



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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DEPUTY DIRECTOR
LAW ENFORCEMENT

No. _____

TESTIMONY ON SENATE BILL (SB) 189 SENATE DRAFT (SD) 1
RELATING TO THE SCHEDULING OF MARIJUANA

Nolan P. Espinda, Director
Department of Public Safety

Senate Committee on Judiciary and Labor
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

Thursday, February 26, 2015, 9:15 AM
State Capitol, Conference Room 016

Chair Keith-Agaran, Vice Chair Shimabukuro, and Members of the Committee:

The Department of Public Safety (PSD) **opposes** SB 189 SD1 which proposes to deschedule marijuana from a Schedule I controlled substance to a Schedule II hallucinogenic substance under HRS Section 329-16(g).

Presently, for any substance to be added, deleted, or rescheduled to Schedule II, that substance must comply with the requirements of Section 329-15 Schedule II tests, which state that a substance shall be placed on Schedule II if it has a high degree of danger or probable danger according to the determination made pursuant to HRS Section 329-11. Section 329-11 requires that in making a determination, the PSD shall assess the degree of danger or probable danger of the substance by considering the following:

- (1) The actual or probable abuse of the substance, including:
 - (A) Its history and current pattern of abuse;
 - (B) The scope, duration, and significance of abuse; and
 - (C) A judgment of the degree of actual or probable detriment that may result from the abuse of the substance;
- (2) The biomedical hazard of the substance, including:
 - (A) Its pharmacology: the effects and modifiers of effects of the substance;

- (B) Its toxicology: the acute and chronic toxicity, interaction with other substances whether controlled or not, and liability to psychic or physiological dependence;
 - (C) Risk to public health and particular susceptibility of segments of the population; and
 - (D) Existence of therapeutic alternatives for substances that are or may be used for medical purposes;
- (3) A judgment of the probable physical and social impact of widespread abuse of the substance;
 - (4) Whether the substance is an immediate precursor of a substance already controlled under this part; and
 - (5) The current state of scientific knowledge regarding the substance.

The only exceptions to these requirements are if a substance is added, deleted, or rescheduled as a controlled substance under Federal law and HRS Section 329-11(d), or if it is emergency-scheduled by the PSD's Narcotics Enforcement Division Administrator, pursuant to HRS Section 329-11(e).

An unforeseen consequence of the proposed descheduling would be the requirement of all practitioners, patients, and future distributors of marijuana to follow all of the requirements of Hawaii's Uniform Controlled Substance Act, Chapter 329, Parts 1, 2, 3, 4, 5, 8, and 9, as well as HAR Title 23, Chapter 200 and 202 relating to registration, record keeping, inventory, security, dispensing, prescription, electronic prescription accountability system, and all penalties associated with HRS Chapter 329.

The PSD is also concerned that in addition to descheduling marijuana, SB 189, SD1 would remove all substances containing tetrahydrocannabinols from Schedule I, essentially making any drug containing tetrahydrocannabinol, except marijuana and Dronabinol, non-controlled substances. As written, SB 189, SD1 would make drugs containing only tetrahydrocannabinols (hash oil with no plant material), or manufactured synthetic drugs containing only tetrahydrocannabinols perfectly legal. It should be noted that the latter class of drugs has been shown to be extremely potent and dangerous.

For these reasons, the PSD asks that SB 189 SD 1 be held in Committee.

Thank you for the opportunity to testify on this measure.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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KEITH M. KANESHIRO
PROSECUTING ATTORNEY



ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY

THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawai`i

February 26, 2015

RE: S.B. 189, S.D. 1; RELATING TO SCHEDULING OF MARIJUANA.

Chair Keith-Agaran, Vice Chair Nishimoto, and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in opposition to S.B. 189, H.D. 1.

The purpose of this bill is to lower marijuana to a Schedule II controlled substance. In addition, the current language may unintentionally “legalize” all forms of tetrahydrocannabinols other than marijuana, as the term “tetrahydrocannabinols” and its definition were removed from the controlled substances schedule. The Department maintains that these should continue to be classified as Schedule I controlled substances, for multiple reasons.

Although marijuana usage has long existed in Hawaii, studies indicate that marijuana used today typically contains a much higher ratio of tetrahydrocannabinol (“THC”) than marijuana that was common two or three decades ago. National studies have suggested that marijuana grown in Hawaii may have some of the highest concentrations of THC in the country. Another significant factor is the prevalence and risk of widespread abuse in Hawaii; this is worsened by the relative ease of growing marijuana (particularly when compared to other controlled substances). Numerous studies indicate that marijuana is the drug most commonly used by Hawaii's youth, and appears to lead to long-term detrimental effects. All of these factors must be given significant weight in the scheduling of a controlled substance. In addition, federal drug enforcement standards were updated in February 2015, and continue to list marijuana as a Schedule I controlled substance (see online <http://www.deadiversion.usdoj.gov/schedules/orangebook/orangebook.pdf>), declining to add, delete or transfer this substance to a lesser schedule.

Based on all of the foregoing, the Department of the Prosecuting Attorney maintains that marijuana and tetrahydrocannabinols continue to present a very serious problem in Hawaii, and thus should continue to be classified as Schedule I controlled substances. For these reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu opposes S.B. 189, H.D. 1. Thank you for the opportunity to testify on this matter.

William P. Kenoi
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

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February 24, 2015

Senator Gilbert S.C. Keith-Agaran
Chairperson and Committee Members
Committee On Judiciary and Labor
415 South Beretania Street, Room 016
Honolulu, Hawai'i 96813

Re: Senate Bill 189 Relating to Marijuana

Dear Senator Keith-Agaran:

The Hawai'i Police Department strongly opposes passage of Senate Bill 189, relating to the scheduling of Marijuana. The stated intent of this legislation is to reclassify marijuana from a Schedule I to a Schedule II controlled substance.

Our department is hard-pressed to understand the rationale for the re-scheduling in that the only reasoning provided in the legislation is based on the fact that medical use has been allowed for 14 years. Notably absent from the legislation is the fact the physicians can certify medical use but not prescribe medical use due to Marijuana's placement as a Federal Schedule I controlled substance.

Additionally, the legislation fails to contain any hard medical facts based on conclusive tests that Marijuana does indeed have medicinal value; in what quantities; proper method of ingestion; or the appropriate Tetrahydrocannabinol (THC) content which provides medicinal value. These and other factors are not present because these are unknown factors.

For these reasons, we urge this committee on behalf of the community we serve to show a great deal of prudence in rejecting this legislation. Thank you for allowing the Hawai'i Police Department to testify on Senate Bill No. 189.

Sincerely,

HARRY S. KUBOJIRI
POLICE CHIEF



HAWAII MEDICAL ASSOCIATION

1360 S. Beretania Street, Suite 200, Honolulu, Hawaii 96814
Phone (808) 536-7702 Fax (808) 528-2376 www.hmaonline.net

TO: COMMITTEE ON JUDICIARY AND LABOR

DATE: Thursday, February 26, 2015

TIME: 9:15 a.m.

PLACE: Conference Room 016

FROM: Hawaii Medical Association

Dr. Christopher Flanders, DO, Executive Director

Lauren Zirbel, Community and Government Relations

Re: SB 189 RELATING TO SCHEDULING OF MARIJUANA

Position: SUPPORT

Chairs & Committee Members:

The HMA strongly supports this measure. This is a policy of the HMA. The HMA passed a resolution supporting the reclassification of marijuana from schedule 1 to schedule 2 because we believe that medical research should be conducted on marijuana.

Mahalo for the opportunity to submit testimony.

Officers

*President - Robert Sloan, MD, President-Elect – Scott McCaffrey, MD
Immediate Past President – Walton Shim, MD, Secretary - Thomas Kosasa, MD
Treasurer – Brandon Lee, MD Executive Director – Christopher Flanders, DO*



Progressive Democrats of Hawai'i

<http://pd-hawaii.com>

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email: info@pd-hawaii.com

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COMMITTEE ON JUDICIARY AND LABOR

February 26, 2015 9:15 am, Room 016

TESTIMONY IN **SUPPORT** OF SB 189, RELATING TO THE SCHEDULING OF MARIJUANA

Aloha Chair Keith-Agaran, Vice-Chair Shimabukuro and Members of the Committee,

My name is Bart Dame and I am testifying on behalf of Progressive Democrats of Hawaii in support of SB 189, which would re-classify marijuana from Schedule I to Schedule II.

While we recognize it is the Federal government which asserts final control over the scheduling of drugs, we agree with the bill's authors that it is absurd to classify marijuana as a Schedule I drug when there are clear medical uses for the drug, already recognized by state law and any such medical use disqualifies the drug from placement as Schedule I. Just because the Federal government is determined to maintain an irrational and indefensible classification of marijuana does not mean the state must willfully agree to this fraud.

We urge passage of SB 189 and appreciate the honesty of this bill. We continue to believe full legalization of marijuana use for consenting adults is the most rational and least harmful approach for the state to take. But meanwhile, let's take this small step forward and discard the dishonesty opponents of this bill insist must be maintained.

Thank you for the opportunity to testify.

TO:COMMITTEE ON JUDICIARY AND LABOR

Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

FROM: Wendy Gibson R.N.

RE: Hearing/Decision Making Thursday, February 26, 2015 9:15 AM

Conference Room 016 State Capitol 415 South Beretania Street

Support – SB 189 Relating to Medical Marijuana

Dear Chair Keith-Aragan, Vice Chair Shimabukuro and Members of the committee,

I support SB189 because I am a health care professional and believe that marijuana was inappropriately placed into the Schedule I classification and that this needs to be fixed.

This bill changes the classification of marijuana from a schedule I to a schedule II controlled substance—a step in the right direction and in-step with Hawaii legislators recognition of marijuana having medicinal uses 15 years ago.

Thank you for considering modernizing our outdated marijuana laws. I hope that you will support SB189 in an effort to do so.

Wendy Gibson R.N.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: *Submitted testimony for SB189 on Feb 26, 2015 09:15AM*
Date: Tuesday, February 24, 2015 12:19:09 PM

SB189

Submitted on: 2/24/2015

Testimony for JDL on Feb 26, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Cc:
Subject: Submitted testimony for SB189 on Feb 26, 2015 09:15AM
Date: Wednesday, February 25, 2015 3:38:20 PM

SB189

Submitted on: 2/25/2015

Testimony for JDL on Feb 26, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Bacher	Green Futures	Support	No

Comments: Please pass this bill which will help patients by correcting a glaring mistake that currently prevents most laboratories from working with or researching cannabis.

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Subject: Submitted testimony for SB189 on Feb 26, 2015 09:15AM
Date: Wednesday, February 25, 2015 4:46:51 PM

SB189

Submitted on: 2/25/2015

Testimony for JDL on Feb 26, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Marilyn Mick	Individual	Support	No

Comments: I strongly support this measure.

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Subject: Submitted testimony for SB189 on Feb 26, 2015 09:15AM
Date: Wednesday, February 25, 2015 6:12:55 PM

SB189

Submitted on: 2/25/2015

Testimony for JDL on Feb 26, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Dana Ciccone	Individual	Support	Yes

Comments: I support!! We need this change. Please do the right thing!!

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Subject: Submitted testimony for SB189 on Feb 26, 2015 09:15AM
Date: Wednesday, February 25, 2015 6:20:51 PM

SB189

Submitted on: 2/25/2015

Testimony for JDL on Feb 26, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Hawaii Cannabis Care	Hawaii Cannabis Care	Support	Yes

Comments: We support!! Please help us by rescheduling at the state level. It's time for change!! Please support .. Mahalo

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Subject: Submitted testimony for SB189 on Feb 26, 2015 09:15AM
Date: Wednesday, February 25, 2015 6:52:58 PM

SB189

Submitted on: 2/25/2015

Testimony for JDL on Feb 26, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jack Faessler	Individual	Comments Only	No

Comments: Alcohol, more specifically ethyl alcohol, is arguably the MOST abused drug on planet Earth --- yet it is UNSCHEDULED by the NIH National Institute of Drug Abuse. <http://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts/commonly-abused-drugs-chart> The medical benefits of marijuana are merely beginning to be recognized. Can the same be said for high-profit alcohol?

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Subject: Submitted testimony for SB189 on Feb 26, 2015 09:15AM
Date: Wednesday, February 25, 2015 8:45:09 PM

SB189

Submitted on: 2/25/2015

Testimony for JDL on Feb 26, 2015 09:15AM in Conference Room 016

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

Comments: I am submitting testimony in support of this bill because there is overwhelming evidence that cannabis has medical properties and the federal government needs to update their antiquated schedule of cannabis. Please support this bill. Thank You.

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Date: Wednesday, February 25, 2015 8:46:01 PM

SB189

Submitted on: 2/25/2015

Testimony for JDL on Feb 26, 2015 09:15AM in Conference Room 016

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

Comments:

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