



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

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 606, RELATING TO MARIJUANA.

**BEFORE THE:**

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND  
MILITARY AFFAIRS

**DATE:** Tuesday, February 5, 2019                      **TIME:** 1:15 p.m.

**LOCATION:** State Capitol, Room 229

**TESTIFIER(S):** Clare E. Connors, Attorney General, or  
Michelle M.L. Puu, Deputy Attorney General

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Chair Nishihara and Members of the Committee:

The Department of the Attorney General submits testimony in opposition to this bill.

The purpose of this bill is to legalize the possession, use, and cultivation of marijuana. The distribution of marijuana will also be legal so long as the recipient is not a minor. The bill further proposes the expungement of prior criminal convictions for marijuana-related offenses.

The Department opposes this bill for the following reasons. As this bill has nothing to do with the limited use of marijuana for medical purposes, this testimony does not address or pertain to that issue.

We oppose this measure because marijuana possession, cultivation, and distribution is illegal under federal law. As the bill acknowledges, marijuana is still a Schedule I controlled substance under the Controlled Substances Act, 21 U.S.C. §§ 801-904. It is a violation of federal law to grow, distribute, or use marijuana. Although this bill could legalize 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). Although the Blumenauer

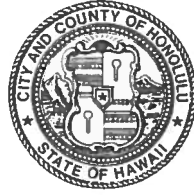
amendment to the continuing resolution extending the appropriations act restricts funding for federal law enforcement actions by the DOJ, this limitation applies only to the medical use of cannabis.

Unless and until the federal government changes its laws regarding marijuana, the State should not expand the legalization of this drug beyond medical use.

We respectfully request that this measure be held.

POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

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



KIRK CALDWELL  
MAYOR

SUSAN BALLARD  
CHIEF

JOHN D. McCARTHY  
JONATHAN GREMS  
DEPUTY CHIEFS

OUR REFERENCE **CT-TA**

February 5, 2019

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

Dear Chair Nishihara and Members:

**SUBJECT: Senate Bill No. 606, 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 strongly opposes Senate Bill No. 606, Relating to Marijuana. This bill, in part, seeks to legalize marijuana by repealing all criminal penalties regarding marijuana except with regard to furnishing marijuana to a minor.

These ordinances would supersede laws of Part IX of Chapter 329, Medical Use of Marijuana, and Part IV of Chapter 712, Offenses Related to Drugs and Intoxicating Compounds, of the Hawaii Revised Statutes. 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 anticipated rise in criminal and traffic cases will severely tax the resources of the HPD. As seen in Colorado, there may be an increase of investigations of traffic fatalities and operating a vehicle while under the influence cases, as a result of marijuana use. Enforcement of criminal and traffic cases will also be a challenge. The HPD will require additional staffing and training costs to meet the demands related to these increases.

Keeping drugs illegal reduces their availability and lessens the willingness to use them. Legalizing drugs increases their availability and misuse regardless of the controls in place.

*Serving and Protecting With Aloha*

The Honorable Clarence K. Nishihara, Chair  
and Members  
February 5, 2019  
Page 2

The HPD urges you to oppose Senate Bill No. 606, Relating to Marijuana.

Thank you for the opportunity to testify.

Sincerely,

Calvin Tong, Major  
Narcotics/Vice Division

APPROVED:

A handwritten signature in cursive script that reads "Susan Ballard". The signature is written in black ink and is positioned above a horizontal line.

Susan Ballard  
Chief of Police



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

TO: Senate Committee on Public Safety, Intergovernmental, and Military Affairs  
FROM: Carl Bergquist, Executive Director  
HEARING DATE: February 5, 2019, 1:15PM  
RE: SB606, RELATING TO MARIJUANA, **SUPPORT**

Dear Chair Nishihara, Vice Chair Wakai, Committee Members:

The Drug Policy Forum of Hawai'i (DPFHI) **supports** this measure to legalize adult use cannabis and help individuals expunge cannabis-related convictions. This would begin reversing the brutal impact of the decades' long, needless criminalization of this substance. Why should Hawai'i pursue this path?

Last week, on January 29th, [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 likely 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. It is our hope that Hawai'i, by legalizing cannabis, will obviate the need for such action by our own prosecuting attorneys.

**Some numbers:**

- From 2008-16, nearly **8,000 adult Hawai'i residents were arrested for simple cannabis possession**. Many others are arrested for growing for, or selling to,

those in 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**;

By eliminating the risk of even being fined for a cannabis offence, the risk of a Maryland type impact post-decriminalization can be eliminated. It also frees up law enforcement from even having to make such a decision.

Regarding cannabis legalization in general, many see it primarily as a source of tax revenue and profit. However, 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 legalization program include the types of [social justice policies](#) pioneered in other states, and represented in this bill by the expungement provisions.

While this contemplates a simplified application process, [California last year enacted a law that automates the expungement.](#)

Going forward, as we contemplate a cannabis retail system, it would be equitable to also consider [reinvesting in communities most impacted by the War on Cannabis.](#)

California's Proposition 64 that legalized adult use cannabis included [Community Reinvestment Grants](#), funded by cannabis taxes, for local governments and non-profits to support communities disproportionately affected by past federal and state drug policies by helping with:

- Job placement;
- Mental health treatment;
- Substance use disorder treatment;
- System navigation services;
- Legal services to address barriers to reentry;
- Linkages to medical care.

Further, we must aim to facilitate the entry of criminalized community members into the for-profit legal cannabis industry. [How we can avoid what has happened in other states](#) where those communities are excluded by a combination of high initial investment barriers and prohibitions based on criminal records generated by unjust drug policies?

We are hopeful that this bill marks the start of a serious conversation on what system will work best for Hawai'i. Working together, we will get there.

Mahalo for the opportunity to testify.



Submitted Online: February 3, 2019

**Hearing:** Tuesday, February 5, 2019

**TO:** Committee on Public Safety, Intergovernmental and Military Affairs  
Sen. Clarence Nishihara, Chair  
Sen. Glenn Wakai, Vice Chair

**FROM:** Eva Andrade, President

**RE:** Opposition to SB 606 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 in our community are opposed to the decriminalization of marijuana:

Because of our strong concern about the welfare of our keiki, we appreciate that you are creating a class B felony to anyone who commits the offense of promotion of marijuana or Schedule V substance to a minor if the person sells, barter, or provides any marijuana or any Schedule V substance in any amount, we still believe that the decriminalization of marijuana will open a door that can't be shut once opened and most assuredly will pave the way for recreational usage.

We remain opposed to decriminalizing cannabis use because it may very well lead to the increased availability of marijuana making it easier to access and more readily available. Keeping marijuana illegal reduces this availability and creates a very real reason for people not to use it.

Mahalo for the opportunity to submit our concerns.





## SB 606, RELATING TO MARIJUANA

FEBRUARY 5, 2019 · SENATE PUBLIC SAFETY,  
INTERGOVERNMENTAL, AND MILITARY AFFAIRS  
COMMITTEE · CHAIR SEN. CLARENCE K.  
NISHIHARA

**POSITION:** Support.

**RATIONALE:** IMUAlliance supports SB 606, relating to marijuana, which repeals all criminal penalties regarding marijuana except with regard to furnishing marijuana to a minor and requires courts to expunge a person's criminal record for a marijuana conviction if that charge was the only charge emanating from a single set of facts and circumstances.

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 in tax revenue annually for our state.** That said, we support recreational decriminalization as a fine first step toward the ultimate goal of legalization.

**SB-606**

Submitted on: 2/2/2019 4:12:50 PM

Testimony for PSM on 2/5/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kekai Quartero	Testifying for K&R Enterprises	Support	No

Comments:

Aloha Kakou,

I support SB606 because the war on drugs has proven to have adverse, seriously harmful effects upon families and society. Decriminalization of drug use has stabilized communities across the world and statistics demonstrate a direct correlation with lower drug use and lower crime rate.

Sincerely,

Robert Quartero

**SB-606**

Submitted on: 2/1/2019 3:24:15 PM

Testimony for PSM on 2/5/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Victor K. Ramos	Individual	Oppose	No

Comments:

**SB-606**

Submitted on: 2/3/2019 9:17:37 PM

Testimony for PSM on 2/5/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mark Gordon	Individual	Support	No

Comments:

Please Support SB 606 and Send to the Legislature.

All criminal penalties should be repealed regarding marijuana. In addition, if this is the only offense on a person's record, it should definitely be removed.

Thanks for allowing me to share my Testimony.

Mark Gordon, Waikoloa, HI.

