

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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MUF1 HANNEMANN  
MAYOR



BOISSE P. CORREA  
CHIEF

PAUL D. PUTZULU  
KARL A. GODSEY  
DEPUTY CHIEFS

OUR REFERENCE LK-TA

February 5, 2009

The Honorable Faye P. Hanohano, Chair  
and Members  
Committee on Public Health  
The Honorable John M. Mizuno, Chair  
and Members  
Committee on Human Services  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chairs Hanohano and Mizuno and Members;

Subject: House Bill No. 1192, Relating to Marijuana

I am Louis Kealoha, Captain of the Narcotics/Vice Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes House Bill No. 1192, Relating to Marijuana.

The bill seeks to make the possession of less than one ounce of marijuana a civil offense. It would impose fines and require persons under the age of 18 against whom a civil judgment is entered to complete a drug awareness program.

The increased potency and demand for marijuana continues to plague our society. There are numerous studies that suggest that marijuana use can have long-term effects and health risks on the body. Marijuana can also be considered a gateway drug that can lead to more harmful and addictive drugs. Reducing the penalty for possessing this detrimental drug to a civil offense sends the wrong message to our youth and undermines our efforts to protect our community.

The Honolulu Police Department urges you to oppose House Bill No. 1192, Relating to Marijuana.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

for: Paul Putzulu  
BOISSE P. CORREA  
Chief of Police

Handwritten signature of Louis Kealoha.  
LOUIS KEALOHA, Captain  
Narcotics/Vice Division

*Serving and Protecting With Aloha*

From: ASA Big Island Chapter [bigislandsafeaccess@gmail.com]  
Sent: Thursday, February 05, 2009 4:27 PM  
To: PBStestimony  
Subject: Medical Marijuana Testimony

Transmittal Cover :

Andrea Tischler, Chairperson  
Americans for Safe Access, Big Island Chapter Comments directed to: Committee on Public Safety, Committee on Human Services and Committee on Health  
Date and Time of Hearing: February 05, 2009; 5:00 PM Measure number: HB 1192, HB 1194, HB 967, HB 1191, HB 226, HB1635, HB1149 Copies to each member of each committee, total 30 copies

As the Chairperson and Coordinator of Americans for Safe Access, Big Island Chapter, I would like to submit written testimony in regards to the medical marijuana bills and the decriminalization bill which you will be hearing on February 5, 2009.

There are over 2000 medical marijuana patients on the Big Island. We have nearly 50% of all the patients in the state with less than 15% of the state's population. Thus, the Big Island has a large stake in updating the state's antiquated medical marijuana law.

There are a two medical marijuana bills that contain elements that are very beneficial for accessibility to cannabis medicine and would enhance the safety of medical cannabis patients, immeasurably. HB 1191 provides for a "secure growing facility" for 14 qualifying patients. That is an enormous advance to a patient's ability to acquire organically grown medicine in a consistent manner under safe conditions. The current law which allows only one patient to one caregiver is at best an unreliable source of medicine and most patients are often too sick or lack the ability to grow their medicine. Complicating matters even more is that a patient more often than not has no place to grow because he/she lives in public housing or in a densely populated neighborhood where it is easy for plants to be stolen by youth or neighbors. In this dangerous scenario thieves steal the cannabis and add more work for the police.

These circumstances make the patient's supply of cannabis inconsistent and the growing of plants in homes and yards dangerous. A "secured growing facility" overseen by Public Safety where cannabis is grown by "certified facilitators" who are skilled at growing varieties which best meet the needs of the patients correct the deficiencies in the current law. Fundamentally, it is very wrong to have a law which allows a patient to obtain a doctor's permit for the medicine and no distribution system. As the numbers of patients in the state increase it is becoming clear that we must have a safe and reliable distribution system. HB 1191 will do that.

Another bill which we support is HB 226 which increases the plant limit to 12 plants. Presently, with the seven plant limit all growers know it is virtually impossible to provide an adequate supply for even the smallest dose user. Many factors including disease, insects or even a power outage can wipe out an entire yield of medicine. Twelve plants and seven ounces of usable marijuana is a definite improvement.

Another good point in HB 226 is that it protects sensitive information about the patient's qualifying condition which law enforcement officers do not need to know.

HB 1194 has one good point and one bad one. The good point is transferring the medical marijuana program from the Department of Public Safety to the Department of Health. This is a more appropriate place because it oversees health issues. Also, the Department of Health, which is more knowledgeable about HIPPA laws, will not release personal information of the registered patients creating the breach of confidentiality that occurred last June.

The point that we do not like in HB 1194 is that although establishing a state distribution system is a good way to improve patient access, it should not be the only source of their medicine. Patients and caregivers should continue to be allowed to grow medical marijuana in addition to having a state distribution system.

HB 967 would transfer the program to the Department of Health that is good as stated in HB 1194. And, an advisory board to approve additional qualifying conditions and develop a distribution system is good as well but law enforcement should have no interest in receiving information about caregivers.

Americans for Safe Access strongly oppose HB 1635. In medical research the findings are that the number of conditions and uses for which cannabis is efficacious is expanding, not getting smaller.

Although the Americans for Safe Access focuses on medical cannabis access and advocates for patients HB 1192, the decriminalization of cannabis, is very long overdue and possessing less than one ounce is not something that warrants jail time. We do not have to ruin people's lives with a conviction and possible jail time if no harm has been done. We can no longer afford to arrest, prosecute and imprison non violent offenders. Many states including Texas, Vermont and Washington are considering a similar bill. Please pass HB 1192 during this legislative session.

There is one other point that we would very much like to have included in this years' bills and that is reciprocity between the counties in the Hawai'i islands. ASA has heard of a number of instances where patients traveling between islands for business or pleasure have been stopped in airports and had their medicine confiscated. When a patient on the mainland in medical marijuana states travels between counties there is no problem. Hawai'i patients should be allowed travel freely within the state with their medicine.

The Americans for Safe Access, Big Island Chapter thank you for considering these bills. With the exception of one, all of them have some good aspects. We know that by carefully hearing and reading the testimonies from patients, reform activists and advocacy groups that you will come up with one or more bills that meet the needs of the suffering and ill patients in Hawai'i. And, if our Governor sees fit to veto the bill (s) it is our sincere hope and prayer that you will swiftly act to override the veto. Mahalo Nui Loa.

Andrea Tischler  
Chair, Americans for Safe Access  
Big Island Chapter  
564 Hoaka Road  
Hilo, HI. 96720  
(808) 959-8091

# LATE TESTIMONY

Matthew Rifkin –

Testimony to the Committees of Public Safety, Human Services, Health

Hearing date: February 5, 2009 at 5:00pm

HB 1192, 1194, 967, 1191, 226 and 1635

Thank you for this opportunity to testify today...

Aloha – My name is Matthew Rifkin and I am medical marijuana patient residing on the Big Island and a member of Americans for Safe Access. As you are aware, the Big Island has the most medical marijuana patients in the state, although we are only 15% of the population. ASA appreciates this opportunity to share our views.

Growing medicinal grade marijuana is not as simple as just putting seeds in the ground. It is a detailed and time consuming process. Mold or pests can destroy a crop. Theft is a common occurrence, and can leave a patient to suffer without medicine. A patient living in public housing is not even allowed to grow medicine, and would risk being evicted if caught. Americans for Safe Access believes a patient should be able to obtain an “adequate” supply of medicine without having to access the black market. Patients need to focus on their health, not on how or when they will get medicine that eases their suffering.

ASA feels that a secure grow location, properly run by facilitator and with appropriate safe guards is essential. Having a space that allows 14 patients to grow 98 plants is an excellent proposal, and we are happy to see it included in several of this year’s bills. It is also essential to have a distribution system for those who cannot grow their own medicine, and we hope to see progress in this area.

We are disappointed that there is no mention of inter-island travel this year. We hope an amendment can be included that would institute a protocol to allow patients to travel freely within the state.

Of the six bills, five are good, or have good portions, only one bill is objectionable. Our comments are as follows:

**HB 1192 – Civil penalties for marijuana possession – STRONGLY SUPPORT**

The voters of the Big Island passed ballot question 1 last November making the personal use of marijuana by adults the Lowest Law Enforcement Priority, and the state of Massachusetts passed a decriminalization bill that is similar to HB 1192, the trend towards the decriminalization of marijuana is unmistakable, and this bill has merit. People should not be put in jail for simply consuming marijuana.

**HB 1194 – Medical marijuana distribution system – OPPOSE UNLESS AMENDED**

We do support transferring administration from the Department of Public Safety to the Department of Health, which we think will be better equipped to deal with medical issues. We also support the establishment of a secure system for growing and distributing medical marijuana. However, while having a state wide distribution system should improve access to medicine, we do not feel it should be the only option. A patient and his/her caregiver should still have the option to grow their own medicine. We also feel that raising the application fee will impose hardships on those patients on a fixed income.

As a medical marijuana patient myself, let me express to the committee my outrage at having my name, and that of 4,200 other patients, released to the Hawaii Tribune-Herald by the Narcotics Enforcement Division in June of 2008. I sincerely hope this breach of confidentiality never happens again.

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**From:** Subhadra Corcoran [peacesubhadra@gmail.com]  
**Sent:** Thursday, February 05, 2009 5:49 PM  
**To:** PBStestimony  
**Subject:** Medical Marijuana Testimony

Transmittal Cover :

Subadra

Representing Self and member of Americans for Safe Access Comments directed to: Committee on Public Safety, Committee on Human Services and Committee on Health Date and Time of Hearing: February 05, 2009; 5:00 PM Measure number: HB 1192, HB 1194, HB 967, HB 1191, HB 226, HB1635, HB1149 Copies to each member of each committee, total 30 copies

Aloha Representatives, My name is Subhadra, I am writing to ask that as you consider some bills coming before you today regarding medical marijuana you will remember the welfare of the patients .I think it is a good idea to have certified facilitators to grow for several people in so far as many people cannot grow for themselves. It would be a good addition to letting those who can grow for themselves do so. This issue is addressed in bill #HB1191.Also covered in this bill is an increase in amounts allowed. It is necessary to grow more then the amount currently allowed because the vog inhibits growth and three plants flowering can produce very little if all conditions are not perfect (and how often do we get perfect.).The bill HB1192 makes adult possession of a small amount of marijuana to be fined instead of jailed. This would cover a few expenses for the county and not require the cost of judge and jury to be incurred. The bill HB226 also is to increase the amount of medicine an individual can have. Many sick people find that eating marijuana is a better way for them to ingest it. It takes more plants when you need to prepare it for baking. As for bill HB967 it is half good and half bad. Who wrote these in such a disorderly fashion? Yes, this is a health issue and should be under the dept. of health. It makes sense. As for limiting the qualifying conditions, unless you have a doctors degree how can you say? This is also covered in bill HB1635.It is the laws against marijuana that create the problem. There was never a problem before these laws and doctors prescribed the herb regularly. Thank you for your time and consideration. Subhadra Captain Cook HI.