



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2018**

ON THE FOLLOWING MEASURE:

H.B. NO. 2664, RELATING TO MEDICAL CANNABIS.

BEFORE THE:

HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES

DATE: Thursday, February 8, 2018 **TIME:** 9:00 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): Russell A. Suzuki, Acting Attorney General, or
Jill T. Nagamine, Deputy Attorney General

Chair Mizuno and Members of the Committee:

The Department of the Attorney General provides these comments.

This bill would add a new section to chapter 329, Hawaii Revised Statutes (HRS), directing each county to "establish a registration system for medical cannabis collectives for the purpose of regulating and taxing the distribution of cannabis for medical use." (page 3, lines 15-18).

While the measure aims to regulate and tax the distribution of cannabis for medical use, the bill as currently written does not establish any criteria by which to regulate or tax these collectives. Without providing criteria by which to regulate medical cannabis collectives, there are no statutory requirements in place to prevent diversion or ensure the safety of the product being distributed. While the bill limits the transfer between a primary caregiver and a qualifying patient, or between qualifying patients, of "[n]o more than an adequate amount of cannabis" at a time, the measure does not provide for a tracking system nor does it allow for the collectives to connect to the Department of Health's existing tracking system to ensure that the collectives do not distribute cannabis in excess of the limits set forth in section 329-121, HRS. If the Committee is inclined to move this measure forward, we suggest that it establish criteria by which to regulate and tax these medical cannabis collectives to ensure the safety of the product being distributed and to prevent diversion of any cannabis.

Additionally, as a technical but important note, in its implementation of section 2 of Act 170, Session Laws of Hawaii 2017, which required references to the word

"marijuana" or similar terms be amended to the word "cannabis" or similar terms, the Revisor of Statutes inserted "[cannabis or marijuana]" in section 329-125(a), HRS, relating to "any prosecution involving [cannabis or marijuana]." We disagree with this change of the reference because prosecutions under the Hawaii Penal Code continue to use the term "marijuana" and not "cannabis." Thus, if this Committee decides to pass this bill, we request that the wording found at page 5, line 1, be corrected to "marijuana" instead of "cannabis or marijuana."

We respectfully request that the Committee consider our comments.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
JONATHAN GREMS
DEPUTY CHIEFS

OUR REFERENCE CT-TA

February 8, 2018

The Honorable John M. Mizuno, Chair
and Members
Committee on Health and Human
Services
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 329
Honolulu, Hawaii 96813

Dear Chair Mizuno and Members:

SUBJECT: House Bill No. 2664, Relating to Medical Cannabis

I am Captain Phillip Johnson of the Narcotics/Vice Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes House Bill No. 2664, Relating to Medical Cannabis. This bill seeks to amend Part IX, Chapter 329 (Medical Use of Marijuana) by adding medical marijuana collectives. It would authorize each county to establish a registration system for medical cannabis collectives for the purpose of regulating and taxing the distribution of cannabis for medical use.

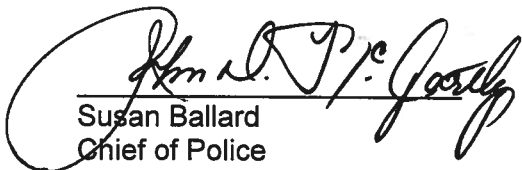
The HPD feels that medical marijuana dispensaries that have been authorized negates the need for medical marijuana collectives. Qualifying patients that cultivate their own marijuana should use that strictly for their medical needs, and not sold for profit. This could easily lead to individuals cultivating more than necessary just to sell and make a profit.

The HPD urges you to oppose House Bill No. 2664, Relating to Medical Cannabis.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,


Susan Ballard
Chief of Police


Phillip Johnson, Captain
Narcotics/Vice Division

HB-2664

Submitted on: 2/7/2018 7:24:53 AM

Testimony for HHS on 2/8/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments:

**PRESENTATION OF THE
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES
DEMOCRATIC PARTY OF HAWAII
TO THE COMMITTEE ON HEALTH & HUMAN
SERVICES THE HOUSE OF
REPRESENTATIVES
TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2018
Thursday, February 8, 2018
9:00 a.m.
Hawaii State Capitol, Conference Room 329**

RE: Testimony in Support of HB 2664, RELATING TO MEDICAL CANNABIS

To the Honorable John M. Mizuno, Chair; the Honorable Bertrand Kobayashi, Vice-Chair, and Members of the Committee on Health & Human Services:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County Committee (“OCC”) Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on House Bill No. 2664 relating to County Regulated Medical Cannabis Collective regarding medical cannabis and its medical use.

The OCC Legislative Priorities Committee is in support of House Bill No. 2664 and is in favor of its passage.

House Bill No.2664 is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it (1) requires and appropriates funds to the counties to establish medical cannabis collectives to regulate and tax the distribution of medical cannabis, (2) amends primary caregivers' and qualifying patients' defense related to medical cannabis, (3) defines distribution to allow qualifying patients to transfer medical cannabis among themselves, and (4) defines medical cannabis collective as a county-licensed entity that provides cannabis to qualifying patients.

Specifically, the DPH Platform provides that "[w]e support fair and equitable access to medical marijuana to be administered by the State of Hawaii's Department of Health." (Platform of the DPH, P. 7, Lines 386-387 (2016)).

Given that House Bill No. 2664 allows for the County Regulated Medical Cannabis Collective to uniformly administer medical cannabis and its medical use, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ **Melodie Aduja**

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Tel.: (808) 258-8889

, RELATING TO HEALTH

To the Honorable John M. Mizuno, Chair; the Honorable Bertrand Kobayashi, Vice-Chair, and Members of the Committee on Health & Human Services:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on House Bill No.

PRESENTATION OF THE

OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES

DEMOCRATIC PARTY OF HAWAII

TO THE COMMITTEE ON HEALTH & HUMAN
SERVICES THE HOUSE OF
REPRESENTATIVES

TWENTY-NINTH LEGISLATURE

REGULAR SESSION OF 2018

Thursday, February 8, 2018

9:00 a.m.

Hawaii State Capitol, Conference Room 329

RE: Testimony in Support of HB 2147, RELATING TO HEALTH

To the Honorable John M. Mizuno, Chair; the Honorable Bertrand Kobayashi, Vice-Chair, and Members of the Committee on Health & Human Services:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on House Bill No. 2147 relating to a Pre-Arrest Diversion Pilot Program applicable to offenders suffering from mental health or substance abuse.

The OCC Legislative Priorities Committee is in support of House Bill No. 2147 and is in favor of its passage.

House Bill No.2147 is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it establishes a pre-arrest diversion pilot project for individuals with mental health or substance abuse challenges who allegedly commit nonviolent, non-felony offenses on state property.

Specifically, the DPH Platform provides that "[w]e support restorative justice that repairs the harm caused by criminal behaviors and reintegrates the offenders as contributing members of society. Likewise, we support opportunities for those who have been incarcerated to effect a smooth transition back into the community and make available health, educational and other assistance programs needed to allow them to become productive and respected members of the community. We want the practice of private for-profit detention centers and prisons prohibited. (Platform of the DPH, P. 5, Lines 273-278 (2016)).

We also support the establishment of adequate mental health and statewide drug rehabilitation programs set up in conjunction with policing policies aimed at enabling all that seek assistance to attain whatever support assistance is needed to allow them to remain free of drug dependence. (Platform of the DPH, P. 7, Lines 382-384 (2016)).

Given that House Bill No. 2147 allows for a Pre-Arrest Diversion Pilot Program applicable to offenders suffering from mental health or substance abuse, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ **Melodie Aduja**

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Tel.: (808) 258-8889

relating to a Pre-Arrest Diversion Pilot Program applicable to offenders suffering from mental health or substance abuse.

The OCC Legislative Priorities Committee is in support of House Bill No. 2147 and is in favor of its passage.

House Bill No.2147 is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it establishes a pre-arrest diversion pilot project for individuals with mental health or substance abuse challenges who allegedly commit nonviolent, non-felony offenses on state property.

Specifically, the DPH Platform provides that "[w]e support restorative justice that repairs the harm caused by criminal behaviors and reintegrates the offenders as contributing members of society. Likewise, we support opportunities for those who have been incarcerated to effect a smooth transition back into the community and make available health, educational and other assistance programs needed to allow them to become productive and respected members of the community. We want the practice of private for-profit detention centers and prisons prohibited. (Platform of the DPH, P. 5, Lines 273-278 (2016)).

We also support the establishment of adequate mental health and statewide drug rehabilitation programs set up in conjunction with policing policies aimed at enabling all that seek assistance to attain whatever support assistance is needed to allow them to remain free of drug dependence. (Platform of the DPH, P. 7, Lines 382-384 (2016)).

Given that House Bill No. 2147 allows for a Pre-Arrest Diversion Pilot Program applicable to offenders suffering from mental health or substance abuse, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ **Melodie Aduja**

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Tel.: (808) 258-8889

HB-2664

Submitted on: 2/7/2018 3:33:24 PM

Testimony for HHS on 2/8/2018 9:00:00 AM

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

Comments:

We have helped thousands of medicinal cannabis patients become certified since 2003. As such, we have a very solid knowledge-base as to the needs of the Hawaii cannabis patients.

Many medicinal cannabis patients can't afford the dispensary prices, and also can not grow for themselves, and also have no caregiver. This significant gap-group population currently must resort to either the black market or doing without their medicinal cannabis.

As per the original findings of the Medical Marijuana Working Group, the original bill proposed to the legislature in 2013 had language that described collectives/cooperatives as the preferred business model for dispensary operations in Hawaii. It is our professional opinion that this is still a valid model, and is indeed an adjunct mode to support patient needs, operating with the current dispensary vertical-integration model.

At this time I believe that the language of the bill needs to be modified, as per input from stakeholders.

From HHS perspective, this is a positive bill, and will reduce patient reliance on unregulated markets, improve patient access, and allow for more patient utilization of cannabis. Given that cannabis patients, on average, reduce use of all medicines (including opioids) by 50%, economic benefit to the Medicaid program will be substantial.

Please pass this bill, and allow committees to modify the language to make it more complete.

Respectfully submitted,

Matthew Brittain, MA, LCSW, DCSW, DABFSW

Clinical Forensic Social Worker

HB-2664

Submitted on: 2/6/2018 6:11:49 PM

Testimony for HHS on 2/8/2018 9:00:00 AM

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

Comments:

I support HB 2664 and believe it will add some clarity to the medical cannabis program and make it viable. I believe in patients working together to empower each other and maintain an uninterrupted supply of medical cannabis through County regulated collectives. I am also in favor of changing the affirmative defense to a defense so patients are finally treated as innocent until proven guilty instead of guilty until proven innocent, as I am being treated. I was operating under the belief that the only legal way for a patient to acquire their initial medicine and maintain an uninterrupted supply of medical cannabis in the absence of dispensaries, is by patients transferring to other patients. As such I started a private patient collective in 2015, got a business license and paid state and federal taxes. After a transfer of some medicine was made to a qualifying patient who was an undercover police officer, the collective was raided and I was arrested. I was just trying to follow the law and help someone claiming to be suffering to have a better quality of life and now I am facing three life sentences plus 33 years. This is absurd! As things are currently, qualifying patients who are doing their best to follow the law are being arrested and sent to jail.... lives are being destroyed. This bill would add clarity to the medical use of cannabis law that is much needed from the legislature, on how patients acquire medicine who do not have access to dispensaries.

Thanks,

Mike Ruggles

HB-2664

Submitted on: 2/6/2018 9:26:05 PM

Testimony for HHS on 2/8/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carl Bergquist	Drug Policy Forum of Hawaii	Support	No

Comments:

LATE

HB-2664

Submitted on: 2/7/2018 10:32:34 AM

Testimony for HHS on 2/8/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
blair boyd	Aloha Hi-Fi	Support	No

Comments:

This bill will help ensure qualifying patient's access to an uninterrupted supply of medical cannabis.

HB-2664

Submitted on: 2/6/2018 9:37:25 PM

Testimony for HHS on 2/8/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Whispering Wind	Patients Without Time	Comments	No

Comments:

HB2664 is outrageously prejudice against seriously ill cannabis patients. It is unconscionable to tax the medicine of seriously ill medical cannabis patients, while allowing the billion-dollar-a-year recreational cannabis industry to operate tax-free and regulation-free.

HB2664 still segregates cannabis recreational consumers and patients. Patients still deal with the stigma of being a criminal that must be provided a "defense" for their criminal activity.

LEGALIZATION is the only just solution.

Tax alcohol, cigarettes, and recreational cannabis, but ... NO TAX ON MEDICINE!

End the racially and economically prejudice cannabis prohibition and LEGALIZE CANNABIS!

HB-2664

Submitted on: 2/6/2018 9:29:20 PM

Testimony for HHS on 2/8/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Murphy	Patients Without Time	Comments	No

Comments:

I OPPOSE HB2664 because Cannabis should be LEGAL, and this bill perpetuates the criminality of cannabis, and the "reefer-madness" cultural stereo-types that require over-regulation, and segregation.

There should be ZERO TAX on medical cannabis and a high tax on recreational cannabis. It is heartlessly cruel to tax seriously ill patients, while lawmakers allows the billion-dollar-a-year recreational cannabis industry to operate tax-free and regulation-free.

Hawaii's lawmaker's "BABY STEPS" towards ending the racially prejudice cannabis prohibition, which discriminates against the infirmed, disabled, and the poor, and still sends good folks to jail, are trampling all over the principles of compassion, justice, equality for all, and the "spirit of aloha" that instigated the 2000 lawmakers to pass the first medical marijuana legislation in the nation, thereby rejecting the draconian federal cannabis prohibition laws 18 years ago!

Please, LEGALIZE CANNABIS.

HB-2664

Submitted on: 2/6/2018 5:43:15 PM

Testimony for HHS on 2/8/2018 9:00:00 AM

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

Comments:

I support HB 2664 and would like to see County regulated collectives. I believe this Bill will greatly improve the medical cannabis program for qualifying patient's and help them maintain an uninterrupted supply of medicine. Dispensaries are not available to all patients so it makes sense that patient's be allowed to transfer medical cannabis to other patients instead of being forced to the black market. Patient's who participate in the medical cannabis program are trying to be law abiding citizens and should not be forced to break the law. Furthermore, I would like to see taxes generated by collectives in my County, to stay in my County to benefit the community and stimulate the local economy.

Thank you for your time and consideration.

Sincerely,

Brent Neal

HB-2664

Submitted on: 2/6/2018 5:27:39 PM

Testimony for HHS on 2/8/2018 9:00:00 AM

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

Comments:

I support HB 2664 and would like to see it pass for the following reasons:

-This Bill would help to ensure qualifying patient's access to an uninterrupted supply of medical cannabis.

-It adds clarity to how qualifying patients legally obtain their initial medical cannabis plants, seeds or clones.

-Only one person has been able to use the medical cannabis affirmative defense and only after his case State vs. Woodhall was taken to the State of Hawaii Supreme Court. This bill would help qualifying patients and primary caregivers defend themselves against wrongful arrest and prosecution related to the use of medical cannabis.

-Qualifying patients and primary caregivers would finally be treated as innocent until proven guilty instead of guilty until proven innocent, as they currently are.

-This Bill would help reduce the burden on the judicial system related to cannabis offenses.

-It would help the counties have more autonomy with regards to medical cannabis. What works in one County may or may not be appropriate in another County.

-It would generate County taxes that would help stimulate the local economy.

-Patients will finally have access to medical cannabis on all islands, which is not currently available to them through the dispensary system.

Thank you for your time and attention to this important matter.

Sincerely,

Brittany Neal

HB-2664

Submitted on: 2/6/2018 7:29:49 PM

Testimony for HHS on 2/8/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
frank garcia	individual	Support	No

Comments:

HB-2664

Submitted on: 2/6/2018 10:44:42 PM

Testimony for HHS on 2/8/2018 9:00:00 AM

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

Comments:

I support HB2664 because:

- It will help to ensure qualifying patient's access to an uninterrupted supply of medical cannabis.
- It adds clarity to how qualifying patients legally obtain their initial medical cannabis plants, seeds or clones.
- It will help qualifying patients and primary caregivers defend themselves against wrongful arrest and prosecution related to the use of medical cannabis.
- It will help reduce the burden on the judicial system related to cannabis offenses.
- It will help the counties have more autonomy with regards to medical cannabis.
- It will generate County taxes that will help stimulate the local economy.

HB-2664

Submitted on: 2/6/2018 11:10:16 PM

Testimony for HHS on 2/8/2018 9:00:00 AM

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

Comments:

HB-2664

Submitted on: 2/7/2018 8:16:43 AM

Testimony for HHS on 2/8/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
kelly bernier		Support	No

Comments:

I am in support of bill HB2664

HB-2664

Submitted on: 2/7/2018 4:56:47 PM

Testimony for HHS on 2/8/2018 9:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Ruggles		Support	No

Comments:

LATE

HB-2664

Submitted on: 2/8/2018 10:15:44 AM

Testimony for HHS on 2/8/2018 9:00:00 AM

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

Comments:

kobayashi2 - Kevin

From: Lee Eisenstein <lionel@cruzio.com>
Sent: Wednesday, February 7, 2018 11:05 AM
To: hhstestimony
Subject: HB2664

Aloha,

I support this bill, HB2664.

Our State has the distinction of being the only one, to set up a State mandated, seed to store monopoly for what should instead, be an egalitarian, widely based, industry. Offering counties the option of fostering an open market for the cannabis industry, as opposed to a likely illegal and certainly unethical, plantation style monopoly, is something to be lauded and supported.

I am also in strong support of restoring the presumption of, "innocent until proven guilty", dictum, to our legal system. which this takes steps to restore, in cases of marijuana, "crimes".

The real crime, (as it was during alcohol prohibition), are the marijuana prohibition laws themselves, which have consistently enriched violent drug cartels, private prison budgets, prison slave labor for private profit, the militarization of our police, swat teams, the diminishing of our civil rights and helped enrich the big US banks who launder the drug money for favored cartels and have been doing so, for decades.

Prohibition laws taint everything they touch.

Aloha,
Lee Eisenstein
Hawaii