



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2020**

LATE

ON THE FOLLOWING MEASURE:

S.B. NO. 2361, RELATING TO MARIJUANA DECRIMINALIZATION.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, February 4, 2020 **TIME:** 10:01 a.m.

LOCATION: State Capitol, Room 016

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

Chair Rhoads and Members of the Committee:

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

Although the title of this bill refers to marijuana decriminalization, the stated purpose of this bill, on page 4, lines 6-7, is "to repeal criminal prohibitions and penalties pertaining to marijuana," which constitutes legalization, not marijuana decriminalization.

This bill removes marijuana and tetrahydrocannabinols from schedule I of the State Uniform Controlled Substances Act; legalizes the possession and distribution of marijuana in any amount; legalizes the possession and distribution of marijuana concentrates (including tetrahydrocannabinol and hashish) in any amount; and legalizes the commercial promotion of marijuana. It eliminates the class A, B, and C felony offenses related to marijuana and marijuana concentrates. Although the distribution of marijuana concentrate to a minor is still prohibited under the offense of promoting a harmful drug in the first degree, the distribution of marijuana to a minor, including the sale or barter of marijuana to a minor, is legalized. And while the sale or barter of a schedule V substance is still generally prohibited under the class C felony offense of promoting a detrimental drug in the first degree, the class B felony offense of commercial promotion of marijuana in the second degree, which prohibits the sale or barter of a schedule V substance to a minor, is repealed. Schedule V substances include such substances as codeine, opium, approved cannabidiol drugs, and certain depressants.

The Department has numerous concerns about this bill, which promotes the recreational use of marijuana. We oppose this measure for the following reasons:

1. The validity of the bill may be challenged for embracing more than one subject;
2. The bill legalizes marijuana without establishing a strong regulatory system that would ensure public health and safety;
3. The bill does not address the impact upon the medical cannabis program or the medical cannabis dispensary system;
4. Marijuana is still illegal under federal law;
5. After extensive discussion and consideration during the last legislative session, the Legislature decided to decriminalize only the possession of a small quantity of marijuana and established a marijuana evaluation task force to make recommendations to the Legislature; and
6. Impaired driving is a public safety concern.

1. The validity of the bill may be challenged for embracing more than one subject.

Article III, section 14, of the Constitution of the State of Hawaii, provides in part: "Each law shall embrace but one subject, which shall be expressed in its title." As articulated by the Hawaii Supreme Court, in Schwab v. Ariyoshi, 58 Haw. 25, 34, 564 P.2d 135, 141 (1977):

It is sufficient if the title of an ordinance fairly indicates to the ordinary mind the general subject of the act, is comprehensive enough to reasonably cover all its provisions, and is not calculated to mislead; but an act which contains provisions neither suggested by the title, nor germane to the subject expressed therein is to that extent void.

The title of this bill is "A BILL FOR AN ACT RELATING TO MARIJUANA DECRIMINALIZATION." But this bill does not involve decriminalization, which would maintain the prohibition, but would reduce the criminal offense to a violation. Instead,

this bill repeals the prohibitions regarding marijuana in an effort to legalize the prohibited conduct.

Because marijuana decriminalization is different from marijuana legalization, the actual subject of this bill is not covered by its title.

2. The bill legalizes marijuana without establishing a strong regulatory system that would ensure public health and safety.

This bill simply legalizes marijuana without any consideration of its potential adverse impacts on public health, safety, children, and the communities. It fails to establish any type of regulatory system. It fails to establish any restrictions or controls on the use, production, and distribution of marijuana or marijuana products. There should be consideration of matters such as licensing, zoning, testing, taxation, impaired driving, and sales of various products.

This bill's approach to legalization disregards the past experiences of other states that have legalized marijuana. And it is inconsistent with the development of our medical cannabis laws. The Legislature, when establishing the medical cannabis program and the medical cannabis dispensary system, recognized the potential for harm to public health and safety and made a significant effort to establish a strong regulatory system.

3. The bill does not address the impact upon the medical cannabis program or the medical cannabis dispensary system.

Without any regulatory structure for recreational marijuana, the medical cannabis program will be greatly impacted. This bill does nothing to address this matter.

4. Marijuana is still illegal under federal law.

Federal law classifies marijuana as a schedule I controlled substance with “high potential for abuse” and a “lack of accepted safety for use.” See 21 U.S.C. 812 (2018). As a result, federal law prohibits the production, distribution, and possession of marijuana. Although the Legislature could legalize conduct that State law currently

prohibits, it should not ignore federal law. The federal government could choose to enforce its marijuana laws, particularly when a state does not establish a strong regulatory system that would address the many concerns about marijuana.

And because of federal law, many marijuana businesses cannot use traditional banking services, making them easy targets for robberies.

5. After extensive discussion and consideration during the last legislative session, the Legislature decided to decriminalize only the possession of a small quantity of marijuana, and established a marijuana evaluation task force to make recommendations to the Legislature.

During the 2019 Session, the Legislature passed House Bill No. 1383, H.D. 2, S.D. 1, C.D. 1, which became Act 273, without the Governor's signature. Act 273 decriminalized the possession of three grams or less of marijuana, making the offense a violation subject to a \$130 fine, instead of a petty misdemeanor. Act 273 also established a marijuana evaluation task force to "make recommendations on changing marijuana use penalties and outcomes in the State." This bill is inconsistent with Act 273, and premature as the task force report and recommendations are not due until the 2021 regular session.

6. Impaired driving is a public safety concern.

The Department worries that legalization of recreational marijuana could lead more Hawai'i drivers to operate their vehicles under the influence of marijuana. Surveys from the State of Washington provide reason for concern. Now that Washington has legalized recreational marijuana, the State reports that 39.1 percent of drivers admitted to driving within three hours of using marijuana.¹ Moreover, over half of drivers between ages 15 and 20 mistakenly believe that marijuana use makes their driving better.² In addition, the federal government's Rocky Mountain High Intensity Drug Trafficking Area

¹ Darrin T. Grondel et al., *Marijuana Use, Alcohol Use, and Driving in Wash. State 2* (Wash. Traffic Safety Comm'n, 2018), https://wtsc.wa.gov/wp-content/uploads/2018/04/Marijuana-and-Alcohol-Involvement-in-Fatal-Crashes-in-WA_FINAL.pdf.

² *Id.*

(RMHIDTA) reported that Colorado traffic deaths in which drivers tested positive for marijuana increased 109 percent after the state legalized marijuana.³ There is reason to be concerned that marijuana legalization could lead to increased traffic accidents in Hawai'i as well.

The Department respectfully requests that this measure be held.

³ Rocky Mountain High Intensity Drug Trafficking Area, *The Legalization of Marijuana in Colorado: The Impact 1* (Sept. 2019).



**Office of the Public Defender
State of Hawaii
Lee S. Hayakawa, Deputy Public Defender**



**Testimony of the Office of the Public Defender,
State of Hawaii to the House Committee on Judiciary**

LATE

February 4, 2020 10:01 a.m.

S.B. No. 2361: RELATING TO MARIJUANA DECRIMINALIZATION

Chair Rhoads and Members of the Committee:

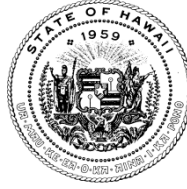
The Office of the Public Defender has reviewed S.B. 2361. We offer the following commentary and testimony in support of this measure.

Eleven states and Washington D.C. have now legalized marijuana for recreational use for adults over 21. Thirty-three states have legalized medical marijuana. Nationally, public sentiment has not only moved toward supporting the decriminalization of marijuana, but the actual legalization of the drug. Nearly two-thirds of the American public now supports marijuana legalization. This shift may be, in part, a reflection of the success of state marijuana laws in the first ten states to legalize. A poll commissioned by Civil Beat in December 2016 indicated 73 percent support legalization.

A collateral benefit of decriminalization hopefully will be a reduction in the amount of crystal methamphetamine users. Operation Green Harvest of the late 1970s wiped out the supply of illegally grown marijuana. The unforeseen result at the time was the masses of marijuana users turning to something that was cheap and available and got them “high”.. and that was crack cocaine, shortly followed by the lethal and highly addictive methamphetamine or “ice.” What we observed at our office was the skyrocketing of methamphetamine at the same time that our marijuana cases were dropping. Ice, although different in the type of intoxicating effects, was similar to marijuana in that it could be smoked. Ice use took off, and became an epidemic.

An added benefit that might be expected with the legalization of marijuana is a highly regulated industry where the marijuana products that will be ingested will be subject to rigorous testing and regulation. The prevalence of health risks, and, indeed, nationally reported deaths and serious injuries as a result of inferior, tainted, or lethal versions of the marijuana products may become a thing of the past. Legalization will obviate the black market and illegal marijuana products that will likely lack the same quality assurance that a legalized industry will bring.

Thank you for the opportunity to provide input on this measure.



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
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February 4, 2020
10:01 a.m.
State Capitol, Room 016

S.B. 2361
RELATING TO MARIJUANA DECRIMINALIZATION

Senate Committee on Judiciary

The Department of Transportation (DOT) **opposes** S.B. 2361.

DOT'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 this bill, which appears to remove marijuana and THC entirely from the Schedule of Controlled Substances. Doing so would be problematic for impaired driving adjudication because of Hawaii's current definition of "drug" in our Operating a Vehicle Under the Influence of an Intoxicant statute.

In passing any legislation to legalize and/or decriminalize marijuana, Hawaii should closely observe the impacts decriminalization and legalization has had in other states. "According to an October 2018 report from the Insurance Institute for Highway Safety (IIHS), an examination of police-reported crashes of all severities showed that "the legalization of retail sales in Colorado, Washington and Oregon was associated with a 5.2% higher rate of police-reported crashes compared with neighboring states that did not legalize retail sales." Furthermore, the Colorado Department of Transportation and the National Highway Traffic Safety Administration reported that the rate of traffic fatalities involving drivers who tested positive for marijuana in Colorado rose from 55 in 2013 to 138 people killed in 2017, and over one-fifth of all traffic fatalities in 2017 included a driver testing positive for marijuana.

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 tetrahydrocannabinol (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).

In Hawaii, a local study on motor vehicle crash fatalities and undercompensated care associated with legalization on medical marijuana finds that “THC positivity among driver fatalities increased since legalization, with a threefold increase from 1993-2000 to 2001-2015. THC positivity among all injured patients tested at our highest level trauma center increased from 11% before to 20% after legalization. From 2011 to 2015, THC positive patients were significantly less likely to wear a seatbelt or helmet (33% vs 56%).” The study was published in the Journal of Trauma and Acute Care Surgery in May 2018.

DOT is primarily concerned about improving highway safety and protecting the lives of our community members and visitors. DOT coordinates specialized training and certifies law enforcement officers to recognize impairment in drivers under the influence of drugs through its DRE program to combat this issue.

Thank you for the opportunity to provide testimony.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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DWIGHT K. NADAMOTO
ACTING PROSECUTING ATTORNEY



LYNN B.K. COSTALES
ACTING FIRST DEPUTY
PROSECUTING ATTORNEY

LATE

THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirtieth State Legislature
Regular Session of 2020
State of Hawai'i

February 4, 2020

RE: S.B. 2361; RELATING TO MARIJUANA DECRIMINALIZATION.

Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in strong opposition to S.B. 2361.

Although opinions vary widely as to the harmful (or beneficial) effects of cannabis, there does not appear to be any disagreement that cannabis is a psychoactive substance that can significantly affect one's physical and mental state. Because cannabis (aka marijuana) continues to be a Schedule 1 controlled substance, driving while "under the influence"¹ of cannabis is illegal, and continues to be a focus of law enforcement's multi-faceted efforts to minimize all incidents of operating a vehicle under the influence.

If "marijuana" were removed from the controlled substance schedules (page 5), then—by definition—driving while impaired by cannabis would not be prohibited. The same would be true of all tetrahydrocannabinols ("THC") and their synthetic equivalents, if those were removed from the controlled substance schedules (page 9). The Department is gravely concerned about the potential effects that this could have on public safety.

In addition to law enforcement considerations, we respectfully ask that the Committee also consider the potential ramifications in terms of public health and welfare. While Section 1 of the bill lauds Hawaii's medical cannabis program for maintaining "highly regulated and monitored dispensaries," which provide medical cannabis to patients who count on this cannabis

¹ As defined by HRS §291E-1, and as pertaining to drugs, "under the influence" means: "(2) Is under the influence of any drug that impairs the person's ability to operate the vehicle in a careful and prudent manner"; and "drug" means any controlled substance, as defined and enumerated in schedules I through IV of chapter 329, or its metabolites.

