

State of Hawai‘i
The Office of the Public Defender

S.B. No. 2487: RELATING TO MARIJUANA

Chair Karl Rhoads
Vice Chair Mike Gabbard
Honorable Committee Members

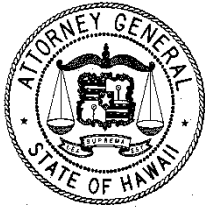
The Office of the Public Defender strongly **supports** this bill.

The decriminalization of cannabis is far overdue. People use cannabis. Decades of rigorous prosecution, imprisonment, and forfeiture have not changed this simple fact.

Police and prosecutors have aggressively gone after the cannabis users. Intrusive and extraordinary tactics have ranged from military style operations involving helicopters patrolling the air above us to intrusive body cavity searches. Once in court, prosecutors have faithfully pursued them resulting in permanent criminal convictions, imprisonment and supervision, and asset forfeiture.

Aggressive prosecution of cannabis and other drugs invite constitutional challenges. The privacy rights protected by the Fourth Amendment and the State Constitution have come under intense scrutiny. It has compelled our courts to determine just how far the police and prosecution can intrude into private places and spaces all in the pursuit of cannabis and other drugs. Sadly, this has resulted in a watering down of our constitutional rights.

While this bill does not entirely remove the stigma associated with criminalization, perfection is the enemy of good and this is a step in the right direction. It is time to bring the cannabis industry out of the shadows, regulate it, and implement a thoughtful and compassionate approach to cannabis use.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:
S.B. NO. 2487, RELATING TO MARIJUANA.

BEFORE THE:
SENATE COMMITTEE ON JUDICIARY

DATE: Friday, February 16, 2024 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 016 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Kory W. Young, Deputy Attorney General

Chair Rhoads and Members of the Committee:

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

The purpose of the bill is to repeal criminal penalties for possession of one ounce or less of marijuana. It amends sections 712-1248(1) and 712-1249, Hawaii Revised Statutes (HRS) to increase the amount of marijuana a person can possess before being chargeable with a misdemeanor from one ounce to two ounces, and to increase the amount of marijuana a person can possess to be only subject to a violation, rather than a petty misdemeanor offense, from three grams to one ounce.

The proposed change to section 712-1248(1)(c), HRS, would increase the amount of marijuana a person could possess before being charged with a full misdemeanor from one ounce to two ounces.

The proposed changes to section 712-1249(2), HRS, would increase the amount of marijuana that a person can possess and still be charged with a violation from three grams to one ounce or less. The bill may also change the amount of the fine imposed for such violation.

On page 2, line 6, the bill strikes the term "marijuana" from section 712-1249(1), HRS. This change may inadvertently legalize the possession of less than 2 ounces of marijuana. Although section 712-1249(2), HRS, would still provide a penalty for possession of one ounce or less of marijuana, by striking the term "marijuana" from

section 712-1249(1), the actual knowing possession of marijuana would no longer constitute the offense of promoting a detrimental drug in the third degree.

One ounce is equal to 28.3495 grams. It is more marijuana than what is needed for personal consumption and could be considered an amount for distribution. We have concerns that further decriminalization of marijuana is in many ways more damaging than legalization.

Extensive decriminalization of marijuana may increase recreational use in a way similar to legalization; however, decriminalized marijuana is unregulated, untested, and untaxed. This lack of regulation and testing creates a significant public health concern, particularly as marijuana use increases. Black market marijuana often contains pesticides, trace amounts of metals like lead and nickel, and other toxic chemicals. Legalized marijuana can be tested for these poisons, and regulations can ensure that the marijuana consumed by recreational users is relatively safe. Decriminalized black market marijuana is not tested, and there are no restrictions on the levels of pesticides and other toxins that consumers may be inhaling or ingesting. The extensive decriminalization of marijuana also results in the community bearing the cost of greater recreational marijuana use, such as increased traffic accidents and fatalities associated with marijuana but deprives the community of the benefits that could have been derived from taxing legalized marijuana.

Allowing individuals to possess almost an ounce of marijuana also poses greater problems for law enforcement. At present, the distribution of marijuana is still illegal, although the possession of three grams or less of marijuana has been decriminalized. So, law enforcement officers may not be able to do much to regulate the possession of marijuana by recreational users who tend to carry only enough marijuana to fulfill their immediate needs, but individuals either caught distributing marijuana or holding quantities sufficient for distribution are still subject to arrest and criminal charges. By decriminalizing any amount less than one ounce of marijuana, the bill essentially decriminalizes the possession of distribution quantities of marijuana. Twenty-eight grams of marijuana, (slightly less than one ounce), is enough marijuana to make anywhere between 50 and 70 “joints” depending on the amount of marijuana used (a

half a gram is relatively standard). By decriminalizing distribution quantities of marijuana, while at the same time decreasing the fine imposed on violators, the bill will move decriminalization beyond merely allowing recreational use of the drug, to actively making it easier and more profitable to distribute marijuana.

