared to the national average. Maine, Connecticut, and Rhode Island have enacted similar laws.

I am a forensic psychiatrist with 30+ years of experience conducting court-ordered mental examinations of Hawaii criminal defendants (three-panel exams). I have conducted hundreds of such exams on Oahu and Kauai and I have regularly seen lives ruined by drugs like meth, cocaine, painkillers and alcohol. I have also seen the devastation brought upon marijuana users, often young people, almost never by abuse of the drug, but by a justice system that uses a sledgehammer to kill a weed. Criminal convictions can stand in the way of getting a good job, accessing educational opportunities, or even getting housing. Individuals shouldn't have their dreams derailed for possessing a substance that is objectively safer than alcohol.

Marijuana, while not harmless, is considerably less harmful than alcohol, tobacco, and other psychoactive substances. The medical evidence is overwhelming. Just one example: A 2009 report published in British Columbia estimated, "In terms of [health-related] costs per user: tobacco-related health costs are over \$800 per user, alcohol-related health costs are much lower at \$165 per user, and cannabis-related health costs are the lowest at \$20 per user."

Decriminalization is the will of the majority of the people in the state of Hawaii. 58% of residents believe that marijuana possession for personal use should carry a fine instead of jail time according to a large recent local survey.

This is a common sense, medically appropriate, fiscally responsible proposal that will cut costs without altering the public's attitudes or use of marijuana. I urge you to support SB 472.

Respectfully submitted,

Daryl Matthews, MD, PhD

hee2 - Kathleen

From: Brenda Meriwether [happycricketceramics@gmail.com]
Sent: Monday, February 25, 2013 12:56 PM
To: JDLEstimony
Subject: re: SB472

To: Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
From: Brenda Meriwether
RE: SB 472 - Relating to Marijuana
Hearing: Tuesday, February 26, 2013, 10:00 am, Room 016
Position: Strong Support

I would like to offer my support for SB 472. I am a ceramic artist with back and shoulder pain relating to my work that marijuana helps with. I have no arrest record at age 58 and would like to keep it that way.

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.

hee2 - Kathleen

From: AiyahsGarden Kapaa [ag.kapaa@gmail.com]
Sent: Monday, February 25, 2013 4:37 PM
To: AGL Testimony; CPN Testimony; EDU Testimony; EGHTestimony; ENETestimony; HMS Testimony; HRETestimony; HTHTestimony; JDLTestimony; PSMTTestimony; TECTestimony; THATestimony; TIATestimony; WAM Testimony; WTLTestimony; AGRtestimony; CPCtestimony; edbtestimony; EDNtestimony; EEPtestimony; FINTestimony; HEDtestimony; HLTtestimony; HSGtestimony; HUSTestimony; JUDtestimony; LABtestimony; LMGtestimony; omhtestimony; pbstestimony; TOUtestimony; TRNtestimony; vmitestimony; waltestimony
Subject: Please support legislation (Senate Bill 472)

I'm writing to urge you to support legislation (Senate Bill 472) to amend state law so that the adult possession of minor, personal use amounts of marijuana is reclassified from a misdemeanor to a violation.

Under present 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.

This is a fiscally sensible proposal that will better enable police, prosecutors, and the courts to reallocate their existing resources toward activities that will better serve the public. To date, fourteen states impose similar, fine-only penalties for marijuana possession offenses. Passage of these measures in these states has not led to increased marijuana use or altered the public's perceptions regarding the potential harms of drug use. In fact, population surveys show that fewer people in these states, such as Nebraska and Mississippi, use marijuana compared to the national average. Maine, Connecticut, and Rhode Island have enacted similar laws.

This is a common sense, fiscally responsible proposal that will cut costs without altering the public's attitudes or use of marijuana. I urge you to support SB 472.

hee2 - Kathleen

From: AiyahsGarden Kapaa [ag.kapaa@gmail.com]
Sent: Monday, February 25, 2013 4:37 PM
To: AGL Testimony; CPN Testimony; EDU Testimony; EGHTestimony; ENETestimony; HMS Testimony; HRETestimony; HTHTestimony; JDCTestimony; PSMTTestimony; TECTestimony; THATestimony; TIATestimony; WAM Testimony; WTLTestimony; AGRtestimony; CPCtestimony; edbtestimony; EDNtestimony; EEPtestimony; FINTestimony; HEDtestimony; HLTtestimony; HSGtestimony; HUSTestimony; JUDtestimony; LABtestimony; LMGtestimony; omhtestimony; pbstestimony; TOUTestimony; TRNtestimony; vmitestimony; waltestimony
Subject: Please support legislation (Senate Bill 472)
Categories: Red Category

I'm writing to urge you to support legislation (Senate Bill 472) to amend state law so that the adult possession of minor, personal use amounts of marijuana is reclassified from a misdemeanor to a violation.

Under present 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.

This is a fiscally sensible proposal that will better enable police, prosecutors, and the courts to reallocate their existing resources toward activities that will better serve the public. To date, fourteen states impose similar, fine-only penalties for marijuana possession offenses. Passage of these measures in these states has not led to increased marijuana use or altered the public's perceptions regarding the potential harms of drug use. In fact, population surveys show that fewer people in these states, such as Nebraska and Mississippi, use marijuana compared to the national average. Maine, Connecticut, and Rhode Island have enacted similar laws.

This is a common sense, fiscally responsible proposal that will cut costs without altering the public's attitudes or use of marijuana. I urge you to support SB 472.

hee2 - Kathleen

From: John Grayton [h2ojdg@gmail.com]
Sent: Monday, February 25, 2013 8:47 PM
To: JDLEstimony
Subject: SB 472 - Relating to Cannabis

To: Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
From: John Grayton

RE: SB 472 – Relating to Marijuana
Hearing: Tuesday, February 26, 2013, 10:00 am, Room 016
Position: Strong Support

Aloha and Good Morning Senators,

Thank you for taking time to review this important bill. SB 472 is a bill that is long overdue.

For years, honest, hard working US Citizens who prefer relatively harmless marijuana over alcohol - which KILLS thousands every year - have been faced with jail, criminal convictions, and unjust punishment for simply possessing a plant that's helped ease the suffering of people with cancer, nausea, glaucoma, and many other ailments. Common sense is all that is required to realize that punishing persons for possession of a small amount of marijuana is ludicrous. Actually it is worse than ludicrous since criminal punishment for marijuana possession hurts our citizens, our state budget, and unnecessarily negatively impacts and/or destroys families and careers. 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

Fiscally, it makes sense to pass SB 472. Given the State of Hawaii's limited law enforcement budget, it makes sense to stop incarcerating cannabis users, and to put the money used to "fight" cannabis into law enforcement programs that actually help the people - fighting violence, property crimes, etc. Since this bill proposes a fine rather than incarceration, the State stands to generate income WITHOUT having to expend monies to incarcerate and monitor cannabis users. Fiscally, it seems like a win-win situation for both the state and those unfortunate cannabis users who have an encounter with law enforcement because of cannabis. While I know this is outside of the scope of discussion of this specific bill, states with cannabis dispensaries find that a good deal of income is generated by said dispensaries.

Since 2004, possession arrests in Hawai'i have increased almost 50% and distribution arrests almost doubled. What a waste of resources to arrest, prosecute, and incarcerate people who are normally employed honest citizens. Here are a few points I want to present for testimony.

- 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.
 - **While people who are convicted of marijuana related offenses are denied federal student aid, people convicted of violent crimes remain eligible. This is unjust and unfair.**
 - Arrests for marijuana possession are one of the most common ways that people get caught up in the criminal justice system.
 - Marijuana users who are not convicted have gone on to be President or a Supreme Court justice.
 - 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.

hee2 - Kathleen

From: Colleen Lawrence [aloharejuvenation@gmail.com]
Sent: Tuesday, February 26, 2013 7:56 AM
To: JDLTestimony
Subject: SB 472 to the Senate Judiciary and Labor Committee, Hearing on Tuesday, February 26, 2013, at 10 am.

Categories: Red Category

Aloha, I believe this bill will help the states financial condition, free up courts and jails and save tax payers money. This is a nonviolent herb chosen by the people for healing and relaxation purposes. Please vote for this baby step to freedom of choice. Aloha

--

Colleen A, Lawrence
Aloha Rejuvenation Therapy, Llc.
P.O. Box 5078
Honokaa, Hawaii 96727
808-775-9130

hee2 - Kathleen

From: Georgina [gmckin11@hawaiiantel.net]
Sent: Monday, February 25, 2013 4:58 PM
To: JDLTestimony
Subject: in support of SB 472

To: Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
From: Georgina McKinley
RE: SB 472 - Relating to Marijuana
Hearing: Tuesday, February 26, 2013, 10:00 am, Room 016
Position: Strong Support

The present debate on marijuana policy is long overdue. I am a strong supporter of SB 472, which seeks to decriminalize possession of one ounce of marijuana or less by removing all criminal penalties for possession by an adult and instead treating it as a civil matter. Never before has there been such great public support, both here in the state of Hawaii as well as across the nation, for a more rational marijuana policy. There was a collective sigh of disappointment earlier this month, when the House Judiciary Committee decided to defer HB 699. Voters in Hawaii support regulating the adult consumption of cannabis. A statewide poll conducted in January of 2013 reported that 57% of Hawaiian voters believe that marijuana should be taxed, regulated, and legalized for adults. A majority of voters believe, as I do, that adults should have the legal right to possess and/or consume marijuana for personal use. The time has come to seriously re-examine our current laws and begin, at the very least, working towards decriminalization.

The ongoing enforcement of cannabis prohibition financially burdens taxpayers, encroaches upon our civil liberties, and engenders disrespect for the law. Despite more than 70 years of federal prohibition, Americans' consumption of and demand for marijuana is here to stay. 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 choose to use a plant, a simple weed. It's ridiculous. Far more harm results from the criminalization of marijuana than from marijuana use itself! The criminalization of cannabis simply doesn't work. Marijuana use is mainstream and widespread. It is time for our state lawmakers to acknowledge this reality.

Fourteen states have already decriminalized marijuana: Alaska, California, Connecticut, Maine, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New York, Ohio, Oregon, Pennsylvania, and Rhode Island. In November 2012, Colorado and Washington went a step further and passed voter initiatives to tax and regulate marijuana for recreational use. The job of government is to represent the people and the people of Hawaii have clearly spoken. It's time for lawmakers to impose common-sense regulations governing cannabis use by adults.

The dangers of marijuana use have been exaggerated for nearly a century. The modern scientific record simply does not support the 'reefer madness' propaganda of the past. Responsible adults have demonstrated over the last several decades that marijuana can be used moderately without harmful impacts to the individual or society. If we want drug policies that are logical and effective, we need to stop the hypocrisy.

Therefore, I encourage you to support legislation to decriminalize marijuana. I encourage you to vote YES on SB 472.

Thank you, sincerely, and with warmest aloha,