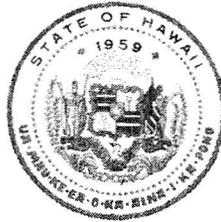


LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Blvd. 4<sup>th</sup> Floor  
Honolulu, Hawaii 96813

**CLAYTON A. FRANK**  
DIRECTOR

**DAVID F. FESTERLING**  
Deputy Director of  
Administration

**TOMMY JOHNSON**  
Deputy Director  
Corrections

**JAMES L. PROPOTNICK**  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 1191  
A BILL FOR AN ACT RELATING TO  
MEDICAL MARIJUANA  
Clayton A. Frank, Director  
Department of Public Safety

Committee on Health  
Representative Ryan I. Yamane, Chair  
Representative Scott Y. Nishimoto, Vice Chair

Committee on Public Safety  
Representative Faye P. Hanohano, Chair  
Representative Henry J.C. Aquino, Vice Chair

Thursday, February 5, 2009, 5:00 PM  
State Capitol, Room 309

Representatives Yamane, Hanohano and Members of the Committees:

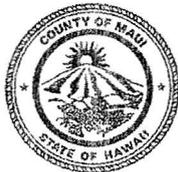
The Department of Public Safety opposes House Bill 1191 that attempts to establish a State sanctioned marijuana distribution system controlled and monitored by the Department of Public Safety. House Bill 1191 makes reference to the 2004 report "In search of a viable distribution system for Hawaii's medical marijuana program" but what House Bill 1191 does not indicate is that the conclusions section of this report makes several key points:

- 1) That it would be premature for Hawaii to institute a cooperative system without assurance of a supportive ruling from the U.S. Supreme Court.
- 2) No marijuana can be sold under any circumstances. All marijuana must be grown and distributed free of charge.
- 3) Nothing (processed marijuana, plants seeds, paraphernalia, etc.) must cross state boundaries. State law cannot protect a patient, caregiver or proposed grower who attempts to mail or who carries marijuana on a flight between islands from prosecution by Federal authorities.

The Department therefore feels that House Bill 1191 is premature and that Federal law would have to be amended before the provisions proposed in House Bill 1191 could be considered. Under present State and Federal laws, the State of Hawaii could not develop or sanction the development of secure growing facilities for medical marijuana on any of the islands unless authorized by way of a controlled substance research permit authorized by the State and the Federal Government. Presently, marijuana is classified under Federal law as schedule I controlled substance (dangerous drug / no medical use) making it unlawful for anyone to lawfully grow, facilitate the growing of, distribute / sell for medicinal use, any drug in this category. Schedule I controlled substances can only be authorized for research purposes with the approval of the State's Narcotics Enforcement Division and the Federal Drug Enforcement Administration after complying with specific security and storage requirements as dictated by State and Federal law.

For these reason the department cannot support House Bill 1191 and ask that it be held. Thank you for the opportunity to testify on this bill.

CHARMAINE TAVARES  
Mayor



BENJAMIN M. ACOB  
Prosecuting Attorney  
PETER A. HANANO  
First Deputy Prosecuting Attorney

DEPARTMENT OF THE PROSECUTING ATTORNEY  
COUNTY OF MAUI  
150 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
PHONE (808) 270-7777 • FAX (808) 270-7625

February 4, 2009

HONORABLE FAYE P. HANOHANO, CHAIR  
HONORABLE HENRY J.C. AQUINO, VICE CHAIR  
COMMITTEE ON PUBLIC SAFETY

HONORABLE JOHN M. MIZUNO, CHAIR  
HONORABLE TOM BROWER, VICE CHAIR  
COMMITTEE ON HUMAN SERVICES

HONORABLE RYAN I. YAMANE, CHAIR  
HONORABLE SCOTT Y. NISHIMOTO, VICE CHAIR  
COMMITTEE ON HEALTH

HOUSE OF REPRESENTATIVES  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2009  
STATE OF HAWAII

TESTIMONY OF BENJAMIN M. ACOB,  
PROSECUTING ATTORNEY FOR THE COUNTY OF MAUI,  
IN OPPOSITION OF H.B. NO. 1191  
RELATING TO MEDICAL MARIJUANA

The Honorable Chairpersons and Committee Members:

The Department of the Prosecuting Attorney for the County of Maui strongly opposes H.B. 1191 Relating to Medical Marijuana for the following reasons.

First, any type of "growing facility" would violate federal law. Currently, the State of Hawaii allows certain qualified individuals to possess and cultivate marijuana for medicinal use. This is inconsistent with federal law. In Gonzales v. Raich, 545 U.S. 1 (2005), the United States Supreme Court held that Congress' Commerce Clause authority includes the power to prohibit the local cultivation and use of marijuana in compliance with California law.

Second, our Department has serious concerns over whether the proposed facility would be adequately secured to deter any theft

of the marijuana plants. Apparently, the proposed bill places responsibility with the already short-staffed Maui Police Department to monitor security cameras, motion detectors, etc. Thus, instead of utilizing their limited resources to protect the public, the MPD will be acting as a personal security agency for these private marijuana growers.

Additionally, it is unclear as to whether the proposed bill requires local police to care for the "security animals" and/or patrol the seventy-five foot by one hundred fifty foot "fenced area."

Accordingly, for the reasons discussed above, our Department strongly opposes H.B. 1191. Thank you for the opportunity to testify.

(H.B. 1191, Relating to Medical Marijuana)



CHARMAINE TAVARES  
MAYOR

OUR REFERENCE  
YOUR REFERENCE

# POLICE DEPARTMENT

## COUNTY OF MAUI

55 MAHALANI STREET  
WAILUKU, HAWAII 96793  
(808) 244-6400  
FAX (808) 244-6411



THOMAS M. PHILLIPS  
CHIEF OF POLICE

GARY A. YABUTA  
DEPUTY CHIEF OF POLICE

February 4, 2009

The Honorable Faye P. Hanohano, Chair  
and Members of the Committee on Public Safety  
House of Representatives  
State Capitol  
Honolulu, HI 96813

The Honorable John M. Mizuno, Chair  
and Members of the Committee on Human Services  
House of Representatives  
State Capitol  
Honolulu, HI 96813

The Honorable Ryan I. Yamane, Chair  
and Members of the Committee on Health  
House of Representatives  
State Capitol  
Honolulu, HI 96813

Dear Chairs Hanohano, Mizuno, Yamane and Members of the Committees:

**SUBJECT: House Bill No. 1191, Relating to Medical Marijuana  
Distribution System**

The purpose of this bill is to create a marijuana distribution stamp system for medical marijuana patients in Hawaii; requires a certified facilitator to purchase stamps at no more than 50 cents per gram of marijuana, for a qualifying patient; allows a secured growing facility to grow marijuana for no more than 14 qualifying patients; and sets standards for secure growing facility.

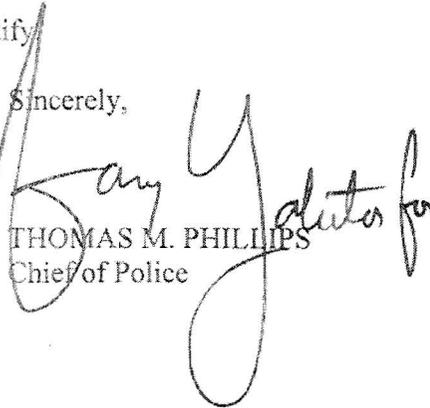
The creation of a marijuana growing facility and distribution system is contrary to current State and federal laws. The language that local police stations receive live video and still images monitor the growing facilities is ludicrous. Requiring the Department of Public Safety to certify the distribution of marijuana is, again, contrary to federal laws and subject such facilitators and growers to criminal prosecution and forfeiture.

The Honorable Faye P. Hanohano, Chair  
The Honorable John M. Mizuno, Chair  
The Honorable Ryan I. Yamane, Chair  
February 4, 2009  
Page 2

The Maui County Police Department humbly asks for your support in opposing  
House Bill No. 1191.

Thank you for the opportunity to testify.

Sincerely,



THOMAS M. PHILLIPS  
Chief of Police

William P. Kenoi  
Mayor



Harry S. Kubojiri  
Police Chief

Paul K. Ferreira  
Deputy Police Chief

## County of Hawai`i

February 4, 2009

POLICE DEPARTMENT  
349 Kapiolani Street • Hilo, Hawaii 96720-3998  
(808) 935-3311 • Fax (808) 961-2389

Representative Faye Hanohano  
Chairperson and Members  
Committee on Public Safety  
415 South Beretania Street, Room 309  
Honolulu, Hawai`i 96813

### Re: House Bill 1191, Relating To Medical Marijuana

Dear Representative Hanohano and members:

The Hawai`i Police Department strongly opposes the passage of the following House Bill:

- **HB 1191, Relating to Medical Marijuana:** Creates a distribution stamp system for medical marijuana in Hawaii; requires a certified facilitator to purchase stamps, at no more than 50 cents per gram of marijuana, for a qualifying patient; allows a secure growing facility to grow marijuana for no more than 14 qualifying patients; sets standards for secure growing facility.

In *Gonzales v. Raich* (2005), the United States Supreme Court held that the federal government has the constitutional authority to prohibit marijuana for all purposes. Thus, federal law enforcement officials may prosecute medical marijuana patients and their caregivers, even if they grow their own medicine and even if they reside in a state where medical marijuana use is protected under state law.

Marijuana is still a controlled substance under both Federal and Hawai`i state law. Therefore, it would be hypocritical for law enforcement to support the passage of a law seeking to circumvent federal and state laws. The message could be interpreted as the State of Hawai`i Legislature legalizing drug trafficking within the state.

To expand the medical marijuana laws and amend our current statutes from their current restrictions would only assist those individuals now growing marijuana illegally and generating huge profits by allowing them to use the medical marijuana law to aid in avoiding detection. Passage of these bills would further hamper law enforcement organizations in their efforts to control this drug and the related crimes that come with it.

Representative Faye Hanohano  
Chairperson and Members  
February 4, 2009  
Page 2

Before you vote on these bills, I urge you all to watch a television documentary called "Marijuana, Inc." on CNBC. The program documents the widespread marijuana business in Mendocino, California, and the huge influx of marijuana growers into the area after marijuana laws were relaxed there. The program, which airs on CNBC on February 8, February 16 and February 23, makes it clear just how hard it would be to undo the damage caused by lax marijuana laws if we passed these bills now and later changed our minds.

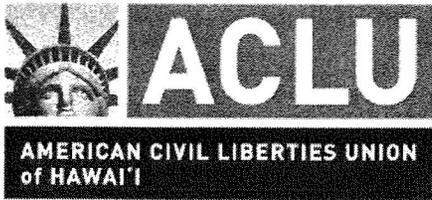
For the reasons above, we urge this committee to reject these pieces of legislation.

Thank you for allowing the Hawai'i Police Department to testify on these bills.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul K. Ferreira", with a long horizontal flourish extending to the right.

PAUL K. FERREIRA  
ACTING POLICE CHIEF



Via E-mail: PBSTestimony@Capitol.hawaii.gov  
Committee: Committees on Public Safety and Health  
Hearing Date/Time: Thursday, February 5, 2009, 5:00 p.m.  
Place: Room 309  
Re: Testimony of the ACLU of Hawaii Supporting HB 1191, Relating to Medical Marijuana

Dear Chair Hanohano, Chair Yamane, and Members of the Committees on Public Safety and Health:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of HB 1191, which creates a medical marijuana distribution system. This bill helps to eliminate the gray area of how to obtain medical marijuana, thus sparing patients from having to resort to the black market.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii 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 Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Daniel M. Gluck  
Senior Staff Attorney  
ACLU of Hawaii

American Civil Liberties Union of Hawaii  
P.O. Box 3410  
Honolulu, Hawaii 96801  
T: 808.522-5900  
F: 808.522-5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)



the  
**Drug Policy  
Forum**

February 5, 2009

To: Committee on Public Safety  
Committee on Human Services  
Committee on Health

From: Jeanne Ohta, Executive Director

RE: HB 1191 Relating to Medical Marijuana  
Hearing: February 5, 2009, 5:00 p.m., Room 309

Position: Strong Support

I am Jeanne Ohta, Executive Director of the Drug Policy Forum of Hawai'i. Thank you for this opportunity to testify in strong support of HB 1191.

DPFH supports allowing state-registered growers to serve several patients at once because it creates an alternate source of medicine for patients who cannot grow for themselves.

Many patients are unable to grow their own supply due to living in a condominium with no yard, lack of privacy from neighbors, or they are too sick. It is one of the most asked questions, "I have my card, now how do I get marijuana?" Patients who register with the program are law abiding citizens who want to remain so; they are reluctant to go to the illegal market to obtain their medicine and they shouldn't be forced to.

DPFH suggests referring to New Mexico's new distribution program. The rules have been recently approved and could provide help in designing a state-approved distribution system in Hawai'i.

Please move this bill forward as it improves the medical marijuana program and helps the program realize its compassionate intent.

**Board of Directors**

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*Donald Topping, Ph.D.  
Founder 1929-2003*

P.O. Box 61233  
Honolulu, HI 96839

Phone: (808)-988-4386  
Fax: (808) 373-7064

Email: [info@dpfhi.org](mailto:info@dpfhi.org)  
Website: [www.dpfhi.org](http://www.dpfhi.org)

## INFORMATION ON MEDICAL MARIJUANA

### **Federal Laws do not Preempt State Medical Marijuana Laws**

In December 2008, the U.S. Supreme Court refused to review a landmark decision in which California state courts found that its medical marijuana law was not preempted by federal law. The state appellate court decision from November 28, 2007, ruled that "it is not the job of the local police to enforce the federal drug laws."

### **Many Organizations Support Access to Therapeutic Cannabis**

American Academy of Family Physicians, American Medical Association's Council on Scientific Affairs, American Nurses Association, American Public Health Association, and many others.

"ACP urges an evidence-based review of marijuana's status as a Schedule I controlled substance to determine whether it should be reclassified to a different schedule. ... ACP strongly supports exemption from federal criminal prosecution; civil liability; or professional sanctioning, such as loss of licensure or credentialing, for physicians who prescribe or dispense medical marijuana in accordance with state law. Similarly, ACP strongly urges protection from criminal or civil penalties for patients who use medical marijuana as permitted under state laws. ... Evidence not only supports the use of medical marijuana in certain conditions but also suggests numerous indications for cannabinoids."

— American College of Physicians, *Supporting Research into the Therapeutic Role of Marijuana*, 2008

### **Marinol is not the same as Marijuana**

Marinol, available as a prescription pill, is THC, the active ingredient of marijuana. Many patients cannot tolerate marinol and have better results by using the whole plant. Scientists believe that the whole plant contains other ingredients that work with THC and thus is better tolerated and more effective for some patients.

### **Prescription Drugs**

Available prescription drugs often come with far more serious side effects than marijuana, and many patients who find relief from marijuana simply do not respond to prescription medications. Smoking or vaporizing marijuana are much more effective delivery methods than pills for many patients: The drug works instantly, the dosage may be controlled by the patient, and there is no problem "keeping it down" since it cannot be vomited back up.

Cocaine, morphine, and methamphetamine may all be legally administered to patients — so why not marijuana, which has a far lower rate of dependency and on which no one has ever overdosed?

---

**From:** Carol Stringer [carols@saveoursociety.org]  
**Sent:** Thursday, February 05, 2009 3:51 AM  
**To:** PBStestimony  
**Attachments:** Medical Marijuana Dispensary Information.doc

**Importance:** High

**Categories:** Green Category



February 5, 2009

Dear Members of the Committee on Human Services, Committee on Health and Committee on Public Safety:

I am writing to you on behalf of Save Our Society From Drugs (SOS), a national non-profit drug policy organization with constituents in your state, to urge you to reject both House Bill 226 and House Bill 1191 bills that seek to expand current "medical" marijuana laws in Hawaii. It is our understanding that these bills will be heard today, and I would like to take this opportunity to share with you our findings.

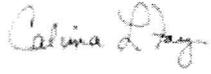
- HB 226 seeks to increase the amount of marijuana an individual is able to possess to seven ounces of marijuana and 12 plants. A typical marijuana plant produces 1 to 5 pounds of materials to be smoked a year. It is estimated that 1 ounce of marijuana rolls approximately 60-120 joints. If you take a moment and do the math, you will see that seven ounces could equal 420-840 joints and 12 plants could equal 11,520 to 115,200 joints. This amount of pot brings to mind questions of trafficking- not medicine.
- HB 226 prohibits a physician from naming the debilitating condition they are recommending "medical" marijuana to treat. This will allow significant abuses of the system.
- This bill also prohibits a registry card to identify the site where a person's marijuana is grown. This will be problematic for law enforcement in determining "legitimate" marijuana grows.

HB 1191 seeks to establish a marijuana distribution system as well as allow for large marijuana grow facilities.