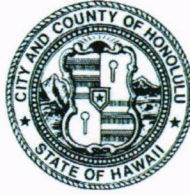
If the eventual goal is the legalization of cannabis, then extensive decriminalization is the most clearcut road to failure for legalization as a whole— it will cause the illicit market to proliferate to meet demand, and to destroy any sense of an orderly transition to legality. It will also harm any social equity program before it has a chance to prove its value because, by the time social equity licensees can open their doors, the black market businesses will have already cornered the marijuana market.

The Department respectfully thanks the Committee for allowing us to offer testimony on the bill, and we respectfully ask the Committee to hold this bill.

POLICE DEPARTMENT
KA 'OIHANA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 • WEBSITE: honolulu.police.org

RICK BLANGIARDI
MAYOR
MEIA



ARTHUR J. LOGAN
CHIEF
KAHU MĀKA'I

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS
HOPE LUNA NUI MĀKA'I

OUR REFERENCE **ML-HR**

February 16, 2024

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State Senate
415 South Beretania Street, Room 016
Honolulu, Hawai'i 96813

Dear Chair Rhoads and Members:

SUBJECT: Senate Bill No. 2487, Relating to Marijuana

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


The HPD opposes Senate Bill No. 2487, Relating to Marijuana.

The HPD opposes legislation that seeks to legalize the possession of one ounce or less of marijuana for medical purposes, the Federal Schedule of Controlled Substances continues to list marijuana as a Schedule I controlled substance. The HPD is concerned that increasing the availability of marijuana in the state will have a negative impact on public safety. Some areas of concern include the likelihood of an increased number of impaired drivers and the product's diversion. The passage of this bill would lead to an increased availability of marijuana, which will make it easier for everyone to access, including juveniles.

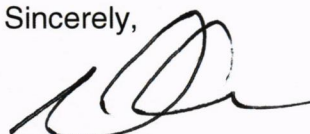
The HPD urges you to oppose Senate Bill No. 2487, Relating to Marijuana. Thank you for the opportunity to testify.

APPROVED:

Sincerely,

For 

Arthur J. Logan
Chief of Police


Mike Lambert, Major
Narcotics/Vice Division

**DEPARTMENT OF THE PROSECUTING ATTORNEY
KA 'OIHANA O KA LOIO HO'OPI'I
CITY AND COUNTY OF HONOLULU**

STEVEN S. ALM
PROSECUTING ATTORNEY
LOIO HO'OPI'I

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515 • WEB: <https://honoluluprosecutor.org/>

THOMAS J. BRADY
FIRST DEPUTY PROSECUTING ATTORNEY
HOPE MUA LOIO HO'OPI'I



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

**Thirty-Second State Legislature
Regular Session of 2024
State of Hawai`i**

February 16, 2024

RE: S.B. 2487; RELATING TO MARIJUANA.

Chair Rhoads, Vice Chair Gabbard, and members of the committee, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in **strong opposition** to S.B. 2487.

My name is Steve Alm, and I am the Prosecutor of the City and County of Honolulu.

This bill seeks to repeal criminal penalties for possession of one ounce or less of marijuana.

The 2019 Legislature found that, in addition to legalizing marijuana for medicinal purposes, 22 states and the District of Columbia had decriminalized offenses pertaining to certain amounts of marijuana, and that ten states and the District of Columbia had legalized certain amounts of marijuana for non-medical use. As a result, Act 273, SLH 2019 decriminalized the possession of three grams or less of marijuana and established the possession of that amount as a violation, punishable by a monetary fine of \$130.

This bill would increase the amount allowable from three grams to one ounce (28.3495 grams) or less. If three grams of marijuana represents six or seven marijuana cigarettes, or joints, then one ounce of marijuana represents about 60 joints. Three grams is personal use. An ounce, or 60 joints, is dealer quantity.

We now know that the marijuana of today is not the marijuana of the past, when marijuana had a tetrahydrocannabinol (THC) content of about 3%. Today, marijuana stores sell marijuana with 20%-40% THC with extract concentrates over 90%. It is a different drug entirely. This bill

would allow the possession of a much higher potency drug in greater amounts for non-medical use.

This is a wrong message to our keiki that marijuana is harmless. It is not. Do not ignore the science and the impact of marijuana use on brain development and on mental health. Increased use results in a wide variety of negative consequences.

