



GOV. MSG. NO. 901

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 8, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith HB2675 HD2 SD1, without my approval, and with the statement of objections relating to the measure.

HB2675 HD2 SD1

A BILL FOR AN ACT RELATING TO MEDICAL
MARIJUANA.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

July 8, 2008

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2675

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2675, entitled "A Bill for an Act Relating to Medical Marijuana."

The purpose of this bill is to create a "medical marijuana task force" within the University of Hawaii for administrative purposes. This task force is required to study whether current law affords an adequate supply of medical marijuana, whether it is feasible to establish marijuana growing facilities on each island, and whether inter-island marijuana transport can be made possible for traveling patients. The task force is also required to examine other issues and obstacles that patients encounter as well as research other states' medical marijuana programs and laws.

This bill is objectionable because it is an exercise aimed at finding ways to circumvent federal law. The use of marijuana, even medical marijuana, is illegal under federal law. It is, therefore, inappropriate for the State to recommend ways to maintain or increase the supply of marijuana, to make recommendations regarding the development of marijuana growing facilities, or to seek ways to circumvent federal prohibitions regarding the transport of marijuana.

Moreover, requiring the task force to be administratively attached to the University of Hawaii is inappropriate. Mandating the University's involvement when there is a clear conflict between State and federal law has the potential to adversely affect funding for a number of programs and research projects that rely on federal grants. Requiring the College of Tropical Agriculture and Human Resources to administer the work of the task force is also inappropriate as the legal, medical, public health, public safety, and transportation issues surrounding medical marijuana are far outside the college's purview.

Additionally, the composition of the task force itself is questionable because three of the eleven task force members are from a single private organization, the Drug Policy Forum of Hawaii. Seven of the eleven members are prescribers, patients, or members of the Drug Policy Forum, and are all likely to favor the expansion of medical marijuana access and programming.

While I am sympathetic towards those who suffer debilitating illnesses and appreciate organizations and advocates who are representing their interests, the task force should also have at heart the interests of the community at large. There are a host of unintended consequences related to the proliferation of medical marijuana that this task force is not required to address. Since I firmly believe that considerations must be made to ensure that Hawaii's communities remain safe and drug free, I must question whether this task force is capable of balancing the interests of both the community and medical marijuana patients.

Additionally, the federal Office of National Drug Policy notes that there are other prescription drugs approved by the Federal Drug Administration that are safe and medically deemed effective in helping those with AIDS, glaucoma, cancer, and other painful illnesses.

For the foregoing reasons, I am returning House Bill No. 2675 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Linda Lingle", written in a cursive style.

LINDA LINGLE
Governor of Hawaii

A BILL FOR AN ACT

RELATING TO MEDICAL MARIJUANA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. (a) There is established within the University
2 of Hawaii for administrative purposes a medical marijuana task
3 force. The college of tropical agriculture and human resources
4 shall be responsible for administering the work of the medical
5 marijuana task force, providing a facilitator, and submitting a
6 report to the legislature. The goals of the task force shall be
7 to:

- 8 (1) Examine current laws regarding the adequate supply of
9 marijuana for medical use to ensure sufficient amounts
10 of medication for a qualified patient's needs,
11 including any implications of removing the distinction
12 between mature and immature plants;
- 13 (2) Study the feasibility of developing safe growing
14 facilities on each of the islands of Hawaii, Kauai,
15 Lanai, Maui, Molokai, and Oahu for qualified patients
16 with written certification to grow medical marijuana
17 for their medical use;



- 1 (3) Seek possible solutions to challenges faced by
2 qualified patients with written certification when
3 faced with inter-island travel, resulting from
4 statutory prohibitions, including federal law that
5 prohibits travel with medical marijuana;
- 6 (4) Examine all issues and obstacles that qualifying
7 patients have encountered in the application of the
8 medical marijuana program; and
- 9 (5) Research advances made by other states regarding
10 medical marijuana laws and programs.
- 11 (b) The members of the medical marijuana task force shall
12 consist of eleven members as follows:
- 13 (1) The director of public safety or the director's
14 designee;
- 15 (2) The director of health or the director's designee;
- 16 (3) The director of transportation or the director's
17 designee;
- 18 (4) The attorney general or the attorney general's
19 designee;
- 20 (5) Three members of the Drug Policy Forum of Hawaii as
21 designated by the chairperson of the Drug Policy Forum
22 of Hawaii;



- 1 (6) Three patient advocates to be appointed as follows:
- 2 (A) One appointed by the governor;
- 3 (B) One appointed by the president of the senate; and
- 4 (C) One appointed by the speaker of the house of
- 5 representatives; and
- 6 (7) A prescribing physician as designated by the board of
- 7 medical examiners established under chapter 453,
- 8 Hawaii Revised Statutes.
- 9 (c) The medical marijuana task force shall submit a report
- 10 of its findings and recommendations, including any proposed
- 11 legislation, no later than twenty days prior to the convening of
- 12 the 2009 regular session.
- 13 (d) The medical marijuana task force shall cease to exist
- 14 on June 30, 2009.
- 15 SECTION 2. This Act shall take effect upon its approval.

