TESTINONY



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

#### ON THE FOLLOWING MEASURE:

S.B. NO. 2733, RELATING TO MARIJUANA.

BEFORE THE:

SENATE COMMITTEES ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS AND ON COMMERCE AND CONSUMER PROTECTION

DATE:

Thursday, February 13, 2014

**TIME:** 2:45 p.m.

LOCATION:

State Capitol, Room 224

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

Lance M. Goto, Deputy Attorney General

Chairs Espero and Baker and Members of the Committees:

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

The purpose of this bill is to legalize marijuana for persons twenty-one years of age and older, and also legalize the cultivation and processing of marijuana, the manufacturing of marijuana products, the testing of marijuana, and the retail sale of marijuana and marijuana products. The bill also provides for the licensing of marijuana establishments and subjects them to the payment of income and excise taxes.

While this bill appears to legalize the personal use of marijuana not exceeding one ounce, it actually allows for the unrestricted sale and distribution of an ounce or less of marijuana at any time. It allows for the possession of up to six marijuana plants and the possession of all the marijuana produced by the plants. People will be allowed to possess unlimited quantities of marijuana, and carry around and sell ounce quantities of marijuana. It allows for the unlimited cultivation and processing of marijuana, manufacture of marijuana products, and retail sale of marijuana and marijuana products by any licensed establishment.

This bill appears to place the responsibilities of certification, licensing, and taxation of marijuana establishments upon the Department of Taxation, as well as all aspects of rulemaking, regulation, inspection, and enforcement that are required by the law. This would even include establishing qualifications for licensure of the different types of marijuana establishments, security requirements for these establishments, requirements to prevent the sale and distribution

of marijuana and marijuana products to youth, labeling requirements for marijuana and marijuana products, health and safety requirements for the cultivation of marijuana and manufacture of marijuana products, and restrictions on the advertising and display of marijuana and marijuana products.

This bill promotes the recreational use of marijuana and the development of a commercial marijuana industry. It has nothing to do with the limited use of marijuana for medical purposes. We strongly oppose this measure for the following reasons:

- 1. Marijuana is still illegal under federal law;
- 2. The bill will legalize very serious criminal conduct;
- 3. Other jurisdictions that have established marijuana dispensaries have experienced serious negative effects;
- 4. The bill fails to address critical issues regarding the legalization of marijuana;
- 5. Marijuana use is harmful; and
- 6. This bill will promote an increase in the use of marijuana by children.

#### 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 legalize conduct that is currently prohibited under <u>state</u> law, federal law cannot be ignored. Federal law enforcement agencies make arrests and conduct raids on medical marijuana dispensaries operating in other jurisdictions.

#### 2. This bill would legalize extremely serious criminal conduct.

This bill would legalize conduct that currently is prohibited as Commercial Promotion of Marijuana in the First Degree (a class A felony), Commercial Promotion of Marijuana in the Second Degree (a class B felony), and Promoting a Detrimental Drug in the First Degree (a class C felony).

This bill would allow any adult (21 or over) who can obtain a license to establish a money-making enterprise involving the cultivation, processing, distribution, and sale of marijuana, as well as the manufacture and distribution of marijuana products. There are no restrictions or limitations on the amount of marijuana that a licensed adult could possess, grow, process, or distribute.

This bill would also allow any adult, without any license, to possess up to six marijuana plants and the "marijuana produced by the plants," to use the marijuana, and to distribute up to an ounce of the marijuana "without remuneration."

If this bill becomes law, marijuana could become very prevalent in Hawaii, and would be readily available to all persons, including our youth. It would be impossible to regulate.

Hawaii's current medical marijuana law was written with great care to try to prevent qualifying patients and caregivers from engaging in the commercial cultivation or distribution of marijuana. In contrast, this bill proposes to allow <u>any</u> adult to engage in this conduct, <u>regardless</u> of <u>any need for medical marijuana</u>. This would have a tremendous negative impact across the State.

### 3. Jurisdictions that have established marijuana dispensaries have experienced serious negative effects.

Jurisdictions that allow marijuana dispensaries have experienced increased crime and a significant decrease in the quality of life in the areas surrounding the dispensaries.

For many years, Amsterdam was touted by the marijuana lobby as a "Utopia" where marijuana was sold openly from neighborhood coffee shops. But in 2009, because of the increase in organized crime as well as other social factors, the government stepped in and closed the coffee shops where marijuana was sold.

In 2002, Mendocino County, California, relaxed its marijuana laws. By 2008, the community voted the changes out because of the increase in organized crime and other crime. After California started allowing marijuana dispensaries, the police in nearly every California jurisdiction that had dispensaries reported an upswing in crime in those areas. There were more murders, robberies, burglaries, aggravated assaults, and thefts.

A 2009 White Paper on Marijuana Dispensaries by the California Police Chiefs Association's Task Force on Marijuana Dispensaries included the following conclusions:

[S]torefront marijuana businesses are prey for criminals and create easily identifiable victims. The people growing marijuana are employing illegal means to protect their valuable cash crops. Many distributing marijuana are hardened criminals. Several are members of stepped criminal street gangs and recognized organized crime syndicates, while others distributing marijuana to the businesses are perfect targets for thieves and robbers. They are being assaulted, robbed, and murdered. Those buying and using medical marijuana are also being victimized. Additionally, illegal so-called "medical marijuana dispensaries" have the potential

Testimony of the Department of the Attorney General Twenty-Seventh Legislature, 2014 Page 4 of 6

for creating liability issues for counties and cities. All marijuana dispensaries should generally be considered illegal and should not be permitted to exist and engage in business within a county or city's borders. Their presence poses a clear violation of federal and state law; they invite more crime; and they compromise the health and welfare of law-abiding citizens.

#### 4. This bill fails to address critical issues regarding the legalization of marijuana.

If this bill were passed, it would be extremely difficult to regulate and control the resulting possession, use, cultivation, processing, storage, and distribution of marijuana. Instead of addressing these issues of statewide concern, and the huge issues of licensing the marijuana establishments, taxation of marijuana transactions, labeling of marijuana products for purposes of public notice and safety, health and safety requirements and standards for marijuana cultivation and product manufacture, and restrictions on the advertising and display of marijuana and marijuana products, this bill defers them all to the Department of Taxation. But the Department of Taxation cannot address all of these matters.

#### 5. 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

Testimony of the Department of the Attorney General Twenty-Seventh Legislature, 2014 Page 5 of 6

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.

6. 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.

Testimony of the Department of the Attorney General Twenty-Seventh Legislature, 2014 Page 6 of 6

#### 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. "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.) (Citations omitted.)