- A threat to our number one industry, tourism, particularly the Asian visitor market.
- Children will have greater access to larger quantities of marijuana.
- Traffic collisions and fatalities involving marijuana increase.
- Mental health problems, including schizophrenia, increase.
- Environmental impacts.
- More Emergency Department and Hospital admissions resulting from marijuana use.
- The black market grows.

This proposed increase is harmful. Possession of personal use of three grams or less has already been decriminalized and medical marijuana is available for those with a legitimate need.

Let's not encourage more marijuana use. Let's Keep Hawai'i, Hawai'i.

Thank you for this opportunity to testify on S.B. 2487.

COUNTY COUNCIL

Mel Rapozo, Chair
KipuKai Kualii, Vice Chair
Addison Bulosan
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Ross Kagawa



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
Email: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

February 13, 2024

**TESTIMONY OF ADDISON BULOSAN
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON
SB 2487, RELATING TO MARIJUANA
Senate Committee on Judiciary
Friday, February 16, 2024
9:30 a.m.
Conference Room 016
Via Videoconference**

Dear Chair Rhoads and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of SB 2487, Relating to Marijuana. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council.

I wholeheartedly support the intent of SB 2487, which would greatly affect the Kaua'i community.

Thank you again for this opportunity to provide testimony in support of SB 2487. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Sincerely,

ADDISON BULOSAN
Councilmember, Kaua'i County Council

AAO:mn



Committee: Judiciary
Hearing Date/Time: Friday, February 16, 2024 at 9:30am
Place: Conference Room 016 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of SB2487
Relating to Marijuana**

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The ACLU of Hawai'i **supports SB2487**, which repeals penalties for possession of one ounce or less of marijuana.

SB2487 will further reduce the number of unreasonable arrests for cannabis possession in our already bloated criminal justice system.

Arrest for possession of small amounts of cannabis, is one of the most common points of entry into the criminal justice system. In 2019, the legislature passed, and the Governor signed, ACT 273, which decriminalized the possession of 3 grams or less and imposed a fine of \$130.

The current tiny threshold, while an improvement to past cannabis prohibition policies, continues to result in hundreds of individuals being arrested in Hawai'i each year and facing possible jail time for simple possession of cannabis.

This bill simply expands on that laudable effort by increasing the amount of cannabis possession decriminalized, while potentially reducing the fine to an amount that is far less likely to create hardship for those most affected by cannabis prohibition.

Removing criminal penalties for certain cannabis offenses will keep people out of jail, and save tax payer dollars. We currently spend over \$250 a day to incarcerate an adult. This proposed measure 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.

SB2487 provides a safe and smart alternative to current cannabis laws.

Our state's ineffective prohibition on recreational cannabis has 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 possession of less than two ounces of cannabis, will prevent 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.

Decriminalizing less than two ounces of cannabis- will reduce targeted enforcement of cannabis laws against specific communities.

Not all communities have been impacted equally by current enforcement of Hawaii's cannabis laws; these laws overly impact men under 25 and Native Hawaiians. These groups are arrested in numbers disproportionate to their share of the population.

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

Sincerely,
Carrie Ann Shirota
Carrie Ann Shirota
Policy Director
ACLU of Hawai'i
cshirota@acluhawaii.org

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 over 50 years.

HAWAII ATTORNEY GENERAL – CRIME PREVENTION & JUSTICE ASSISTANCE DIVISION
RESEARCH & STATISTICS BRANCH

Crime in Hawaii 2020: A Review of Uniform Crime Reports¹

Page 110

Adult Part II Arrests by Offense, State of Hawaii, 2011-2020

Marijuana Manufacturing / Sale

2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
139	129	137	97	93	35	88	71	42	31

Marijuana Possession

2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
801	849	794	792	751	629	627	900	791	523

¹ <https://ag.hawaii.gov/cpia/files/2023/04/Crime-in-Hawaii-2020.pdf>



February 15, 2024

Re: In support of SB 2487 to make possessing less than one ounce of cannabis a non-jailable violation punishable by a TBD fine

Aloha Chair Rhoads, Vice Chair Gabbard, and distinguished members of Senate House Judiciary Committee:

My name is Karen O'Keefe. I am the director of state policies for the Marijuana Policy Project (MPP), the largest cannabis policy reform organization in the nation. I am an attorney who has worked on cannabis policy at MPP since 2003. For the past year, I have had the pleasure of working with a coalition of Hawai'i advocates as part of the Hawai'i Alliance for Cannabis Reform.

I am writing to urge you to amend and pass SB 2487. This sensible bill would bring Hawaii's decriminalization law in line with other states, preventing traumatic arrests and life-altering criminal records for possession of a personal-use amount of cannabis. I urge you to also make additional changes that are part of a similar House bill, HB 1596:

- removing penalties for paraphernalia to use or store cannabis, and
- reducing the fine from \$130 to \$25 (currently the fine is left blank).

Polling shows most Hawai'i residents believe cannabis should be legal.¹ Yet, Hawai'i has not only not legalized cannabis for adults, but its "decriminalization" law applies to the lowest amount of all the decriminalization and legalization laws in the U.S. Most laws apply to *at least* an ounce.² The tiny threshold results in hundreds of individuals being arrested in Hawai'i each year and facing possible jail time for simple possession of cannabis.³

The high fine also poses a significant hardship. The Fed's 2022 Economic Well-Being of U.S. Households survey found that 18% of Americans could not cover an expense over \$100 using only their savings.⁴ Hawaii's current fine for possession of up to three grams is \$130, meaning many people will be unable to pay either. Hefty fines can have a devastating effect on low-income individuals, making it difficult to pay for food, rent, medications, and other

¹ Civiqs found 73% of Hawai'i residents support cannabis legalization as of 2023.

² See:

www.mpp.org/assets/pdf/issues/decriminalization/State%20Decrim%20Chart%20March%202022.pdf

Note this is slightly dated, and does not reflect that Delaware, Maryland, Missouri, and Ohio have now legalized cannabis. As an interim step, Maryland increased the decriminalized amount from 10 grams to 1.5 ounces until legal possession took effect.

³ For year-by-year arrests reported to the FBI's NIBRS, see: <https://norml.org/marijuana/library/state-marijuana-arrests/hawaii-marijuana-arrests/> These numbers are likely incomplete due to .

⁴ <https://www.federalreserve.gov/publications/files/2022-report-economic-well-being-us-households-202305.pdf>

essentials. \$25 — or about two hours of work at minimum wage — is much more reasonable for conduct Hawaii residents believe should be legal.

Please also amend SB 2487 to remove penalties for paraphernalia for the use, storage, or possession of cannabis. Those found with cannabis will also have a container it is in, making the paraphernalia charge duplicative. The paraphernalia fine is also excessive — up to \$500. A staggering 37% of Americans cannot afford an emergency \$400 offense.⁵

HB 1596 adds to §329-43.5 “(f) This section shall not apply to the possession of drug paraphernalia to: (1) Store, contain, or conceal; or (2) Inject, ingest, inhale, or otherwise introduce into the human body marijuana.”

We are also urging the legislature to legalize cannabis this year, with focus on equity. But SB 3335 does not legalize possession until 2026. SB 2487 is a vital interim step and is all the more important if SB 3335 does not make it past the finish line.

Some recent legalization states have also first expanded decriminalization. In 2022, Maryland lawmakers referred legalization to voters, but had an effective date of July 2023. In the interim, they increased the decriminalized amount to 1.5 ounces. In 2020, a year prior to Virginia legalizing marijuana for adults’ use, the Virginia General Assembly reduced the penalty for simple possession to a \$25 fine.

I urge you to report SB 2487 out of committee, but to first add in a \$25 fine and to remove the penalty for paraphernalia for personal use of cannabis. Please don’t hesitate to reach out if you have any questions or would like any additional information.

Mahalo for your time and consideration,



Karen O’Keefe
Director of State Policies
202-905-2012
kokeefe@mpp.org

⁵ <https://www.federalreserve.gov/publications/2023-economic-well-being-of-us-households-in-2022-expenses.htm>



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

TESTIMONY IN SUPPORT OF SB 2487

TO: Chair Rhoads, Vice Chair Gabbard, & JDC Committee Members

FROM: Nikos Leverenz
DPFH Board President

DATE: February 16, 2024 (9:30 AM)

Drug Policy Forum of Hawai'i (DPFH) **strongly supports** SB 2487, which repeals criminal penalties for the possession of one ounce or less of cannabis and increases the amount of “promoting” a detrimental drug in the second degree from one ounce to two ounces under HRS Section 712-1248.

Ideally, possession of one ounce or less of cannabis shouldn't result in any civil penalty or further action by those in the state's criminal legal system. With 24 states and the District of Columbia having legalized adult-use cannabis and a federal government poised to re-schedule or de-schedule cannabis, decriminalization of amounts for personal use should not be a citable offense.

One hopes that those members of the criminal legal lobby, including elected county prosecutors and mayors who are eagerly brandishing their opposition to “commercial marijuana” for earned media and public attention, will recognize the importance of focusing on other salient matters related to the misuse of alcohol and other drugs. Efforts to recalibrate the deep-rooted reflexive antipathy to reform measures that center public health and human rights is also long overdue.

This includes the urgent ongoing need for increased access to community-based, non-carceral behavioral health treatment and permanent supportive housing units that can facilitate the continual delivery of medical care and social services. DPFH strongly supports treatment upon request for those with diagnosed substance use disorders. As noted by the American Public Health Association:

Public health approaches offer effective, evidence-based responses, but some of the most effective interventions are not currently allowed in the United States owing to outdated drug laws, attitudes, and stigma. Substance misuse treatment is too often unavailable or unaffordable for the people who want it. A criminal justice response, including requiring arrest to access health services, is ineffective and leads to other public health problems. (Policy Statement, “[Defining and Implementing a Public Health Response to Drug Use and Misuse.](#)”)

The continued criminalization of personal drug use and possession significantly perpetuates lasting social, medical, and legal stigma. Criminalization subjects persons from under-resourced communities to prolonged periods of criminal legal supervision. [The enforcement of drug laws pertaining to personal use and possession of drugs has disproportionately impacted Native Hawaiians](#) and the broader Pasifika community.

Prevailing prosecutorial practices, along with the continued absence of substantive bail reform, sentencing reform, and probation reform, set the stage for perennially overcrowded carceral facilities. The annual per capita cost of incarceration in Hawai'i is approaching \$90,000. To the extent that the current regime of cannabis prohibition contributes to a [probation system that features the longest average term in the nation](#) (59 months), further reforms to sentencing laws and probation practices are urgently needed.

Prosecutors have the potential to play a key role in moving toward a public health response to drug use. As noted by a 2021 report from the [Institute for Innovation in Prosecution](#) at John Jay College: “The health and well-being of people who use drugs should guide prosecutorial policies and practice. All policies and strategies implemented along the criminal legal continuum should be assessed by outcomes related to health equity, social stability, and racial justice, rather than solely punishment and recidivism.” (“[A New Approach: A Prosecutor’s Guide to Advancing a Public Health Response to Drug Use.](#)”)

Listening to the community and health experts is a key initial step for reform-minded prosecutors:

Elected prosecutors should invite directly impacted people to speak to their staff about their experiences with drug use, diversion programs, and incarceration resulting from drug-related offenses. These presentations can humanize accused people for prosecutors and teach prosecutors about the realities of substance use disorder.... Elected prosecutors should also bring in medical professionals and harm reduction experts to explain to staff members the basics of substance use disorder and the importance of responding to recurrence of use with compassion. Local harm reduction leaders can explain the foundations of harm reduction, the consequences of

punitive drug law enforcement, and the different types of interventions and support services shown to deliver the best outcomes. (*Id.*, at 5.)

Prosecutors also have the discretion to actively reduce the role of law enforcement in addressing drug use, including “changing the narrative around drugs in the community by emphasizing treatment and support rather than traditional, punitive responses to drug offenses;” advocacy for social services for those with problematic use of alcohol and other drugs and substance use disorder (Including leveraging of their platform “to support other community leaders seeking to expand the capacity of drug treatment, supportive housing and other services [that] minimize the role of the criminal system);” and advocacy for legislation that takes a health-centered approach to drug policy. (*Id.*, at 6.)

In short, this bill serves as a modest yet significant step toward more sensible policy approaches related to cannabis in this state.

Mahalo for the opportunity to provide testimony.



HIPHI Board

Misty Pacheco, DrPH
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University of Hawai'i at Hilo

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State of Hawai'i, Deputy Public Defender

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Keshia Adolpho, LCSW
Na'au Healing Center

Debbie Erskine
ARCH-MEPS Consulting LLC, Owner

Camonia Graham - Tutt, PhD
University of Hawai'i - West O'ahu

Jennifer José Lo, MD
Hawai'i Health Partners

May Okihiro, MD, MS
John A. Burns School of Medicine,
Department of Pediatrics

Kathleen Roche, MS, RN, CENP
Kaiser Permanente

Dina Shek, JD
Medical-Legal Partnership
For Children in Hawai'i

Garret Sugai
HMSA

JoAnn Tsark, MPH
John A. Burns School of Medicine,
Native Hawaiian Research Office

HIPHI Initiatives

Coalition for a
Tobacco-Free Hawai'i

Community-Based Research &
Evaluation

Community Health
Worker Initiatives

COVID-19 Response

Environmental Health

Hawai'i Drug & Alcohol-Free
Coalitions

Hawai'i Farm to School Hui

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Collective/Healthy Aging
& Community Living

Public Health Workforce
Development

Date: February 15, 2024

To: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Members of the Committee on Judiciary

Re: Support SB2487 Relating to Marijuana

Hrg: Friday, February 16, 2024 at 9:30 AM

Hawai'i Public Health Institute (HIPHI)ⁱ is offering in **Support of SB2487**, which repeals criminal penalties for possession of one ounce or less of marijuana.

Prison sentences are not deterrents as people continue to be arrested for possession of illegal drugs. Racism has been identified as a public health crisis.ⁱⁱ People of Color are more negatively impacted than white people. Although both groups use drugs at equivalent rates, a Person of Color is 2.5 times more likely to be arrested for drug possession.ⁱⁱⁱ

The consequences of arresting, prosecuting, and incarcerating people for personal drug use are devastating. People who have been convicted of possession of small amounts cycle through the judiciary program. People in jail are not able to successfully contribute to society or have the support of their social network. These factors all detract from one's well-being.

A criminal record can carry lasting, detrimental effects on finding employment, housing, and accessing educational opportunities. Automatically clearing people of their past criminal record, expunging, for possession of small amounts of marijuana, can positively impact the opportunities available to one in the future.

Thank you for considering our testimony in support of SB2487.

Mahalo,

A handwritten signature in black ink that reads 'Peggy Mierzwa'. The signature is written in a cursive style.

Peggy Mierzwa
Director of Policy & Advocacy
Hawai'i Public Health Institute

ⁱ Hawai'i Public Health Institute (HIPHI) is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

ⁱⁱ <https://www.apha.org/Topics-and-Issues/Racial-Equity/Racism-Declarations>

ⁱⁱⁱ <https://www.aclu.org/news/smart-justice/its-time-decriminalize-personal-drug-use-and-possession-basic-rights-and-public>



SB2467 Decriminalize Marijuana

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Friday Feb 16, 2024, 9:30 Room 016

Hawaii Substance Abuse Coalition Comments SB2467:

ALOHA CHAIR, VICE CHAIR AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization for substance use disorder and co-occurring mental health disorder treatment, prevention agencies and recovery-oriented services.

HSAC agrees with the Association for Addiction Specialists' (NAADAC), press release in 2022¹:

We support the decriminalization of cannabis, which would remove criminal consequences for use or possession and allow cannabis to remain illegal, but the penalties for possession would be much less harsh than under current laws.

Such discrimination would include one of the following:

1. Imposing fines,
2. Drug education,
3. Substance use disorder treatment, or
4. No penalty at all.

While we recognize that Hawaii is considering legalizing cannabis, at this time, we find it difficult to support measures that would widely promote the use of an addictive substance that would harm our youth and therefore stand against legalization.

We appreciate the opportunity to provide testimony and are available for questions.

¹ NAADAC Releases Position Statement on the Decriminalization and Legalization of Cannabis Tuesday, February 1, 2022
<https://www.naadac.org/press-releases/posts/naadac-releases-position-statement-on-the-decriminalization-and-legalization-of-cannabis>

To: Senator Karl Rhoads, Chair,
Senator Mike Gabbard, Vice Chair,
Members of the Senate Judiciary Committee

Fr: TY Cheng, President of Aloha Green Holdings Inc.

RE: Testimony in SUPPORT of Senate Bill (SB) 2487

RELATING TO MARIJUANA.

Repeals criminal penalties for possession of one ounce or less of marijuana.

Dear Chair, Vice-Chairs and Members of the Committee:

Aloha Green Apothecary SUPPORTS this bill which will affect have positive outcomes for cannabis patients who may have had their 329 card registration lapse and do not have the cannabis possession protections under the 329 medical cannabis program.

Thank you for your leadership in Hawaii's cannabis industry.

[Aloha Green Apoth](#) attaches our previous week's specials below to counter the argument dispensary prices remain high. Prices are down over 50% since we opened in 2016. Our pricing is lower than some mainland dispensaries and some caregivers.

ALOHA GREEN APOTHECARY

*Ends Sunday!
3/17 - 3/19*

\$ 35 1/8 Oz.
↳ G.I. Jade

\$ 99 1/2 Oz.
↳ Skywalker Kush Iki Nugs

\$ 199 Oz.
↳ The Duke

\$ 20 6-Pack
↳ Tiny Bubbles Drink

\$ 10 w/purchase of \$125+.
↳ Crumble of your choice. Limit 1.

2 for \$ 50
↳ LA Carts: The Yeti & Hawaiian Snow

4 for \$ 90
↳ All Live Resin Concentrate

Promo available while supplies last. May not be combined with any other discounts or loyalty.

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Testimony from Frank Stiefel
Senior Policy Associate
Last Prisoner Project

RE: Last Prisoner Project Supports SB 2487

February 14, 2024

Dear Members of the Committee on Judiciary,

Throughout the nation, there has been a clear shift in the public sentiment towards cannabis. Given that adult use is now legal in 24 states, and being considered for legalization in Hawai'i, it is evident that the country is moving away from an era of strict cannabis criminalization.

The War on Drugs and the criminalization of cannabis have created a racially inequitable criminal legal system that has disproportionately impacted people of color, including Native Hawaiians. We at the Last Prisoner Project (LPP) believe that no one should suffer the collateral consequences of cannabis criminalization. Of the states that have decriminalized but not legalized cannabis, Hawai'i has the lowest weight threshold at which point an individual may face a criminal penalty. Louisiana, the most heavily incarcerated state in the nation, allows for individuals to possess a greater amount of cannabis than in Hawai'i.

The Last Prisoner Project supports SB 2487 as it will further reduce the criminal penalties for cannabis possession. We look forward to continuing to support Hawai'i in its pursuit to end the War on Drugs by beginning to dismantle the racial injustices that the criminal legal system has perpetuated during prohibition.

About Last Prisoner Project

The Last Prisoner Project, 501(c)(3), is a national nonpartisan, nonprofit organization focused on the intersection of cannabis and criminal justice reform. Through policy campaigns, direct intervention, and advocacy, LPP's team of policy experts works to redress the past and continuing harms of unjust cannabis laws. We are committed to offering our technical expertise to ensure a successful and justice-informed pathway to cannabis legalization in Hawai'i.



TESTIMONY FROM THE DEMOCRATIC PARTY OF HAWAII

SENATE COMMITTEE ON JUDICIARY

FEBRUARY 16, 2024

SB 2487, RELATING TO MARIJUANA

POSITION: SUPPORT

The Democratic Party of Hawaii **supports** SB 2487, relating to marijuana. In 2016, delegates to the Democratic Party of Hawaii's state convention passed a resolution (EDU 2016-05) supporting the legalization of adult-use recreational cannabis to generate revenue for public services, such as education.

It is high time that Hawaii stopped criminalizing people for ingesting a plant. While cannabis remains illegal under federal law, where it is classified as a Schedule I substance, the facts about cannabis consumption are clear. To begin, cannabis 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 Hawaii 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 cannabis consumption is not, despite the former being more dangerous, statistically speaking, than the latter.

Similarly, cannabis 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. Cannabis is also not conclusively linked to an increase in violent behavior. Rather, reports supposedly linking cannabis 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 starker 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 cannabis 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?

Decriminalizing recreational cannabis is an issue of restorative justice. As the visitor industry reaps record profits and supports expanding 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 cannabis possession.

As we struggle to fix our state's overcrowded prisons, we must enact systemic solutions that promote social justice and help to alleviate Hawai'i's mass incarceration problem. We must pass cannabis policies that are responsible, just, and equitable for our island home.

Mahalo nui loa,

Kris Coffield

Co-Chair, Legislative Committee
(808) 679-7454
kriscoffield@gmail.com

Abby Simmons

Co-Chair, Legislative Committee
(808) 352-6818
abbyalana808@gmail.com

RE: BB2487 ; Hearing Friday February 16, 2024

Aloha Honorable Committee Members,

We appreciate the opportunity to testify for SB2487.

The Cannabis Society of Hawai'i is in support of this bill.

We suggest the amendment be made from "less than 1 ounce" to "less than 4 ounces" which is the amount medical patients can possess through the state recognized medical program.

With expungement on the horizon it may be an idea to remove the cannabis limit for patients and non.

If there is a placeholder amount that needs to be written in now prior to any Federal descheduling or application for States authorized use of cannabis, then the amount may be the same amount that is allowed for a current medical user.

In states that offer "Adult-use" cannabis, medical cannabis patient renewals drop due to

1. Not having enough benefits or protections as a patient
2. Costs of medical cannabis evaluation not subsidized by Insurance
3. No significant discount for medical patients
4. Paperwork and the option to purchase as an "Adult-use" patient
5. Community wanting to exercise right to purchase without being on a "list"

Because of these issues, when an "Adult-use" cannabis program is available, the consumers that do not need a medical license to grow fail to spend the time and money to remain in the medical program and still consume the plant medically. Limiting "Adult-use" to 1 ounce will criminalize medical patients that wish to be anonymous due to the current stigma of cannabis and lack of patient protections.

