

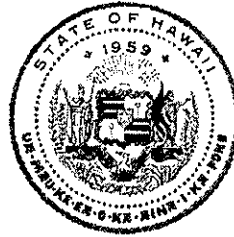
SB 2402

RELATING TO CONTROLLED SUBSTANCES

Amends definitions of "marijuana", "usable marijuana" and adds definitions of "hashish" and "marijuana concentrate".

PSM, JDL

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Blvd. 4th Floor
Honolulu, Hawaii 96813

TED SAKAI
INTERIM DIRECTOR

MARTHA TORNEY
Deputy Director of
Administration

MAX OTANI
Deputy Director
Corrections

SHAWN TSUHA
Deputy Director
Law Enforcement

No. _____

**TESTIMONY ON SENATE BILL 2402
RELATING TO CONTROLLED SUBSTANCES**

By
Ted Sakai, Director
Department of Public Safety

Senate Committee on Public Safety,
Intergovernmental and Military Affairs
Senator Will Espero, Chair
Senator Rosalyn Baker, Vice Chair

Tuesday, February 13, 2014 at 2:50 PM
State Capitol, Room 224

Chair Espero, Vice Chair Baker and Members of the Committee:

The Department of Public Safety **supports** Senate Bill 2402 that proposes to amend the definition of "marijuana", and "usable marijuana" and "adds a new definition of "hashish" and "marijuana concentrate" to be consistent throughout the Hawaii Revised Statutes. Senate Bill 2402 is necessary due to the fact there is no clear definition of "hashish" in the Hawaii Revised Statutes, law enforcement and the courts have had to fall back on the Federal definition and of "hashish" for laboratory analysis purposes and prior case notes (State vs. Choy) that set forth the difference between marijuana and marijuana concentrate in the courts.

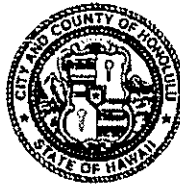
SENATE BILL 2404
February 13, 2014
Page 2

Senate Bill 2402 if passed will clearly define the difference between the terms marijuana, marijuana concentrate and hashish.

Thank you for the opportunity to testify on this matter.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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



KIRK CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHRO
MARIE A. MCCAULEY
DEPUTY CHIEFS

CUR REFERENCE JI-TA

February 13, 2014

The Honorable Will Espero, Chair
and Members
Committee on Public Safety,
Intergovernmental and Military Affairs
State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Espero and Members:

SUBJECT: Senate Bill No. 2402, Relating to Controlled Substances

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

The Honolulu Police Department supports Senate Bill No. 2402, Relating to Controlled Substances.

This bill seeks to amend the Hawaii Revised Statutes by adding definitions for "hashish" and "marijuana concentrate," and by amending the definitions of "marijuana" and "usable marijuana."

According to the White House Office of National Drug Control Policy, marijuana use can lead to significant health, safety, social, learning, and behavioral problems, especially for young users.

Marijuana also has a high potential for abuse and can result in addiction. According to the Alcohol and Drug Abuse Division of the State of Hawaii, Department of Health, 31.3 percent of those admitted for treatment in 2009 stated that marijuana was their primary substance of abuse.

The tetrahydrocannabinol levels found in marijuana concentrates are likely to be twice that of dried marijuana. In addition, the processing involved to render marijuana concentrates can be hazardous. Lastly, the end user of a marijuana concentrate has little control over the potency of the product and may be unaware of the hazardous chemicals that the product may contain.

Serving and Protecting With Aloha

The Honorable Will Espero, Chair
and Members
Page 2
February 13, 2014

Passage of this bill would prohibit medical marijuana users from possessing hashish or marijuana concentrates.


The Honolulu Police Department urges you to support Senate Bill No. 2402, Relating to Controlled Substances.

Thank you for the opportunity to testify.

Sincerely,


JERRY INOUE, Major
Narcotics/Vice Division

APPROVED:



LOUIS M. KEALOHA
Chief of Police

William P. Kenol
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

349 Kapi'olani Street • Hilo, Hawai'i 96720-3998
(808) 935-3311 • Fax (808) 961-2389

February 11, 2014

Senator Will Espero
Chairperson and Committee Members
Committee on Public Safety, Intergovernmental and Military Affairs
415 South Beretania Street, Room 224
Honolulu, Hawai'i 96813

Re: Senate Bill 2402 Relating to Controlled Substances

Dear Senator Espero:

The Hawai'i Police Department supports passage of Senate Bill 2402, relating to Controlled Substances. The stated intent of this legislation is to amend the definitions of "marijuana", "usable marijuana", and adds definitions of hashish and marijuana concentrates.

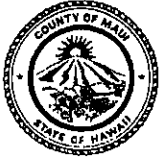
Our department believes that in view of the widespread use of medical marijuana, this legislation will aid in ensuring there is no confusion on the part of the user as to which portions of the marijuana plant are acceptable for use. Further, it will ensure the user does not improperly attempt to further concentrate the THC potency, thereby putting the user at undue risk.

For these reasons, we urge this committee to pass legislation. Thank you for allowing the Hawai'i Police Department to testify on Senate Bill No. 2402.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry S. Kubojiri", is written over a printed name and title.

HARRY S. KUBOJIRI
POLICE CHIEF



ALAN M. ARAKAWA
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

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



GARY A. YABUTA
CHIEF OF POLICE

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

February 11, 2014

The Honorable Will Espero, Chair
and Members of the Committee on Public Safety,
Intergovernmental and Military Affairs
The Senate
State Capitol
Honolulu, HI 96813

RE: Senate Bill No. 2402 - Relating to Controlled Substances

Dear Chair Espero and Members of the Committee:

The Maui Police Department supports the passing of SB 2402, which amends definitions of "marijuana", "usable marijuana" and adds definitions of "hashish" and "marijuana concentrate". The passage of this bill will assist investigations into controlled substances by further clarifying "marijuana" and "usable marijuana" definitions and also by the addition of definitions for "hashish" and "marijuana concentrate".

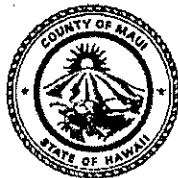
The Maui Police Department again asks for your support on SB 2402.

Thank you for the opportunity to testify.

Sincerely,


GARY A. YABUTA
Chief of Police

ALAN M. ARAKAWA
Mayor



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

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

CONTACT: SIMONE C. POLAK
Deputy Prosecuting Attorney
Drug Unit

TESTIMONY ON SENATE BILL 2402
RELATING TO CONTROLLED SUBSTANCES

Senate Committee on Public Safety,
Intergovernmental and Military Affairs

Thursday, February 13, 2014, at 2:50pm
State Capitol, Room 224

The Honorable Will Espero, Chair
The Honorable Rosalyn H. Baker, Vice Chair
and Members of the Senate Committee on Public Safety,
Intergovernmental and Military Affairs

Chair Espero, Vice Chair Baker, and Members of the Committee:

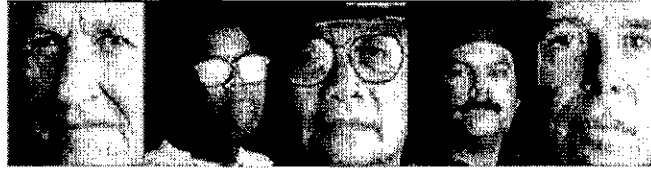
The Department of the Prosecuting Attorney, County of Maui, SUPPORTS SB 2402, Relating to Controlled Substances. SB 2402 proposes to amend the definitions of "marijuana" and "usable marijuana" and adds definitions of "hashish" and "marijuana concentrate."

At current, "Marijuana concentrate" is defined to include "hashish," however, there is no statutory definition of "hashish" in the Hawaii Revised Statutes. Senate Bill 2402 is necessary to provide a clear statutory definition, generally accepted by the legal and scientific community, for "hashish." The proposed definition of "hashish" follows the federal definition and is applied by criminalists in forensic laboratories.

If passed, SB2402 will provide a definition of "hashish," which will clarify the meaning of the terms "marijuana," "marijuana concentrate," and "hashish."

Accordingly, the Department of the Prosecuting Attorney, County of Maui, SUPPORTS the passage of this bill. We ask that the committee PASS SB 2402.

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



Senate Committee on Public Safety, Intergovernmental and Military Affairs

Sen. Will Espero, Chair

Sen. Rosalyn H. Baker, Vice Chair

Conference Room 229

State Capitol

415 South Beretania Street

Strong Opposition – SB2402 – Relating to Controlled Substances

Aloha Chairman Espero, Vice Chair Baker,

The Big Island Chapter of the Americans for Safe Access strongly opposes SB2402 because it will be very detrimental to all the medical cannabis patients that find relief from their symptoms by using cannabis other than by being smoked.

Why force people to smoke cannabis when there are better and safer ways to ingest it? For many patients ingesting the medicine works best for them and they should not be denied this right. Also, ingesting a dose is the best way to titrate the amount the patient requires to receive relief.

The bottom line here is that legislators should not play the role of doctors. There is no reason for them to dictate how medicine should or should not be administered.

We understand the problems and concerns for public safety with regards to the manufacture of honey oil using butane. This needs to be addressed by separate legislation and not go overboard by outlawing all cannabis products.

This bill should never get out of the first committee hearing. It is a bill which will hurt patients and set back the medical cannabis program in Hawai'i. Mahalo.

Andrea Tischler, Chair

SB2402

Submitted on: 2/12/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Melissa Nickle	Individual	Support	No

Comments: The time has come to allow this natural herb to be legal we could produce hemp foods, I heard that you can use it in plastic for a more natural product its such a valuable resource. Marijuana is not the harsh drug that is has been classified as all recent studies show it has healing properties for the sick helping appetite, well being and quality of life, it is much safer to use then say alcohol or pain killers that have been over prescribed by doctors. Also would promote more tourism people come to Hawaii to relax and how great it would be to have a legal dispensary in place. Pot smokers are tired of breaking the law but they continue to do so because they disagree with the system and political view of Pot and Pot smokers. Pot smokers are productive people some have become president, olympic athletes, business owners, doctors, lawyer. When it is legal I believe the government will be in shock how many people enjoy marijuana from grandmas and grandpa to successful young adults. Going to jail for pot has to stop and punishing sick people is just wrong they should have the choice if it help them feel better and some people really enjoy getting high on pot it makes them relax, happy, and its non violent.

Will Espero, Chair
Rosalyn H. Baker, Vice Chair
Committee on Public Safety

Clayton Hee, Chair
Maile Shimabukuro, Vice Chair
Committee on Judiciary and Labor

Date: Thursday, February 13th
Time: 2:00PM
Place: Conference room 224, State Capitol

From: Craig R. Ellenwood
Re: Measure: SB2402 Position: Opposed

Aloha Chairs and Members of The Committees of Public Safety and Judiciary and Labor,

I use medical cannabis to help control my chronic pain due to a botched VAT surgery on my lung, which damaged the intercostal nerves running through my left side. I'm not able to smoke marijuana and don't believe smoking cannabis is the safest and most effective way to use it. I've found that using a tincture made from the cannabis flowers, leaves and food grade glycerin is safe and effective. A few droppers of the tincture under my tongue provide excellent and fast relief.

I worry that if this bill passes I will not be allowed to use this tincture. Many other patients such as those weak from chemotherapy or those who suffer seizures also benefit most from edibles and tinctures made from extracting THC and Cannibidiol (CBD).

Please do not pass this bill.

Thank you for the opportunity to testify,
Craig R. Ellenwood

SB2402

Submitted on: 2/11/2014

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

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

Comments: This bill is an unacceptable attempt to limit the choice that medical cannabis patients have in using their marijuana. Many patients dislike smoking marijuana, preferring instead to use oils, tinctures, juices, and edible products that are easier for the very sick to consume and more predictable. This bill would ban all of these, which is absurd, contrary to the spirit of the law, and contrary to medical fact. In more depth: There is no reason to force the very sick to smoke marijuana when there are better ways for them to ingest it. There are perfectly safe ways of making all of these products. The butane hash oil that is likely the cause for concern in this case should be addressed separately in its own legislation. Individual needs vary. Some patients may find that smoking is a better way for them to self titrate, others find that tinctures or oils work best for them. There is no reason for legislators to dictate how this medicine should be administered. This bill is completely intolerable and CANNOT be allowed to pass. It is laughable to think that we would even consider forcing all of our medical marijuana patients to smoke their medicine, when much better, safer, more pleasant methods of administering it are available to them.

SB2402

Submitted on: 2/11/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Albert Thomas	Individual	Oppose	No

Comments: This bill is unacceptable and appears to be an attempt to limit the choice that medical cannabis patients have in using their marijuana. Many patients dislike smoking marijuana, preferring instead to use oils, tinctures, juices, and edible products that are easier for the very sick to consume and more predictable. This bill would ban all of these, which is absurd, contrary to the spirit of the law, and contrary to medical fact. There is no reason to force the very sick to smoke marijuana when there are better ways for them to ingest it. There are perfectly safe ways of making all of these products. The butane hash oil that is likely the cause for concern in this case should be addressed separately in its own legislation. Individual needs vary. Some patients may find that smoking is a better way for them to self titrate, others find that tinctures or oils work best for them. There is no reason for legislators to dictate how this medicine should be administered. This bill is completely intolerable and CANNOT be allowed to pass. It is laughable to think that we would even consider forcing all of our medical marijuana patients to smoke their medicine, when much better, safer, more pleasant methods of administering it are available to them.

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]

Sent: Tuesday, February 11, 2014 8:33 AM

To: PSMTestimony

Cc: victoriahokulani@gmail.com

Subject: Submitted testimony for SB2402 on Feb 13, 2014 14:50PM

SB2402

Submitted on: 2/11/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Victoria Latenser	Individual	Oppose	No

Comments:

Forcing patients to smoke is cruel and absurd. Cannabis based medicine was administered in oil 100 years ago and sold over the counter. There are children with seizure disorders that take cannabis medicine orally. The intent of this bill would make them criminals. This bill has zero compassion for hundreds who cannot or should not smoke dried herbs. This is a very poorly thought out bill and it MUST NOT PASS.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 11, 2014 9:31 AM
To: PSMTestimony
Cc: alangorg@hotmail.com
Subject: Submitted testimony for SB2402 on Feb 13, 2014 14:50PM

SB2402

Submitted on: 2/11/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Gorg	Individual	Oppose	No

Comments: Aloha, This bill will be an embarrassment to the Legislature because it is so obviously stupid and even insane to anyone with common sense. Everyone knows that smoking is the WORST way to consume almost anything. Smoking is not good for anyone! The other ways are less harmful. Please do not make yourselves look dumb. Kill this bonehead bill. Mahalo.

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: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Tuesday, February 11, 2014 12:27 PM
To: PSMTestimony
Cc: parteralinda@gmail.com
Subject: Submitted testimony for SB2402 on Feb 13, 2014 14:50PM

SB2402

Submitted on: 2/11/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Marianna Taranto	Individual	Oppose	No

Comments: What is going on in the state legislature? Don't you people know that cannabis oil is what most cancer patients are using to treat their cancer? Yes, the smoked leaf relieves symptoms. The oil is what cures. Please do your research before introducing bills that limit our abilities to take care of ourselves. Yes, I am a cancer patient surviving with the use of medical marijuana. If you really want to help the people, please please please introduce a bill increasing the number of plants to 30 so that we can juice the leaves. This method harvests the whole plant while still immature. Somebody over there please do some research God bless us everyone

SB2402

Submitted on: 2/11/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Rev, Dennis Shields	Individual	Oppose	No

Comments: Aloha I am a registered medicinal cannabis user and it is a much needed relief and a way to have an adequate supply to remove the cellulose of the cannabis plant and retain and use the cannabis resin which is easily gotten by extraction through filter bags The removal of the cellulose plant material removes most of the tar and byproducts of combustion that smoking the unfiltered plant material causes Also the use of cannabis oil in e-cigarette vaporizers removes even more of these tars For the above reasons I oppose this measure and ask that you kindly table the measure Aloha Rev. Dennis Shields

SB2402

Submitted on: 2/11/2014

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

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

Comments: COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS Senator Will Espero, Chair Senator Rosalyn H. Baker, Vice Chair Thursday, February 13, 2014 2:50 pm Conf Room 224 I am in STRONG OPPOSITION. This is the kind of bill that upsets me as a patient. It says, "I don't know what this concentrate stuff is but, patients who say it works, I spit on you. I spit on your recovery, maintenance of health and anything else that you have been testifying to." How did this bill get here? There is no logical, scientific or anecdotal evidence to support such a position on concentrates. We are wasting time on this bill when we should be working out the details of a dispensary system with proper testing facilities to provide patients with a safe, adequate and LEGAL supply of medicine and not just the smoked leaf. I MAHALO you ahead of time for your cooperation in KILLING this misguided bill.

Senate Committee on Public Safety, Intergovernmental and Military Affairs

Sen. Will Espero, Chair

Sen. Rosalyn H. Baker, Vice Chair

Thursday, February 13, 2014

2:50PM

Conference Room 224

State Capitol

415 South Beretania Street

Strong Opposition – SB2402 – Relating to Controlled Substances

Hello, my name is Karl Malivuk. I am a retired property owner, both registered to vote and also living in the Mo'ili'ili district of Honolulu. I am writing to strongly reject, and urge the defeat of, SB2402. As a registered medical cannabis patient here in Hawai'i and a former registered patient in the state of New Mexico I believe this bill would undo progress made with the state medical cannabis program and needlessly put patients under more hardship in finding medical relief. The bill removes all cannabis substances except smokable cannabis. Does this make sense for a lung cancer patient? How about an elderly grandmother who has never smoked in her life?

To begin with, this topic should be addressed by the State Board of Health, not through legislative mandate. And the initial points of the bill clearly demonstrate why. A botanist or biomedical worker could easily correct the mistaken assumptions of the bill's technical and scientific definitions, along with the grammatical errors (mis-spellings, plural vs. singular confusion, etc.). But more importantly, the bill assumes that these substances mentioned (hashish and other cannabis concentrates) are not health related substances when in fact they have clearly been demonstrated both nationally and internationally to be just that. Clinical research belies the notions put forth in this bill

This bill is clearly a harmful measure which seeks to reduce patient access to medical cannabis. Additionally the bill would have a deleterious effect on existing medication. If this bill were to become law, then amongst other grievous errors, it would ban Marinol (dronabinol), an FDA approved prescriptive drug that has been available nationally for nearly 30 years.

Please reject this bill.

Thank you for your time.

Karl Malivuk

2474 Kapiolani Blvd #2001

Honolulu, Hawai'i

96826

Hawaiian-Pacific Pain and Palliative Care

David J. Barton MD

2/12/2014

The Honorable Senator Will Espero, Chair, the Honorable Senator Rosalyn Baker, Vice-Chair, and Members of the Committee on Public Safety, Intergovernmental and Military Affairs

Senate
State Capitol
Honolulu, Hawaii 96813

Re: SB2402, RELATING TO CONTROLLED SUBSTANCES

Position: Strongly opposed

Aloha,

I submit this testimony as a pain medicine physician, and medical cannabis patient advocate. The use of cannabis in pain medicine, especially non-psychoactive low THC, high Cannabidiol plants and their derived products, is well proven and beyond any question as to safety and effectiveness, especially for those many chronic pain condition where no adequate and effective treatments otherwise exist. In addition, it has well proven its usefulness in many other areas of medicine and other disease and chronic illness processes, from cancer to the dying hospice patient. These things affect every family and citizen of the state. Everyone, either directly or indirectly!

This bill represents an unacceptable attempt to limit the choice that medical cannabis patients have in using their marijuana. It attempts to forbid and criminalize an accepted medical use of cannabis already recognized in Hawaii; Concentrates, oils, hash, and all things derived from the plant into products. It would even ban juicing fresh cannabis taken in its most liberal definitions. It is just another continued attempt by non-medical trained persons to continue efforts to criminalize a medicine that has proven helpful in relieving disability, disease, and suffering, from the very young to our dying kupunas.

The novel and important medical improvements in cannabis medicine involve the use of essential oils, made from cannabis. Most have seen the Dr Sanjay Gupta CNN piece on medical cannabis, and the dramatic improvements in children and others with seizure syndromes. Since that show, many parents in Hawaii have consulted with me and sought out this treatment for their children. They do not know much about cannabis but

41-1300 Waikupanaha St., Waimanalo, HI 96795

www.hippcc.com

they want the chance to try it, and to give hope of a better life to their children. We need to protect that right by not allowing this SB2402 to become law. Others have found it helpful, and superior to other forms of cannabis, for cancer and end of life care. Most recently, I have been urging patients to obtain further relief of disease symptoms for rheumatologic disease, such as rheumatoid arthritis and Lupus, by juicing raw cannabis, which is a form of extraction, especially if made with juiced Olena (Turmeric), and other vegetables/herbs. Some Hospice/ End of life patients have found this mixture to be the ONLY medicine to help their pain and sleep issues, when dying, in spite of Morphine and other opioids, and all kinds of sleeper pills.

Indeed, renowned Pain Medicine and Hospice physicians, such as Dr Perry G. Fine, University of Utah, and past President of the American Academy of Pain Medicine, have determined that the edible forms of cannabis are the most effective in many conditions. He concludes in one of his most recent publications; *“Putting these pharmacologic, clinical, and societal issues together, the direction for the future resides in the development of orally administered, highly bioavailable, non-psychoactive phyto-cannabinoid products that also take advantage of the entourage effect, to provide the millions of people living with debilitating pain a comparatively safe and effective form of relief.”*

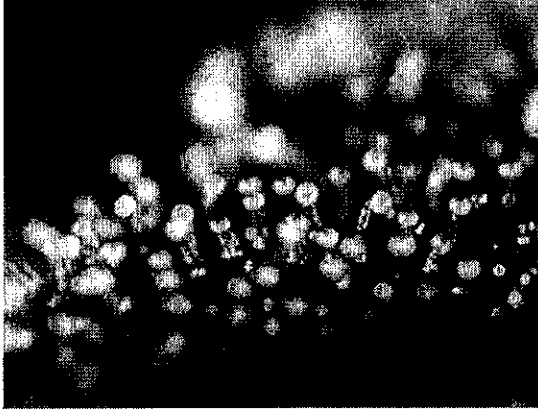
<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3820295/pdf/rmmj-4-4-e0022.pdf>

This bill represents a total back sliding of medical progress. This bill wants to confine the only allowed medical use to dried leaves and buds. I spend a lot of my time urging people NOT TO SMOKE, or even vaporize unless needed, but to go edible and oral!

In addition, do they expect and want the kids with intractable seizures of Dravet’s Syndrome to be smoking their only effective anti-seizure medicine?

Dr Cliff Otto, MD, a medical cannabis expert here in Hawaii, has an excellent summation and overview of the issues of this bill. I quote him here:

“As you know, hash is simply a part of the mature flower of the Cannabis plant, namely the trichomes, which can be brushed off the leaves of the flower by non-chemical means (picture attached).



The resulting material, which is approximately 65% primary cannabinoid, is currently being used by cancer patients in Hawaii to not only treat the symptoms of their disease, but also to act as a cure for their cancer.

Indeed, Cannabidiol (CBD), the primary cannabinoid in plants that are being bred to have very low THC, has proven anti-cancer properties (article attached). CBD is also being used, among other things, to treat anxiety in Schizophrenic patients, since it is non-psychoactive.

I imagine you have already seen Dr. Sanjay Gupta's CNN documentary, which documents the growing scientific interest in this natural chemical with unprecedented medical effects that is safer than any other chemical in its class.

http://www.youtube.com/watch?v=Z3IMfIQ_K6U

One of the problems with your bill is that it ignores the accepted medical use of hash that already exists in Hawaii. The medical use of hash cannot be removed simply because it has a higher concentration of the active ingredients in the Marijuana flower that already has currently accepted medical use in treatment in Hawaii. In fact, it is precisely this ability to concentrate the trichomes from the mature flower that lends to the medical benefits of Marijuana for certain State recognized debilitating conditions.

Another problem is that the changes to Hawaii's Uniform Controlled Substances Act that your bill would create would not be in line with how the Federal Government is currently classifying Marijuana Extracts. Perhaps you are aware that the DEA created a new category that allows Marijuana Extracts to be tracked separately from the rest of the plant (attached). This is in preparation for the manufacture of Marijuana Extracts in other countries, which will then be imported for final preparation in the United States, very similar to the way that coca and opium are currently being processed. It would be more appropriate to create the similar category of "Marijuana Extract" in Hawaii's UCSA, and then recognize the accepted medical use of Marijuana and Marijuana Extracts that already exists here in Hawaii.

Finally, your bill could also violate the Federal Interstate Commerce Clause, since it would make illegal the natural source hash that exists in a soon to be FDA approved Marijuana pharmaceutical preparation called Sativex.

If your concern is over the highly concentrated Marijuana extracts that are being made using the Butane extraction method, then a more appropriate way to address this problem would be to restrict the commercial sale of Butane in Hawaii, not to restrict a part of the Marijuana plant that already has medical use here.....

I would love to help with the development of a more appropriate solution for the control of Butane extracts in Hawaii."

Attachment links:

<http://mct.aacrjournals.org/content/6/11/2921.long>

http://www.deadiversion.usdoj.gov/fed_regs/rules/2011/fr0705_7.htm

What advocates of this bill fail to understand is that the plant is NOT the problem. The system currently in place is the problem! Patients are forced to home make these products because Hawaii's politicians, the state government, and the legislature refuse to listen to the will of the people and allow for their safe production and safe access through a dispensary system. 85 to 90% of voters want a dispensary system, so **WHY IS IT NOT HAPPENING IMMEDIATELY?**

Patients have been force to make these things on their own for decades. The state has recognized in law that cannabis is a medicine, but has refused to take it seriously and provide a safe and legal mechanism for the production and distribution of these things. It has failed to provide a legal mechanism for safe products. What is a citizenry to do when its government turns its hearts, ears, and eyes away from the people who have voted them into office?

We are all worried about people being killed or injured, and blowing up their homes using Butane methods, so let us talk about Butane and flammable products, and not the Plant. Then we will remind all that they, the Legislature and the State, have the power to fix this problem immediately by allowing these oils and concentrates to be commercially made in a regulated and safety conscious fashion, and distributed through a retail dispensary system; a process that cannot even get a legitimate discussion in the legislature.

An interesting tidbit from a LA times story (covering fires & deaths from making "honey oil")

"Safer forms of production exist where it is sanctioned and regulated under state law. In Colorado's highly controlled market, state officials this month set forth rules requiring hash oil producers to follow the same procedures that manufacturers use to extract oils from plants to make canola oil, fragrances, food additives, pharmaceuticals and shampoo."

Yet another reason to have dispensaries w/ inspected & regulated products.

Here is the entire story:

<http://www.latimes.com/local/la-me-butane-hash-20140206,0.5499031.story#ixzz2t4hyyBxf>

Thank you for your concern and this discussion.

Sincerely,

David J. Barton, MD

Pain and Palliative Care

Waimanalo, Hawaii

The Honorable Senator Will Espero, Chair, the Honorable Senator Rosalyn Baker, Vice-Chair, and
Members of the Committee on Public Safety, Intergovernmental and Military Affairs
Senate
State Capitol
Honolulu, Hawaii 96813

Re: SB2402, RELATING TO CONTROLLED SUBSTANCES

Position: Strongly opposed

Aloha,

I submit this testimony as a chiropractic physician, and medical cannabis patient advocate. The use of cannabis in pain medicine, especially non-psychoactive low THC, high Cannabidiol plants and their derived products, is well proven and beyond any question as to safety and effectiveness, especially for those many chronic pain condition where no adequate and effective treatments otherwise exist. In addition, it has well proven its usefulness in many other areas of medicine and other disease and chronic illness processes, from cancer to the dying hospice patient. These things affect every family and citizen of the state. Everyone, either directly or indirectly!

This bill represents an unacceptable attempt to limit the choice that medical cannabis patients have in using their marijuana. It attempts to forbid and criminalize an accepted medical use of cannabis already recognized in Hawaii: Concentrates, oils, hash, and all things derived from the plant into products. It would even ban juicing fresh cannabis taken in its most liberal definitions. It is just another continued attempt by non-medical trained persons to continue efforts to criminalize a medicine that has proven helpful in relieving disability, disease, and suffering, from the very young to our dying kupunas.

The novel and important medical improvements in cannabis medicine involve the use of essential oils, made from cannabis. Most have seen the Dr Sanjay Gupta CNN piece on medical cannabis, and the dramatic improvements in children and others with seizure syndromes. Since that show, many parents in Hawaii have consulted with me and sought out this treatment for their children. They do not know much about cannabis but they want the chance to try it, and to give hope of a better life to their children. We need to protect that right by not allowing this SB2402 to become law. Others have found it helpful, and superior to other forms of cannabis, for cancer and end of life care. Most recently, I have been urging patients to obtain further relief of disease symptoms for rheumatologic disease, such as rheumatoid arthritis and Lupus, by juicing raw cannabis, which is a form of extraction, especially if made with juiced Olena (Turmeric), and other vegetables/herbs. Some Hospice/ End of life patients have found this mixture to be the ONLY medicine to help their pain and sleep issues, when dying, in spite of Morphine and other opioids, and all kinds of sleeper pills.

Indeed, renowned Pain Medicine and Hospice physicians, such as Dr Perry G. Fine, University of Utah, and past President of the American Academy of Pain Medicine, have determined that the edible forms of cannabis are the most effective in many conditions. He concludes in one of his most recent publications; "Putting these pharmacologic, clinical, and societal issues together, the direction for the future resides in the development of orally administered, highly bioavailable, non-psychoactive phyto-cannabinoid products that also take advantage of the entourage effect, to provide the millions of people living with debilitating pain a comparatively safe and effective form of relief."

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3820295/pdf/rmmj-4-4-e0022.pdf>

This bill represents a total back sliding of medical progress. This bill wants to confine the only allowed medical use to dried leaves and buds. I spend a lot of my time urging people NOT TO SMOKE, or even vaporize unless needed, but to go edible and oral!

In addition, do they expect and want the kids with intractable seizures of Dravet's Syndrome to be smoking their only effective anti-seizure medicine?

Dr. Clif Otto, MD, a medical cannabis expert here in Hawaii, has an excellent summation and overview of the issues of this bill. I quote him here:

"As you know, hash is simply a part of the mature flower of the Cannabis plant, namely the trichomes, which can be brushed off the leaves of the flower by non-chemical means (picture attached).

The resulting material, which is approximately 65% primary cannabinoid, is currently being used by cancer patients in Hawaii to not only treat the symptoms of their disease, but also to act as a cure for their cancer.

Indeed, Cannabidiol (CBD), the primary cannabinoid in plants that are being bred to have very low THC, has proven anti-cancer properties (article attached). CBD is also being used, among other things, to treat anxiety in Schizophrenic patients, since it is non-psychoactive.

I imagine you have already seen Dr. Sanjay Gupta's CNN documentary, which documents the growing scientific interest in this natural chemical with unprecedented medical effects that is safer than any other chemical in its class.

http://www.youtube.com/watch?v=Z3IMfIQ_K6U

One of the problems with your bill is that it ignores the accepted medical use of hash that already exists in Hawaii. The medical use of hash cannot be removed simply because it has a higher concentration of the active ingredients in the Marijuana flower that already has currently accepted medical use in treatment in Hawaii. In fact, it is precisely this ability to concentrate the trichomes from the mature flower that lends to the medical benefits of Marijuana for certain State recognized debilitating conditions.

Another problem is that the changes to Hawaii's Uniform Controlled Substances Act that your bill would create would not be in line with how the Federal Government is currently classifying Marijuana Extracts. Perhaps you are aware that the DEA created a new category that allows Marijuana Extracts to be tracked separately from the rest of the plant (attached). This is in preparation for the manufacture of Marijuana Extracts in other countries, which will then be imported for final preparation in the United States, very similar to the way that coca and opium are currently being processed. It would be more appropriate to create the similar category of "Marijuana Extract" in Hawaii's UCSA, and then recognize the accepted medical use of Marijuana and Marijuana Extracts that already exists here in Hawaii.

Finally, your bill could also violate the Federal Interstate Commerce Clause, since it would make illegal the natural source hash that exists in a soon to be FDA approved Marijuana pharmaceutical preparation called Sativex.

If your concern is over the highly concentrated Marijuana extracts that are being made using the Butane extraction method, then a more appropriate way to address this problem would be to restrict the commercial sale of Butane in Hawaii, not to restrict a part of the Marijuana plant that already has medical use here.....

I would love to help with the development of a more appropriate solution for the control of Butane extracts in Hawaii."

Attachment links:

<http://mct.aacrjournals.org/content/6/11/2921.long>

http://www.deadiversion.usdoj.gov/fed_regs/rules/2011/fr0705_7.htm

What advocates of this bill fail to understand is that the plant is NOT the problem. The system currently in place is the problem! Patients are forced to home make these products because Hawaii's politicians, the state government, and the legislature refuse to listen to the will of the people and allow for their safe production and safe access through a dispensary system. 85 to 90% of voters want a dispensary system, so WHY IS IT NOT HAPPENING IMMEDIATELY?

Patients have been force to make these things on their own for decades. The state has recognized in law that cannabis is a medicine, but has refused to take it seriously and provide a safe and legal mechanism for the production and distribution of these things. It has failed to provide a legal mechanism for safe products. What is a citizenry to do when its government turns its hearts, ears, and eyes away from the people who have voted them into office?

We are all worried about people being killed or injured, and blowing up their homes using Butane methods, so let us talk about Butane and flammable products, and not the Plant. Then we will remind all that they, the Legislature and the State, have the power to fix this problem immediately by allowing these oils and concentrates to be commercially made in a regulated and safety conscious fashion, and distributed through a retail dispensary system; a process that cannot even get a legitimate discussion in the legislature.

An interesting tidbit from a LA times story (covering fires & deaths from making "honey oil")
"Safer forms of production exist where it is sanctioned and regulated under state law. In Colorado's highly controlled market, state officials this month set forth rules requiring hash oil producers to follow the same procedures that manufacturers use to extract oils from plants to make canola oil, fragrances, food additives, pharmaceuticals and shampoo."

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Thank you for your concern and this discussion.

Sincerely,

Gregory E. Hungerford, DC
Haleiwa, HI 96791

SB2402

Submitted on: 2/12/2014

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

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

Comments: I am a Big Island resident for over 30 years and a medical Marijuana Patient for 12 years. I cannot or rarely inhale my medicine. 95% of my medicine is through ingestion. in the form of a concentrates. Taking this away from me might as well take away my ability to eat or function properly as smoking it is the last way I could use it. We are Medical Patients here not Zoo Animals that you have been treating us like. Stop Harassing the Medical Marijuana Patients of Hawai'i. I can have the Orange but cannot have the Orange juice is what this bill says. Stop your insanity!!! did any of you go to school and complete the 12th grade at least. I wonder!!

SB2402

Submitted on: 2/12/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
David Sellers	Individual	Oppose	No

Comments:

SB2402

Submitted on: 2/12/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Felicia Cowden	Individual	Oppose	No

Comments: The criminalization of the marijuana plant and its derivatives has been demonstrated for some time now as a paranoid position which primarily serves to protect the pharmaceutical industry's more dangerous products. I do not utilize any of this plant for any purpose, but I do respect the rights of people to have access to this plant for unregulated medicinal purposes. Alcohol, cigarettes and a whole host of psycho-active pharmaceuticals that have more grave known dangers are allowed. Hemp, as well, should be legal. The restrictions on the plant do not make economic or health sense. When I moved to Kaua'i 30 years ago, I was somewhat stunned by the thriving "alternative agriculture" industry that was in place. As the War on Drugs defeated this industry, it was replaced with crystal-methamphetamine, homelessness, family violence and a conveyor belt of young people into the for-profit prison industry. What a mistake.

SB2402

Submitted on: 2/12/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
James Berg, MD	Individual	Oppose	No

Comments: As a licensed medical doctor in Hawaii who helps many patients with medical marijuana, I witness the necessity of cannabis concentrates for patients. About one quarter of my patients never smoke cannabis, but eat a cookie, drink the tea, take a tincture or simply use the liniment. These are patients, not criminals! It would be a travesty for the government to put these well meaning patients at risk for attempting to use this medicine in even a more safe way. Every medicine on a doctor's pharmacopeia is a concentrate because of ease of use and reliability. Cannabis can be used very safely and reliably in concentrate form. The tincture of cannabis was the number one prescribed drug my MD's in the USA for many decades. Making patients into felons for attempting to protect their lungs is simply a abuse of power and contrary to the way of compassion. Please do not take marijuana concentrates away from the patients and their doctors who recommend them.

SB2402

Submitted on: 2/12/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Georgina Mckinley	Individual	Oppose	No

Comments: I oppose SB2402 - Relating to Controlled Substances. Individual needs vary. Some patients may find that smoking is a better way for them to self titrate, while others may find that tinctures, oils, or edibles work best for them. There is no reason for legislators to dictate how this medicine should be administered.

SB2402

Submitted on: 2/11/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Jonathan McRoberts	Individual	Oppose	No

Comments: It is hard to believe that intelligent people would actually try to pass a law requiring users of medical cannabis to smoke the leaf. That is the most harmful and inefficient way to ingest the medicine. Unlike other forms of ingestion, the dosage is hard to measure and it is bad for the lungs. Can you imagine requiring other medicines be ingested only by smoking it coated on leaves. This law is basically absurd.

SB2402

Submitted on: 2/11/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Sara Steiner	Individual	Oppose	No

Comments: Dear Legislators, Please do not pass this bill. This is a giant step backwards, and will hurt the medical marijuana community greatly. Many patients are unable to smoke anything, and therefore need to eat their cannabis in a concentrated form. Persons with cancer and other nerve or muscle diseases need super concentrated amounts to be very effective. This bill would criminalize them and take away their needed method of consumption. Please have a heart and vote for the patient, not for more prohibition. Sincerely, A Medical Marijuana patient on the Big Island

SB2402

Submitted on: 2/11/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
daniel susott	Individual	Oppose	Yes

Comments: Cannabis is safe and effective as medicine whether smoked, vaporized, eaten, or applied topically. This bill displays woeful ignorance of the history and reality of the world's, oldest, best, and safest medicine. Smoking cannabis leaf and flowers is a small part of the possible uses of this important plant.

SB2402

Submitted on: 2/12/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Randal Kobashikawa	Individual	Oppose	Yes

Comments: Aloha, My name is Randal Kobashikawa, and I'm a 30 year service connected (90%) disabled veteran. I'm currently recovering from unsuccessful Lumbar surgery back in Aug, they now want me to undergo a procedure that will implant a device into my spine that will electronically stimulate my spine, and at the push of a button send morphine into my system for pain management. I told my doctors (Tripler, VA, and private providers) I'm done with the type 1 meds, they had me doped-up, with marginal relief (at best). I was up to 3000 mg. of Methocarbamol, along with Etodolac for years. And as you know prolonged use of this type of med's "Will cause irreversible Hypertension" (as noted in the New England journey of medicine). And yes, after taking Etodolac for over 5 yrs. I'm now being treated for hypertension. Also I'm currently suffering (about 3 ½ yrs.) from doubled/ blurry vision. My doctors can't seem to put a finger on it except to start reducing my meds, as they know they cause vision issues (thus the reason for the type size). When I asked my doctors what will happened when my liver, and kidneys starts to fail from all these med's? I got answers like "We'll do the best we can" But what does that mean? What about the quality of life? I've been resisting trying medical Cannabis, in hopes my doctors can at least get me some relief (if not fix the problem). I mentioned the Lumbar surgery back in Aug. (2013), but I have issues with the Cervical, and Thoracic spine as well. The majority of my pain comes from the Thoracic spine. I've been told that I have a 40% chance of not surviving the surgery (due to the amount of blood loss), then I would be in a back brace for 2 yrs. (while the muscles heal) then they'll find out if it worked or not. However, we wouldn't even attempt it until I'm ready for a wheelchair. So if it doesn't work, they'll go back in kill all the nerves, fuse the spine, and put me in the chair. Would you want that for your family? Aloha RANDAL KOBASHIKAWA

SB2402

Submitted on: 2/12/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Matt Binder	Individual	Oppose	No

Comments: This is an unnecessary and unacceptable invasion of patient rights to administer their medicine in the way that works best for them.

2-12-14

I Kimberly Harrison oppose bill SB 2402,

This bill is so wrong.

Patients who possess and use marijuana concentrates should not be in fear of breaking the law.

Sincerely, Kimberly Harrison

SB2402

Submitted on: 2/12/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Alfred Wylie	Individual	Oppose	No

Comments: I am a 100% disabled veteran and I need the concentrate of Medical Marijuana to deal with the pain from my numerous scars from wounds received. Also, it helps greatly with PTSD. I do not smoke and need a strong dose for oral ingestion. Is it the alcohol or cancer industry backing this bill?

SB2402

Submitted on: 2/12/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
A Hampton	Individual	Oppose	No

Comments: This bill is an unacceptable attempt to limit the choice that medical cannabis patients have in using their marijuana. Many patients dislike smoking marijuana, preferring instead to use oils, tinctures, juices, and edible products that are easier for the very sick to consume and more predictable. This bill would ban all of these, which is absurd, contrary to the spirit of the law, and contrary to medical fact. There is no reason to force the very sick to smoke marijuana when there are better ways for them to ingest it. --There are perfectly safe ways of making all of these products. The butane hash oil that is likely the cause for concern in this case should be addressed separately in its own legislation. --Individual needs vary. Some patients may find that smoking is a better way for them to self titrate, others find that tinctures or oils work best for them. There is no reason for legislators to dictate how this medicine should be administered. This bill is completely intolerable and CANNOT be allowed to pass. It is laughable to think that we would even consider forcing all of our medical marijuana patients to smoke their medicine, when much better, safer, more pleasant methods of administering it are available to them.

SB2402

Submitted on: 2/12/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Baker	Individual	Oppose	No

Comments: This bill as written is an unacceptable attempt to limit the choice that medical cannabis patients have in using their marijuana. Many patients dislike smoking marijuana, preferring instead to use oils, tinctures, juices, and edible products that are easier for the very sick to consume and more predictable. This bill would ban all of these, which is absurd, contrary to the spirit of the law, and contrary to medical fact. There is no reason to force the very sick to smoke marijuana when there are better ways for them to ingest it. There are perfectly safe ways of making all of these products. The butane hash oil that is likely the cause for concern in this case should be addressed separately in its own legislation.

SB2402

Submitted on: 2/12/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Mojo Mustapha	Individual	Oppose	No

Comments: Smoking anything causes lung damage and other issues so it is absolutely necessary for medical marijuana patients to be able to take their medicine without having to smoke it as that is the most unhealthy form of intake.

SB2402

Submitted on: 2/12/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Peter Dodge ND	Individual	Oppose	No

Comments: Concentrates are either solid or liquid extracts, and while the use of butane is somewhat controversial regarding residue and its possible health effects there are other ways to extract cannabis resin and cannabinoids, such as CO2 or fatty emulsion or ethanol to create a low fiber medicine, that can be inhaled by vaporizer, eaten or taken as a drink, eliminating the main negative effect: smoking of the raw plant. From a health point of view , banning of concentrates is not effective, but only will cause smoking to be the norm for a while longer, making lung disease more likely. Fortunately, any cannabis user can easily extract cannabinoids in ethanol fifty percent or better , letting it sit for a few weeks, or alternately olive oil can be used, but is more likely to grow mold, and to oxidize more rapidly. These legal propositions should not be made without some basic chemistry and biology, so there you go. Defeat this measure please, it is unscientific. Peter Dodge N.D. Hawawaii county, HI

SB2402

Submitted on: 2/12/2014

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

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

Comments:

SB2402

Submitted on: 2/12/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Yoshimoto	Individual	Oppose	No

Comments: I am strongly opposed to this SB 2402. This bill represents an unacceptable attempt to limit the choice that medical cannabis patients have in using their marijuana. It attempts to forbid and criminalize an accepted medical use of cannabis already recognized in Hawaii: Concentrates, oils, hash, and all things derived from the plant into products. It would even ban juicing fresh cannabis taken in its most liberal definitions. It is just another continued attempt by non-medical trained persons to continue efforts to criminalize a medicine that has proven helpful in relieving disability, disease, and suffering, from the very young to our dying kupunas. Please protect the rights of Hawaii medical patients by striking down SB2402. Thank you.

SB2402

Submitted on: 2/12/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Bob Graybosch	Individual	Oppose	No

Comments: This bill represents an unacceptable attempt to limit the choice that medical cannabis patients have in using their marijuana. It attempts to forbid and criminalize an accepted medical use of cannabis already recognized in Hawaii: Concentrates, oils, hash, and all things derived from the plant into products. It would even ban juicing fresh cannabis taken in its most liberal definitions. It is just another continued attempt by non-medical trained persons to continue efforts to criminalize a medicine that has proven helpful in relieving disability, disease, and suffering, from the very young to our dying kupunas. The novel and important medical improvements in cannabis medicine involve the use of essential oils, made from cannabis. Most have seen the Dr Sanjay Gupta CNN piece on medical cannabis, and the dramatic improvements in children and others with seizure syndromes. Since that show, many parents in Hawaii have consulted with me and sought out this treatment for their children. They do not know much about cannabis but they want the chance to try it, and to give hope of a better life to their children. We need to protect that right by not allowing this SB2402 to become law. Others have found it helpful, and superior to other forms of cannabis, for cancer and end of life care. Most recently, I have been urging patients to obtain further relief of disease symptoms for rheumatologic disease, such as rheumatoid arthritis and Lupus, by juicing raw cannabis, which is a form of extraction, especially if made with juiced Olena (Turmeric), and other vegetables/herbs. Some Hospice/ End of life patients have found this mixture to be the ONLY medicine to help their pain and sleep issues, when dying, in spite of Morphine and other opioids, and all kinds of sleeper pills. Indeed, renowned Pain Medicine and Hospice physicians, such as Dr Perry G. Fine, University of Utah, and past President of the American Academy of Pain Medicine, have determined that the edible forms of cannabis are the most effective in many conditions. He concludes in one of his most recent publications; "Putting these pharmacologic, clinical, and societal issues together, the direction for the future resides in the development of orally administered, highly bioavailable, non-psychoactive phyto-cannabinoid products that also take advantage of the entourage effect, to provide the millions of people living with debilitating pain a comparatively safe and effective form of relief." <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3820295/pdf/rmmj-4-4-e0022.pdf> This bill represents a total back sliding of medical progress. This bill wants to confine the only allowed medical use to dried leaves and buds. I spend a lot of my time urging people NOT TO SMOKE, or even vaporize unless needed, but to go edible and oral! In addition, do they expect and want the kids with intractable seizures of Dravet's Syndrome to be smoking their only effective anti-seizure medicine? Dr Clif Otto, MD, a medical cannabis expert here in Hawaii, has an excellent summation and overview of the issues of this bill. I quote him here: "As you know, hash is simply a part of the

mature flower of the Cannabis plant, namely the trichomes, which can be brushed off the leaves of the flower by non-chemical means (picture attached). The resulting material, which is approximately 65% primary cannabinoid, is currently being used by cancer patients in Hawaii to not only treat the symptoms of their disease, but also to act as a cure for their cancer. Indeed, Cannabidiol (CBD), the primary cannabinoid in plants that are being bred to have very low THC, has proven anti-cancer properties (article attached). CBD is also being used, among other things, to treat anxiety in Schizophrenic patients, since it is non-psychoactive. I imagine you have already seen Dr. Sanjay Gupta's CNN documentary, which documents the growing scientific interest in this natural chemical with unprecedented medical effects that is safer than any other chemical in its class. http://www.youtube.com/watch?v=Z3IMfIQ_K6U One of the problems with your bill is that it ignores the accepted medical use of hash that already exists in Hawaii. The medical use of hash cannot be removed simply because it has a higher concentration of the active ingredients in the Marijuana flower that already has currently accepted medical use in treatment in Hawaii. In fact, it is precisely this ability to concentrate the trichomes from the mature flower that lends to the medical benefits of Marijuana for certain State recognized debilitating conditions. Another problem is that the changes to Hawaii's Uniform Controlled Substances Act that your bill would create would not be in line with how the Federal Government is currently classifying Marijuana Extracts. Perhaps you are aware that the DEA created a new category that allows Marijuana Extracts to be tracked separately from the rest of the plant (attached). This is in preparation for the manufacture of Marijuana Extracts in other countries, which will then be imported for final preparation in the United States, very similar to the way that coca and opium are currently being processed. It would be more appropriate to create the similar category of "Marijuana Extract" in Hawaii's UCSA, and then recognize the accepted medical use of Marijuana and Marijuana Extracts that already exists here in Hawaii. Finally, your bill could also violate the Federal Interstate Commerce Clause, since it would make illegal the natural source hash that exists in a soon to be FDA approved Marijuana pharmaceutical preparation called Sativex. If your concern is over the highly concentrated Marijuana extracts that are being made using the Butane extraction method, then a more appropriate way to address this problem would be to restrict the commercial sale of Butane in Hawaii, not to restrict a part of the Marijuana plant that already has medical use here..... I would love to help with the development of a more appropriate solution for the control of Butane extracts in Hawaii." Attachment links: <http://mct.aacrjournals.org/content/6/11/2921.long> http://www.deadiversion.usdoj.gov/fed_regs/rules/2011/fr0705_7.htm What advocates of this bill fail to understand is that the plant is NOT the problem. The system currently in place is the problem! Patients are forced to home make these products because Hawaii's politicians, the state government, and the legislature refuse to listen to the will of the people and allow for their safe production and safe access through a dispensary system. 85 to 90% of voters want a dispensary system, so WHY IS IT NOT HAPPENING IMMEDIATELY? Patients have been force to make these things on their own for decades. The state has recognized in law that cannabis is a medicine, but has refused to take it seriously and provide a safe and legal mechanism for the production and distribution of these things. It has failed to provide a legal mechanism for safe products. What is a citizenry to do when its government turns its hearts, ears, and eyes

away from the people who have voted them into office? We are all worried about people being killed or injured, and blowing up their homes using Butane methods, so let us talk about Butane and flammable products, and not the Plant. Then we will remind all that they, the Legislature and the State, have the power to fix this problem immediately by allowing these oils and concentrates to be commercially made in a regulated and safety conscious fashion, and distributed through a retail dispensary system; a process that cannot even get a legitimate discussion in the legislature. An interesting tidbit from a LA times story (covering fires & deaths from making "honey oil") "Safer forms of production exist where it is sanctioned and regulated under state law. In Colorado's highly controlled market, state officials this month set forth rules requiring hash oil producers to follow the same procedures that manufacturers use to extract oils from plants to make canola oil, fragrances, food additives, pharmaceuticals and shampoo." Yet another reason to have dispensaries w/ inspected & regulated products. Here is the entire story: <http://www.latimes.com/local/la-me-butane-hash-20140206,0,5499031.story#ixzz2t4hyyBxf> Thank you for your concern and this discussion. Sincerely, Bob Graybosch

To: Senate Committee on Public Safety, Intergovernmental and Military Affairs

Sen. Will Espero, Chair

Sen. Rosalyn H. Baker, Vice Chair

Hearing: 2-13-14, 2:50 pm

From: Clifton Otto, MD

RE: SB2402 – Relating to Controlled Substances

Position: Oppose

Like it or not, Hash already has currently accepted medical use in treatment in Hawaii. You cannot simply eliminate this accepted medical use by putting Hash into a separate category and saying it no longer has medical use.

Hash is made by brushing the chemical containing trichomes off of the surface of the Cannabis flower, and is used to provide a more concentrated form of THC and CBD. Hash is usually dissolved and heat-activated in edible oil, and is currently being used to treat recognized debilitating medical conditions such as Cancer and Seizures. Patients who are unable to inhale Cannabis vapor must also rely on a concentrated edible form of Cannabis to treat their debilitating conditions.

Creating a new category for Hash also goes against the current classification that the DEA recently created, which places Marijuana concentrates in a category called “Marijuana extract”. This has been done in preparation for the bulk production of Marijuana concentrates which will follow soon after the current mis-classification of Marijuana as a Federal Schedule I controlled substance is corrected.

Making Hash illegal at the state level would also make illegal the hash that is contained in the soon to be FDA approved pharmaceutical Marijuana preparation called Sativex, which could violate the Federal Commerce Clause that governs the inter-state regulation of FDA approved drugs.

A more appropriate action would be to create a new category called “Marijuana extract”, in line with the Federal category, and request that the DEA remove Marijuana and Marijuana extract from Federal Schedule I, since both already have currently accepted medical use in treatment in Hawaii and the United States, and therefore do not meet the criteria for Federal Schedule I.

If the real concern is regarding the danger associated with making highly concentrated Butane extracts, then attention should be directed towards restricting butane sales within the State, instead of making it more difficult for patients to obtain the State approved medicine they require.

SB2402

Submitted on: 2/12/2014

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

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

Comments: copy of testimony Aloha my name is Chris, I live on the Big Island of Hawaii. I suffer from chronic elements in my life that would make life unbearable if I was denied access to my medicine/concentrates. My medicine/concentrates have helped me live a better healthier more fulfilling life, its one of the major reasons I chose to stay living in Hawaii. That just could not be said for just the flower alone, as there are way more carcinogens with flowers apposed to a concentrate, that has remove all the unwanted non medical material. Its cleaner medicine, you should not have to consume materials that are not going to be medicinal. So please don't change the medical marijuana rules in Hawaii, and oppose SB 2402 and Aloha from the BIG ISLAND Hawaii. Chris.

Senate Committee on Public Safety, Intergovernmental and Military Affairs

Sen. Will Espero, Chair

Sen. Rosalyn H. Baker, Vice Chair

Monday, February 10, 2014

2:50PM

Conference Room 229

State Capitol

415 South Beretania Street

Strong Opposition – SB2402 – Relating to Controlled Substances

Dear Honorable Committee Chair and Vice Chair,

I work as an organizer for the Medical Cannabis Coalition of Hawaii. As such, I have daily interactions with cannabis patients and doctors. I do not understand the intent of this bill. It may be, as it presents itself, a bill intending to clear up the language describing marijuana concentrates. If so it does a very bad job, by making all of these definitions redundant and contradictory. The working definition of Marijuana would read:

"Marijuana" means all parts of the plant (genus) Cannabis whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake, the sterilized seed of the plant which is incapable of germination, or hashish, tetrahydrocannabinol, and any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized, of tetrahydrocannabinol. (emphasis added)

The more problematic issue, however is that the bill seems a misguided attempt to remove medical marijuana protection from any "preparation, compound, or mixture," containing THC, because the medical marijuana laws provide protection for marijuana, and this would (attempt to) remove any product containing THC from this definition. This is *very* important to our patients. Many of the patients associated with MCCHI prefer *not* to smoke their medical marijuana. They prefer to make tinctures, oils, ointments or juices, and this bill would seem to prevent them from doing so. This is not acceptable to us. Patients should be able to administer their medicine in the way that works the best for them. That question is for patients and their doctors.

If the concern behind this bill is one of safety in producing these mixtures, I feel that this should be dealt with directly. Many people, both at the department of Public Safety and in the medical cannabis community are worried about a product called BHO (which stands for Butane Hash Oil or Butane Honey Oil variously) which is extracted in a dangerous manner using butane. The appropriate way to deal with this problem is through its own legislation, not through banning the use of all compounds and mixtures containing the ingredients of marijuana. All of which can be made safely. This bill is short-sighted, poorly conceived, and exemplary of a criminal justice rather than public health attitude toward medical marijuana. For these reasons I urge you to hold this bill.

Mahalo for your time and your consideration,

Rafael Kennedy
91-1018 Kaiiau Ave.
Kapolei, HI 96707

SB2402

Submitted on: 2/12/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Andrew	Individual	Oppose	No

Comments: Hawaii needs to recognize the vast improvements that can be accomplished through appropriate action here. Continued demonetization/criminalization of Marijuana is not the solution. Prohibition of alcohol would make more sense. I am certain for the larger pain medication producing pharmaceutical companies they would applaud efforts to keep cannabis illegal. However, the notion that it is now sponsors a criminal network that vast resources must be compelled to fight against as well as street vendors and other available sources to promote the trade practice of selling cannabis in its current form. Sensibility needs to be imposed on this group of legislatures that the tax recovery for legalization is proven. The efforts in Colorado have demonstrated strong demand for availability. The revenues generated by legal sales far outweigh the expensive nature of combating the problem and the criminal element that high street prices allow to attach to the beautiful islands. These elements sustain themselves through street sales and HPD's efforts (and expense) to arrest merchants although noted is an expensive expenditure for tax payers. This output of revenue would dissipate with legalization and the return would be net positive gains for the state of Hawaii. In an economically driven society making expenditures to enforce laws people do not desire to have imposed on them is a failing of democracy at its core element. Those that support such efforts are dinosaurs of a free society and should be made known and voted out immediately from representing the interest of those interest their duties are compelled to protect. IT demonstrates at a local level what is witnessed at a National level that those interest can be manipulated by the need to campaign and have the donor-ship to win election. This is not civic duty. Civic duty is doing what is right even if the consequences impact a position of authority or opinion. I do not see the risk in opposing criminalization of marijuana as the very nature of that event promotes criminal activities. Recently demonstrated on Lemon street and many streets across the island as thug wanna bee's develop out of the trade practice of the selling of Marijuana. Keeping this substance only promotes the need for a criminal element and a larger police force, and protection for other pain relieving medication (not even safe for use with highly addictive qualities) but if that is the intent of this body what protections are really left for a more free society than to vote out those that desire to oppress freedoms that other United States enjoy. I think the Kahuna's would be turning in their graves over this practice of control of natural resources. Truly

SB2402

Submitted on: 2/12/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Reed	Individual	Oppose	No

Comments: I strongly oppose this bill as it forces medical patients to smoke rather than use tinctures, juicing or edibles. Who hasn't seen the miraculous results from high CBD tinctures given to children suffering from hundreds of seizures a day? If you are concerned about safety, legalize dispensaries so these can be safely produced for patients.

SB2402

Submitted on: 2/12/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Brent Neal	Individual	Oppose	No

Comments: I strongly oppose this bill. As it is currently, qualifying patients have the right to use cannabis in any form. To maintain this freedom of choice is imperative to achieving therapeutic value from cannabis. To remove cannabis concentrate from protection under the medical marijuana program, undermines the purpose of ACT 228 and compromises patients with debilitating medical conditions ability to achieve symptom relief and have quality of life. Where is the compassion? I am in favor of improving qualifying patient's access to medicine, not limiting it.

SB2402

Submitted on: 2/12/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Ruggles	Individual	Oppose	No

Comments: I oppose this bill. Right now, qualifying patients have the right to use cannabis in any form. Maintaining this freedom of choice is important to achieving therapeutic value from cannabis. To remove cannabis concentrate from protection under the medical marijuana program, undermines the purpose of ACT 228 and strips patients with debilitating medical conditions from symptom relief and quality of life. Where is the compassion? I am in favor of improving qualifying patient's access to medicine instead of limiting it.

SB2402

Submitted on: 2/12/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Brittany Neal	Individual	Oppose	No

Comments: I am against this bill. Currently, qualifying patients have the right to use cannabis in any form. This freedom of choice is important to achieving and maintaining the therapeutic value of cannabis. To remove cannabis concentrate from protection under the medical marijuana program, undermines the purpose of ACT 228 and strips patients with debilitating medical conditions from symptom relief and quality of life. I am in favor of improving qualifying patient's access to medicine rather than limiting it.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 12, 2014 2:48 PM
To: PSMTestimony
Cc: islandeyesvideo@yahoo.com
Subject: Submitted testimony for SB2402 on Feb 13, 2014 14:50PM

SB2402

Submitted on: 2/12/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Marvin Porter	Individual	Oppose	No

Comments: Many patients dislike smoking marijuana, preferring instead to use oils, tinctures, juices, and edible products that are easier for the very sick to consume and more predictable. This bill would ban all of these, which is absurd, contrary to the spirit of the law, and contrary to medical fact.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 12, 2014 4:14 PM
To: PSMTestimony
Cc: nihipalim001@hawaii.rr.com
Subject: Submitted testimony for SB2402 on Feb 13, 2014 14:50PM

SB2402

Submitted on: 2/12/2014

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

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

Comments: This bill is an unacceptable attempt to limit the choice that medical cannabis patients have in using their marijuana. Many patients dislike smoking marijuana, preferring instead to use oils, tinctures, juices, and edible products that are easier for the very sick to consume and more predictable. This bill would ban all of these, which is absurd, contrary to the spirit of the law, and contrary to medical fact. There is no reason to force the very sick to smoke marijuana when there are better ways for them to ingest it. □ There are perfectly safe ways of making all of these products. The butane hash oil that is likely the cause for concern in this case should be addressed separately in its own legislation. □ Individual needs vary. Some patients may find that smoking is a better way for them to self titrate, others find that tinctures or oils work best for them. There is no reason for legislators to dictate how this medicine should be administered. This bill is completely intolerable and CANNOT be allowed to pass. It is laughable to think that we would even consider forcing all of our medical marijuana patients to smoke their medicine, when much better, safer, more pleasant methods of administering it are available to them. There is no reason to force the very sick to smoke marijuana when there are better ways for them to ingest it.

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To: PSMTestimony
Cc: doctorforgolf@yahoo.com
Subject: Submitted testimony for SB2402 on Feb 13, 2014 14:50PM
Attachments: SB2402.docx

SB2402

Submitted on: 2/12/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Gregory Hungerford	Individual	Comments Only	No

Comments: Position: Strongly opposed

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SB2402

Submitted on: 2/12/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Elijah Ariel	Individual	Comments Only	No

Comments: I can hardly believe you are trying to go backwards in helping legitimate medical marijuana patients get the help they need. If YOU do not need medical marijuana it is not right for YOU to make the decisions that hurt patients who need their medicine. PLEASE don't make things more difficult for us. AREN'T YOUR PRISONS FULL ENOUGH, FOR CRYING OUT LOUD!!! Help us legitimate medical marijuana patients. PLEASE don't work against us!!! Thank you

SB2402

Submitted on: 2/12/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Jarvis	Individual	Comments Only	No

Comments: Please desist in this ridiculous war on a PLANT! a helpful plant to MILLIONS! This world is screwed up enough by stupid laws that harm people and life on this planet.