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GOVERNOR



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DEPARTMENT OF PUBLIC SAFETY
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Honolulu, Hawaii 96814

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Corrections

Renee R. Sonobe Hong
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 120
RELATING TO THE SCHEDULING OF MARIJUANA

By

Nolan P. Espinda, Director
Department of Public Safety

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair

Tuesday, February 7, 2017; 1:20 p.m.
State Capitol, Conference Room 229

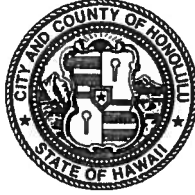
Chair Nishihara, Vice Chair Wakai, and Members of the Committee:

The Department of Public Safety (PSD) **opposes** Senate Bill (SB) 120, which would require PSD to reassess the classification of marijuana under Hawaii State law and report its findings to the Legislature. PSD opposes the passage of new laws related to marijuana until the medical marijuana dispensaries have been opened and operating, and agencies are able to evaluate and assess the impact of medical marijuana upon the State.

Thank you for the opportunity to present this testimony.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
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CARY OKIMOTO
JERRY INOUE
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OUR REFERENCE CT-TA

February 7, 2017

The Honorable Clarence K. Nishihara, Chair
and Members
Committee on on Public Safety,
Intergovernmental, and Military Affairs
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 229
Honolulu, Hawaii 96813

Dear Chair Nishihara and Members:

SUBJECT: Senate Bill No. 120, Relating to the Scheduling of Marijuana

I am Major Calvin Tong of the Narcotics/Vice Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes Senate Bill No. 120, Relating to the Scheduling of Marijuana.

Marijuana is a federal Schedule I controlled substance. Only components that have been shown to have medical value should be evaluated and rescheduled as appropriate. Components of marijuana do have medical value, and research in the area is ongoing. As these components are validated through the Food and Drug Administration process as having medical benefit, they should then be placed accordingly on the schedule. If marijuana is to be reclassified from a Schedule I to a Schedule II controlled substance, it should be done at the federal level first, not at the state level. The HPD hopes that the Department of Public Safety will take this into account.

The HPD urges you to oppose Senate Bill No. 120, Relating to the Scheduling of Marijuana.

Thank you for the opportunity to testify.

APPROVED:

A handwritten signature in black ink, appearing to be "Cary Okimoto", written over a horizontal line.

Cary Okimoto
Acting Chief of Police

Sincerely,

A handwritten signature in black ink, appearing to be "Calvin Tong", written over a horizontal line.

Calvin Tong, Major
Narcotics/Vice Division



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

TO: Senate Committee on Public Safety, Intergovernmental and Military Affairs
FROM: Carl Bergquist, Executive Director
HEARING DATE: 7 February 2017, 1:20 PM
RE: SB120, Relating to the Scheduling of Marijuana, **IN SUPPORT**

Dear Chair Nishihara, Vice Chair Wakai, Members of the Committee:

The Drug Policy Forum of Hawai'i (DPFHI) strongly supports this measure to begin to bring our state drug schedule with regards to cannabis (“marijuana”) in line with the actual, legal use of this medicine by thousands of Hawai'i patients every single day. On this issue, first with medical cannabis and more recently with adult recreational use, it is clear that the states are leading the way towards reform. We cannot continue to wait for the federal government to act. Indeed, in many respects we have not done so, and this is why this bill makes common sense.

In 2000, Hawai'i became the first state to legalize cannabis via the legislative process instead of via a referendum or proposition. Since that time, the medical cannabis program has operated successfully for Hawaii's patients and in 2015, a bill was passed to create a dispensary system for those patients who cannot or do not want to grow their own medicine. These dispensaries will only sell lab-tested medicine of the highest quality. To continue classifying cannabis as a substance with “highest degree of danger or probable danger” is simply bizarre, and requiring the Department of Public Safety to reassess this with a thorough analysis is the first step to correcting this error.

Mahalo for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 4:39 PM
To: PSMTestimony
Cc: fosters005@hawaii.rr.com
Subject: Submitted testimony for SB120 on Feb 7, 2017 13:20PM

SB120

Submitted on: 2/3/2017

Testimony for PSM on Feb 7, 2017 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Foster	Hawaii Advocates For Consumer Rights	Support	No

Comments: Hawaii Advocates For Consumer Rights and its 1800 statewide membership Strongly supports SB120. The passage of this bill would send a strong message to Congress and President Donald Trump.

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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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 1:05 PM
To: PSMTestimony
Cc: gr8tr8@gmail.com
Subject: Submitted testimony for SB120 on Feb 7, 2017 13:20PM

SB120

Submitted on: 2/6/2017

Testimony for PSM on Feb 7, 2017 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Yoshimoto	Individual	Support	No

Comments: A review of the scheduling of our controlled substance is long overdue. Our state has recognized the medical use of cannabis since 2000. Despite the thousands of legitimate Hawaii medical cannabis card holder from Hawaii physicians, cannabis remains in a Schedule I category, which defines drugs that have no currently accepted medical use and have a high potential for abuse. Notwithstanding the medical advice of these physicians and APRNs who have confidence in the efficacy of cannabis, the law obviously needs a fresh look into its consequences. The contents of SB120 will allow the Department of Public Safety to meet its duty to keep the scheduling of controlled substances current. I support the review outlined in SB120.

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TO: COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS: Senator Clarence K. Nishihara, Chair, Senator Glenn Wakai, Vice Chair.

RE: SB120 RELATING TO THE SCHEDULING OF MARIJUANA—IN SUPPORT

HEARING DATE/TIME: Tuesday, February 7, 2017. 1:20 p.m.

PLACE: Conference Room 229

FROM: Wendy Gibson R.N.

Dear Honorable Chair Nishihara, Vice Chair Wakai and Members of the Committee,

I favor rescheduling marijuana (cannabis) on a State (and Federal) level and request that you consider passing SB120 to help meet that end.

The Department of Public Safety has a unique understanding of how Hawaii's medical marijuana program works as they administered the program for most of the 16 years it has been in place. They are uniquely qualified to evaluate and give a scheduling recommendation for marijuana to the Legislature.

I would like to see the Department of Public Safety to fulfill its administrative duty to keep the scheduling of our controlled substances up to date. This evaluation is long overdue.

Although Hawaii has recognized the medical use of cannabis since 2000, it inappropriately remains in a Schedule I drug category—defined as drugs with no currently accepted medical use (by the FDA). As we know, the FDA does not have a mechanism in place to accept botanicals as medicines and that limits the DEA's abilities to reschedule marijuana.

I believe that States hold the authority to accept the medical use of controlled substances, and the authority to decide, independent of federal scheduling, how controlled substances will be regulated at the state level.

Please consider passing SB120.

Mahalo,
Wendy Gibson R.N.
3929 Lanipili Place
Honolulu, HI 96816

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 11:47 PM
To: PSMTestimony
Cc: j.bobich@tcu.edu
Subject: Submitted testimony for SB120 on Feb 7, 2017 13:20PM

SB120

Submitted on: 2/5/2017

Testimony for PSM on Feb 7, 2017 13:20PM in Conference Room 229

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

Comments: Let's get rational!

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 6:35 PM
To: PSMTestimony
Cc: lady.flach@gmail.com
Subject: *Submitted testimony for SB120 on Feb 7, 2017 13:20PM*

SB120

Submitted on: 2/5/2017

Testimony for PSM on Feb 7, 2017 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Support	No

Comments:

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To: Committee on Public Safety, Intergovernmental, and Military Affairs Senator
Clarence Nishihara, Chair Senator Glenn Wakai, Vice Chair

Re: SB120 – Relating to the Scheduling of Marijuana

Hearing: Tuesday, February 7, 2017, 1:20 pm, Room 229

From: Kate Burns

Position: Strongly Support

Thank you for hearing SB120.

Federal law says that marijuana cannot be in federal Schedule I if it has accepted medical use, and the State of Hawaii has exercised its authority to accept the medical use of controlled substances by accepting the medical use of marijuana under state law.

The current situation has created an unsustainable conflict between the state and federal regulation of marijuana, which in turn has created a host of unintended consequences. The current situation subjects patients and dispensaries to an invalidated federal regulation which exposes patient and business to the criminal section of the Controlled Substances Act. The current situation also prevents banks to set up bank accounts because of the perceived conflict with federal banking regulations. Physicians have also been adversely affected. Physicians cannot associate themselves with dispensaries without being perceived as aiding and abetting patients in obtaining a federally regulated schedule I substance. Lastly, veterans have also felt these consequences. Currently veterans cannot be approved by VA physicians to partake in Hawaii's medical marijuana program.

The remedy to these consequences and solution to the conflict rests with the State. With dispensaries ready to open their doors it is important that the State reassess the classification of marijuana as a Schedule I drug under state law.

Thank you for taking the time to read this testimony.

Your Truly,
Kate Burns

To: Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence Nishihara, Chair
Senator Glenn Wakai, Vice Chair

Re: SB120 – Relating to the Scheduling of Marijuana

Hearing: Tuesday, February 7, 2017, 1:20 pm, Room 229

From: Clifton Otto, MD

Position: Strongly Support

Thank you for hearing SB120.

The beauty of this bill is that it not only starts a process that should have been started nearly seventeen years ago when Hawaii accepted the medical use of marijuana, but it does so in a way that makes use of an existing administrative process that will provide the Legislature with a scheduling recommendation that recognizes marijuana's medical use in Hawaii and that is based on state law.

Marijuana should not be in a state schedule that requires the highest degree of danger. We don't give our patients substances that have the highest degree of danger, and we don't have any other substances in state Schedule I that have medical use.

Please don't think that removing marijuana from state Schedule I is purely symbolic. Such an action not only makes sense, but it allows the Department of Public Safety to fulfill its administrative duty to keep the scheduling of our controlled substances up to date, and sends a powerful message to our sick patients and to our state and local law enforcement officials that the medical use of marijuana is legitimate and needs to be respected.

Also, please don't give in to the myth that Hawaii must follow federal scheduling. States not only hold the authority to accept the medical use of controlled substances, but they also hold the authority to decide, independent of federal scheduling, how controlled substances will be regulated at the state level. This is especially true of a Schedule I controlled substance that has been accepted for medical use under state law and that is not intended for inter-state distribution.

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 4, 2017 4:41 PM
To: PSMTestimony
Cc: keefersato@gmail.com
Subject: Submitted testimony for SB120 on Feb 7, 2017 13:20PM

SB120

Submitted on: 2/4/2017

Testimony for PSM on Feb 7, 2017 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
keefersato	Individual	Support	No

Comments: I support natural medicine 100%!!!! Trichome.Fields.Forever

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 4, 2017 11:51 AM
To: PSMTestimony
Cc: Keanifreitas@yahoo.com
Subject: Submitted testimony for SB120 on Feb 7, 2017 13:20PM

SB120

Submitted on: 2/4/2017

Testimony for PSM on Feb 7, 2017 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Keaniani Freitas	Individual	Support	No

Comments: Medical marijuana is real medicine!!! And should be treated as such

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 4, 2017 4:38 AM
To: PSMTestimony
Cc: filthyroot@yahoo.com
Subject: *Submitted testimony for SB120 on Feb 7, 2017 13:20PM*

SB120

Submitted on: 2/4/2017

Testimony for PSM on Feb 7, 2017 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
anthony padills	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 9:33 PM
To: PSMTestimony
Cc: dirtywhiteboy96768@gmail.com
Subject: *Submitted testimony for SB120 on Feb 7, 2017 13:20PM*

SB120

Submitted on: 2/3/2017

Testimony for PSM on Feb 7, 2017 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Hergott	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 9:08 PM
To: PSMTestimony
Cc: joeygreen808@gmail.com
Subject: Submitted testimony for SB120 on Feb 7, 2017 13:20PM

SB120

Submitted on: 2/3/2017

Testimony for PSM on Feb 7, 2017 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Sanborn	Individual	Support	No

Comments: Cannabis has many medicinal properties and should absolutely be removed from the schedule. The state would be very hypocritical to allow dispensaries and also say that cannabis has no medicinal value. Aloha and thank you for taking the time to read my testimony.

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 8:42 PM
To: PSMTestimony
Cc: pakalolo.pineapples@gmail.com
Subject: *Submitted testimony for SB120 on Feb 7, 2017 13:20PM*

SB120

Submitted on: 2/3/2017

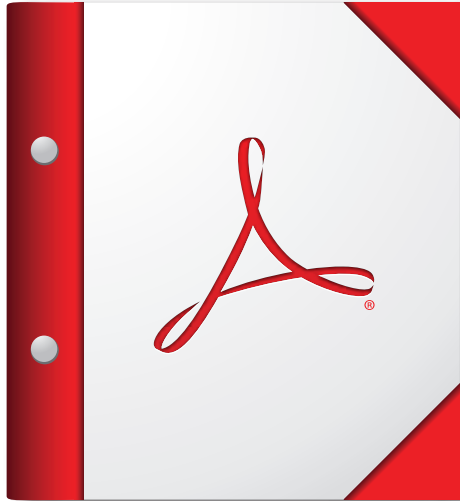
Testimony for PSM on Feb 7, 2017 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Brad	Individual	Support	No

Comments:

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