In regards to the amount that a person can use, because it can be utilized for many ailments there should be some instructions on proper use and way to measure what is being used however with consideration of the endocannabinoid system and dosage, each consumer can react differently based on factors like dehydration, sleep, and diet. This can affect any experience and should be noted with using anything from coffee to cannabis.

With that noted, each person can have a different experience to the same product or amount, holding an amount to a person's limit would be comparable to say that each person's pain number holds the same weight and value.

As we work together to better understand the relationship with the plant, we suggest viewing it as coffee or tea like in 2737 B.C., the mystical Emperor Shen Neng of China who was prescribing cannabis tea for the treatment of gout, rheumatism, malaria and, oddly enough, poor memory.

Please contact us if you have any questions or would like to go over our testimony in detail.

Thank you,

Cannabis Society of Hawai'i // cannabissocietyofhawaii@gmail.com

Testimony in Support of SB 2487

To: The Senate Committee

From: Grant Tanaka, grantkt@hawaii.edu MSW Student at UH Manoa

Subject: SB 2487 - Relating to Marijuana, Hearing February 16, 2024 9:30 a.m CR 016 & Videoconference

My name is Grant Tanaka and I am currently a MSW student at UH Manoa with an anticipated graduation this upcoming May. I am testifying in support of SB 2487 Relating to Marijuana. The reason why I am testifying in support of SB 2487 is because of how the current system needs to be restructured.. With the nation transitioning towards the legalization of marijuana, Hawaii needs to also adapt with the rest of the United States. Within the state of California following the legalization of Marijuana, there has been a 20% decrease within violence and property crimes. The repealing of the possession of minor amounts of cannabis would also lead to less drug-related arrests, thus alleviating overpopulated prison populations and repurposing state resources.

Within the State of Hawaii alone, around \$180 million per year is spent on the prison and jail system. By using the resources that are allocated towards the prisoners towards rehabilitation for drugs or community service for a specific amount of possession of marijuana. Another benefit towards reducing the repealing the criminal penalties is allowing first time offenders

from entering the criminal justice system. Within the State of Hawaii, we are at a 48.9% recidivism rate. By allowing people to enter into the system, the likelihood that they will reoffend becomes a problematic problem because it sums up people in possession of marijuana with other criminal offenders. Another problematic problem that being registered as a criminal presents is how it affects potential job opportunities.

In conclusion, I want to reiterate that I am in support of Sb 2487 because it will allow not only for Hawaii to adapt with the rest of the United States but also allows for money allocated towards the criminalization of marijuana offenders to be redistributed towards the rehabilitation process.

Thank you for the opportunity to provide comments.

SB-2487

Submitted on: 2/12/2024 6:14:36 PM

Testimony for JDC on 2/16/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Brett Kulbis	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE SB-2487.

SB-2487

Submitted on: 2/12/2024 7:09:56 PM

Testimony for JDC on 2/16/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Yvonne Alvarado	Individual	Support	Written Testimony Only

Comments:

I Yvonne Alvarado Support Bill SB2487

SB-2487

Submitted on: 2/12/2024 7:14:06 PM

Testimony for JDC on 2/16/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Quintin Wilcox	Individual	Support	Written Testimony Only

Comments:

I believe this bill will help with the court system as well as help the people.

SB-2487

Submitted on: 2/13/2024 10:33:01 AM

Testimony for JDC on 2/16/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Victor K. Ramos	Individual	Oppose	Written Testimony Only

Comments:

Oppose. Accountability is still relevant even if the "law" is ammended.

SB-2487

Submitted on: 2/13/2024 12:41:16 PM

Testimony for JDC on 2/16/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
David Pullman	Individual	Support	Written Testimony Only

Comments:

Aloha Good Senators,

This bill, decriminalizing up to 30 grams of cannabis should be a no-brainer. As it stands, only 3 grams of cannabis is decriminalized. This is absurd because the smallest commonly sold quantity of cannabis is 3.5 grams or 1/8 of an ounce. So, as it currently stands, nearly every user has more than the decriminalized quantity. Decriminalizing 30 grams would put Hawaii in line with such enlightened states as Nebraska and Mississippi.

It is pretty sad that in the year 2024 we are still talking about decriminalization when the majority of the country lives in states where cannabis is legal. You should really pass the bill legalizing recreational cannabis to bring this state out of the neanderthal era. However, that bill does not take effect until 1/1/2026 (for some reason). This bill, which takes effect upon passage, would at least confer some benefit for the interim period.

Thank you!

SB-2487

Submitted on: 2/15/2024 9:03:50 AM

Testimony for JDC on 2/16/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Raelyn Reyno Yeomans	Individual	Support	Written Testimony Only

Comments:

I am submitting testimony in STRONG SUPPORT!