

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: tnakamatsu@honolulu.gov
Subject: Submitted testimony for SB596 on Feb 18, 2015 13:30PM
Date: Tuesday, February 17, 2015 1:31:26 PM
Attachments: [SB596_150218_HTH_mjx.decrim.doc](#)

SB596

Submitted on: 2/17/2015

Testimony for HTH on Feb 18, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Tricia Nakamatsu	Dept of the Prosecuting Atty, C&C of Honolulu	Oppose	Yes

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



The Judiciary, State of Hawaii

Testimony to the Senate Committee on Health

Senator Josh Green, Chair

Senator Glenn Wakai, Vice Chair

Wednesday, February 18, 2015, 1:30 p.m.

State Capitol, Conference Room 414

by

Rodney A. Maile

Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 596, Relating to Marijuana.

Purpose: Establishes a civil violation for possession by a person 18 years of age or older of one ounce or less of marijuana that is subject to a fine of not more than \$100, and establishes an adjudicatory structure for its enforcement. Deletes reporting requirements of board of education for students possessing one ounce or less of marijuana. Clarifies that medical marijuana patients and primary caregiver may assert affirmative defense to prosecution, criminal or civil, involving possession of one ounce or less of marijuana. Excludes possession of one ounce or less of marijuana from authority of Hawaii paroling authority to require paroled prisoner to undergo and complete substance abuse treatment. Excludes possession of more than one ounce of marijuana from authority of Hawaii paroling authority to require paroled prisoner to undergo and complete substance abuse treatment. Excludes possession of more than one ounce of marijuana from authority of courts to require a defendant to undergo and complete substance abuse treatment for probation violation. Clarifies definition of detrimental drug to exclude one ounce or less of marijuana. Excludes possession of one ounce or less of marijuana from offenses of promoting a detrimental drug in the second degree and third degree. Clarifies a civil violation for possession of marijuana does not constitute a prior offense for purposes of the conditional discharge law.

Judiciary's Position:

The Judiciary takes no position on the merits of the bill but offers the following comments:



The bill will require the creation of a new citation book, or modification of existing citation books, to provide for this type of violation. The Judiciary is responsible for creating, printing and distribution of citation books to law enforcement. Therefore, additional printing costs to the Judiciary will be incurred should this bill pass into law. For example, the Judiciary recently printed 80,000 new citations (total 4,000 books containing 20 citations each book) for the First Circuit, which totaled \$12,408. Similarly, additional costs would be incurred for necessary to provide citation books for the Second, Third, and Fifth Circuits.

Should this bill be enacted, the Judiciary requests that the Legislature afford the Judiciary time to address issues related to: (1) the creation, printing, and distribution of the new citation books; (2) to develop and approve the “notice of violation” procedures to process the answers; (3) to revise fiscal procedures, as needed; (4) to address any court rules that may need to be issued to address this new type of civil violation. Other modifications would also include the need to modify existing electronic case management systems to provide for data entry of the charge as a civil violation rather than a criminal charge. For example, modifications to the case management system would need to address such issues as the violation not appearing on a criminal abstract, data not transferred to CJIS as a criminal charge, and automatic printing of default judgments. In addition, as these are civil fines, the methodology to transfer the outstanding fines would need to be developed for transmittal to the collections agency. A suggested date of January 2017 provides the Judiciary with the time to address these operational, logistical and technology issues.

Thank you for the opportunity to provide comments on this measure.

TESTIMONY OF THE HAWAI'I POLICE DEPARTMENT

SENATE BILL 596

RELATING TO MARIJUANA

BEFORE THE COMMITTEE ON HEALTH

DATE : Wednesday, February 18, 2014

TIME : 1:30 P.M.

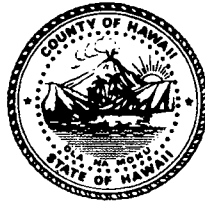
PLACE : Conference Room 414
State Capitol
415 South Beretania Street

PERSON TESTIFYING:

Police Chief Harry S. Kubojiri
Hawai'i Police Department
County of Hawai'i

(Written Testimony Only)

William P. Kenoi
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

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

February 17, 2015

Senator Josh Green
Chairperson and Committee Members
Committee on Health
415 South Beretania Street, Room 414
Honolulu, Hawai'i 96813

Re: Senate Bill 596 Relating to Marijuana

Dear Senator Green:

The Hawai'i Police Department strongly opposes passage of Senate Bill 596, relating to Marijuana. The stated intent of this legislation is to reduce current statutory language regarding possession of an ounce or less of marijuana to a civil violation subject to no more than a \$100 fine.

This Bill is flawed in failing to address some fundamental Health issues. First and foremost, Marijuana contains a mind-altering substance. Hawai'i is constantly facing a myriad of both physiological and psychological problems associated with Marijuana use. The University of Mississippi's National Center for Natural Products Research, in their January 2010 "Potency Monitoring Project Quarterly Report 107, revealed that since 1998 through 2008, the average potency of Tetrahydrocannabinol (THC) percentage content in Marijuana rose from 5% to 10%. Currently, average the THC percent nationwide is between 13-17% as reported by Federal, State and local studies. The THC percent rises upward of 90% in Butane Hash Oil (BHO), which is more concentrated and which is used in E-cigarettes. The high concentration (unregulated/measured) in marijuana "medicine" and recreational use leads to psychosis and schizophrenia in addition to high rates of addiction. In its most basic interpretation, this means this mind-altering substance is getting stronger and would lead one to conclude it is, therefore, having a greater effect on the user.

If the State is set on commercializing marijuana, the statute must prohibit personal grows (no control on THC percent and contaminants such as pesticide, mold, etc., as stated) and there is no other "medicine" that someone can manufacture at home. Further, all extraction of THC must be prohibited (BHO production) and performed in a certified laboratory that is certified and inspected by the Department of Health and/or other certified accredited lab requirement used in pharmaceutical medication production.

Senator Josh Green

Re: Senate Bill 596 Relating to Marijuana

February 17, 2015

Page 2

Colorado has experienced 37 residential explosions just in 2014 during their first year of legalization.

In addition, we are also concerned about the message that decriminalization will send. First of all, a maximum civil fine of \$100 fails to take into account the fact that the current market value of one ounce of Marijuana is \$250 to \$400. Secondly, it may have prosecution/judicial ramifications in those instances where the user has either an ounce or less of Marijuana, while at the same time illegally possessing other Schedule I drugs, where one is civil and the other criminal.

By decriminalizing Marijuana, no matter what the amount is, the clear message being sent to our communities to include our impressionable youth is that Marijuana consumption is acceptable and harmless. That is not the case and, as such, the current statutes governing Marijuana possession and consumption should not be decriminalized. More so, in that this Bill proposes that the Department of Education (DOE) be relieved of reporting students in possession of Marijuana, the message is not a good one.

We are also concerned as to the anecdotal opening of the legislation stating, "Recent polls have shown that there is growing sentiment among voters for making marijuana possession for personal use a civil violation instead of a crime." Our concern is first of all the validity of the polling methods utilized; and secondly, our belief that popularity should not be an overriding concern but rather the safety and lawfulness of the issue at hand should be first and foremost in the consideration of all legislation.

It seems somewhat odd that the State and County governments in Hawai`i are continuously restricting the availability and use of tobacco products and at the same time would consider decriminalizing a proven mind-altering substance with its attendant ill effects on both the users and non-users of the substance.

The Hawai`i Police Department is unable to overlook the results of a recent study by the Columbia University's Mailman School of Public Health which gathered data from six states – California, **Hawaii**, Illinois, New Hampshire, Rhode Island, and West Virginia, which are states that perform toxicology tests on drivers involved in fatal car crashes between 1999 and 2010. Dr. Guohua Li, director of the Center for Injury Epidemiology and Prevention at Columbia, and co-author of the study has reported that alcohol contributed to about 40 percent of traffic fatalities throughout the decade.

The researchers found that drugs played an increasing role in fatal traffic accidents. Drugged driving accounted for more than 28 percent of traffic deaths in 2010, which is 16 percent more than it was in 1999.

Senator Josh Green

Re: Senate Bill 596 Relating to Marijuana

February 17, 2015

Page 2

The researchers also found that **marijuana was the main drug involved in the increase.** It contributed to 12 percent of fatal crashes, compared to only 4 percent in 1999.

Lastly, we are hard-pressed to ignore the recent 2013 statements by eight former heads of the DEA and four former heads of the Office of National Drug Control Policy urging the federal government to nullify the recent votes in Colorado and Washington with regards to legalization/decriminalization.

For these reasons, we urge this committee on behalf of the community we serve to reject this legislation. Thank you for allowing the Hawai'i Police Department to testify on Senate Bill No. 596.

Sincerely,


HARRY S. KUBOJIRI
POLICE CHIEF



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director

TESTIMONY FOR SENATE BILL 596, RELATING TO MARIJUANA

Senate Committee on Health
Hon. Josh Green, Chair
Hon. Glenn Wakai, Vice Chair

Thursday, February 18, 2015, 1:30 PM
State Capitol, Conference Room 414

Honorable Chair Green and committee members:

I am Kris Coffield, representing the IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 300 members. On behalf of our members, we offer this testimony in strong support of SB 596, 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. This bill would not legalize and tax marijuana possession. Yet, according to poll results commissioned by the Drug Policy Action Group (conducted by Qmark Research) that were released in 2013, 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. One can safely conclude that if these numbers are true, a similar, if not greater, percentage of the local population would support the far less radical step of making marijuana possession of one ounce or less a civil violation punishable by \$100 fine, which this proposed measure achieves.

Granted, marijuana remains illegal under federal law, where it is classified as a Schedule I substance, along with other psychoactive drugs, like heroin and LSD. Nonetheless, voters in Colorado and Washington approved ballot measures approving recreational marijuana, last year, in part because drug enforcement efforts disproportionately target minorities, leading to elevated incarceration rates for nonviolent crimes. 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 drug-trafficking 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. If we do not criminalize overconsumption of the more dangerous drug of alcohol, why do we unduly criminalize cannabis consumption, particularly in small amounts?

To be clear, we would prefer to see lawmakers legalize and tax marijuana possession of an ounce or less. An economic study that accompanied the aforementioned Drug Policy Action Group poll estimated that the state would save \$12 million (mostly in law enforcement costs) by decriminalizing cannabis usage, while taxing and regulating sales of the substance would bring in at least \$11 million (as much as \$15-20 million, by other analyses), amounting to a potential \$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. Nonetheless, we see this bill as progress toward taking a healthier legal stance toward marijuana usage, one based on empirical and scientific research, as well as progressive sentencing philosophy.

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 in strong support of this bill.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: maumagic5711@hotmail.com
Subject: *Submitted testimony for SB596 on Feb 18, 2015 13:30PM*
Date: Saturday, February 14, 2015 5:00:21 PM

SB596

Submitted on: 2/14/2015

Testimony for HTH on Feb 18, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Ann Evans	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: slwsurfing@yahoo.com
Subject: Submitted testimony for SB596 on Feb 18, 2015 13:30PM
Date: Sunday, February 15, 2015 8:10:15 PM

SB596

Submitted on: 2/15/2015

Testimony for HTH on Feb 18, 2015 13:30PM in Conference Room 414

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

Comments: No penalties! Legalize the medicine. Colorado has gotten RICH ~ and not on Corporate GMO experimental crops poisoning our Ohana!!! Grow HEMP too! Health not Death to the PEOPLE whom YOU SERVE!

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

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



The Public Policy Voice for the Roman Catholic Church in the State of Hawaii

HEARING: Senate Committee on Health, hearing on Wednesday, February 18, 2015 @ 1:30 p.m.
#414

SUBMITTED: February 16, 2015

TO: Senate Committee on Health
Senator Josh Green, Chair
Senator Glenn Wakai, Vice Chair

FROM: Walter Yoshimitsu, Executive Director

RE: Opposition to SB 596 Relating to Marijuana

At the federal level, marijuana remains classified as a Schedule I substance under the Controlled Substances Act, where Schedule I substances are considered to have a high potential for dependency, making distribution of marijuana a federal offense. Decriminalization is just another way of legalizing recreational use of marijuana and that is simply bad public policy.

Across the nation, implications to public health that come with decriminalization or legalization are being reported. State health departments and scientific research are doing everything they can to provide solid information on the issue. According to the American Medical Association, marijuana is considered a “dangerous drug” and a “powerful intoxicant” that harms one’s mental, physical, academic, and spiritual well-being, promotes irresponsible sexual behavior, encourages disrespect for traditional values, and threatens Hawaii’s youth. This is not what we want for Hawai’i’s keiki.

The American Medical Association’s 527-member House of Delegates decided during its interim meeting in 2013 (National Harbor, Md.), to retain the long-standing position that “cannabis is a dangerous drug and as such is a public health concern.” So even if one takes a more nuanced position on medical use of marijuana, any expansion in recreational use of marijuana should be avoided by this legislature and that includes any attempts to decriminalize it.

Long-term health effects of chronic use, and marijuana’s role as a gateway to the use of other illegal drugs, are serious issues surrounding its use and decriminalization. The Catholic Church cares too much about the family to support this endeavor. Priority legislation should include efforts that strengthen and promote the family, not provide tools to ultimately destroy it.

The Catechism offers useful guidance: “The use of drugs inflicts very grave damage on human health and life” (no. 2291). In 2001, the Vatican’s Pontifical Council for Health Care Ministry issued a pastoral handbook entitled “Church, Drugs, and Drug Addiction.” It extols the virtue of temperance which “disposes us to avoid every kind of excess: the abuse of food, alcohol, tobacco, or medicine” (no. 2290).

Mahalo for the opportunity to submit these comments.



ONLINE TESTIMONY SUBMITTAL

Senate Committee on Health

Hearing on Wednesday, February 18, 2015 @ 1:30 p.m.

Conference Room #414

DATE: February 16, 2015

TO: Senate Committee on Health
Senator Josh Green, Chair
Senator Glenn Wakai, Vice Chair

FROM: Eva Andrade, Executive Director

RE: Opposition to SB 596 Relating to Marijuana

Aloha and thank you for the opportunity to provide comments on medical marijuana and why we have serious concerns about the bills referenced above. Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii, representing a network of various Christian Churches and denominations. **While we may be more understanding of the attempt to expand medical marijuana access, we are opposed to any expansion of access to recreational marijuana and its potential ramifications on the wider community – especially with regards to our keiki. That includes any attempt to decriminalize its usage.** We offer these five points for your consideration:

1) Marijuana use, cultivation and dispensing goes against federal law.

Although four states (Colorado, Washington, Alaska and Oregon) have legalized marijuana for recreational use and others have passed laws to decriminalize marijuana, the bottom line remains that **it is still illegal to possess, use or distribute marijuana according to federal law.** We do not want Hawai'i to be the next one.

2) Expanded access to marijuana will hurt our keiki.

Once the bridge is built to widen its access and availability through decriminalization, our keiki will be caught in the crossfire. There's a reason marijuana is the most widely used illegal drug in the world – it becomes an addiction. The bottom line is that people can't stop using it once they startⁱ. And once they start, it can become a pathway to other drugs. Even though proponents have tried to dismiss this argument, clinical studies continue to prove otherwise. Marijuana use can also hurt a child during his or her mother's pregnancy.ⁱⁱ

3) Decriminalization opens the door for passage of recreational use of marijuana.

A major concern of the faith-based community is that both the medicinal use of smoked cannabis plant and legalization/decriminalization of cannabis are being advocated in a way that circumvents the normal testing and regulatory processes by the FDA that is otherwise required for all drugs marketed for human use in the United States. Even the American Medical Association maintains its position that it [AMA] "shall encourage model legislation that would require placing the following warning on all cannabis products not approved by the U.S. Food and Drug Administration:

6301 Pali Highway • Kaneohe, HI 96744-5224 • Ph: 808-203-6704 • Fax: 808-261-7022

E-mail: director@hawaiifamilyforum.org | Website: www.hawaiifamilyforum.org



"Marijuana has a high potential for abuse. It has no scientifically proven, currently accepted medical use for preventing or treating any disease process in the United States." (Res 213, I-14) ⁱⁱⁱ

4) Marijuana use is medically and scientifically proven to hurt the community at-large

Easily accessed scientific and medical reports largely report on the harmful effects of inhaled cannabis smoke. Recent research clearly shows that any work that requires cognitive involvement and decision-making is affected by cannabis use. According to the National Institute for Drug Abuse, estimates suggest that one in nine become addicted to marijuana. For people who start using as teenagers, this increases to one in six^{iv}.

5) Hawai'i's roads could become a testing ground for legal limits

Marijuana use affects driving. It is the most prevalent illegal drug detected in impaired drivers, fatally injured drivers and motor vehicle crash victims. It is not difficult to conclude that drivers who test positive for marijuana can cause serious automobile accidents. Five years after establishing a "medical" marijuana program, California saw an increase in fatal crashes. The California Office of Traffic Safety (OTS) completed a survey in 2012 that reported more drivers tested positive for drugs that can impair driving (14%) than did for alcohol (7.3%). Of the drugs, marijuana was most prevalent at 7.4%.^v According to the Colorado Department of Transportation, drivers testing positive for marijuana doubled between 2006-2010, following an influx of pot shops and significant increases in registered "medical" marijuana users.^{vi}

Hawaii needs to remain a safe place for families. We hope that you keep these things in mind and not rush into anything until all the problems reported around the country with respect to marijuana are worked out.

Mahalo for the opportunity to submit our concerns. Please reject this bill.

ⁱ <http://www.drugabuse.gov/publications/drugfacts/marijuana> (02/05/15)

ⁱⁱ <http://www.livescience.com/42853-marijuana-during-pregnancy-baby-brain.html> (02/05/15)

ⁱⁱⁱ AMA Policy: D-95.976 Cannabis - Expanded AMA Advocacy #4

^{iv} <http://www.drugabuse.gov/publications/drugfacts/marijuana> (revised January, 2014)

^v http://unmaskingmarijuana.org/Public_Safety.html (February 6, 2015)

^{vi} <http://kdvr.com/2014/05/15/study-more-marijuana-positive-drivers-involved-in-fatal-car-accidents-in-colorado/>

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: n2_dance@yahoo.com
Subject: Submitted testimony for SB596 on Feb 18, 2015 13:30PM
Date: Monday, February 16, 2015 12:48:39 PM

SB596

Submitted on: 2/16/2015

Testimony for HTH on Feb 18, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Angela Woods	Individual	Oppose	No

Comments: Feb 18, 2015 1:30p Committee on Health Re: Bill #SB596 Hawaii State Capitol 415 S. Beretania Street Honolulu, Hawaii 96813 Subject: Testimony in Opposition of only civil penalties for the possession of Marijuana under 1oz. I am writing in opposition to the proposed Civil penalties for possession of Marijuana under 1 oz. Although I support the use of medical marijuana (taken orally instead of smoked) I am firmly against recreational marijuana. I believe that any lessening of the penalties against recreational marijuana use will only promote recreational use. The physical consequences of marijuana use, especially for children teens and adults under the age of 21 should in itself be reason enough to make harsher consequences. As we all know that marijuana use can prohibit brain development in children, teens, and adults under 21. I also believe that it is ridiculous to lessen penalties for the selling of marijuana just because they are caught selling less than 1 oz. Basically you are telling people that it is okay to sell just a little bit. I know of people whose use of marijuana has dulled their critical thinking skills and lessened their sense of ambitiousness and responsibility. I believe that marijuana does have some medical purposes but as with all medical drugs, it also has side effects that are not worth the trade just for recreational use. Again, I feel that lessening the consequences will only promote its use and am strongly opposed to civil penalties for Marijuana possession under 1 oz. Sincerely, Angela Woods Paho, HI

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

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: ahuntemer@aol.com
Subject: Submitted testimony for SB596 on Feb 18, 2015 13:30PM
Date: Monday, February 16, 2015 2:29:04 PM

SB596

Submitted on: 2/16/2015

Testimony for HTH on Feb 18, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Angela Huntemer	Individual	Support	No

Comments: Aloha Chair, Vice Chair and Committee Members, I support the exclusion of civil penalties for possession of one ounce of marijuana or less. Mahalo, Angela Huntemer, North Shore O'ahu.

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

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: [Eric Hubner](#)
To: [HTHTestimony](#)
Subject: legalization of Marijuana bill: SB 596
Date: Monday, February 16, 2015 3:00:05 PM

As a mental health professional who has worked with high school students, in drug treatment with addicts and with the seriously and persistently mentally ill, I have seen the devastating impact of marijuana use in the lives of adolescents and adults. Do not legitimize it or legalize it or overlook it.

With concern,

Eric Hubner

Mt. View, HI

A recent 20 study of marijuana showed that:

"People who drive under the influence of marijuana double their risk of being in a car crash, and about one in 10 daily marijuana users becomes dependent on the drug, according to a new review....

[A]dolescents who use cannabis regularly are about twice as likely as their nonuser peers to drop out of school, as well as experience cognitive impairment and psychoses as adults. Moreover, studies have also linked regular cannabis use in adolescence with the use of other illicit drugs, according to the review, published today (Oct. 6) in the journal Addiction.

Marijuana use carries some of the same risks as alcohol use, such as an increased risk of accidents, dependence and psychosis [and disorders such as disordered thinking, hallucinations and delusions].... It's likely that middle-age people who smoke marijuana regularly are at an increased risk of [experiencing a heart attack](#)....

[In one study]... the investigators estimated that 13 percent of schizophrenia cases diagnosed in the study "could be averted if all cannabis use had been prevented in the cohort,"....

<http://www.livescience.com/48171-marijuana-research-health-effects-review.html>

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: keaaunani@gmail.com
Subject: *Submitted testimony for SB596 on Feb 18, 2015 13:30PM*
Date: Monday, February 16, 2015 3:59:50 PM

SB596

Submitted on: 2/16/2015

Testimony for HTH on Feb 18, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Sally Waitt	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: freedom.prevails@yahoo.com
Subject: Submitted testimony for SB596 on Feb 18, 2015 13:30PM
Date: Monday, February 16, 2015 5:37:38 PM

SB596

Submitted on: 2/16/2015

Testimony for HTH on Feb 18, 2015 13:30PM in Conference Room 414

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

Comments: According to the Drug Policy Forum of Hawaii, a 2014 Gallup survey asked if marijuana possession should be punished with jail time. 77% of the respondents resoundingly said, "NO": a decisive majority! Twenty states have already adopted marijuana decriminalization policies. REF --> <http://freshapproachhawaii.org/wp-content/uploads/2015/01/Decrim-onepager.pdf>
Please decriminalize this plant in order to direct police activities toward the PLETHORA of serious and violent crimes which additionally plague our society.

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

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: bain@kauai.net
Subject: Submitted testimony for SB596 on Feb 18, 2015 13:30PM
Date: Monday, February 16, 2015 7:07:55 PM

SB596

Submitted on: 2/16/2015

Testimony for HTH on Feb 18, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
CAROL BAIN	Individual	Support	No

Comments: TO: COMMITTEE ON HEALTH Senator Josh Green, Chair Senator Glenn Wakai, Vice Chair Wednesday, February 18, 2015 1:30PM Conference Room 414 State Capitol 415 South Beretania Street Support – SB596 – Relating to Marijuana Far more harm results from the criminalization of marijuana than from marijuana use itself. I support SB596 and urge this committee to support this legislation.

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

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: edwardcoll@gmail.com
Subject: Submitted testimony for SB596 on Feb 18, 2015 13:30PM
Date: Monday, February 16, 2015 10:01:01 PM

SB596

Submitted on: 2/16/2015

Testimony for HTH on Feb 18, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Edward Coll	Individual	Support	No

Comments: 14 states have already decriminalized marijuana: Alaska, California, Connecticut, Maine, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New York, North Carolina, Ohio, Oregon, and Rhode Island, plus in cities and counties in nine other states. Cultivation and distribution remain criminal offenses. In these states, the average possession for treating possession as a civil matter with a fine is 1.46 ounces. One ounce or less is the most common amount. Only Connecticut and North Carolina have decriminalized marijuana for less than an ounce (both are at ½ ounce or less). In November 2012, Colorado and Washington went a step further and passed voter initiatives to tax and regulate marijuana for recreational use.

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

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



Hawaii's Voice for Sensible, Compassionate, and Just Drug Policy

TO: SENATE COMMITTEE ON HEALTH

FROM: PAMELA LICHTY, M.P.H., PRESIDENT

DATE: FEBRUARY 18, 2015, 1:30 p.m., ROOM 414

RE: S.B. 596 RELATING TO MARIJUANA – **IN SUPPORT**

Good afternoon, Chair Green, Vice Chair Wakai, and members of the Committee. My name is Pam Lichty and I'm President of the Drug Policy Action Group (DPAG), the government affairs arm of the Drug Policy Forum of Hawaii.

We strongly support SB 596 which would move the possession of an ounce or less of marijuana from a petty misdemeanor to a civil infraction. This bill makes a great deal of sense and is similar to measures that passed the Senate in 2010, 2011 and 2013.

This bill is similar SB 1460, SD 2 which passed the Senate unanimously in 2011. That measure, like this, one sets out the process for dealing with the civil infraction for possessing one ounce or less of marijuana in great detail, which is why this measure is so lengthy. This detailed explication, however, should speed the implementation of this measure if it is enacted.

The case for enacting decriminalization legislation in Hawai'i has strengthened with each passing year. Professional organizations are increasingly in agreement that keeping marijuana use criminal does more harm than good. On January 26, 2015 the American Academy of Pediatrics issued an updated policy statement on the issue. It says:

“The American Academy of Pediatrics strongly supports the decriminalization of marijuana for both minors and young adults and encourages pediatricians to advocate for laws that prevent harsh criminal penalties for prevention of use of marijuana.”

Hawaii voters, like those elsewhere, are also increasingly supporting decriminalization. Cited in this measure are QMark polling results from last year showing surging support for decriminalization among likely voters in Hawaii. In one year it increased 5 percentage points from 58% to 63% (support for legalizing, interestingly, is higher at

66%.) National polling is similarly showing a strong upward trend. (The QMark findings are at freshapproachhawaii.org.)

A 2012 economic report by Professor David Nixon, also cited in the finding section, found that cost savings for decriminalization of small amounts of marijuana would save the state \$9.3 million annually in enforcement and judiciary costs. He also found that marijuana possession laws disproportionately impact certain groups in Hawai'i in particular young people, males and Native Hawaiians. (The full report, "Update to: Budgetary Implications of Marijuana Decriminalization and Legalization in Hawaii," is on Freshapproachhawaii.org.)

We are pleased to see that this measure sets the fine for possession of small amounts of marijuana "not to exceed \$100." This is in line with the average fine in the 19 plus states that have decriminalized marijuana in the last decade or so. The average amount of marijuana permitted, as here, is one ounce (with some outliers permitting far more, e.g. Ohio at 3.5 ounces and Maine at 2.5 ounces.

We believe your Committee would be surprised at some of the relatively conservative states that have decriminalized marijuana, for example, Mississippi, Ohio, and Nebraska. The list on page 3 of the measure by the way is now out of date. In 2014 two more states voted to legalize marijuana outright: Oregon and Alaska.

A useful, updated chart comparing provisions in the states that have decriminalized marijuana (as well as in the four that have legalized it) can be found at: <http://www.mpp.org/assets/pdfs/library/State-Decrim-Chart.pdf>

We are pleased to see that SB 596 states specifically that it does not amend laws regarding medical use of marijuana laws. If the present bill is enacted, registered medical marijuana patients would still have different rights and responsibilities. They would for example be able to possess more than one ounce of marijuana, retain the right to grow marijuana plants, and have the obligation to register with the state.)

To briefly summarizing the rationale for enacting this bill:

- Decriminalizing marijuana frees the police and judiciary to deal with more important issues such as violent crimes or more harmful drugs such as ice.
- The current status of possession of small amounts of marijuana – a petty misdemeanor – does not deter use. Studies show that the legal status of marijuana possession has no correlation with the rates of use.
- **Changes to the law in the 19 other states (plus cities and counties) that have decriminalized marijuana have not affected use among either youths or adults. None of these jurisdictions has re-criminalized marijuana possession.**

- Enacting this bill would save the state millions of dollars annually. According to the Nixon report cited above, state and county law enforcement agencies spend \$9.3 million per year to enforce marijuana possession laws.
- National and Hawai'i polling indicates that the majority of U.S. residents - and 77% of Hawaii voters - agree that people should not be subject to criminal penalties for simple marijuana possession.
- There is no evidence that using marijuana has a gateway effect to other more harmful drugs (Institute of Medicine report, 1999).
- Criminal penalties for possession of small amounts of marijuana saddle those arrested with a damaging criminal record that can make it impossible for an otherwise law-abiding citizen to obtain a job, housing, or federal student loans.

As President Jimmy Carter declared in a message to Congress on August 2, 1977: "Penalties against drug use should not be more damaging to an individual than the use of the drug itself. Nowhere is this more clear than in the laws against the possession of marijuana in private for personal use." President Obama made similar comments last year in an interview with the *New Yorker*.

In sum, we believe that evidence from other jurisdictions and the recent data and analysis of Hawaii's situation argue strongly for adoption of this measure. Perhaps most significantly your constituents favor decriminalization of marijuana.

We urge the Committee to pass this bill on to the Judiciary Committee with a strong recommendation. Mahalo for hearing this measure and for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: bacher.robert@gmail.com
Subject: *Submitted testimony for SB596 on Feb 18, 2015 13:30PM*
Date: Monday, February 16, 2015 11:23:03 PM

SB596

Submitted on: 2/16/2015

Testimony for HTH on Feb 18, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Bacher	Green Futures	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: georgina808@gmail.com
Subject: Submitted testimony for SB596 on Feb 18, 2015 13:30PM
Date: Tuesday, February 17, 2015 2:44:31 AM

SB596

Submitted on: 2/17/2015

Testimony for HTH on Feb 18, 2015 13:30PM in Conference Room 414

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

Comments: I support SB596 which establishes a civil violation for possession of one ounce or less of marijuana by an adult, subject to a fine of not more than \$100. Here in Hawaii, and across the nation, people are ready for a more rational marijuana policy. Twenty-seven states and the District of Columbia have either legalized medical marijuana or decriminalized marijuana possession -- or both. A majority of voters believe, as I do, that adults should have the legal right to possess marijuana for personal use. A statewide poll conducted in January, 2013 reported that 57% of Hawaiian voters believe that marijuana should be taxed, regulated, and legalized for adults. By now, that percentage has likely inched upwards. It's time for our lawmakers to impose common-sense regulations governing marijuana use by adults. This decriminalization bill is a step in the right direction. This debate has been going on for so many years. I've heard the same points being made, and listened to the same familiar arguments and pieces of misinformation that keep being repeated as if it's believed that if something is said often enough, or by enough people, that it will suddenly become factual. The truth is, there is no solid reasoning based on empirical evidence to support prohibition against marijuana. There are familiar names and faces here, representing familiar groups, who have long been opposed to any change in the marijuana laws in Hawaii - just as there have always been groups of people who have been opposed to any change in the status quo. Throughout the history of this country, there are many examples of laws that were unjust and which needed to be rectified. Among these are slavery, prohibition, women's rights, and same sex marriage, just to name a few. The point is, just because something is illegal it isn't necessarily wrong. Unjust laws and prejudiced attitudes have no place in our modern society. Criminalizing those who use marijuana simply doesn't work. Marijuana use is mainstream and widespread, without harmful impacts to the individual or society. It's used responsibly by millions of people leading normal, productive lives pursuing careers, raising families and participating in civic life. All use is not abuse. In fact, the punishments for using marijuana are far more harmful than the marijuana use itself. It's estimated that our state and county governments could save \$9 million a year, if marijuana was decriminalized. It would allow our police to spend more time and resources on serious and violent crimes, instead of arresting people for the mere possession of a plant. The job of government is to represent the people and the people of Hawaii have clearly spoken. 77% of Hawaii

voters think that jail time is inappropriate for marijuana possession. It is time for our lawmakers to finally acknowledge this reality and consider - if not outright legalizing - at least, decriminalizing, marijuana. Therefore, I urge you to support SB596. Thank you, sincerely, for your consideration of this matter.

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

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



Progressive Democrats of Hawai'i

<http://pd-hawaii.com>

1418 Mokuna Pl. Pl, Honolulu, HI 96816

email: info@pd-hawaii.com

tel: 808-542-9084

COMMITTEE ON HEALTH

February 18, 2015

TESTIMONY IN **SUPPORT** OF SB 596, RELATING TO MARIJUANA

Aloha Chair Green, Vice-Chair Wakai and Members of the Committee,

My name is Bart Dame and I am testifying on behalf of Progressive Democrats of Hawaii in support of this measure.

In truth, PDH supports full legalization of recreational use of marijuana by consenting adults and believes the state has no legitimate right to threaten users with arrest, seize their property, impose legal costs upon them, coerce them to testify against their associates and to otherwise disrupt people's lives.

While decriminalization is still rooted in an unjustified assumption government has a right to prevent people from engaging in behavior which does no harm to others and is generally relatively harmless to themselves, we recognize it is halfway to a more reasonable approach towards marijuana.

We are disappointed at the reluctance of the legislative leadership to allow debate on full legalization. We believe legalization is coming to Hawaii. Some legislators believe it is appropriate to allow other, more forward-thinking states, like Washington, Colorado and now Oregon and Alaska, to take the lead on a sensible drug policy. But the refusal to hold discussions this year will delay the ripening of understanding which will allow leaders and members of the public to relax their fears, discard their prejudices. Were that discussion to not so tabu, we could start that discussion now, preparing the groundwork for legalization to get serious consideration two years from now.

We are also disappointed some legislators appear to believe they are being sufficiently brave by supporting the establishment of dispensaries for medical marijuana. We disagree. We believe the dispensaries should have been established a dozen years ago. Frankly, that approach needlessly empowers HPD and groups like DARE to retard meaningful progress towards a sensible drug policy, which should not be based upon the sort of blackmail and Reefer Madness fear-mongering which is their specialty, but upon a strategy of harm reduction.

And, moving beyond Harm Reduction, we believe there is a lucrative niche market of tourists who would like to come to Hawaii and smoke Hawaii grown marijuana, which has an international reputation and would fetch high prices. There are a significant number of tourists who would love to be able to lounge around a pool, lay on the beach or watch the sunset, under the influence of marijuana. They can do that now, if they drink a Mai Tai, but not from a joint. That merely reflects the cultural prejudices of an alcohol-centric mindset and industry.

So please, yes, stop arresting people for getting high. Give them a ticket if you must impose your unreasonable control over other people's lives. But it is much smarter to just legalize it.

Thank you for the opportunity to testify.

TESTIMONY to: Senate Committee on Health

S. B. 596 Relating to Marijuana: Patients and Caregivers; Protections

Wednesday, February 18, 2015

1:30 PM -- State Capitol Conference Room 414

Submitted in **OPPOSITION** by: Mary Smart, Mililani, HI 96789

Chair Josh Green, Vice-Chair Glenn Wakai and Committee Members:

1. **I most strongly OPPOSE S.B. 596.** Unlike a traffic violation that often occurs when a driver inadvertently speeds or makes an inappropriate turn or forgets to signal, etc, someone who is in possession of an illegal substance such as marijuana made an overt act of intentionally breaking the law. While obtaining the substance, the lawbreaker had to knowingly contact an illegal supplier. It was an intentional violation of our laws. The two types of violations are not in any way similar.

2. A fine of \$100 will not be taken seriously by a violator. Traffic tickets are often higher than \$100. Using a cell [phone while driving](#) can cost a violator nearly \$300 even though a phone isn't an illegal device. By setting the fine so low, there will be very little deterrence to the unlawful activity and thereby endangering the community.

3. If you want to change the act from a criminal act to a civil act (even though it is a criminal act), there should be significant financial penalties to ensure it doesn't reoccur. Besides paying a significant fine (\$1000), the person in possession of the drugs should be required to reveal his/her source. The goal should be to eliminate the pushers/distributors. If the small user doesn't reveal his/her source, then the crime should be processed in the criminal courts if there is a second violation. Also, if a user is caught multiple times, the small deterrents are not working. Penalties must be increased. Each additional incident by the same violator should be treated increasingly harsh.

4. [Drug trafficking](#) is a serious problem in the United States and we cannot ignore it. Human trafficking and drug trafficking are often linked as reported by the [Vermont State Police](#). This should be a concern of Hawaii law enforcement. [Hawaii Reporter](#) covered the issue of human trafficking problem in Hawaii and the process of getting a victim hooked on drugs. A January 2012 article it states that a trafficker "... got her hooked on drugs and alcohol and then forced her into prostitution." This is a growing problem and small fines don't stop the violations. It is obvious to anyone who travels around certain neighborhoods of Honolulu that the crime of prostitution is rampant. According to a 2013 [article](#) by the International Centre for Migration Health and Development in Border Dispute, Migration, trafficking, reported that when there is little penalty for violations, those who break the law continue to break the law. " The victims of sex trafficking often end up in jail and incarcerated themselves. Even once released the infraction is put on their record and they have no where to go but return to their abuser who likely paid a

small fine and then was released as well." By having small penalties, this State allows the disregard of our laws to continue.

5. Because of the demand for the drug, it is reported in [USA Today](#) reported that the federal government is concerned that drug cartels are moving into Colorado which will make the distribution to other states easier and pay high profits if drug usage violations are marginalized. With drug cartels communities often experience violence and other unwelcome crimes. Hawaii should not pass laws that might entice drug cartels to relocate to our State.

6. Do not pass SB 596 as currently written. It will make a mockery of our drug laws and will encourage irresponsible behavior by our some visitors and residents.

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: drsusott@gmail.com
Subject: Submitted testimony for SB596 on Feb 18, 2015 13:30PM
Date: Tuesday, February 17, 2015 8:40:24 AM

SB596

Submitted on: 2/17/2015

Testimony for HTH on Feb 18, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Susott, MD, MPH	Individual	Support	No

Comments: I strongly support removing all criminal penalties involving cannabis. The criminalization of cannabis has cost many lives and enforcement is much more costly and dangerous than the plant itself. Cannabis has been with people for thousands of years, since the dawn of agriculture, and NO deaths have been attributed to it. Hawaii suffers under more layers of organized crime than many places and it is time to remove criminal penalties for cannabis. If you're on the wrong side of this if due, you are either uninformed, which is scary in government, or you're a crook, which is scarier.

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

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: alternativepainmanagementclub@gmail.com
Subject: Submitted testimony for SB596 on Feb 18, 2015 13:30PM
Date: Tuesday, February 17, 2015 11:35:07 AM

SB596

Submitted on: 2/17/2015

Testimony for HTH on Feb 18, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Ruggles	Alternative Pain Management Pu`uhonua LLC	Support	No

Comments: I support SB 596 and changing the possession of one ounce or less of cannabis to a civil penalty instead of a criminal penalty. It is always a good idea to keep non violent people out of jail where they may learn to be violent out of necessity.

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

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



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

COMMITTEE ON HEALTH

Senator Josh Green, Chair
Senator Glenn Wakai, Vice Chair

Wednesday, February 18, 2015

1:30PM

Conference Room 414

State Capitol

415 South Beretania Street

Executive Director Rafael Kennedy in strong support of SB596 - Relating to Marijuana

Aloha Chair Green, Vice Chair Wakai, and members of the committee, The Drug Policy Forum of Hawaii strongly supports SB596. This bill would decriminalize the simple possession of small amounts of marijuana by adults, replacing a criminal offense with a civil fine.

As you know, decriminalization has a long history, and has been successfully implemented by a number (20) of other states, not to mention many municipalities and other jurisdictions. In the states that have implemented decriminalization policies, we have seen excellent results. Studies have not shown increases in use, but we have seen better outcomes for youth: lower dropout rates, lower rates of involvement in other drugs, lower rates of overdose, and lower rates of arrest for violent crimes.^{1 2} The lesson is clear: the price of our criminal penalties for possession are not simply the costs of courts and jails that are referred to in the findings, there are profound long-term human costs. We pay for our criminal penalties with

1 Males, Michael. "California Youth Crime Plunges to All-Time Low." Center on Juvenile and Criminal Justice, October 1, 2012.
http://www.cjcj.org/uploads/cjcj/documents/CA_Youth_Crime_2011.pdf.

2 Ingraham, Christopher. "After California Decriminalized Marijuana, Teen Arrest, Overdose and Dropout Rates Fell." *The Washington Post*, October 15, 2014.
<http://www.washingtonpost.com/blogs/wonkblog/wp/2014/10/15/after-california-decriminalized-weed-teen-arrest-overdose-and-dropout-rates-fell/>.

higher rates of addiction to harder drugs, with overdose deaths, with violence, with homelessness, and with the creation of a racially lopsided permanent underclass without access to education or to employment. We introduce our youth to the criminal justice system, to prison, to drug dealers by criminalizing marijuana. This is unconscionable.

Criminal penalties for marijuana simply don't work.^{3 4} Especially in the modern world where arrest records are public and easily accessible, a criminal record, or even an arrest can follow a person for the rest of their lives. Invisibly preventing them from getting financial aid to go to school, from getting jobs, or from getting an apartment. What's more, people do not understand these costs. We have heard time and again that, "the prisons are not full of marijuana offenders." But the truth is more complicated than that. The prisons **are full**. Many of those who are incarcerated are there because they've had their parole violated. Many of the people in our prisons were first introduced to the system through drug arrests.

There is another key reason to decriminalize marijuana here in Hawaii. We are a diverse and heterogeneous state. One of only four Majority-minority states in the union, and the only one that has never had a white majority.⁵ The impact of the criminalization of marijuana is racially biased, both in Hawaii and throughout the nation.⁶ We are disproportionately punishing ethnic minority groups, in ways that are subtle, complex, and long-term.

These are the reasons that, while legalization of marijuana remains controversial, there is a large and growing consensus that decriminalization is not only safe, but is the only humane response to our current state of affairs. The United Nations, the World Health Organization, and the Global Commission on Drug Policy have all officially called for decriminalization

3 Donnelly, Neil; Hall, Wayne; Christie, Paul, "Cannabis Expiation Notice Scheme on levels and patterns of cannabis use in South Australia: evidence from the National Drug Strategy Household Surveys 1985-1995," Department of Health and Aged Care (Canberra, Australia: May 1998), p. 12.
[http://www.health.gov.au/internet/main/publishing.nsf/Content/332B63EE0E0E0C39CA25703700041DAC/\\$File/mono37.pdf](http://www.health.gov.au/internet/main/publishing.nsf/Content/332B63EE0E0E0C39CA25703700041DAC/$File/mono37.pdf) - See more at:
<http://www.drugwarfacts.org/cms/Marijuana#Law>

4 Police Foundation of the United Kingdom, "Drugs and the Law: Report of the Independent Inquiry into the Misuse of Drugs Act of 1971", April 4, 2000. The Police Foundation, based in London, England, is a nonprofit organization presided over by Charles, Crown Prince of Wales, which promotes research, debate and publication to improve the efficiency and effectiveness of policing in the UK. - See more at: <http://www.drugwarfacts.org/cms/Marijuana#Law>

5 "Minority Population Surging in Texas." Msnbc.com. Accessed February 17, 2015.
http://www.nbcnews.com/id/8902484/ns/us_news-life/t/minority-population-surging-texas/.

6 David C. Nixon, Budgetary Implications of Marijuana Decriminalization & Legalization for Hawai'i (2013) Full version:
http://acluhawaii.files.wordpress.com/2013/01/econreptmarijuana1_2013.pdf

policies.^{7 8 9} The American Academy of Pediatrics has released a policy statement not only urging states to decriminalize marijuana, but urging pediatricians to get involved in preventing harsh penalties for the possession and use of marijuana.¹⁰ The AAP summarizes the issue nicely, ***“The illegality of marijuana has resulted in the incarceration of hundreds of thousands of adolescents, with overrepresentation of minority youth. A criminal record can have lifelong negative effects on an adolescent who otherwise has had no criminal justice history. These effects can include ineligibility for college loans, housing, financial aid, and certain kinds of jobs. In states that have passed decriminalization laws, marijuana use is still illegal, although the consequences of possession and use are less punitive. Although these laws are not applicable to adolescents in all states, the changes in the law are intended to address and reduce the long-term effects that felony charges can have on youth and young adults.”***¹¹ (Emphasis mine)

Mahalo for your consideration on this important matter, and for the opportunity to testify.

Rafael Kennedy
Executive Director,
Drug Policy Forum of Hawaii

The Drug Policy Forum of Hawaii works to educate policymakers and the public about effective ways of addressing drug issues in Hawai‘i with sensible and humane policies that reduce harm, expand treatment options, and adopt evidence-based practices while optimizing the use of scarce resources.

7 Chokshi, Niraj, and Christopher Ingraham. “Former World Leaders Call for Nations to Decriminalize Drug Use and Experiment with Legalization.” The Washington Post, September 8, 2014.

<http://www.washingtonpost.com/blogs/govbeat/wp/2014/09/08/former-world-leaders-calls-for-nations-to-decriminalize-drug-use-and-experiment-with-legalization/>.

8 Ferner, Matt. “World Health Organization Calls For Decriminalizing Drug Use.” The Huffington Post. Accessed February 17, 2015.

http://www.huffingtonpost.com/2014/07/23/who-drug-decriminalization_n_5606609.html.

9 “The Daily Bell - As Predicted, UN Calls for Decriminalization of All Drugs.” Accessed February 17, 2015. <http://www.thedailybell.com/editorials/35491/Anthony-Wile-As-Predicted-UN-Calls-for-Decriminalization-of-All-Drugs/>.

10 Committee On Substance Abuse And Committee On Adolescence. “The Impact of Marijuana Policies on Youth: Clinical, Research, and Legal Update.” PEDIATRICS, January 26, 2015. doi:10.1542/peds.2014-4146.

11 Ibid.

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: brentneal@live.com
Subject: Submitted testimony for SB596 on Feb 18, 2015 13:30PM
Date: Tuesday, February 17, 2015 11:41:43 AM

SB596

Submitted on: 2/17/2015

Testimony for HTH on Feb 18, 2015 13:30PM in Conference Room 414

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

Comments: I support SB 596 and changing the possession of one ounce or less of cannabis to a civil penalty instead of a criminal penalty. It is always a good idea to keep non violent people out of jail where they may learn to be violent out of necessity.

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

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: britneal@live.com
Subject: Submitted testimony for SB596 on Feb 18, 2015 13:30PM
Date: Tuesday, February 17, 2015 11:45:57 AM

SB596

Submitted on: 2/17/2015

Testimony for HTH on Feb 18, 2015 13:30PM in Conference Room 414

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

Comments: I support SB 596 and changing the possession of one ounce or less of cannabis to a civil penalty instead of a criminal penalty. It is always a good idea to keep non violent people out of jail where they may learn to be violent out of necessity.

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

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: lcaldwell12@live.com
Subject: *Submitted testimony for SB596 on Feb 18, 2015 13:30PM*
Date: Tuesday, February 17, 2015 11:49:53 AM

SB596

Submitted on: 2/17/2015

Testimony for HTH on Feb 18, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Larry Caldwell	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

HAWAII FAMILY ADVOCATES

A 501(C) (4) organization associated with Hawaii Family Forum

ONLINE TESTIMONY SUBMITTAL
Senate Committee on Health
Hearing on February 18, 2015 @ 1:30
Conference Room #414

DATE: February 17, 2015

TO: Senate Committee on Health
Senator Josh Green, Chair
Senator Glenn Wakai, Vice Chair

FROM: James R. "Duke" Aiona, Jr. Interim President & CEO

RE: Opposition to SB 596 Relating to Marijuana

My name is James R. "Duke" Aiona, Jr., and I have been an attorney in Honolulu since 1981. I have also served the people of Hawaii as a Family and Circuit Court Judge of the First Circuit (1990 to 1998), and I also served as the first Administrative Judge of the Hawaii Drug Court Program (1994-1997). Currently I am the interim president of Hawaii Family Advocates, a 501(c)(4) independent expenditure, non-candidate organization. I strongly oppose this bill.

Decriminalization and legalization of marijuana is the wrong social policy for the people of Hawaii. It's social implications in regards to the structure and function of the family unit, business environment, juvenile delinquency, brain development and other health related consequences outweigh any benefits to its decriminalization or legalization.

The policy supporting this bill is based upon the waste of time and money in enforcing marijuana possession statutes and its ineffective deterrence to marijuana users. There is no policy statement in regards to the social and health effects mentioned in the preceding paragraph, despite the fact that this bill would amend the Department of Education's Chapter 91 rules relating to the reporting of marijuana possession by students to the appropriate authorities.

As proposed in this bill teachers, school officials, or employees of the department of education would not be required to report that a student, whom they know or has reason to believe, is in possession of less than one ounce of marijuana to the police, parents, or other appropriate authorities. In short, this proposed bill would establish a policy that it is ok for our children to possess up to fifty marijuana joints!

There are numerous medical studies and reports relating to the effect that marijuana use has on our children. I do not know of one medical report or pediatrician, which would state that marijuana use by our children is not detrimental to their health and development, and therefore, should be condoned and approved in **any** fashion.

P.O. Box 2757 • Honolulu, HI 96803 • Phone: 808-429-4872

E-mail: info@hffaction.org | Website: www.hffaction.org

HAWAII FAMILY ADVOCATES

A 501(C) (4) organization associated with Hawaii Family Forum

We know for a fact that here in Hawaii marijuana is one of the top two drugs of choice by our children. We also know that use of marijuana has a profound effect on the development of our children's brain. Marijuana use has been associated with verbal learning disadvantages, attention problems, short-term memory loss, difficulty with problem-solving and trouble exercising inhibition. In addition, research has established that children who start using marijuana before the age of 18 experience a significant drop in their IQ score that persisted decades later.

With all of this undisputed research and information why would the people of Hawaii be in favor of a bill that does not require school personnel to report any possession of marijuana to the their parents and appropriate authorities, unless the proponents of this bill want to establish a policy and law which states that possessing and using marijuana is alright and legal.

Although this bill also notes that the legislature does not intend to imply that such possession is acceptable, based on the absence of any discussion relating to the social and health implications of marijuana, there is no question that the ultimate objective of this bill is to legalize the use of marijuana. In short, this bill is the slippery slope that must be avoided.

This bill's policy statement relating to the cost and ineffectiveness of marijuana possession laws amounts to a straw argument. Following this logic the same could be said about many other criminal laws. What is the deterrent effect of our property laws, our drinking and driving laws, our theft laws, and to a certain extent our murder laws?

It appears that the supporters of this bill are indirectly stating that the illegality of marijuana, like the prohibition of alcohol, needs to follow the same path. If that occurs, than we already know what the social, health, and economic costs of the legalization of marijuana would be because history would be repeating itself. However, the biggest cost to the people of Hawaii would be that we failed to learn the lessons of this history.

Mahalo for the opportunity to submit this testimony.

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: drkturnbull@gmail.com
Subject: Submitted testimony for SB596 on Feb 18, 2015 13:30PM
Date: Tuesday, February 17, 2015 1:13:36 PM

SB596

Submitted on: 2/17/2015

Testimony for HTH on Feb 18, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Dr Kimberly Turnbull, DC	Individual	Support	No

Comments: I strongly support this bill, and would like to see it amended to include person's under the age of 18 as well.

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

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: inhocsig@lava.net
Subject: Submitted testimony for SB596 on Feb 18, 2015 13:30PM
Date: Tuesday, February 17, 2015 3:31:30 PM
Attachments: [SB596 Oppose.pages](#)

SB596

Submitted on: 2/17/2015

Testimony for HTH on Feb 18, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Duffy	Individual	Oppose	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov