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TESTIMONY ON HOUSE BILL 386  
RELATING TO DANGEROUS DRUGS  
Before the Senate Committee on  
JUDICIARY

Tuesday, March 11, 2025, 9:45 AM  
State Capitol Conference Room 016 & Videoconference

**WRITTEN TESTIMONY ONLY**

Chair Rhoads, Vice Chair Gabbard, and members of the Committee:

The Department of Law Enforcement (DLE) supports House Bill 386, which conforms fentanyl to the possession offense thresholds for methamphetamine, heroin, morphine, and cocaine.

This bill seeks to update Hawaii's drug offense statutes by incorporating fentanyl into the same legal classification as other dangerous drugs and standardizing the legal treatment across different drug types. Specifically, the bill modifies Sections 712-1241 and 712-1242 of the Hawaii Revised Statutes to include fentanyl in the established dangerous drug classification with consistent possession and distribution thresholds.

The DLE supports this legislation as it addresses a critical gap in our current statutes. Fentanyl has emerged as one of the most potent and dangerous synthetic opioids, estimated to be 50 to 100 times stronger than morphine. Its increasing prevalence in our communities demands appropriate legal classification and enforcement mechanisms. By aligning fentanyl with other dangerous drugs like methamphetamine, heroin,

morphine, and cocaine, this bill provides law enforcement with more precise guidelines for prosecution and ensures consistent application of the law.

Additionally, standardizing these thresholds across dangerous drug categories simplifies enforcement and prosecution while reflecting the serious public health threat posed by fentanyl. This approach is consistent with how we handle other hazardous controlled substances and recognizes the similar harm these substances cause our communities.

The DLE believes this legislation represents a necessary update to our drug enforcement framework that will enhance our ability to combat dangerous drug distribution and possession in Hawaii while providing appropriate tools to address the growing fentanyl crisis.

Thank you for the opportunity to testify in support of this bill.

**KELDEN B.A. WALTJEN**  
PROSECUTING ATTORNEY

**SHANNON M. KAGAWA**  
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## **OFFICE OF THE PROSECUTING ATTORNEY**

### **TESTIMONY IN SUPPORT OF HOUSE BILL NO. 386**

#### **A BILL FOR AN ACT RELATING TO DANGEROUS DRUGS**

**COMMITTEE ON JUDICIARY**  
Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

Tuesday, March 11, 2025 at 9:45 a.m.  
Via Videoconference and  
State Capitol Conference Room 016  
415 South Beretania Street

Honorable Chair Rhoads, Vice-Chair Gabbard, and Members of the Committee on Judiciary. The County of Hawai'i, Office of the Prosecuting Attorney submits the following testimony in support to House Bill No. 386.

This bill was drafted with the intention to conform fentanyl to the possession offense thresholds for methamphetamine, heroin, morphine, and cocaine. This bill acknowledges the need for legal measures to hold individuals accountable for the consequences of their actions in distributing illegal narcotics.

Fentanyl is responsible for a significant rise in overdose deaths, as it is much more potent than heroin or morphine, even in small amounts. Conforming the penalty thresholds will send a clear message that the distribution of fentanyl is a serious crime that jeopardizes public health and safety. Ultimately, this measure would help reduce the overall prevalence of fentanyl in our communities and save lives.

The County of Hawai'i, Office of the Prosecuting Attorney remains committed to pursuing justice with integrity and commitment. House Bill No. 386 reflects a commitment to addressing the serious public health and safety concerns associated with illegal narcotics distribution.

For the foregoing reasons, the County of Hawai'i, Office of the Prosecuting Attorney supports the passage of House Bill No. 386. Thank you for the opportunity to testify on this matter.

**DEPARTMENT OF THE PROSECUTING ATTORNEY  
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CITY AND COUNTY OF HONOLULU**

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**THE HONORABLE KARL RHOADS, CHAIR  
SENATE COMMITTEE ON JUDICIARY  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawai'i**

March 10, 2025

**RE: H.B. 386; RELATING TO DANGEROUS DRUGS.**

Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney for the City and County of Honolulu submits the following testimony in **strong support** of H.B. 386. This bill is part of the Department's 2025 legislative package, and we thank you for hearing it.

This Committee previously heard the companion bill, S.B. 279, and recommended its passage without amendments. We hope for Committee's continued support in passing this critical legislation.

H.B. 386 conforms the possession and distribution thresholds for fentanyl to those used for other common street drugs, such as methamphetamine, heroin, and cocaine. This is a necessary measure to combat the increasing prevalence of fentanyl.

The Uniform Controlled Substances Act classifies fentanyl as a dangerous drug.<sup>1</sup> Possession in any amount is already a felony.<sup>2</sup> But in recent years, fentanyl has emerged as a serious public health threat and law enforcement challenge. In 2022, synthetic opioids, primarily illicit fentanyl, represented more than two-thirds of drug overdose deaths nationwide.<sup>3</sup>

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<sup>1</sup> HRS § 329-16(c)(9) (classifying fentanyl under Schedule II); § 712-1240 (defining "dangerous drug" to include most Schedule II substances).

<sup>2</sup> HRS § 712-1243.

<sup>3</sup> *Drug Overdose Deaths: Facts and Figures*, NATIONAL INSTITUTE ON DRUG ABUSE, available at <https://nida.nih.gov/research-topics/trends-statistics/overdose-death-rates#Fig2> (73,838 overdose deaths from synthetic opioids excluding methadone out of 107,941 reported overdose dose deaths nationwide).

Hawai‘i has not been immune. Last year, Big Island police seized enough fentanyl to kill one-fifth of this state’s entire population.<sup>4</sup> Federal prosecutors recently convicted a Maui man for deceptively selling fentanyl-laced pills that caused a deadly overdose.<sup>5</sup> And on a single weekend in April 2024, Oahu first responders were dispatched to the same location—Thomas Square—five times for reported fentanyl overdoses.<sup>6</sup> The fentanyl tsunami has reached our shores.

H.B. 386 makes it a Class B felony to possess more than one-eighth ounce of fentanyl. Right now, the possession threshold for a Class B felony is double that amount, at one quarter-ounce.<sup>7</sup> H.B. 386 also makes it a Class A felony to distribute more than one-eighth of an ounce of fentanyl. The current distribution threshold is triple that amount, at three-eighths of an ounce.<sup>8</sup> Finally, the bill makes it a Class A felony to possess one ounce or more of fentanyl. For the Class A felony, the possession threshold is currently one and one-half ounce.<sup>9</sup>

To place those numbers in context: two milligrams of fentanyl can be lethal.<sup>10</sup> An ounce is more than 28,000 milligrams. So one ounce of fentanyl is enough to kill 14,000 people.

H.B. 386 does not increase existing criminal penalties for simple possession of fentanyl. This bill targets distributors of this deadly poison, as well as those possessing amounts highly corroborative of intent to distribute.

The Department strongly encourages this Committee to pass H.B. 386.

Thank you for the opportunity to testify.

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<sup>4</sup> Press Release, Hawai‘i Police Department, Fentanyl Arrests and Recovery Stats for Dec. 2024 (Jan. 13, 2025), available at <https://www.hawaiipolice.gov/fentanyl-arrests-and-recovery-stats-for-dec-2024/>.

<sup>5</sup> Press Release, U.S. Attorney’s Office (D. Haw.), Maui Man Sentenced to 12 Years for Trafficking Fentanyl Resulting in Death (Dec. 10, 2024), available at <https://www.justice.gov/usao-hi/pr/maui-man-sentenced-12-years-trafficking-fentanyl-resulting-death>.

<sup>6</sup> Lynn Kawano, *Drug Overdose Deaths Up in Maui County, Kauai as Fentanyl Use Grows*, HAWAI‘I NEWS NOW (online) (May 13, 2024), available at <https://www.hawaii.newsnow.com/2024/05/14/drug-overdose-deaths-up-maui-county-kauai-fentanyl-use-grows/>.

<sup>7</sup> HRS § 712-1242(1)(b)(ii).

<sup>8</sup> HRS § 712-1241(1)(b)(ii)(B).

<sup>9</sup> HRS § 712-1241(1)(a)(ii).

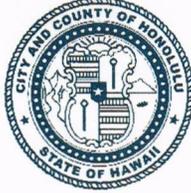
<sup>10</sup> *Facts About Fentanyl*, DRUG ENFORCEMENT ADMINISTRATION, available at <https://www.dea.gov/resources/facts-about-fentanyl>.

HONOLULU POLICE DEPARTMENT  
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**LATE**

RICK BLANGIARDI  
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DEPUTY CHIEFS  
HOPE LUNA NUI MĀKA'I

OUR REFERENCE JP-HR

March 11, 2025

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

Dear Chair Rhoads and Members:

SUBJECT: House Bill No. 386, Relating to Dangerous Drugs

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

The HPD supports House Bill No. 386, Relating to Dangerous Drugs.

The sheer devastation caused by fentanyl cannot be overstated. Every day, we hear heartbreaking stories of families torn apart by overdose deaths due to fentanyl being mixed with other drugs, often without the user's knowledge. It is our responsibility to protect our citizens, especially the most vulnerable among us, such as juveniles.

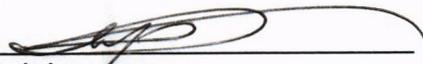
Implementing harsher penalties can serve as a strong deterrent for those who might exploit this crisis for their gain. The threat of increased consequences will encourage traffickers to think twice before distributing this lethal substance into our neighborhoods.

The HPD urges you to supports House Bill No. 386, Relating to Dangerous Drugs.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

  
Arthur J. Logan  
Chief of Police

  
Jerome Pacarro, Acting Major  
Narcotics/Vice Division

**LATE**

**HB-386**

Submitted on: 3/10/2025 7:05:54 PM

Testimony for JDC on 3/11/2025 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Master Shelby "Pikachu" Billionaire	Testifying for Ohana Unity Party & Kingdom of The Hawaiian Islands	Support	Remotely Via Zoom

Comments:

Dear Esteemed Members of the Hawaii State Legislature,

I am writing to express my enthusiastic support for House Bill No. 386, which amends Sections 712-1241 and 712-1242 of the Hawaii Revised Statutes to align possession and distribution thresholds for fentanyl with those of methamphetamine, heroin, morphine, and cocaine. This legislation, part of the Honolulu Prosecuting Attorney Package, addresses the escalating fentanyl crisis with precision and urgency, bolstering public safety through consistent enforcement. To maximize its impact, I also urge the inclusion of enhanced port operations to curb smuggling—a critical supply-side complement to this demand-focused measure. I respectfully request your affirmative vote and consideration of these enhancements to safeguard our communities.

The fentanyl epidemic demands immediate action, as evidenced by the following:

- **Lethal Surge:** In 2023, Hawaii recorded 224 opioid overdose deaths, with fentanyl implicated in 68% (153 cases), up from 42% in 2020 (Hawaii DOH, 2024). Nationally, fentanyl drove 73,000 of 107,000 overdose deaths (CDC, 2023).
- **Trafficking Boom:** The Honolulu Police Department seized 12.4 kilograms of fentanyl in 2024, a 150% increase from 2022 (HPD Annual Report, 2024), reflecting its infiltration into our islands.
- **Potency Threat:** Fentanyl, 50-100 times more potent than morphine (DEA, 2023), requires mere milligrams to kill, yet current thresholds (e.g., 1 ounce) lag its danger—H.B. 386 corrects this disparity.
- **Enforcement Gap:** Class A (20 years, HRS §706-659) and Class B (10 years, HRS §706-660) felony penalties apply, but without fentanyl's inclusion, prosecutors lack parity with other major narcotics.

H.B. No. 386 delivers a targeted response:

- **Threshold Alignment:** Adds fentanyl to the 1-ounce possession and 1/8-ounce distribution thresholds for first-degree offenses, and 1/8-ounce possession for second-degree, matching methamphetamine, heroin, morphine, and cocaine.

- Consistency: Applies 25-unit thresholds (capsules, tablets) across dangerous drugs, ensuring equitable sentencing for trafficking and possession.
- Swift Enforcement: Effective upon approval, it empowers immediate prosecution, leveraging the 150% seizure increase to deter dealers.

This bill is a critical step, but its full potential requires addressing supply chains—particularly through Hawaii’s ports, a primary entry point for illicit drugs:

- Smuggling Hub: In 2024, U.S. Customs Service intercepted 1,800 pounds of narcotics at Hawaii ports, with fentanyl comprising 20% (Customs Service, 2024)—yet experts estimate only 10-15% of shipments are caught (DEA, 2024).
- Port Vulnerabilities: Honolulu Harbor, handling 1.4 million TEUs annually (Hawaii DOT, 2024), lacks sufficient scanning tech (e.g., only 2 of 5 cranes have X-ray capability), enabling smuggling.
- National Context: 90% of U.S. fentanyl originates from Mexico via ports (DEA, 2023), with Hawaii a transshipment point to the mainland, amplifying local risk.

To strengthen H.B. 386, I propose:

- Port Operations Funding: Allocate \$5 million annually to upgrade Honolulu Harbor with advanced X-ray scanners (2 more units at \$2M each) and hire 10 additional Customs agents (\$1M/year), aiming to double interception rates.
- Interagency Task Force: Establish a DHS-HPD-Customs unit to coordinate port enforcement, targeting a 25% reduction in fentanyl inflows by 2027.
- Complementary Measures: Pair with \$1 million for forensic labs to clear a 3-month backlog (1,200 samples, DOH, 2024), ensuring prosecutions stick.

H.B. No. 386 is a pragmatic, overdue alignment of law with reality, supported by states like California and New York, where similar parity reduced trafficking (NIJ, 2023). Enhanced port operations would amplify its deterrence, cutting supply while penalties curb demand. I urge your support for this bill and its bolstering through anti-smuggling efforts to protect Hawaii from fentanyl’s scourge. Thank you for your dedication to our state’s safety and well-being.

Sincerely,

Master Shelby Pikachu Billionaire, HRM

Ohana Unity Party, Chairman

[www.Ohanaunityparty.com](http://www.Ohanaunityparty.com)

Kingdom of The Hawaiian islands, H.I.

**LATE**

**HB-386**

Submitted on: 3/11/2025 6:20:52 AM

Testimony for JDC on 3/11/2025 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Frank Schultz	Individual	Support	Written Testimony Only

Comments:

I support this initiative.