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

We strongly oppose this bill and respectfully ask that it be held.

#### DEPARTMENT OF THE PROSECUTING ATTORNEY

#### CITY AND COUNTY OF HONOLULU

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KEITH M. KANESHIRO PROSECUTING ATTORNEY



## LATE TEST MONTH

## THE HONORABLE WILL ESPERO, CHAIR SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

### THE HONORABLE ROSALYN H. BAKER, CHAIR SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Twenty-seventh State Legislature Regular Session of 2014 State of Hawai'i

February 13, 2014

#### RE: S.B. 2733; RELATING TO MARIJUANA.

Chair Espero, Chair Baker, Vice-Chair Taniguchi, members of the Senate Committee on Public Safety, Integovernmental and Military Affairs, and members of the Senate Committee on Commerce and Consumer Protection, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in <u>strong opposition</u> to S.B. 2733. The purpose of this bill is to legalize the personal possession and use of marijuana, and establish a licensing system to permit the commercial cultivation, manufacture, and sale of marijuana.

At this time, State law permits the limited personal possession, use and cultivation of marijuana *only* for individuals bearing certain exigent and closely monitored medical conditions (and their caregiver). State law does not permit or provide for the *commercial* production, processing, sale and/or distribution of marijuana, which continues to be categorized as a Schedule 1 controlled substance in both State and Federal drug schedules. Notably, federal drug schedules were just recently updated and published on February 10, 2014.

Even if the Department of Taxation were to develop security measures, limitations on advertising, or health and safety measures for licensees to deal in commercial activity with marijuana or marijuana products, this proposition presents enormous potential for abuse and negative impact on the public. Given the inevitable risk to public safety and welfare, our Department is strongly opposed to normalizing or encouraging the commercial production, processing, sale and/or distribution of marijuana in Hawaii.

In addition to law enforcement considerations, we respectfully ask that the Committee also consider the potential ramifications in terms of public health and safety, and the financial

costs to society. Recent medical studies have indicated a causal connection between marijuana use and psychotic disorders such as schizophrenia, and national surveys reflect that marijuanause by teenagers is increasing (possibly due to a growing perception that marijuana does not pose any great risk). Studies also show that marijuana is addictive, particularly when usage begins at a young age, and can have both short- and long-term effects on users.

Given the abuse and negative impacts of marijuana that already exist in our community, and the dangers presented by encouraging *increased usage* of marijuana through legalization and commericalization, the Department believes that the changes proposed in this bill present an extremely high risk to public safety and welfare, with no overall benefits. For this and all of the foregoing reasons, the Department of the Prosecuting Attorney <u>strongly opposes</u> S.B. 2733. Thank you for the opportunity to testify on this matter.

## LATE TESTIMONY



A sister organization of the Drug Policy Forum of Hawai'i PO Box 241042, Honolulu, HI 96824 ~ (808) 988-4386

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

TO:

Senate Committees on Public Safety, Intergovernmental & Military Affairs and

Commerce & Consumer Affairs

FROM:

Pamela Lichty, MPH

President

DATE:

February 13, 2013, 2:50 p.m., room 224

RE:

S.B. 2733 RELATING TO MARIJUANA – IN SUPPORT

Aloha Chair Espero, Chair Baker, and members of the Committees. My name is Pam Lichty and I'm testifying in strong support of this measure on behalf of the Drug Policy Action Group (DPAG).

Let me begin by thanking you for hearing this important bill today. As we are all aware, marijuana law reform is a hot topic throughout the country. The aftermath of the taxation and regulation initiatives in Colorado and Washington is being scrutinized by policy makers and by the general public nationwide. Colorado's recreational shops are in business as of January 1, 2014 and Washington's will come on line soon.

Many of the voters there emphasized in exit polls that they did not approve of the use of marijuana, but understood that the current system of marijuana prohibition is not stemming the use of cannabis as intended, but rather is causing a wide range of collateral damage.

Let me emphasize that a vote for S.B. 2733 today is not a vote for marijuana, but a vote against the multidimensional disasters of marijuana prohibition.

In January of this year QMark issued a new poll of Hawaii voters, commissioned by the Drug Policy Action Group, that showed a strong surge in support of marijuana law reforms in general, but dramatically so in the case of taxation and regulation. In 2005 just 37% of the voters polled favored legalized, taxed and regulated marijuana. In 2013 this number jumped 20% points to 57%.

Most astonishingly, the 2014 poll showed that 66% of registered voters statewide support taxing, regulating, and legalizing cannabis, a huge jump of 9 percentage points in one year. This may, in fact, be the highest approval rate of any state. **We submit that any proposal that garners 66% support we submit can no longer be considered controversial**. The support among Neighbor Islanders was even stronger at 75% approval. (The QMark Marijuana Opinion Study is posted on freshapproachhawaii.org).

The benefits to our state could be huge in terms of negative social costs averted, law enforcement dollars saved, and revenues earned.

Voters in Washington and Colorado recognized that while marijuana or cannabis use is not without harms, it is far less harmful than either tobacco or alcohol which cause thousands of deaths directly or indirectly each year. This country tried to prohibit alcohol in 1920 and after thirteen disastrous, violence-wracked years, recognized that the effects of the prohibition were devastating the nation and repealed it.

In marijuana prohibition we see many of the same factors at play. In the nation as a whole there are more than 750,000 arrests for marijuana each year, 87% for simple possession. In Hawaii the rate of arrest is 134 per 100,00 population.

Simply put, control of marijuana is in the hands of criminals, and the collateral damage includes easy access for minors, racial disparities in arrests and incarceration, and criminal records that follow people for their entire lives affecting their opportunities for jobs, student loans, housing, and more. Since illegal businesses have no legitimate means of settling disputes, violence comes into play as dealers struggle over turf and customers.

In addition to the QMark survey, an economic report was commissioned by DPAG in 2012. "An Update: The Economic Implications of Decriminalization and Legalization for Hawai'i" was written by Associate Professor David Nixon of the Public Policy Center at the U. H. College of Social Sciences. The Executive Summary is included in testimony. (a link to the complete report is also posted at <a href="https://www.freshapproachhawaii.org">www.freshapproachhawaii.org</a>).

Among his findings: □□

- Hawaii has seen a surge in marijuana arrests since 2004. Possession arrests have increased almost 50%, and distribution arrests have almost doubled.□
- Hawaii's marijuana laws overly impact males under the age of 25 and people of Native Hawaiian descent. These groups were arrested in numbers disproportionate to their share of the population.
- By legalizing, taxing and regulating marijuana, Hawaii could save an additional \$3 million in law enforcement costs annually and conservatively add at least \$11.3 million in yearly tax revenues.□

In other words if Hawaii implemented a measure like S.B. 2733, the total to be realized in savings and tax revenues would be at least \$20 million annually.

The bill before us, in our view, is well written, comprehensive, and carefully delineates a system of controlled access to a safe, inspected supply of marijuana for adults in a controlled manner - replacing the free-for-all black market. Section 1 of SB 2733 also includes an excellent summary of cannabis control efforts in the U.S.

Rather than criminals selling cannabis of unknown quality, adults who wish to obtain this substance, go to an outlet much like a liquor store with similar security provisions and restrictions in place. The licensing fees and taxation will yield proceeds to the state, which can be earmarked for public education, drug treatment or in any number of socially useful ways. Moreover the millions that will be saved in law enforcement costs can be redirected to targeting far more damaging drugs such as crystal meth or to combatting violent crime.

Research clearly indicates that there is no direct correlation between a state's marijuana laws and the rate of usage. In other words states with very severe penalties may have higher rates of use than those with less harsh laws. Hawaii currently deems possession of an ounce or under as a petty misdemeanor, the lowest criminal penalty available. To change this to a system of regulation and control would, as noted, avoid the costs of enforcing this low level crime while gaining significant revenue.

If there is concern about "sending the message that Hawaii approves of marijuana use", I would suggest the message really is that Hawaii has decided to target its resources towards the control of more dangerous drugs and activities. As in Washington State, some of the savings or income could be earmarked for effective drug prevention education to dissuade people from using cannabis. As we have seen with tobacco control, education can be a very effective tool in reducing use without the many harmful effects that criminalizing a substance or behavior entails.

We have a few specific suggestions. On page 9, line 10, we are pleased to see that "grow your own" provisions are included. However, rather than allowing six plants to be grown for recreational use, we suggest it be expanded to seven plants consistent with current limits for marijuana grown for medical use. We are also glad to see language on page 15, lines 11-15, that explicitly states that if this measure is enacted it would not affect the medical marijuana program which has its own set of specific limits, requirements and responsibilities.

We hope you are convinced that the action called for in SB 2733 has strong support from Hawaii's voters. We urge the committees to move it out today to the next committees, so that the important and necessary discussion about the best approach to regulate marijuana can continue. We would be pleased to serve as a resource if any further information should be required.

Again thank you for hearing this measure today and for giving us the opportunity to testify.

# Marijuana Decriminalization and Legalization in Hawai'i

#### **Executive Summary**

January 2013

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

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

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

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

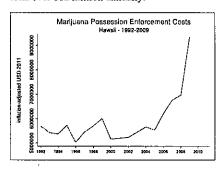
As used in this report, *Legalization* is a system that allows the use and sale of marijuana to adults under a system of taxation, regulation, and sometimes licensing, in much the same way as alcohol.

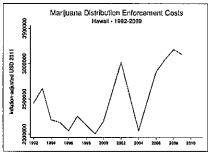
Drawing from publicly available arrest and budget data, it is possible to estimate the average cost of marijuana possession and distribution arrests and prosecutions in Hawai'i. In 2005, marijuana possession enforcement was estimated to cost Hawai'i taxpayers \$5 million annually. Enforcement of laws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

#### **Key Findings**

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

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





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

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

increased risk of arrest for marijuana possession

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

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

#### About the Author

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

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#### TESTIMONY FOR SENATE BILL 2733, RELATING TO MARIJUANA

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

Senate Committee on Commerce and Consumer Protection Hon. Rosalyn H. Baker, Chair Hon. Brian T. Taniguchi, Vice Chair

> Thursday, February 13, 2013, 2:45 PM State Capitol, Conference Room 224

Honorable Chair Espero and committee members:

I am Kris Coffield, representing the IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 150 local members. On behalf of our members, we offer this testimony in strong support of, with proposed amendments for SB 2733, 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. 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. An economic study that accompanied the poll estimated that the state would save \$12 million (mostly in law enforcement costs) by legalizing and regulating cannabis usage, while taxing sales of the substance would bring in at least \$11 million (as much as \$15-20 million, by other analyses), amounting to a \$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.

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. Voters in Colorado and Washington approved ballot measures approving recreational marijuana, creating a legal

Kris Coffield (808) 679-7454 imuaalliance@gmail.com

quagmire for federal drug enforcement efforts (that, it should be said, disproportionately target minorities, leading to elevated incarceration rates for nonviolent crimes). Department of Justice officials are said to be crafting policy proposals to undermine Washington and Colorado voters' will, but most legal commentators believe that this issue will ultimately be decided by the courts. It makes sense, then, to legalize marijuana now, so that Hawaii can join any federal litigation that arises and place political pressure on the government to reverse its draconian "drug war" policies.

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 drugtrafficking 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.

That said, there are several amendments that we urge that committee to consider. To rectify the bill's glaring omission of what happens when personal use of marijuana leads to operating vehicles under the influence, we urge the committee to include marijuana in laboratory requirements for substance abuse testing under subsection §329-B(4). In Hawaii, a blood-alcohol content (BAC) percentage over .08 percent means that a driver is considered to be 'per se intoxicated' and can be arrested for driving under the influence (DUI) based on this evidence alone. For the clarity of law enforcement operations, we encourage the committee to prohibit operating a vehicle with a THC concentration of a person's blood of 5.00 or more, for persons 21-years-old and over, shall constitute a violation of HRS Chapter 291E, including HRS 291E-3 (evidence of intoxication), HRS 291E-61 (operating a vehicle under the influence of an intoxicant), and other relevant subsections of HRS Chapter 291E, thereby subjecting marijuana

usage to the same testing protocols and law enforcement procedures as alcohol. Alternatively, the committee could replicate the testing, evidentiary, and criminal procedure protocols in a new HRS chapter, though such a move seems cumbersome when protocols regulating alcohol consumption are already in place. We also entreat the committee to prohibit employers who business activities involve vehicular transportation from allowing employees to drive under the influence of marijuana in §329-G(2).

Additionally, we encourage you to follow Washington's lead and amend the list of department rules currently outlined in §329-D by prohibiting the Department of Taxation from granting a license to a marijuana establishment within 1,000 feet of any preschool, elementary school, secondary school, recreation center, or public park. We also request that the bill be amended to prohibit marijuana establishments from placing, maintaining, or causing to be placed or maintained, any advertisement for marijuana within 1,000 feet of any preschool, elementary school, secondary school, recreation center, or public park.

Finally, we note that this *does* cover marijuana-infused products under the definition of "marijuana products," including, but not limited to, marijuana-infused food and alcohol products. A litany of cannabis-infused products—from taco mix to cotton candy, from pulled pork to carbonated colas—have begun showing up, in the past two years, on shelves at storefront marijuana dispensaries in Washington and Colorado. While the bill does address the labeling of such products, particularly those produced culinarily, we urge the committee to specifically mandate that marijuana products be subject to labeling requirements that include, in addition to the labeling requirements of other consumer commodities, the THC concentration of the marijuana product, as well as medically and scientifically accurate information about the health and safety risks posed by marijuana use.

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 <u>in support</u> of this bill.

Sincerely, Kris Coffield Legislative Director Dr. Myron Berney

## LATE TESTIMONY



#### SB2733 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, <u>The Report of the National Commission on Marihuana and Drug Abuse</u>, <u>Marihuana</u>: <u>A Signal of Misunderstanding</u>, 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.

Washington DC is poised to LEGALIZE MARIJUANA with the votes last year being 10 out of 13 to legalize

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 <u>of every citizen also includes Medical Marijuana users and users of Recreational Marijuana.</u> 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 <u>Obama called for the Lowest Level of Law Enforcement for the personal use of Marijuana</u>. 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 <u>Position of the Hawaii State Supreme Court</u> 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 <u>Supreme Court ordered the Courts to resolve all conflicts in the Statutes in favor of the defendant</u>

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, anadamine, 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.

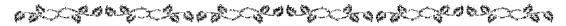
PUBLIC SAFETY DEPENDS UPON ELIMINATING MARIJUANA PROHIBITION.



## COMMUNITY ALLIANCE ON PRISONS MONY

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

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



#### COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTALAND MILITARY AFFAIRS

Sen. Will Espero, Chair Sen. Rosalyn Baker, Vice Chair Thursday, February 13, 2014 2:50 p.m. Room 224

#### SUPPORT FOR SB 2733 - 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 2733 legalizes the personal use of marijuana in a specified quantity. Requires licensing to operate marijuana establishments. Subjects marijuana establishments to excise taxes and income taxes.

Community Alliance on Prisons supports this measure. The policies promoting the war on drugs have done more harm, in many cases, than the drugs they are prohibiting.

In recent polling<sup>1</sup> seventy-two percent (72%) of Hawai`i voters made it clear that they want law enforcement to spend their resources on pursuing the perpetrators of violent crime.

Eighty-five percent (85%) of Hawai'i voters support for a dispensary system so patients do not need to use the black market to find their medication. This is a 7 percentage point increase over polling done at the end of 2012.

Sixty-six percent (66%) of Hawai'i voters polled are in favor of outright legalization for adult use. This is an increase of 9 percentage points over 2012.

Fifty-seven percent (57%) of Hawai'i voters polled agreed with moving Hawai'i forward as Colorado and Washington state have done.

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

#### A September 17, 2013 PolicyMic article<sup>2</sup> read:

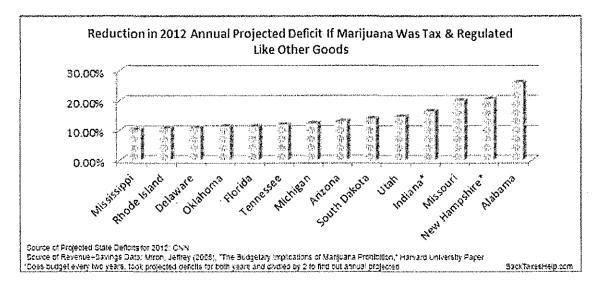
""Children are growing up with a total lack of respect for the Constitution and for the law," Pauline Sabin, the first woman to sit on the Republican National Committee, said in regard to prohibition in 1932. "The young see the law broken at home and upon the street," she added. "Can we expect them to be lawful?"

Sabin was the founder of the Women's Organization for National Prohibition Reform that helped legalize the sale of alcohol. She graced the cover of Time magazine in 1932 for inspiring the movement to overturn the disastrous eighteenth amendment that helped finance Depression-era lawlessness.

Republicans could take a page from her playbook on the issue of marijuana prohibition today. With non-violent arrests occurring every 36 seconds, overcrowding our prisons, and depleting billions of dollars from our federal and state coffers every year, we — all Americans — should consider prohibition repeal as critical to the state of our nation as debt reduction and healthcare reform."

The author posits the top four Republican arguments for legalizing as:

#### 1. Pot would create jobs and help prevent Detroit-style bankruptcies



#### 2. We could unplug overcrowded prisons and save tax dollars

As the Pew Research Center reports, this surplus of drug-related offenders helped create a U.S. prison system that is near capacity, in crisis, and expensive. Citing more than \$80 billion we spent on our prisons in 2010 — with 47 percent of inmates in jail for drug-related offenses — Attorney General Eric Holder justly called overcrowding "ineffective and unsustainable" in recent remarks before the American Bar Association that he used to propose alternatives.

Those numbers fail to capture the true human toll for low-level offenders that serve time and leave with stigmas on their records, unable to find work and more susceptible to falling back on drug sales to make ends meet.

<sup>&</sup>lt;sup>2</sup> "Marijuana Legalization: The Republican Argument For Doing It", by Ryan Schuette
.http://www.policymic.com/articles/64121/marijuana-legalization-the-republican-argument-for-doing-it

#### 3. Legalization could help starve violent cartels at home and abroad

Pot prohibition is big business — especially for the ultra-violent cartels that regularly threaten, kidnap, and kill journalists, public officials, bloggers, and ordinary citizens in Mexico and U.S. border towns. Bringing a black-market industry into the real economy would take away a cash crop that drug traffickers peddle to finance a generational war.

#### 4. We could ease suffering for those who live with chronic illnesses

According to one recent survey, however, 76 percent of doctors worldwide would actually sign off on marijuana for medicinal use. The authors who published their work in the New England Journal of Medicine surveyed nearly 1500 accredited physicians from 72 different countries and 56 North American states and provinces, and found that respondents would recommend it to a hypothetical woman suffering from breast cancer.

Legalization of marijuana is going to happen. Prohibition has bankrupted governments, destroyed the social fabric of communities and has ripped apart families.

We ask the committee to seriously consider this measure and pass it out. We need to have real discussions on this issue.

Mahalo for this opportunity to testify.

## LATE TESTIMONY

To: COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS. Senator Will Espero, Chair. Senator Rosalyn H. Baker, Vice ChairTo: COMMITTEE ON COMMERCE AND CONSUMER PROTECTION. Senator Rosalyn H. Baker, Chair. Senator Brian T. Taniguchi, Vice Chair

From: Wendy Gibson R.N.

