

DEPARTMENT OF THE PROSECUTING ATTORNEY  
KA 'OIHANA O KA LOIO HO'OPI'I  
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

February 2, 2025

**RE: S.B. 279; 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 S.B. 279. This bill is part of the Department's 2025 legislative package, and we thank you for hearing it.

S.B. 279 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>

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

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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).

<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/>.

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.

S.B. 279 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> S.B. 279 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.

S.B. 279 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 S.B. 279.

Thank you for the opportunity to testify.

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<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*, HAWAII NEWS NOW (online) (May 13, 2024), *available at* <https://www.hawaiinewsnow.com/2024/05/14/drug-overdose-deaths-up-maui-county-kauai-fentanyl-use-grows/>.

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

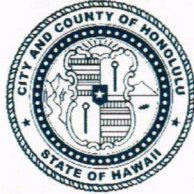
<sup>8</sup> HRS § 712-1241(1)(b)(ii)(B).

<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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HOPE LUNA NUI MĀKA'I

OUR REFERENCE JP-HR

February 5, 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: Senate Bill No. 279, Relating to Dangerous Drugs

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

The HPD supports Senate Bill No. 279, 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 support Senate Bill No. 279, Relating to Dangerous Drugs.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

  
\_\_\_\_\_  
for Arthur J. Logan  
Chief of Police

  
for Jerome Pacarro, Captain  
Narcotics/Vice Division

**KELDEN B.A. WALTJEN**  
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## **OFFICE OF THE PROSECUTING ATTORNEY**

### **TESTIMONY IN SUPPORT TO SENATE BILL NO. 729**

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

#### **COMMITTEE ON JUDICIARY**

Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

Wednesday, February 5, 2025 at 9:15 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 Senate Bill No. 729.

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. Senate Bill No. 729 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 Senate Bill No. 729. Thank you for the opportunity to testify on this matter.



**COUNTY COUNCIL**

Mel Rapozo, Chair  
KipuKai Kualii, Vice Chair  
Addison Bulosan  
Bernard P. Carvalho, Jr.  
Felicia Cowden  
Fern Holland  
Arryl Kaneshiro



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**OFFICE OF THE COUNTY CLERK**

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January 29, 2025

**TESTIMONY OF ADDISON BULOSAN  
COUNCILMEMBER, KAUAI COUNTY COUNCIL  
ON  
SB 255, RELATING TO CAMPAIGN CONTRIBUTIONS,  
SB 260, RELATING TO JUDICIARY,  
SB 279, RELATING TO DANGEROUS DRUGS, AND  
SB 281, RELATING TO TORTURE  
Senate Committee on Judiciary  
Wednesday, February 5, 2025  
9:15 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 255, Relating to Campaign Contributions, SB 260, Relating to Judiciary, SB 279, Relating to Dangerous Drugs, and SB 281, Relating to Torture. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council.

I wholeheartedly support the intent of SB 255, SB 260, SB 279, and SB 281, which would greatly affect the Kaua'i community.

Thank you again for this opportunity to provide testimony in support of SB 255, SB 260, SB 279, and SB 281. 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](mailto:cokcouncil@kauai.gov).

Sincerely,

**ADDISON BULOSAN**  
Councilmember, Kaua'i County Council

AAO:mn

**SB-279**

Submitted on: 1/31/2025 4:25:22 PM

Testimony for JDC on 2/5/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

Stand in Support