



The Judiciary, State of Hawai‘i

**Testimony to the
Senate Committee on Public Safety, Intergovernmental and Military Affairs**

Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair

and

Senate Committee on Judiciary

Senator Karl Rhoads, Chair
Senator Glenn Wakai, Vice Chair

Tuesday, March 19, 2019, 10:30 AM
State Capitol, Conference Room 016

WRITTEN TESTIMONY ONLY

by

Calvin Ching
Deputy Chief Court Administrator
First Circuit Court

Bill No. and Title: House Bill No. 1383 House Draft 2, Relating to Marijuana.

Purpose: Decriminalizes the possession of 3 grams or less of marijuana and establish that the possession is an infraction punishable by a monetary fine of \$200. Provides for the dismissal of criminal charges, and expungement of criminal records, pertaining solely to the possession of 3 grams or less of marijuana. Establishes a marijuana evaluation task force to make recommendations on changing marijuana use penalties and outcomes in the State. Effective 1/11/2084. (HB1383 HD2)

Judiciary's Position:

The Judiciary takes no position on the merits of House Bill No. 1383; however, we have a few concerns.



House Bill No. 1383 HD2, Relating to Marijuana
Senate Committee on Public Safety, Intergovernmental and Military Affairs
Senate Committee on Judiciary
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1. The Judiciary has concerns with Section 2 of the bill, which would create a separate process for marijuana infractions. The Judiciary believes that the purpose of this bill may be achieved using the current system of adjudicating penal offenses. Hawai'i Revised Statutes (HRS) Section 701-107 (5) Grades and classes of offenses 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)

Although a violation does not constitute a crime, it constitutes a penal offense and these cases would be processed through the courts in the same manner as a crime. A defendant would still be required to appear in court, be arraigned, enter a plea, and, as required, be sentenced with a fine. District Court would be better equipped to process these violations within its current procedures.

2. If this bill were to become effective in its current form, including the adjudication procedures, it may impact the timely implementation of the Judiciary Information Management System (JIMS) in the civil courts because development of this system is ongoing and is currently fully dedicated to complete the civil module in Fall 2019. The Judiciary could do so by July 1, 2020.

3. The Judiciary has concerns with Section 3 of the bill which would allow for a defendant with a pending charge of promoting a detrimental drug in the third degree to apply for an order of dismissal by paying the court \$200. As the defendant has not been convicted of a crime it is unclear how the court can legally impose a fine on the defendant.

4. The Judiciary would like to suggest that the Department of the Attorney General may be better able to process expungement orders as they already have a system in place for other types of criminal expungement.

Thank you for the opportunity to testify on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2019**

LATE

ON THE FOLLOWING MEASURE:

H.B. NO. 1383, H.D. 2, RELATING TO MARIJUANA.

BEFORE THE:

SENATE COMMITTEES ON JUDICIARY AND ON PUBLIC SAFETY,
INTERGOVERNMENTAL, AND MILITARY AFFAIRS

DATE: Tuesday, March 19, 2019

TIME: 10:30 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Clare E. Connors, Attorney General, or
Lance Goto, Deputy Attorney General

Chairs Rhoads and Nishihara and Members of the Committees:

The Department of the Attorney General (the Department) opposes this bill.

The purpose of this bill is to do the following:

- (1) Decriminalize the possession of three grams or less of marijuana and establish that possession of that amount is an infraction punishable by a monetary fine of \$200;
- (2) Establish an adjudicatory process for the foregoing infraction;
- (3) Provide for the dismissal of criminal charges, and expungement of criminal records, pertaining solely to the possession of three grams or less of marijuana; and
- (4) Establish a marijuana evaluation task force to make recommendations on changing marijuana use penalties and outcomes in the State.

The Department opposes this bill for several reasons.

I. Marijuana possession, cultivation, and distribution is illegal under federal law.

Marijuana is still a Schedule I controlled substance under federal law. It is a violation of federal law to grow, distribute, or use marijuana. Although this bill could decriminalize conduct prohibited under state law, federal laws regarding the nonmedical use of marijuana cannot be ignored. Importantly, the United States Department of

Justice (DOJ) issued a memorandum withdrawing earlier directives and instructed prosecutors to enforce federal laws related to marijuana activities (Sessions Memo). Unless and until the federal government changes its laws regarding marijuana, the State should not expand the legalization or decriminalization of this drug beyond non-medical use.

II. Marijuana impaired driving is a concern.

In Colorado, one of the first two states to legalize marijuana in 2012, law enforcement is seeing some alarming trends regarding impaired driving. Statistics provided in a September 2018 report by the Rocky Mountain High Intensity Drug Trafficking Area Strategic Intelligence Unit, indicate that since recreational marijuana was legalized:

- (1) Marijuana related traffic deaths have increased 151 percent, while all Colorado traffic deaths increased by 35 percent;
- (2) Traffic deaths involving drivers who tested positive for marijuana increased from 55 people in 2013 to 138 people in 2017.

Although the numbers indicate a correlation between the legalization of marijuana and an increase in marijuana-related traffic deaths, it is difficult for law enforcement to draw a causal relationship. This difficulty stems from the fact that, while it is relatively easy to determine if a driver is under the influence of alcohol, there is no test to show whether a driver who has marijuana in his or her system is presently under the influence of the drug. The lack of a test akin to a marijuana-breathalyzer will make detecting and prosecuting marijuana impaired drivers extremely difficult, even in cases involving traffic fatalities.

III. The decriminalization provisions in this bill creates a civil fine that will be difficult to collect and enforce.

This bill decriminalizes the possession of three grams or less of marijuana to be a "marijuana infraction" and requires that an offender pay a civil fine of \$200. See page 15, lines 18-20, and page 16, lines 1-2. The decriminalized offense will not result in a criminal conviction or criminal sentence. In response to offenders who fail to pay the

fine, the State will have to try to collect the fines through civil process. See page 12, lines 1-7.

Unlike the law for the adjudication of traffic infractions, this bill does not allow the court to address an offender's inability to pay the fine with an extension of the period of time to pay, or the imposition of community service in lieu of a fine. See section 291D-9(d), Hawaii Revised Statutes (HRS). The bill also does not allow the court to address offenders who refuse to pay the fine by entering this refusal into the record and/or creating a consequence for the nonpayment. In the case of a traffic violation, for example, nonpayment would result in the following: (1) an entry in the person's driver's license record to prevent the person from acquiring or renewing a driver's license; or (2) an entry in the person's motor vehicle record to prevent the issuance or renewal of a motor vehicle certificate of registration and transfer of title, until the outstanding balance of the fine is paid. See section 291D-10, HRS.

IV. Offenders will not have access to drug treatment programs through the court system.

Because the only consequence of possession and distribution under the threshold amounts is a fine, offenders cannot be sentenced to probation and would never be required to undergo a drug assessment or to go through needed drug treatment programs. This also would be the case for minors, who would likewise not be required to undergo a drug assessment or be placed in drug treatment programs. The Court system is one of the primary sources of referrals to drug treatment programs and this bill would do away with this mechanism, including for minors.

V. The decriminalized offense applies to minors.

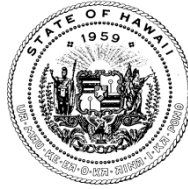
The decriminalization provision in this bill extends to minors. Minors in possession of up to three grams of marijuana would receive a notice of infraction and no assessment regarding whether drug treatment is needed. See page 16, lines 5-8. Minors will not be adjudicated in Family Court for these violations. See page 15, lines 16-17. This means that adjudicated minors, regardless of issues with drug use or abuse, will only be required to pay a fine of \$200 and will not be required to undergo an assessment for possible drug treatment needs.

It should be noted that in the 2015-2017 Alcohol and Drug Treatment Services Report of the Alcohol and Drug Abuse Division (ADAD) of the Hawaii Department of Health, which focused on data collected from agencies receiving state and federal funds from ADAD, it was reported that 1,553 adolescents received treatment services in 2017. And it was reported that 62.6 percent of the time marijuana was the primary substance that led to the admission for the treatment episode for the adolescents.

VI. Those with pending criminal marijuana charges can get the charges dismissed, provided they pay \$200.

This bill will allow those with pending criminal marijuana offenses involving the possession of three grams or less of marijuana, as of the effective date of this Act, to have these offenses dismissed without any adjudicatory process or admission of guilt, provided they pay a fine of \$200. These defendants were charged with violating a criminal law. It should be noted that this dismissal will only be allowed for those who can afford to pay the “fine.” See page 16, lines 13-21, and page 17, lines 1-3.

The Department respectfully requests that this measure be held.



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 19, 2019
10:30 a.m.
State Capitol, Room 016

H.B. 1383, H.D. 2
RELATING TO MARIJUANA.

Senate Committee on Public Safety, Intergovernmental, and Military Affairs and
Senate Committee on Judiciary

The Hawaii Department of Transportation (HDOT) **opposes** H.B. 1383 H.D. 2.

HDOT's top priority is keeping Hawaii's roadway users safe and reducing the number of serious injuries and fatalities on our roads. We have concerns regarding the decriminalization of the possession of three grams or less of marijuana as it could result in increases in impaired driving arrests involving marijuana, as well as more injuries and fatalities on our roadways.

Cannabis can impair a driver's cognitive function, affecting a driver's time/space perception, reaction time, ability to concentrate, etc. Contrary to popular belief, marijuana does not make someone a better, more careful driver. According to the "Drug Recognition Expert (DRE) Examination Characteristics of Cannabis Impairment" study published in the July 2016 Accident Analysis & Prevention Journal, an evaluation of 302 toxicologically-confirmed cannabis-only DRE cases saw that in 72.3 percent of cases, one or more moving violations were listed as reasons for the traffic stop. Speeding was the number one violation (27.7 percent), followed by weaving (19.0 percent). Similarly, in a two-year study of THC in drivers in Orange County, California, published in the August 2016 Journal of Forensic Science, the top five moving violations were speeding (24 percent), unable to maintain lane position (23.2 percent), ran red light or stop sign (13.0 percent), unsafe lane change (8.7 percent) and involved in a collision (8.3 percent).

HDOT also has concerns that the marijuana evaluation task force does not include representatives from law enforcement, HDOT, etc. A thorough examination of "other states' laws, penalties, and outcomes pertaining to marijuana use, other than marijuana use for medical purposes," as this group is tasked to do, should consider all the impacts of marijuana legalization, whether it's on impaired driving, the court system, public safety, youths, crime, the economy, etc.

Thank you for the opportunity to provide testimony.

HB-1383-HD-2

Submitted on: 3/15/2019 4:27:17 PM

Testimony for JDC on 3/19/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Testifying for Maui Police Department	Oppose	No

Comments:



DEREK S. K. KAWAKAMI
Mayor

MICHAEL A. DAHILIG
Managing Director

POLICE DEPARTMENT COUNTY OF KAUAI

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LIHUE, HAWAII 96766-1268
TELEPHONE (808) 241-1600
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www.kauai.gov/police



MICHAEL M. CONTRADES
Acting Chief of Police
mcontrades@kauai.gov

Testimony before the Senate Committee on Judiciary HOUSE BILL 1383 HD2, Relating to Marijuana

By Michael M. Contrades *M.M.C.*
Acting Chief of Police, County of Kauai

Chair Karl Rhoads, Vice Chair Glenn Wakai, Honorable Members of the Committee:

The Kaua'i Police Department strongly opposes House Bill No. 1383, Relating to Marijuana. This bill seeks to decriminalize the possession, use, distribution, and cultivation of marijuana. The bill proposes a civil monetary sanction instead. The bill also proposes the expungement of prior criminal marijuana convictions and dismissal of pending marijuana charges.

The KPD opposes this measure for the following reasons:

Marijuana is an extremely harmful Schedule I drug. The United States Drug Enforcement Administration Drug Schedule found online defines Schedule I as "Schedule I drugs, substances, or chemicals are defined as drugs with no currently accepted medical use and a high potential for abuse. Some examples of Schedule I drugs are: heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), 3,4-methylenedioxymethamphetamine (ecstasy), methaqualone, and peyote."

Marijuana possession, cultivation, and distribution is illegal under federal statute; and the State of Hawaii should not expand the legalization or decriminalization of this drug beyond medical use unless and until the federal government changes its laws related to Marijuana.

Moreover, the Rocky Mountain High Intensity Drug Trafficking Area (RMHIDTA) released their report, "The Legalization of Marijuana in Colorado: The Impact, Volume 5, Update September 2018. The purpose, as the title suggests is to track the impact of marijuana legalization in the state of Colorado.



The Honorable Chair Karl Rhoads
and Committee Members
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Some of their findings are summarized below: (Note: the numbers reported below occurred after Colorado legalized recreational marijuana).

- Marijuana related traffic deaths increased 151 percent;
- Traffic deaths involving drivers who tested positive for marijuana more than doubled from 55 in 2013 to 138 in 2017;
- Colorado past month marijuana use ages 12 and under is ranked 3rd in the nation and is 85 percent higher than the national average;
- The yearly number of marijuana-related hospitalization increased 148 percent;
- Marijuana only exposures more than tripled (2013-2017);
- Seizures of Colorado marijuana in the U.S. mail has increased 1,042 percent from an average of 52 parcels (2009-2012) to 594 parcels (2013-2017);
- Marijuana tax revenue represent approximately nine tenths of one percent of Colorado's FY 2017 budget.

The Colorado RMHIDTA report clearly illustrates how decriminalizing marijuana will cause unintended consequences that severely impact healthcare, public safety, and resources and services in the community.

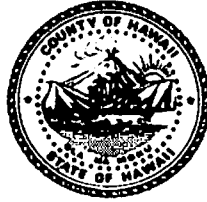
The KPD is concerned that decriminalizing the possession, use, distribution, and cultivation of marijuana will have a dramatic increase on the availability of marijuana in the state and that will cause a significant negative impact on public safety and other matters that are not predictable or foreseeable at the onset.

The KPD urges you to oppose House Bill No. 1383, Relating to Marijuana.

Thank you for the opportunity to testify.