RE: SB2733 - Relating to Marijuana

Hearing: February 13, 2014 at 2:45 p.m. Room 224

**Position: Strong Support** 

Dear Honorable Senate Chairs, Vice Chairs, and other Senators of the Committees,

I am a nurse, an R.N., who is interested in seeing reform of our current medical marijuana laws. I would like to see improved patient access to medicinal cannabis products as well as education in the use of these products.

I am also concerned with protecting medical marijuana patients from harm. To me, that means protecting patient confidentiality, helping patients avoid the "criminal activity" of buying marijuana and educating patients on alternatives to smoking. Those have become my goals. All of these goals would be simpler to accomplish if Marijuana were legalized and sales regulated.

Marijuana has been **associated with criminal activity because of prohibition.**Ending prohibition for alcohol did not lead to increased criminal activity. It lead to LESS. Legalizing marijuana in Colorado did not lead to an increase in criminal activity.

I feel that prosecuting people for using Marijuana or marijuana products is a waste of my taxpayer dollars. I believe that the 75-year-old "War on this Drug" has failed and we should return marijuana to the status it had in the United States in the 1930's, when it was available in pharmacies--that is a LEGAL status.

I have come to believe that marijuana is the safest recreational drug used in our society and about as addictive as coffee. I believe it is more of an "Exit" drug (from opiate addiction) than a "gateway" drug and certainly less harmful than alcohol (unless you are talking about the criminal penalties).

I support SB 2733 because I feel it will provide an enforceable law which limits buyers to specific quantities, provides for a system of licensure for marijuana establishments and will generate revenue through GE and other taxes. This will greatly improve a patient's access to medical marijuana because, as you know, we have NO dispensary system for them. Ending prohibition on marijuana will improve patient safety when purchasing their medicine.

Please consider this when voting on this bill.

Mahalo Nui,

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



The Honorable S	Senator Will	Espero,	Chair
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Committee on Public Safety, Intergovernmental and Military Affairs

Senator Rosalyn Baker, Chair

Committee on Commerce and Consumer Protection

RE: SB2733 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

To: Chair Will Espero (Senate Public Safety, Intergovernmental and Military Affairs Committee)
Chair Rosalyn Baker (Senate Committee on Commerce and Consumer Protection)
Vice-Chair Brian Taniguchi (Senate Committee on Commerce and Consumer Protection)
Esteemed Members of the Senate Committees on Public Safety, Intergovernmental and
Military Affairs and on Commerce and Consumer Protection

From: Ben Tamamoto, Waipahu

Re: Opposition to SB2733

Hearing: Thursday, February 13<sup>th</sup>, 2014 at 2:45PM

Rm. 224, State Capitol

Aloha Chair Espero, Chair Baker and esteemed members of the joint committees at this hearing,

Thank you for the opportunity to testify in OPPOSITION of SB2733. A critical review of available research and arguments has failed to demonstrate a single valid reason why a controlled substance like marijuana should be legalized in the State of Hawaii.

Since time immemorial, criminals have wanted their activities to be legalized – and I am sure that there would be wildly popular testimony on a bill to repeal speed limits or to stop fining jaywalkers. The legalization of marijuana is no different, and the logic that supporters use to substantiate their position can be seen as 'juvenile' at best – better suited to a fifth grader than an adult attempting to shape public policy.

I take great offense when supporters use flimsy arguments like:

- "Everyone does it, so it must be harmless"
- "The state just needs to legalize marijuana, and it will be alright" (even though federal law would still prohibit it).
- "Law enforcement has not worked, so we should legalize it"
- "Legalizing marijuana would free up law enforcement officers to pursue more violent offenders"
- "Marijuana use is harmless" or "Marijuana is a victimless crime"
- "Alcohol is worse than marijuana"
- "Marijuana will not hurt children (only people older than 21 could legally do so)"
- "Taxing marijuana would be a great revenue source for government"

All of these arguments have been thoroughly debunked. But if there was a single reason why marijuana should not be legalized, it should not be legalized for the children.

Laws that prohibit the use or possession of alcohol and cigarettes by minors have not prevented its use by under-aged individuals. In fact, the top three drugs abused by minors are a) alcohol, b) cigarettes and c) prescription drugs, all of which have controls on them. The accessibility of these controlled substances is what has made them the three most abused drugs by minors. The usage of marijuana by minors is particularly disturbing because brain development in children does not finish until early- or mid-20s. Marijuana use by minors would irreparably halt brain development that will place them at a disadvantage for the rest of their lives.

Additionally, there is no test to determine whether a marijuana user is too impaired to operate a motor vehicle. While there are similar standards that are used to prosecute alcohol users who are impaired when they drive a car, there is no similar test or standard that can be used to prosecute a marijuana user that is impaired. Too often marijuana users have testified by saying "Trust me, I will not drive impaired". I don't. I do not trust them any more than an alcoholic or a methamphetamine addict. SB2733 is woefully lacking because it does not address intoxicated drivers.

It is for these reasons, and the adverse effects it has on public health<sup>1</sup> that I oppose SB2733 and the legalization of marijuana. I care about the children, and I care about the future of Hawaii.

Ben Tamamoto

<sup>&</sup>lt;sup>1</sup> http://learnaboutsam.com/wp-content/uploads/2013/02/Marijuana-Marijuana-and-Health.pdf

## LATE TESTIMONY

Date: February 13, 2014

To: Senator Will Espero, Chair, and Senator Rosalyn Baker, Vice-Chair, and Members of the Public Safety and Intergovernmental and Military Affairs

Senator Rosalyn Baker, Chair, and Brian Taniguchi, Vice Chair and Members of the Commerce and Consumer Protection

From: Lisa Yoshimura, Testimony in STRONG OPPOSITION to SB 2733, Relating to Marijuana

My name is Lisa Yoshimura and I stand in STRONG OPPOSITION to SB 2733. It is totally absurd that this legislature is considering legalizing marijuana, a mind altering drug. Risking the public's safety for the sole purpose of raising state revenue is reckless and irresponsible. Along with cocaine and heroin, marijuana is classified as a psychoactive drug, which affects the mind or behavior. Please be reminded of the obvious detrimental effects of marijuana:

"Marijuana overactivates the endocannabinoid system, causing the "high" and other effects that users experience. These effects include altered perceptions and mood, impaired coordination, difficulty with thinking and problem solving, and disrupted learning and memory. Marijuana also affects brain development, and when it is used heavily by young people, its effects on thinking and memory may last a long time or even be permanent. A number of studies have linked chronic marijuana use and mental illness. High doses of marijuana can produce a temporary psychotic reaction (involving hallucinations and paranoia) in some users, and using marijuana can worsen the course of illness in patients with schizophrenia. A series of large studies following users across time also showed a link between marijuana use and later development of psychosis (definition added: fundamental mental derangement (as paranoia characterized by defective or lost contact with reality). " <sup>1</sup> Emphasis added.

"Experts at Dalhousie University in Canada reviewed nine studies of more than 49,000 people involved in accidents on public roads involving one or more motor vehicles, ... Researchers found drivers who had used marijuana within three hours of beginning to drive had nearly double the risk of causing a collision, especially those that were fatal."<sup>2</sup>

"Stoned driving is uncharted territory. Experts say they don't know what level of marijuana impairs a driver, but statistics show that fatal crashes involving drugged drivers have jumped...In California alone, nearly 1,000 deaths and injuries each year are blamed directly on drugged drivers, according to CHP data, and law enforcement puts much of the blame on the rapid growth of medical marijuana use in the last decade."..."Marijuana is a significant and important contributing factor in a growing number of fatal accidents," said Gil Kerlikowske, director of National Drug Control Policy in the White House and former Seattle police chief."

"Legalizing marijuana for any reason will adversely impact public safety. More people would die and be injured on the highways, and the cost to insurance companies and the general population would soar."

Hawaii does not need any more senseless killings nor do I think we should open the floodgates to stoned pilots, surgeons, pharmacists, or fellow drivers on the road. It is the responsibility of this Legislature to protect the health and safety of the public. Please vote NO to SB 2733. Thank you.

<sup>&</sup>lt;sup>1</sup> National Institute on Drug Abuse, The Science of Drug Abuse and Addiction (Rev. 01/14)

<sup>&</sup>lt;sup>2</sup> Study published in <u>British Medical Journal</u>, Article in USA Today, 2/10/12

<sup>&</sup>lt;sup>3</sup> Article by Ralph Vartabedian, Los Angeles Times, July 2, 2011

<sup>&</sup>lt;sup>4</sup> Article by Roger Morgan, Executive Director, Coalition for A Drug-Free California

### LATE TESTIMONY

To: Chairperson Will Espero

Vice Chairperson Rosalyn H. Baker

Members of the Public Safety, Intergovernmental and Military Affairs Committee

Chairperson Rosalyn H. Baker Vice Chairperson Brian T. Taniguchi Members of the Commerce and Consumer Protection Committee

From: Addison Deal

Subject: Support of SB2733, relating to marijuana.

Hello! My name is Addison Deal, and I am currently a sophomore at Kalaheo High School in Kailua. I strongly believe in SB2733, and I would like to ask for your support.

By legalizing marijuana the state will expect to bring in revenue. According to SB2733, Colorado expects to bring in revenue upwards of \$60,000,000 a year; in hopes of the legalization we would bring in revenue as well. Drug busts often trap young people in a flawed system that turns them into lifelong criminals, but by giving them a chance to abide the law there would be no harm towards them. According to studies, published in Peer-Reviewed Medical Journals Marijuana helped reduce pain in people suffering spinal cord injury and many other conditions. In this study, 38 patients smoked either high-dose or low-dose marijuana; 32 finished all three sessions. Both doses reduced neuropathic pain from different causes.

This bill has the ability to do much more than increasing profit and reducing crime rates. It also has the opportunities to help people with severe illness and those who are in pain. Legalizing marijuana holds potential for economic revenue, increased tax revenue, and reduction in crime, which can ultimately change lives.

Thank you for your time and consideration, and I truly hope that you will support SB2733

Michael Sparks <michael@sparksinitiatLef.com>E TESTIMONY

Sent:

Thursday, February 13, 2014 2:08 PM

To:

**PSMTestimony** 

Subject:

Testimony on SB 2733 Joint Senate Committee on Public Safety, Intergovernmental and

Military Affairs/Commerce and Consumer Protection

To: Joint Senate Committee on Public Safety, Intergovernmental and Military Affairs/Commerce and Consumer

Protection

Date: Thursday, February 13, 2014

Time: 2:45 pm

Place: Conference Room 224, State Capitol

Position: NO Vote.

Please vote no on SB 2733. We do not need any additional easing of laws related to marijuana access and availability. The proposed law will not address the use of marijuana by youth and adults and the resulting, literature documented, health and safety issues. This bill will only make a serious problem worse.

Vote no.

Michael Sparks

#### SparksInitiatives:

1667-A South Kihei Rd. Kihei, HI 97863 707-280-3451

mailinglist@capitol.hawaii.gov

Sent:

LATE TESTIMONY Thursday, February 13, 2014 12:02 PM

To:

**PSMTestimony** 

Cc:

mminn811@gmail.com

Subject:

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

#### **SB2402**

Submitted on: 2/13/2014

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

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
M. Minn	Individual	Support	No

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

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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mailinglist@capitol.hawaii.gov

Sent:

Thursday, February 13, 2014 11:52 AM

To:

**PSMTestimony** 

Cc: Subject: sherrianwitt@aol.com

Submitted testimony for SB2733 on Feb 13, 2014 14:45PM

LATE TESTIMONY

SB2733

Submitted on: 2/13/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

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

Comments: NO GMO

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LATE TESTIMON

From:

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Sent:

Thursday, February 13, 2014 11:36 AM

To:

**PSMTestimony** 

Cc:

mminn811@gmail.com

Subject:

Submitted testimony for SB2733 on Feb 13, 2014 14:45PM

**SB2733** 

Submitted on: 2/13/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

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

Comments: Please stop spending our resources on arresting, prosecuting, and incarcerating cannabis producers and consumers, especially if they are using it for the treatment of medical conditions. Instead, allow entrepenuers to create revenue and jobs for our local economy.

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, 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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mailinglist@capitol.hawaii.gov

Sent:

Thursday, February 13, 2014 11:26 AM

To:

**PSMTestimony** 

Cc:

dan.marks99@gmail.com

Subject:

Submitted testimony for SB2733 on Feb 13, 2014 14:45PM

LATE TESTIMI

**SB2733** 

Submitted on: 2/13/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Dan Marks	Individual	Support	No

Comments: I support the measure however "Legalizes the personal use of marijuana in a specified quantity." does not make a lot of sense. There is no limit to how much beer someone can buy. Make this an amendment in our Constitution so the federal government treats Hawaii more like Colorado than California.

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, 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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From: Sent:

mailinglist@capitol.hawaii.gov

Thursday, February 13, 2014 11:23 AM

To:

Cc:

**PSMTestimony** 

Subject:

danekaulana@gmail.com Submitted testimony for SB2733 on Feb 13, 2014 14:45PM

LATE TESTIMON'

**SB2733** 

Submitted on: 2/13/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing	
Dane Gonsalves	Individual	Support	No	

Comments: I believe this is the right step in addressing the issue while also freeing up law resources to tackle other crimes of greater importance.

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Sent:

Thursday, February 13, 2014 11:27 AM

LATE TESTIMO

To:

**PSMTestimony** 

Cc: Subject: xackari1@gmail.com

Submitted testimony for SB2733 on Feb 13, 2014 14:45PM

#### **SB2733**

Submitted on: 2/13/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Danny Baldwin	Individual	Comments Only	No

Comments: Hello, I am a private citizen and fully support this bill, and I hope that the rest of the local politicians here will come on board and do the right thing....Alcohol has killed more people in this State, and it is has been legal since forever! Marijuana use has killed zero, but yet we have our children and family locked up for using and having in their possession marijuana....this will reduce the prison population, and generate revenue for our State. It is a win win for all....I honestly believe that there will be a reduction in crime, and the Aloha that is sadly missed by all will return! Hawaii should be a happy State, not one with druncken Federal agents going around shooting our citizens because they are drunk... Never in the recorded history of Mankind has there ever been a death caused by personal use of Marijuana, and you by now have probably heard the testimony of hundreds of thousands of people who say it is the only thing that works for them medically... Thank you all for having the bravery to even put this bill on the table .....Guaranteed all of you to get my vote....very progressive and unselfish...You exemplify the type of leadership that we residents of Hawaii deserve, and the rest should emulate! Power to the People! Thank you from my heart! Daniel Baldwin Jr. Waianae

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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From:

mailinglist@capitol.hawaii.gov

Sent:

Thursday, February 13, 2014 1:03 PM

To:

**PSMTestimony** 

Cc:

tia.pearson@gmail.com

Subject:

Submitted testimony for SB2733 on Feb 13, 2014 14:45PM

#### SB2733

Submitted on: 2/13/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
tia pearson	Individual	Support	No

Comments: It would be a boon to our economy and allows marijuana to be regulated. It would then be treated just like alcohol and has been proven to be much safer and healthier than alcohol.

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From:

mailinglist@capitol.hawaii.gov

Sent:

Thursday, February 13, 2014 9:47 AM

To:

**PSMTestimony** 

Cc:

angelavideotron@gmail.com

Subject:

Submitted testimony for SB2733 on Feb 13, 2014 14:45PM

#### SB2733

Submitted on: 2/13/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Angela Breene	Individual	Support	No

Comments: Mahalo for the opportunity to testify in strong support of SB2733 to decriminalize and regulate small amounts of marijuana for personal use and establish a licensing scheme for the cultivation, sale, and use of small amounts of marijuana for personal use, as well as create state tax revenue. SB2733 offers a common-sense approach to regulating marijuana. The majority of Hawaii residents recognize that marijuana is safer and less harmful to individual health and society than alcohol, tobacco and even prescription drugs. Our resources can be better used on hard drugs and violent crime than persecuting otherwise law-abiding, tax paying citizens for growing and consuming a plant. Please pass SB2733. Mahalo

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, 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.

From:

mailinglist@capitol.hawaii.gov

Sent:

Thursday, February 13, 2014 9:54 AM

To:

**PSMTestimony** 

Cc:

ponosize@hotmail.com

Subject:

\*Submitted testimony for SB2733 on Feb 13, 2014 14:45PM\*

#### **\$B2733**

Submitted on: 2/13/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

	Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Γ	Pono Kealoha	Individual	Support	No

#### Comments:

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, 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.

From: Sent: mailinglist@capitol.hawaii.gov

Thursday, February 13, 2014 10:04 AM

.To:

PSMTestimony

Cc:

bacher.robert@gmail.com

Subject:

Submitted testimony for SB2733 on Feb 13, 2014 14:45PM

LATE TESTIMON

**SB2733** 

Submitted on: 2/13/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Robert Bacher	Hawaiian Standard & Green Futures	Support	Yes

Comments: I am very excited to help in the transition of Cannabis from an uncontrolled substance to a regulated commodity. We will takes steps to ensure it continues to be "one of the safest therapeutic substances known to man", while creating thousands of jobs in related fields such as trade schools, labs/packaging/branding, and security. In addition to thousands of much needed well paying careers, regulating this expanding industry will reap millions of dollars in much needed tax revenues whether taxed at the standard 4% or triple that. The reason Bill Gates voted for Regulation in Washington was that he understood what a huge economic hit it would cause to organized crime and possibly erode the cartels foothold in our cities.

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mailinglist@capitol.hawaii.gov

Sent:

Thursday, February 13, 2014 8:10 AM

To:

**PSMTestimony** 

Cc:

mmcardle19@aol.com

Subject:

Submitted testimony for SB2733 on Feb 13, 2014 14:45PM

LATE TESTIMON

#### SB2733

Submitted on: 2/13/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Peggy McArdle	Individual	Support	No

Comments: Aloha. A new business opportunity for the farmers with new revenue sources for the state with marijuana and hemp production is the logical action to take. My support for this bill is conditional on permitting only Non-GMO marijuana crop varieties grown by local farmers. Mahalo.

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mailinglist@capitol.hawaii.gov

Sent:

Thursday, February 13, 2014 7:43 AM

To:

**PSMTestimony** 

Cc:

rachaloha@gmail.com

Subject:

\*Submitted testimony for SB2733 on Feb 13, 2014 14:45PM\*

#### **SB2733**

Submitted on: 2/13/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Rachael Chisom	Individual	Support	No

#### Comments:

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From:

mailinglist@capitol.hawaii.gov

Sent:

Thursday, February 13, 2014 7:08 AM

To:

**PSMTestimony** 

Cc:

begoniabarry@gmail.com

Subject:

Submitted testimony for SB2733 on Feb 13, 2014 14:45PM

#### **SB2733**

Submitted on: 2/13/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Barbara Barry	Individual	Support	No

Comments: This is good policy and a source of tax revenue. Many tax dollars that are spent on Prohibition of Cannabis will be freed up to investigate missing women on Maui. Also NO GMO Cannabis on these Sacred Islands! Thank you, Barbara Barry

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From:

mailinglist@capitol.hawaii.gov

Sent:

Thursday, February 13, 2014 7:09 AM

To:

**PSMTestimony** 

Cc:

acthalmann@gmail.com

Subject:

Submitted testimony for SB2733 on Feb 13, 2014 14:45PM

#### **SB2733**

Submitted on: 2/13/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
alison thalmann	Individual	Support	No

Comments: I support the legalization of marijuana, however, I hope and pray that this plant never becomes a GMO. Don't ever let that happen! that could be so dangerous! This herb needs to stay organic, clean and used medicinally or recreationally as safe as it can be, in its natural form. Thank you so much for you time and focus on the legalization of marijuana. People who are convicted of marijuana related offenses are denied federal student aid, people convicted of violent crimes remain eligible. That is such a problem! There are worse issues happening out there. This is going to tremendously change our economy in Hawaii. Mahalo!!! Sincerely, Alison Thalmann

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.

mailinglist@capitol.hawaii.gov

Sent:

Thursday, February 13, 2014 8:16 AM

To:

**PSMTestimony** 

Cc:

synergyluna@gmail.com

Subject:

Submitted testimony for SB2733 on Feb 13, 2014 14:45PM

#### **SB2733**

Submitted on: 2/13/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Luna Carlisle	Individual	Support	No

Comments: SUPPORT! PASS THE BILL! STRONGLY IN FAVOR! YESYESYESYESYESYESYESYESYES!!!!