- Grow facilities attract criminal behavior and are dangerous. According to the California Police Chiefs Association, a pound of marijuana can sell for \$5,000 on the street. The allure of easy money and victims unwilling to involve the police, due to the illegal nature of the transaction, make robbery of a grow house an easy choice for criminals.
- We ask that you look to the problems that the State of California is having with dispensaries and grow houses. Over a dozen cities in the state have banned such establishments and are, in turn, engaged in lawsuits with the state over whether they should have to tolerate dispensaries in their neighborhoods.

Do not allow Hawaii to suffer the same fate as California, vote NO on HB 1191 and HB 226.

Sincerely,

A handwritten signature in cursive script that reads "Calvina L. Fay".

**Calvina L. Fay**  
**Executive Director**

2600 9th Street North, Suite 200 • St. Petersburg, FL 33704 • 727-828-0210  
Fax: 727-828-0212 • [www.saveoursociety.org](http://www.saveoursociety.org)

## ***Medical Marijuana Dispensary Information***

Cal Chiefs, in conjunction with the California State Sheriff's, Narcotics Officers and District Attorneys' Associations and the California Highway Patrol, has formed a Medical Marijuana Dispensary Task Force. The Task Force was formed to address state versus federal law enforcement issues as well as the crime and quality of life issues, including the burgeoning indoor grow business, that accompany them. The Task Force is in the process of gathering data on dispensaries to use to assist in the development of a white paper and wanted to share the results of the research with any other agencies facing problems/issues surrounding dispensaries. The documents contain a wide variety of information, including Marty Mayer's sample ordinance prohibiting dispensaries and an excellent white paper by the Riverside County District Attorney's Office. Agencies are encouraged to download any documents they may find of interest or value.

### **Agency Documents:**

- [Medical Marijuana Dispensaries and Associated Issues](#) - Presented to the California Chiefs of Police Association
- [Modesto Medical Marijuana "California Health Care Collective"](#) - Modesto PD
  - [PPT - With Narration](#) (33mb)
  - [PPT - Without Narration](#) (97mb)
- [New Mexico Attorney General Opinion - Exposure to Federal Prosecution - Contra Costa County District Attorney's Office](#)
- [Agency Regulations of Medical Marijuana Dispensaries](#) - Orange County
- [Compliance With State Government Code 65858\(d\)](#) - Placentia PD
- [CPCA Issue/Medicinal Marijuana Dispensary Information - Medicinal Marijuana Investigation](#) - Redding PD
- [Dispensary Moratorium](#) - Claremont PD
- [El Cerrito PD Memorandum](#) - El Cerrito PD
- [El Cerrito PD Memorandum](#) - El Cerrito PD
- [Fact Sheet - Medical Marijuana Facilities](#) - Los Angeles PD
- [Humbolt Marijuana Problems](#) - Arcata PD
- [Medical Marijuana Dispensaries Memorandum](#) - Fullerton PD
- [Medical Marijuana Dispensaries - Potential Secondary Impacts](#) - Concord PD
- [Medical Marijuana Dispensary \(MMD\) Ban Ordinance](#) - Anaheim PD
- [Medical Marijuana Dispensaries](#) - San Diego (Requires Power Point)
- [Morro Bay PD and Dispensaries](#) - Morro Bay PD
- [Report on Medical Marijuana Dispensaries Moratorium](#) - Davis PD
- [Synopsis of the Rex Farrance Murder Investigation](#) - Pittsburg PD
- [Zoning Amendment for Medical Marijuana](#) - Fullerton PD

### **Related Statutes/Ordinances:**

- [Coloma PD Staff Report and Medical Marijuana Dispensary Ordinance](#)
- [Regulating/Prohibiting Medical Marijuana Dispensaries and Sample Ordinance](#) - Martin J. Mayer (CPCA Legal Counsel)
- [Healdsburg City Council Agenda Item Summary Report](#) - Healdsburg PD
- [Healdsburg Medical Marijuana Ordinance](#) - Healdsburg PD
- [Healdsburg Ordinance Banning Medical Marijuana Dispensaries](#) - Healdsburg PD
- [Health and Safety Code Section 11357 - 11362.9](#)
- [Health and Safety Code Section 11362.5\(e\)](#)
- [Interim Urgency Ordinance City Council Agenda](#) - City of Placentia

- [Interim Urgency Ordinance - City of Placentia](#)
- [Lakeport Medical Marijuana Ordinance](#)
- [Medical Marijuana Dispensary \(MMD\) Ban Ordinance - Anaheim PD](#)
- [Medical Marijuana in the Jail](#)
- [San Deigo County Court Ruling](#)
- [Summary of State Medical Marijuana Laws - Medical Marijuana ProCon.org](#)
- [Text of California Proposition 215 - Medical Marijuana ProCon.org](#)

### **Court Cases**

- [Affidavit for a Search Warrant - San Diego County](#)
- [Superior Court of California - County of Sonoma - Case No. SCR- 499108](#)

### **Press Reports:**

- [60 Minutes: California's medical marijuana system in 'chaos' - The Raw Story](#)
- [Proposal takes aim at liberal pot rules - Press Democrat](#)
- [Medical Marijuana Dispensaries and Associated Issues - Various News Articles/Agencies](#)
- [Study: Too Much Marijuana Makes Pain Worse, Not Better - Fox News](#)
- [A Smokescreen for Criminals - Portland Oregonian](#)
- [Marijuana House Fire - Khum Humboldt Review](#)
- [The Debate On California's Pot Shops - 60 Minutes - CBS News \(09.23.2007\)](#)
- [Raid in hills above Cupertino yields pot plants - Contra Costa County District Attorney's Office](#)
- [Surveillance Video of Medical Marijuana Robbery - Contra Costa County District Attorney's Office](#)
- [Medical Marijuana Store Robbed - Contra Costa County District Attorney's Office](#)
- [Robbery at a Santa Barbara Medical Marijuana Dispensary - Contra Costa County District Attorney's Office](#)
- [Telltale Isotopes in Marijuana are Nature's Tracking Devices - California District Attorneys Association](#)
- [August 2007 Articles in the Press - Contra Costa County District Attorney's Office](#)
- [Cigarettes in Relationship to Marijuana - Contra Costa County District Attorney's Office](#)
- [Marijuana May Increase Psychosis Risk - California District Attorneys Association](#)
- [Quarterly Report for March/June 2007 - Multiple News Articles - El Cerrito PD](#)
- [Arbitrator rules Tracy pot club "a public nuisance" - Inside Bay Area](#)
- [Bellflower Man Shoots Medical Marijuana Thief - L.A. Times](#)
- [Big fee hike soon for medical pot ID cards - Bay Area Reporter](#)
- [Cannabis: An Apology - The Independent](#)
- [DEA Raids 11 Pot Clubs - Los Angeles Daily News](#)
- [High School Students Getting Medical Marijuana Cards In California - News Channel Five](#)
- [Marijuana Dispensaries Are Targeted - L.A. Times](#)
- [Marijuana Can Effect Memory When Adolescents Are Learning - USA Today](#)
- [New medical pot rule delayed Tulare Co. has 6 more months to write ordinance - The Fresno Bee](#)
- [Pot Triggers Psychotic Symptoms - AP Medical Writer](#)
- [Six Arrested in Medical Marijuana Sweep - Union-Tribune](#)
- [U.S. drug agents raid 13 medical marijuana sites - Union-Tribune](#)
- [Ziegler and company create a medical marijuana cooperative in Susanville - Lassen County Times](#)

- [Ziegler Sidebar - Medical marijuana battle rages in Susanville](#) - Sam Williams News Editor

**Field of Medicine:**

- [Does marijuana contribute to psychotic illness?](#) - Joseph M. Rey, MD, PhD

**Miscellaneous Letters and Papers:**

- [Rent to a Pot Dispensary - Go To Jail - By Marty Mayer](#)
- [Medical Marijuana: History and Current Complications - Riverside County DA - White Paper](#)
- [Los Angeles City Attorney Report - Oct. 19, 2006](#)
- [Letter from Humboldt State University Chief of Police](#)
- [Medical Marijuana Dispensaries](#)
- [Medical Marijuana Dispensaries Spreadsheet](#)
- [Marihuana Growing Operations in British Columbia Revisited](#)
- [Marihuana Growing Operations in British Columbia](#)
- [Medicinal Marijuana](#)
- [NIDA Releases New Drug Abuse Treatment Publication](#)
- [Talking Points 07.06.2006 from San Diego](#)

**Related Links:**

- [National Drug Threat Assessment 2007 - National Drug Intelligence Center](#)

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**From:** Bill Best [bestb002@hawaii.rr.com]  
**Sent:** Wednesday, February 04, 2009 3:03 PM  
**To:** PBStestimony  
**Subject:** supporting bills HB1192, 1194,967 11911635,1149

**Categories:** Green Category

As a sufferer of chronic pain for whom no prescription or over-the-counter drugs work, I so appreciated when my doctor suggested that I get a registered with a patient ID certificate. I always felt grateful to live in this humane state of Hawaii. Anything I can do to help in keeping patients' right to use this benign drug, I'd be happy to. Science is on our side, and I am glad to see politicians representing the citizens on this rather than drug or alcohol lobbyists who want to demonize marijuana.

Mahalo for allowing me input.

Barbara Best  
280 Hauoli Street  
Wailuku, HI 96793

---

**From:** Danielle Bass on behalf of Rep. Ryan Yamane  
**Sent:** Wednesday, February 04, 2009 2:59 PM  
**To:** HLTtestimony; PBStestimony  
**Subject:** FW: Testimony for hearing on several bills this Thursday, 02-05-09 at 5:00 PM  
**Categories:** Green Category

-----Original Message-----

From: Bill [mailto:divrb@netzero.net]  
Sent: Wednesday, February 04, 2009 2:40 PM  
To: Rep. Ryan Yamane  
Cc: Rep. Scott Nishimoto  
Subject: Fw: Testimony for hearing on several bills this Thursday, 02-05-09 at 5:00 PM

----- Forwarded Message -----

Aloha,

I am in support of the following House Bills and urge you to support them also. These are **HB 1191** HB 226, HB 967, HB 1194, and HB 1192.

As a medical marijuana patient I have known only too well the difficulties encountered with growing and/or acquiring my medicine. The state of Hawaii supports and allows for persons with a medical marijuana recommendation from a physician to utilize cannabis in their treatment, but provides no means for them to obtain their medicine in a safe and legal manor. This not only forces people to seek out sources on the black market (thus encouraging this illegal market) but also forces patients unable to acquire or grow their medicine to take other prescribed medications proven to more harmful to the health than cannabis.

The state of Hawaii has shown that they believe in and support medical marijuana and it is about time that they do something to help the patients further. I have seen and know of many people that have turned their lives around by treating their medical ailments with cannabis instead of prescription drugs or narcotics. People unable to function due to the effects of narcotics finally functioning because they were able to eliminate them. An elderly gentleman that was hardly able to walk due to diabetic neuropathy finally walking without issues due to cannabis. No other medications helped him. Cancer patients eating instead of wasting away, people that have eliminated the need to take multiple medications (which has been proven to increase the likelihood of side effects) by switching to cannabis, and I could go on and on. Cannabis has been proven to be beneficial for a multitude of medical ailments and any bills regarding the support of medical marijuana in this state, especially those that provide an easier means for patients to acquire or grow their medicine, should definitely be encouraged to become law.

At this time I am also asking and encouraging you to oppose HB 1635.

Mahalo and Aloha,  
Bill Cox

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 03, 2009 2:14 PM  
**To:** PBStestimony  
**Cc:** stuart@IsseiProductions.com  
**Subject:** Testimony for HB1191 on 2/5/2009 5:00:00 PM

Testimony for PBS-HUS-HLT 2/5/2009 5:00:00 PM HB1191

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: Stuart Hirotsu  
Organization: Individual  
Address: Wailuku, Hawaii  
Phone: 808 280-5424  
E-mail: [stuart@IsseiProductions.com](mailto:stuart@IsseiProductions.com)  
Submitted on: 2/3/2009

Comments:  
aloha

I am a Medical Marijuana patient licensed by the Sate of Hawaii, and I ask that you support HB1191.

President Obama has declared on several occasions that he would not allow Federal agencies to interfere with State Medical Marijuana programs, so the old lines about Federal jurisdiction should no longer keep Sate agencies from doing the right thing.

Just as the immediacy of World War II led to an exemption on hemp, perhaps this economic crisis will force us to adjust these draconian laws to benefit the people rather than abuse us.

mahalo  
Stuart Hirotsu  
[stuart@IsseiProductions.com](mailto:stuart@IsseiProductions.com)

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 03, 2009 4:25 PM  
**To:** PBStestimony  
**Cc:** greenfigital@hotmail.com  
**Subject:** Testimony for HB1191 on 2/5/2009 5:00:00 PM  
**Attachments:** Dear Representatives.doc

Testimony for PBS-HUS-HLT 2/5/2009 5:00:00 PM HB1191

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: Brian Igersheim  
Organization:  
Address: P.O. Box 840 Makawao, Hawai'i  
Phone: (808)870-7172  
E-mail: [greenfigital@hotmail.com](mailto:greenfigital@hotmail.com)  
Submitted on: 2/3/2009

**Comments:**

I strongly support this measure. The medical marijuana statute must be clarified to prevent medical marijuana patients further further debilitatating legal issues.

Dear Representatives,

My name is Brian Igersheim. I have been a medical marijuana patient for five years and have served as the caregiver for many other patients over the course of that time. Collectively, we have all had great difficulty maintaining a supply of the medicine that the legislature has deemed us legal to possess and acquire.

As written the medical marijuana law, HRS 329-121 through HRS 329-128, is a classic "Catch 22." The law states that patients may "acquire" their medicine, but does not clarify or in any way address how this can legally be done. Therefore, although it is legal for registered patients to possess marijuana, they, or their caregiver, must commit an overtly illegal act to do this.

I write this from personal experience. For over four years I was a member and participant deeply invested in the efforts of Patients Without Time, a patient advocacy group in Pa'ia, Maui. I dedicated much of my time and energy to assisting other patients in the maintenance of their adequate supply. As patients, we believed that the collective acquisition of marijuana among our patients was not only morally correct, but legal within the constraints of the Statute.

After a two year investigation coined "Operation Weedkiller," supported by the Narcotics Enforcement Division, the Maui County Department of Police deemed this process of patients acquiring marijuana together as illegal; as patients, it was the only way that we knew how to safely acquire our medicine within the guidelines of the law. Individually dealing with street thugs and drug dealers would only add to our debilitating conditions.

The problem is that the law is vague, and affords too much interpretation. We at Patients Without Time believed that we were right, and law enforcement believes that they are right. At this point after hundreds of thousands, even millions of dollars worth of investigative resources and our ridiculous bail and lawyer fees, a jury will ultimately decide the truth. In the meantime, I strongly urge the legislature to clarify the statute so that this sort of interpretation is clarified and patients who can legally possess marijuana may also acquire it. Otherwise, more medical marijuana patients will face the same sort of ambivalent criminal charges in the future even though they believe they are abiding by the statute.

HB1191 clarifies the law by addressing the issues raised in the Legislative Reference Bureau's Report: In Search of a Viable Distribution System for Medical Marijuana. The Medical Marijuana law as written violates federal law, so of course a viable system will as well. Federal Law will never change if individual states do not do what is right. Slavery would have never ended 150 years ago if individual states had not made the decision to end it and therefore influence the federal system, and likewise with the prohibition of medical marijuana on a federal level. I urge you to do what is right.

Thank you for the opportunity to testify,  
Brian Igersheim

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**From:** Matt Rifkin [mattrifkin28@gmail.com]  
**Sent:** Tuesday, February 03, 2009 6:08 PM  
**To:** PBStestimony  
**Subject:** Committee hearing on February 5th regarding medical marijuana legislation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Aloha to the Public Safety Committee members....

I am a medical marijuana patient on the Big Island, and I would like to add my comments to the record for a variety of bills that have been proposed....

HB 1192 - Civil penalties for possession of marijuana - SUPPORT

The voters of the county of Hawaii passed a "Lowest Law Enforcement Priority" bill in November 2008, and I feel that this should be extended state wide. I do not feel that possession of small amounts of marijuana merits jail time.

**HB 1191 - Medical Marijuana Distribution System - SUPPORT**

Growing medical marijuana is not easy, and many patients are unable to do. Having a secure location where plants can be safely grown is a far better alternative than being forced to purchase medicine from the illegal black market. Increasing the number of plants and quantity of dried, usable medicine is also a good idea, as each patient has their own unique needs.

HB 226 - Medical Marijuana - SUPPORT

Removing the "location of marijuana" from the ID card is a good idea. Protecting sensitive information, such as a patient's qualifying condition, is also important. Law enforcement does not need to know the specific illness of a patient, only that the patient is legally allowed to possess and grow medical marijuana.

