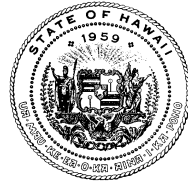


DAVID Y. IGE
GOVERNOR



VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

State of Hawaii
DEPARTMENT OF HEALTH
1250 Punchbowl Street
Honolulu, HI 96813-2416
doh.testimony@doh.hawaii.gov

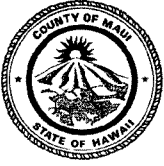
**Testimony COMMENTING on HB 31
Relating to Medical Marijuana**

REP. DELLA AU BELATTI, CHAIR
HOUSE COMMITTEE ON HEALTH

January 30, 2015

Room 329

- 1 **Fiscal Implications:** None
- 2 **Department Testimony:** Any form of discrimination against the legal consumption of
- 3 medications, including medical marijuana as regulated by the Department of Health, creates
- 4 barriers which may negatively impact patient health and well-being. However, the department
- 5 reiterates its caution against smoking or inhaling combustible substances as a means of delivery
- 6 regardless of their legal status.
- 7 Thank you for the opportunity to testify.



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

January 29, 2015



TIVOLI S. FAAUMU
CHIEF OF POLICE

DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

The Honorable Della Au Belatti, Chair
and Members of the Committee on Health
House of Representative
State Capitol
Honolulu, Hawaii 96813

RE: House Bill No. 31, RELATING TO MEDICAL MARIJUANA

Dear Chair Della Au Belatti and Members of the Committee on Health:

The Maui Police Department opposes the current draft of H.B. No. 31.

The passage of this bill voids any provision that discriminates against a person who holds a valid medical marijuana certificate and resides in an apartment or unit of a condominium property regime, condominium, or planned community association, unless the association documents prohibit smoking tobacco and the medical marijuana is used by means of smoking.

Though the Maui Police Department is sympathetic to these issues for marijuana patients, we must voice our concern regarding second hand smoke from marijuana cigarettes that could float to other condominiums, apartments, and homes affecting neighboring residents and young children. Calls to the police regarding this situation are not uncommon. This bill cannot be supported as it does protect innocent residents that will not have a say if they live in a residence that does not have a home association to complain to in order to regulate smoking tobacco and medical marijuana by means of smoking.

The Maui Police Department asks that you oppose the passage of H.B. No. 31.

Thank you for the opportunity to testify.

Sincerely,


TIVOLI S. FAAUMU
Chief of Police

creagan3 - Karina

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 28, 2015 3:16 PM
To: HLTtestimony
Cc: mminn811@gmail.com
Subject: Submitted testimony for HB31 on Jan 30, 2015 10:10AM

HB31

Submitted on: 1/28/2015

Testimony for HLT on Jan 30, 2015 10:10AM in Conference Room 329

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

Comments: Please allow patients to take their medicinal cannabis without fear of eviction or prosecution.

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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creagan3 - Karina

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 28, 2015 7:38 PM
To: HLTtestimony
Cc: j.bobich@tcu.edu
Subject: Submitted testimony for HB31 on Jan 30, 2015 10:10AM

HB31

Submitted on: 1/28/2015

Testimony for HLT on Jan 30, 2015 10:10AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph A. Bobich	Individual	Support	No

Comments: To Whom It May Concern: I support this bill as written. Joseph A. Bobich, Ph. D. Professor of Chemistry, Emeritus

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COMMUNITY ALLIANCE ON PRISONS

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

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



COMMITTEE ON HEALTH

Chair: Rep. Della Au Belatti

Vice Chair: Rep. Richard Creagan

Friday, January 30, 2015

10:10 a.m.

Room 329

SUPPORT FOR HB 31 - MEDICAL MARIJUANA

Aloha Chair Au Belatti, Vice Chair Creagan 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 almost two decades. This testimony is respectfully offered on behalf of the 5,600 Hawai'i individuals living behind bars, always mindful that more than 1,600, and soon to be rising number of Hawai'i individuals who 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.

HB 31 builds upon the protections provided by Act 60 of the 2014 legislature. Even though it does not provide all the protections that patients need, it is a needed improvement.

This bill helps patients feel more secure in their homes.

Community Alliance on Prisons supports the rights of patients to take the medicine they need to relieve their suffering. We ask that the legislature support our Medical Marijuana Program and the rights of patients.

Mahalo for this opportunity to testify.



AMERICANS FOR DEMOCRATIC ACTION

OFFICERS	DIRECTORS			MAILING ADDRESS
John Bickel, President	Guy Archer	Brien Hallett		PO. Box 23404
Chuck Huxel, Vice-President	Juliet Begley	Jan Lubin	George Simson	Honolulu
Fritz Fritschel, Treasurer	Alan Burdick	Stephen O'Harrow	Bart Dame (Alt)	Hawai'i 96823
Karin Gill, Secretary	Josh Frost	Jim Olson	Marsha Schweitzer (Alt)	

January 29, 2015

Chair Rep. Della Au Belatti and Health Committee Members

Re: HB 31 Relating to Medical Marijuana
Hearing on Jan. 29, 2015

Dear Rep. Au Belatti and Members of the Committee:

Americans for Democratic Action is an organization devoted to the promotion of progressive public policies.

We support HB 331 as it expands Housing protections that were established last year. It will help more patients who are being denied housing because of their legal use of medical cannabis. It will bring more renters into line with Hawaii's fair housing requirements. Finally it will help landlords avoid a situation wherein they unknowingly engage in discriminatory housing practices. While many states are legalizing marijuana, we should look progressively and move away from our Puritanical roots.

Thank you for your consideration.

Sincerely,

John Bickel
President

creagan3 - Karina

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 29, 2015 8:50 AM
To: HLTtestimony
Cc: hiloprosocial@hotmail.com
Subject: Submitted testimony for HB31 on Jan 30, 2015 10:10AM

HB31

Submitted on: 1/29/2015

Testimony for HLT on Jan 30, 2015 10:10AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Brittain, LCSW	Effective Change, LLC	Support	No

Comments: Medicinal cannabis is a medicine, and should be treated as such. Patients should be able to use it in the privacy of their own home. Methods of consumption such as vaporization (much as asthma medications are dispensed using a nebulizer), edible formulations and topical ointment have no intrusive qualities to bother neighbors. As such, they should be allowed. I suggest that this bill be modified so that patients can grow their medicine on their privately owned or rented property without fear of eviction or persecution by community associations. Cannabis plants are no more noxious than tomato plants. Please help end the unreasonable prejudice and unfair treatment that some cannabis patients experience at the hands of uninformed and biased landlords, community associations, and property managers. Many of our patients have suffered housing discrimination due to their responsible use of cannabis. Please prevent further harm to vulnerable aged, blind and disabled members of our society. Thank you Matthew Brittain, LCSW Effective Change, LLC 808 934-7566

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creagan3 - Karina

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 29, 2015 10:11 AM
To: HLTtestimony
Cc: hlusk@chowproject.org
Subject: *Submitted testimony for HB31 on Jan 30, 2015 10:10AM*

HB31

Submitted on: 1/29/2015

Testimony for HLT on Jan 30, 2015 10:10AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Heather Lusk	The CHOW Project	Support	No

Comments:

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Committee: Committee on Health
Hearing Date/Time: Friday, January 30, 2015, 10:10 a.m.
Place: Room 329
Re: Testimony of the ACLU of Hawaii in **Support of H.B. 31**, Relating to Medical Marijuana

Dear Chair Belatti, Vice Chair Creagan, and Members of the Committee on Health:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in **support** of H.B. 31, which provides protections for medical marijuana patients living in condominiums or other planned associations.

Medical marijuana patients who are using their medicine legally should not have to fear losing their housing because of medication that they need. H.B. 31 helps ensure that medical marijuana patients are not discriminated against.

Thank you for this opportunity to testify.

Daniel M. Gluck
Legal Director
ACLU of Hawaii

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for 50 years.

creagan3 - Karina

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 29, 2015 2:25 PM
To: HLTtestimony
Cc: director@dpfhi.org
Subject: Submitted testimony for HB31 on Jan 30, 2015 10:10AM
Attachments: HB31 Testimony 2015.pdf

HB31

Submitted on: 1/29/2015

Testimony for HLT on Jan 30, 2015 10:10AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Rafael Kennedy	Drug Policy Forum of Hawaii	Support	Yes

Comments:

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Hawaii's voice for sensible, compassionate, and just drug policy

House Committee on Health

Rep. Della Au Belatti, Chair
Rep. Richard P. Creagan, Vice Chair
Friday, January 30, 2015
10:10 a.m.

Conference Room 329
State Capitol
415 South Beretania Street

Strong Support - HB 31 - Relating to Medical Marijuana

Aloha members of the Health Committee,

When the legislature created the medical marijuana program in 2000, it did so from a place of **compassion**. Then as now the idea of punishing the very sick for treating their ailments with marijuana seemed antithetical to the spirit of aloha and the values that we hold as a state.

Still, the law that we passed had many shortcomings. It protects patients from being punished by the criminal justice system, but that is not the only way that patients are penalized for the medicine that they use. Many patients report feeling like the state **still sees them as criminals**, despite the fact that they work hard to obey the law. One of the ways that this happens is with housing. Law abiding patient renters can still find themselves **evicted** or **threatened** with eviction, an idea that is especially scary to people who are already battling serious medical issues. These patients may already have a claim of a "reasonable accommodation" under Hawaii's fair housing law, but the fact that these patients are sick makes asking them to seek fair treatment in the court seem inhumane. Also, cannabis patients have a difficult time enforcing these rights because the two places they would first turn for help, the Legal Aid Society and the Hawaii Civil Rights Commission are unable to help because they rely on federal funding.



January 29, 2015

VIA WEB TRANSMITTAL

Committee on Health
House of Representatives, the 28th Legislature
Regular Session of 2015

Re: Testimony in Support of HB 31

Dear Chair Au Belatti, Vice Chair Creagan and Committee members:

I am the Chair of the Community Associations Legislative Action Committee ("CAI"). CAI supports HB 31 for the following reasons:

HB31 is consistent with Act 60 passed in 2014 (HB1503), which amended the residential Landlord-Tenant Code (Chapter 521, Hawaii Revised Statutes) by adding a new section providing that "A provision in a rental agreement allowing for eviction of a tenant who has a valid certificate for the medical use of marijuana as provided in section 329-123 in any form is void, unless the rental agreement allows for eviction for smoking tobacco and the medical marijuana is used by means of smoking; provided that this section shall not apply where the articles of incorporation, declaration, bylaws, administrative rules, house rules, association documents, or a similar document of a condominium property regime or planned community association prohibits the medical use of marijuana."

Further, HB31 helps to clarify the ambiguities in interpreting the above underlined language in Act 60 in the context of a reasonable accommodation request for medical use of marijuana to associations. Despite of the State Law decriminalizing and allowing for medical use of marijuana, using marijuana continues to be an offense under Federal Law. After Act 60 became law on April 30, 2014, there has been dispute about whether an Association's declaration, bylaws, or house rules can actually prohibits the medical use of marijuana, like what was provided in Act 60. Some believe that the Association's smoking ban would apply to prohibit smoking medical marijuana. Others allege that an

House Committee on Health

January 29, 2015

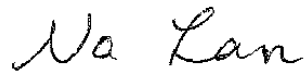
Page 2

association should treat a request for medical use of marijuana the same as a reasonable accommodation for service animals, and thus can never actually prohibit the medical use of marijuana, which makes the underlined language in Act 60 meaningless.

HB31 resolves the above stated issues, provides guidance for the Association Boards on this matter, and will reduce disputes and potential lawsuits between the Association and unit owners or tenants.

CAI represents the association industry, and supports the passage of HB 31.
Thank you!

Sincerely yours,

A handwritten signature in cursive script that reads "Na Lan".

Na Lan

creagan1 - Dannah

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 29, 2015 11:21 AM
To: HLTtestimony
Cc: nalan@myhawaiiilaw.com
Subject: Submitted testimony for HB31 on Jan 30, 2015 10:10AM
Attachments: 1-28-2015 CAI LAC testimony in support of HB 31.pdf

Categories: Purple Category

HB31

Submitted on: 1/29/2015

Testimony for HLT on Jan 30, 2015 10:10AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Na Lan	CAI LAC	Support	Yes

Comments:

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creagan3 - Karina

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 28, 2015 10:19 PM
To: HLTtestimony
Cc: eublalock@hotmail.com
Subject: Submitted testimony for HB31 on Jan 30, 2015 10:10AM

HB31

Submitted on: 1/28/2015

Testimony for HLT on Jan 30, 2015 10:10AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
elizabeth blalock	Individual	Support	No

Comments: Marijuana is a medicine and is allowed to be smoked or ingested for relief of symptoms of illness. No one should be denied access to housing for taking a legal prescribed medicine.

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creagan3 - Karina

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 28, 2015 10:22 PM
To: HLTtestimony
Cc: ncsugano@gmail.com
Subject: Submitted testimony for HB31 on Jan 30, 2015 10:10AM

HB31

Submitted on: 1/28/2015

Testimony for HLT on Jan 30, 2015 10:10AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Jari S.K. Sugano	Individual	Support	No

Comments: HB 31--RELATING TO MEDICAL MARIJUANA. Chair Au Bellati, Vice Chair Creagan, and members of the House Health Committee. Thank you for this opportunity to provide personal testimony in support of HR31 relating to medical marijuana and housing. My name is Jari Sugano of Mililani, Oahu. Since 2000, the State of Hawaii has recognized cannabis as a legal medical treatment for those with a debilitating physical condition. Yet, for 15 years landowners, and communities in Hawaii continue to see medical marijuana patients as substance abusers. I strongly support HB31 as it voids any provision that discriminates against a person who holds a valid medical marijuana certificate and resides in an apartment or unit of a condominium property regime, condominium, or planned community association, unless the association documents prohibit smoking tobacco and the medical marijuana is used by means of smoking.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 29, 2015 6:15 AM
To: HLTtestimony
Cc: rodneye9110@msn.com
Subject: Submitted testimony for HB31 on Jan 30, 2015 10:10AM

HB31

Submitted on: 1/29/2015

Testimony for HLT on Jan 30, 2015 10:10AM in Conference Room 329

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

Comments: I support all bills that allow us to treat our health in a natural and traditional way avoiding costly western medical scams and practices. It is currently an untenable situation for medical cannabis users as their housing is often threatened by landlords who wish to extort more money from them by threatening their housing. Please pass this and similar protections for users of traditional ancient medicines.

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creagan3 - Karina

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 29, 2015 6:42 AM
To: HLTtestimony
Cc: wendygibson9@gmail.com
Subject: Submitted testimony for HB31 on Jan 30, 2015 10:10AM

HB31

Submitted on: 1/29/2015

Testimony for HLT on Jan 30, 2015 10:10AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Wendy Gibson	Individual	Support	No

Comments: TO: House Committee on Health Rep. Della Au Belatti, Chair Rep. Richard P. Creagan, Vice Chair Friday, January 30, 2015 10:10 a.m. Conference Room 329 State Capitol 415 South Beretania Street From: Wendy Gibson R.N. Position: Strong Support – HB 31 – Relating to Medical Marijuana Dear Representatives Au Belatti and Creagan and House Committee Members, Act 060 was a good start but does not include all of the renters who are also medical marijuana patients. I would like to see the housing protections expanded to include more patients. Patients need to be able to stay focused on getting well not worrying about discriminatory housing practices and feeling vulnerable to eviction. I strongly support HB 31--because it picks up where Act 060 left off--and hope that you will support it too. Mahalo , Wendy Gibson PTA/RN

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Committee on Health

Rep. Della Au Belatti, Chair

Rep. Richard P. Creagan, Vice Chair

Friday, January 30th, 2015 10:10 am Hearing

Dear Chair Belatti and members of the Committee on Health,

Subject: Oppose HB31

My name is Kari, and I live on the 3rd floor of a condo in Kapahulu that would be affected if this bill passed. Though not every resident in my building is a card carrying medical marijuana patient, there are potential negative consequences for those who live in similar buildings and are not protected by their Condo Rules.

Concerns with HB31

- **Not all multi unit buildings are equipped with good air filtering systems.** I live in a three-story walk up that was built in the late 60s. Last year, when my down-stair neighbors went against Condo Rules by smoking weed inside the building, their smoke would rise to the upper floors, because of the way the air ducts are structured. Since the residents went against the Condo Rules by using an “illegal” substance, they were sent a notice and a deterring fine for incidences that occurred. If these tenants were medical marijuana card carriers, they could under this law and our current Condo Rules smoke as long as they were inside their dwelling. Thus the Condo Board would have to go through a long task of changing its rules, or reconstruct the entire air duct system.
- **Renters/ Tenants have no say.** Tenants or non-board member owners could be victim to constant marijuana smoke inhalation, if their Condo or House regulations did not prohibit such activity. Being the large portion of renting tenants Honolulu, I’m sure that might pose a greater issue on the more affordable places to live in Honolulu. Tenants don’t have the power to change or control the Condo rules, and with the greater ease of obtaining medical marijuana cards, the potential for unwanted exposure would increase.

So that we don’t put the cart before the horse, I would recommend supporting bill **HB788 instead**, because at least a medical marijuana patient I could legally obtain marijuana that was safely regulated. If this bill passes “as is”, there is no assurance any victim of second hand marijuana smoke isn’t ingesting something laced with “ice” or some other toxin.

Thank you for holding a hearing on this measure so that the positives and negatives could be brought to our attention. **Please oppose HB31.**

Mahalo!

Kari Benes

District Kaimuki/Kapahulu

creagan3 - Karina

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 29, 2015 9:19 AM
To: HLTtestimony
Cc: theede@hawaii.rr.com
Subject: Submitted testimony for HB31 on Jan 30, 2015 10:10AM

HB31

Submitted on: 1/29/2015

Testimony for HLT on Jan 30, 2015 10:10AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Support	No

Comments: Mahalo for your help in ending this discrimination!

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January 29, 2015

To: State of Hawai'i Legislative Committee

From: Brenda L. Cloutier, Hilo, HI

RE HB 31--RELATING TO MEDICAL MARIJUANA – TESTIMONY

I am writing – testifying – giving my full support to correcting housing discrimination against legal medical cannabis patients.

This legislation is long overdue in Hawai'i as it was and still is in many medical cannabis states. Gratefully, I have never personally encountered this kind of discrimination, though friends have.

However, I have experienced compromised medical care denying appropriate pain medication for an injury, a former PCP of mine argued with me and yelled at me when I just asked her a question about it, was labelled “Cannabis Dependent” on my Kaiser medical record, and received inappropriate comments from nurses including being called as “stoner”. (I didn't even try cannabis, even recreational marijuana until 2006, at 50 years old.)