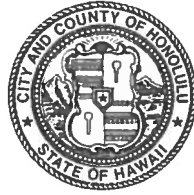
being “regulated and tested” (page 2, lines 8-10), Sections 2-10 unilaterally propose deleting every statute in the penal code dealing with cannabis, without providing any assurances, standards, infrastructure or process by which any other cannabis—meaning cannabis not obtained from a licensed dispensary—would have any such safeguards.

Finally, we also note that “vaping” THC appears to be of significant concern to the medical community—particularly in terms of our youth—which should be carefully considered before deliberating on S.B. 2361. While it is easy to say that a substance can be legal for adults but illegal for youth—as with alcohol and tobacco—it seems clear that doing so only encourages or emboldens youth who would contemplate using, as youth so often feel entitled to or desirous of every privilege and ability afforded to adults. Nevertheless, studies indicate that cannabis use among children and young adults can have long-lasting or even permanent negative effects.

Given the abuse and negative impacts of cannabis and THC that already exist in our community, and the dangers presented by encouraging *increased usage* of cannabis through legalization, the Department believes that the changes proposed in this bill present an extremely high risk to public safety and welfare, with no overall benefits. For this and all of the foregoing reasons, the Department of the Prosecuting Attorney strongly opposes S.B. 2361. Thank you for the opportunity to testify on this matter.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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



KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. MCCARTHY
CLYDE K. HO
DEPUTY CHIEFS

OUR REFERENCE PJ-FG

February 4, 2020

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 Chair Rhoads and Members:

SUBJECT: Senate Bill No. 2361, Relating to Marijuana Decriminalization

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

The HPD opposes Senate Bill No. 2361, Relating to Marijuana Decriminalization. This bill seeks to legalize marijuana by removing from the Hawaii Revised Statutes existing criminal prohibitions and penalties related to marijuana.

Marijuana is harmful. The Rocky Mountain High Intensity Drug Trafficking Area released their report, "The Legalization of Marijuana in Colorado: The Impact, Volume 6, Update September 2019". As the title suggests, the purpose of this study 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 109 percent;
- Traffic deaths involving drivers who tested positive for marijuana more than doubled from 55 in 2013 to 115 in 2018;
- Colorado past-month marijuana use for ages 12 and older increased

The Honorable Karl Rhoads, Chair
and Members
February 4, 2020
Page 2

58 percent, is 78 percent higher than the national average, and is currently ranked fourth in the nation;

- The yearly number of marijuana-related hospitalization increased by 101 percent;
- Marijuana only exposures more than quadrupled in the six-year average (2013 to 2018);
- Seizures of Colorado marijuana in the U.S. mail has increased 1,042 percent from an average of 52 parcels (2009 to 2012) to 594 parcels (2013 to 2017); and
- Marijuana tax revenue represents approximately nine-tenths of one percent of Colorado's fiscal year 2018 budget.

Note: The numbers above were recorded 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.

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

The HPD urges you to oppose Senate Bill No. 2361, Relating to Marijuana Decriminalization.

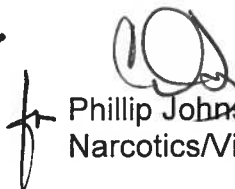
Thank you for the opportunity to testify.

APPROVED:



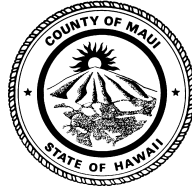
Susan Ballard
Chief of Police

Sincerely,



Phillip Johnson, Acting Major
Narcotics/Vice Division

MICHAEL P. VICTORINO
Mayor



DON S. GUZMAN
Prosecuting Attorney

ROBERT D. RIVERA
First Deputy Prosecuting Attorney

ANDREW H. MARTIN
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LATE

TESTIMONY
ON
S.B. 2361 - RELATING TO
MARIJUANA DECRIMINALIZATION

January 29, 2020

The Honorable Karl Rhoads
Chair
The Honorable Jarrett Keohokalole
Vice Chair
and Members of the Committee on Judiciary

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments concerning S.B. 2361, Relating to Marijuana Decriminalization. Specifically, we would like to express our opposition to S.B. 2361 in its current form, which appears to remove marijuana from the State drug schedules and eliminate criminal offenses relating to the production, sale or possession of marijuana.

Removal of marijuana from Schedule I of the State drug schedule would, quite simply, eliminate our Department's ability to prosecute offenders who drive while intoxicated as a result of marijuana use. H.R.S. 291E-61 prohibits driving while under the influence of any "drug" that impairs a person's ability to operate a vehicle in a careful and prudent manner. H.R.S. 291E-1 defines "drug" as any controlled substance, as defined and enumerated in schedules I through IV of chapter 329, or its metabolites. If marijuana is removed from Schedule I, we will not be able to prosecute anyone for driving under the influence of marijuana, no matter how bad their driving might be or how many people they endanger.

We also are concerned with the bill's lack of post-legalization regulatory provisions and the impact on public health and safety. The issue of federal marijuana prohibition aside, this bill would essentially legalize a consumable, psychotropic substance without contemplating any sort of framework, State, Federal or otherwise, to regulate its safe production or sale for personal or recreational use. Medical marijuana in Hawaii, for instance, has multiple regulations regarding its production and sale that are unrelated to concerns about criminal activity, including basic provisions for laboratory-based testing for "content, contamination, and consistency". Alcohol

has its own set of regulations at the County and State levels that regulate its production, distribution and sale. Even over-the-counter medications such as aspirin or cough syrup are subject to regulation by the FDA.

For these reasons, the Department of the Prosecuting Attorney, County of Maui opposes the passage of S.B. 2361 in its current form. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries.

Thank you very much for the opportunity to provide testimony on this bill.



SB 2361, RELATING TO MARIJUANA DECRIMINALIZATION

FEBRUARY 4, 2020 · SENATE JUDICIARY
COMMITTEE · CHAIR SEN. KARL RHOADS

POSITION: Support.

RATIONALE: IMUAlliance supports SB 2361, relating to marijuana decriminalization, which repeals criminal prohibitions and penalties pertaining to marijuana.

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 step toward the ultimate goal of legalization.

SB-2361

Submitted on: 2/2/2020 8:56:16 AM

Testimony for JDC on 2/4/2020 10:01:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tracy Ryan	Testifying for The Libertarian Party of Hawaii	Support	No

Comments:

Libertarians have been fighting to remove laws against marijuana for forty five years. Let' finally get this done.

LATE

SB-2361

Submitted on: 2/3/2020 10:27:08 PM
Testimony for JDC on 2/4/2020 10:01:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nikos Leverenz	Testifying for Drug Policy Forum of Hawai'i	Support	No

Comments:

Drug Policy Forum of Hawai'i (DPFH) supports SB 2361, which would remove cannabis from Hawaii's Controlled Substances Act and eliminate several criminal penalties related to cannabis.

DPFH supported last year's modest decriminalization bill (HB 1383) and continues to believe that, in the absence of larger reform and in alignment with many other states who have decriminalized non-medical cannabis possession for personal use, Hawai'i's decriminalization statute should subject possession of one avoirdupois ounce of cannabis or less with a fine of no more than \$100.

DPFH also strongly supports the implementation of a well-regulated adult-use cannabis market in Hawai'i. In 2018, total tax receipts from legal non-medical cannabis sales exceeded \$1 billion.

A Hawai'i-based cannabis industry could start many small businesses that can create quality jobs, attract investment, provide needed tax revenue and repair some of the damage inflicted upon those who have been casualties in America's misguided drug war. This includes statutory "social equity" provisions that operate to include women- and minority-owned businesses.

[New Mexico is likely to legalize adult-use cannabis this year, and its measure is worthy of consideration](#) by Hawai'i lawmakers.

It's also worthy to mention that Canada, which broadly legalized adult-use cannabis, [has seen a quick reduction in its national consumption of alcohol](#), which causes far greater levels of preventable injuries, preventable illnesses, and preventable deaths than the use of cannabis. While cannabis use is not entirely devoid of risk, it is almost negligible compared to the tangible toll exacted by alcohol and smoked tobacco, this nation's most lethal licit substance.

Thank you for the opportunity to provide testimony on this measure.

SB-2361

Submitted on: 2/3/2020 8:09:54 AM

Testimony for JDC on 2/4/2020 10:01:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lauren Ampolos	Individual	Support	No

Comments:

SB-2361

Submitted on: 2/3/2020 3:41:18 AM

Testimony for JDC on 2/4/2020 10:01:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Azuma Chrupalyk	Individual	Support	No

Comments:

SB-2361

Submitted on: 1/31/2020 12:56:14 PM

Testimony for JDC on 2/4/2020 10:01:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Individual	Support	No

Comments:

SB-2361

Submitted on: 2/1/2020 2:53:37 PM

Testimony for JDC on 2/4/2020 10:01:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gerard Silva	Individual	Oppose	No

Comments:

This is still a deadly Drug . I have Ferinds that are not hear today Because of this Drug!!



POLICE DEPARTMENT

COUNTY OF MAUI



MICHAEL P. VICTORINO
MAYOR

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TIVOLI S. FAAUMU
CHIEF OF POLICE

DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

OUR REFERENCE
YOUR REFERENCE

February 4, 2020

LATE

The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair
and Members of the Committee on Judiciary

The Senate
Hawaii State Capitol
Honolulu, Hawaii 96813

RE: Senate Bill No. 2361 - Relating To Marijuana Decriminalization

Dear Chair Rhoads and Members of the Committee:

The Maui Police Department strongly OPPOSES the passage of S.B. No. 2361 for the following reasons:

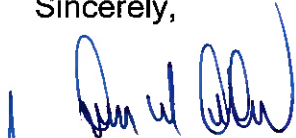
- 1) The decriminalization of marijuana will cause problems for law enforcement in general. Marijuana is a gateway drug, meaning that a person who ingests marijuana is more than likely to progress to other drugs such as Cocaine, Methamphetamine, Heroin, and prescription pills. The harm of allowing the public to possess, use and distribute marijuana outweighs the benefits. We understand that there are medical issues tied to marijuana, but the vast majority of the public does not suffer from these medical issues. In addition, medical professionals are divided on the benefits of marijuana. If medical professionals are divided on this issue, there is no logical reason to decriminalize marijuana.
- 2) A person who ingests marijuana and operates a motor vehicle is considered intoxicated under Hawaii Revised Statute 291E-61. Decriminalizing marijuana will allow people to operate a motor vehicle on the public roadways while intoxicated on marijuana. It has been proven by medical professionals that marijuana impairs a person's motor skills which will put the public at risk of injury or death.
- 3) Second-hand smoke from marijuana can and will affect the surrounding people. We do not want marijuana freely ingested in the public, nor do we want marijuana ingested or smoked near children. The mindset of decriminalizing marijuana not only puts our youth in danger but downplays the dangers of unregulated marijuana use.

- 4) Members of the Maui Police Department have spoken to law enforcement from Colorado, one of the first states to fully legalize marijuana consumption and possession. Many, if not all of those law enforcement entities in Colorado spoken to have relayed the downfall since the legalization. They cite increased crime, driving under the influence of marijuana and illegal sales of marijuana as major pitfalls to the legalization of marijuana. Many have reported their desire to abolish that law. Marijuana is already regulated in Hawaii. Why decriminalize it so those people who have no medical condition are allowed to get "high?"
- 5) Studies have shown marijuana sent to the University of Tennessee for analysis on TetraHydroCannabinol (THC, the active ingredient in marijuana) from the state of Hawaii has increased in THC levels over the years, some having 30% THC levels or more. Bear in mind that marijuana previously had THC levels of 10% or less. New strains are being bred to contain higher levels of THC. There is a growing concern because the high levels of THC on a person have not been studied enough in the medical community. In fact, there are more Emergency Room visits in Colorado from marijuana use then there has ever been before.
- 6) The Federal Substance Controlled Act list Marijuana and its compounds as a Schedule I substance, and per the definition, "High abuse potential with no accepted medical use; medications within this schedule may not be prescribed, dispensed, or administered." Following Federal guidelines, the people of the State of Hawaii should not decriminalize Marijuana.

The Maui Police Department asks that you strongly OPPOSE the passage of S.B. No. 2361.

Thank you for the opportunity to testify.

Sincerely,



TIVOLI S. FAAUMU
Chief of Police