



The Judiciary, State of Hawaii

Testimony to the Senate Committee on Judiciary and Labor

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

Thursday, February 26, 2015, 9:00 a.m.
State Capitol, Conference Room 016

by
Calvin Ching
Deputy Chief Court Administrator
First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 666, Relating to Marijuana.

Purpose: Provides that possession of less than one ounce of marijuana shall be a civil rather than criminal offense. Establishes penalties for violations. Provides for enforcement, notice, and adjudication of violations.

Judiciary's Position:

The Judiciary, while recognizing the important societal aspects of this bill takes no position on the merits of the bill. However, the Judiciary is concerned about the impact the proposed bill will have on the operations of the District Courts and has the following comments regarding the complexities of implementing the proposed legislation should it become law.

- 1) Hawaii Revised Statutes (HRS) Section 701-107 (5) provides the definition of a violation. Although a violation does not constitute a crime, it constitutes a penal offense which is processed in the courts in the same manner as a crime. A defendant is required to appear in court, be arraigned, enter a plea, have a trial if plea is not guilty and be sentenced if there is a conviction. The District Courts easily process these violations using existing criminal procedures. Therefore, the purpose of this bill may be better achieved without the necessity of creating a new system for adjudicating a "civil



violation,” by redefining the possession of one ounce or less of marijuana as a violation. HRS Section 701-107 (5) provides that:

(5) An offense defined by this Code or by any other statute of this State constitutes a violation if it is so designated in this Code or in the law defining the offense or if no other sentence than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction or if it is defined by a statute other than this Code, which provides that the offense shall not constitute a crime. **A violation does not constitute a crime, and conviction of a violation shall not give rise to any civil disability based on conviction of a criminal offense.** (Emphasis added.)

- 2) As written, the bill will require the creation of a new citation book, or modification of existing citation books, to provide for this single type of civil violation. The Judiciary is currently responsible for creating, printing and distribution of citation books to law enforcement. Therefore, additional printing costs for the Judiciary will be incurred should this bill become law. For example, the Judiciary recently printed 80,000 new citations (a total of 4,000 books containing 20 citations in each book) for the First Circuit, at a cost of \$12,408. Similarly, additional costs would be incurred to provide citation books for the Second, Third, and Fifth Circuits making the total estimated cost close to \$24,000.
- 3) The creation of a new “civil violation” may necessitate the need to modify existing electronic case management systems to provide for data entry of the charge as a civil violation rather than a penal offense. For example, modifications to the case management system would need to address such issues as the creation of civil violations and the 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 a collections agency. While the costs related to creating the new civil violation are difficult to estimate, there will be costs to make adjustments to the JIMS case management system and such adjustments will likely be significant and possibly cause delay in the implementation of ongoing JIMS projects. (See Attachment A)
- 4) Statewide, it is not likely that the number of charged cases for possession of small amounts of marijuana is sufficient to warrant the creation of a civil violation scheme. (See Attachment B)
- 5) Should this bill be enacted, the Judiciary requests that the Legislature afford the Judiciary time to address these and other issues related to the implementation of this bill. A suggested date of January 2017 provides the Judiciary with the time to address these operational, logistical and technology issues.



Senate Bill No. 666, Relating to Marijuana
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Thank you for the opportunity to provide comments on this measure.

ATTACHMENT A

Marijuana / Civil Infractions

Calendar Year 2013

1D	HRS 712-1249	327
1D	HRS 712-1246.5	5
1D	HRS 712-1248(1)(c)	3
	Total	335
2D	HRS 712-1246.5	3
2D	HRS 712-1248(1)(c)	16
2D	HRS 712-1249	10
	Total	29
3D	HRS 712-1248(1)(c)	13
3D	HRS 712-1249	42
3D	HRS 712-1246.5	5
	Total	60
5D	HRS 712-1246.5	3
5D	HRS 712-1248(1)(c)	5
5D	HRS 712-1249	55
	Total	63

Grand Total 487**Calendar Year 2014**

1D	HRS 712-1246.5	10
1D	HRS 712-1248(1)(c)	2
1D	HRS 712-1249	419
	Total	431
2D	HRS 712-1249	33
2D	HRS 712-1248(1)(c)	5
2D	HRS 712-1246.5	2
	Total	40
3D	HRS 712-1249	28
3D	HRS 712-1246.5	3
3D	HRS 712-1248(1)(c)	7
	Total	38
5D	HRS 712-1246.5	1
5D	HRS 712-1249	58
5D	HRS 712-1248(1)(c)	3
	Total	62

Grand Total 571

The above are counts of cases that were initiated with one or possible more of the three charge codes shown.

ATTACHMENT B

Decriminalization of Marijuana in JIMS

Initial Analysis

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1. Requirement

Initial analysis on leg proposed bill to decriminalize marijuana impacting JIMS.

2. Initial Analysis

- HAJIS : HAJIS system was considered to implement the changes as the new citations are to be treated as civil citations. However the bill provides for the payment of the fine to be done via internet or phone. Since HAJIS currently does not have this facility , we cannot implement this in HAJIS.
- Using case type CC : Discussed the possibility of including the Criminal citation type in portal . However this cannot be used as CC case types do not have accounting piece in it . Any changes will impact existing criminal citations as well. Also statistical data may not be correct.
- Using case type TI : Discussed the possibilities of using the TI case type for these violations. For TI case types, we may not need any changes to oracle forms or e-traffic and IVR for payments. However the impact will be on all interfaces which need to be reviewed to exclude the cases in scope. Also, the terminology of traffic infraction itself is in contradiction to the bill which clearly mentions these cases to be Civil citations. This would impact statistical data for TI cases.

3. Proposed Solution

1. New case type creation :
 - A) Portal : Creating a new case type itself is a simple change however to create new case ids based on this case type will require analysis.
 - B) Oracle forms: As per Dana , new case type creation can be done with using Control forms however this needs to be verified.
2. New case creation :
 - A) Portal : Creating a new case of a new case type will involve including the accounting piece while case creation as we need the new case types to be payable by e-traffic and IVR.
 - B) Oracle forms : Creating a new case of the new case type in oracle forms will involve in-depth analysis on whether this can be done without any code changes. Depending on the analysis we may require code changes to case creation in Oracle forms.
3. Over the counter payments :
 - A) Portal : Portal currently does not have any ability to accept payments. The entire accounting piece for accepting payments over the counter need to be set up . This is as good as building 'accounting' system for portal.
 - B) Oracle forms : Needs in-depth analysis on whether the new case type can be set up to be accessible by the existing payment screens in forms without any code changes. Depending on the analysis we may require code changes to include the new case type in the payment screens in Oracle forms.
4. New predecessor (Pred) code for the new charge code:
 - A) Portal : Need analysis to see what changes are required to set up a new predecessor code. New charge codes can be set up through the application.
 - B) Oracle forms: If functionality achieve in Portal , Oracle forms may not need any change.
5. Changes to e-traffic and IVR

- A) JIMS database procedures will require changes to send data to HIC and IVR for the new case type and update the accounting tables based on the information received from HIC/IVR. These changes will have to happen along with changes to e-traffic system by HIC and IVR system by First Data.
6. Changes to DJ generation :
 - A) Portal : will undergo changes to include the new case type for DJ generation.
 - B) Oracle forms : Will undergo changes to the Letter merge screen to include the DJ generation for the new case type .If DJ changes are given through portal this may not be need be required even if other changes are done using the portal.
 7. Changes to the DJ ODP :
 - A) Portal : Depending upon the business need the wording of the existing DJ may have to be changed or a new DJ may have to be created for new case type.
 - B) Oracle forms : If a new DJ is required , then will involve more changes in the Letter merge forms. If functionality provide through Portal , oracle form changes may not be required.
 8. Changes to the Collections interface :
 - A) Batch job for collections : will undergo changes to include the new case type while sending the collections data to MSB and also while receiving the file back from them.
 9. Reports
 - A) Fiscal reports requires changes to include data from the new case types. Depending on business need, may have to create new reports as well.

4. Scope

- Analysis, coding and Testing , deployment
- Coordination with third party HIC and First Data for interface / reports

5. Assumption

- New Case type creation is possible through Oracle with no additional code changes / testing
- Fees collection / payment will be supported using existing Oracle forms by just adding new case type (parameterization) and with no code change
- Entire GL process will be just parameterized and no code changes required for new case type added
- First data will modify IVR system & HIC will modify 'eTraffic' system and are in agreement with our schedule for integration testing / deployment in production
- No effort any analyzing, modifying, testing of existing JIMS interface(s).
- Need detailed functional information on Oracle Form undergoing changes

6. Challenges

- Limited knowledge on accounting /GL system as IGATE has not worked earlier
- Oracle Forms – identifying correct version
- Abiding schedule by different vendor working on this initiative(IGATE, First Data, other interface agencies)
- Setting up complex business rules with extensive testing for GL interface

7. Rough estimation – Cost / Schedule

Considering extremely limited time for analysis, our estimation is based on information we collected in couple of hours.

The actual schedule and cost may vary 30 to 40 % or beyond, once we have detailed information.

With current assumption and risk, we assume minimum period of 6-7 months for design, development and testing. It may extend to 2-3 additional months as we expect major business rule for accounting system to be implemented.

The cost comes to **\$850K** with minimum **7 months** schedule.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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DEPUTY DIRECTOR
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Shawn H. Tsuha
DEPUTY DIRECTOR
LAW ENFORCEMENT

No. _____

TESTIMONY ON SENATE BILL 666
RELATING TO 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, 09:00 AM
State Capitol, Conference Room 016

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

The Department of Public Safety (PSD) **opposes** Senate Bill (SB) 666 which would make possession of less than one ounce of marijuana a civil violation and decriminalize the possession of any amount of marijuana in HRS Section 712-1249. SB 666 lays out an extensive “notice of violation” process, similar to the procedures employed in the issuance of traffic tickets. As marijuana is still a Schedule I substance under Federal law, it is the PSD’s position that the use of this illegal drug should not be penalized like a traffic ticket, wherein an offender can just pay a fine that results in no criminal violation.

The PSD is also concerned about Section 5 of SB 666 which increases the threshold to “more than one ounce” of marijuana or marijuana concentrate for a teacher, official or other Department of Education employee to be required to report a crime-related incident on or near school property. The PSD believes that marijuana possession, use and trafficking in any amount should continue to be strictly discouraged in or around schools. To do otherwise would serve to encourage our kids to possess or use an illegal substance with impunity and send the wrong message to the youth and citizens of Hawaii.

Thank you for the opportunity to testify on this measure.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO
PROSECUTING ATTORNEY

ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY



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

February 26, 2015

RE: S.B. 666; RELATING TO MARIJUANA.

Chair Keith-Agaran, Vice-Chair Shimabukuro, members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in strong opposition to S.B. 666.

Currently, violation of Section 712-1249, Hawaii Revised Statutes (“HRS”)—essentially, possession of less than one ounce of marijuana—is already a petty misdemeanor, the absolute lowest level of crime by Hawaii’s standards. This is the same classification that applies to being in a public park after closing hours, or possessing an unsealed container of liquor in public.

While it is possible violation of HRS §712-1249 to result in jail-time, this is actually very rare, aside from any possible holding-time while a defendant awaits their first hearing. Indeed, many of these offenders may not require jail-time; however, the petty misdemeanor classification is the lowest classification that allows our courts to impose assessments, treatment and oversight for potential substance abuse, when necessary.

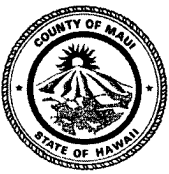
If S.B. 666 is allowed to pass, not only will the courts lose all of those options entirely, but the Legislature will essentially be sending a message to the public—and to Hawaii’s youth—that illegal possession of this controlled substance is significantly less egregious than crossing a white line while driving, using a turn signal for at least 100 feet before turning right or left, or practically any other traffic infraction currently in law.

In light of this, the Department strongly believes that decreasing the possession of less than one ounce of marijuana to a civil violation would not only fail to reflect the Legislature’s concern about illegal possession of marijuana, but would also—vastly—decrease the level of

significance that the legislature, law enforcement, and ultimately the public, place on this Schedule I controlled substance.

Pursuant to both State and Federal schedules, possession of any amount of marijuana is strictly prohibited, except by qualifying patients registered to use medical marijuana (and their caregivers). Notably, the Federal schedule of controlled substances was updated very recently in February 2015, and continues to list marijuana as a Schedule I controlled substance. Even in recent years, numerous and ongoing studies have shown that marijuana presents significant health concerns, particularly to youth, who will inevitably receive the message that marijuana is simply "not that bad" because "it's not even a crime." Businesses who currently allow smoke breaks for those who smoke cigarettes would potentially see a sharp increase in smoking marijuana on or off the job, because "it's not even a crime."

Given the strong potential for widespread abuse and negative effects on the community, the Department strongly maintains that violation of HRS §712-1249 should continue to be regulated and enforced as a petty misdemeanor, giving our courts the discretion to sentence each individual as appropriate. For this and all of the reasons stated above, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly opposes S.B. 666. Thank you for the opportunity to testify on this matter.



ALAN M. ARAKAWA
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
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FAX (808) 244-6411



TIVOLI S. FAAUMU
CHIEF OF POLICE

DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

February 25, 2015

The Honorable Gilbert S.C. Keith-Agaran, Chair
and Members of the Committee on Judiciary and Labor
The Senate
State Capitol
Honolulu, HI 96813

RE: Senate Bill No. 666, RELATING TO MARIJUANA

Dear Chair Keith-Agaran and Members of the Committee:

The Maui Police Department OPPOSES the current draft of S.B. No. 666.

This bill proposes that possession of less than one ounce of marijuana shall be a civil rather than criminal offense.

The Maui Police Department opposes this measure as it makes light of a criminal act, comparing it to a traffic citation with a minimal fine. The proposed bill will have a minimal fine that an offender can pay over and over again with no increase or fear of repercussion. It will not ease the court system as believed because there will still be some offenders who will not pay the fine and a warrant for their arrest will be issued.

The language also includes the possession of one ounce of marijuana concentrates that have THC concentrates as high as 90%. Levels of THC that high have caused schizophrenia and psychosis that have led to extended hospital stays, permanent brain damage, injuries and death (via accidents or suicide). Also the extraction process in which BHO (Butane Honey Oil) is produced has caused fire and explosions causing injuries and damages due to the highly flammable chemicals used.

Section 5 of this bill will remove the reporting requirements of employees of the Department of Education. This will encourage students to deal or possess less than one ounce of marijuana in schools as it will not be reported. Furthermore, most students in schools that are caught dealing marijuana do not possess more than an ounce of marijuana and will continue to deal without fear or consequence.

The Honorable Gilbert S.C. Keith-Agaran, Chair
and Members of the Committee on Judiciary and Labor
February 25, 2015
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Section 6 amends Hawaii's medical Use of Marijuana Program, and is not necessary to protect patients and caregivers from prosecution of possession of medical marijuana. Sections 7 and 8 adds language to the bill relating to violations of Methamphetamine Trafficking in the first degree and second degree that are not appropriate under bills titled "Relating to Marijuana."

For those reasons the Maui Police Department asks that you OPPOSE S.B. No. 666.

Thank you for the opportunity to testify.

Sincerely,


TIVOLI S. FAUMU
Chief of Police

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE JK-TA

February 26, 2015

The Honorable Gilbert S. C. Keith-Agaran, Chair
and Members
Committee on Judiciary and Labor
State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran and Members:

SUBJECT: Senate Bill No. 666, Relating to Marijuana

I am Jason Kawabata, Captain of the Narcotics/Vice Division of the Honolulu Police Department (HPD), City and County of Honolulu. The HPD opposes Senate Bill No. 666, Relating to Marijuana.

This bill seeks to amend Chapter 329, Uniformed Controlled Substances Act, Hawaii Revised Statutes, by adding a new section establishing the possession of one ounce or less of marijuana as a civil violation subject to a fine not to exceed \$100.

The intentional or knowing possession by a person eighteen years of age or older of one ounce or less of marijuana would constitute a violation. However, possession by a person less than eighteen years of age is not addressed in the bill. This makes it appear legal for minors to possess marijuana.

The bill also would take away the court's authority to require defendants who violate probation to complete a substance abuse program for possession of less than one ounce of marijuana. The court should be allowed the option of mandating substance abuse treatment for these defendants.

The HPD is not opposed to levying a fine for first-time offenders. However, sentencing should also include mandatory substance abuse treatment, as it would be in the person's and community's best interest if addiction is treated at its earliest possible stage. In addition, repeat offenders should be subject to increasing penalties.

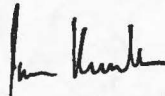
Serving and Protecting With Aloha

The Honorable Gilbert S. C. Keith-Agaran, Chair
and Members
Committee on Judiciary and Labor
Page 2
February 26, 2015

The HPD urges you to oppose Senate Bill No. 666, Relating to Marijuana.

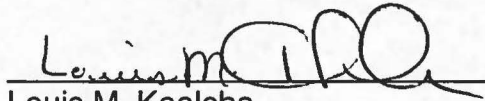
Thank you for the opportunity to testify.

Sincerely,



Jason Kawabata, Captain
Narcotics/Vice Division

APPROVED:



Louis M. Kealoha
Chief of Police

TESTIMONY OF THE HAWAII POLICE DEPARTMENT

SENATE BILL 666

RELATING TO MARIJUANA

BEFORE THE COMMITTEE ON JUDICIARY AND LABOR

DATE : Thursday, February 26, 2015

TIME : 9:00 A.M.

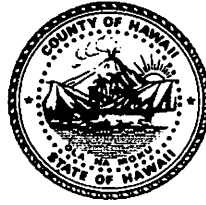
PLACE : Conference Room 016
State Capitol
415 South Beretania Street

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

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February 24, 2014

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 666 Relating to Marijuana

Dear Senator Keith-Agaran:

The Hawai'i Police Department strongly opposes passage of Senate Bill 666, 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 the THC average is between 13-17% as reported by Federal, State and Local studies. This study, in its most basic interpretation, means this mind-altering substance is getting stronger and would lead one to conclude it is, therefore, having a greater effect on the user.

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. Furthermore, an average Marijuana cigarette contains .5 grams of Marijuana meaning one ounce of Marijuana equates to 56 Marijuana cigarettes.

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.

Senator Gilbert S.C. Keith-Agaran
Re: Senate Bill 666 Relating to Marijuana
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We find it 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.

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 2015 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. 666.

Sincerely,



HARRY S. KUBOJIRI
POLICE CHIEF



Progressive Democrats of Hawai'i

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COMMITTEE ON JUDICIARY AND LABOR

February 26, 2015 9:00 am, Room 016

TESTIMONY IN SUPPORT OF SB 666, RELATING TO 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 666, SB 708 and SB 879. While there are differences between these bills, as well as with SB 596, passed earlier by the Health Committee, we leave it to your wisdom to come up with the best bill.

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 relatively harmless to themselves, we recognize this is halfway to a more sensible approach on marijuana use.

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 would allow leaders and members of the public to relax their fears, to discard their prejudices. Were the topic not treated as tabu, we could start that discussion now, laying 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 Drug Free Hawaii 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 or a beer, but not from a joint. This legal reality 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 unreasonable control over other people's lives. But it is much smarter to just legalize it.

Thank you for the opportunity to testify.

THE LIBERTARIAN PARTY OF HAWAII
C/O 1658 LIHOLIHO ST #205
HONOLULU, HI 96822

TESTIMONY

February 23, 2014

RE: **SB 666** to be heard Thursday February 26, 2015 in Conference Room 016 at 9:00 AM

To the members of the Senate Committees on Judiciary and Labor

SUPPORT the intent

The preamble to this bill indicates there are more people in Hawaii in favor of outright legalization than they are in this minimal measure. Legalization answers all the complicated issues this half measure doesn't. So why are we wasting time on this? Who is the constituency? Marijuana users want to be left alone. They don't want to pay fines. Agricultural interests need full legalization to develop a viable industry here that will add billions of dollars to the state's economy. No one really wants this small time approach.

We suggest the language in this bill be gutted and replaced with SB 383 which will intelligently answer the questions the Democratic Party seems unwilling to address in SB 666.

Tracy Ryan
Chair



AMERICANS FOR DEMOCRATIC ACTION

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February 24, 2015

Chair Gil Keith-Agaran, Senate Judiciary and Labor Committee
Committee Members

Re: SB 666 Relating to Marijuana
Hearing on Jan. 29, 2015

Dear Senator Keith-Agaran and Members of the Committee:

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

We reluctantly support SB 666 as an inadequate halfway measure toward the long-overdue legalization of marijuana. So long as marijuana is illegal, the threats of selective prosecution persist. Such does not meet a standard of fairness. The unpopular defendants pay the price while others go free. We do not have the resources to properly enforce this law.

Jailing people, especially young people, for marijuana possession destroys lives and overburdens our already overburdened criminal justice system. We do not like paying the price for court and prison costs when it is enforced.

Given popular sentiment, it seems that we should treat marijuana like other recreational substances, alcohol and tobacco, and legalize it, tax it, and control it. It is interesting that a number of students say it is easier to get marijuana than alcohol because the marijuana dealer does not care what age you are. We might even reduce youth using the drug if we legalized for adults.

Thank you for your consideration.

Sincerely,

John Bickel
President

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phone/E-Mail: (808) 533-3454 / kat.caphi@gmail.com



COMMITTEE ON JUDICIARY and LABOR

Chair: Sen. Gil Keith-Agaran

Vice Chair: Sen. Maile Shimabukuro

Thursday, February 26, 2015

9:00 a.m.

Room 016

SUPPORT for SB 666 - DECRIMINALIZING MARIJUANA

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

My name is Kat Brady and I am the Coordinator Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered always mindful that 6,000 Hawai'i individuals are living behind bars, including 1,800 men who are serving their sentences abroad, thousands of miles from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

SB 666 provides that possession of less than one ounce of marijuana shall be a civil rather than criminal offense, establishes penalties for violations, and provides for enforcement, notice, and adjudication of violations.

Community Alliance on Prisons supports this bill and we prefer this measure to the two similar bills on this agenda, S.B 708 and S.B. 879, because we believe this one is more comprehensive.

This bill, in fact, is similar to SB 1460 from the 2011 session. SB 1460 passed the Senate unanimously.

There has been much conversation and disinformation about decriminalization and the impact on our youth. We, therefore, find it interesting that 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 possession or use of marijuana.”

An economic report by Professor David Nixon¹, also cited in the findings 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 males and Native Hawaiians. (The full report, "Update to: Budgetary Implications of Marijuana Decriminalization and Legalization in Hawaii," is on Freshapproachhawaii.org.)

Also attached is a Hawai'i Marijuana Opinion Study² conducted by Qmark Research in 2014 for your information. As you can see from this study, 63% of Hawai'i voters polled believe that marijuana should be a violation, not a crime. Polling numbers on decriminalizing marijuana have risen from 58% in 2012 and 42% in 2005. In 10 years, the polls show there is 21% increase in support for the decriminalization of marijuana.

The community has made it clear that we want law enforcement to focus on serious and violent crimes. The war on drugs has wreaked havoc on the lives of millions of people and families,

We urge the committee to pass this measure.

Mahalo for this opportunity to testify.

¹ *Budgetary Implications of Marijuana Decriminalization and Legalization for Hawai'i*, David C. Nixon, Associate Professor Public Policy Center University of Hawai'i, January 2013. http://dpfhi.org/?attachment_id=44

² *MARIJUANA (OPINION STUDY)*, Qmark Research, January 2014. <http://dpfhi.org/wp-content/uploads/2014/06/marijuanajan2014.pdf>

Testimony in Opposition to SB 666 – Relating to Marijuana

Hearing Scheduled

February 26, 2015, 9:00 am

Conference Room 016 of the State Capitol

TO: Committee on Judiciary and Labor
Senator Gilbert Keith-Agaran, Chair
Senator Maile Shimabukuro, Vice Chair

FR: Alan Shinn, Executive Director
Coalition for a Drug-Free Hawaii
1130 N. Nimitz Hwy, Suite A-259
Honolulu, HI 96817
(808) 545-3228 x29

Please accept this testimony in opposition to ***SB 666 – Relating to Marijuana*** that establishes a civil violation for possession of one ounce or less of marijuana and a civil fine of not more than \$100, among other provisions.

This bill attempts to decriminalize marijuana to the point that it blurs the line with legalization. Under SB 666, there is little or no risk to use or possess small amounts of marijuana which is still a Schedule I drug under federal law. Decriminalization of marijuana in Hawaii may not be necessary. Currently, no one goes to jail solely for possession of small amounts of marijuana. HPD reported that in 2012, 7 people were incarcerated for marijuana possession and most served less than 10 days. Obviously, law enforcement is not spending huge amounts of time or resources on this issue.

SB 666 sends a conflicting message to our youth under who may be contemplating experimenting with pakalolo. While this bill is unclear if it applies to individuals under the age of 18 years, it does not protect them against other possible sanctions against minors that may impact their futures in advanced education, job opportunities, and military service.

SB 666 presumes that marijuana is a harmless substance and presents no harmful effects to users. It effectively lowers the perception of harm and gives the green light to use to our youth. My agency provides substance abuse prevention and family treatment services. We see behavioral and psychological problems such as depression, mood swings, paranoia, and impaired ability to learn associated with youth who chronically use high potency marijuana. One out of six youth become dependent on marijuana with regular use of high potency marijuana. Marijuana is the number one substance that forces youth into treatment in Hawaii. It is not a harmless substance to adolescents who are still maturing mentally, emotionally, and physically.

Finally, the current bill does not go far enough with a public health approach to marijuana decriminalization. If it did, the bill would acknowledge that marijuana use will significantly increase especially among our youth and would include increased resources for substance abuse prevention and education, as well as treatment services.

Thank you for the opportunity to provide testimony on SB 666.



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

TO: SENATE COMMITTEE ON JUDICIARY & LABOR

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

DATE: FEBRUARY 26, 2015, ROOM 016

RE: S.B. 666 RELATING TO MARIJUANA – **IN STRONG SUPPORT**

Good afternoon, Chair Keith-Agaran, Vice Chair Shimabukuro 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 S.B. 666 which would move the possession of an ounce or less of marijuana from a petty misdemeanor to a civil infraction. We prefer this measure to the two similar bills on this agenda, S.B. 708 and S.B. 879, because we believe this one is more comprehensive.

This bill makes a great deal of sense and is similar to measures that passed the Senate in 2010, 2011 and 2013. Specifically S.B. 666 **is similar to S.B. 1460, SD 2 which passed the Senate unanimously in 2011**. That measure, like this, one sets out in great detail the process for dealing with the civil infraction for possessing one ounce or less of marijuana, which is why this measure is so lengthy. This detailed explication should facilitate the implementation of this measure if it is enacted.

Impact on Youth

The case for supporting 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 possession or use of marijuana.”

S.B. 666 as it currently reads deals only with those 18 and over. As this statement from the AAP implies, **criminal penalties and their consequences can have even more devastating consequences for minors than for adults. For this reason we urge the Committee to extend the civil penalty change to include minors.**

In doing so, we respectfully suggest that you use language similar to that used in Rhode Island in their 2012 decriminalization bill, as delineated in the testimony of my colleague Rafael Kennedy. It would levy the same \$100 maximum penalty as adults face, but include a requirement to attend a drug awareness course and/or community service. It would also include notification of the minor's parents. Combined, these requirements should have a deterrent effect to reduce the likelihood of repeat offenses. But at the same time, they would spare the minor from experiencing the very serious consequences that a criminal arrest or conviction could have on their future opportunities for education, employment and more.

Hawaii Research Findings

Hawaii voters, like those elsewhere, are 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 findings 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 males and Native Hawaiians. (The full report, "Update to: Budgetary Implications of Marijuana Decriminalization and Legalization in Hawaii," is on Freshapproachhawaii.org.)

Other Jurisdictions

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. 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 666 states explicitly that it does not amend laws regarding medical use of marijuana laws (nor any other laws regarding intoxicated driving, sales or manufacturing of marijuana or any other criminal infractions.) 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 summarize 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. 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 more than \$9 million annually.
- National and Hawai'i polling indicates that the majority of U.S. residents - and 63% of Hawaii voters - agree that people should not be subject to criminal penalties for simple marijuana possession. (When asked if they should go to jail, the figure rises to 77% here.)
- It has been long established that there is no gateway effect to other more harmful drugs associated with using marijuana. ("Marijuana: Assessing the Science Base", Institute of Medicine, 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, evidence from other jurisdictions and the recent data and analysis of Hawaii's situation argue strongly for adoption of this measure. And significantly a growing majority of your constituents favor decriminalization of marijuana.

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



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

COMMITTEE ON JUDICIARY AND LABOR

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

Thursday, February 26, 2015
9:00 AM

Conference Room 016
State Capitol
415 South Beretania Street

Executive Director Rafael Kennedy in Strong Support – SB666 – Relating to Marijuana

Aloha Chair Keith-Agaran, Vice Chair Shimabukuro, and members of the committee,

The Drug Policy Forum of Hawaii strongly supports SB666. 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

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/>.

are profound long-term human costs. We pay for our criminal penalties with 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

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

Commission on Drug Policy have all officially called for decriminalization 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)

We understand that this bill may not fully address the issue of children. It is neither reasonable to exclude them from decriminalization, as they suffer some of the most severe problems from criminal penalties, but we do support the opportunity that these encounters with law enforcement serve as a vector for giving children access to education, and if applicable, treatment. For that reason we propose including the following statutory material that is adapted from the law currently in use in Rhode Island:

Notwithstanding any law to the contrary, possession of one ounce (1 oz.) or less of marijuana by a person who is under the age of eighteen (18) years shall constitute a civil offense, rendering the offender liable to a civil penalty in the amount of one hundred dollars (\$100) and forfeiture of the marijuana;

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.

provided the minor offender completes an approved drug awareness program and community service as determined by the court. If the person under the age of eighteen (18) years fails to complete an approved drug awareness program and community service within one year of the offense, the penalty shall be a three hundred dollar (\$300) civil fine and forfeiture of the marijuana, except that if no drug awareness program or community service is available, the penalty shall be a fine of one hundred dollars (\$100) and forfeiture of the marijuana. The parents or legal guardian of any offender under the age of eighteen (18) shall be notified of the offense and the availability of a drug awareness and community service program. The drug awareness program must be approved by the court, but shall, at a minimum, provide four (4) hours of instruction or group discussion, and ten (10) hours of community service. Notwithstanding any other law to the contrary, this civil penalty shall apply if the offense is the first (1st) or second (2nd) violation within the previous eighteen (18) months.

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

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.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: *Submitted testimony for SB666 on Feb 26, 2015 09:00AM*
Date: Wednesday, February 25, 2015 4:11:27 PM

SB666

Submitted on: 2/25/2015

Testimony for JDL on Feb 26, 2015 09:00AM in Conference Room 016

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.

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

HEARING: Senate Committee on Judiciary & Labor
Hearing on February 26, 2015 @ 9:00 a.m. in room #016

SUBMITTED: February 23, 2015

TO: Senate Committee on Judiciary
Senator Gilbert Keith-Agaran, Chair
Senator Maile Shimabukuro, Vice Chair

FROM: Walter Yoshimitsu, Executive Director

RE: Opposition to SB 666; SB 708 and SB 879 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 our strong opposition to bills attempting to decriminalize marijuana.

HAWAII FAMILY ADVOCATES

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

ONLINE TESTIMONY SUBMITTAL
Senate Committee on Judiciary and Labor
Hearing on February 26, 2015 @ 9:00
Conference Room #016

DATE: February 24, 2015

TO: Senate Committee on Judiciary and Labor
Senator, Gilbert Keith-Agaran, Chair
Senator, Maile Shimabukuro, Vice Chair

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

RE: Opposition to SB 666, SB 708, and SB 879 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.



ONLINE TESTIMONY SUBMITTAL
Senate Committee on Judiciary & Labor
Hearing on Thursday, February 26, 2015 @9:00 a.m.
Conference Room #016

DATE: February 24, 2015

TO: Senate Committee on Judiciary
Senator Gilbert Keith-Agaran, Chair
Senator Maile Shimabukuro, Vice Chair

FROM: Eva Andrade, Executive Director

RE: Opposition to SB 666; SB 708 and SB 879 Relating to Marijuana (Decriminalization)

Aloha and thank you for the opportunity to provide our testimony in opposition to the decriminalization of marijuana. 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. As such, we have serious concerns about these bills and their ultimate ramifications on the wider community – especially with regards to our keiki. Although we leave the discussion as to the regulatory functions and applicability of its passage to the experts, we do offer these reasons why we are opposed to the decriminalization of marijuana:

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

Although only 1/3 of the states have enacted laws to decriminalize marijuana, the bottom line remains that **it is still illegal to possess, use or distribute marijuana according to federal law.**

2) Lessening the penalty will directly affect our keiki.

A recent news story in Washington reported that more kids are now using drugs since marijuana was legalized.ⁱ There is no doubt that if marijuana were decriminalized, more people, including our keiki, would consume it. In Colorado, where recreational use is legal for 21 year olds and older, there is a lag in reporting statistics relating to health concerns. That means it may take years to really understand marijuana's effect on teenage drug useⁱⁱ. Even though proponents have tried to dismiss this argument, clinical studies continue to prove that marijuana's easy access can and will hurt our keikiⁱⁱⁱ.

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

While people of faith may accept the use of marijuana for medicinal purposes, we do not understand why we need to flip to the other extreme and treat marijuana like some benign substance. Once we open the door to decriminalization, why not go all the way?



- 4) **The American Medical Association (AMA) reaffirmed their stance opposing the legalization of marijuana** at their 2013 Interim Meeting of the AMA House of Delegates stating: “Our AMA believes that (1) cannabis is a dangerous drug and as such is a public health concern; (2) sale of cannabis should not be legalized.” The report called for efforts to “discourage cannabis use, especially by persons vulnerable to the drug’s effects and in high-risk situations...support the determination of the consequences of long-term cannabis use through concentrated research, especially among youth and adolescents... support the modification of state and federal laws to emphasize public health based strategies to address and reduce cannabis use.”^{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. That number increases when you add other factors like alcohol consumption. The process for determining if a driver is intoxicated from marijuana is far more complex and costly than the roadside breathalyzer.

Decriminalizing marijuana will open a door that can’t be shut once opened. Surely Hawai’i deserves better than that! Mahalo for the opportunity to submit our concerns.

ⁱ <http://www.king5.com/story/news/local/2015/02/12/washington-student-marijuana-infractions/23288183/> (King TV, February 2015)
ⁱⁱ http://www.nytimes.com/2014/06/01/us/after-5-months-of-sales-colorado-sees-the-downside-of-a-legal-high.html?_r=0
ⁱⁱⁱ <http://www.drugabuse.gov/publications/drugfacts/marijuana> (National Institute of Drug Abuse revised January 2014)
^{iv} <http://www.ama-assn.org/assets/meeting/2013i/i13-refcommk-annotated.pdf>



HAWAII SUBSTANCE ABUSE COALITION

SB666 RELATING TO MARIJUANA

COMMITTEE ON JUDICIARY AND LABOR: Representative Gilbert Keith-Agaran, Chair;
Representative Maile Shimabukuro, Vice Chair

- Thursday, February 26, 2015 at 9:00 a.m.
- Conference Room 016

HSAC Supports SB666 with Recommendations:

Good Morning Chair Keith-Agaran; Vice Chair Shimabukuro; And Distinguished Committee Members. My name is Alan Johnson, Chair of the Hawaii Substance Abuse Coalition, an organization of more than thirty treatment and prevention agencies across the State.

The Hawaii Substance Abuse Coalition provides these recommendations for decriminalizing marijuana.

HSAC recommends the following dispositions for Marijuana Use/Possession for a small amount:

- Civil offense subject to a mandatory health screening and marijuana-education program.
- Referrals to treatment and/or social-support services of needed per the screening results.
- For multiple offenses: monitored for 6-12 months in a probation program designed to prevent further drug use.
- There is an expungement of any personal record regarding possession of small amounts of marijuana.

Added Infractions:

- No marijuana use in any form is permitted in public view.
- Smoke-free laws apply to marijuana and tobacco.

For Production, Distribution, Dealing and Sale of Marijuana, HSAC a recommends:

- For small amounts- misdemeanors
- For large amounts - option to be prosecuted as a felony.
- End all mandatory minimum sentences for any marijuana felonies so judges can exercise discretion under the law.
- Assessment and mandatory treatment for those who are addicted. Such appropriate treatment services to be followed by aftercare and provided by service providers licensed by the state or similar programs for re-entry into the community. For marijuana convictions involving addiction, treatment is recommended according to the research from the Justice Reinvestment Initiative.

- Restoration of all civil rights once sentences have been served for a personal use marijuana conviction.

For marijuana and Driving, HSAC makes recommendations to keep Hawaii's roadways safe:

- Misdemeanor for driving with any amount of marijuana in one's system.
- Repeat offenses need increasing consequences.
- Mandatory health assessment, marijuana-education program and referral to treatment or social services if warranted by the assessment.

HSAC recommends funding for prevention to address:

- Research shows that crucial periods of risk for drug use and abuse occur during key life transitions, such as moving from elementary school to middle school and from middle school to high school. One of the most salient risks for youth drug use is associating with drug-abusing peers. Other important community-level risk factors for drug initiation are access to, and availability of, drugs; drug-trafficking patterns and normative beliefs that drug use is “generally tolerated.”
- Softening attitudes are problematic because research demonstrates that illegal drug use among youth lowers their perception of risk (whether one thinks a drug is dangerous) and social disapproval of use. Several journal articles have substantiated the powerful association between perceived risk and use that cannot be explained away by concurrent shifts in a number of other lifestyle factors. Perceived risk remains a powerful predictor of use, even when controlling for a host of other known risk factors (Bachman et al., 1988; Bachman, Johnston, & O'Malley, 1990 & 1998).
- Marijuana-prevention efforts are critical because marijuana is often the first illegal drug youth use. Preventing substance use before it begins not only makes sense, it is also cost-effective. For every dollar invested in prevention, a savings of up to \$10 in treatment can be realized.
- Generalized universal prevention programs to help build strong families and provide youth with the skills to make good, healthy decisions are necessary components of effective drug prevention. Drug prevention efforts also need to focus specifically on community risk and protective factors explicitly related to the initiation and use of illegal drugs. These include social norms, access, availability and perceptions of harm. For example, critical policy and environmental interventions (e.g. policies outlawing marijuana storefronts or limiting the sale of drug paraphernalia) are unique to substance abuse prevention and may not be as relevant to other forms of prevention, such as bullying and violence.
- Prevention science in the field of substance abuse has made great progress in recent years, resulting in effective intervention to help children reduce the risk of initiating drug use at every step of the developmental path. Working more broadly with families, schools and communities, scientists have found effective ways to help people gain skills and approaches to stop problem behaviors — such as drug use — before they occur. These are called community-based approaches.

- Even if community-based approaches have shown their effectiveness, it is also important to mention that other specific interventions, such as family-based approaches, life-skills building and behavior-skills-enhancement games have also proven to be effective.

HSAC recommends an increase for funding for Brief Interventions and Treatment:

- Because it is established that 1 in 11 marijuana users will become dependent (the rate rises to 1 in 6 adolescents who use under age 18), and that marijuana addiction produces a withdrawal syndrome, evidence-based marijuana treatment plays a vital role in any discussion of marijuana.
- For those who have not progressed to full marijuana addiction, screening, brief interventions and referral to treatment may be appropriate by general primary care physicians or counselors to identify at-risk people. Brief interventions may range from one meeting for educational consultation to 12 sessions of substance-use intervention. If necessary, there are referrals to treatment for specialized services, case management and follow-up support in the community.
- A major method to treat marijuana addiction is through cognitive-behavioral therapy (CBT). Cognitive-behavioral therapy comprises a combination of approaches meant to increase self-control.
- Motivational approaches, such as motivational interviewing, are best used to produce rapid, internally motivated change. These brief interventions focus on a non-confrontational therapeutic alliance to facilitate a patient's willingness to change.

We appreciate the opportunity to testify and are available for questions.



Mothers Against Drunk Driving HAWAII
745 Fort Street, Suite 303
Honolulu, HI 96813
Phone (808) 532-6232
Fax (808) 532-6004

February 26, 2015

To: Senator Gilbert S.C. Keith-Agaran, Chair – Senate Committee on Judiciary and Labor; Senator Maile S.L. Shimabukuro, Vice Chair; and members of the committee

From: Carol McNamee/Arkie Koehl — Co-chairmen, Public Policy Committee - MADD Hawaii

Re: Senate Bill 666 – Relating to Marijuana

I am Carol McNamee, testifying on behalf of the Hawaii Chapter of Mothers Against Drunk Driving to present information about the use of marijuana relating to operating a vehicle. MADD believes that the passage of Senate Bill 666 or any of the other “Relating to Marijuana” bills before this committee today, will put more impaired drivers on the road – and quite possibly more young impaired drivers.

MADD Hawaii worked for many years to pass legislation to include scheduled drugs in the impaired driving statutes of the state because of the knowledge that it is not only the drug alcohol that results in carnage on our roads and highways. SB 666 will allow the drug THC to become more available to the general public. Other than alcohol, THC is most often found in the systems of impaired drivers in fatal crashes.

In recent years, the percent of Hawaii’s traffic crashes and fatalities that are alcohol related has been significantly higher than the national average. In the four year period, 2007 to 2010, the number of drivers in fatal crashes who tested positive for alcohol averaged 40%. In addition, almost one quarter of the total number of drivers involved in fatal crashes tested positive for other drugs (23%). Considered together, almost half the drivers tested positive for either alcohol or other drugs (49%). THC is the “other drug” most frequently implicated in these deadly collisions.

Young drivers are the most involved in drug-related crashes. The highest percentage (36%) of drivers involved in fatal crashes, who tested positive for drugs, were under the age of 21. From age 21 to age 34, the drivers testing positive average about 26%. Pedestrians who test positive for drugs also have significant involvement in highway fatality statistics. (*DOH statistics*)

Hawaii already sees a high rate of drug involvement in fatal crashes. Many more individuals are seriously injured in drug and alcohol related crashes but that data is not readily available.

A study from the Center for Injury Epidemiology and Prevention at Columbia University reveals that drugs are playing an increasing role in highway fatalities across the country. Drugged driving accounted for 28 percent of highway deaths in 2010 versus 12 percent in 1999. Marijuana was the main drug involved in this increase. The combination of alcohol and marijuana has serious consequences. Drivers who are under the influence of this combination of drugs increase their crash risk to 24 times that of a sober person. Those who consume alcohol only, according to the study, have an increased crash risk of 13 times that of a sober person.

A researcher from the Drug Policy Institute at the University of Florida reports that a national highway drug fatality percentage of 20% translates into about 6,761 deaths, 440,000 injuries and \$59.9 billion in costs each year.

Thank you for this opportunity to provide information about marijuana and operating a vehicle and especially the possible impact on youth. This same information is also pertinent to SB708 and SB 879 also being discussed at this hearing.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: *Submitted testimony for SB666 on Feb 26, 2015 09:00AM*
Date: Wednesday, February 25, 2015 8:07:13 AM

SB666

Submitted on: 2/25/2015

Testimony for JDL on Feb 26, 2015 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Angela Breene	Waihuena Farm	Support	No

Comments:

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Feb 26, 2015 9:00a

Committee on Judiciary and Labor

Re: Bill #SB666

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.

To the Committee on Judiciary and Labor,

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 recreational marijuana as long as you only carry less than 1oz with you at a time.

It is also alarming to see that it is being suggested that when Teenagers are caught with less than 1 oz at school it no longer needs to be reported. It is a medical fact that marijuana use before the brain is fully developed (typically age 21) will prohibit the brain from developing fully. How could you just turn your head the other way on this???

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
Pahoa, HI

Feb 26, 2015 9:00a

Committee on Judiciary and Labor

Re: Bill #SB666, 708, 879

Hawaii State Capitol

415 S. Beretania Street

Honolulu, Hawaii 96813

Subject: Testimony in Opposition to only civil penalties for the possession of Marijuana under 1oz.

To the Committee on Judiciary and Labor,

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 make it more feasible to have harsher consequences for recreational use of marijuana under 1 oz. Medical evidence shows that marijuana use can prohibit brain development in children, teens, and adults under 21.

I firmly believe that it does not make sense 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 recreational marijuana as long as you only carry less than 1oz with you at a time.

It is also alarming to see that it is suggested that when Teenagers are caught with less than 1 oz at school there is no need to report this. As I stated earlier it is a medical fact that marijuana use before the brain is fully developed (typically age 21) will prohibit the brain from developing fully. Why would this not make it even more important to not lower the penalties???? Other states that have lessened the offense for recreational marijuana have

seen an increase in usage for those under age 21 and it has been detrimental to the family as well as the teenagers.

I know people whose use of marijuana has dulled their critical thinking skills and lessened their sense of ambitiousness and responsibility. Yes, marijuana does have some medical purposes, but just like 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 in the use of recreational marijuana will only promote its use and I am very strongly opposed to civil penalties for Marijuana possession under 1 oz.

Sincerely,
Barbara J. Ferraro

Pahoa, HI

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB666 on Feb 26, 2015 09:00AM
Date: Tuesday, February 24, 2015 4:50:27 PM

SB666

Submitted on: 2/24/2015

Testimony for JDL on Feb 26, 2015 09:00AM in Conference Room 016

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

Comments: I do not support SB 666. I particularly am concerned with Sections 8 (a) regarding being assessed by a certified substance abuse counselor for substance abuse dependency or abuse under the Diagnostic and Statistical Manual of Mental Disorders and Addiction severity index and 8 (c) regarding contributing to the cost of the substance abuse treatment programs.

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Subject: Submitted testimony for SB666 on Feb 26, 2015 09:00AM
Date: Tuesday, February 24, 2015 4:54:21 PM

SB666

Submitted on: 2/24/2015

Testimony for JDL on Feb 26, 2015 09:00AM in Conference Room 016

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

Comments: I do not support SB 666. I particularly am concerned with Sections 8 (a) regarding being assessed by a certified substance abuse counselor for substance abuse dependency or abuse under the Diagnostic and Statistical Manual of Mental Disorders and Addiction severity index and 8 (c) regarding contributing to the cost of the substance abuse treatment programs.

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Subject: Submitted testimony for SB666 on Feb 26, 2015 09:00AM
Date: Wednesday, February 25, 2015 4:25:55 PM

SB666

Submitted on: 2/25/2015

Testimony for JDL on Feb 26, 2015 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Corinne Uehara	Individual	Oppose	No

Comments: I am against legalization of marijuana. Please oppose any measures that attempts or works toward this aim. The legalization can only bring harm to our community and our keiki. Please vote no. Thank you for your consideration.

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From: [Sonny Le](#) on behalf of [Rep. Karl Rhoads](#)
To: [JDLTestimony](#)
Subject: FW: Sb666
Date: Wednesday, February 25, 2015 10:53:26 AM

FYI

-----Original Message-----

From: drsusott
Sent: Wednesday, February 25, 2015 9:27 AM
To: Rep. Karl Rhoads
Subject: Sb666

Aloha Team Karl : I am traveling and having trouble submitting testimony on the 3 Decriminalization bills being heard tomorrow, and offer this please.

Mahalo, daniel susott, md. Mph

Testimony:

SB666 strong support from Daniel Campbell Susott, MD, MPH.

President Jimmy Carter said very clearly that when the punishment is worse than the crime, as in the Drug War, something is woefully wrong. Cannabis hemp is one of the oldest and most important plants ever, with humans since the dawn of agriculture, 10,000 years. It has never killed anyone. It is safer than aspirin. We in Hawai'i Nei struggle under more layers of "organized crime" than many places, between the DEA, the NED, police, unions, and the criminal elements in society who thrive under current Drug War policies. End the insanity. Legalize it. I am a medical doctor trained in Hawaii with a masters in public health, a specialist in preventive medicine and global health. The Drug War, especially the prohibition of cannabis, has been a colossal failure, making the whole world more dangerous. Hawaii can again lead the world by decriminalizing and then legalizing cannabis, so we can begin to heal the wounds of the Drug War which has impacted Hawaii worse than any of the other 50 states. No more victims! For our grandchildren's grandchildren, amen.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB666 on Feb 26, 2015 09:00AM
Date: Wednesday, February 25, 2015 8:59:20 AM

SB666

Submitted on: 2/25/2015

Testimony for JDL on Feb 26, 2015 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
David Bateman	Individual	Oppose	No

Comments: Chair Keith-Aragan and Members: I STONGLY OPPOSE SB 666. SB666 would decriminalize possession of less than 1 oz of marijuana to a civil offense. While on the face of the proposed bill it would seem intuitive to decriminalize possession of a small amount of this drug to save law enforcement dollars and to increase tax revenues to the state, this bill should not be about dollars. Rather it should be about lives, careers and most importantly, our keiki. It is established in many scientific and medical journal articles that regular use of marijuana does lead in many cases to use of other drugs and many social issues. It is proven that marijuana is a gateway drug to other debilitating drugs. Employment can be jeopardized if a user shows up to work stoned. Jobs and careers can be ruined. Driving under the influence of marijuana will lead to more auto accidents, injuries and deaths. But, most importantly, unsupervised adult use can result in intended or unintended access to our keiki. It is established that use by minors can affect brain growth, cognitive abilities and create learning problems. It has been noted that in states that have legalized marijuana, there is a much higher incident of MVA's with youth. Bottom line, this bill is bad legislation that appears to be based on fiscal/financial results with little concern about the social consequences. Again, I STRONGLY OPPOSSE SB 666 and ask that it be tabled in committee. Thank you for considering my remarks Dave Bateman

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February 24, 2015

TO: Senators Keith-Agaran, Shimabukuro, and members of the
Committee on Judiciary and Labor

Aloha, Senators:

Thank you for this opportunity to express strong support for SB666.

In 2012, The National Institute of Medicine published a report by scientists at Claremont Graduate University finding marijuana the [safest of all drugs commonly used recreationally](#) in the United States, and approximately [100 times safer than alcohol](#).

Just this week, the *Washington Post* reported on a [study](#) in the journal *Scientific Reports*, confirming that [marijuana is actually 114 times safer than alcohol](#) (and ten times safer than cigarettes).

Arresting people for preferring a safer drug than alcohol is more than an affront to science and logic. It is a waste of taxpayers' money, a waste of police resources, and a waste of the thousands of lives of the people arrested each year for merely possessing a drug [less addictive](#) than cigarettes, or [even coffee](#).

Please help move Hawaii towards reasonable policies concerning cannabis. Please vote for SB666.

Thank you very much.

Sincerely,
David H. Pettus, Ph.D.
Honoka`a, Hawaii

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB666 on Feb 26, 2015 09:00AM
Date: Tuesday, February 24, 2015 3:04:06 PM

SB666

Submitted on: 2/24/2015

Testimony for JDL on Feb 26, 2015 09:00AM in Conference Room 016

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

Comments: I support this bill and would like to see it amended to include minors.

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Subject: Submitted testimony for SB666 on Feb 26, 2015 09:00AM
Date: Wednesday, February 25, 2015 2:53:34 PM

SB666

Submitted on: 2/25/2015

Testimony for JDL on Feb 26, 2015 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Elaine Kaanapu	Individual	Oppose	No

Comments: Feb 26, 2015 9:00a Committee on Judiciary and Labor Re: Bill #SB666, 708, 879 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. To the Committee on Judiciary and Labor, 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 recreational marijuana as long as you only carry less than 1oz with you at a time. It is also alarming to see that it is being suggested that when Teenagers are caught with less than 1 oz at school it no longer needs to be reported. It is a medical fact that marijuana use before the brain is fully developed (typically age 21) will prohibit the brain from developing fully. How could you just turn your head the other way on this???? 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. Not to mention, to have users driving incoherently affecting others on the roadways and how offensively will change our driver licensing laws. I can't imagine for commercial truck drivers and the like could get by with this when the law already states is illegal. Need we say more? Sincerely,

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Subject: *Submitted testimony for SB666 on Feb 26, 2015 09:00AM*
Date: Wednesday, February 25, 2015 8:57:08 AM

SB666

Submitted on: 2/25/2015

Testimony for JDL on Feb 26, 2015 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Fern Mossman	Individual	Oppose	No

Comments:

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Subject: Submitted testimony for SB666 on Feb 26, 2015 09:00AM
Date: Tuesday, February 24, 2015 9:19:17 PM

SB666

Submitted on: 2/24/2015

Testimony for JDL on Feb 26, 2015 09:00AM in Conference Room 016

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

Comments: SB666 provides that possession of less than one ounce of marijuana shall be a civil rather than a criminal offense. I agree that it's time for an alternative approach to Hawaii's current prohibition policies. This bill falls short, however, in that it does not address the need for a regulated and controlled dispensary system in the state of Hawaii - to help circumvent the thriving, illegal, underground market. It does not address the potential savings in manpower, time, and resources that would occur within law enforcement and the court system - if cannabis was legalized. There is an enormous amount of scientific evidence which demonstrates that cannabis is less harmful than alcohol - both to the individual and to society. If adults are allowed to use alcohol responsibly I see no good reason why they should not be allowed to use cannabis responsibly, instead. It is a much safer alternative which is less toxic, less addictive, and (unlike alcohol) does not contribute to violent behavior. I don't feel that responsible adults possessing small amounts of cannabis for personal use should face any legal penalties - criminal or civil. I don't feel that possession or use of cannabis by adults warrants referral to drug education classes or rehab/treatment programs, either. A majority of voters feel that adults should have the legal right to possess and or consume marijuana for personal use. A statewide poll conducted in January, 2013 reported that 57% of Hawaiian voters believe, as I do, that cannabis should be taxed, regulated, and legalized for adults. Based on national (and international) trends it's likely that percentage has already increased. We can look to places like Colorado, Washington, Alaska, Oregon, and the District of Columbia, to see how cannabis laws are becoming more progressive, more sensible and fair but for now, I will support this bill ... SB666

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Subject: *Submitted testimony for SB666 on Feb 26, 2015 09:00AM*
Date: Monday, February 23, 2015 5:11:47 PM

SB666

Submitted on: 2/23/2015

Testimony for JDL on Feb 26, 2015 09:00AM in Conference Room 016

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

Comments:

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Aloha Chair Keith-Agaran and Vice Chair Shimbukuro,

Thank you for this opportunity to testify in opposition to SB 666. My primary concern with this bill is that it is not receiving the appropriating hearings such as public safety and health. Decriminalizing marijuana is likely a precursor to legalizing it and while curtailing prisons costs would save the state money, processing increased DUIs as well as the societal implications and potential for loss of life in automobile accidents are disturbing. We already have to deal with those irresponsible parties who choose to drink and drive—now we must be concerned about those who are high?

It seems to me that rushing this legislation through shows a callous disregard for human life—both deaths and disabilities that will result because of this change in how use of marijuana will be perceived. How many of us have had a speeding ticket? I think that soon marijuana will be in the same category—merely assessed a fine. How many unpaid parking tickets does the state deal with each year? Are people who are spending all their money on drugs likely to have money to pay the fines you assess them? And if they don't pay the fines... doesn't that generate court costs? These will greatly impede the states' savings from not having to imprison offenders. It seems that when all is said and done, it really could end up costing the state more than if they had left marijuana possession a criminal offense. At least it is more of a deterrent to those who use.

Secondly, it has been brought to my attention that an ounce of marijuana is about enough for a month's supply. What about the potential for increased potency of marijuana such as that found in concentrate? As reported by the National Institute on Drug Abuse, the potency of an average marijuana cigarette has steadily increased from roughly 3 percent THC in the early 1990s to 12.5 percent THC in 2013.5 During this same period, the potency of marijuana extracts (also known as "hash oil") has also climbed to what are now staggering levels: The average marijuana extract contains over 50 percent THC, with some samples containing more than 80 percent THC. This means some historical findings about health and developmental effects from marijuana use may not be relevant when trying to predict effects on contemporary users. A rapid rise in emergency room (ER) admissions linked to marijuana use attests to the greater dangers of acute use than have been seen in the past. There were 128,857 ER visits related to marijuana use in 2011, nearly double the number from 2004 (65,699) and comparable to the number of visits in 2011 related to heroin use (122,517); in the same year, 606,653 visits were related to alcohol use.¹

At the very least, I would recommend making the amount $\frac{1}{4}$ of an ounce, enough for a week's supply rather than the current amount of 1 oz. I could support a bill of this type if it seemed that our legislature were a bit more concerned about the repercussions many of us will face because of such legislation. It should not be taken lightly. Please see that it gets all of the hearings it deserves.

Mahalo Nui Loa for your time and consideration,

¹ <http://www.drugabuse.gov/about-nida/legislative-activities/testimony-to-congress/2014/mixed-signals-administrations-policy-marijuana-part-four-scientific-focus-adverse-health>

Jennifer Swearingen

From: mailinglist@capitol.hawaii.gov
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Subject: *Submitted testimony for SB666 on Feb 26, 2015 09:00AM*
Date: Tuesday, February 24, 2015 7:47:16 PM

SB666

Submitted on: 2/24/2015

Testimony for JDL on Feb 26, 2015 09:00AM in Conference Room 016

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

Comments:

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Subject: Submitted testimony for SB666 on Feb 26, 2015 09:00AM
Date: Wednesday, February 25, 2015 2:28:15 PM

SB666

Submitted on: 2/25/2015

Testimony for JDL on Feb 26, 2015 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Judi Mellon	Individual	Oppose	No

Comments: Re: Bill #SB666 Hawaii State Capitol 415 S. Beretania Street Honolulu, Hawaii 96813 Subject: Testimony in Opposition of only civil penalties for the possession of Marijuana under 1 ounce To the Committee on Judiciary and Labor, I am writing in opposition to the proposed Civil penalties for possession of Marijuana under 1 ounce. 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 promote recreational use. The physical consequences of marijuana use, especially for children teens and adults under the age of 21 is reason enough to make harsher penalties. We know that marijuana use can prohibit brain development in children, teens, and adults under 21. It is ridiculous to lessen penalties for the selling of marijuana if one is caught selling less than 1 ounce. That is like telling people that it is okay to sell recreational marijuana as long as you only carry less than 1 ounce with them at a time. I am alarmed to see that it is being suggested that when teenagers are caught with less than 1 ounce at school this no longer needs to be reported. It is a medical fact that marijuana use before the brain is fully developed (typically age 21) will prohibit the brain from developing fully. We should NOT just turn your head the other way on this. I know 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 medicinal purposes, but as with all medical drugs, it also has side effects that are not worth the societal trade-offs 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 ounce. Sincerely, Judi Mellon

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Committee on Judiciary and Labor
Thursday, February 26th, 2015
9:00am

Subject: SB 666

Honorable Chair Keith-Agaran, Vice Chair Shimabukuro, and members of the Senate Committee on Judiciary and Labor,

My name is Kari Benes and I oppose SB 666. I understand you will be hearing SB 708 and SB 879, but I want to draw attention to why I am opposed to SB 666 separate from my opposition of the subsequent bills on this matter.

SB 666 states, "The purpose of this act is to decriminalize the possession of up to a certain amount of marijuana."

*"§329- Possession of marijuana. (a) Intentional or knowing possession by a legal adult of **one ounce or less** of marijuana, any mixture or preparation thereof, or the paraphernalia to consume the marijuana or mixture shall constitute a civil violation subject to a fine not to exceed \$100.*

To help the committee visualize what you are proposing to decriminalize, below is a picture of an ounce of marijuana. Since the words, "*any mixture or preparation thereof*" are part of this measure here are no limits to the potency of the marijuana.



I find this measure troubling, because there is a thought that by decriminalizing marijuana, the state would save money. That is a bit ironic, because what may not be spent on enforcement and adjudication, may end up to be a financial burden among schools,¹ vehicle crashes, and managing the influx of homeless population.²

Please oppose SB 666.

Thank you for your time and consideration.

Kari Benes
Kaimuki Resident

¹ <http://www.drugfree.org/join-together/jump-colorado-school-drug-cases-may-linked-marijuana-legalization-experts/>

² <http://www.staradvertiser.com/news/breaking/20141224-Denver-shelters-cite-legal-pot-in-homeless-upswing.html?id=286774901>

From: mailinglist@capitol.hawaii.gov
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Subject: Submitted testimony for SB666 on Feb 26, 2015 09:00AM
Date: Tuesday, February 24, 2015 12:58:46 PM

SB666

Submitted on: 2/24/2015

Testimony for JDL on Feb 26, 2015 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kathy Shimata	Individual	Support	No

Comments: This a common-sense measure that would be improved by including minors.

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I am writing in support of SB666 which replaces the criminal penalty for possession of one ounce or less of marijuana with a civil citation of \$100. I think it is utterly ridiculous at this point in time to make people criminals for doing something less harmful than having a case of beer or a fifth of vodka in their possession. It is no longer even a question of the harmlessness of marijuana. The facts are finally being examined and the truth of the matter is: marijuana is not harmful or addictive - unlike alcohol or cigarettes - which the government condones wholeheartedly. And, unlike alcohol and cigarettes, marijuana has many beneficial aspects.

I would like to add that this should cover any person in possession ... adults and minors alike. No one's life needs to be ruined by making them a criminal - whether adult or minor.

So, I ask our elected representatives to make it a matter of law. If you don't have the power to legalize marijuana right now, at least pass SB666 so we can stop creating more criminals. No one who just uses marijuana should be a criminal. Go after crystal meth, heroin, cocaine - things that actually harm people and take lives. Marijuana does NOT harm anyone and it is NOT a "gateway" drug.

I think it needs to become legalized and hope it is only a matter of time.

Respectfully submitted,

Kerry Matsumoto

Captain Cook, HI

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Date: Tuesday, February 24, 2015 12:25:14 PM

SB666

Submitted on: 2/24/2015

Testimony for JDL on Feb 26, 2015 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Larry Caldwell	Individual	Support	No

Comments:

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Date: Wednesday, February 25, 2015 9:13:24 AM

SB666

Submitted on: 2/25/2015

Testimony for JDL on Feb 26, 2015 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Martina Kapololu	non-profit	Oppose	No

Comments: Committee on Judiciary and Labor Re: Bill #SB666, 708, 879 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. To the Committee on Judiciary and Labor, I am opposed to the proposed Bills listed above. Use of Marijuana for medical purposes may have some benefit, but should be administered by licensed medical doctors and pharmacist as other prescribed drugs. Research on recreational Marijuana is clear on the impact that this drug has on the body. Here is a refresher: 1. THC, the active ingredient that produces that feeling of being high, affects almost every organ in your body, nervous system and immune system. 2. Smoking it can increase double your heart rate for up to three hours. Each person responds differently. 3. It can increase bleeding, lower blood pressure and lower blood sugar, which increases appetite. You may think this is good, but it has never lead to healthier lifestyles or increased fitness to the point of being healthy. 4. It also can cause dizziness, shallow breathing, red eyes, dilated pupils, dry mouth, slower reaction time, dull senses, and sleepiness. 5. Recreational use often leads to life-time users which can result in physical withdrawal from social settings, irritability, and less appetite. Decreasing the criminal status of this drug because quantities will be limited to 1 oz. will only make this more attractive to children, teens and youth. As a retired school administrator, I can predict a reduction in the criminal offense will impact school campuses with an increase in student use of this drug and decrease in student achievement. Schools will be spending more time "policing" and disciplining student populations because the law has made it legal. Let us learn from other states that have legalized Marijuana. Look at their issues, particularly how impacts teens and youth. We should be courageous and bold and take a stand against this proposal because it is right and not be impacted by popularity. It seems that our Constitution was written to protect the rights of the innocent, too. Our children, teens and young adults need an advocate to protect their rights as guaranteed by this, Our Constitution of the United States.

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Subject: Submitted testimony for SB666 on Feb 26, 2015 09:00AM
Date: Tuesday, February 24, 2015 4:46:04 PM

SB666

Submitted on: 2/24/2015

Testimony for JDL on Feb 26, 2015 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Ruggles	Individual	Oppose	No

Comments: I do not support SB 666. I particularly am concerned with Sections 8 (a) regarding being assessed by a certified substance abuse counselor for substance abuse dependency or abuse under the Diagnostic and Statistical Manual of Mental Disorders and Addiction severity index and 8 (c) regarding contributing to the cost of the substance abuse treatment programs.

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Date: Wednesday, February 25, 2015 3:42:24 PM

SB666

Submitted on: 2/25/2015

Testimony for JDL on Feb 26, 2015 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Paula Rubin	Individual	Support	No

Comments: I support this bill

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Date: Wednesday, February 25, 2015 8:52:06 AM

SB666

Submitted on: 2/25/2015

Testimony for JDL on Feb 26, 2015 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Stanley koga	Individual	Support	No

Comments: Dear lawmakers, I am writing in support of SB666. It is far past time to take even such a conservative step in the right and just direction. Nation-wide, attitudes toward Marijuana use by law abiding, hardworking or studying members of society are rapidly changing, and for more than a few logical, undeniable reasons. Not to mention the unjust and unreasonable way in which marijuana even became so vilified decades ago , to begin with. Please do the right thing with this opportunity sitting in front of you and help to end the lasting negative stigma that possession of a small amount of marijuana for personal use currently carries with it. Also, please consider including minors within this measure, as a possession charge now can have devastating effects of a minor's ability to procure funding for higher education and/or hamstrings job opportunities also. Be brave. Do the correct thing. Be remembered for it. Mahalo, Stan Koga

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Subject: Submitted testimony for SB666 on Feb 26, 2015 09:00AM
Date: Tuesday, February 24, 2015 2:12:41 PM

SB666

Submitted on: 2/24/2015

Testimony for JDL on Feb 26, 2015 09:00AM in Conference Room 016

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

Comments: Please include minors as well when removing criminal penalties with a civil penalty.

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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 Thursday, February 26, 2015 at 9:00 AM

Conference Room 016 State Capitol 415 South Beretania Street

Support – SB666 – Relating to Marijuana

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

Thank you for hearing this bill today. I support SB666 because I feel that the current punishment does not fit the crime. Possession of a small amount of marijuana or the paraphernalia should not result in a criminal record. Having a criminal record can lead to more harm in a person's life than the actual use of the "drug" marijuana. It can lead to a lifetime of difficulty finding employment, housing, federal monies for education or maintaining child custody. Those seem like harsh penalties.

I think that former President Jimmy Carter said it best:

“Penalties against possession of a drug should not be more damaging to an individual than the use of the drug itself; and where they are, they should be changed. “Nowhere is this more clear than in the laws against possession of marijuana in private for personal use... “

Please consider this when making decisions regarding decriminalization of small amounts of marijuana.

Thank you,

Wendy Gibson PTA/RN