



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SEVENTH LEGISLATURE, 2014**

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**LATE TESTIMONY**

**ON THE FOLLOWING MEASURE:  
S.B. NO. 2358, RELATING TO MARIJUANA.**

**BEFORE THE:**

**SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND  
MILITARY AFFAIRS**

**DATE:** Thursday, February 13, 2014      **TIME:** 2:50 p.m.  
**LOCATION:** State Capitol, Room 224  
**TESTIFIER(S):** David M. Louie, Attorney General, or  
Lance M. Goto, Deputy Attorney General

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Chair Espero 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 bill establishes a hearing process in district court to adjudicate the violations. It also allows a defendant, after judgment has been entered in favor of the State, to request a trial on the violation.

The Department has numerous concerns about this bill, which promotes the recreational use of marijuana. Under current law, the possession of a pound or more of marijuana is a class C felony. The possession of one ounce or more of marijuana is a misdemeanor. And the possession of less than an ounce of marijuana is a petty misdemeanor. This bill attempts to make the possession of an ounce or less of marijuana a non-criminal violation. If that were allowed, marijuana will be much more prevalent in the community and much more accessible to youth. Marijuana cigarettes usually contain about 0.5-0.75 grams of marijuana. An ounce contains 28.35 grams. That means that people will be able to carry around perhaps as many as forty to fifty marijuana cigarettes. If caught, a person would only be subject to a fine of \$100. The risk of a \$100 fine will not deter individuals from possessing that amount of marijuana. More people will likely be engaging in a variety of conduct, like driving motor vehicles, while still under the influence of marijuana.

**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 2011, there were an estimated 455,668 marijuana-related visits to emergency rooms.

The Office of National Drug Control Policy, in its Hawaii Drug Control Update, reported 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. By decriminalizing marijuana, the message being sent to the residents of Hawaii, including our youth, is that the use of marijuana is not harmful. 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.

For the foregoing reasons, the Department respectfully requests that this bill be held.

# LATE TESTIMONY

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## *The Judiciary, State of Hawaii*

Testimony to the  
Senate Committee on Public Safety, Intergovernmental and Military Affairs  
Senator Will Espero, Chair  
Senator Rosalyn H. Baker, Vice Chair

Thursday, February 13, 2014, 2:45 p.m.  
State Capitol, Conference Room 224

by  
Calvin Ching  
Deputy Chief Court Administrator  
First Circuit Court

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**Bill No. and Title:** Senate Bill No. 2358, Relating to Marijuana.

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

### **Judiciary's Position:**

The Judiciary takes no position on the merits of Senate Bill No. 2358, however we have a few concerns.

1. The Judiciary is concerned that the purpose of this bill may be achieved without the necessity of creating a system of adjudicating what would be a "marijuana infraction." Hawaii Revised Statutes (HRS) Section 701-107 (5) Grades and classes of offenses provides that:

(5) 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. (Emphasis added)



Senate Bill No. 2358, Relating to Marijuana  
Senate Committee on Public Safety, Intergovernmental and Military Affairs  
February 13, 2014  
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Although a violation does not constitute a crime, it constitutes a penal offense and these cases would be processed through the courts in the same manner as a crime. A defendant would still be required to appear in court, be arraigned, enter a plea, and be sentenced. However, District Court would be better equipped to process these violations within its current procedures.

2. If this bill were to become effective in its current form, the Judiciary is concerned that this bill would not give the Judiciary enough time to create a "marijuana infraction" notice and summons. The Judiciary would ask that this bill not take effect until at least July 1, 2015 to allow for the creation of a notice and summons.

Thank you for the opportunity to testify on Senate Bill No. 2358.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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

# LATE TESTIMONY

KEITH M. KANESHIRO  
PROSECUTING ATTORNEY



ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTORNEY

**THE HONORABLE WILL ESPERO, CHAIR  
SENATE COMMITTEE ON PUBLIC SAFETY,  
INTERGOVERNMENTAL AND MILITARY AFFAIRS  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawai'i**

February 13, 2014

**RE: S.B. 2358; RELATING TO MARIJUANA.**

Chair Espero, Vice-Chair Baker, members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu submits this testimony in strong opposition to S.B. 2358. The purpose of this bill is to change possession of marijuana (one ounce or less) from a criminal offense to a civil violation, with a maximum \$100.00 fine; to redefine "detrimental drug" to exclude one ounce or less of marijuana; and to create a new court process to address subsequent "marijuana infractions."

The Department believes that lowering these types of offenses to a civil violation with a maximum \$100.00 fine would severely decrease the level of deterrence presented by current laws, and diminish the message to would-be offenders—including our youth—that this type of activity is unacceptable. Indeed, the proposed bill would make possession of marijuana (one ounce or less) about as significant as a minor traffic ticket, such as littering (minimum \$100.00 fine, maximum \$500.00 fine), cracked windshield (maximum \$100.00 fine), or a disabled person failing to display their valid handicapped parking permit (maximum \$100.00 fine).

This level of enforcement completely discounts the gravity of the offense of possessing marijuana, which continues to be categorized as a Schedule I controlled substance, under both State and Federal law. Not insignificantly, we note that Federal drug schedules were recently updated and released on February 10, 2014. Moreover, numerous studies have shown that marijuana poses significant health and safety risks, and that increased marijuana usage poses increased health risks and financial costs to society.

Given the abuse and negative impacts of marijuana that already exist in our community, the Department strongly maintains that possession of marijuana must continue to be strictly regulated and enforced. For all of the foregoing reason, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly opposes S.B. 2358. Thank you for this opportunity to testify.

LATE TESTIMONY

## COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/email: (808) 927-1214 / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



### COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Rosalyn Baker, Vice Chair

Thursday, February 13, 2014

2:50 p.m.

Room 224

### SUPPORT FOR SB 2358 - MARIJUANA

Aloha Chair Espero, Vice Chair Baker 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 Hawai'i 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.

SB 2735 establishes a civil violation for possession of one ounce or less of marijuana that is subject to a fine of \$100. Community Alliance on Prisons supports this measure, along with the majority of voters polled in January 2014.

Support for the reform of Hawaii's policies on marijuana is trending upward across the board. Prominent local polling firm QMark Research<sup>1</sup> conducted a statewide, statistically significant poll of 400 Hawaii voters between January 17, 2014 and January 23, 2014. Among its findings:

- 77% of Hawai'i voters polled think that jail time is inappropriate for marijuana possession, an increase of 8 percentage points over 2012.
- 66% of Hawai'i voters polled are in favor of outright legalization for adult use (an increase of 9 percentage points over 2012).
- 85% of Hawai'i voters polled continue to support Hawaii's medical marijuana program (up 4 percentage points from 2012)
- 85% of Hawai'i voters support for a dispensary system so patients do not need to use the black market to find their medication - (a 7 percentage point increase over 2012).
- 72% of Hawai'i voters polled support legalizing marijuana to free up police and prosecutors to pursue violent criminals.
- 57% of Hawai'i voters polled agreed with moving Hawai'i forward as CO and WA.

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<sup>1</sup> Marijuana Opinion Study, QMark Research, Drug Policy Action Group, January 2014. <http://medicalcannabiscoalitionhi.files.wordpress.com/2014/01/marijuanajan2014.pdf>



*"We find no good evidence that the MPV [marijuana in public view] arrests are associated with reductions in serious violent or property crimes in the city. As a result New York City's marijuana policing strategy seems likely to simply divert scarce police resources away from more effective approaches that research suggests is capable of reducing real crime" ....*

*This policing strategy focused on misdemeanor [marijuana in public view] arrests is having exactly the wrong effect on serious crime – increasing it, rather than decreasing it..."<sup>2</sup>*

David Boyum and Mark Kleiman in their review of drug control policies note that of three major illicit drugs (marijuana, cocaine, and heroin), marijuana is the least likely to generate criminal activities. This is due to the method of dealing (discreet), amount of drug required to get high (small), the fact that the "high" itself is highly unlikely to trigger violence...

*"Making marijuana legally available to adults on more or less the same terms as alcohol would tend to reduce crime..."<sup>3</sup>*

In a dramatic reversal of his long-held position against potential health benefits of marijuana, Dr. Sanjay Gupta, neurosurgeon and Medical Correspondent for CNN, apologized for perpetuating misinformation<sup>4</sup>, saying:

*"I mistakenly believed the Drug Enforcement Agency listed marijuana as a schedule 1 substance because of sound scientific proof. Surely, they must have quality reasoning as to why marijuana is in the category of the most dangerous drugs that have "no accepted medicinal use and a high potential for abuse." They didn't have the science to support that claim, and I now know that when it comes to marijuana neither of those things are true."*

Community Alliance on Prisons respectfully asks the committee to pass this bill based on the expert opinions and research on this topic. Using law enforcement resources is wasteful and the polling here and around the continental US makes it clear that people want to use resources to address violent crime.

Mahalo for this opportunity to testify.

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<sup>2</sup> "Reefer Madness: Broken Windows Policing and Misdemeanor Marijuana Arrests in New York City, 1989-2000", Bernard Harcourt and Jens Ludwig, University of Chicago Law School, Criminology and Public Policy 2007. [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=948753](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=948753)

<sup>3</sup> "Substance Abuse Policy from a Crime-Control Perspective". In *Crime: Public Policies for Crime Control*, ed. James Q. Wilson and Joan Petersilia, 331- 382. Oakland, California: Institute for Contemporary Studies. <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.28.9946&rep=rep1&type=pdf>

<sup>4</sup> "Why I changed my mind on weed", Dr. Sanjay Gupta, CNN Chief Medical Correspondent, August 8, 2013 [http://www.cnn.com/2013/08/08/health/gupta-changed-mind-marijuana/index.html?hpt=hp\\_t2](http://www.cnn.com/2013/08/08/health/gupta-changed-mind-marijuana/index.html?hpt=hp_t2)



LATE TESTIMONY

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

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**TESTIMONY FOR SENATE BILL 2358, RELATING TO MARIJUANA**

**Senate Committee on Public Safety, Intergovernmental and Military Affairs**

**Hon. Will Espero, Chair**

**Hon. Rosalyn H. Baker, Vice Chair**

**Thursday, February 13, 2013, 2:50 PM**

**State Capitol, Conference Room 224**

Honorable Chair Espero and committee members:

I am Kris Coffield, representing IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 175 local members. On behalf of our members, we offer this testimony in strong support of SB 2358, 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 last 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 one ounce or less a civil violation, which this measure achieves.

Granted, marijuana remains illegal under federal law, where it is classified as a Schedule I substance, along with other psychoaffective 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 *completely* decriminalize, if not 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.

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*

# LATE TESTIMONY

Dr. Myron Berney

## **SB2358 Support**

Following the Legalization of Marijuana in the State of Colorado and Washington DC, the Federal Justice Department recognized and realized that Federal Courts would [could] only require a **REGULATED MARKET**.

The 1972 Presidential Commission Report, The Report of the National Commission on Marihuana and Drug Abuse, Marihuana: A Signal of Misunderstanding, Commissioned by President Richard M. Nixon, March, 1972

<http://www.druglibrary.org/schaffer/Library/studies/nc/ncmenu.htm>

had already pointed out that it is counterproductive to arrest people for Marijuana. The report also recommended the decriminalization of marijuana and the legalization of personal use. This study by Law Enforcement and Physicians found that Marijuana **was NOT a dangerous drug** as mistakenly believed and promoted by law enforcement and government policy.

The "EXPERIMENT" actually began with the Prohibition of Alcohol. Medically Science and MADD agree that Alcohol is the most individually and socially dangerous drug. Mostly all the bad beliefs about marijuana are actually present in alcohol. Despite the Great Public and Personal Harm resulting from Recreational use of Alcohol, the Prohibition of Alcohol did nothing to stifle demand only created a Public Safety Nightmare where machine gun violence was commonplace in the Alcohol Black Market from both law enforcement and organized crime.

Currently, MARIJUANA HAS ALREADY BEEN DECRIMINALIZED IN WASHINGTON, D.C. carrying a \$25 fine.

Medical Marijuana DISPENSARIES ARE OPEN IN WASHINGTON, D.C.

The Legal Guidelines from the Justice Department are 8 fold. Deputy Director James Cole stated,

The priorities that have guided our efforts are:

- Preventing the distribution of marijuana to minors;
- Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
- Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
- Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
- Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
- Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
- Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
- Preventing marijuana possession or use on federal property.

Our updated guidance also makes one overarching point clear: the Department of Justice expects that states and local governments that have enacted laws authorizing marijuana-related conduct will implement effective regulatory and enforcement systems **to protect federal priorities and the health and safety of every citizen.**

The health and safety **of every citizen also includes Medical Marijuana users and users of Recreational Marijuana.** The Health and Safety of all citizens including seriously ill patients and recreational marijuana users must also be protected.

Following the Legalization of Marijuana in Colorado and Washington President **Obama called for the Lowest Level of Law Enforcement for the personal use of Marijuana.** Marijuana has been DECRIMINALIZED IN WASHINGTON DC CARRYING A \$25 FINE.

[Marijuana will soon be LEGALIZED in Washington DC. At this time 10 of the 13 consul members are Voting UP on Legalizing Marijuana in Washington DC.]

It is the current Federal policy is that it is a waste of time and money to prosecute individuals for the personal use of marijuana.

**The Justice Department went even further with Cole saying that the Federal Government preferred a REGULATED MARKET over a Black market that steals money from Government coffers** based upon the 8 guidelines noted above. [Except for the thing about Federal property since Washington DC is way beyond that already.]

Most importantly is the **Position of the Hawaii State Supreme Court** that noted that the Marijuana Laws were irreconcilably conflicted reflection the conflict between law enforcement and Medical Science, between HRS 329-14 (20) Schedule 1 and HRS 329 Part IX, The Medical Use of Marijuana. The **Supreme Court ordered the Courts to resolve all conflicts in the Statutes in favor of the defendant ordering an acquittal on the marijuana charges.** The Chief Justice called the **lack of access to Medical Marijuana an ABSURDITY.**

**Medical Science finds Marijuana to be a useful medicine with none to minimal side effects.** Any side effect is easily managed. **The pharmacological effects of Marijuana are primarily homeostatic and balancing.** The most common effect is stress reduction and mild euphoria. Marijuana mimics the effects of a natural neurohormone, anandamine, which is also found in Chocolate. The "recreational use" to relieve stress and balance the various neurological, biochemical, and organ systems of the body is also therapeutic. Smoking marijuana for Tobacco users reduces the risk of Lung Cancer. The recreational use is Therapeutic. Why should it be illegal?

**Federal Court, in the Roger Christie, THC Ministry case, declared the THC Ministry to be a valid Church supporting their Religious Claim that Marijuana is a Religious Sacrament** and constitutionally protected under Freedom of Religion. The **State of Hawaii had previously found that the THC Ministry to be a valid Church and permitted their religious use and distribution locally.**

The trend is towards Legalization, decriminalization is a small step towards resolving the injustice directed against Marijuana.

Law Enforcement testified last session that they wanted it easy to arrest people and that decriminalization would make it difficult for law enforcement to arrest marijuana users.....THAT IS THE POINT OF THIS BILL

PUBLIC HEALTH DEPENDS UPON SAFE ACCESS TO MARIJUANA.

PUBLIC SAFETY DEPENDS UPON ELIMINATING MARIJUANA PROHIBITION.

# LATE TESTIMONY

The Honorable Senator Will Espero, Chair

Committee on Public Safety, Intergovernmental and Military Affairs

Senator Rosalyn Baker, Chair

Committee on Commerce and Consumer Protection

**RE: SB2358 relating to Marijuana**

My name is Maile Kanemaru, I am the Director of Weed and Seed, Hawaii

I strongly oppose SB2733.

I am primarily concerned for the health and safety of the community members, especially the youth.

Thank you for your consideration

**LATE TESTIMONY**

The Honorable Senator Will Espero, Chair

Room 231

Fax: 586-6361

Committee on Public Safety, Intergovernmental and Military Affairs

Senator Rosalyn Baker, Chair

Committee on Commerce and Consumer Protection

**RE: SB2358 relating to Marijuana**

My name is *CHARLES DIAS*

I am a resident of *EWA BEACH*

I strongly oppose SB2733.

I am primarily concerned for the health and safety of the community members, especially the youth.

Thank you for your consideration

*Charles Dias*



LATE TESTIMONY

The Honorable Senator Will Espero, Chair

Room 231

Fax: 586-6361

Committee on Public Safety, Intergovernmental and Military Affairs

Senator Rosalyn Baker, Chair

Committee on Commerce and Consumer Protection

**RE: SB2358 relating to Marijuana**

My name is *Tracy Cortez*

I am a resident of *Hawaii / Kapolei*

I strongly oppose SB2733.

I am primarily concerned for the health and safety of the community members, especially the youth.

Thank you for your consideration

The Honorable Senator Will Espero, Chair

Room 231

Fax: 586-6361

Committee on Public Safety, Intergovernmental and Military Affairs

Senator Rosalyn Baker, Chair

Committee on Commerce and Consumer Protection

LATE TESTIMONY

RE: SB2358 relating to Marijuana

My name is

Danielynne Sotelo

I am a resident of

Hawaii / Waiānanae

I strongly oppose SB2733.

I am primarily concerned for the health and safety of the community members, especially the youth.

Thank you for your consideration

The Honorable Senator Will Espero, Chair

Room 231

Fax: 586-6361

Committee on Public Safety, Intergovernmental and Military Affairs

Senator Rosalyn Baker, Chair

Committee on Commerce and Consumer Protection

LATE TESTIMONY

RE: SB2358 relating to Marijuana

My name is *Milda T. Kapua* . . .

I am a resident of

*Waipio By Gentry / Waipahy*

I strongly oppose SB2733.

I am primarily concerned for the health and safety of the community members, especially the youth.

Thank you for your consideration

# LATE TESTIMONY

**SB2358**

Submitted on: 2/12/2014

Testimony for PSM on Feb 13, 2014 14:50PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
michael curtis	Individual	Support	No

Comments: We need to rethink the unsuccessful "war on drugs" and see it for what it is... A war on our own citizen's right to freedom of choice. Decriminalizing marijuana use is common-sense and would put an end to the hypocrisy of our drug laws. How can we, in good conscious, allow alcohol and tobacco to be legal, but make criminals out of those who choose to smoke marijuana? Especially as the medical benefits of marijuana are becoming more and more documented. Full legalization is a better solution than this measure, but at least this is a step in the right direction...

LATE TESTIMONY

**SB2358**

Submitted on: 2/12/2014

Testimony for PSM on Feb 13, 2014 14:50PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary Marvin Porter	Individual	Support	No

Comments: SB2358 is an improvement on our present situation, however I think it is time to have legalization. Marijuana has been unjustly and unfairly demonized. It has a long history of use medicinally and spiritually. The crime has been our government incarcerating our citizens for using or growing marijuana. Please do all you can to stop the "witch hunt." Stop the helicopters flying over our homes searching for plants. Stop filling up our prisons with people on marijuana charges, people who did no harm to others. If legalization is not done, then SB2358 has my support. Mahalo for your help in this matter, Mary Marvin Porter Island Eyes Video Keauu Hawaii 808-982-9100

LATE TESTIMONY

**SB2358**

Submitted on: 2/12/2014

Testimony for PSM on Feb 13, 2014 14:50PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa A Jenkins	Individual	Comments Only	No

Comments: Please pass this measure. It is a step in the right direction to making marijuana legal in Hawaii. I also support the legalization of the cultivation of hemp. Please help this nation to come out of the unjust prohibition that has done so much damage and ruined so many lives. Over-crowded prisons and so much needless suffering, millions of wasted taxpayer dollars. Enough is enough!

**LATE TESTIMONY**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 13, 2014 12:53 PM  
**To:** PSMTestimony  
**Cc:** tia.pearson@gmail.com  
**Subject:** Submitted testimony for SB2358 on Feb 13, 2014 14:50PM

**SB2358**

Submitted on: 2/13/2014

Testimony for PSM on Feb 13, 2014 14:50PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
tia pearson	Individual	Support	No

Comments: Right now, the punishments for using marijuana are far more harmful than the drug itself. Criminal records can have long term effects on a person's employability, their ability to get loans, to qualify for financial aid when going to school, to adopt children. It is cruel and unnecessary to saddle people who are caught with small amounts of marijuana with a criminal record. The death toll from alcohol and cigarettes is far higher with more violence towards others as well. No one has died from taking marijuana or being around others that took it. That's a much better record than you can show with alcohol or cigarettes which are also more addictive.

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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# LATE TESTIMONY

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 13, 2014 8:53 AM  
**To:** PSMTestimony  
**Cc:** outofthebox808@gmail.com  
**Subject:** \*Submitted testimony for SB2358 on Feb 13, 2014 14:50PM\*

## **SB2358**

Submitted on: 2/13/2014

Testimony for PSM on Feb 13, 2014 14:50PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Aaron K	Individual	Support	No

### Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 13, 2014 11:43 AM  
**To:** PSMTestimony  
**Cc:** brysparks@hotmail.com  
**Subject:** Submitted testimony for SB2358 on Feb 13, 2014 14:50PM

## **SB2358**

Submitted on: 2/13/2014

Testimony for PSM on Feb 13, 2014 14:50PM in Conference Room 224.

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bryon	Individual	Comments Only	No

Comments: Marijuana use is a victimless crime. Costs and law enforcement time spent on marijuana possession could be used for more serious drug offenses like Hawaii's methamphetamine problem or in addressing violent crimes. Convicted marijuana offenders are denied federal student aid, lose their professional licenses, and encounter barriers to employment, housing, and adoption. These penalties disproportionately affect young, low income, and minority individuals. While people who are convicted of marijuana related offenses are denied federal student aid, people convicted of violent crimes remain eligible. 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. It's time to decriminalize marijuana use and possession and regulate it in the same manner as alcohol.

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~~LATE TESTIMONY~~

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 13, 2014 11:55 AM  
**To:** PSMTestimony  
**Cc:** mminn811@gmail.com  
**Subject:** Submitted testimony for SB2358 on Feb 13, 2014 14:50PM

**SB2358**

Submitted on: 2/13/2014

Testimony for PSM on Feb 13, 2014 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
M. Minn	Individual	Support	No

Comments: Please stop using our resources on arresting, prosecuting, and incarcerating marijuana producers and consumers, especially those who are using cannabis to treat medical conditions. Instead, allow local entrepreneurs to create revenue and jobs for our local economy.

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# LATE TESTIMONY

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 13, 2014 5:05 PM  
**To:** PSMTestimony  
**Cc:** earl.t.wylie@gmail.com  
**Subject:** Submitted testimony for SB2358 on Feb 13, 2014 14:50PM

## **SB2358**

Submitted on: 2/13/2014

Testimony for PSM on Feb 13, 2014 14:50PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Earl T. Wylie	Individual	Support	No

Comments: I fully support this bill. I think that it is criminal to continue to prosecute and imprison people for the use of cannabis. It is also a waste of public resources.

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