HB 1194 - Medical Marijuana - OPPOSE UNLESS AMENDED

I support moving the medical marijuana program from the Narcotics Enforcement Division to the Department of Health. It makes sense for the Health Department to administer this program. I think a state wide distribution system is an excellent idea, but it should not be the only option for a patient. The patient (or caregiver) should be allowed to grow medical marijuana too. Many patients are on a fixed income, and raising the application fee from \$25 to \$50 could be a hardship for such people.

HB 967 - Medical Marijuana - OPPOSE UNLESS AMENDED

Law enforcement has no need of being given information about caregivers on a weekly basis. If illegal activities take place, there are penalties already in place. Raising the application fee during these difficult times from \$25 to \$50 could be a hardship for many patients.

HB 1635 Controlled Substances, Medical Marijuana - STRONGLY OPPOSE

Qualifying Conditions should NOT be reduced or limited, they should be expanded. There are already criminal penalties for violating Hawaii's medical marijuana, we don't need more. Educating the police force on what the law is and having them stop arresting patients is more important.

Respectfully submitted,  
Matthew Rifkin  
HC 1, Box 4078  
Keeau, HI 96749

I, Matthew Simmons UH Social Work Student Support HB 1191.

Committee on Public Safety

Thursday February 5, 2009 @ 5:00 pm

With hundreds of studies to site pros and cons of medicinal marijuana, I believe that it is extremely valuable to note that the 1999 Institute of Medicine report had found that there was overwhelming evidence to support the use of medicinal marijuana including but not limited to the types of illnesses that it helps with: AIDS (HIV) & AIDS Wasting, Alzheimer's Disease, Appetite / Nausea, Arthritis, Asthma / Breathing Disorders, Chemotherapy, Crohn's / Gastrointestinal Disorders, Epilepsy / Seizures, Glaucoma, Hepatitis C, Migraines, Multiple Sclerosis / Muscle Spasms, Pain / Analgesia Psychological Conditions, Tourette's Syndrome, & Terminally Ill.

Although the report did discuss in detail some of the cons of marijuana the report concluded that it was not outside the realm of potential risk factors that current prescription medicines fall in.

It is my hope that with the signing of this bill we can eliminate big business in medicine by offering a natural alternative, which in most instances will be cheaper, less toxic, and as accessible as other prescription medicines.

I further support this bill because it provides oversight and accountability for services that a large portion of our population in Hawaii can benefit from. I also believe that the appropriate department to handle issues pertaining to Medical Cannabis is the DOH since this is a medical discrimination issue. Thank you for affording me the time and opportunity to share with you my thoughts on this issue.

**Testimony of Michael Foley  
University of Hawaii at Manoa  
tel: 808-281-7043 e-mail: [mfoley@hawaii.edu](mailto:mfoley@hawaii.edu)**

**In support of HB 1192, HB's 1191 and 226,  
Opposed to HB's 1194 and 967 unless amended,  
And strongly opposed to HB 1635.**

**Public Safety Committee, Human Services Committee, Health Committee**

**February 5, 2009 at 5:00 p.m.**

Aloha members of the Committee:

My name is Michael Foley. I am from Maui and currently a full-time graduate student at the University of Hawaii at Manoa where I study biomass renewable energy. Last year, while conducting research on how to sustainably produce energy from agriculture in Hawaii, I began looking into the marijuana issue.

Having read the findings of numerous studies published in respectable science, engineering and medical journals, I am taken by the miraculous nature of the cannabis plant. Not only can this fast growing hardy plant be used to create a host of sustainable non-toxic products from fuel to plastics to lumber, but its flowers have also been proven to provide numerous medical benefits to human beings.

In this time of global change, it is important to reform public policies to allow our society to evolve. Recent polls by news media organizations have shown that an overwhelmingly majority of the Americans support the decriminalization of cannabis. With a well-informed logic, and the deepest respect and Aloha for the people and lands of Hawaii, I support any change to public policy that will bring our society closer to harnessing the full potential of the cannabis plant. It is with this perspective, that I:

- Support HB 1192, which would make possession of less than an ounce of marijuana a citable offense punishable by a \$100 fine;
- Support HB's 1191 and 226, which would improve Hawaii's medical marijuana program;
- Oppose HB's 1194 and 967 unless amended so that patients or a caregiver can grow medical marijuana in addition to having the option of obtaining it from state-registered organizations. The law should allow patients to obtain their medications in the most economical and convenient way possible.
- Strongly oppose HB 1635, which would place unnecessary restrictions on medical cannabis program participants and limit qualifying conditions to cancer,

glaucoma, and HIV/AIDS. Medical doctors are the experts on the benefits of cannabis treatment and they should not be limited from prescribing it for a condition that it will treat.

Please take the time to question your previous assumptions about marijuana and be open to learning new information. It is time for us to accept and harness all the benefits that the cannabis plant has to offer. Mahalo for your consideration.

With Aloha,

Michael Foley  
Research Assistant  
University of Hawaii at Manoa  
4477 Kahala Ave.  
Honolulu, HI 96816  
808-281-7043

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**From:** lionel [lionel@cruzio.com]  
**Sent:** Thursday, February 05, 2009 11:13 AM  
**To:** PBStestimony  
**Subject:** HB 1191 1192, 226, 1194, 1635 and 967

Aloha,

Please support HB 1192, which would make possession of less than an ounce of marijuana a citable offense punishable by a \$100 (one hundred dollar) fine.

I also support HB 1191 and 226, which would improve Hawaii's medical marijuana program. HB's 1194 and 967 need to be amended so that they improve the state's medical marijuana program, and I strongly oppose HB 1635, which would place unnecessary and arbitrary restrictions on program participants and limit qualifying conditions to cancer, glaucoma and HIV/AIDS.

HB 1192

SUPPORT

Possessing small amounts of cannabis should not in and of itself, something that warrants jail time.

Arresting people for possession of cannabis saddles them with a damaging criminal record that can make it impossible for otherwise law abiding citizens to obtain a job, housing or student loans.

Laws and policies should never cause more harm than that which they seek to regulate and control.

Massachusetts, along with eleven other states, has already passed laws that make the possession of small amounts of cannabis a citable offense. State legislatures in Connecticut, Texas, Vermont and Washington are currently considering bills that would do the same.

HB 1191

SUPPORT

Patients who cannot grow for themselves need help producing enough medicine to keep them adequately supplied. Allowing state-registered growers to serve several patients at once is smart because it creates an alternate source of medicine that patients can rely on when they need to.

Patients shouldn't have to resort to the unreliable and often dangerous criminal market to get their medicine - they should be able to get it from an organization like those HB 1191 establishes.

HB 226

SUPPORT

Doing away with the mature/immature distinction will make it much easier for patients and police to determine who is within the bounds of the law and who is not.

Allowing state registered caregivers to grow for up to five patients is a good idea because it allows for growers to serve the needs of several patients at once, and in one place. Also, growing several marijuana plants is often easier than growing only a couple; plus, it enables caregivers to better account for unseen problems, such as plant disease, insects, or a power outage that can wipe out an entire yield of medicine.

Protecting sensitive information like a patients qualifying condition is the right thing to do. Law enforcement officers do not need to know anything about a medical marijuana patient other than whether or not they are legal.

HB 1194

OPPOSE UNLESS AMENDED

Transferring the medical marijuana program from the department of public safety to the department of public health makes sense because the department of health is better equipped to deal with health issues and should be the agency responsible for handling confidential patient information.

Just this past June, the public safety department's Narcotic Enforcement Division (NED) mistakenly released the names and personal information of 4,200 patients to the Hawaii Tribune-Herald. This was a huge breach of confidentiality that resulted in an official apology from NED to patients, along with instructions for patients to take necessary precautions to protect any information NED may have released.

Although establishing a state distribution system is a good way to improve patient access to medicine, it should not be the only source of medicine. Patients or a caregiver should be allowed to grow medical marijuana in addition to state-registered organizations.

Many patients are on fixed income, and increasing the application fee from \$25 to \$50 will be a financial hardship for many.

HB 967

OPPOSE UNLESS AMENDED

Transferring the medical marijuana program from the department of public safety to the department of public health makes sense because the department of health is better equipped to deal with health issues and should be the agency responsible for handling confidential patient information.

Although creating an advisory board to review and approve additional qualifying conditions and develop a distribution system to provide medical marijuana to patients is a good idea, law enforcement should have no interest in receiving information about caregivers on a weekly basis unless a caregiver is engaging in illegal activity, for which there are already penalties established.

Many patients are on fixed income, and increasing the application fee from \$25 to \$50 will be a financial hardship for many.

HB1635

OPPOSE

There are already criminal penalties for violating Hawaii's marijuana laws - we do not need more.

Requiring a physician to physically examine a terminally ill cancer patient just so that patient can continue to use medical marijuana does not make sense and is unnecessary.

We should be looking to expand conditions that qualify patients for Hawaii's medical marijuana program, not limiting them

The government of Israel and numerous independent studies have established that marijuana consumption prevents conditions and offers protection from including but not limited to, dementia, stoke, brain damage from trauma or stroke, degenerative nervous disorders, cancers and also extends life.

The Canadian Broadcast Corporation recently aired a two hour special entitled, "Run From The Cure, the Rick Simpson Story". CBC documents that Mr. Simpson has cured, with doctor supervision, dozens of people in his community of melanoma's and other cancers, as well as diabetes using a potent marijuana oil.

According to the CBC, manufacture of Mr. Simpson's oil requires one pound of cannabis flowers per one ounce of oil. Patients require one ounce of oil per month.

These realities should play a role in the crafting and implementation of intelligent and humane medical marijuana policy.

Aloha,  
Lee Eisenstein  
Hawaii

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**From:** Pam Lichy [pamelalichy@gmail.com]  
**Sent:** Wednesday, February 04, 2009 11:03 AM  
**To:** PBStestimony  
**Subject:** testimony for 2/5, 5 p.m. hearing re HB 1191

**Categories:** Yellow Category

**TO:** HOUSE COMMITTEES ON PUBLIC SAFETY & HEALTH  
**FROM:** PAMELA LICHTY, MPH, PRESIDENT, DRUG POLICY ACTION GROUP  
**RE:** HB1191 RELATING TO MEDICAL MARIJUANA  
**DATE:** FEBRUARY 5, 2009

Aloha, Chairs Hanohano and Yamane and members of the Committee on Public Safety and the Committee on Health. Again thank you very much for scheduling this hearing today; I'm sorry I could not be there in person since I'm currently on the mainland. My apologies also for the appearance of this testimony.

We are in strong support of HB1191. As a patient advocacy organization, the most common comment we receive is about the difficulty of obtaining medical marijuana and the silence in current law about legitimate ways to obtain it. As you know, a patient who requires chemotherapy, for example, is often very pressed for time and certainly has no time to grow his own supply.

The state-registered grower system described in this measure makes a great deal of sense. Again, if you move this bill out, as I hope you do, I urge you to examine the rules that New Mexico has just finalized after numerous public hearings. There is no need to re-invent the wheel when it comes to this issue and when other states can help us by providing a model.

Please pass this measure so that we can eliminate this gray area of how to obtain a supply of life-saving medicine and spare patients from having to resort to the black market. After all isn't this why our state's medical marijuana law was enacted in the first place?

Again thank you for hearing this measure and for the opportunity to testify.

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Pamela G. Lichy, MPH  
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