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From:

mailinglist@capitol.hawaii.gov

Sent:

Thursday, February 13, 2014 8:33 AM

To:

**PSMTestimony** 

Cc:

maureenlangberg@gmail.com

Subject:

\*Submitted testimony for SB2733 on Feb 13, 2014 14:45PM\*

#### <u>SB2733</u>

Submitted on: 2/13/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
maureen Langberg	Individual	Support	No

#### Comments:

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From:

mailinglist@capitol.hawaii.gov

Sent:

Thursday, February 13, 2014 9:04 AM

To:

**PSMTestimony** 

Cc:

jimleanne2003@yahoo.com

Subject:

Submitted testimony for SB2733 on Feb 13, 2014 14:45PM

#### **SB2733**

Submitted on: 2/13/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing	
Leanne	Individual	Support	No	į

Comments: This bill represent the common sense approach that mainstream Haw.voters are in support of regulating and taxing cannabis. As well as saving 12 million a year in law enforcement and bringing 11million in tax revenue. Prohibition on cannabis has not worked, only for the drug cartels.

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, 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.

From:

mailinglist@capitol.hawaii.gov

Sent:

Thūrsday, February 13, 2014 8:48 AM

To:

**PSMTestimony** 

Cc:

outofthebox808@gmail.com

Subject:

Submitted testimony for SB2733 on Feb 13, 2014 14:45PM

#### **SB2733**

Submitted on: 2/13/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

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

Comments: It is the right thing to do.

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mailinglist@capitol.hawaii.gov

Sent:

ATE TESTIMONY Thursday, February 13, 2014 9:20 AM

To:

**PSMTestimony** 

Cc: Subject: camillat@hawaii.edu

\*Submitted testimony for SB2733 on Feb 13, 2014 14:45PM\*

#### **SB2733**

Submitted on: 2/13/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
camilla tognacchini	Individual	Support	No

#### Comments:

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mailinglist@capitol.hawaii.gov

Sent:

Wednesday, February 12, 2014 4:08 PM

LATE TESTIMONY

To:

**PSMTestimony** 

Cc: Subject: nihipalim001@hawaii.rr.com

Submitted testimony for SB2733 on Feb 13, 2014 14:45PM

**SB2733** 

Submitted on: 2/12/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Michele Nihipali	Individual	Support	No

Comments: Taxing and regulating marijuana is the right decision for Hawaii no matter if you are in favor of marijuana or against it. This bill treats marijuana the way that we treat alcohol. Even if you believe that marijuana is detrimental, a system of taxation and regulation is the best way to keep users safe, to reduce the social costs of enforcement, and to prevent burdening recreational users with criminal records that cause long term harm Prohibition makes control impossible: 

Producers and sellers of marijuana are completely unregulated unlike sellers of tobacco and alcohol. 

There are no quality controls for purity or potency. Hawaii's marijuana laws are enforced unevenly

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<u>SB2733</u> Submitted on: 2/12/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

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

SB2733

Submitted on: 2/12/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Hoku Vasconcellos	Individual	Support	No

Comments:

SB2733

Submitted on: 2/12/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
james trujillo	Individual	Support	No

Comments: mahalo for considering this testimony in favor of passing sb 2733 as more states move to decriminalize marijuana, hawaii is poised to usher in new laws to regulate and manage the use of marijuana as a controlled substance. revenue generated from the sale of marijuana and permits or license to sell marijuana are collected to pay for enforcement and addiction programs to reduce the likelihood of abuse from juvenile and adult consumers. please pass sb 2733 to regulate and monitor the use of marijuana in hawaii. aloha and please pass this bill to the next committee and allow it to crossover later next month. with respect and aloha, james g trujillo po box 33 kapaa, HI



#### SB2733

Submitted on: 2/12/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
michael curtis	Individual	Support	No

Comments: It's time for progressive change in the hypocritical way our society treats marijuana. Cigarettes and alcohol are both known to be more physically damaging than marijuana. Prohibition didn't work with alcohol, why did we think it would work with marijuana? I thought we were supposed to learn from history's mistakes. Also, repeated scientific medical studies are finding a multitude of medicinal benefits from the compounds found within marijuana. Let's join the other forward-thinking states and make policy changes that are good for the people and good for the state. Besides, think of the REVENUE!

<u>SB2733</u> Submitted on: 2/13/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Osborne	Individual	Support	No

Comments: End destructive prohibition. Grow hemp. Grow cannabis. Cripple the drug cartels. Aloha!

<u>SB2733</u> Submitted on: 2/13/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Reschan	Individual	Support	No

Comments:

**SB2733** 

Submitted on: 2/13/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Rodney Evans	Individual	Support	No

Comments: I suffer from Lyme Disease. It is very difficult to treat and local medical practitioners are unfamiliar with it. I choose to address it with natural herbal remedies of which cannabis is the most effective but denied to me because greedy people wearing corporate masks have too much influence in our government.

<u>SB2733</u> Submitted on: 2/12/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kerrie Villers	Individual	Oppose	No

Comments:



SB2733

Submitted on: 2/12/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Renee Peiler	Individual	Oppose	No

Comments: I strongly oppose SB2733



**SB2733** 

Submitted on: 2/12/2014

Testimony for PSM/CPN on Feb 13, 2014 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Darlene Loo-McDowell	Individual	Comments Only	No

Comments: Legalizing marijuana is crazy and sends the wrong message to the kids. I've seen the television shows covering states that have legalized marijuana. Boy it is definitely a money maker for the stores that are selling the stuff. They can't take the money to the bank because it is against federal laws so they have to carry the stacks of money with guards to stash the money somewhere. Of course now they need a gun to protect themselves. Then is it legal to openly grow the plant? So many questions. All around I see trouble. Don't do it! I would rather see some kind of gambling passed if we need to raise money in the state.