Harry Kim
Mayor



Paul K. Ferreira
Police Chief

Kenneth Bugado Jr.
Deputy Police Chief

County of Hawai`i

POLICE DEPARTMENT

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

March 18, 2019

Senator Clarence K. Nishihara
Chairperson and Committee Members
Committee On Public Safety, Intergovernmental, and Military Affairs
Senator Karl Rhoads
Chairperson and Committee Members
Committee On Judiciary
415 South Beretania Street, Room 016
Honolulu, Hawai`i 96813

Re: House Bill 1383, HD2 Relating to Marijuana

Dear Senators Nishihara and Rhoads:

The Hawai`i Police Department **strongly opposes** passage of House Bill 1383, HD2, relating to Marijuana. The stated intent of this legislation is to decriminalize the possession of 3 grams or less of marijuana and establish that the possession is an infraction punishable by a monetary fine of \$200.

This Bill is flawed in failing to address some fundamental Health issues. First and foremost, Marijuana contains a mind-altering substance (THC) and yet no distinction is being made between 3 grams of Marijuana with 5% THC or 3 grams at 30% THC. Hawai`i is constantly facing a myriad of both physiological and psychological problems associated with Marijuana use.

I am hard-pressed to understand recent legislative attempts to curtail teen use of tobacco and vaping; battling homelessness; the support for "Vision zero" measures to reduce traffic fatalities while at the same time decriminalizing a mind altering substance, which has if not a direct, an indirect effect on some of the herein cited legislative measures.

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.

A study by the Columbia University's Mailman School of Public Health 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

Senator Clarence K. Nishihara
Chairperson and Committee Members
Committee On Public Safety, Intergovernmental, and Military Affairs
Senator Karl Rhoads
Chairperson and Committee Members
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March 18, 2019
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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, but 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.

For these reasons, we urge these committees on behalf of the community we serve to reject this legislation. Thank you for allowing the Hawai'i Police Department to testify on House Bill No. 1383, HD2.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul K. Ferreira", with a long horizontal line extending to the right.

PAUL K. FERREIRA
POLICE CHIEF

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
JONATHAN GREMS
DEPUTY CHIEFS

OUR REFERENCE CT-TA

March 19, 2019

LATE

The Honorable Clarence K. Nishihara, Chair
and Members
Committee on Public Safety,
Intergovernmental and Military Affairs
The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, Hawaii 96813

Dear Chairs Nishihara and Rhoads and Members:

SUBJECT: House Bill No. 1383, H.D. 2, Relating to 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 House Bill No. 1383, H.D. 2, Relating to Marijuana. This bill, in part, seeks to decriminalize the possession of three grams or less of marijuana and establishes that possession of that amount is an infraction punishable by a monetary fine of \$200.

Marijuana is harmful. The Rocky Mountain High Intensity Drug Trafficking Area released their report, "The Legalization of Marijuana in Colorado: The Impact, Volume 5, Update September 2018." The purpose, as the title suggests, is to track the impact of marijuana legalization in the state of Colorado.

Some of their findings are summarized below:

- Marijuana related traffic deaths increased 151 percent;

The Honorable Clarence K. Nishihara, Chair
and Members
The Honorable Karl Rhoads, Chair
and Members
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- Traffic deaths involving drivers who tested positive for marijuana more than doubled from 55 in 2013 to 138 in 2017;
- Colorado's past month marijuana usage for ages 12 and under is ranked third in the nation and is 85 percent higher than the national average;
- The yearly number of marijuana-related hospitalization increased 148 percent;
- Marijuana only exposures more than tripled (2013-2017); and
- Seizures of Colorado marijuana in the U.S. mail has increased 1,042 percent from an average of 52 parcels (2009-2012) to 594 parcels (2013-2017).

Please note that the numbers reported above occurred after Colorado legalized recreational marijuana.

The HPD is concerned that increasing the availability of marijuana in the state will have a negative impact on public safety and increase costs especially in areas such as impaired driving and diversion of product.

The HPD urges you to oppose House Bill No. 1383, H.D. 2, Relating to Marijuana.

Thank you for the opportunity to testify.

APPROVED:


for Susan Ballard
Chief of Police

Sincerely,


Calvin Tong, Major
Narcotics/Vice Division

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
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KEITH M. KANESHIRO
PROSECUTING ATTORNEY



DWIGHT K. NADAMOTO
ACTING FIRST DEPUTY
PROSECUTING ATTORNEY

LATE

**THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY**

**THE HONORABLE CLARENCE NISHIHARA, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY,
INTERGOVERNMENTAL AND MILITARY AFFAIRS**

**Thirtieth State Legislature
Regular Session of 2019
State of Hawai`i**

March 18, 2019

RE: H.B. 1383, H.D. 2; RELATING TO MARIJUANA.

Chair Rhoads, Chair Nishihara, Vice-Chair Wakai, members of the Senate Committee on Judiciary, and members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in opposition to H.B. 1383, H.D. 2.

While this bill seems to be based upon a concern that people caught in possession of small amounts of marijuana are currently filling our jails and prisons, or otherwise requiring the use of excessive resources—such that ‘decriminalizing’ such possession would ease the burden on the system—our records do not reflect such claims. From 2009 to present, the Department charged (annually) approximately 200 to 300 stand-alone counts of HRS §712-1249, which is essentially possession of less than one ounce of marijuana; this is considerably lower than some other petty misdemeanor charges, such as being in a closed park after-hours, possessing an open container of liquor, or driving without a license.

Notably, based on the experience of our deputies, it is very rare for these low-level cases to receive any jail-time, aside from being held by police overnight (while a defendant awaits their first hearing). Indeed, the vast majority of these offenders will not serve any jail-time, though some will be ordered to probation, to provide the opportunity for assessment, (community-based) treatment and oversight. Even when treatment is warranted, however, “decriminalizing” these offenses will prohibit the courts from placing these offenders on probation, and thus prohibit the courts from ordering substance abuse assessment or treatment.

Perhaps even more importantly, “decriminalizing” the possession or sale of small amounts of marijuana would take away our Family Courts’ ability to require any juvenile offenders to attend treatment, because they would no longer qualify as “law violators.” (See Sections 571-11(1) and 571-2, where the definition of “status offender” contains more information about “law violators.”) Given the notable health risks associated with using marijuana at a young age, and the limited time that our Family Courts have to get troubled youth back on-track, the Department believes it would be a great disservice to those youth, not to take every opportunity to provide (community-based) treatment and counseling that could steer them away from this dangerous behavior.

Thus, decreasing the possession or sale of small amounts of marijuana to a civil violation would not only fail to address concerns regarding our jails and prisons, but it would prevent our courts from ordering (community-based) treatment and oversight that could actually assist in people’s rehabilitation.

As a final point, the changes proposed in H.B. 1383, H.D. 2, would vastly decrease the significance that the legislature, law enforcement, and ultimately the public, place on regulation of 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). In fact, the Federal schedule of controlled substances was recently updated in December 2018, and continues to list marijuana as a Schedule I controlled substance. Also, in recent years, numerous and ongoing studies have shown that marijuana presents significant health concerns for 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 marijuana should continue to be strictly regulated and enforced, and that current statutes are appropriate in this regard. For this and all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu opposes H.B. 1383, H.D. 2. Thank you for the opportunity to testify on this matter.



Submitted Online: March 16, 2019

Hearing: Tuesday, March 19, 2019

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

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Glenn Wakai, Vice Chair

FROM: Eva Andrade, President

RE: Strong Opposition to HB 1383 HD2 Relating to Marijuana

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 this bill and its 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 many parents in our community are strongly opposed to the decriminalization of marijuana:

Marijuana is still illegal under federal law.

While Hawaii has legalized marijuana for medical purposes, it is still illegal to possess, use or distribute marijuana according to federal law.

Legalization will directly impact Hawaii’s keiki.

According to the Hawaii State Department of Health, an estimated 45 percent of high school students and 26 percent of middle schoolers across the state said they have used e-cigarettesⁱ. In fact, a report by Hawaii Public Radio indicated that it was higher than the national average. If they are already dabbling in an illegal substance, even with the attempt to provide restrictions, do we really believe that marijuana will somehow escape their attention and use?

A recent news story in Washington reported that more kids are now using drugs since marijuana was legalized.ⁱⁱ There is no doubt that if marijuana were legalized and/or decriminalized, more people, including our keiki, would have access to it. Even though proponents have tried to dismiss this argument, or even declare “bad parenting” as the reason children use it, clinical studies continue to prove that marijuana’s easy access can and will hurt our keikiⁱⁱⁱ.



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HB1383 HD 2 Relating to Marijuana

Hawai'i's roads could very well become a testing ground for legal limits

In Colorado, drugged driving went from killing roughly one person every 6.5 days to now every 2.5 days, since legalization was passed^{iv}. Marijuana use affects driving because it stays in the system way longer than alcohol. 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 by marijuana is far more complex and costly than the roadside breathalyzer. In its 2019 testimony to the Senate Judiciary Committee, Hawaii State Department of Transportation reported that “22 percent of fatal crashes that occurred during calendar years 2013 to 2017 resulted in positive findings for marijuana in drivers, bicyclists or pedestrians.”

Family factors can serve both protective and risk functions in adolescents' substance use.

There is considerable evidence that individuals who have a close family member with a substance use history are at an increased risk of later problematic substance use^v. Recent news stories even showed clips of our keiki claiming they were able to access illegal substances because of an adult in their own family network.

The bottom line is that by decriminalizing marijuana, we believe it will affect adolescents' use by increasing its availability through social connections, by creating a message within social norms that show marijuana use as a normal thing, or by reinforcing beliefs that marijuana use is not harmful.

If marijuana possession is no longer a punishable offense it will be more readily available, as users of marijuana will no longer be deterred by fear of punishment. Decriminalization of marijuana will open a door that can't be shut once opened and most assuredly will pave the way for recreational usage. Surely Hawai'i deserves better than that!

Mahalo for the opportunity to submit our concerns.

ⁱ <http://www.hawaiipublicradio.org/post/hawaii-youth-vape-more-national-average> (January 29, 2019)

ⁱⁱ <http://www.king5.com/story/news/local/2015/02/12/washington-student-marijuana-infractions/23288183/> (King TV, February 2015)

ⁱⁱⁱ <http://www.drugabuse.gov/publications/drugfacts/marijuana> (National Institute of Drug Abuse revised January 2014)

^{iv} Rocky Mountain HIDTA. (2018, September). The Legalization of Marijuana in Colorado: The Impact, Vol. 5, Update. Retrieved September 14, 2018, from <https://rmhidta.org/files/D2DF/FINAL-Volume5UPDATE2018.pdf>

^v Ewing et al., 2014; Kuntsche & Kuendig, 2006; Latendresse et al., 2008; Stone et al., 2012



AMERICANS FOR DEMOCRATIC ACTION

OFFICERS	DIRECTORS			MAILING ADDRESS
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Dylan Armstrong, Secretary	Gloria Borland	Jenny Nomura		

March 16, 2019

TO: Honorable Chairs Rhoads/Nishihara & JDC/PSM Committee Members

RE: HB 1383 HD2 Relating to Marijuana

Support for hearing on March 19

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

We support the intent of HB 1383 HD2 as it would decriminalize cannabis and therefore reduce the use of our tax dollars to prosecute and punish people whose crime is perhaps no more dangerous than those who drink alcohol or smoke tobacco.

Thank you for your favorable consideration.

Sincerely,

John Bickel President



COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Glenn Wakai, Vice Chair

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL & MILITARY AFFAIRS

Senator Clarence Nishihara, Chair

Senator Glenn Wakai, Vice Chair

Tuesday, March 19, 2019

10:30 am

Room 016

SUPPORT DECRIMINALIZING CANNABIS

Aloha Chairs Rhoads and Nishihara, Vice Chair Wakai and Members of the Committees!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the families of **ASHLEY GREY, DAISY KASITATI, JOEY O'MALLEY, JESSICA FORTSON AND ALL THE PEOPLE WHO HAVE DIED UNDER THE "CARE AND CUSTODY" OF THE STATE** as well as the approximately 5,500 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that more than 1,600 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons supports the decriminalization of adult use cannabis in Hawai'i nei. The harms caused by prohibition of cannabis are far worse than the substance it is prohibiting. The war on drugs is a war on people - especially people of color. In Hawai'i, Hawaiians and Filipinos are most harmed by the prohibition on cannabis.

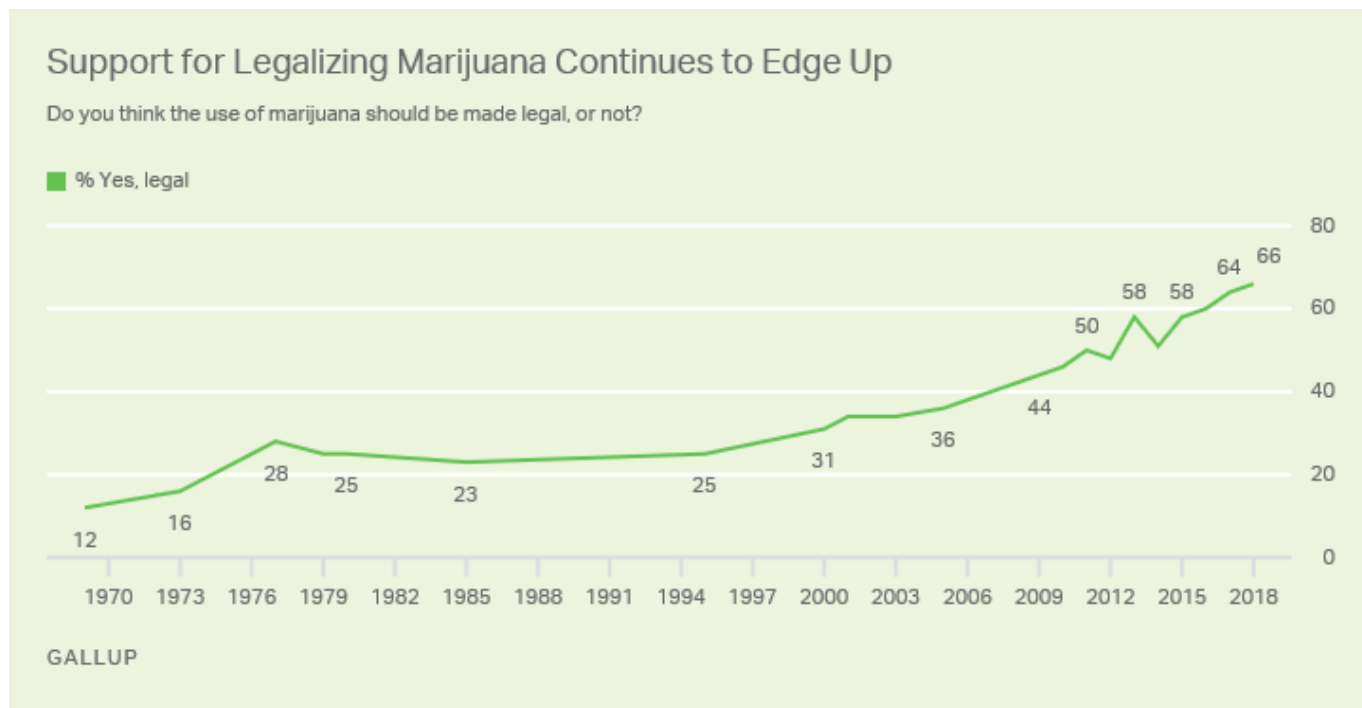
We find many problems with HD2 version of HB 1383, among them is that it has a great potential to increase racism in policing. The \$200 fine for a cannabis possession violation is quite an incentive for law enforcement to go into certain neighborhoods to seek out those possessing cannabis.

This was found when there was a police action several years ago looking for cars with expired tags. The first community where this enforcement action took place was Wai'anae, where 500 tickets were issued in one morning.

We also find it interesting that on a recent NPR radio show, The Conversation, Assistant Chief McCarthy said that the police don't go after cannabis possession, yet the testimony from the police is in opposition to decriminalization.

A Gallup poll¹ conducted in October 2018 found nearly two-thirds of Americans support legalization of cannabis, a record high. That represents the highest number in the nearly 50 years since the polling organization began asking about the issue, according to a press release.

Sixty-six percent of Americans now support legalizing marijuana, another new high in Gallup's trend over nearly half a century. The latest figure marks the third consecutive year that support on the measure has increased and established a new record.²



Line graph of 1969 through 2018. Sixty-six percent of Americans now support legalizing marijuana.

Decriminalization of cannabis will save scarce law enforcement resources that will be better used to ensure public safety while reducing corrections and court costs.

Community Alliance on Prisons finds the HD2 version of HB 1383 more harmful than the substance it controls.

Let's be reasonable with our law enforcement resources and use them to protect our communities from harm. We have too many laws on the books that waste law enforcement resources.

Mahalo for this opportunity to testify.

¹ Majority of Republicans Want Legal Marijuana, Poll Shows, Stephanie Akin, October 22, 2018. <https://www.rollcall.com/news/politics/poll-majority-republicans-want-legal-marijuana>

² Two in Three Americans Now Support Legalizing Marijuana, BY JUSTIN MCCARTHY, October 22, 2018. <https://news.gallup.com/poll/243908/two-three-americans-support-legalizing-marijuana.aspx>



HB 1383, HD 2, RELATING TO MARIJUANA

MARCH 19, 2019 · SENATE JUDICIARY AND PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS COMMITTEES · CHAIRS SEN. KARL RHOADS AND SEN. CLARENCE K. NISHIHARA

POSITION: Support.

RATIONALE: IMUAlliance supports HB 1383, HD 2, relating to marijuana, which decriminalizes the possession of 3 grams or less of marijuana and establish that the possession is an infraction punishable by a monetary fine of \$200; provides for the dismissal of criminal charges, and expungement of criminal records, pertaining solely to the possession of 3 grams or less of marijuana; and establishes a marijuana evaluation task force to make recommendations on changing marijuana use penalties and outcomes in the State.

It is high time that Hawai'i stopped criminalizing people for smoking small amounts of a plant. While marijuana remains illegal under federal law, where it is classified as a Schedule I substance, the facts about cannabis consumption are clear. To begin, marijuana has a lower organic toxicity and addictive risk than alcohol, along with fewer correlating incidents of influence-related accidents and violence. More than half of all traffic fatalities in Hawai'i involve alcohol, yet no one seriously discusses the possibility of prohibition because of path dependence. In other words, alcohol is ingrained in our culture in a way that marijuana consumption is not, despite the former being more dangerous, statistically speaking, than the latter.

Similarly, marijuana abuse and dependence afflicts approximately 1.7 percent of the U.S. population, while alcohol abuse afflicts roughly 7.5 percent—over four times as many individuals. Marijuana is also not conclusively linked to an increase in violent behavior. Rather, reports supposedly linking marijuana to violent crimes typically rely on information gathered by the Office of National Drug Control Policy, which, in turn, relies on source material that a) does not account for drug-trafficking and dispositional or psychological disorders; and b) fails to account for levels of deviancy (increased usage beyond average consumption rates). A more stark statistical correlation exists between increased alcohol consumption and violent crime, including child and intimate partner abuse, yet, again, no one is introducing, much less considering the merits of, limiting the personal consumption of alcohol.

Additionally, only 30 percent of frequent (every other day or more) cannabis users report symptoms suggesting dependence, in contrast to nearly 70 percent for nicotine and 88 percent for harder drugs, like cocaine, calling into question legal opinions asserting that marijuana and hard drugs can be readily correlated to one another. If we do not criminalize overconsumption of the more dangerous drug of alcohol, in and of itself, why, once more, do we unduly criminalize cannabis consumption, particularly in small amounts?

Furthermore, decriminalizing marijuana possession is an issue of restorative justice. As the visitor industry reaps record profits and supports expansion of the local prison-industrial complex, people of Native Hawaiian ancestry, who comprise approximately 25 percent of the state's population, suffer the pangs of a biased criminal (in)justice system. Approximately 39 percent of incarcerated detainees are Hawaiian, according to a comprehensive study by the Office of Hawaiian Affairs, with the proportionality gap being even greater for Hawaiian women, who comprise 19.8 percent of the state's female population, but 44 percent of the state's female inmate population. Researchers also found that, on average, Hawaiians receive longer sentences, more parole revocations, and, importantly for this measure, harsher drug-related punishments than other ethnic groups, including for marijuana possession. Therefore, passage this measure is a step toward reforming and preventing more people from becoming victims of our unjust and racially coded prison system.

We would prefer that marijuana be legalized, which would generate an estimated \$70-\$100 million or more in tax revenue annually for our state, excluding criminal justice savings, which could be spent delivering a quality education to our keiki, building basic infrastructure, expanding access to healthcare, constructing truly affordable housing, and more. That said, we support recreational decriminalization as a fine first step toward the ultimate goal of legalization.



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

TO: Senate Committees on Judiciary and Public Safety, Intergovernmental & Military Affairs

FROM: Carl Bergquist, Executive Director

HEARING DATE: March 19, 2019, 10:30AM

RE: HB1383 HD2, RELATING TO MARIJUANA, **SUPPORT WITH COMMENTS**

Dear Chairs Rhoads & Nishihara, Vice Chair Wakai, Committee Members:

The Drug Policy Forum of Hawai'i (DPFH) **supports** this measure to decriminalize a small amount of cannabis, but offers a suggested amendment below. Initially, this measure was pioneering and all offenses related to cannabis ("marijuana") were to be decriminalized. This was somewhat scaled back in the HD1 version, only to be nearly decimated in the HD2 version. Still, we embrace the move from criminalization that the bill still represents, and particularly applaud the provisions to dismiss pending charges and expunge convictions related to cannabis offenses. While we support full-scale legalization of adult use cannabis, this bill then also begins to reverse the brutal impact of the decades' long, needless criminalization of this substance.

On January 29th, 2019 [the Baltimore, Maryland prosecutor, Marilyn Mosby, said her office would stop prosecuting cannabis possession](#) no matter the person's criminal history. Going even further, she also requested that the courts vacate some 5,000 convictions. Juxtapose that with how our county prosecuting attorneys are reacting to this very bill. It's crucial to note that Mosby is doing this in a state that has already

decriminalized cannabis possession. It's the continued disparate impact on communities of color that compels her office to act.

With that in mind, and considering the data below, it is our great concern that the 3 grams or less threshold coupled with a \$200 fine will not have as great an impact in Hawai'i as the legislature intends. And we could find ourselves in a position like Baltimore, having to resort to other policies to achieve the goals of decriminalization. By increasing the threshold amount and reducing the fine, we can do so in two ways:

1. Going forward, Hawai'i will wind up criminalizing less people; and
2. A greater number of pending cases will be dismissed and most importantly, far more people will be eligible for an expungement of their cannabis possession convictions.

If we stick to the 3 grams, conversely, we will continue to ruin more lives, than if we adhered to the decriminalization thresholds in every other jurisdiction that has pursued this policy. Just this past weekend, [New Mexico's Legislature sent a decriminalization bill to their Governor's desk](#). The threshold amount was originally one ounce (28.35g), but it was reduced to ½ ounce (14.18g). More importantly, the fine remained at \$50 throughout the legislative process. The Governor is expected to enact the measure.

Without our cost of living, how can we justify a \$200 fine?

Some numbers:

- From 2008-16, nearly **8,000 adult Hawai'i residents were arrested for simple cannabis possession**. During the same period, thousands of juveniles were also arrested. The collateral consequences in terms of denied student loans, housing, jobs and for some immigrants, deportation, are devastating for an individual, their family and ultimately the community;
- [Just a few weeks ago, we finally got the crime numbers for 2017](#), and contrary to [public sentiment](#), the [opinions of our candidates for electoral office](#) and [the national trend](#), enforcement continues and the number of **arrests for adults at 630 and juveniles at 380 per year** remains steady;
- *Beyond sheer volume*, the disparate impact of cannabis criminalization is most keenly felt by the enforcement in the Native Hawaiian and Filipino communities. While studies show that cannabis use is nearly uniform across groups, **e.g. at 130, the number of Native Hawaiians youth arrested in 2017 for cannabis possession was the same as the number of white youth arrestees**;
- [The Senate bill that passed the Senate unanimously in 2013](#) (inc. with Gov. Ige's vote) had a 20g/.7 oz limit and a \$100 fine;
- [A second bill passed Senate Public Safety a year later in 2014](#), it had 1oz or less threshold with a \$100 fine, which increased to \$250 for 2nd violation & \$500 for subsequent violations;
- In addition to New Mexico, all recent states that decriminalized cannabis had more permissive provisions:
 - Delaware, 1oz/\$100/;
 - Illinois: 10g/\$100-200/;

- Maryland 10g/\$100;
- Missouri, 10g/\$250-1,000;
- New Hampshire 3/4oz/\$100;)
- **This averages to roughly 16 g/\$100.**

If we do not address the inequities created by the criminalization in the first place, then history has taught us nothing. It is therefore of the essence that any cannabis legislation includes the types of [social justice policies](#) like the dismissal of charges and expungement mechanisms found in this bill.

Suggested Amendments:

- Increase the threshold to 1 oz with \$100 fine, alternatively ½ oz/\$50;
- Re: *expungements*, it is important to remember that many obstacles remain for an individual to actually *apply* for this relief. [California last year enacted a law that automates the expungement contained in Proposition 64](#), in part because some jurisdictions made the process easy while others did not. Also, individuals who would benefit from it could not find the time to, or were even aware that they could, apply;

We are hopeful that this bill, by ending criminalization, can mark the start of a serious conversation on the future of cannabis in Hawai'i. Working together, we will get there.

Mahalo for the opportunity to testify.



Akamai Cannabis Clinic

3615 Harding Ave, Suite 304
Honolulu, HI 96816

TESTIMONY ON HOUSE BILL 1383 HOUSE DRAFT 2
RELATING TO MARIJUANA

By
Clifton Otto, MD

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

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Glenn Wakai, Vice Chair

Tuesday, March 19, 2019; 10:30 AM
State Capitol, Conference Room 016

Thank you for the opportunity to provide testimony on this measure, which should include furthering the decriminalization of our Medical Use of Cannabis Program.

Please stop telling our patients and dispensaries that they must violate federal law in order to engage in the medical use of cannabis in Hawaii.

This is exactly what the Legislature is doing when it accepts the medical use of cannabis under state law in order to create a state-regulated medical use of cannabis program, and then fails to recognize the impact that such medical use has upon the state and federal scheduling of cannabis.

Let's be very clear here: we are not suggesting that cannabis be re-scheduled.

We are talking about the finding that state medical use of a Schedule I controlled substance is "currently accepted medical use in treatment in the United States", which means that the medical use of cannabis in Hawaii does not satisfy the criteria for a federal Schedule I controlled substance. The medical use of cannabis in Hawaii also does not satisfy the criteria for a Hawaii State Schedule I controlled substance, because a controlled substance with medical use cannot have the "highest degree of danger".

"An Accepted Medical Use Supporter"

One way to solve this dilemma is to formally recognize the scheduling exemptions for the medical use of cannabis that already exist by way of the impact that such medical use has upon state and federal law. This can be accomplished by employing the phrase “does not apply”, for which we already have several notable examples:

[Exempt from federal Schedule I:](#)

21 CFR 1307.31 - Native American Church.

“The listing of peyote as a controlled substance in Schedule I **does not apply** to the nondrug use of peyote in bona fide religious ceremonies of the Native American Church, and members of the Native American Church so using peyote are exempt from registration.”

[Exempt from Guam Schedule I:](#)

Section 2. The following *new* subsection (g) is added to Appendix A of Chapter 67 of Title 9 Guam Code Annotated, to read as follows:

“(g) The enumeration of marihuana, tetrahydrocannabinols or chemical derivatives of these as Schedule I controlled substances **does not apply** to the medical use of cannabis pursuant to the Joaquin Concepcion Compassionate Cannabis Use Act of 2013.”

[Exempt from the federal restriction on carriage aboard aircraft:](#)

14 CFR 91.19 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

“(a) Except as provided in paragraph (b) of this section, no person may operate a civil aircraft within the United States with knowledge that narcotic drugs, marihuana, and depressant or stimulant drugs or substances as defined in Federal or State statutes are carried in the aircraft.

(b) Paragraph (a) of this section **does not apply** to any carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances authorized by or under any Federal or State statute or by any Federal or State agency.”

The work of substantiating the finding that Hawaii’s Medical Use of Cannabis Program does not violate federal law has already been done:

Hawaii’s State Medical Use Argument:

Point #1 - The federal Controlled Substances Act (CSA) says that a substance cannot be in federal Schedule I if it has "currently accepted medical use in treatment in the United States". (See [21 U.S.C. 812. Schedules of Controlled Substances](#), (b) Placement on schedules; findings required, (1) Schedule I, (B) The drug or other substance has no currently accepted medical use in treatment in the United States.)

Point #2 - The courts have acknowledged that Congress never defined the term "currently accepted medical use", which leaves it to the states to determine what constitutes accepted medical use in their state. (See [ACT v. DEA, 930 F.2d 936,936 \(D.C. Cir. 1991\)](#): Neither the statute nor its legislative history precisely defines the term "currently accepted medical use.")

Point #3 - The courts have acknowledged that having medical use in just one state is sufficient for there to be medical use in the United States. (See [Grinspoon v. DEA, 828 F.2d 881,886 \(1st Cir. 1987\)](#): Congress did not intend "accepted medical use in treatment in the United States" to require a finding of recognized medical use in every state.)

Point #4 - The Supreme Court has acknowledged that the decision-making authority to accept the medical use of controlled substances is reserved to the states. (See [Gonzales v. Oregon \(2006\)](#): The Attorney General has rulemaking power to fulfill his duties under the CSA. The specific respects in which he is authorized to make rules, however, instruct us that he is not authorized to make a rule declaring illegitimate a medical standard of care and treatment of patients that is specifically authorized under state law.)

Point #5 - The State of Hawaii exercised its authority to accept the medical use of a controlled substance when it established that cannabis has medical use by enacting Hawaii's Medical Use of Cannabis Act in 2000, thereby creating a state-regulated medical use of cannabis program. (See Hawaii's Uniform Controlled Substances Act, [HRS 329, Part IX. Medical Use of Cannabis.](#))

Point #6 - Federal preemption is not relevant to the medical use of cannabis in Hawaii because there is no direct conflict between state and federal law when it comes to the state-accepted medical use of a Schedule I controlled substance. State law says that cannabis has accepted medical use, and federal law says that a substance cannot be in Schedule I if it has accepted medical use.

Point #7 - The federal regulation that still has marijuana listed as a Schedule I controlled substance does not apply to the accepted medical use of cannabis in Hawaii, because the application of this regulation to the state-accepted medical use of cannabis goes against federal law. (See [21 CFR 1308.11 Schedule I](#), (d) Hallucinogenic substances. (23) Marihuana and (31) Tetrahydrocannabinols.)

Therefore, in order to re-harmonize the state and federal regulation of the medical use of cannabis in Hawaii, the following amendment to Hawaii's Uniform Controlled Substances Act (UCSA) first needs to be made:

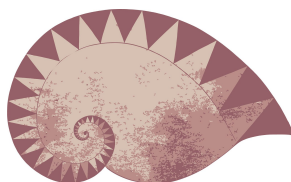
"An Accepted Medical Use Supporter"

Testimony on HB1383 HD2
Senate Committees PSM and JDC
March 19, 2019
Page 4

Section 329-14, Hawaii Revised Statutes, is amended by adding the following subsection:

(f) The enumeration of cannabis, tetrahydrocannabinols or chemical derivatives of these as Schedule I controlled substances does not apply to the medical use of cannabis pursuant to Section 329, Part IX, and Section 329D, Hawaii Revised Statutes.

For the sake of our patients, please do not allow this bill to pass out of your committees until this issue has been addressed.



Pono Hawai'i Initiative

Josh Frost - President • Kau'i Pratt-Aquino - Secretary • Patrick Shea - Treasurer
Kristin Hamada • Nelson Ho • Summer Starr

Sunday, March 17, 2019

Relating to Marijuana
Testifying in Support with Amendments

Aloha Committee Chair and members,

I am writing in **support with amendments of HB1383 HD2 Relating to Marijuana**. This measure decriminalizes the possession of 3 grams or less of marijuana and makes the infractions a monetary fine of \$200. This measure also provides for the dismissal of criminal charges and expungement of criminal records for cases of possession of 3 grams or less.

PHI fully supports the intent of **HB1383 HD2**, however we are requesting amendments to the possession amount and kindly ask the Committee to increase the threshold amount to 1 ounce or less. Those who have minor marijuana possession offences should not be arrested. The consequences for a nonviolent marijuana arrest can be detrimental to one's life and career. Our law enforcement officers and judiciary have more important things to do than to arrest and jail someone with a few joints on them.

Should we really waste our time punishing these nonviolent offenders?

I ask the Committee to **pass HB1383 HD2 with the above amendment**.

Mahalo for the opportunity to testify,

Gary Hooser
Executive Director
Pono Hawai'i Initiative, an organization member of the Common Good Coalition



Hawai'i

LATE

Committees: Committee on Public Safety, Intergovernmental, and Military Affairs
Committee on Judiciary

Hearing Date/Time: Tuesday, March 19, 2019, 10:30 a.m.

Place: Conference Room 016

Re: Testimony of the ACLU of Hawai'i in Support of, with Suggested Amendments to, H.B. 1383, H.D. 2, Relating to Marijuana

Dear Chair Nishihara, Chair Rhoads, and Committee Members:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") writes **in support of, with suggested amendments to, H.B. 1383, H.D. 2**, which would decriminalize possession of 3 grams or less of cannabis and impose a \$200 fine for violations. This measure is an important, **if very small**, step towards ending Hawaii's participation in the failed war on drugs, and will reduce the targeted enforcement of current cannabis laws. We respectfully request, however, that the threshold amount for a marijuana infraction be raised to *at least* 0.5 oz, that fines associated with a marijuana infraction be \$100 or less, and that expungement be automatic for past convictions which would now qualify as marijuana infractions. We believe that these amendments would ensure that this measure has a more meaningful impact in reducing the unnecessary entanglement of many in the criminal justice system.

H.B. 1383, H.D. 2 provides a safe and smart alternative to current cannabis laws.

Our state's ineffective cannabis laws have damaged civil liberties in many ways – eroding protections against searches and seizures, putting large numbers of non-violent individuals behind bars and targeting people of color. Eliminating criminal penalties for certain cannabis offenses will prevent thousands of people from becoming needlessly entangled in the criminal justice system, eliminate many collateral consequences that flow from cannabis arrests, and allow Hawai'i to reinvest the money it saves for important community needs. **However, this impact may be muted without an amendment to increase the threshold for decriminalized possession.**

H.B. 1383, H.D. 2 takes a **small** step towards ending Hawaii's participation in the nation's failed War on Drugs, which has cost taxpayers \$1 trillion but has produced little to no effect on the supply of or demand for drugs. The War on Drugs has sent millions of people to prison for low-level offenses and seriously eroded our civil liberties and civil rights while costing taxpayers billions of dollars a year, with nothing to show for it except our status as the world's largest incarcerator. There are 2.2 million people behind bars in this country—around 21 percent of these individuals are locked up for drug-related offenses.

H.B. 1383, H.D. 2 will reduce the number of unreasonable arrests for cannabis possession in our already bloated criminal justice system.

In 2017 alone, there were 627 arrests for cannabis possession in Hawai'i. Arrest for possession of small amounts of cannabis is one of the most common points of entry into the criminal justice system. Removing criminal penalties for certain cannabis offenses will keep people out of jail, and will eliminate the many collateral consequences that flow from cannabis arrests, thereby reducing the gross number of people entering or otherwise harmed by the criminal justice system. Money currently spent on enforcement could be used for efforts that would *actually* increase public safety.

Decriminalizing certain cannabis-related offenses will reduce targeted enforcement of cannabis laws against communities of color.

Not all communities have been impacted equally by current enforcement of Hawai'i's cannabis laws; these laws overly impact men under 25 and people of native Hawaiian descent. These groups are arrested in numbers disproportionate to their share of the population.¹

H.B. 1383, H.D.2 would allow for the expungement of criminal records for those previously convicted of cannabis offenses.

Thousands of people in Hawai'i have criminal records due to cannabis possession that seriously impact their ability to get a job, receive a loan, or rent/buy a home. H.B. 1383, H.D. 2 allows for the expungement of criminal records for people who were, prior to the effective date of this legislation, convicted of a cannabis offense. This is an important provision of the bill because it alleviates some of the harm caused by the failed War on Drugs. However, this provision would be more effective if expungement were automatic.

To strengthen this measure and reduce the harmful impact of outdated cannabis laws on the people of Hawai'i, we respectfully request that this Committee make the following amendments:


- 1) P. 15, line 19; p. 16, line 21; p. 17, line 18; p. 18, line 9. Increase the threshold for marijuana infraction from 3 grams to *at least* 0.5 oz, preferably 1oz or greater.
- 2) P. 16, line 2; p. 17, line 3. Decrease the fine associated with a marijuana infraction from \$200 to \$100 (if the threshold is 1oz) or \$50 (if the threshold is 0.5oz).

¹ David Nixon, *Budgetary Implications of Cannabis Decriminalization and Legalization for Hawai'i*, January 2013 available at http://acluHawai'i.files.wordpress.com/2013/01/econreptcannabis1_2013.pdf.

Chair Nishihara, Chair Rhoads and Committee Members
March 19, 2019
Page 3 of 3

- 3) P. 17, line 10. Create automated expungement of records for past convictions that would now qualify as marijuana infractions.

For the above reasons, we urge the Committee to support this measure. Thank you for the opportunity to testify.

Sincerely,

Mandy Fernandes
Policy Director
ACLU of Hawai'i

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for 50 years.

American Civil Liberties Union of Hawai'i
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National Organization for the Reform of Marijuana Laws

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<http://norml.org> | norml@norml.org

Submitted to:

Senate Committees on Judiciary and Public Safety, Intergovernmental, and Military Affairs
March 19, 2019

**Testimony of the National Organization for the Reform of Marijuana Laws (NORML)
in Regard to House Bill 1383**

My name is Carly Wolf and I am State Policies Coordinator for The National Organization for the Reform of Marijuana Laws (NORML). I wish to thank the members of Hawaii's Senate Committees on Judiciary and Public Safety, Intergovernmental, and Military Affairs for considering House Bill 1383. NORML is supportive of legislative efforts to remove criminal penalties for the possession of cannabis by adults.

House Bill 1383 reduces first-time marijuana possession penalties involving three grams or less from a criminal misdemeanor -- punishable¹ by up to 30 days in jail, a \$1,000 fine, and a criminal record -- to a civil infraction, punishable by a \$200 fine. The measure would also establish a system to expunge certain minor cannabis possession convictions.

In 2016, 1,031 Hawaii residents were arrested for the possession of marijuana.² Passage of HB 1383 would spare some of these everyday citizens from criminal arrest, prosecution, and incarceration, as well as the emotional and financial hardships that follow -- including the potential loss of employment, student loans, federal and state subsidies, and child custody rights.

Though monetary sanctions would remain in place for violators of the law, offenders would no longer be saddled with the stigma and lost opportunities associated with a lifelong criminal record. This change would continue to discourage marijuana abuse while halting the practice of permanently criminalizing thousands of otherwise law-abiding citizens of Hawaii.

¹ <https://norml.org/laws/item/hawaii-penalties>

² https://norml.org/data/item/hawaii-marijuana-arrests?category_id=855

Studies by the National Academy of Sciences³ and others⁴ have consistently shown that the enactment of these alternative sentencing penalties, commonly known as ‘decriminalization,’ is not associated with increased marijuana use or access, particularly among young people. Twenty-two states and the District of Columbia have decriminalized minor marijuana possession offenses -- as have multiple cities and counties nationwide.⁵ To date, no state that has amended marijuana penalties in this manner has chosen to later recriminalize marijuana possession offenses. Should the policy of decriminalization have been ineffective, counterproductive, or triggered negative federal ramifications, surely this would not be the case.

Decriminalizing low-level marijuana offenses allows police and the courts to re-prioritize their resources towards addressing more serious criminal activity and keeping the public safe. For example, according to a 2018 analysis by the National Bureau of Economic Research, statewide decriminalization has shifted police priorities toward the prevention and enforcement of more serious crimes while having no adverse effect on marijuana use patterns.⁶

Authors further acknowledged that the enactment of marijuana decriminalization in Maryland (decriminalized in 2014), Massachusetts (2008), Connecticut (2011), Rhode Island (2013), and Vermont (2013), “was associated with large and immediate decreases in drug-related arrests for both youth and adults... Decriminalization was not associated with increased cannabis use either in aggregate or in any of the five states analyzed separately, nor did we see any delayed effects in a lag analysis, which allowed for the possibility of a two-year (one period) delay in policy impact... On the contrary, cannabis use rates declined after decriminalization.... [T]he lag analysis suggested a potential protective effect of decriminalization.”

A separate 2018 analysis published in the journal *Police Quarterly* reported that the elimination of criminal marijuana possession penalties is associated with “some demonstrable and persistent benefit in [criminal] clearance rates” by law enforcement.⁷

That said, we are concerned that the low threshold imposed by HB 1383 will offset many of the societal benefits identified in other jurisdictions that have amended their marijuana laws. To date, no decriminalization state⁸ has imposed a limit as low as that proposed by HB 1383. Most jurisdictions impose one ounce decriminalization thresholds (28.4 grams) and some states, like Ohio, impose far higher limits (100 grams).

³ *Marijuana and Medicine: Assessing the Science Base*, 1999. "In sum, there is little evidence that decriminalization of marijuana use necessarily leads to a substantial increase in marijuana use." (page 102)

⁴ <https://norml.org/aboutmarijuana/item/marijuana-decriminalization-its-impact-on-use-2>

⁵ <https://norml.org/legal/local-decriminalization>

⁶ Gruzca et al., 2018. Cannabis decriminalization: A study of recent policy changes in five states. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3129032

⁷ <https://journals.sagepub.com/doi/full/10.1177/1098611118786255>

⁸ <https://norml.org/aboutmarijuana/item/states-that-have-decriminalized>

If lawmakers truly wish to reap the societal and fiscal benefits of decriminalization, and truly wish to significantly reduce the number of Hawaii adults adversely impacted by a criminal marijuana arrest, then we suggest raising the arbitrarily low three gram limit to a more reasonable threshold -- one that is in line with those of other states.

Public opinion strongly favors a bolder policy change. According to a recent Quinnipiac University Poll, 60 percent of Americans say "the use of marijuana should be made legal" nationwide, and 63 percent support erasing criminal records for past marijuana possession crimes.⁹ Polling data from Hawaii shows even stronger local support for eliminating criminal marijuana possession penalties.¹⁰

For these reasons, NORML urges members of the Committees on Judiciary and Public Safety, Intergovernmental, and Military Affairs to make the necessary amendments to HB 1383 so that it will provide maximum benefits to the people of Hawaii, and so that it will be consistent with the marijuana policies of other states that have decriminalized minor marijuana possession offenses.

⁹ <https://poll.qu.edu/national/release-detail?ReleaseID=2604>

¹⁰

<http://www.hawaiinewsnow.com/story/24607108/new-survey-shows-support-growing-to-legalize-marijuana-in-hawaii/>



LATE

Marijuana Policy Project
P.O. Box 21824 • Washington, DC 20009
202-462-5747 • www.mpp.org

March 19, 2019

HB 1383

Testimony from Olivia G. Naugle, legislative coordinator, MPP, in support of HB 1383 with amendments

Dear members of the Senate Committee on Judiciary and Senate Committee on Public Safety, Intergovernmental, and Military Affairs:

My name is Olivia Naugle, and I work as legislative coordinator for the Marijuana Policy Project, the largest marijuana policy reform organization in the United States. MPP has been working to improve marijuana policy for more than 20 years; as a national organization, we have expertise on the approaches taken by different states.

I am here today in support of House Bill 1383, with amendments, and to discuss the positive impacts such a policy change will have on the criminal justice system and public safety.

MPP strongly supports reducing the penalty for cannabis possession to a civil fine. Hawaiians should not be jailed or stigmatized with a life-altering criminal record for simple possession of cannabis, which is safer than alcohol.¹ Twenty-three other states have already recognized that possible incarceration is not an appropriate penalty for cannabis possession. Hawaii should follow suit.

Unfortunately, as currently drafted, HB 1383's limits are too low and the fines too high. Lives would still be needlessly derailed as a result. The bill would decriminalize only three grams of marijuana for adults 21 and older and would impose a flat \$200 civil fine. Three grams would be the smallest amount of any state that has decriminalized (or legalized) simple possession of marijuana. Typically, decriminalization laws apply to an ounce, which is around 28.5 grams.²

Maryland is the state with the lowest decriminalization possession limit. Even that limit — a mere 10 grams — is more than three times the current limit in HB 1383. Due to its low limit, Maryland has continued to see arrests, with staggering racial disparities, for those exceeding the possession limit after its decriminalization law took effect in 2014.³

We are also concerned that a \$200 fine can be a significant hardship for low-income residents. A \$200 fine could cause some to miss rent payments or go without needed medications. Please consider amending the bill to increase the possession limit to an ounce and also reduce the excessive fine to no more than \$100.

¹ For details and references, see: <https://www.mpp.org/marijuana-is-safer/>

² See: <https://www.mpp.org/issues/decriminalization/state-laws-with-alternatives-to-incarceration-for-marijuana-possession/>

³ "Structural Racism and Cannabis: Black Baltimoreans still disproportionately arrested for weed after decriminalization," *Baltimore Fishbowl*, December 28, 2018, <https://baltimorefishbowl.com/stories/structural-racism-and-cannabis-black-baltimoreans-still-disproportionately-arrested-for-weed-after-decriminalization/>

Decriminalizing possession of up to an ounce of marijuana is not a novel, radical, or politically risky policy shift. Many states, most of them as long ago as the 1970s, have changed their laws to recognize that marijuana possession is not as serious an offense as violent or property crimes.

Currently, 23 states' laws include provisions to prevent the jailing of people who possess small amounts of marijuana: Alaska, California, Colorado, Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New York, North Carolina, Ohio, Oregon, Rhode Island, Vermont, and Washington. Most of these states impose a civil fine, while 10 of those states and the District of Columbia have legalized marijuana for adults 21 and older.

By decriminalizing possession of up to an ounce of marijuana this year, and imposing a modest fine, Hawaii will improve public safety by allowing resources to be redirected towards solving serious crimes and by improving police/community relationships. Criminalizing possession of personal-use amounts of marijuana forces law enforcement to spend valuable time on arresting, processing, and prosecuting non-violent offenders. This time could be spent going after violent criminals. In 2016, there were 242 violent crimes per 100,000 people in Hawaii, and the clearance rate was 44.1 percent.⁴

Decriminalizing up to an ounce of marijuana will save thousands of Hawaiians from being detained, arrested, and prosecuted. Under current law in Hawaii, possessing even a tiny amount of marijuana is punishable by up to 30 days in jail and fine of up to \$1,000. Marijuana possession arrests have increased almost 50 percent in Hawaii since 2004.⁵

Decriminalizing small possession of marijuana is all the more important due to racial disparities in arrests and prosecution. Current marijuana laws are not being enforced fairly. According to the ACLU, African Americans are over 3.5 times as likely to be arrested for possession as whites, despite very similar usage rates. These disproportionate arrest rates are found in every state.⁶ Unfortunately, it is possible that the unequal treatment will not end if Hawaii moves to citations instead of arrests for simple possession, but at least those subjected to it will not be incarcerated as a result or have their lives derailed.

In addition to arrest disparities, punishing an individual with a criminal record for a non-violent offense, such as the possession of marijuana, is heavy-handed. A criminal conviction, even if the conviction is a misdemeanor and no jail time is served, can lead to a lifetime of harsh collateral consequences. A conviction can result in the denial of student financial aid, housing, employment, and professional licenses. Although a majority of American adults have tried marijuana, the disparity mentioned above means that these harsh collateral consequences disproportionately affect minority populations.

The way marijuana laws are currently being enforced erodes trust between police and minority communities at a time when such trust is sorely lacking. As Washington, D.C.'s former police chief bluntly put it: "All these [marijuana] arrests do is make people hate us." In addition to being valuable itself, positive police/community relationships improve public safety. A Department of Justice study

⁴ Crime in Hawaii 2016: A Review of Uniform Crime Reports, Department of the Attorney General, <https://ag.hawaii.gov/cpja/files/2017/08/Crime-in-Hawaii-2016.pdf>

⁵ Ibid.

⁶ "The War on Marijuana in Black and White," American Civil Liberties Union, 2013, <https://www.aclu.org/report/report-war-marijuana-black-and-white>

found that trusting relationships with the local community was one of the most important factors in whether police were effective in solving violent crimes.⁷

Hawaiians and the American public support marijuana decriminalization. A December 2012 QMark research poll found that 58 percent of Hawaiians support “making possession and personal use of marijuana by adults a violation, similar to a parking ticket.”⁸ Nationally, in February 2014, Pew Research Center found that 76 percent of Americans believe people caught in possession of marijuana shouldn’t be jailed as a result.⁹

Finally, marijuana is far less dangerous than other illegal drugs — and even legal drugs like alcohol and many prescription medications — which can and do cause fatal overdoses. The National Academies of Sciences, Engineering, and Medicine concluded in 2017 that no link has been established between marijuana and fatal overdoses.¹⁰

Issuance of a civil fine, as opposed to an arrest and criminal charge, would save the state of Hawaii millions of dollars annually, free up law enforcement to focus on more serious crimes, help ease the arrest disparity that we see for marijuana charges, and align the penalty with the offense. Decriminalization of possession of up to an ounce of marijuana is sound policy for Hawaii.

Thank you to the members of the committees for your time and attention to this important issue. I respectfully urge you to amend and support HB 1383. If you have any questions or need any additional information, I would be happy to help and can be reached at the number or email address below.

Sincerely,

Olivia G. Naugle
Legislative Coordinator
Marijuana Policy Project
202-905-2037
onaugle@mpp.org

⁷ See “Getting Away with Murder,” *The Economist*, July 4, 2015.

⁸ QMark Research, “Opinions Concerning Drug Law Reform in Hawaii,” 2013.
<https://acluhawaii.files.wordpress.com/2013/01/dpagmarijuanapolicyfindings.pdf>

⁹ Pew Research Center, 2014, <http://www.pewresearch.org/fact-tank/2015/02/27/63-of-republican-millennials-favor-marijuana-legalization/>

¹⁰ National Academies of Sciences, Engineering, and Medicine. “The health effects of cannabis and cannabinoids: The current state of evidence and recommendation for research,” 2017.

TESTIMONY IN SUPPORT OF HB 1383, HD 2

TO: Senate Committee on Judiciary
Senate Committee on Public Safety, Intergovernmental, & Military Affairs

FROM: Nikos Leverenz
Grants, Development & Policy Manager

DATE: March 19, 2019 (10:30 AM)

Chair Rhoads, Vice-Chair Wakai, and Committee Members:
Chair Nishihara, Vice-Chair Wakai, and Committee Members:

Hawai'i Health and Harm Reduction Center (HHHRC) **supports** HB 1383, HD 2, which would eliminate criminal penalties for various cannabis possession offenses, replace them with monetary fines for violations.

While a monetary fine is preferable to a criminal conviction and record for the possession of cannabis for personal use, the current proposed fine of \$200 for three grams or less is problematic. The proposed thresholds would continue to have disproportionate negative impacts on persons who are low-income, unsheltered or unstably housed, or live in communities with a high police presence.

In alignment with other states who have decriminalized non-medical cannabis possession for personal use, **this bill should subject possession of one avoirdupois ounce of cannabis or less with a fine of no more than \$100. The bill should also be amended to provide for the dismissal of charges and the automatic expungement of prior convictions for possession of one avoirdupois ounce of cannabis or less in all prior adjudications.** The prospective adjudicatory process for these fines should be no more burdensome for either those ticketed or the judiciary than the disposition of a simple parking ticket.

HHHRC strongly believes that those who use substances not be subject to criminal sanctions absent actual harm to others, including those who use substances because of underlying mental health conditions. Significant "collateral consequences" of even a misdemeanor



conviction impact a person's ability to obtain housing, education, and employment. According to the Council of State Governments, [there are over 100 collateral consequences to a misdemeanor conviction](#) in Hawai'i.

Criminalizing drug users significantly perpetuates and compounds social, medical, and legal stigma. Dehumanizing drug users and those who have substance use problems with the coercive force of law increases the negative impacts of their use upon themselves and those around them.

With cannabis, the case for decriminalization is strengthened by the underlying reality that it is safer than two widely used licit substances, alcohol and tobacco, in terms of the levels of injury, illness, and death associated with its use. As our medical cannabis laws recognize, cannabis serves to ameliorate the impacts of a variety of condition, including chronic pain.

Behavioral health issues are best dealt with by employing a therapeutic model and not a criminal justice framework. Subjecting those who are struggling with substance use, with or without a co-occurring mental health condition, to criminal sanctions – including probation and parole -- exacerbates harms to those persons, their families, and our larger community.

Hawai'i Health and Harm Reduction Center serves Hawai'i communities by reducing the harm and fighting the stigma of HIV, hepatitis, homelessness, substance use, mental illness, and poverty in our community. We focus our efforts on those disproportionately affected by social determinants of health, including but not limited to: people living with and/or affected by HIV, hepatitis, substance use, and the transgender, LGBTQ and the Native Hawaiian communities. We foster health, wellness, and systemic change in Hawai'i and the Pacific through care services, advocacy, training, prevention, education, and capacity building.

Thank you for the opportunity to testify on behalf of this important reform measure.



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

LATE

**HEARING BEFORE THE SENATE COMMITTEE ON
PUBLIC SAFETY, INTERGOVERNMENTAL & MILITARY AFFAIRS AND
THE COMMITTEE ON JUDICIARY
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 016
TUESDAY, MARCH 19, 2019 AT 10:30 A.M.**

To The Honorable Clarence K. Nishihara, Chair;
The Honorable Glenn Wakai, Vice Chair; and
Members of the Committee on Public Safety, Intergovernmental & Military Affairs;

To The Honorable Karl Rhoads, Chair;
The Honorable Glenn Wakai, Vice Chair; and
Members of the Committee on Judiciary;

COMMENTS ON HB 1383 RELATING TO MARIJUANA

Aloha, my name is Pamela Tumpap and I am the President of the Maui Chamber of Commerce, serving in this role for over a decade. Thank you for the opportunity to provide comments on this bill.

We appreciate that this bill creates a task force to examine and make recommendations on changing marijuana use laws and penalties. However, we feel that the rest of the bill is premature and putting the cart before the horse. The task force should be created and make recommendations first before a bill to change penalties is put forth.

Mahalo for your consideration of our testimony.

Sincerely,

Pamela Tumpap
President

HB-1383-HD-2

Submitted on: 3/16/2019 3:41:55 AM

Testimony for JDC on 3/19/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch	Individual	Support	No

Comments:

I support HB1383. Please pass this bill.

Mike Golojuch, Sr.

To Whom It May Concern:

My name is Jodie Fujita and while I work for the University of Hawaii, I am in no way testifying on their behalf. I would like to submit testimony to say that I am opposed to House Bill 1383, Decriminalizing of Marijuana, for several reasons.

A study done by the Centennial Institute at Colorado Christian University found that the short term gain received from the tax revenue comes with serious long term consequences, such as:

1. For every dollar gained in tax revenue, Coloradans spent approximately \$4.50 to mitigate the effects of legalization.
2. Costs related to the healthcare system and from high school drop-outs are the largest cost contributors.
3. Research shows a connection between marijuana use and the use of alcohol and other substances.
4. Calls to Poison Control related to marijuana increased dramatically since legalization of medical marijuana and legalization of recreational marijuana.
5. 69% of marijuana users say they have driven under the influence of marijuana at least once, and 27% admit to driving under the influence on a daily basis.
6. The estimated costs of DUIs for people who tested positive for marijuana only in 2016 approaches \$25 million.

Please see <https://www.dfaf.org/economic-and-social-costs-of-legalized-marijuana/> for the full report.

Another site <https://luxury.rehabs.com/marijuana-rehab/social-impact-and-effects-of-marijuana/> states that the American Psychiatric Association's manual for diagnosing mental health and substance disorders now include a diagnosis of cannabis use disorder. They are also finding that marijuana use in adolescence is associated with altered brain development, a decline in cognitive function and poor academic performance. After 28 days of abstinence, there was still diminished performance in areas of complex attention, verbal memory and planning in some studies.

In addition, they report that marijuana can cause severe anxiety and even panic attacks; slows reaction time and information processing; marijuana use is associated with psychotic illness including schizophrenia in vulnerable adolescents; and there is a clinically significant relationship between reductions of marijuana use and reduction in depression among young women.

As the situation matures in states that have already chosen to legalize, I think the effects will also be compounded. The gains received from this legalization is shortsighted and contradicts many of the initiatives that are being brought forth by our legislators today. For example, why are we, in essence banning tobacco and flavored vaping products but legalizing marijuana without even knowing and having evaluated the long term effects of cannabis? Why are we trying to set aside tax dollars for our youth to excel in academics when we are providing a means for them to potentially fail in their studies? Why are we trying to put laws in place that have heftier consequences on DUI and we are providing more potential substances that allow them to do so? Will there be a long term effect on this decision and our already large homeless population?

Please put the future of our keiki and state first and do not let this piece of legislation through. We want to draw tourists to our islands for the right reasons, not because of the legalization of marijuana. We need to realize that there may be additional financial costs associated with this in forms of impact on healthcare, social services and criminal justice.

For all of these reasons, I would like to ask that our Legislators vote no on measure HB1383. Thank you for your time and consideration.

Sincerely,

Jodie Fujita

Dr. Myron Berney, N.D., L.Ac.
Karma Jurme Damcho
808-392-3366

March 16, 2019

HB 1383 HD2

Most people actually support full on Legalization of Medical Marijuana. Something more like SB 686 which was killed in the Senate. This bill to merely decriminalize 3 grams of marijuana is a waste of time and money. Rather useless in the real world. The only purpose is for political campaigning, to say we did something, not for the health and safety of the consuming public.

Marijuana is not a dangerous drug with no medical use and unsafe with the strictest medical supervision.

Medical marijuana is already fully accepted by Law Enforcement as a Medicine! Medical Marijuana is legal in the majority of States. Intelligent people can only put up with so much fabrication and lies. Clearly Marijuana is a Medicine. All Marijuana has medicinal properties; hemp lacks medicinal properties. Hemp is Industrial; All Marijuana is Medicinal!

The fact is that over 55 million American Citizens currently use Medical Marijuana, 99.99% of whom receive none to minimal medical supervision. The only medical supervision patients get in Hawaii is when they are getting the DoH 329 card. After that no supervision until the renewal process. Patients and active marijuana users actually know more about Medical Marijuana than most physicians, government workers and public servants that lack direct experience.

“Recreational Marijuana” is exactly the same product in the same container as “Medical Marijuana”. “Recreational Marijuana” is a misnomer, wrongly labeled as “recreational”. The correct term medically, pharmaceutically and legally is “OVER THE COUNTER” Medical Marijuana.

OTC Medical Marijuana is GOOD FOR THE PUBLIC SAFETY!

Violent Crimes are down in States with legalized Marijuana by about 25%. Although overall crime may be slowly increasing as usual, Violent crimes are down 25% in Colorado following Legalization of Marijuana without any increased or enhanced enforcement.

59% of prescription opioid users were achieved a COMPLETE CESSATION of prescription opioid use! 45% drug substituted for alcohol abuse. Currently prescription Medical Marijuana is available by law to patients suffering with one of the conditions listed on the short list in the law. After a prescription drug is found to be safe and effective, it is generally made available Over the Counter [OTC]. This is a standard practice to increase the cost effectiveness of health care and enhance the public health and public safety. When Medical Marijuana is OTC is available to all the suffering patients. The results have been a decrease in violent crime and a reduction in alcohol and hard drug abuse. OTC Medical Marijuana reduced opioid use and alcohol abuse by 59% and 49%, respectively, making our highways that much less dangerous with by reducing impaired drivers and driving on our roadways and highways.

Medical Marijuana is cost effective, promotes the public health and protects the public safety.

Anything short of legalization is detrimental to Society! Preventing cost effective health care, keeping patients sick and suffering while increasing costs is NOT the function of Government, and is not Constitutional. Preventing public safety, increasing violent crimes and drug abuse is NOT the function of Government and is not Constitutional.

Providing for the Public Health and Protecting the Public Safety is the Function of Government.

Legalizing Marijuana is the protecting the Public Health and Public Safety. Criminalizing Marijuana does not provide any social benefit and harms the public health and public safety.

Do the Right thing NOW!

Boiler plate legislation changing “marijuana” in HRS to “Cannabis” or “USP Cannabis”

Move this bad bill forward by amending HB 1383 HD2 to include SB 686

OTC Medical Marijuana has been used to drug substitute for various prescription drugs. 59% of Prescription Opioid Users were able to completely stop their opioid use. 45% of Alcohol users abusers used OTC Medical Marijuana instead. OTC Medical Marijuana reduced opioid use and alcohol abuse by 59% and 49%, respectively, making our highways that much less dangerous with impaired drivers off the road.

Legalizing Marijuana Reduced Drug Abuse in the Real World AUTOMATICALLY

METHODS: The survey gathered detailed demographic data and comprehensive information on patient patterns of medical **cannabis** use, including questions assessing the self-reported impact of **cannabis** on the use of prescription drugs, illicit substances, alcohol, and tobacco.

RESULTS: Participants were 62.6% male (n = 1271) and 91% Caucasian (n = 1839).

- pain and mental health conditions accounted for 83.7% of all respondents (n = 1700).
- 74.6% of respondents reported daily **cannabis** use amount used per day was 1.5 g.

The most commonly cited substitution was for:

- prescription drugs (69.1%, n = 953), followed by
- alcohol (44.5%, n = 515),
- tobacco (31.1%, n = 406), and
- illicit substances (26.6%, n = 136).
- Opioid medications accounted for 35.3% of all prescription drug substitution (n = 610), followed by antidepressants (21.5%, n = 371).
- Of the 610 mentions of specific opioid medications, patients report total cessation of use of 59.3%

Legalizing Cannabis in real world, without medical intervention, resulted in a

1. 60% total cessation of opioid medication
2. Alcohol 45% substitution
3. Tobacco 31% substitution
4. Hard drugs 25% substitution

WANT TO WIN THE WAR ON DRUGS

Forget a wall, LEGALIZE MARIJUANA FOR A HEALTHIER WORLD, SAFER AND MORE PEACEFUL

RELAX and LEGALIZE MARIJUANA, the Gateway AWAY FROM HARD DRUGS for a safer society

PubMed ▼

Format : Abstract

Harm Reduct J. 2019 Jan 28;16(1):9. doi: 10.1186/s12954-019-0278-6.

Medical cannabis patterns of use and substitution for opioids & other pharmaceutical drugs, alcohol, tobacco, and illicit substances; results from a cross-sectional survey of authorized patients.

Abstract

BACKGROUND: A 239-question cross-sectional survey was sent out via email in January 2017 to gather comprehensive information on **cannabis** use from Canadian medical **cannabis** patients registered with a federally authorized licensed **cannabis** producer, resulting in 2032 complete surveys.

METHODS: The survey gathered detailed demographic data and comprehensive information on patient patterns of medical **cannabis** use, including questions assessing the self-reported impact of **cannabis** on the use of prescription drugs, illicit substances, alcohol, and tobacco.

RESULTS: Participants were 62.6% male (n = 1271) and 91% Caucasian (n = 1839). The mean age was 40 years old, and pain and mental health conditions accounted for 83.7% of all respondents (n = 1700). Then, 74.6% of respondents reported daily **cannabis** use (n = 1515) and mean amount used per day was 1.5 g. The most commonly cited substitution was for prescription drugs (69.1%, n = 953), followed by alcohol (44.5%, n = 515), tobacco (31.1%, n = 406), and illicit substances (26.6%, n = 136). Opioid medications accounted for 35.3% of all prescription drug substitution (n = 610), followed by antidepressants (21.5%, n = 371). Of the 610 mentions of specific opioid medications, patients report total cessation of use of 59.3% (n = 362).

CONCLUSIONS: This study offers a unique perspective by focusing on the use of a standardized, government-regulated source of medical **cannabis** by patients registered in Canada's federal medical **cannabis** program. The findings provide a granular view of patient patterns of medical **cannabis** use, and the subsequent self-reported impacts on the use of opioids, alcohol, and other substances, adding to a growing body of academic research suggesting that increased regulated access to medical and recreational **cannabis** can result in a reduction in the use of and subsequent harms associated with opioids, alcohol, tobacco, and other substances.

KEYWORDS: Addiction; **Cannabis**; Harm reduction; **Marijuana**; Opioids; Substitution

PMID: 30691503 DOI: [10.1186/s12954-019-0278-6](https://doi.org/10.1186/s12954-019-0278-6)

Side Effects of THC [Medical Marijuana and OTC “Recreational” Marijuana]

The following are the FDA approved side effects or untoward effects of THC the one of the main active ingredient in Rx and OTC Medical Marijuana.

Adapted from: <https://www.webmd.com/drugs/2/drug-8774-1840/dronabinol-oral/dronabinol-solution-oral/details>

The medical side effects of THC are listed below:

- Dizziness,
- drowsiness,
- confusion,
- feeling "high," an exaggerated sense of well-being,
- lightheadedness,
- nausea, vomiting, or stomach/abdominal pain

Remember that your doctor has prescribed this medication because he or she has judged that the benefit to you is greater than the risk of side effects. Many people using this medication do not have serious side effects.

Tell your doctor right away if you have any serious side effects, including:

- fainting,
- fast/pounding heartbeat,
- mental/mood changes (such as anxiety, nervousness, hallucinations, abnormal thoughts, paranoia).

A very serious allergic reaction to this drug is rare. However, get medical help right away if you notice any symptoms of a serious allergic reaction, including: rash, itching/swelling (especially of the face/tongue/throat), severe dizziness, trouble breathing.

HB-1383-HD-2

Submitted on: 3/16/2019 7:28:42 PM

Testimony for JDC on 3/19/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Matt Binder	Individual	Support	No

Comments:

Aloha Representatives,

It is far past time for common sense laws concerning this mildly intoxicating plant. We all know that cannabis is not much different than alcohol. We should treat it the same way.

Please find some courage. It is easy to hide behind the overblown fears of the DPS, but please listen to your inner voice and do the right thing!

HB-1383-HD-2

Submitted on: 3/16/2019 8:04:54 PM

Testimony for JDC on 3/19/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dave Kisor	Individual	Oppose	No

Comments:

There is no way in hell I could support legislation this Kafkaesque.

HB-1383-HD-2

Submitted on: 3/17/2019 12:11:54 AM

Testimony for JDC on 3/19/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Smart	Individual	Oppose	No

Comments:

Marijuana is harmful to its users, especially young people. A person's IQ is reduced up to 8 points with its usage. Most of us can't afford to lose any brain power we may have received at birth. It also causes many mental conditions that are bad for society (the collective; the village) as a whole. It is still a federal crime. We don't need to legalize this dangerous product our state. Furthermore, we don't need to entice the those who seek the drug culture. We want to keep Hawaii a safe, family oriented retreat for our own families and for tourists. This is not the direction we need to go. We understood that when "medical marijuana" was legalized in our state (although still illegal federally), we were placed on the slippery slope of legalizing recreational marijuana. We don't want this bill approved. Do not pass HB1383 HD2. Nothing good will result and there are so many bad repercussions that are likely. Vote NO.

HB-1383-HD-2

Submitted on: 3/17/2019 1:40:46 PM

Testimony for JDC on 3/19/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Danny Melton	Individual	Oppose	No

Comments:

Honorable Representatives of Hawaii

i oppose this bill—Hawai'i does not want or need marijuana use to be encouraged by decriminalization or legalization. Our keiki, who are already being bombarded with e-cigarettes and vaping, do not need to have access to marijuana. Today's marijuana has higher THC contents than in the past, and decriminalizing it will only encourage more usage. Do we want our roadways congested with "drugged drivers?"

Dan Melton

Col USMC ret

USMC

HB-1383-HD-2

Submitted on: 3/17/2019 3:37:26 PM

Testimony for JDC on 3/19/2019 10:30:00 AM

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

Comments:

I am writing to provide testimony, as I have done each year for the past decade, in support of HB1383 to decriminalize cannabis in Hawaii. That so much time has passed and so little change has occurred is both frustrating and discouraging. May I remind you that we are talking about a plant - a non-toxic flower from a non-toxic plant? Here in Hawaii, where beautiful flowers and foliage grow year-round, make no mistake that some of the most common plants are far more dangerous, even deadly, but you still choose to demonize the cannabis plant?

Plumeria trees are found just about everywhere in Hawaii. The sweet-smelling flowers, often used in making leis, can cause vomiting and diarrhea when eaten. The most common reaction is caused by the sticky white sap that oozes out when part of the tree is picked or broken, which can cause rash and blistering.

You're familiar with kukui nut leis. The kukui nut tree has a watery sap that when in contact with the skin can produce an itchy, red rash. Eating just a few of the raw nuts from inside the seed can have a severe laxative effect causing severe cramping and vomiting.

Ingesting parts of the decorative poinsettia plant commonly seen during holiday season can result in nausea, vomiting, and diarrhea. It can also cause redness, irritation, swelling and blistering when in contact with the skin.

The crown flower has a sticky sap that can irritate and burn the skin, causing redness and swelling. If ingested, it will cause stomach cramping, nausea, vomiting, an irregular and slowed pulse, dizziness, headache, and confusion.

Castor bean is an invasive weed found all over our islands. Its seeds are highly toxic and, if ingested, will cause loss of appetite, severe stomach pain, vomiting, diarrhea, shock, delirium, collapse, and death.

The beautiful flower known as angel's trumpet is another serious threat. Ingestion can result in seizures, paralysis, coma, respiratory failure, and death. Merely handling these plants can produce blurred vision, sensitivity to light, dry mouth, restlessness, disorientation, and hallucinations.

Oleander is one of the most poisonous plants in Hawaii. Just a small taste of any part of the plant can produce nausea, vomiting, diarrhea, pain and cramping. It causes heart irregularities and affects the nervous system producing dizziness, headaches, confusion and drowsiness. It has actually been implicated in several murder cases yet it's still found all over these islands.

A more complete list of common toxic plants in Hawaii can be found on the State of Hawaii's Department of Agriculture website. Here, I just wanted to share some basic points about a few of the plants that should be far more concerning to those who are opposed to the decriminalization of cannabis.

Cannabis is non-toxic. Cannabis is not harmful. Prohibition is. Cannabis has an excellent safety profile. Despite widespread use, there has never been a death recorded from the use of cannabis. DEA Chief Administrative Law Judge, Francis Young, in a 1988 response to a petition to reschedule cannabis under federal law concluded that, "... marijuana is far safer than many foods we commonly consume.... Marijuana in its natural form is one of the safest therapeutically active substances known to man. By any measure of rational analysis marijuana can be safely used ..."

(https://www.safeaccessnow.org/cannabis_safety)

How dare you be so unjust as to criminalize, or even criticize, another human being for choosing to possess or to ingest a flower, especially one with such a rich cultural history. Cannabis has been used throughout the history of humanity. Cannabis is cited in the earliest Chinese medical texts dating back nearly 5,000 years, in the oldest Egyptian texts, and its use documented by ancient Hebrews as both a medicine and for ritualistic purposes. (<https://www.haaretz.com/jewish/biblical-roots-of-jews-and-grass-1.5298099>) In India, it has been used for centuries. It is known as a sacred plant beneficial for spirituality, as a tool for raising one's consciousness, as well as for its physical and emotional healing properties.

Many people who oppose decriminalization are of the opinion that we don't know enough about it yet and that there needs to be further research before we make changes to our laws. In 2017, the US National Academies of Science, Engineering, and Medicine published a 486-page report analyzing more than 10,000 scientific studies. It's called, "The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research." If you don't know enough about cannabis you can read that book - or you can examine the more than 22,000 scientific research papers currently available that provide factual, science-based data. In fact, more scientific research has been published about cannabis than aspirin and widely prescribed pain-killers like fentanyl and oxycodone! If you don't know enough about cannabis, I'd suggest that you educate yourself instead of remaining ignorant to what many of us already do know. Modern medical research validates the history and use of cannabis.

Every comprehensive, objective government commission examining cannabis use and its prohibition in the past 100 years has recommended that adults not be criminalized for

cannabis use. (<https://www.mpp.org/issues/legalization/marijuana-prohibition-facts/>) Its dangers have been exaggerated for too long. After 82 years of prohibition, modern science simply does not support the 'reefer madness' propaganda popularized when Harry Anslinger drafted legislation known as the Marijuana Tax Act of 1937 - the law that prohibited cannabis. Finally, in February 2017, the federal government was forced to remove factually inaccurate statements from the Drug Enforcement Administration website. They were found in violation of the Information Quality Act, which requires that administrative agencies not provide false information to the public. Their publication, "The Dangers and Consequences of Marijuana Abuse" contained damaging misinformation, including claims that cannabis was a gateway drug, that it caused irreversible cognitive decline (brain damage) in adults, and that it contributed to psychosis and lung cancer. The claims were verifiably false. (https://www.safeaccessnow.org/iqa_victory)

The government lied to us for many years. We know that now. Yet those who are stubbornly opposed to legalization and decriminalization often repeat the same familiar arguments and bits of misinformation. The truth is, there is no solid reasoning based on empirical evidence to support the prohibition of cannabis. Cannabis can be used responsibly without harmful impacts to the individual or society.

In 2015, the American Academy of Pediatrics updated their policy statement in support of decriminalization of cannabis as a reasonable alternative to punishment. For those concerned about the effects legalization or decriminalization may have on youth use, their report noted that, "Decriminalization of recreational use of marijuana by adults has also not led to an increase in youth use rates of recreational marijuana." (<https://pediatrics.aappublications.org/content/135/3/e769>)

Further, "The AAP strongly supports the decriminalization of marijuana use for both minors and young adults and encourages pediatricians to advocate for laws that prevent harsh criminal penalties for possession or use of marijuana." Even the AAP recognizes that punishments for cannabis-related offenses can have very serious negative consequences for young people, such as preventing them from qualifying for student loans and certain jobs in the future, which far outweigh the penalties' deterrent effects. (<https://associationsnow.com/2015/01/pediatrics-group-revisits-marijuana-policy/>)

Twenty years earlier, in the Journal of the American Medical Association, Dr. Lester Grinspoon concluded that the greatest danger in the use of cannabis is its illegality, which imposes much anxiety and expense on suffering people, forces them to bargain with illicit drug dealers, and exposes them to the threat of criminal prosecution. (<http://www.druglibrary.org/think/~jnr/grinjama.htm>)

Sadly, in Hawaii, this remains true ... even today. The consequences of the punishments for using cannabis are far more harmful than the cannabis use itself. THAT is the real problem. When the Democratic Party of Hawaii identified its top legislative priorities for this year, legalizing adult use cannabis was listed as a tier one top priority. Senate President Ron Kouchi, during his opening remarks for the 2019 legislative

session said, " I'm sure we're going to have some vigorous conversation on legalizing cannabis, and we look forward to those bills going through the appropriate committees and going through the process."

(<https://www.capitol.hawaii.gov/docs/2019SenatePresidentOpeningDayRemarks.pdf>)

The Senate Judiciary Committee, which hadn't held a hearing on legalization in five years, approved SB686 and referred it to the WAM and CPH committees. In February, Senator Roz Baker, chairwoman of the Commerce, Consumer Protection and Health Committee, was quoted in the Star Advertiser saying, " I'm not interested in recreational, I just don't think it's timely." Neither committee even bothered to schedule a hearing. Unfortunately, this happens often in Hawaii. Last year, a record 103 cannabis-related proposals died in committee, failed or were vetoed.

(<https://www.marijuanamoment.net/2018-was-a-major-year-for-cannabis-legislation-and-2019-is-shaping-up-to-be-much-bigger/>)

Often compared to alcohol, some people think of cannabis as an intoxicant. The word intoxicate originates from the Latin, 'into poison.' Cannabis is not a poison, though. If you understand even the most basic human biology, you'll know that the endogenous cannabinoid system has a vastly important role in maintaining our health and well-being. Cannabinoid receptors are found throughout our bodies, literally from head to toe, including in the brain, organs, connective tissues, glands, and immune cells. It may be our most important physiologic system. Our bodies actually create endogenous cannabinoids (anandamide and 2-AG) that are very similar to the phytocannabinoids created by plants (THC, CBD, CBN, etc.). Some doctors believe that, far from being an intoxicant, "cannabis could be the most useful remedy to treat the widest variety of human diseases and conditions, a component of preventative healthcare, and an adaptive support in our increasingly toxic, carcinogenic environment."

(<https://norml.org/library/item/introduction-to-the-endocannabinoid-system>)

These are some of the reasons I support HB1383, the bill to decriminalize cannabis. I am not in agreement with changes that have been made since it was first introduced, though. Individuals who have previously been convicted of possession should have their criminal records expunged and possessing cannabis for personal use should not be an offense or infraction or violation for an adult, whether it's 3 grams or 3 ounces ... or more. Again, how dare you be so unjust as to criminalize, or even criticize, a human being for choosing to possess or to ingest a flower! Perhaps our elected officials should learn from Alaska, California, Colorado, Maine, Massachusetts, Michigan, Nevada, Oregon, Vermont, Washington, or even our country's capital - Washington D.C., places that have successfully implemented meaningful policy change, to understand better how to move forward.

Thank you for this opportunity to provide testimony.

"Marijuana legalization is an urgent matter of civil rights, and it's our duty to end the injustices that have come with prohibition. For safety and for justice, legalization is the

only option we can accept in good conscience. Decriminalization will not end arrests or selective enforcement, and it will leave responsibility for regulation and testing not with scientists and experts, but to the whims of the underground market.”- Amol Sinha, ACLU-NJ

HB-1383-HD-2

Submitted on: 3/17/2019 4:59:23 PM

Testimony for JDC on 3/19/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Toby Rushforth	Individual	Oppose	No

Comments:

I have an idea!? Add a provision to the Bill that the cost of all negative effects of the bill will come from Legislators Pay and Benefits!

The idea that it is beneficial to help people in our State to get high **makes me** sick.

They fought a war over subjugating citizens by keeping them unable to think. It led to a revolution by those who were being abused, to allow them to regain a life worth living.

HB-1383-HD-2

Submitted on: 3/17/2019 8:39:19 PM

Testimony for JDC on 3/19/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
SUSAN P HUGHES	Individual	Oppose	No

Comments:

Too many potheads around here already! We want to motivate our children, not sedate them!

HEre's an idea...Why don't YOU try smoking some of the high potency weed going around nowadays and see for yourselves...it's like having a lobotomy. seriously. It might be useful for the sick and dying, but please keep it away from the younger generation.!

**TESTIMONY OF
LARRY S VERAY
TO
COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
&
COMMITTEE ON JUDICIARY
SUPPORT OF HB 1383 HD2
RELATING TO MARIJUANA
MARCH 17, 2019**

Aloha, Chair's Clarence Nishihara and Karl Rhoads, Vice Chair Glenn Wakai and Committee members. Although I am Chair for the Pearl City Neighborhood Board No. 21, I am submitting this testimony as an individual.

This bill decriminalizes the possession of 3 grams or less of marijuana and establish that the possession is an infraction punishable by a monetary fine of \$200. The bill also provides for the dismissal of criminal charges, and expungement of criminal records, pertaining solely to the possession of 3 grams or less of marijuana. Furthermore, the bill establishes a marijuana evaluation task force to make recommendations on changing marijuana use penalties and outcomes in the State.

You have the ability to dramatically improve policy and the law to decriminalize the possession of minimal amounts of marijuana thus reducing the prison population and saving the State and taxpayers a considerable amount of money. This is the right way ahead to improve management of our prison system.

I most strongly urge you to pass HB 1383 HD2. Mahalo!

Very respectfully,

Larry S. Veray

HB-1383-HD-2

Submitted on: 3/17/2019 11:03:12 PM

Testimony for JDC on 3/19/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Holly Hino-Agustin	Individual	Oppose	No

Comments:

I oppose this measure. Growing up in Hawaii I saw 1st hand what happened to kids who used marijuana. At a young age it surrounded me within the public school system, I can't imagine if it is decriminalized how much more pressure our children will have. It is known to cause some people to hallucinate, become disoriented and it increases the intoxication rate when one adds alcohol to it. If they are both legal, we are going to have an increase in motor vehicle fatalities, no doubt! Not to mention, It is a gateway drug to other more dangerous drugs and I have also witnessed that as a young teenager growing up in Hawaii, where although it wasn't legal, it was always accepted. Our children need to know there is a better way. Please consider the Keiki when voting on this measure.

HB-1383-HD-2

Submitted on: 3/18/2019 2:15:43 AM

Testimony for JDC on 3/19/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph P. Picon	Individual	Oppose	No

Comments:

I am a Hawaii resident of Waipahu and registered voter in the 37th district.

I oppose House Bill 1383 Relating to Marijuana.

Please keep this drug off the streets and declare it illegal to possess without a doctor's prescription.

Please keep our citizens in the State of Hawaii safe and vote no on House Bill 1383.
Thank you.

Joseph P. Picon

HB-1383-HD-2

Submitted on: 3/18/2019 6:59:06 AM

Testimony for JDC on 3/19/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Eugene Audley	Individual	Support	No

Comments:

Full legalization would be better, but this is at least one step away from failed, unjust prohibition policies of the drug-war era. Please pass this bill.

HB-1383-HD-2

Submitted on: 3/18/2019 7:54:03 AM

Testimony for JDC on 3/19/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nedi McKnight	Individual	Support	No

Comments:

Aloha kākou,

It is with great regret that I lend my voice to support HB1383. To those of us hoping for legalization, this bill is a slap in the face.

When did legislators stop representing their constituents and start making decisions on what they think is best? We asked for legalization, and what you have given us is a terrible decriminalization bill. Sadly, those of us who are not too disgusted to give up, are forced to lend support towards HB1383.

If the issue is residents right to possess and use cannabis, and most of us understand cannabis will eventually be legalized for adult use- why is HB1383 so restrictive? 3 grams, 1/10 ounce is the lowest in the country, and the suggested fine is too high. Why are we protecting the investors in the dispensaries, rather than making a sensible and compassionate law? Other states have legalized, with no or very little social problems and huge benefits to the economy.

Cannabis is widely used, socially accepted and safe. It offers a mild alternative to alcohol. The health benefits of cannabis have been proven, and we all know that as research comes out, more benefits of cannabis will be documented. Prohibition does not work. Hawai'i should have been the leader in recreational, adult-use cannabis. Bills like HB1383 are the reason that people do not vote- it is proof that our legislators do not represent their constituents.

Please consider revising this bill to increase the amount of cannabis we are able to possess to 1 oz.

Respectfully,

Nedi McKnight

Pa'auilo

From: [Roger Nakanishi](#)
To: [JDCTestimony](#)
Subject: HB1383 HD2 - Support
Date: Saturday, March 16, 2019 1:52:01 PM

Dear Chairs Rhoads & Nishihara, Vice Chair Wakai and Committee Members:

I write in strong support of this bill to decriminalize cannabis possession and allow for the expungement of records of those previously criminalized.

However, I respectfully ask that you consider the following and amend the bill to bring it in line with the course that like-minded states have taken.

1) SB472 SD1, the Senate bill that passed the Senate unanimously in 2013 (inc. with Gov. Ige's vote) had a 20g/.7 oz limit and a \$100 fine;

2) SB2358 SD1, a second bill passed Senate Public Safety a year later in 2014, it had 1oz or less, \$100 fine, which increased to \$250 for 2nd violation & \$500 for subsequent violations;

3) Recent states to decriminalize cannabis, all had more inclusive provisions:

Delaware, 1oz/\$100/;

Illinois: 10g/\$100-200;

Maryland 10g/\$100;

Missouri, 10g/\$250-1,000;

New Hampshire 3/4 oz/\$100;)

This averages to roughly 16 g/\$100.

4) Crucially, the expungement provisions of this bill will only apply to those previously convicted of the amount to be decriminalized. So with a low amount at 3 grams, many would continue to have a permanent mark on their record that will jeopardize their future prospects.

Mahalo for the opportunity to testify

Sent from my iPhone

Individuals in Support of HB1383

Late Testimony

1. Melanie Wills
2. Chris Martell
3. Scott Foster
4. Al Yos
5. Kiana Kali
6. Kelly High
7. Susan Kaintz Murphy
8. Pam
9. Zachary Stoddard
10. Thaddeus Pham
11. Ember
12. EO
13. Astra Druker-Michaels
14. David Craighead
15. Jessejaa64

16. David O'Quinn
17. Courtney Mrowczynski
18. Lucky Larry
19. Tropical Sunset Farms Steve
20. Al Yos
21. Eve Connie
22. Alfred Wylie
23. Harlow Todaro
24. Marilyn Mick
25. Tatiana Labore
26. Monica Parker
27. Shirley Thompson
28. Randy Gonce

HB-1383-HD-2

Submitted on: 3/18/2019 8:52:48 AM

Testimony for JDC on 3/19/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brandon Allen Kainoa Leong	Individual	Oppose	No

Comments:

Oppose

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Senator Clarence K Nishihara, Chair

Senator Glenn Wakai, Vice Chair

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Glenn Wakai, Vice Chair

Date: Tuesday March 19, 2019

Time: 10:30 am

Place Conference Room 016

State Capitol

415 South Beretania Street

Ivan Awa

808 988 2721

Day and Date of Hearing: March 14, 2019 9 AM

HB 1383, HD2 Testimony

2/18 /2019

I oppose Bill HB 1383 for the following reason:

I feel all the bill does not adequately address possession of three grams or less of marijuana for repeat offenders. While it might be good to afford first time offenders leniency of a \$200 fine only, repeat offenders should still be subject to a misdemeanor charge. Studies have indicated that decriminalization of marijuana possession has the effect of increasing useage to teens. There should be substantial dissuasion against repeat offenders of possession.

HB-1383-HD-2

Submitted on: 3/18/2019 8:59:43 AM

Testimony for JDC on 3/19/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
dain retzlaff	Individual	Support	No

Comments:

Add a zero to the 3 to make it a civil fine to possess 30 grams or less. If not, stop with this decriminalization nonsense and LEGALIZE CANNABIS INSTEAD!

Thank you

HB-1383-HD-2

Submitted on: 3/18/2019 10:09:09 AM

Testimony for JDC on 3/19/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rita Kama-Kimura	Individual	Oppose	No

Comments:

Note that I do not support the passing of this bill to decriminalization marijuana!

There are numerous reasons why:

- ◇ **Frequent marijuana use can seriously affect your short-term memory.**
- ◇ **Frequent use can impair your cognitive ability.**
- ◇ **Smoking anything, whether it's tobacco or marijuana, can seriously damage your lung tissue.**
- ◇ **Smoked marijuana contains cancer-causing compounds.**
- ◇ **Marijuana carries a risk of abuse and addiction.**
- ◇ **Marijuana has been implicated in a high percentage of automobile crashes and workplace accidents.**
- ◇ **Marijuana is still illegal under federal law. It is classified as Schedule I drug in the Controlled Substances Act (CSA), alongside heroin. This classification says that the substances have no currently accepted medicinal value.**

Tax department indicates that it does not have the expertise to regulate marijuana establishments and asked that lawmakers clarify how marijuana retailers would be taxed.

The Department of Transportation opposes this bill as does the office of the Attorney General. I hear that the Police Department also has concerns.

I find these all red flags and think it would be irresponsible to move any further on this bill until such time as a comprehensive study has been completed and released to the public.

Again, I say please stop this now, this bill needs to be deferred.

Aloha Committee Chairs, Co-Chairs and Committee Members,

While I support the intent of HB1383 –to decriminalize those who use cannabis, this bill falls short.

A 200.00 fine for THREE GRAMS or less is an excessive fine for such a small amount. The fine should be smaller and the amount in possession increased to at least

You are being told that legalization and “normalization” leads to social disorder, serious side-effects including death. Please realize that Marijuana is not a new drug that is going to be allowed to come to Hawaii if we decriminalize or legalize the use. It is already here and use has been normalized for many years. Surveys of teens in Hawaii tell us that a majority of them feel that they would not have any trouble gaining access to it if they wanted it.

I read the online testimonies against this bill when it was being heard in JUD and it appears that the alarmist, armed with partial and cherry-picked “facts” are out enforce, begging you to protect them and their children (and society) from those who are trying to decriminalize Marijuana.

They do not understand drug policy or see the collateral damage from the War on Drugs. They are largely operating in the dark, guided by others who are also blinded by fears, are ill-informed or disingenuous. Current drug policy is not working and reform is much needed (sooner than later). I am hopeful that Hawaii could benefit from full adult-use legalization and regulation as other states have.

Former Colorado Governor, John Hickenlooper was initially opposed to adult-use legalization. This is from a recent NYT post (Legalizing Marijuana, With a Focus on Social Justice, Unites 2020 Democrats By Trip Gabriel March 17, 2019)

“Mr. Hickenlooper, the governor at the time of the 2012 initiative allowing recreational use of cannabis, eventually changed his mind. He acknowledged that fears of **increased use by children did not materialize**, and he boasted of the tax revenues for social programs that regulated sales delivered.”

One of my friends, is Dr. Sue Sisley and she can tell you that legalization in Colorado opened up research into the medicinal benefit of cannabis. Nine MILLION dollars of tax revenue from legal cannabis sales went to cannabis researchers. Over two MILLION of that went to Dr. Sue Sisley who studied the effects of cannabis on veterans with PTSD.

Please know that **criminalization (the entire war on drugs) does not reduce the rates of use**. In fact, the Global Commission on Drug Policy has deemed the War on Drugs to be a failed war because it has failed to meet **any of it's objectives**.

Drug war has failed 2011 report

<http://www.globalcommissionondrugs.org/reports/the-war-on-drugs>

They have published many reports and guides to drug policy reform. This is a Global Drug Policy Report on decriminalization that says:

Building on current partial decriminalization models that have helped to achieve more effective drug policies and positive outcomes, with a greater emphasis on justice, dignity and human rights, **this report advocates ending all penalties – both civil and criminal – on people who use drugs.**

Detailing the destructive and **harmful consequences of punitive drug policies** and the need to reconsider them, the report calls for the implementation of **alternatives to punishment** for all low-level, non-violent actors in the drug trade, and to **consider market regulation** as the next logical step.

<http://www.globalcommissionondrugs.org/reports/advancing-drug-policy-reform>

HB1383 offers alternatives to the harsh punishment of jail or a criminal record but doesn't go far enough. Three grams is such a small amount and 200.00 fines are excessive. Please fix that to align with the decriminalization laws of other states

HB-1383-HD-2

Submitted on: 3/18/2019 11:56:28 AM

Testimony for JDC on 3/19/2019 10:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Cindy Snow	Individual	Oppose	No

Comments:

HB-1383-HD-2

Submitted on: 3/18/2019 12:06:06 PM

Testimony for JDC on 3/19/2019 10:30:00 AM

LATE

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

Comments:

LATE

From: [Jack Faessler](#)
To: [JDCTestimony](#)
Subject: HB1383 HD2 - Support
Date: Monday, March 18, 2019 10:17:43 AM

Dear Chairs Rhoads & Nishihara, Vice Chair Wakai and Committee Members:

I write in strong support of this bill to decriminalize cannabis possession and to expunge the records of individuals who were previously criminalized.

I respectfully ask that you amend the bill to bring it in line with the sensible course that like-minded states have taken.

Are we, in predominately liberal Hawaii, seriously about to decriminalize possession of the LEAST amount of marijuana of ANY state which has already decriminalized it?

Additionally, the expungement provisions of this bill will only apply to those previously convicted of the proposed decriminalized 3-gram limited amount. Using that guideline, many persons would continue to have a permanent mark on their record, jeopardizing their future prospects.

Please do the right thing.
Mahalo for the opportunity to testify

JACK . . . from Hale FAESSLER
> Freedom is my religion.

LATE

HB-1383-HD-2

Submitted on: 3/18/2019 5:12:56 PM

Testimony for JDC on 3/19/2019 10:30:00 AM

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

Comments:

Dear Honorable Legislative Members,

As a concerned citizen, and a retired substance abuse counselor and retired Dept of Public Safety employee, I am opposed to this bill. I believe the state is trying to do this prematurely. Should the federal government decide to legalize marijuana for recreational use, then at that time, the state should try to do this. As long as it is illegal for this type of usage, then the state should follow suit. Just because other states are legalizing this substance, it is still illegal per federal law. Additionally, this substance is still very addictive to many people and is a gateway drug for many addicts. Please take all of this into consideration when voting on this bill.

Sincerely,

David J Fukuzawa

LATE

HB-1383-HD-2

Submitted on: 3/18/2019 8:18:25 PM

Testimony for JDC on 3/19/2019 10:30:00 AM

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

Comments:

I respectfully testify in **strong support** of this bill. Decriminalization of small quantities of cannabis, and expungement of criminal records relating to possession of such small quantities, are absolutely essential for fairness in criminal justice reform.

Thank you for this opportunity to provide my opinion on this important issue.

Alan Burdick

HB-1383-HD-2

Submitted on: 3/18/2019 9:58:08 PM

Testimony for JDC on 3/19/2019 10:30:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
RiSean Tinsley	Individual	Oppose	No

Comments:

What was once a pioneering and transformative bill has being seriously watered down due to internal opposition at the Legislature. Instead of decriminalizing all cannabis offenses, the bill is now limited to small amount possession. The amount in question (3 grams, 1/10 ounce) is the lowest in the country, and the suggested fine of \$200 is very stiff. To be clear, this would be the least progressive and thus most punitive decriminalization bill in the country. Is this really what we want Hawai'i to be known for?

- [The Senate bill that passed the Senate unanimously in 2013](#) (inc. with Gov. Ige's vote) had a 20g/.7 oz limit and a \$100 fine;
- [A second bill passed Senate Public Safety a year later in 2014](#), it had 1oz or less, \$100 fine, which increased to \$250 for 2nd violation & \$500 for subsequent violations;
- Recent states to decriminalize cannabis, all had more inclusive provisions:
 - Delaware, 1oz/\$100/;
 - Illinois: 10g/\$100-200;
 - Maryland 10g/\$100;
 - Missouri, 10g/\$250-1,000;
 - New Hampshire 3/4 oz/\$100;)
 - **This averages to roughly 16 g/\$100.**
- [New Mexico's legislature just sent a decriminalization bill to the Governor's desk, it decriminalizes 1/2 oz and institutes a \\$50;](#)
- **Crucially**, the excellent expungement provisions of this bill will only apply to those previously convicted of the amount to be decriminalized. So with a low amount at 3 grams, many would continue to have a permanent mark on their record that will jeopardize their future prospects.

LATE

HB-1383-HD-2

Submitted on: 3/18/2019 11:06:33 PM

Testimony for JDC on 3/19/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kerrie Villers	Individual	Oppose	No

Comments:

Chairs and Committee Members,

I am strongly opposed to decriminalizing marijuana and legalizing any form of the recreational use of marijuana.

Studies clearly show that the recreational use of marijuana does have detrimental side effects, particularly in large doses over long periods of time, which will occur in greater numbers should marijuana be decriminalized.

Data from states that have legalized marijuana also clearly show that the legalization has had tremendous negative consequences in those states across the community: everything from negatively impacting minors and their usage to the post office, from crime rates to increases in other drug use.

This is not a good step for our islands, so I ask that you would not pass this bill. Thank you.

Sincerely,

Kerrie Villers

LATE

HB-1383-HD-2

Submitted on: 3/19/2019 2:09:50 AM

Testimony for JDC on 3/19/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kim Coco Iwamoto	Individual	Support	No

Comments:

Testimony in STRONG SUPPORT of HB1383 HD2 with AMENDMENTS

Dear Chairs Rhoads & Nishihara, Vice Chair Wakai and Committee Members:

I write in strong support of this bill to decriminalize cannabis possession and allow for the expungement of records of those previously criminalized.

However, I respectfully ask that you consider the following and amend the bill to bring it in line with the course that like-minded states have taken AND more closely aligned with terms the Hawaii Senate has passed in previous legislative sessions. This is not the time to back step on this reform.

1) SB472 SD1, the Senate bill that passed the Senate unanimously in 2013 (inc. with Gov. Ige's vote) had a 20g/.7 oz limit and a \$100 fine;

2) SB2358 SD1, a second bill passed Senate Public Safety a year later in 2014, it had 1oz or less, \$100 fine, which increased to \$250 for 2nd violation & \$500 for subsequent violations;

3) Recent states to decriminalize cannabis, all had more inclusive provisions:

Delaware, 1oz/\$100/;

Illinois: 10g/\$100-200;

Maryland 10g/\$100;

Missouri, 10g/\$250-1,000;

New Hampshire 3/4 oz/\$100;)

This averages to roughly 16 g/\$100.

4) Crucially, the expungement provisions of this bill will only apply to those previously convicted of the amount to be decriminalized. So with a low amount at 3 grams, many would continue to have a permanent mark on their record that will jeopardize their future prospects.

Thank you for your consideration,

Kim Coco Iwamoto

LATE

HB-1383-HD-2

Submitted on: 3/19/2019 2:16:00 AM

Testimony for JDC on 3/19/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Individual	Support	No

Comments:

Aloha kakou, Strong support for this measure. Let's hope this will cut down on the high rates of incarceration for victimless crimes.

Mahalo, Ann S. Freed

From: [Nate Hix](#)
To: patrickroyfan@gmail.com; [PSMTestimony](#); [JDCTestimony](#)
Subject: Please pass HB 1838
Date: Monday, March 18, 2019 1:31:24 PM



 **Support Decriminalizing Cannabis in Hawaii**

Name	Nate Hix
Email	nate.hix@gmail.com
Email Subject	Aloha Senate Judiciary and Public Safety Committee members,

I am writing in **STRONG SUPPORT** of this measure, HB 1383. Decriminalizing the possession of cannabis is a step in the right direction for our island state and society. We need to stop criminalizing members of the public for possessing cannabis.

Furthermore, this legislations as is could use some additional language to make the measure more effective. Please consider these amendments:

- Increase the threshold to 1 oz with \$100 fine, alternatively ½ oz/\$50;
- Re: expungements, it is important to remember that many obstacles remain for an individual to actually apply for this relief. California last year enacted a law that automates the expungement contained in Proposition 64, in part because some jurisdictions made the process easy while others did not. Also, individuals who would benefit from it could not find the time to, or were even aware that they could, apply;

The current 3 gram threshold with a 200\$ fine has the high potential to do the opposite of what this measure was intended to do in the first place. 3 grams is a very small amount of cannabis and 200\$ is a steep fine given our economic climate in Hawaii. If passed as is, this has the high potential to be used as a revenue generator.

Please pass this measure with the amendments

offered. Mahalo!

From: [Randy Ching](#)
To: patrickroyfan@gmail.com; [PSMTestimony](#); [JDCTestimony](#)
Subject: Please pass HB 1838
Date: Monday, March 18, 2019 2:22:21 PM

 **Support Decriminalizing Cannabis in Hawaii**

Name	Randy Ching
Email	makikirandy@yahoo.com
Email Subject	Aloha Senate Judiciary and Public Safety Committee members,

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Please pass this measure with the amendments

offered. Mahalo!

LATE

HB-1383-HD-2

Submitted on: 3/19/2019 7:35:36 AM

Testimony for JDC on 3/19/2019 10:30:00 AM

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

Comments: