

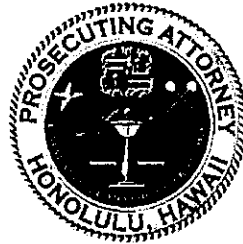
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THE HONORABLE ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE,
CONSUMER PROTECTION, AND HEALTH
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawai'i

February 18, 2016

RE: S.B. 3009; RELATING TO MEDICAL MARIJUANA.

Chair Baker, Vice-Chair Kidani and members of the Senate Committee on Commerce, Consumer Protection, and Health, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in strong opposition to S.B. 3009.

If passed, S.B. 3009 would give any practicing physician in Hawaii complete discretion in certifying permits for medical marijuana (up to 5% THC), with no minimum symptoms, standards, or parameters provided. Indeed, the expanded definition of a "debilitating medical condition," as proposed in S.B. 3009, would essentially make the existing definition and standards meaningless, by allowing any physician in Hawaii to certify medical marijuana (up to 5% THC) for any condition or symptoms whatsoever, meaning there would be absolutely no limits—either in the law or in the medical field—to the physician's discretion.

[As a side-note, it appears that medical marijuana patients who grow their own medical marijuana would have no way of measuring the THC content of their marijuana—unless the Department of Health intends to provide such a service for medical marijuana patients—and as such, compliance with the 5% restriction would require purchase from a retail dispensary.]

The Department is extremely concerned that the amendments proposed in S.B. 3009 would open the door to individuals who would abuse this privilege, such as physicians whose sole or primary practice is issuing medical marijuana certifications, regardless of whether the patient truly has a debilitating medical condition that warrants use of this highly controversial drug. Because S.B. 3009 would leave the legal definition of "debilitating medical condition"

without any minimum symptoms, standards, or other parameters for certifying the use of medical marijuana, there would be no assurances or safeguards to ensure future medical marijuana certifications are issued with any consistency or reserved for truly “debilitating” medical conditions. **Unlike other medications, which have well-established medical indications, symptoms, dosages, limitations and warnings—as recognized by the medical industry, and self-policed by relevant medical associations—medical marijuana has no such parameters within the medical field. Thus, S.B. 3009 would leave absolutely no limitations on, and no basis for enforcement against, physicians who choose to abuse this privilege...even if they issued medical marijuana certifications to every single one of their patients.**

While proponents of medical marijuana continue to tout marijuana’s value as a legitimate medicine, S.B. 3009 would take marijuana completely out of the realm of medications, by leaving the public and physicians with absolutely no limits to when medical marijuana can be issued to a patient. To our Department’s knowledge, there are no legitimate medications currently recognized by the medical field that are so devoid of any recommended indications, symptoms or limitations, and to create such an allowance by law alone would be highly irresponsible. The Department continues to note that an issuing physician need not have any specialized knowledge or expertise in the patient’s qualifying condition, nor are there any requirements for face-to-face visits, physical examinations, or ongoing treatment by the issuing physician.

Although the Department understands that individuals with certain debilitating conditions do rely on medical marijuana for some modicum of respite at this stage in their life, we continue to be concerned for the overall safety and welfare of the general public; this includes the effective enforcement of all controlled substances, such as marijuana. Pursuant to both State and Federal schedules, possession of any amount of marijuana is strictly prohibited, except by patients registered to use medical marijuana (& their caregivers). As such, strict standards and regulations must be imposed on all aspects of certifying patients for use of medical marijuana, particularly where the medical community has yet to establish any consistent or widely-accepted indications, dosages or warnings for this highly controversial drug.

Given the huge potential for the amendments proposed in S.B. 3009 to facilitate abuse and/or outright illicit activity, using our medical marijuana laws, the Department is strongly opposed to this proposition. Simply put, the changes proposed in S.B. 3009, would go too far in removing much-needed standards, limitations and consistency, and in doing so, open the door to widespread abuse and negative effects on the community.

For this reason, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly opposes S.B. 3009. Thank you for the opportunity to testify on this matter.