**SB-606**

Submitted on: 2/3/2019 10:55:15 PM

Testimony for PSM on 2/5/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Poulos	Individual	Oppose	No

Comments:

**SB-606**

Submitted on: 2/4/2019 12:04:25 AM

Testimony for PSM on 2/5/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary Smart	Individual	Oppose	No

Comments:

This is the fourth bill regarding marijuana use that I have submitted testimony in opposition. Each bill is harmful to the community. The exculsion of minors in the bill isn't going to make it happen. Minors are already using marijuana/cannabis. Do not take any steps to change the legality of marijuana in the state of Hawaii. It is a federal offense and is a danger to our residents. The flaunting of federal law by the state just gives people more justification to flaunt the state law. Please read the testimony provided against all the other marijuana laws before voting on this one. Furthermore, the criminal records of vilators should not be expunged. They committed a crime. They willingly broke the law. That is a fact and the record should stand. Many individuals are addicted to marijuana/cannabis. Many have gone through treatment multiple times and still failed to kick the habit. It is often a gateway drug to other, even more dangerous drugs. Do not ignore the dangers of this drug. Do not legalize it in our communities. The legislature is considering a bill banning flavors for vape/e-cigs because our young people like the flavors. Well, young people like marijuana too and marijuana is more harmful to their bodies, brains and their emotional well-being. Do not pass this bill.

**SB-606**

Submitted on: 2/4/2019 10:04:57 AM

Testimony for PSM on 2/5/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
R. L. Souza	Individual	Oppose	No

Comments:



**SB-606**

Submitted on: 2/4/2019 11:39:13 AM

Testimony for PSM on 2/5/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Destiny Brown	Individual	Support	No

Comments:

Aloha Committe Chair and Members,

I am writing in support of SB606.

Thank you,

Destiny Brown

Constituent Senate District 25

Constituent House Distrct 13

Student Hawaii Pacific University

February 05, 2019

**Testimony in Strong Support, SB 606, Relating to Marijuana**

**To:** Committee on Public Safety, Intergovernmental, and Military Affairs: Senator Clarence K. Nishihara, Chair & Senator Glenn Waikai, Vice Chair

**From:** Taylor Schultz

**Re:** Testimony in Strong Support, SB 606, Relating to Marijuana

Aloha, my name is Taylor Schultz, I am a Masters candidate from the Myron B. Thompson School of Social Work at the University of Hawai'i at Manoa and I am writing in **strong support** of SB 606, which would repeal all criminal penalties regarding marijuana except with regard to furnishing marijuana to a minor. Furthermore, requiring courts to expunge a person's criminal record for a marijuana conviction if that charge was the only charge emanating from a single set of facts and circumstances.

Throughout the duration of my MSW degree, I have been an intern at Action with Aloha, a substance addiction outpatient treatment center where I have had the opportunity to work with federally and state mandated, and self-referred clients in a group setting (the opinions expressed in this testimony are my own and do not directly reflect Action with Aloha). I have personally seen the detrimental and long-term impacts that arrests relating to substance use disorders have on individuals, families, and our community. What I have noticed is that substance addiction is oftentimes a result of other issues in an individual's life. Our agency not only addresses substance addiction through a harm reduction model, but we also assist our clients in learning tools in which they can apply to other facets of their life such as learning healthy coping mechanisms, getting treatment for mental health, or establishing healthy interpersonal relationships.

For far too long has our justice system treated substance addiction in a punitive rather than a rehabilitative or preventative manner. Specifically relating to marijuana, there is an overwhelming amount of evidence that disproves many of the outdated said negative impacts that this substance has on individuals and communities. While I believe that misuse of this substance, along with other legal substances including tobacco, alcohol, and caffeine can be harmful, it can be regulated in a way that other states have modeled successfully without necessitating criminalization for possession of this plant. One study that I regularly reference in the scope of decriminalizing substances is Portugal. What they found was that by decriminalizing drugs, a fear of prosecution was removed which resulted in a significant increase in individuals who sought crucial treatment services which lowered rates of substance use and assisted individuals in getting help in other facets of their lives. SB 606 is a necessary step for harm reduction relating to marijuana. While decriminalizing this substance may seem counterintuitive to reducing harm, multiple other locations who have implemented similar laws have proven this to be effective.

I strongly support SB 606 and respectfully urge this Committee to pass this important measure.

Thank you.

**SB-606**

Submitted on: 2/4/2019 1:24:59 PM

Testimony for PSM on 2/5/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lori	Individual	Support	No

Comments: