

### U.S. Department of Justice

United States Attorney District of Hawaii

PJKK Federal Building 300 Ala Moana Blvd., Room 6-100 Honolulu, Hawaii 96850 (808)541-2850 IFAX (808) 541-2958

TO: The Honorable Karl Rhoads, Chair The Honorable Sharon E. Har, Vice Chair Members of the Committee on Judiciary (Fax: 586-8504)

- FROM: Florence T. Nakakuni United States Attorney District of Hawaii
- RE: HB 699 RELATING TO MARIJUANA Hearing on Friday, February 01, 2013 2:00 p.m. - Conference Room 325 State Capitol 415 South Beretania Street Honolulu, Hawaii
- DATE: January 31, 2013

#### SUBMISSION BY FLORENCE T. NAKAKUNI

Chair Rhoads, Vice Chair Har and Members of the House Committee on Judiciary:

I am submitting against HB 699 Relating to Marijuana. Attached is my letter dated April 12,

2011, to the then-Director of Public Safety Jodie Maesaka-Hirata.



#### U.S. Department of Justice

United States Attorney District of Hawaii

PJKK Federai Building 300 Ala Moana Blvd., Room 6-100 Honohuh, Hawaii 96850 April 12, 2011 (808) 541-2850 FAX (808) 541-2958

Jodie F. Maesaka-Hirata, Director Department of Public Safety State of Hawaii 919 Ala Moana Boulevard, 4<sup>th</sup> Floor Honolulu, Hawaii 96814

Re: SENATE BILL 1458 SD2, HD2

Dear Ms. Maesaka-Hirata:

This replies to your letter dated April 6, 2011, seeking guidance from the Attorney General and my office with regards to S.B. No. 1458, which if enacted, would establish in each County of this State for a five year test period at least one "medical marijuana compassion center" for the manufacture and distribution of marijuana. Under this bill, such marijuana distribution centers licensed by the State Department of Public Safety, would be authorized to sell marijuana within the respective counties in which they are located. In addition, the Bill also authorizes the sale of marijuana to other caregivers and non-resident patients visiting from other states. This letter is written to ensure there is no confusion regarding the Department of Justice's view of such distribution centers.

As the Department has said on many prior occasions, Congress has determined that marijuana is a controlled substance. Congress placed marijuana in Schedule I of the Controlled Substances Act, 21 U.S.C. § 801 et. seq. ("CSA") and as such, growing, distributing, and possessing marijuana in any capacity, other than as part of a Federally authorized research program, is a violation of Federal law regardless of state laws permitting such activities.

As a way of emphasizing the foregoing, the CSA's penalties for felony marijuana offenses (manufacture,

Jodie F. Maesaka-Hirata April 12, 2011 Page 2

distribution, possession with intent to distribute) should be considered:

-1,000 or more marijuana plants, or 1,000 kilograms: 10 years - life imprisonment;

-100 or more marijuana plants, or 100 kilograms: 5 - 40 years imprisonment;

-50 marijuana plants or more, or more than 50 kilograms: up to 20 years imprisonment; and

-Less than 50 marijuana plants, or less than 50 kilograms: up to 5 years imprisonment.

The prosecution of individuals and organizations involved in the trade of any illegal drugs and the disruption of drug trafficking organizations is a core priority of the Department. This core priority includes prosecutions of business enterprises that unlawfully market and sell marijuana. Accordingly, while the Department does not focus its limited resources on seriously ill individuals who use marijuana as part of a medically recommended treatment regimen in compliance with state law, we maintain the authority to enforce the CSA vigorously against individuals and organizations that participate in unlawful manufacturing and distribution activity of controlled substances, including marijuana, even if such activities are permitted under state law.

Consistent with federal law, the Department maintains the authority to pursue criminal or civil actions for any CSA violations whenever the Department determines that such legal action is warranted. This includes, but is not limited to, actions to enforce the criminal provisions of the CSA such as:

-21 U.S.C. § 841 (making it illegal to manufacture, distribute, or possess with intent to distribute any controlled substance including marijuana);

-21 U.S.C. § 856 (making it unlawful to knowingly open, lease, rent, maintain, or use property for the manufacturing, storing, or distribution of controlled substances);

Jodie F. Maesaka-Hirata April 12, 2011 Page 3

-21 U.S.C. § 860 (making it unlawful to distribute or manufacture controlled substances within 1,000 feet of schools, colleges, playgrounds, and public housing facilities, and within 100 feet of any youth centers, public swimming pools, and video arcade facilities);

-21 U.S.C. § 843 (making it unlawful to use any communication facility to commit felony violations of the CSA); and

-21 U.S.C. § 846 (making it illegal to conspire to commit any of the crimes set forth in the CSA).

In addition, Federal money laundering and related statutes which prohibit a variety of different types of financial activity involving the movement of drug proceeds may likewise be utilized. The Government may also pursue civil injunctions, and the forfeiture of drug proceeds, property traceable to such proceeds, and property used to facilitate drug violations.

This Bill would create a State licensing scheme which permits the marijuana distribution center in each county to support unlimited numbers of resident caregivers and patients and non-resident patients visiting from other states. As such, this scheme would authorize large-scale marijuana manufacture and sales, which is contrary to Federal law and threatens the Federal government's efforts to regulate the possession, manufacturing, and trafficking of controlied substances. Accordingly, the Department is carefully considering civil and criminal legal remedies if this Bill is enacted and becomes law, with respect to those who seek to create such marijuana distribution centers pursuant thereto. Individuals who elect to operate such marijuana centers will be doing so in violation of Federal law. Others who knowingly facilitate and assist the actions of the licensees (including property owners, landlords, and financiers) should also know that their conduct violates Federal law. Potential actions the Department may consider include injunctive actions to prevent cultivation and distribution of marijuana and other associated violations of the CSA; civil fines; criminal prosecution; and the forfeiture of any property used to facilitate a violation of the CSA. As the Attorney General has repeatedly stated, the Department of Justice remains firmly committed to enforcing the CSA in all states.

Jodie F. Maesaka-Hirata April 12, 2011 Page 4

I hope this letter assists the State of Hawaii and potential licensees in making informed decisions regarding the cultivation, manufacture, and distribution of marijuana.

Very truly yours,

Malealin

PLORENCE T. NAKAKUNI United States Attorney



#### TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-SEVENTH LEGISLATURE, 2013

#### ON THE FOLLOWING MEASURE: H.B. NO. 699, RELATING TO MARIJUANA.

**BEFORE THE:** HOUSE COMMITTEE ON JUDICIARY

DATE:	Friday, February 1, 2013	TIME:	2:00 p.m.
LOCATION:	State Capitol, Room 325		
TESTIFIER(S):	David M. Louie, Attorney General, or Lance M. Goto, Deputy Attorney Genera	ıl	

Chair Rhoads and Members of the Committee:

The Department of the Attorney General submits testimony in strong opposition to this bill.

The purpose of this bill is to legalize marijuana for persons twenty-one years of age and older, and also legalize the cultivation and processing of marijuana, the manufacturing of marijuana products, the testing of marijuana, and the retail sale of marijuana and marijuana products. The bill also provides for the licensing of marijuana establishments and the creation of an excise tax for marijuana transactions.

This bill promotes the recreational use of marijuana and the development of a commercial marijuana industry. It has nothing to do with the limited use of marijuana for medical purposes. We strongly oppose this measure for the following reasons:

- 1. Marijuana is still illegal under federal law;
- 2. The bill will legalize very serious criminal conduct;
- 3. Other jurisdictions that have established marijuana dispensaries have experienced serious negative effects; and
- 4. The bill fails to address critical issues regarding the legalization of marijuana.

Testimony of the Department of the Attorney General Twenty-Seventh Legislature, 2013 Page 2 of 4

#### 1. Marijuana possession, cultivation, and distribution is illegal under federal law.

Marijuana is still a still a schedule I controlled substance under federal law. It is in violation of federal law to grow, distribute, or use marijuana. Although this bill could legalize conduct that is currently prohibited under <u>state</u> law, federal law cannot be ignored. Federal law enforcement agencies make arrests and conduct raids on medical marijuana dispensaries operating in other jurisdictions.

#### 2. This bill would legalize extremely serious criminal conduct.

This bill would legalize conduct that currently is prohibited as Commercial Promotion of Marijuana in the First Degree (a class A felony), Commercial Promotion of Marijuana in the Second Degree (a class B felony), and Promoting a Detrimental Drug in the First Degree (a class C felony).

This bill would <u>allow any adult (21 or over) who can obtain a license to establish a</u> <u>money-making enterprise involving the cultivation, processing, distribution, and sale of</u> <u>marijuana, as well as the manufacture and distribution of marijuana products</u>. There are <u>no</u> <u>restrictions or limitations on the amount of marijuana</u> that a licensed adult could possess, grow, process, or distribute.

This bill would also <u>allow any adult, without any license, to possess up to five marijuana</u> <u>plants or the "marijuana produced by the plants," to use the marijuana, and to distribute up to an</u> <u>ounce of the marijuana "without remuneration."</u>

If this bill becomes law, marijuana could become very prevalent in Hawaii, and would be readily available to all persons, including our youth. It would be almost impossible to regulate.

Hawaii's current medical marijuana law was written with great care to try to prevent qualifying patients and caregivers from engaging in the commercial cultivation or distribution of marijuana. In contrast, this bill proposes to allow <u>any</u> adult to engage in this conduct, <u>regardless</u> of any need for medical marijuana. This would have a tremendous negative impact across the state.

# 3. Jurisdictions that have established marijuana dispensaries have experienced serious negative effects.

Jurisdictions that allow marijuana dispensaries have experienced increased crime and a significant decrease in the quality of life in the areas surrounding the dispensaries.

For many years, Amsterdam was touted by the marijuana lobby as a "Utopia" where marijuana was sold openly from neighborhood coffee shops. But in 2009, because of the increase in organized crime as well as other social factors, the government stepped in and closed the coffee shops where marijuana was sold.

In 2002, Mendocino County, California, relaxed its marijuana laws. By 2008, the community voted the changes out because of the increase in organized crime and other crime. After California started allowing marijuana dispensaries, the police in nearly every California jurisdiction that had dispensaries reported an upswing in crime in those areas. There were more murders, robberies, burglaries, aggravated assaults, and thefts.

A 2009 White Paper on Marijuana Dispensaries by the California Police Chiefs Association's Task Force on Marijuana Dispensaries included the following conclusions:

[S]torefront marijuana businesses are prey for criminals and create easily identifiable victims. The people growing marijuana are employing illegal means to protect their valuable cash crops. Many distributing marijuana are hardened criminals. Several are members of stepped criminal street gangs and recognized organized crime syndicates, while others distributing marijuana to the businesses are perfect targets for thieves and robbers. They are being assaulted, robbed, and murdered. Those buying and using medical marijuana are also being victimized. Additionally, illegal so-called "medical marijuana dispensaries" have the potential for creating liability issues for counties and cities. All marijuana dispensaries should generally be considered illegal and should not be permitted to exist and engage in business within a county or city's borders. Their presence poses a clear violation of federal and state law; they invite more crime; and they compromise the health and welfare of law-abiding citizens.

As marijuana laws have relaxed in the United States, the harmful effects of marijuana have increased significantly. According to the United States Department of Health and Human Services DAWN report, in 2002, the estimated number of marijuana-related visits to emergency rooms in the United States was 129,546. In 2008, there were an estimated 374,435 marijuana-related visits to emergency rooms.

Testimony of the Department of the Attorney General Twenty-Seventh Legislature, 2013 Page 4 of 4

#### 4. This bill fails to address critical issues regarding the legalization of marijuana.

If this bill were passed, it would be extremely difficult to regulate and control the resulting possession, use, cultivation, processing, storage, and distribution of marijuana. Instead of addressing these issues of statewide concern, and the huge issues of licensing the marijuana establishments, taxation of marijuana transactions, labeling of marijuana products for purposes of public notice and safety, health and safety requirements and standards for marijuana cultivation and product manufacture, and restrictions on the advertising and display of marijuana and marijuana products, this bill defers them all to the Department of Public Safety. But the Department of Public Safety cannot address all of these matters.

We strongly oppose this bill and respectfully ask that it be held.



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

TESTIMONY ON HOUSE BILL 699 A BILL FOR AN ACT RELATING TO MARIJUANA By Ted Sakai, Interim Director Department of Public Safety

House Committee on Judiciary Representative Karl Rhoads, Chair Representative Sharon E. Har, Vice Chair

Friday, February 1, 2013, 2:00 PM State Capitol, Room 325

Chair Rhoads, Vice Chair Har, and Members of the Committee:

The Department of Public Safety (PSD) does not support House Bill 699 which proposes to legalize the recreational use of marijuana by a person 21 years of age or older to consume, possess, display, purchase, or transport one ounce or less of marijuana for personal use. House Bill 699 also proposes to allow the licensing of marijuana cultivation facilities, product manufacturing facilities, operation of marijuana establishments, and retail marijuana stores.

The Department feels that the amendments being proposed by House Bill 699 would violate Federal laws relating to the sale, possession, cultivation and distribution of the schedule I controlled substance marijuana. Marijuana is still considered a Schedule I controlled substance under both State and Federal law. Hawaii's Uniform Controlled Substance Act Chapter 329 HRS requires that if a

TED SAKAI INTERIM DIRECTOR

MARTHA TORNEY Deputy Director of Administration

> Deputy Director Corrections

KEITH KAMITA Deputy Director Law Enforcement

No.

#### HOUSE BILL 699 February 1, 2013 Page 2

substance is added, deleted, or rescheduled as a controlled substance under federal law and notice of the designation is given to the Department of Public Safety, the Department of Public Safety shall recommend that a corresponding change in Hawaii law be made. The Department of Public Safety shall similarly designate the substance as added, deleted, or rescheduled under this chapter, after the expiration of thirty days from publication in the Federal Register of a final order, and this change shall have the effect of law. What this means, is that the stricter law would supersede.

Further, even if House Bill 699 were to be enacted, Federal law enforcement agencies and federal drug taskforces compiled of county and state law enforcement would still make arrests and conducting raids on individuals using, possessing, cultivating or distributing marijuana. A good example of this is states like California, Oregon, and Washington where Federal law enforcement agencies are still conducting raids and seizing assets of these established marijuana dispensaries.

Thank you for the opportunity to testify on this matter.

SHAN TSUTSUI



FREDERICK D. PABLO DIRECTOR OF TAXATION

> JOSHUA WISCH DEPUTY DIRECTOR

STATE OF HAWAII **DEPARTMENT OF TAXATION** P.O. BOX 259 HONOLULU, HAWAII 96809 PHONE NO: (808) 587-1540 FAX NO: (808) 587-1560

To: The Honorable Karl Rhoads, Chair and Members of the House Committee on Judiciary

Date: Friday, February 1, 2013

Time: 2:00 p.m.

Place: Conference Room 325, State Capitol

From: Frederick D. Pablo, Director Department of Taxation

Re: H.B. 699 Relating to Marijuana

The Department of Taxation (Department) appreciates the intent of H.B. 699 and provides the following information and comments for your consideration.

The Department defers to the Department of Health and the Department of the Attorney General on the merits and the legality of this bill. H.B. 699 legalizes marijuana and taxes its sale between marijuana establishments.

The bill requires the Department to administer the tax levied. The bill further requires the Department to license marijuana establishments, to develop health and safety standards and labeling guidelines, and to regulate advertising for marijuana products. Since the bill requires that the Department basically implement and administer the marijuana tax, the Department suggests that the tax and license portions of the bill be added as a new chapter to Hawaii Title 14.

Because this bill essentially creates a new tax type, the Department believes that full implementation will take a minimum of 12-18 months to complete.

Thank you for the opportunity to provide comments.

Department of Taxation Testimony JUD HB0699 February 1, 2013 Page 2 of 2 DEPARTMENT OF THE PROSECUTING ATTORNEY

CITY AND COUNTY OF HONOLULU

ALII PLACE 1060 RICHARDS STREET • HONOLULU, HAWAII 96813 PHONE: (808) 547-7400 • FAX: (808) 547-7515

ARMINA A. CHING FIRST DEPUTY PROSECUTING ATTORNEY



#### THE HONORABLE KARL RHOADS, CHAIR HOUSE COMMITTEE ON JUDICIARY Twenty-Seventh State Legislature Regular Session of 2013 State of Hawai`i

February 1, 2013

#### RE: H.B. 699; RELATING TO MARIJUANA.

Chair Rhoads, Vice-Chair Har and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in opposition to H.B. 699.

The purpose of this bill is to legalize recreational marijuana use for anyone over 21 years old, and to permit commercial cultivation, manufacturing and distribution of marijuana.

Given the negative effects of marijuana usage, State law currently allows <u>limited</u> possession, use and cultivation of marijuana <u>only</u> for individuals bearing certain exigent and closely monitored medical conditions (with assistance from their caregivers). State law does not permit recreational use, commercial cultivation, manufacturing or distribution, and the Department is strongly opposed to normalizing or encouraging such activities in Hawai'i.

Although marijuana usage has long existed in Hawaii, studies indicate that marijuana used today contains a higher ratio of tetrahydrocannabinol than marijuana that was common two or three decades ago. National studies have also suggested that marijuana grown in Hawai'i may have some of the highest concentrations of tetrahydrocannabinol in the country, due to our optimal growing conditions. In addition, studies conducted in-state have indicated that marijuana is the drug most commonly used by Hawaii's youth, which would likely increase if marijuana use were legalized for individuals over 21 years old.

Notably, the federal drug enforcement standards—recently updated in September 2012 continue to classify marijuana as a Schedule I controlled substance, and did not add, delete or

KEITH M. KANESHIRO PROSECUTING ATTORNEY transfer this substance to a lesser schedule, despite ongoing pressure by various interest groups to do so. See <u>http://www.deadiversion.usdoj.gov/schedules/orangebook/orangebook.pdf</u>.

Based on current information, the Department maintains that passage of H.B. 699—the tacit approval of the Legislature for everyone over 21 years old to use marijuana—presents serious potential for widespread abuse and negative impact on the community. As such, the Department strongly believes that marijuana should remain on the schedule I classification of controlled substances, consistent with federal classification, and certainly should not be legalized for recreational use.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly opposes H.B. 699. Thank you for this opportunity to testify.

#### har2-Vincent

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 5:46 PM
То:	JUDtestimony
Cc:	dperry@kauai.gov
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

#### **HB699**

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Chief Darryl D. Perry	Kauai Police Department	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing \_, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

#### POLICE DEPARTMENT

#### CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813 TELEPHONE: (808) 529-3111 · INTERNET: www.honolulupd.org

KIRK W. CALDWELL MAYOR



OUR REFERENCE JI-TA

February 1, 2013

The Honorable Karl Rhoads, Chair and Members Committee on Judiciary House of Representatives Hawaii State Capitol 415 South Beretania Street Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

Subject: House Bill No. 699, Relating to Marijuana

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

The Honolulu Police Department opposes House Bill No. 699, Relating to Marijuana.

According to the White House Office of National Drug Control Policy (ONDCP), marijuana use can lead to significant health, safety, social, and learning or behavioral problems, especially for young users. Young people who use marijuana on a weekly basis are nearly four times more likely than nonusers to engage in violence.

Marijuana also has a high potential for abuse and can result in addiction. According to the Alcohol and Drug Abuse Division of the State of Hawaii Department of Health, 31.3 percent of those admitted for treatment in 2009 stated that marijuana was their primary substance of abuse.

According to the ONDCP, in 2007, combined state and federal taxes collected on alcohol are less than ten percent of the estimated \$185 billion in alcohol-related cost to health care, criminal justice, and lost productivity in the workplace.

Furthermore, the ONDCP also reports that while marijuana legalization proponents claim that enforcement costs waste taxpayer's money, legalizing drugs would not cut the costs of the criminal justice system. Arrests for alcohol-related crimes such as liquor law violations and driving under the influence totaled nearly 2.7 million in 2008, and marijuana-related arrests totaled almost 750,000.

LOUIS M. KEALOHA CHIEF

DAVE M. KAJIHIRO MARIE A. McCAULEY DEPUTY CHIEFS The Honorable Karl Rhoads and Members Page 2 February 1, 2013

The Honolulu Police Department strongly urges you to oppose House Bill No. 699, Relating to Marijuana.

Thank you for the opportunity to testify.

Sincerely,

Jung lang

JERRY INOUYE, Captain Narcotics/Vice Division

**APPROVED:** 

marca hu

LOUIS M. KEALOHA

#### **TESTIMONY OF THE HAWAI'I POLICE DEPARTMENT**

#### **HOUSE BILL 699**

#### **RELATING TO MARIJUANA**

#### BEFORE THE COMMITTEE ON JUDICIARY

- DATE : Friday, February 1, 2013
- TIME : 2:00 P.M.
- PLACE : Conference Room 325 State Capitol 415 South Beretania Street

#### PERSON TESTIFYING:

Police Chief Harry S. Kubojiri Hawai`i Police Department County of Hawai`i

(Written Testimony Only)

William P. Kenoi Mayor



Harry S. Kubojiri Police Chief

Paul K. Ferreira Deputy Police Chief

### **County of Hawai`i**

POLICE DEPARTMENT 349 Kapiolani Street • Hilo, Hawai'i 96720-3998 (808) 935-3311 • Fax (808) 961-8865

January 31, 2013

Representative Karl Rhodes Chairperson and Committee Members Committee On Judiciary 415 South Beretania Street, Room 325 Honolulu, Hawai`i 96813

#### Re: House Bill 699, Relating to Marijuana

Dear Representative Rhodes:

The Hawai'i Police Department strongly opposes the proposed bill. As written, this bill is overly broad, lacks necessary quality controls and measures, misplaces responsibility of the program's oversight, and seeks to do the following:

Authorizes persons 21 years of age or older to consume or possess limited amounts of Marijuana for personal use; Provides for the licensing of Marijuana cultivation facilities, product manufacturing facilities, safety testing facilities, and retail stores; Applies an excise tax on transactions between Marijuana establishments

This bill is flawed in several perceptions such as the beginning whereby it describes how law enforcement resources should be redirected to more serious threats to public safety. According to our Department's statistics, approximately 90% to 95% of our Department's Marijuana arrests made were incidental to, or resulted from, other criminal investigations where Marijuana was not the officers' focus. These statistics clearly show that law enforcement resources are not being unnecessarily expended on the personal use of Marijuana, and law enforcement generally becomes involved in Marijuana investigations only after being summoned for other reasons.

An additional major concern is the amount of firearms we consistently recover from distributers/cultivators/users of Marijuana. We are hard pressed to imagine

REPRESENTATIVE KARL RHODES CHAIRPERSON AND COMMITTEE MEMBERS COMMITTEE ON JUDICIARY RE: HOUSE BILL 699, RELATING TO MARIJUANA JANUARY 31, 2013 PAGE 2

that providing easier access to Marijuana will do anything but exacerbate an already tenuous situation. Indeed, under Federal Law, any user of illicit drugs is prohibited from even possessing a firearm; changing Hawai`i State law will not change the Federal Law and may in effect cause unsuspecting gun owners who follow State law and use Marijuana to become violators of Federal Law.

This bill would allow persons twenty-one (21) years and older to consume or possess one ounce or less of Marijuana with no restrictions as to where the Marijuana possession or use is allowed. Furthermore, under the proposed new "Personal use of Marijuana" definition, it appears persons twenty-one (21) years and older would also be allowed to purchase Marijuana from any person who is also twenty-one (21\_ years and older. Not only does Marijuana continue to be classified as a Schedule I drug, the distribution of marijuana remains illegal, is a blatant violation of the Hawai'i Revised Statutes 712-1247, 712-1248, 712-1249.5, and 712-1249.5, and certainly cannot be condoned by law enforcement.

Under the premise of generating tax revenues from Marijuana sales by the described facilities, this bill also seeks to establish the licensing of Marijuana cultivation facilities, product manufacturing facilities, safety testing facilities, and Marijuana retail stores. Other than a requirement to apply for an initial and renewal license to operate the described facilities, this proposal does not require the type of sales recordkeeping or any type of accountability measures as a typical business would be bound to do. According to this proposal, the Department of Taxation would be responsible for developing rules and procedures governing the licensing of the proposed Marijuana facilities, health and safety requirements, and standards for the manufacture of Marijuana products and the cultivation of Marijuana. The Department of Taxation is not qualified to oversee all of the tasks as proposed and would not be able to comply with the requirements of this bill.

In addition, with regards to the suggested "marijuana testing facility," it appears that just anyone who possesses a license issued from the Department of Taxation would be able to run this facility, as there are no listed qualifications or standards required. Considering this facility would be responsible for analyzing and certifying the safety and potency of Marijuana that would be distributed to the public, it is imperative more stringent measures are in place in order to REPRESENTATIVE KARL RHODES CHAIRPERSON AND COMMITTEE MEMBERS COMMITTEE ON JUDICIARY RE: HOUSE BILL 699, RELATING TO MARIJUANA JANUARY 31, 2013 PAGE 3

lessen the amount of the negative health effects already inherent with Marijuana use.

The medical Marijuana program is already in place for those individuals who have been determined to need medicinal Marijuana in order to improve upon their quality of life. We are concerned as to the message we are sending to society if we allow the blatant possession, consumption, and distribution of Marijuana, a known mind altering substance.

For these reasons, we urge this committee to reject this legislation. Thank you for allowing the Hawai'i Police Department to testify on House Bill No. 699.

Sincerely,

Hany D. Kuboji

HARRÝ S. KUBOJIRI POLICE CHIEF



ALAN M. ARAKAWA MAYOR

OUR REFERENCE

# POLICE DEPARTMENT

COUNTY OF MAUI

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



GARY A. YABUTA CHIEF OF POLICE

CLAYTON N.Y.W. TOM DEPUTY CHIEF OF POLICE

January 31, 2013

The Honorable Karl Rhoads, Chair and Members of the Committee on Judiciary House of Representatives Hawaii State Capitol Honolulu, HI 96813

#### RE: House Bill No. 699, RELATING TO MARIJUANA

Dear Chair Rhoads and Members of the Committee:

The Maui Police Department opposes the passage of H.B. No. 699. The passage of this bill will potentially authorize persons 21 years of age or older to consume or possess limited amounts of marijuana for personal use. It states that it provides for the licensing of marijuana cultivation facilities, product manufacturing facilities, safety testing facilities, and retail stores. It also states that it will apply an excise tax on transactions between marijuana establishments.

On its face, this bill alleges that by allowing the consumption or possession of limited amounts (one ounce) of marijuana for personal use, it will be taxed like alcohol and easily controlled. This part of the proposed law is seriously flawed. The decriminalization of marijuana would undoubtedly increase its usage in our communities. Like marijuana to alcohol, in its potential to have negative effects on our society appears to be the only point in this bill that could have similar repercussions. As an example, alcohol (a legal drug) has been stated in a recent CDC study in 2006 to cost Americans \$223.5 billion dollars in related societal costs like losses in workplace productivity, health care expenses for problems caused by excessive drinking, criminal justice expenses related to excessive alcohol consumption, and motor vehicle crashes. This bill does not address these societal costs to our community and our island way of life. In a more concrete monetary example, the State of Hawaii's total operating budget in FY 2012 was \$10.8 billion. The question should be asked, "Why would we increase societal and monetary costs to our state that could potentially cost more than our state's operating budget and, in the process destroy our current way of life in our island home?"

Another example related to the proposed possession of one ounce of marijuana for personal use - it is commonly known that one ounce (28.35 grams) of marijuana can produce approximately 56 marijuana cigarettes joints. One person with 56 marijuana

The Honorable Karl Rhoads, Chair Committee on Judiciary January 31, 2013 Page 2

joints on a daily basis cultures an atmosphere for total abuse, as the excess will be sold or distributed and put out on the streets of our communities.

Marijuana is still a Schedule I drug in both the federal and state legal systems. This means that it has a high propensity for abuse and very little, if any, medicinal value. In Hawaii, possession of an ounce or more is a misdemeanor in accordance with the Hawaii Revised Statutes, and is punishable by a maximum of one year imprisonment and a \$2,000 fine. To decriminalize a misdemeanor is not in the best interest of the community, which still complains of marijuana propagation, dealing, and open smoking.

According to the Hawaii Substance Abuse Treatment Admissions report, in fiscal year 2009, 22.5% of those admitted for substance abuse treatment were for marijuana addiction, which ranked third after methamphetamine and alcohol. This figure depicts that Hawaii already has an addiction issue to marijuana, and we do not need to decriminalize an already illegal drug to add to this addiction problem. Nor do we need to add to the affliction caused to society since the legalization of alcohol and tobacco.

In addressing the possible licensing of marijuana cultivation facilities, product manufacturing facilities, safety testing facilities, and retail stores, a decision must first be made regarding allowing this drug to be legalized in the first place. We must stand as a community and decide what we want to have as the backbone of commerce in our neighborhoods. Myself, along with many others in our community would not want a marijuana retail store on every corner despite the overinflated claims that a 15% tax on marijuana sales would pay for all of the society issues that our future generation would endure in our rush to legalize marijuana.

In summary, the Maui Police Department, unfortunately, already deals with many societal issues related to "legal" drugs. Legalizing marijuana will only add to the suffering and societal costs. At the forefront we are here to protect and serve our community and, so opposing this move to legalize marijuana, it is our hope to protect our island way of life for the future generations to enjoy.

The Maui Police Department asks that you oppose the passage of H.B. No. 699.

Thank you for the opportunity to testify.

Sincerely,

GARY A. YABUTA Kan Chief of Police

#### **TESTIMONY ON HOUSE BILL 699**

#### A BILL FOR AN ACT RELATING TO MARIJUANA

By

Jordan Lowe, Retired Resident Agent in Charge Honolulu Field Office US Bureau of Alcohol, Tobacco, Firearms and Explosives

> House Committee on Judiciary Representative Karl Rhoads, Chair Representative Sharon E. Har, Vice Chair

Friday, February 1, 2013, 2:00 PM State Capitol, Room 325

Chair Rhoads, Vice Chair Har, and Members of the Committee:

My name is Jordan Lowe. I recently retired after 34 years of federal service as the Resident Agent in Charge of the Honolulu Field Office for the US Bureau of Alcohol, Tobacco, Firearms and Explosives. I thank you for the opportunity today to express my opposition to House Bill 699.

I believe that the amendments being proposed by House Bill 699 would violate Federal laws relating to the sale, possession, cultivation and distribution of a schedule I controlled substance, to wit: marijuana; and would have further implications contrary to the provisions of the Federal Gun Control Act of 1968, as amended .

The US Congress placed marijuana in Schedule I of the Controlled Substances Act, 21 U.S.C. 801 et.seq. ("CSA") and as such, growing, distributing, and possessing marijuana in any capacity, other than as part of a Federally authorized research program, is a violation of Federal law regardless of state laws permitting such activities.

Consistent with law, Federal Law Enforcement Agencies maintains the authority to pursue criminal or civil actions for any CSA violations whenever the agency determines that such legal action are warranted. This includes, but is not limited to, actions to enforce the criminal provisions of the CSA such as:

-21 U.S.C. 841 (making it illegal to manufacture, distribute, or possess with intent to distribute any controlled substance including marijuana);

-21 U.S.C. 856 (making it unlawful to knowingly open, lease, rent, maintain, or use property for the manufacturing, storing, or distribution of controlled substances);

-21 U.S.C. 860 (making it unlawful to distribute or manufacture controlled substances within 1,000 feet of schools, colleges, playgrounds, and public housing facilities, and within 100 feet of any youth centers, public swimming pools, and video arcade facilities);

-21 U.S.C. 843 (making it unlawful to use any communication facility to commit felony violations of the CSA);

-21 U.S.C. 846 (making it illegal to conspire to commit any of the crimes set forth in the CSA)

Additionally, Federal money laundering and related statutes further prohibits a variety of different types of financial activities involving the movement of drug proceeds.

Under the Gun Control Act of 1968, as amended, there is a provision of Federal law, Title 18 U.S.C. 922(g)(3), that specifically prohibits any person who is an "unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)" from shipping, transporting, receiving or possessing firearms or ammunition. Marijuana is listed in the Controlled Substances Act as a Schedule I controlled substance, and there are no exceptions in Federal law for marijuana purportedly used for medicinal purposes, even if such use is sanctioned by State law. Further, Federal law, 18 U.S.C. 922(d)(3), makes it unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person is an unlawful user of or addicted to a controlled substance. As provide by 27 C.F.R. 478.11, "an inference of current use may be drawn from evidence of a recent use or possession of a controlled substance or a pattern of use or possession that reasonably covers the present time."

Therefore, any person who uses or is addicted to marijuana, regardless of whether his or her State has passed legislation authorizing marijuana use for medicinal purposes, is an unlawful user of or addicted to a controlled substance, and is prohibited by Federal law from possessing firearms or ammunition.

I, therefore respectfully urge you and other committee members to oppose the passage of House Bill 699.

Thank you.

#### TESTIMONY ON HOUSE BILL 699 A BILL FOR AN ACT RELATING TO MARIJUANA By Keith Kamita

Committee on Judiciary Representative Karl Rhoads, Chair Representative Sharon E. Har, Vice Chair

> Friday, February 1, 2013, 2 PM State Capitol, Room 325

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

I am testifying in not support of House Bill 699 that proposes to legalize the recreational use of marijuana by a person 21 years of age or older to consume, possess, display, purchase, or transport one ounce or less of marijuana for personal use. House Bill 699 also proposes to allow the licensing of marijuana cultivation facilities, product manufacturing facilities, operation of marijuana establishments, and retail marijuana stores.

As a narcotic Agent and expert in the field of drugs / controlled substances for the last 27 years I have seen the expansion of the pro-marijuana movement throughout the country and the problems caused by the passage of these conflicted laws. The amendments being proposed by House Bill 699 would violate Federal laws relating to the sale, possession, cultivation and distribution of the schedule I controlled substance marijuana. Marijuana is still considered a schedule I controlled substance under both State and Federal law. Hawaii's Uniform Controlled Substance Act Chapter 329 HRS requires that if a substance is added, deleted, or rescheduled as a controlled substance under federal law and notice of the designation is given to the department of public safety, the department of public safety shall recommend that a corresponding change in Hawaii law be made. The department of public safety shall similarly designate the substance as added, deleted, or rescheduled under this chapter, after the expiration of thirty days from publication in the Federal Register of a final order, and this change shall have the effect of law. What this means is that the stricter law would supersede.

Further even if House Bill 699 were to be enacted, Federal law enforcement agencies and federal drug taskforces compiled of county and state law enforcement would still make arrest and conducting raids on individuals using, possessing, cultivating or distributing marijuana. A good example of this is states like California, Oregon and Washington where Federal law enforcement agencies are still conducting raids and seizing assets of these established marijuana dispensaries.

According to a US report released in June 2008, the levels of THC (marijuana's psychoactive ingredient) have never been higher. Higher potency marijuana may be a contributing factor as to why marijuana is cited as the number one drug causing young people to enter treatment and why there continues to be a significant number of American teenagers in treatment for marijuana dependence.

In April of 2011 Hawaii's US Attorney Florence T. Nakakuni in a letter to the Department in regards to marijuana dispensaries in Hawaii. US Attorney Nakakuni

HOUSE BILL 699 February 1, 2013 Page 2

stated that the Department of Justices view was as follows "As the Department has said on many prior occasions, Congress has determined that marijuana is a controlled substance. Congress placed marijuana in Schedule I of the Controlled Substance Act, 21 U.S.C. § 801 et. Seq. ("CSA") and as such growing, distributing, and possessing marijuana in any capacity, other than as part of a Federally authorized research program, is a violation of Federal law regardless of state laws permitting such activities."

In June of 2011 U.S. Deputy Attorney General James Cole also released a memorandum clarifying the federal government's stance on the prosecution of those engaging in the cultivation, distribution and sales of marijuana, even under the guise of medicine. The memorandum specifically noted that the prosecution of significant traffickers of illegal drugs, including marijuana, remains a core priority. This would include commercial operations that cultivate, sell and distribute marijuana.

On June 21, 2011 the DEA ruled to reaffirm that marijuana would remain a Schedule I drug and has no accepted medical value. The ruling was in response to a petition filed by activists requesting marijuana be rescheduled to a Schedule II drug. The ruling came after the U.S. Department of Health and Human Services reviewed scientific findings and concluded that there is not sufficient evidence to support rescheduling marijuana.

For these reasons I ask that you hold House Bill 699.

Thank you for the opportunity to testify on this matter.



Committee:	Committee on Judiciary
Hearing Date/Time:	Friday, February 1, 2013, 2:00 p.m.
Place:	Conference Room 325
Re:	Testimony of the ACLU of Hawaii in Support of H.B 699, Relating to
	Marijuana

Dear Chair Rhoads and Members of the Committee on Judiciary:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of H.B. 699, which seeks to legalize, tax and regulate small amounts of marijuana for adult use.

H.B. 699 provides a safe and smart alternative to marijuana prohibition. Our state's unfair and ineffective marijuana laws have damaged civil liberties in many ways – eroding protections against searches and seizures, putting large numbers of non-violent individuals behind bars and targeting people of color. Eliminating penalties for low-level marijuana possession will prevent thousands of people from becoming entangled needlessly in the criminal justice system, eliminate many collateral consequences that flow from marijuana arrests (often more dangerous than the use of marijuana itself) and allow Hawaii to reinvest the money it saves for important community needs.

H.B. 699 takes a step towards ending Hawaii's participation in the nation's failed War on Drugs, which has cost taxpayers \$1 trillion but has produced little to no effect on the supply of or demand for drugs. The War on Drugs has sent millions of people to prison for low-level offenses and seriously eroded our civil liberties and civil rights while costing taxpayers billions of dollars a year, with nothing to show for it except our status as the world's largest jailer. There are 2.3 million people behind bars in this country — triple the amount of prisoners we had in 1987 and more than all of Europe combined — and 25 percent of those incarcerated are locked up for drug offenses. It's time to end the unjust and unsuccessful war on drugs and implement a more responsible drug policy in Hawaii by passing H.B. 699.

Legalizing marijuana for persons over 21 years of age or older and regulating and taxing it in a manner similar to alcohol will (1) redirect law enforcement resources to more serious threats to public safety; (2) generate significant new revenue for Hawaii that can be used for healthcare, drug prevention, public health education and other community concerns; (3) reduce the number of unreasonable arrests for marijuana possession and (4) reduce the targeting of communities disproportionately impacted by Hawaii's current marijuana laws.

American Civil Liberties Union of Hawai'i P.O. Box 3410 Honolulu, Hawai'i 96801 T: 808.522.5900 F: 808.522.5909 E: office@acluhawaii.org www.acluhawaii.org Chair Rhoads and Committee on Judiciary Members February 1, 2013 Page 2 of 3

# H.B. 699 will allow Hawaii to shift its resources towards more serious threats to public safety and direct savings and revenue towards health care, drug prevention and public health education and other community concerns.

David Nixon, an independent University of Hawaii economist, was commissioned to update a 2005 study on the state of marijuana law enforcement in Hawaii. Nixon was asked to examine the costs of current law enforcement policies, and to predict the economic impacts if Hawaii were to decriminalize or legalize, tax and regulate marijuana. According to Nixon, by decriminalizing marijuana, Hawaii could redirect over \$9 million annually in law enforcement costs. By legalizing, taxing and regulating marijuana, Hawaii could conservatively add an additional estimated \$11 million in yearly revenues.<sup>1</sup> Regulating and taxing marijuana similarly to alcohol takes marijuana sales out of the hands of criminals and puts them behind the counters of legitimate and regulated businesses. This will not only generate revenue, but also will make it more difficult for teenagers to access and consume marijuana.

# The legalization of marijuana for persons over 21 years of age or older will reduce the number of unreasonable arrests for marijuana possession in our already bloated criminal justice system.

Since 2004, Hawaii has seen a surge in marijuana arrests. Possession arrests have increased almost 50 percent, and distribution arrests have almost doubled. Arrests for possession of small amounts of marijuana constitute one of the most common points of entry into the criminal justice system. Removing criminal penalties for marijuana possession will keep people out of jail for probation and parole violations, and will eliminate the many collateral consequences that flow from marijuana arrests (often more dangerous than the use of marijuana itself), thereby reducing the gross number of people entering or otherwise harmed by the criminal justice system.

# The legalization of marijuana for persons over 21 years of age or older will reduce the targeting of communities disproportionately impacted by Hawaii's current laws.

Hawaii's marijuana laws overly impact males under the age of 25 years of age and people of native Hawaiian descent. These groups were arrested in numbers disproportionate to their share of the population.<sup>2</sup>

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<sup>&</sup>lt;sup>1</sup> David Nixon, *Budgetary Implications of Marijuana Decriminalization and Legalization for Hawaii*, January 2013 *available* at http://acluhawaii.files.wordpress.com/2013/01/econreptmarijuana1\_2013.pdf. <sup>2</sup> *Id*.

Chair Rhoads and Committee on Judiciary Members February 1, 2013 Page 3 of 3

Voters in Colorado and Washington made history when they took a stand for a safe and smart alternative to marijuana prohibition and chose to legalize small quantities of marijuana for persons over 21 years of age or older. H.B. 699 is substantively similar to the initiatives passed in Colorado and Washington. Similar proposals are expected to be introduced this year by lawmakers in Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The ACLU of Hawaii supports H.B. 699 in its effort to create sensible drug law reform in Hawaii.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple Staff Attorney and Legislative Program Director ACLU of Hawaii

The ACLU of Hawaii has been the state's guardian of liberty for 47 years, working daily in the courts, legislatures and communities to defend and preserve the individual rights and liberties equally guaranteed to all by the Constitutions and laws of the United States and Hawaii. The ACLU works to ensure that the government does not violate our constitutional rights, including, but not limited to, freedom of speech, association and assembly, freedom of the press, freedom of religion, fair and equal treatment, and privacy. The ACLU network of volunteers and staff works throughout the islands to defend these rights, often advocating on behalf of minority groups that are the target of government discrimination. If the rights of society's most vulnerable members are denied, everyone's rights are imperiled.

American Civil Liberties Union of Hawai'i P.O. Box 3410 Honolulu, Hawai'i 96801 T: 808.522.5900 F: 808.522.5909 E: office@acluhawaii.org www.acluhawaii.org Testimony in Opposition to HB 699 – Relating to Marijuana February 1, 2013

- TO: Committee on Judiciary Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair
- FR: Alan Shinn, Executive Director Coalition for a Drug-Free Hawaii 1130 N. Nimitz Hwy, Suite A-259 Honolulu, HI 96817 (808) 545-3228 x29

Please accept this testimony in opposition to *HB* 699 – *Relating to Marijuana* which would allow the possession and use of one ounce or less by adults over 21. It would also allow the growing, manufacturing and retailing of marijuana products which would be regulated and taxed by the State.

My agency provides substance abuse prevention and family treatment services. We have seen behavioral and psychological problems such as depression mood swings, and paranoia, and overall lower functioning associated with youth and adults who chronically use high potency marijuana. It is not a harmless substance for many chronic users and many adolescents who are still maturing mentally, emotionally, and physically.

Legalization will further erode prevention efforts especially for our youth by decreasing the perception of harm and increasing access. This bill's introduction also comes after several years of social service budget reductions, where millions of dollars of state funding for non-school hour program, cultural arts, and other positive youth development programs have been cut leaving our youth with more unsupervised and unstructured time on their hands and more opportunities for alcohol and drug use and other related negative behaviors.

Hawaii is not ready for legalized pakalolo. It is premature to consider legalization without monitoring how Colorado and Washington implement their marijuana laws. More significantly, the federal government has not issued an opinion on how they will deal with new marijuana state laws. State marijuana legalization laws are in conflict with Federal laws on the production, sale, distribution, and use of marijuana.

RE: retailing of marijuana, the City of Los Angeles had significant problems regulating the proliferation of marijuana retail outlets and experienced the lack of controls, increased crime and violence, and the lowered quality of life in the neighborhoods they established themselves in.

Taxing and regulating the sale of marijuana would most likely increase state revenues. However, from our experience with the legal drugs, alcohol and tobacco, the social costs of increased law enforcement, state regulation, treatment and health and welfare related issues will far exceed any tax revenues gained.

Thank you for the opportunity to provide testimony on HB 699.



## **Progressive Democrats of Hawai'i**

http://pd-hawaii.com 1418 Mokuna Pl. Pl, Honolulu, HI 96816 email: info@pd-hawaii.com tel: 808.371-9334

Friday February 1, 2013

Relating to House Bill 699 Testifying in Support On Behalf of Progressive Democrats of Hawai<sup>•</sup>i

Aloha Chair Rhoads, Vice-Chair Har, and Members of the House Committee on Judiciary

Mahalo for this opportunity to present testimony in **support of House Bill 638 Relating to Marijuana**, which would allow individuals twenty-one years of age and older to purchase, carry, consume, and grow marijuana. The historic votes in Colorado and Washington state stand as good indicators that public opinion on the criminalization of marijuana shift toward decriminalization and legalization.

In addition to public opinion, studies have been conducted which have repeatedly shown that not only is marijuana not as addictive as, say, nicotine or caffeine, or as addictive as some more dangerous drugs, such as ice or heroine, it also doesn't necessarily do the same negative long-term physical damage to one's health as others. Put another way, nicotine, caffeine, and alcohol are all more addictive than marijuana, yet all three are legal today.

What's more, the criminalization of marijuana has largely proven to be a failed enterprise. Use of marijuana is wide-spread and it is fairly easy to obtain. According to a Monitoring the Future survey, conducted by researchers at the University of Michigan's Institute for Social Research, more than 1 in 3 Americans have tried it at least once and more than 80% of high school students say marijuana is easy to get. People are smoking pot, that much is clear and its criminalization has done little or nothing to keep people from obtaining and using it.

Not only is criminalization a massive policy failure with respect to curbing marijuana use, but according to a study conducted by David C. Nixon, an Associate Professor of Public Policy and Public Administration at the University of Hawai'i, Manoa, that failure is costing Hawaii taxpayers \$12 million a year. In our estimation, there are so many better things on which \$12 million can be spent; drug treatment is just one example.

While we couldn't find prison population statistics, at a minimum there is compelling anecdotal evidence that suggests that over-crowded prisons, both locally and nationwide, are a result of these same failed policies. What's more, the same UH study shows an alarmingly disproportionate enforcement of marijuana laws.

There is no evidence that any specific gender or ethnic group uses marijuana more than another group, but arrest data in Hawaii show a different story:

- Males are 50% more likely to be arrested than females
- Juveniles are 70% more likely to be arrested.
- Native Hawaiians are 70% more likely to be arrested than non-native Hawaiians. o Filipinos are 30% more likely to be arrested than non-Filipinos.
- Non-Oahu residents are 40-140% more likely to be arrested for possession than Oahu residents.

We also believe, with respect to criminalization of marijuana, it is also important to note that a majority of Hawaii residents support, the intent of this bill. According to a december 2012 poll conducted by the Drug Policy Forum of Hawaii, 57% of residents support legalizing, taxing, and regulating marijuana for personal use and more than three-quarters believe law enforcement efforts should be focused more on violent offenders and fighting more dangerous drugs, like ice.



## **Progressive Democrats of Hawai'i**

http://pd-hawaii.com 1418 Mokuna Pl. Pl, Honolulu, HI 96816 email: info@pd-hawaii.com tel: 808.371-9334

We believe a new approach is necessary.

Passage of this bill would allow the state to raise needed revenue, as well as regulate the sale and, potentially, the production of marijuana. Similar to tobacco and alcohol, the state could regulate the strength of marijuana and any additives that might be included. What's more, this bill will not only save tax payers \$12 a year, but could also raise at least \$11 million in taxes and licenses. All of this would serve to weaken drug dealers and cartels, weakening the larger drug black market.

Law enforcement then be able to focus on issues that have a greater impact on our society: theft, violence, and the use of more debilitating drugs. Our prison populations would begin to shrink, and we could more adequately house violent and repeat offenders.

Drug abuse should be treated for what it really is: a medical condition. Legalizing marijuana would allow the state to begin to make the pivot from drug use criminalization to drug treatment.

Finally, it is important to note that we support provisions in this bill that limit the sale, possession, use, and growing of marijuana to people 21 years of age, or older. It also continues to make it illegal drive while under the influence.

Mahalo for your time and consideration.

Aloha, Bart Dame Co-Chair

Gail Breakey Co-Chair

#### har2-Vincent

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 1:30 PM
То:	JUDtestimony
Cc:	Ihoshijo-hrcc@hawaii.rr.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Hawaii Regional Council of Carpenters	Hawaii Regional Council of Carpenters	Oppose	No

Comments: The Carpenters Union has long worked for a drug free workplace in the interest of safety for working people, including lowering the significant cost of drug testing for employers. "Recreational" effects will not stop at the project gates. The costs generated will overshadow any tax revenue.

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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# COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817 Phones/E-Mail: (808) 533-3454, (808) 927-1214 / kat.caphi@gmail.com



## COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair Friday, February 1, 2013 2:00 p.m. Room 325

#### SUPPORT FOR HB 699 - MARIJUANA

Aloha Chair Rhoads, Vice Chair Har and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered on behalf of the 5,800 Hawai`i individuals living behind bars, always mindful that approximately 1,500 individuals are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

HB 699 authorizes persons 21 years of age or older to consume or possess limited amounts of marijuana for personal use, provides for the licensing of marijuana cultivation facilities, product manufacturing facilities, safety testing facilities, and retail stores and applies an excise tax on transactions between marijuana establishments.

Community Alliance on Prisons supports this common sense measure. Prohibition has not worked – it has only wasted precious resources by diverting law enforcement from their main mission of protecting the community from more serious and violent crimes. Our correctional facilities are bursting with nonviolent drug lawbreakers. I have personally spoken to many weeping parents who are seeking help for their sons who were sent to prison for growing marijuana and who emerged as full-on methamphetamine addicts.

Convicted marijuana offenders are denied federal student aid and can lose their professional licenses. As we know, a criminal record has far-reaching implications and creates barriers to employment, housing, and even adoption.

The majority of those convicted of marijuana offenses are disproportionately young, low income, and minority individuals. The irony is that while people who are convicted of marijuana related offenses are denied federal student aid, people convicted of violent crimes remain eligible.

Community Alliance on Prisons urges the committee to pass this measure.

Mahalo for this opportunity to testify.

# Written Testimony In Favor of House Bill 699, Relating To The Personal Use of Marijuana

By Paul Armentano Deputy Director National Organization for the Reform of Marijuana Laws (NORML)

I thank the members of the House Judiciary Committee for their consideration of House Bill 699, which seeks to regulate the consumption of distribution of marijuana by adults. As Deputy Director of NORML – the National Organization for the Reform of Marijuana Laws – I take a keen interest in this measure and its intent to stop criminalizing those age 21 and older who engage in the responsible use of cannabis.

Never in modern history has there existed greater public support for ending the nation's nearly century-long experiment with marijuana prohibition and replacing it with a system of pragmatic regulation. The historic votes on Election Day in Colorado and Washington -- where, for the first time ever, a majority of voters decided at the ballot box to abolish cannabis prohibition -- underscore this political reality.

The ongoing enforcement of cannabis prohibition financially burdens taxpayers, encroaches upon civil liberties, engenders disrespect for the law, impedes legitimate scientific research into the plant's medicinal properties, and disproportionately impacts communities of color. Furthermore, the criminalization of cannabis simply doesn't work. Since 1970, over 21 million US citizens have been cited or arrested for violating marijuana laws. Yet despite this vigorous criminal enforcement, over 100 million Americans – including the President – acknowledge having consumed cannabis, and one in ten admit that they use it regularly. Marijuana prohibition hasn't dissuaded the general public from consuming cannabis or reduced its availability, especially among young people. But it has damaged the lives and careers of millions of people who were arrested and sanctioned for choosing to ingest a substance that is safer than alcohol or tobacco.

A majority of Hawaii's voters support regulating the adult consumption of cannabis. A statewide poll of Hawaii citizens conducted this month reports that 57 percent of voters believe that marijuana should be "taxed, regulated, and legalized for adults." This percentage mimics national support among the general public for legalizing marijuana.

Despite more than 70 years of federal marijuana prohibition, Americans' consumption of and demand for cannabis is here to stay. It is time for state lawmakers to acknowledge this reality. It is time to stop ceding control of the marijuana market to untaxed criminal enterprises and it is time for lawmakers to impose common-sense regulations governing cannabis' personal use by adults and licensing its production. House Bill 699 will amend state cannabis laws in a manner that seeks to cripple the existing criminal market and promotes public safety. A pragmatic regulatory framework that allows for limited, licensed production and sale of cannabis to adults — but restricts use among young people — best reduces the risks associated with the plant's use or abuse.

I urge the members of this committee to vote 'yes' on this legislation.

# ###END###

Paul Armentano is the Deputy Director of NORML, the National Organization for the Reform of Marijuana Laws, 1600 K St. NW, Mezzanine Level, Washington, DC 20006-2832.

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 12:06 AM
То:	JUDtestimony
Cc:	rdts@hawaiiantel.net
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

# HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Kalfreda Wataoka	Reliable Drug Testing Services, Inc.	Oppose	No

Comments: Chair Rhoads, Vice Chair Har and members of the Committee: Reliable Drug Testing Services, Inc. represents approximately 100 small businesses that are already experiencing problems caused by Hawaii's law allowing the use of medical marijuana. Hawaii statute Chapter 329-122c specifically states that medical use of marijuana shall not apply to: (1) The medical use of marijuana that endangers the health or well-being of another person; (2) The medical use of marijuana: (A) In a school bus, public bus, or any moving vehicle; (B) In the workplace of one's employment; (C) On any school grounds; (D) At any public park, public beach, public recreation center, recreation or youth center; or (E) Other place open to the public. We have found that people using medical marijuana are in the workplace. How can you justify that they are not driving to work or dropping off their children at school while under the influence of medical marijuana? We already have enough problems controlling the use of a legal substance called alcohol and driving. Please review the death statistics that have involved alcohol and driving. If people were responsible about alcohol, we would not need our police officers for road blocks on holidays to prevent or lower the rate of accidents. WE DO NOT HAVE RESPONSIBLE CITIZENS SO YOU MAKE THE LAW TO LEGALIZE AND THEN MAKE ANOTHER LAW TO PREVENT THE CONSEQUENCES. LET'S STOP CHASING OUR TAILS. Employers are not tolerating the use of marijuana in the workplace and we will not be able to determine recreational use. Is it not the responsibility of the legislature to protect the citizens from accidents that not only maim but kill many family members, that are not using drugs but are in the wrong place at the wrong time, by another person who may be use recreational marijuana. We do not support House Bill 699 that proposes to legalize the recreational use of marijuana by a person 21 years of age or older to consume, possess, display, purchase, or transport one ounce or less of marijuana for personal use. House Bill 699 also proposes to allow the licensing of marijuana cultivation facilities, product manufacturing facilities, operation of marijuana establishments, and retail marijuana stores. Any legislative action that legalizes or decriminalizes marijuana will negatively affect the people of Hawaii. Allowing marijuana dispensaries in Hawaii will open the door to criminal activities including drug trafficking activities by those establishments.

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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# RICHARD S. MILLER PROFESSOR OF LAW, EMERITUS 315 ILIAINA STREET KAILUS, HI 96734-1807

Tel.: (808)254-1796 E-Mail: <u>rmiller@aya.yale.edu</u>

# January 29, 2013

# To: Rep. Karl Rhoads, Chair; Rep. Sharon Har, Vice Chair From: Richard S. Miller RE: Relating to Marijuana -

Authorizes persons 21 years of age or older to consume or possess limited amounts of marijuana for personal use. Provides for the licensing of marijuana cultivation facilities, product manufacturing facilities, safety testing facilities, and retail stores. Applies an excise tax on transactions between marijuana establishments.

# HB 699 Hearing: Friday, Feb. 1, 2013, Room 325 Position: Strong Support

Chair Rhoads, Vice Chair Har, and distinguished Judiciary Committee members:

There are at least several very compelling reasons for passing HB 699.

Throughout the United States the purchase, sale and possession of tobacco by adults are *not* crimes. And, in most of the United States the purchase, sale, and possession of alcohol are generally *not* criminal except in some public places or special situations.

However, as to tobacco and alcohol, the Center for Disease Control (CDC) has reported: <u>"Tobacco use is the leading preventable cause of death in the United States.</u>. <u>""More deaths are caused each year by tobacco use than by all deaths from human</u> <u>immunodeficiency virus (HIV), *illegal drug use*, alcohol use, motor vehicle injuries, <u>suicides, and murders combined</u>." (Emphasis added.)</u>

"Cigarette smoking causes about 1 of every 5 deaths in the United States each year. ... an estimated 25 million Americans who are alive today will die prematurely from smoking-related illnesses, including 5 million people younger than 18 years of age." (Emphasis added.)

"According to the Alcohol-Related Disease Impact (ARDI) tool, from 2001–2005, there were approximately 79,000 deaths annually attributable to excessive alcohol use. In fact, excessive alcohol use is the 3rd leading lifestyle-related cause of death for people in the United States each year." (Emphasis added.)

**MARIJUANA:** By way of contrast, in Hawaii possession of any amount of marijuana, except by those who are certified as having a "debilitating condition" under our Medical

Marijuana law or their "caregivers," is a crime, with potentially serious consequences, including a fine or imprisonment, and for young persons the possible loss of vital federal loans to pay for their education and denials of admission to good colleges and universities or good jobs.

But as to marijuana, CDC provides, by comparison with its treatment of alcohol and tobacco, **no evidence that marijuana causes large numbers of deaths or injuries!** Rather, there is increasing evidence that marijuana has properties that are beneficial in treating very serious conditions and that its risks are far fewer than the other two most notorious killers. Just go to PROCON.ORG and check out "Medical Marijuana." You will find that the majority of peer-reviewed research studies show that it has positive health benefits and **that it is extraordinarily less dangerous than alcohol, tobacco, or prescription medicines which purport to bring the same benefits as marijuana**.

There are, of course, very good reasons for <u>not</u> imposing criminal prohibitions on the sale or use of tobacco, alcohol and marijuana: The United States long ago learned the considerable perils of prohibiting substances that many people enjoy. Prohibition of alcohol began on January 17, 1920, when the Eighteenth Amendment to the U.S. Constitution went into effect and ended in 1933 with its repeal. At the end of Prohibition some supporters openly admitted its failure. A quote from a letter, written in 1932 by John D. Rockefeller, Jr., who strongly supported prohibition, stated:

"When Prohibition was introduced, I hoped that it would be widely supported by public opinion and the day would soon come when the evil effects of alcohol would be recognized. I have slowly and reluctantly come to believe that this has not been the result. Instead, drinking has generally increased; the speakeasy has replaced the saloon; a vast army of lawbreakers has appeared; many of our best citizens have openly ignored Prohibition; respect for the law has been greatly lessened; and crime has increased to a level never seen before."

To confirm this view, the reader is urged to view film-maker Ken Burn's Prohibition, an excellent recent documentary vividly demonstrating the evil effects of prohibition of alcohol in America..

So just how dumb are we? Very dumb! Hopefully near the end of an economic disaster for the State we are wasting public money enforcing the criminal marijuana laws when, both to protect our citizens with debilitating medical conditions and to avoid shameful discrimination against marijuana users, we could tax and regulate marijuana just as we do with tobacco and alcohol.

As noted in Honolulu Civil Beat on Jan. 10, 2013 in an article by Nathan Eagle:

"The Drug Policy Action Group, partnering with the American Civil Liberties Union of Hawaii, recently commissioned QMark Research to do a study. That poll of 600 Hawaii voters, conducted between Nov. 19 and Dec. 4, 2012, revealed these key findings:

78 percent support a dispensary system for medical marijuana 69 percent think jail time for marijuana offenses is inappropriate 57 percent favor legalized, taxed and regulated marijuana (a 20 percent jump from the last poll, conducted in 2005).

"Colorado and Washington passed citizen initiatives last election to legalize recreational marijuana. At least five other states are anticipating legislation this year to decriminalize or legalize pot.

"The Drug Policy Action Group, which advocates for non-punitive drug policies that minimize costs, also commissioned a study on the economic impacts of Hawaii's drug laws.

"That report, penned by University of Hawaii economist and public policy professor David Nixon, found the state could save millions of dollars through various reforms.

"His study says decriminalizing pot could help Hawaii recapture \$9 million annually by freeing up law enforcement resources, and another \$3 million if marijuana was simply regulated like alcohol. If pot was taxed, the state could pull in an extra \$11.3 million annually, the study found, although it would be up to the Legislature to determine how much to tax the drug."

The fact that the some local Police Departments seems to favor criminalizing and prosecuting marijuana offenses should be ignored. In the first place, the police have a conflicting financial interest because they can seek the forfeiture of property used by those who promote marijuana under the Hawaii forfeiture law, HRS §712A. Secondly, there is a national group of extremely knowledgeable and experienced former law enforcement officers, called Law Enforcement Against Prohibition (LEAP), who, without any monetary reward, are seeking at their own expense an end to the war on drugs because of the severely adverse effects of prohibition that they have personally observed.

Please pass HB 699. Thank you for considering my views.

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46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Legislative Director

# **TESTIMONY FOR HOUSE BILL 699, RELATING TO MARIJUANA**

House Committee on Judiciary Hon. Karl Rhoads, Chair Hon. Sharon E. Har, Vice Chair

Friday, February 1, 2013, 2:00 PM State Capitol, Conference Room 325

Honorable Chair Rhoads and committee members:

I am Kris Coffield, representing the IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 150 local members. On behalf of our members, we offer this testimony <u>in strong support of</u>, with proposed amendments for HB 699, relating to marijuana.

More than a decade ago, former governor Ben Cayetano legalized the use of medical marijuana, allowing thousands of patients suffering from painful, debilitating illnesses to take advantage of cannabis's analgesic effects. According to poll results commissioned by the Drug Policy Action Group (conducted by Qmark Research) that were released early this year, 57 percent of local residents support legalizing, taxing, and regulating recreational use of marijuana, a 20 percent increase from a similar poll conducted in 2005. An economic study that accompanied the poll estimated that the state would save \$12 million (mostly in law enforcement costs) by legalizing and regulating cannabis usage, while taxing sales of the substance would bring in at least \$11 million (as much as \$15-20 million, by other analyses), amounting to a \$23 million swing in state funds at a time when revenue is needed to cover such items as unfunded liabilities, rising energy costs, infrastructure improvement, technology investments, and new education initiatives.

Granted, marijuana remains illegal under federal law, where it is classified as a Schedule I substance, along with other psychoaffective drugs, like heroin and LSD. Voters in Colorado and Washington approved ballot measures approving recreational marijuana, creating a legal quagmire for federal drug enforcement efforts (that, it should be said, disproportionately target minorities, leading to elevated incarceration rates for nonviolent crimes). Department of Justice officials are said to be crafting policy proposals to undermine Washington and Colorado voters' will, but most legal commentators believe that this issue will ultimately be decided by the courts.

Tt makes sense, then, to legalize marijuana now, so that Hawaii can join any federal litigation that arises and place political pressure on the government to reverse its draconian "drug war" policies.

Consider some brief facts about cannabis consumption. To begin, marijuana has a lower organic toxicity and addictive risk than alcohol, along with fewer correlating incidents of influence-related accidents and violence. More than half of all traffic fatalities in Hawaii involve alcohol, yet no one seriously discusses the possibility of prohibition because of path dependence. In other words, alcohol is ingrained in our culture in a way that marijuana consumption is not, despite the former being more dangerous, statistically speaking, than the latter. Similarly, marijuana abuse and dependence afflicts approximately 1.7 percent of the U.S. population, while alcohol abuse afflicts roughly 7.5 percent—over four times as many individuals. Marijuana is also not conclusively linked to an increase in violent behavior in and of itself. Rather, the main report used by the Honolulu Police Department to bolster this assertion, compiled by the Office of National Drug Control Policy, relies on source material that a) did not account for drugtrafficking and dispositional or psychological disorders; and b) failed to account for levels of deviancy (increased usage beyond average consumption rates)-a more stark statistical correlation exists between increased alcohol consumption and violent crime, including child and spousal abuse, yet, again, no one is introducing, much less considering the merits of, limiting the personal consumption of alcohol. Finally, only 30 percent of frequent (every other day or more) cannabis users report symptoms suggesting dependence, in contrast to nearly 70 percent for nicotine and 88 percent for harder drugs, like cocaine, leading one to conclude that marijuana usage parallels alcohol more than harder illicit substances and calling into question legal opinions asserting that marijuana and hard drugs can be readily correlated to one another.

That said, there are several amendments that we urge that committee to consider. First, the bill circumscribes personal use of marijuana in subsection §329-B(4) and employers allowing employees to drive under the influence of marijuana in §329-G(2), but does not state what "under the influence" means. In Hawaii, a blood-alcohol content (BAC) percentage over .08 percent means that a driver is considered to be 'per se intoxicated' and can be arrested for driving under the influence (DUI) based on this evidence alone. For the clarity of law enforcement operations, we urge the committee to specify that a operating a vehicle with a THC concentration of a person's blood of 5.00 or more, for persons 21-years-old and over, shall constitute a violation of HRS Chapter 291E, including HRS 291E-3 (evidence of intoxication), HRS 291E-61 (operating a vehicle under the influence of an intoxicant), and other relevant subsections of HRS Chapter 291E, thereby subjecting marijuana usage to the same testing protocols and law enforcement procedures as alcohol. Alternatively, the committee could replicate the testing, evidentiary, and criminal procedure protocols in a new HRS chapter, though such a move seems cumbersome when protocols regulating alcohol consumption are already in place.

Additionally, we encourage you to follow Washington's lead and amend the list of department rules outlined in §329-D by prohibiting the Department of Taxation from granting a license to a marijuana establishment within 1,000 feet of any preschool, elementary school, secondary school, recreation center, or public park. We also request that the bill be amended to prohibit marijuana establishments from placing, maintaining, or causing to be placed or maintained, any advertisement for marijuana within 1,000 feet of any preschool, elementary school, secondary school, recreation center, or public park. To that end, we also urge the committee to specifically prohibit the possession of marijuana on preschool, elementary, or secondary school campuses, if such a prohibition is not already included in state law (we're not able to locate such a provision, but freely acknowledge that we could be in error on this point).

Finally, we note that this *does* cover marijuana-infused products (under the definition of "marijuana products", including, but not limited to, marijuana-infused food and alcohol products. A litany of cannabis-infused products—from taco mix to cotton candy, from pulled pork to carbonated colas—have begun showing up, in the past two years, on shelves at storefront marijuana dispensaries in Washington and Colorado. Yet, the bill does not address the labeling of such products, particularly those produced culinarily. Therefore, <u>we encourage the committee to mandate that marijuana products be subject to labeling requirements that include, in addition to the labeling requirements of other consumer commodities, the THC concentration of the marijuana product, as well as medically and scientifically accurate information about the health and safety risks posed by marijuana use.</u>

Put simply, it is high time that Hawaii stopped participating in counterproductive crackdowns on nonviolent, virtually victimless crimes and, instead, devoted its law enforcement resources to more worthy causes, including high rates of property theft and the fight to end human trafficking. Mahalo for the opportunity to testify <u>in support</u> of this bill.

Sincerely, Kris Coffield *Legislative Director* IMUAlliance



· P.O. Box 240323· Honolulu, HI 96824 ~ *phone:* 808 469-5249 *email:* <u>pamelalichty@gmail.com</u> ~ *website:* www.dpfhi.org

TO: HOUSE COMMITTEE ON JUDICIARY

FROM: PAMELA LICHTY, M.P.H., PRESIDENT

DATE: FEBRUARY 1, 2013, ROOM 325

# RE: H.B. 699 RELATING TO MARIJUANA – IN STRONG SUPPORT

Good afternoon, Chair Rhoads, Vice Chair Har, and members of the Committee. My name is Pam Lichty and I'm President of the Drug Policy Action Group (DPAG), the government affairs arm of the Drug Policy Forum of Hawaii.

Let me begin by thanking you for hearing this important bill today. As we are all aware, marijuana law reform is a hot topic throughout the country. The recent elections in Colorado and Washington State saw voter referenda pass resoundingly to tax, regulate, and control marijuana. The voters there understood that the current system of marijuana prohibition is not stemming the use of cannabis as intended, but **is** causing a wide range of collateral damage.

# Let me emphasize that a vote for H.B. 699 today is not a vote for marijuana, but a vote against the multidimensional disasters of marijuana prohibition.

A recent poll, detailed below, revealed that voters in Hawaii also support changes to our marijuana laws. The benefits to our state could be huge in terms of negative social costs averted, law enforcement dollars saved, and revenues earned.

Voters in Washington and Colorado recognized that while marijuana or cannabis use is not without harms, it is far less harmful than either tobacco or alcohol which cause thousands of deaths directly or indirectly each year. This country tried to prohibit alcohol in 1920 and after thirteen disastrous violence-racked years, recognized that the effects of the prohibition were devastating the nation and repealed it.

In marijuana prohibition we see many of the same factors at play. In the nation as a whole there are more than 750,000 arrests for marijuana each year, 87% for simple possession. In Hawaii the rate of arrest is 134 per 100,00 population.

Simply put, control of marijuana is in the hands of criminals, and the collateral damage includes easy access for minors, racial disparities in arrests and incarceration, and criminal records that follow people for their entire lives affecting their opportunities for jobs, student loans, housing, and more. Since illegal businesses have no legitimate means of settling disputes, violence comes into play as dealers struggle over turf and customers.

Like Hawaii, there are at least five other state legislatures considering regulation and control of marijuana bills this year. The Drug Policy Action Group thought it was crucially important to gather unbiased data to help inform the discussion here. To this end we commissioned two studies to provide baseline data.

The first was a survey conducted by QMark Research, the respected Honolulubased polling firm, and the second was an update of a 2005 economic study entitled "The Economic Implications of Decriminalization and Legalization for Hawai'i." Associate Professor David Nixon of the Public Policy Center at the University of Hawaii, College of Social Sciences, wrote the latter. (Links to the complete reports can be found on <u>www.freshapproachhawaii.org</u>.)

QMark Research was commissioned to conduct a statewide, statistically significant poll of 600 Hawaii voters. The poll occurred between November 19 and December 4, 2012. Among its findings:

- 78% support a dispensary system for medical marijuana.
- 69% think that jail time for marijuana offenses is inappropriate.
- And most relevant to today's measure: 57% favor legalized, taxed and regulated marijuana, 20% higher than the last poll conducted in 2005.

The voters of Hawai'i are ready for a change. They recognize that the current approach to marijuana control is ineffective and counterproductive and does more harm than good. They are aware, like most Americans, that marijuana is objectively less harmful than tobacco and alcohol, two drugs that the U.S. has chosen to control through regulation and public education.

To provide economic data to further discussion, independent U.H. economist David Nixon was commissioned to update a 2005 study on the state of marijuana law enforcement in Hawaii. He was asked to examine the costs of current law enforcement policies, and to predict the economic impacts if Hawaii were to decriminalize or to legalize, tax and regulate marijuana. Among his findings:

- Hawaii has seen a surge in marijuana arrests since 2004. Possession arrests have increased almost 50%, and distribution arrests have almost doubled.
- Hawaii's marijuana laws overly impact males under the age of 25 and people of Native Hawaiian descent. These groups were arrested in numbers disproportionate to their share of the population.
- By decriminalizing marijuana, Hawaii could redirect over \$9 M annually in law enforcement costs.
- By legalizing, taxing and regulating marijuana, Hawaii could save an additional \$3 million in law enforcement costs annually and conservatively add at least \$11.3 million in yearly tax revenues.

# In other words if Hawaii implemented a measure like H.B. 699, the total to be realized in savings and tax revenues would be at least \$20 million annually.

The bill before us, H.B. 699, is based on the Colorado law and incorporates the well thought out provisions of that measure. It carefully delineates a system of controlled access to a safe, inspected supply of marijuana for adults in a controlled manner - replacing the free-for-all black market that currently exists.

Rather than criminals selling cannabis of unknown quality, adults who wish to obtain this substance, go to an outlet much like a liquor store with similar security provisions and restrictions in place. The licensing fees and taxation will yield proceeds to the state, which can be earmarked for public education, drug treatment or in any number of socially useful ways.

Moreover the millions that will be saved in law enforcement costs can be redirected to targeting far more damaging drugs such as crystal meth or to combatting violent crime.

Research clearly indicates that there is no direct correlation between a state's marijuana laws and the rate of usage. In other words states with very severe penalties may have higher rates of use than those with less harsh laws. Hawaii] currently deems possession of an ounce or under as a petty misdemeanor, the lowest criminal penalty available. To change this to a system of regulation and control would, as noted, avoid the costs of enforcing this low level crime while gaining significant revenue.

If there is concern about "sending the message that Hawaii approves of marijuana use", I would suggest the message really is that Hawaii has decided to target its resources towards the control of more dangerous drugs and activities. As in Washington State, some of the savings or income could be earmarked for effective drug prevention education to dissuade people from using cannabis. As we have seen with tobacco control, education can be a very effective tool in reducing use without the many harmful effects that criminalizing a substance or behavior entails.

We urge this committee to move H.B. 699 out today so that the important and necessary discussion about the best approach to regulate marijuana can continue. We would be please to serve as a resource if any further information should be required.

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

The Drug Policy Action Group, founded in 2004, is a sister organization to the 20 year old Drug Policy Forum of Hawaii. Its mission is to advocate for effective, non-punitive drug policies that minimize economic, social and human costs and to encourage pragmatic approaches based on science and concern for human dignity.



Dedicated to safe, responsible, humane and effective drug policies since 1993

February 1, 2013

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair and Members of the Committee on Judiciary

From: Jeanne Y. Ohta, Executive Director

RE: HB 699 Relating to Marijuana Hearing: Friday, February 1, 2013, 2:00 p.m., Room 325

Position: STRONG SUPPORT

Good afternoon Chair Rhoads, Vice Chair Har, and members of the Committee on Judiciary. Thank you for hearing this measure. I am Jeanne Ohta, Executive Director of the Drug Policy Forum of Hawai'i testifying today in strong support of HB 699 Relating to Marijuana which allows the consumption and possession of 1 ounce or less of marijuana by persons 21 years or older; and allows the taxation of marijuana similar to that of alcohol.

Chair Rhoads, we thank you for holding this hearing, at a time when we face continued state and county budgets crises, it is absolutely necessary for us to have this important discussion, and to evaluate our laws and policies on drugs; are they working and are they effective? And what are they costing the state? Legalizing the possession of one ounce or less of marijuana will allow us to focus law enforcement and criminal justice resources on more dangerous drugs and on solving and preventing violent crime.

Hawaii's marijuana policies have failed. They have done nothing to curtail the availability or use of the drug and the drug remains very accessible to our children. In addition, the laws also have had greater impacts on certain demographic groups than others, especially young people and certain minority groups. Marijuana arrests are 50% more likely for males, 70% more likely for juveniles, twice as likely for those under 25, and 70% more likely for Native Hawaiians, 30% more likely for Filipinos, and 30% more likely for Samoans than their shares of the population would predict.<sup>1</sup>

Legalization does not necessarily mean increased use. Marijuana use rates in the Netherlands are similar to those in the U.S. despite very different policies. The Netherlands' drug policy is one of the most nonpunitive in Europe. For more than twenty years, Dutch citizens over age eighteen have been permitted to buy and use cannabis (marijuana and hashish) in government-regulated coffee shops. This policy has not resulted in dramatically escalating marijuana use. For most age groups, rates of marijuana use in the Netherlands are similar to those in the United States. However, for young adolescents, rates of marijuana

Email: info@dpfhi.org

<sup>&</sup>lt;sup>1</sup>Nixon, David. Update to: Budgetary Implications of Marijuana Decriminalization in Hawai'i. Public Policy Center: University of Hawai'i, Dec 2012. http://www.dpfhi.org/A PDF/Budget Imp Marijuana 2013.pdf P.O. Box 241042 Honolulu, HI 96824-1042 Phone: 808-988-4386

use are lower in the Netherlands than in the United States. The Dutch government occasionally revises existing marijuana policy, but it remains committed to decriminalization.<sup>2</sup>

A study by David Nixon, Associate Professor, University of Hawai'i estimates that Hawai'i can save \$12 million by legalizing marijuana possession and that by taxing marijuana, revenues of between \$4 million and \$23 million could be realized.

The primary cost of marijuana criminalization is enforcement; this change would free police to deal with more serious crime. Enforcement of marijuana laws are costly, marijuana possession arrests increased almost 50% from the 2004 level. Distribution arrests almost doubled, and that increase was not due to higher consumption levels.<sup>3</sup>

The savings are not only economic. Although the current penalty for possession of 1 ounce or less is a petty misdemeanor, punishable by a fine of \$1,000 and up to 30 days in jail, the collateral consequences of a criminal conviction are grave. Criminal records prevent some from obtaining federal student loans; prevent employment in certain jobs, even decades after the conviction; and prevent some from federal or state housing programs. These collateral consequences are significant and create unnecessary additional harm.

Public support for changing marijuana laws continues to grow. In a December 2012 poll, 57% of registered voters in Hawai'i support legalizing, taxing, and regulating marijuana for personal use. 76% believe police should focus their time on violent crimes and fighting the methamphetamine problem in Hawai'i.

<u>Potency of Marijuana:</u> Law enforcement continues to insist that the potency of marijuana has increased, claiming that today's marijuana is "not your grandfather's marijuana." According to the University of Mississippi's Potency Monitoring Project's 2009 report, the average THC (the psychoactive ingredient) in domestically grown marijuana, which comprises the <u>bulk</u> of the U.S. market—is less than 5%, a figure that has been unchanged for the last decade.

<u>Marijuana—Not a Gateway Drug:</u> Marijuana is not now, nor has ever been a "gateway drug." The National Academy of Sciences found, "there is no conclusive evidence that the drug effects of marijuana are causally linked to the subsequent abuse of other illicit drugs."<sup>4</sup>

"Penalties against drug use should not be more damaging to an individual than the use of the drug itself. Nowhere is this more clear than in the laws against the possession of marijuana in private for personal use."<sup>5</sup>

<sup>&</sup>lt;sup>2</sup> Fromberg, E. "The Case of the Netherlands: Contradictions and Values in Questioning Prohibition." 1994 <u>International</u> <u>Report on Drugs</u>, Brussels: International Antiprohibitionist League, 1994. 113-124. Sandwijk, J.P., et al. Licit and Illicit Drug Use in Amsterdam II. Amsterdam: University of Amsterdam, 1995.

Gunning, K.F. <u>Crime Rate and Drug Use in Holland</u>. Rotterdam: Dutch National Committee on Drug Prevention. 1993.

<sup>&</sup>lt;sup>3</sup> Nixon, David. op.cit.

<sup>&</sup>lt;sup>4</sup> National Academy of Sciences, Institute of Medicine, 199, *Marijuana and Medicine: Assessing the Science Base*, National Academy Press, Washington, DC, 5, 6.

<sup>&</sup>lt;sup>5</sup> President Jimmy Carter, Message to Congress, August 2, 1977.

I urge this committee to follow the leads of Colorado and Washington and implement a more sensible marijuana policy by passing this measure. Thank you for this opportunity to provide testimony.

# FREQUENTLY ASKED QUESTIONS:

# Are people arrested for possessing marijuana?

- An estimated 758,593 people were arrested for marijuana possession (not trafficking or sales) in 2009. Arrests for marijuana possession have risen from about a third to about a half of all drug abuse violation arrests over the fifteen year 1995-2009 period. *FBI Uniform Crime Reports* 1970-2009. http://www.fbi.gov/ucr/cius2009/data/table\_29.html and http://www.fbi.gov/ucr/cius2009/arrests/index.html
- "We observe that the annual risk of misdemeanor arrest for those 12–17 (6.6 percent) is more than twice the rate for the full population (3.0 percent)." *RAND Corporation, 2010.* http://www.rand.org/pubs/occasional\_papers/2010/RAND\_OP315.pdf

# Do criminal penalties deter marijuana use?

- "Our findings do not support claims that criminalization reduces cannabis use and that decriminalization increases cannabis use." *American Journal of Public Health*, 2004. http://ajph.aphapublications.org/cgi/reprint/94/5/836
- Despite a federal ban and criminal penalties that vary among the 50 states, 117 million Americans are estimated to have tried marijuana at least once according to 2009 data, up by +9.7% from 108 million in 2002. *SAMSHA*, 2010. http://www.oas.samhsa.gov/nsduh/2k8nsduh/2k8Results.pdf

# Is marijuana treatment voluntary?

"More than half (58 percent) of primary marijuana admissions were referred to treatment through the criminal justice system." *SAMSHA*, 2005. http://www.oas.samhsa.gov/2k5/MJreferrals/MJreferrals.pdf

From:	Andrea Tischler [andreatischler@yahoo.com]
Sent:	Wednesday, January 30, 2013 5:40 PM
To:	JUDtestimony
Subject:	RE: Relating to Marijuana-HB699 Strongly Support

To: Rep. Karl Rhoads, Chair

Rep. Sharon Har, Vice Chair

From: Andrea Tischler, Chair Big Island Americans for Safe Access

RE: Relating to Marijuana-HB699

Hearing: Friday, February 1, 2013, Room 325

Position: Strong Support

As the Chair of the Big Island Americans for Safe Access, I strongly support passage of HB699. BIASA represents over 5000 certified medical cannabis patients on the Big Island. I continually hear the concern that patients are unable to obtain medical marijuana because they do not have a place to grow it, do not have a caregiver or have no contact to buy it from a drug dealer. It is indeed tragic that patients are not legally able to purchase medical marijuana in Hawai'i which feeds the criminal drug rings and cartels.

By legalizing small amounts of cannabis, a patient will have a legal source to purchase their medicine at a store that is regulated to sell high marijuana in a safe environment with quality controls for purity and potency.

Legalizing cannabis in the State of Hawai'i will allow patients to buy cannabis when they cannot grow it themselves.

BIASA strongly supports this bill and asks that the Judiciary Committee vote in favor of its passage. Mahalo nui loa.

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 9:15 PM
To:	JUDtestimony
Cc:	walee@ymail.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

# HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Wayde Hoapili Lee	Kahua Ola Hou	Oppose	No

Comments:

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# HAWAIIAN CRANE & RIGGING, LTD.



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January 31, 2013

Ref.: House Bill 699

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

I do not support House Bill 699 that proposes to legalize the recreational use of marijuana by a person 21 years of age or older to consume, possess, display, purchase, or transport one ounce or less of marijuana for personal use. House Bill 699 also proposes to allow the licensing of marijuana cultivation facilities, product manufacturing facilities, operation of marijuana establishments, and retail marijuana stores.

Any legislative action that legalizes or decriminalizes marijuana will negatively affect the people of Hawaii. Allowing marijuana dispensaries in Hawaii will open the door to criminal activities including drug trafficking activities by those establishments.

The Rocky Mountain HIDTA reported that marijuana from dispensaries in Colorado have been trafficked to multiple states through the mid west and all the way to the east coast.

Thank you for the opportunity to testify on this matter.

Hawaiian Crane & Rigging, Ltd.

9. Patrick Rolison

J. Patrick Rolison President As a heavy equipment construction contractor, we believe in "Safety First". This means maintaining safety at our work sites for our employees and the public. Drugs in the workplace is already a major challenge for employers. We cannot allow the accessibility of more drugs in our work environment. No to legalizing marijuana.

# **MIYAMOTO LEGAL SERVICES, LLLP**

P.O. BOX 11283 • HONOLULU, HI 96828 • (808) 445-9200 hannah@miyamotolegal.com • www.miyamotolegal.com

January 31, 2013

House Judiciary Committee State Capitol 302 415 S. Beretania St. Honolulu, HI 96813

Re: HB 699, Personal Use of Marijuana

Honorable Representatives,

I am pleased to submit these comments in support of the passage of HB 699, Personal Use of Marijuana as a private citizen and not as an attorney for any client. If commercial growing and sale of marijuana becomes legal in Hawai'i, Miyamoto Legal Services, LLLP looks forward to providing innovative strategies for conducting such lawful business.

Marijuana prohibition originates in cultural and racist prejudice originating over a century ago. The reason marijuana prohibition is flouted so often and open in Hawai'i today is that it is contrary to public values today; the laws against marijuana use have become true *mala prohibitum*.

Moreover, the occasional arrests and prosecutions for use and possession of marijuana ruins the lives of individuals and families for little discernible benefit related to the actual hazards of using, possessing, producing, and selling marijuana. Legalization could also yield the revenues needed to pay enough inspectors to not only prevent the illegal export of marijuana to the Mainland, but all other agricultural products potentially containing dangerous invasive species. Consequently, I support the passage of HB 699, with these amendments.

- 1. Delete "openly and publicly or" from page 5, line 10, in proposed H.R.S. § 329-B, subsection (4). If the use of marijuana for personal recreational purposes is no longer "blame-worthy," i.e., like smoking cigarette and pipe tobacco, cloves, catnip, licorice, etc., then it should be legal to smoke wherever it is legal to smoke other legal drugs, except when it impairs operation of a motor vehicle. See, also comment 2, below.
- 2. Add a section to proposed H.R.S. § 329-B that the new law does not supersede state and county laws on smoking in public and private places. Like any other smoked material, marijuana should not be smoked inside bars and restaurants, hospitals, public restrooms, in the presence of flammable and explosive materials, etc.
- 3. Change the restriction on the number of plants one may own for personal use to twelve (12) and at least six, perhaps with a proviso for immature plants. Although six (6) plants appears to be the most common limit among states with a medical marijuana or personal

use law, no state reportedly sets a limit as low as that in HB 699. Moreover, Rhode Island, Michigan and Arizona allow twelve (12) plants and the limit is fifteen (15) in Washington state, albeit only for medical marijuana patients. Colorado, a personal use state, has a six (6) plant limit. States with lower limits than six (6) mature plants also have a separate limit for immature plants; for example, Vermont allows two (2) mature plants and seven (7) immature plants; Alaska says six (6) plants total, but only three (3) mature ones. Oregon lets you have eighteen (18) plants, but only six (6) can be mature. Bottom line: Even a limit as high as fifteen (15) plants is not the equivalent of a commercial marijuana farm, and the appropriate number should be twelve (12).

4. Add "Nothing herein affects limits on the ability of an employer to regulate off-work conduct by employees and contractors." While employers may regulate off-work conduct relating to bono fide occupational requirements, they should not have a general right to restrict off-work marijuana use once it is made lawful. Since THC use tests can detect marijuana use—as well as exposure to many non-psychoactive substances—for up to three months after dosage, this issue is particularly important for Hawai'i residents.

Although passage of sections 1, 2, and 4-12 of HB 455, which has been in the Public Safety committee since Jan. 22, would create a reasonable means of processing violations of the new marijuana law, its passage is not necessary if HB 699 is made law.

Sincerely, Hannah Miyamoto Miyamoto Miyamoto Digitally signed by Hannah Miyamoto Digitally signed by Hannah Miyamoto email-Emaiyamoto@msn.com, C-US Date: 2013.01.31 14:33:58 -1000

Hannah Miyamoto

MiyamotoH\_Comments\_HB699\_HouseJudiciary

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 4:44 PM
То:	JUDtestimony
Cc:	aaronzeeman@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

# HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
aaron zeeman	Individual	Support	No

Comments: I think it is way overdue to allow cannabis to be legal, regulated and available to persons of legal age (21). Prohibition had made criminals of normal, law abiding citizens for over 40 years. Many lives have been adversely affected or worse, destroyed. sensible laws and common sense should be the rule and not the exception. Lets save or resources (money, police and prison beds) for real criminals. Cannabis has NEVER killed anyone...ever. Cannabis promotes peacefulness unlike alcohol that often brings with it violence. Do the right thing and vote yes to this bill, even though its language could use much improvement and revision.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 9:43 AM
То:	JUDtestimony
Cc:	Adamsiehr@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

# HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Adam siehr	Individual	Support	No

Comments: Please consider making change for the better , Hawaii needs to improve marijuana laws , it would be nice to follow what Colorado is doing .

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From:	alan gorg [alangorg@hotmail.com]		
Sent:	Wednesday, January 30, 2013 7:53 AM		
То:	JUDtestimony		
Subject:	LEGALIZATION OF CANNABIS		

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: (Your Name) RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Arresting peaceful citizens simply relaxing to smoke is not how we want our tax dollars spent for police. We want our police tax dollars focused on stopping criminals.

So please legalize the private use of recreational cannabis for adults.

Thank you.

Mr. & Mrs. Alan Gorg

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 7:55 AM
То:	JUDtestimony
Cc:	gr8tr8@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

# HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Alan Yoshimoto	Individual	Support	No

Comments: Please consider this bill with an educated, reasoned frame of mind. I urge you to read Clint Werner's book Marijuana Gateway to Health or visit his web page <a href="http://marijuanagatewaytohealth.com/home-2/">http://marijuanagatewaytohealth.com/home-2/</a> Please pass this measure. I do not consume this plant but I understand its benefits to many people. I read and I vote.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 7:54 AM
То:	JUDtestimony
Cc:	keas109@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

# HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Alec Sasaki-Tom	Individual	Support	No

Comments: Marijuana is an all natural drug that shouldnt be regulated and isnt as harmful as alchahol or other drugs.

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Testimony in Strong Support for the Legalization of Marijuana in the State of Hawaii

To: Representative Karl Rhoads, Chair Representative Sharon Har, Vice Chair

From: Alison J. Frazier, Horticulturist and Resident of the Big Island
B.S. Plant Science, University of Delaware, 1983
National Student Exchange Program, University of Hawaii at Hilo, College of Agriculture

RE: House Bill 699, Legalization of Marijuana in the State of Hawaii

Hearing: Friday, February 1, 2013, Rm. 325

Position: Strong Support

# TESTIMONY

I, Alison J. Frazier, am in strong support of the motions being taken by both the State Senate and the State House of Representatives, SB 467 and HB 699, to legalize the use of Marijuana in the State of Hawaii.

From the viewpoint of a professionally trained Horticulturist, my concerns are many. I propose that it should be an ABSOLUTE REQUIREMENT that the Marijuana regulated by the State be grown ORGANICALLY, without the use of pesticides or any chemicals introduced in to it's growing environment, which not only could, BUT WILL, alter it's positive medicinal value, deviate from the quality of it's natural state, and create harmful side effects upon consumption by humans.

Being a naturally occurring medicinal plant, if grown in an organic manner, Marijuana remains a PURE and EFFECTIVE treatment for not only chronic pain, but a powerful ANTI-DEPRESSANT and ANTI-ANXIETY medication. I am strongly in support of placing these medical conditions under the conditions referred to in the current list approved under the Medicinal Uses of Marijuana in the State of Hawaii.

The problems with Prozac, Wellbutrin, Effexor and many other man made substances, currently used by millions of people across the world to fight depression and anxiety, are many. Once these drugs are created in laboratories and chemically manufactured by the hands of human intervention, numerous conditions are, no doubt, created as residual side effects. I, personally, have a huge problem with the fact that these chemically altered substances have SUICIDE listed as the first major stumbling block in consuming them in the first place! If that is not a major deterrent for the use of these drugs, and a stimulus to search for better, alternative and organic treatments, I don't know what is! Marijuana, if grown organically, can be safely used medicinally for these conditions, as well as numerous others, without any of these harmful consequences. As a long time resident and land owner on the Big Island, I, Alison Frazier, can tell you through simple observation, that the MILLIONS OF DOLLARS spent by law enforcement to combat the growth of Marijuana on our beautiful island is worthless and has absolutely NO EFFECT ON THE SUPPLY of Marijuana. The more helicopters that fly, the more citizens that are arrested and whose lives, consequently, become supported by taxpayer dollars, the more Marijuana is planted as a rebellious backlash to this useless methods of spending our government's money.

Originally from Pennsylvania, I never saw a food stamp until I came to Hawaii.

I was never exposed to the horrific practices of our educational system such as having classrooms in the locker rooms of the Mountain View School as they were a number of years ago. I just spoke with a resident of the Big Island whose profession is that of a Substitute Teacher. When I asked her how that profession was as a whole because I was considering it for myself, her response was,

"IT MAKES ME VERY SAD!".

I was shocked at her response as I'd previously thought it to be a rewarding profession, harboring a wage that one could actually support themselves on in our extremely expensive economy.

When the minimum wage in our state, per hour, barely covers the price of a gallon of milk, depending on where you purchase it, it leads me to believe that there are far better ways to be spending our government's money than the useless and wasteful fight over beneficial medicinal plants.

It is a well known fact that the States of Colorado and Washington are seeing great benefits to their economies due to the legislation that was approved by their taxpayers in the last election, legalizing Marijuana.

I wish Hawaii had shown the political alertness to be the first State to legalize the use of Marijuana, so let's, at least, make it sooner, rather than later, and be STATE NUMBER THREE, to gain the beneficial revenue that will, no doubt, improve our economy as well as the prosperity and living conditions of all citizens in the State of Hawaii.

Sincerely, Alison J. Frazier Keaau, Hawaii

# TO THE HOUSE COMMITTEE ON JUDICIARY TWENTY-SEVENTH LEGISLATURE Regular Session of 2013 February 1<sup>st</sup> 2013 2:00 PM TESTIMONY ON HOUSE BILL NUMBER 699, RELATING TO LEGALIZING MARUJIANA

TO THE HONORABLE REP. KARL RHOADS, CHAIR, AND MEMBERS OF THE COMMITTEE

My name is Ana Kurashige; I am a high school senior and I oppose HB 699. As I become more and more aware of society's problems, I have become more convinced that legalizing marijuana is not the best direction for our state. People certainly do not need marijuana, nor has it been proven to be healthy. Escaping pain and experiencing a high is not responsible living. If we want our economy to become stronger, we need to focus on promoting lifestyles that are independent of drugs that lead to dangerous highs. Those who do not depend on drugs are the workers who can be most reliable. Furthermore, the "added revenue" by legalizing marijuana will only be countered by the added law enforcement that will need to be put into place. Reckless actions already happen because of the effects of marijuana, why increase the possibilities? Other lives are put to risk once someone is under the influence of marijuana. Ideally, everyone would be responsible, but if people already misuse it, would not legalizing it make it easier to misuse it? I do not want my future to be put in jeopardy. For the safety and health of our state, I ask that you do not pass this bill.

From:	Angela Flynn [angelaflynn80@msn.com]
Sent:	Thursday, January 31, 2013 9:07 AM
То:	JUDtestimony
Subject:	RE: Relating to Marijuana – HB 699

To: Rep. Karl Rhoads, Chair

Rep. Sharon Har, Vice Chair

From: Angela Flynn 1090 Kealoha Road Kapa'a, HI 96746 808-822-3982

RE: Relating to Marijuana – HB 699

Hearing: Friday, February 1, 2013, Room 325

Position: Strong Support

Dear House Judiciary Committee,

Please give your support to HB 699 for the taxation an regulation of marijuana. Like many people I have used marijuana as a recreational drug. I am not a habitual user, but on occasion I enjoy the slightly altered state from eating or smoking marijuana. I find that it helps me relax and leads to more creativity. I know many people, from those living on the streets to successful lawyers and doctors who are regular users of marijuana. Just as someone likes to come home from work and have a drink many like to come home from work and have a smoke. It is well understood that we all have different chemistry and therefore varying tolerances and desires for alcohol. It is clear that there are some people who should not drink and it is very likely that there are some people who should not use marijuana. But because it is illegal we have not studied this and therefore it is not well understood regarding people who might be at most risk. With alcohol we know that alcoholism runs in families. I know to watch out and to be careful when I drink alcohol for this reason. Legalizing the use and regulating marijuana will lead to better education for potential users and also allow those who may not be chemically compatible with marijuana to make informed decisions as to their use.

One of the most dangerous aspects of marijuana use is due to it being illegal. This black market aspect leads to dangerous encounters with dealers and also the cash and drugs on hand of the dealers presents its own danger as thieves are drawn to steal this easy money. I recall times from my younger years where there were dangerous encounters due to marijuana use being illegal. Thankfully I never found myself harmed, but many have. If marijuana is taxed and regulated there will be less incentive for illegal dealings and this dangerous aspect of use will end. It is clear that marijuana use is not going to end. Too many people enjoy using it. I know people who have gone to prison over marijuana use and this should not be happening. For most people marijuana lends a pleasant high feeling. They do not turn into deviant criminals or raging monsters. And most of the marijuana users I have known did not go on to take hard drugs. It is a total myth that marijuana use is a gateway drug.

In fact marijuana use may lead to future greatness. As we are all well aware, Hawai'i marijuana users have gone on to become president of the United States. I imagine even President Obama would enjoy occasional use if marijuana were legal. It is very wrong that some marijuana users are criminalized, sent to prison and have their futures diminished for something that other's have enjoyed and perhaps even benefitted from.(1)

#### Taxing and regulating marijuana use would be a benefit to Hawai'i economically. According

to <u>http://freshapproachhawaii.org</u> passing HB 699 would save \$12 million a year in marijuana law enforcement costs and it would bring in at least \$11.3 million a year in tax revenue. Marijuana use is mainstream and widespread. More than 106 million Americans have tried it. Hawai'i would very likely benefit from visitors who would like to visit and not fear arrest due to enjoying marijuana. In a December 2012 poll, 57% of registered voters in Hawai'i support legalizing, taxing,

and regulating marijuana for personal use. 76% believe police should focus their time on violent crimes and fighting the ice/methamphetamine problem in Hawai'i. (2)

Passing HB 699 makes sense economically and socially and may help to lessen health expenses as marijuana use is a preferred medicine for many people who have cancer and chronic pain. Thank you for considering this legislation.

### References:

1 – Nixon, David. Update to: Budgetary Implications of Marijuana Decriminalization and Legalization For Hawai'i. Public Policy Center: University of Hawai'i, Dec 2012. http://acluhawaii.files.wordpress.com/2013/01/econreptmarijuana1\_2013.pdf

2 – QMark Research & Polling. November 19 –December 4, 2012. Survey of 603 adults statewide, MOE +/-4% <a href="http://acluhawaii.files.wordpress.com/2013/01/dpagmarijuanapolicyfindings.pdf">http://acluhawaii.files.wordpress.com/2013/01/dpagmarijuanapolicyfindings.pdf</a>

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

I am writing to oppose the recreational use of marijuana for any age. I have witnessed the devastating effects of marijuana on individuals, families, and communities. As a marriage and family therapist specializing in substance abuse and adolescence, I counsel young adults and their families who struggle with the effects of marijuana such as lack of motivation and direction to learn and progress in school, difficulty making decisions, and low self-esteem. The law will permit adults age 21 and older to possess, consume, and purchase marijuana. National survey of high school 12<sup>th</sup> graders shows that when marijuana is perceived as low risk (as legalization would suggest), use increases. I am very concerned about the impact of this law on our youth.

Thank you for the opportunity to testify on this matter.

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 2:52 PM
То:	JUDtestimony
Cc:	asrp217@comcast.net
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

# **HB699**

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Anna Serpe		Support	No

Comments:

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 4:53 AM
То:	JUDtestimony
Cc:	pakalolo50@aol.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

# HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Anthony Julius Lannutti	Individual	Support	Yes

Comments: If we want to guide our children away from drugs and gangs, we are taking the wrong approach by giving gangs a huge windfall from our delusional drug laws... after 100 years, we still haven't barely dented the market even with 800,000 per year arrested for pot... criminalization don't work.. the only successes we've had have been through educational campaigns like say no to drugs.... if we take control of drugs instead of letting drug cartels handle it... then we are in a better position to distribute with caution and an educational message about abuse, better position for mental health monitoring of users, better position keeping it out of the hands of children (as opposed to teaching them 'there is money in gangs and slinging drugs', and a better economic position as we keep the money in the hands of decent American business rather than foreign drug cartels who are violent and bordering on terrorism.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 11:17 PM
To:	JUDtestimony
Cc:	akfountain@yahoo.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Arlene Fountain	Individual	Oppose	No

Comments:

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From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 6:26 PM
To:	JUDtestimony
Cc:	ashrosenfeld@gmail.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Ashley Rosenfeld	Individual	Support	No

Comments:

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From:	mailinglist@capitol.hawaii.gov
Sent:	Tuesday, January 29, 2013 2:05 PM
То:	JUDtestimony
Cc:	barbarapolk@hawaiiantel.net
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/29/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Barbara B. Polk	Individual	Support	No

Comments: It's high time we legalized marijuana. The damage done to lives, families, and the society by criminalizing it, when it is very widely used, must stop. The harm done by tobacco and alcohol is much greater than that done by marijuana. The state will save money on enforcement, as well as on the costs of imprisonment of users who violate parole.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 9:22 AM
То:	JUDtestimony
Cc:	bestb002@hawaii.rr.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### **HB699**

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Barbara Best	Individual	Support	No

Comments: This bill leads the way to saving the state money by not criminalizing marijuana users, thus better using police, prisons and courts. And the state can make money by taxing growers and users. Plus it is a civil rights issue that people who cause no harm to others be allowed to use this benign natural product instead of more harmful drugs including alcohol. It will reduce the problems associated with a black market for a product in much demand. Many who now arrest & prosecute users admit it is only the illegality that they can point to which makes using wrong.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 7:54 AM
То:	JUDtestimony
Cc:	seyaat420@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM
Attachments:	HB699.wps

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Bayley Nagy	Individual	Support	No

Comments: It would bring in at least \$11.3 million a year in tax revenue. Legalizing marijuana for adults will undercut dangerous drug cartels which sell millions of dollars in marijuana on the black market. Prohibition has failed: Marijuana use is mainstream and widespread. More than 106 million Americans have tried it and every year more than 80% of high school students say it's easy to obtain (per Monitoring the Future survey.) Prohibition makes control impossible: Producers and sellers of marijuana are completely unregulated unlike sellers of tobacco and alcohol. There are no quality controls for purity or potency. Taxing and regulating marijuana allows police to spend money on serious and violent crimes(1): In Hawai'i, marijuana arrests for possession have increased 50% since 2004. ■Arrests for distribution have almost doubled since 2004. ■Costs and law enforcement time spent on these could be used for more serious drug offenses like Hawaii's methamphetamine problem or in addressing violent crimes. Hawaii's marijuana laws are enforced unevenly(1): There is no evidence that any specific gender or ethnic group uses marijuana more than another group, but arrest data in Hawai'i show a different story: Males are 50% more likely to be arrested than females ■Juveniles are 70% more likely to be arrested. ■Native Hawaiians are 70% more likely to be arrested than non-native Hawaiians. Filipinos are 30% more likely to be arrested than non-Filipinos. Non-Oahu residents are 40-140% more likely to be arrested for possession than Oahu residents. ■Convicted marijuana offenders: ■Are denied federal student aid. ■Lose their professional licenses. ■Encounter barriers to employment, housing, and adoption. ■These penalties disproportionately affect young, low income, and minority individuals. While people who are convicted of marijuana related offenses are denied federal student aid, people convicted of violent crimes remain eligible. Arrests for marijuana possession are one of the most common ways that people get caught up in the criminal justice system. Marijuana users who are not convicted have gone on to be President or a Supreme Court justice. Legalizing, taxing, and regulating marijuana for personal use will not increase youth consumption: ■Selling to minors (under 21) will remain illegal. ■Young people now have easy access to marijuana since drug dealers don't check IDs. Placing marijuana under strict regulatory control may actually decrease youth access here in Hawai'i since regulated businesses could lose their license if they sell to minors while illegal dealers have no incentive not to sell to kids. Hawai'i residents support the taxation and regulation of marijuana(2): ■In a December 2012 poll, 57% of registered voters in Hawai'i support legalizing, taxing, and regulating marijuana for personal use. ■76% believe police should focus their time on violent crimes and fighting the ice/methamphetamine problem in Hawai'i. Laws against driving while intoxicated and other anti-social behaviors will remain in place. The current bill keeps penalties in place for those driving under the influence of marijuana. The current bill does not allow for marijuana consumption in public places. All forms of advertising

will be prohibited. References: 1 – Nixon, David. Update to: Budgetary Implications of Marijuana Decriminalization in Hawai'i. Public Policy Center: University of Hawai'i, Dec 2012. <u>http://acluhawaii.files.wordpress.com/2013/01/econreptmarijuana1\_2013.pdf\_</u> 2 – QMark Research & Polling. November 19 –December 4, 2012. Survey of 603 adults statewide, MOE +/-4% <u>http://acluhawaii.files.wordpress.com/2013/01/dpagmarijuanapolicyfindings.pdf\_</u>

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From:	RockNHula@aol.com
Sent:	Thursday, January 31, 2013 11:20 AM
То:	JUDtestimony
Subject:	Aloha 01/31/13 11:19 AM HST Testimony of Ben Novick

Dear Sirs:

My name is Ben Novick. I am the local private detective here in Kailua Kona on the Big Island, Ca. Lic. AQ009754, age 53 years old. My statement comes in two-parts.

1) Testimony of abuse toward medical patients. 2) Testimony of how legalizing marijuana for recreational use will end the illicit part of the market and render a safer community, (sic) a stronger tax base.

I am also a medical marijuana care giver. I have been a witness to law enforcement abuses and the cruel meting out of so-called justice against care givers and patients.

I knew Doctor William Wenner who was a primary motivating factor in getting the medical marijuana initiative passed in Hawaii. He hired me over the years for personal protection due to threats and the concentration of law enforcement directed against him. Dr. Wenner was an emergency room doctor in Kona until the day he contracted a disease from being stabbed with a syringe. He was a bold and an honest doctor who found that marijuana alleviated his symptoms, from the Aids virus, and began advising patients with severe type of pain or wasting syndrome to try it. The police broke his hands so he couldn't write prescriptions, and they threatened many of his patients, including myself. Upon inquiries with our police executives I found an endemic attitude of "We are not going to follow the law" and they used the list of medical patients as a hit list for their cooperative effort with the DEA to intimidate. One day I woke up to helicopters flying 30' above my house and shortly afterwards a raiding party arrived at my home. They threatened to shoot my dog. They threatened to charge everyone in the household if I didn't "confess." They planted a gun on me. They told my neighbors I was a criminal and was "definitely" going to jail, resulting in myself being removed from my tenure as "president" of the Kona Sunshine Homeowner's Association. My investigative company did a law enforcement line production budget on the raid, which cost Hawaii taxpayers \$55,000. Only a small portion of which is rebated by the DEA. They netted 14, 8- 16" plants, which was my limit, plus a cup with 15 seedlings which they attempted to say were viable plants. No charges were pursued but my reputation and income earning ability was damaged by this action.

The situation with Marijuana growing on the Big Island is, besides the legitimate medical growers who live in fear both from the police and the "rippers", we have illegal cultivators who grow in the country side and national parks, on private property, to supply the black market. Legalizing marijuana for recreational purposes would put them out of business and render our countryside safe. Hawaii has 3-4 nationally known brand names which in my estimation, from the inquiries I have received from Colorado and Washington , would bring in one billion dollars annually at the present proposed tax rate, at the (demand) rate of production. Legalization would free up police resources for neglected areas, such as crimes against women, family abuse, juvenile delinquency, and the interdiction of tissue dependant narcotics-- the real cause of crime and violence.

I submit my testimony under the penalty of perjury. Should I be called to testify I may do so competently. Thank you for this opportunity to submit this brief on behalf of our Kapuna.

Yours truly, Ben Novick

RockNHula@aol.com cell 808-557-1913 home 808-326-1303 To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: *Bethany Barabe* RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Representative Rhoads and Har,

I am a supporter of legalizing marijuana. I can honestly say from first-hand experience the medical benefits it has.

I use marijuana for medical purposes. I have tried a rather long list of western medications. The pills I have taken have not helped me. It is so tiring taking a pill all the time. With marijuana I am able to be pain free when I take it. The only side effects I have ever gotten would be drowsiness and even hunger; which is acceptable to me. I do not get any adverse side effects like I have with taking a pill. I have a list of medications I am allergic too because of the adverse and severe side effects they have given me. When used properly it is wonderful drug that aides in people who have medical conditions that pills cannot treat. Legalizing marijuana does not just have perks for those whom need it medically.

Take a look at Colorado and Washington State. Both of those states have legalized marijuana and are doing very well. I know the arguments against legalization. Frankly, those arguments are not well researched. I think the biggest problem is fear. Legislators are afraid to take this next step. This fear stems from the thought that it is a gateway drug. It is not. The current problem is that the wrong people are using this natural grown drug for the wrong reasons. Drug cartels are smuggling and making money off of marijuana. By legalizing marijuana this state will receive the benefits. It will keep our kids in school and safer than they are now. It will be illegal for person's under 21 years of age to buy/sell marijuana. Not to mention more children will not have the easy access that they do now to the drug. Current drug dealers do not check IDs, which is what makes it so easy for our kids to get the drug.

Legalizing it will keep it off the black market and make it harder for our kids to get their hands on it. The drug cartel makes millions of dollars every year by smuggling in marijuana. Legalization will stop this. Plus, the money will be given back to the state. It will save \$12 million a year in marijuana law enforcement costs. It would bring in at least \$11.3 million a year in tax revenue. We all know the state needs the money. We cannot rely solely on tourists and the military for revenue.

Sincerely,

Bethany Barabe

# References

Nixon, David. Update to: Budgetary Implications of Marijuana Decriminalization in Hawai'i. Public Policy Center: University of Hawai'i, Dec

2012. http://acluhawaii.files.wordpress.com/2013/01/econreptmarijuana1 2013.p df

QMark Research & Polling. November 19 –December 4, 2012. Survey of 603 adults statewide, MOE +/-

4%<u>http://acluhawaii.files.wordpress.com/2013/01/dpagmarijuanapolicyfindings.p</u> <u>df</u>

From:	mailinglist@capitol.hawaii.gov
Sent:	Tuesday, January 29, 2013 8:38 PM
То:	JUDtestimony
Cc:	bill@puna.us
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

### HB699

Submitted on: 1/29/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Bill Smith	Individual	Support	No

Comments: Marijuana, an innocuous intoxicant with medicinal properties, is a gateway to crime only in the sense that someone smoking it sees the nonsense of making that act a crime. The greatest crime associated with marijuana is the prosecution and prison industry that has grown up around it, at an unsustainable cost. Taxing legal marijuana is a sensible course.

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I am for legalization for the simple reasons that cannabis is very safe overall and no more dangerous than alcohol. I think the real crime is the criminalization of those regular people who use and possess. That is the real health issue... the real LEGAL health of normal people when something is so ubiquitous in society. Native Hawaiians, especially NH women, are disproportionally criminalized because of their traditions over many generations of using cannabis for many maladies and illnesses. In addition, this whole underground economy already exists, and the wrong people are profiting from it. Law enforcement are the ones who are addicted to all the benefits and monies generated by making up this crime. Its illegality has generated the prohibition related crimes and drug families. Our high schools are already substitutes for retail drug stores. Tax this whole underground economy and keep the kids in school. I am tired of a made-up crime, and the damage it does to our society, our towns and its culture. Also, I am thoroughly convinced that its scarcity leads to harder and more dangerous substance abuse. In my experience, those over the age of thirty actually do use it in a medical fashion for some condition, instead of going to the doctor and getting a matching pill that is probably much more dangerous, like sleeping pills, and valium like drugs. It tends to replace alcohol as well and all the bad social consequences of alcoholism and alcohol related assaults and traumas, as well as the destruction of families and lives.

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 11:32 PM
То:	JUDtestimony
Cc:	Kaikea@msn.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Brenda Jose	Individual	Oppose	No

Comments: I am opposed to the legalization of marijuana and will fly up from Kauai to testify against it if this bill moves anywhere other than "dead". The safety of our neighborhoods and communities will be at risk with the legalization of marijuana and the establishment of compassion centers. As it is, our existing laws are being abused my people who are not suffering from life threatening medical conditions. Please consider that public safety will be a nightmare if this bill moves forward. Mahalo for your consideration of this submission.

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To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: Brenda Meriwether RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

I am writing in support of House Bill 699. I am a ceramic artist and concerned citizen living in Hawaii. I have no arrest record and would like to keep it that way but want to use medical marijuana for controlling my high blood pressure. I don't feel I should be labeled a criminal for medical use but the laws are inadequate for my needs. I support the taxation and regulation of marijuana for the following reasons:

- 1. Abundant scientific evidence exists that indicates there are benefits to medical and personal use, the U.S. Department of health holds 2 patents for the neuroprotective and anticonvulsive use of cannabinoids.
- 2. Every major study of marijuana use in the united states has argued *against* the criminalization of marijuana use. More than a dozen government-appointed commissions (these include the La Guardia commission -1944, and the National Commission on Marijuana and Drug Abuse -1972) have examined the effects of marijuana, and made public policy recommendations regarding its use. Overwhelmingly, the conclusions of these expert panels have been the same: marijuana prohibition causes more social damage than marijuana use, and the possession of marijuana for personal use should no longer be a criminal offense.
- 3. Prohibition creates more problems than it solves, including allowing black market profits, needless incarceration of nonviolent users and wasted public funds that could be used for education or policing of violent and other serious crimes. Former President Jimmy Carter acknowledged: "Penalties against drug use should not be more damaging to an individual than the use of the drug itself. Nowhere is this more clear than in the laws against the possession of marijuana in private for personal use." Once convicted of a marijuana offense, individuals are denied federal student aid, lose their professional licenses, encounter barriers to employment, housing, and adoption. These penalties disproportionately affect young, low income, and minority individuals. Arrests for marijuana possession are one of the most common ways that people get caught up in the criminal justice system. Had Barack Obama been convicted of a marijuana offense, he may not have had the student aid resources to obtain a Harvard education and may never have been elected president. Marijuana users such as Obama who are not convicted have gone on to be President or a Supreme Court justice.
- 4. Marijuana prohibition needlessly destroys the lives and careers of literally hundreds of thousands of good, hard-working, productive citizens each year in this country. More than 800,000 Americans were arrested on marijuana charges last year, and more than 5 million Americans have been arrested for marijuana offenses in the past decade. Almost 90 percent of these arrests are for simple possession, not trafficking or sale.

- 5. Laws regarding marijuana are enforced in a biased manner. Here in Hawaii, Males are 50% more likely to be arrested than females, Juveniles are 70% more likely to be arrested than adults, Native Hawaiians are 70% more likely to be arrested than non-native Hawaiians and Filipinos are 30% more likely to be arrested than non-Filipinos.
- 6. Hawaii has a long and rich culture of marijuana use for medical, spiritual and personal reasons. In a December 2012 poll, 57% of registered voters in Hawai'i support legalizing, taxing, and regulating marijuana for personal use. The same poll found that 76% of respondents believe police should focus their time on violent crimes and fighting the ice/methamphetamine problem in Hawai'i (QMark Research & Polling, November 19 December 4, 2012. Survey of 603 adults statewide).
- 7. Legalization and regulation of marijuana would save \$12 million a year in marijuana law enforcement costs and would bring in at least \$11.3 million a year in tax revenue.
- 8. The trend is clear, with 16 states allowing medical marijuana and Washington and Colorado have already legalized and regulated sale and consumption. The only force opposing marijuana for personal use is the federal government, with no meaningful rationale for the ban.

Thank you for the opportunity to speak on this important issue.

Brenda Meriwether

From:	Bryan Kessler [bryankessler@me.com]
Sent:	Wednesday, January 30, 2013 1:38 PM
To:	JUDtestimony
Subject:	Strong Support Relating to Marijuana – HB 699

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From:Brian Kessler RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Dear Representatives

I would like to include my support for the legalization of Marijuana in the State of Hawaii. I believe it would save the State money in trying to curb use and sales , possibly bring in more tax revenue and help a whole lot of sick people get relief from using the drug.

Thank you Brian Kessler

From:	Carl Rozycki [panamacarl@yahoo.com]	
Sent:	Thursday, January 31, 2013 10:20 AM	
To:	JUDtestimony	
Subject:	HB 699 Support	

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: *Carl Rozycki* RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Hello,

I strongly support HB 699 for a number of reasons.

Marijuana use in Hawaii is the "elephant in the room" that no one talks about. It is a fact of life here - just as people drink beer or wine, good hard working people smoke marijuana to relax and enjoy life.

Recent polls show that 57% of Hawaiian voters support the legalization of marijuana for recreational use. In a Democracy, the will of the people should be reflected by the lawmakers - this an opportunity to do this.

From a practical standpoint, the taxation and regulation of marijuana would generate millions of dollars and save the law enforcement costs. These savings could be better used for serious crime fighting.

The states of Colorado and Washington have already passed state laws that legalize marijuana use, as you know, and here in Hawaii it is time to do the same.

Sincerely,

Carl Rozycki Kula, Maui

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 6:42 PM
То:	JUDtestimony
Cc:	alohastevens@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Carmen Stevens	Individual	Support	Yes

Comments: I support HB699 for many reasons, the most important for me being the disproportionate enforcement of laws resulting in Native Hawaiians and especially Native Hawaiian women, being 70% more likely to be arrested than non-native Hawaiians.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 7:51 AM
То:	JUDtestimony
Cc:	seyaat420@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM
Attachments:	HB699.wps

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Chris Nagy	Individual	Support	No

Comments: SENT IN BY CHRIS NAGY KAILUA KONA, HI It would bring in at least \$11.3 million a year in tax revenue. Legalizing marijuana for adults will undercut dangerous drug cartels which sell millions of dollars in marijuana on the black market. Prohibition has failed: Marijuana use is mainstream and widespread. More than 106 million Americans have tried it and every year more than 80% of high school students say it's easy to obtain (per Monitoring the Future survey.) Prohibition makes control impossible: Producers and sellers of marijuana are completely unregulated unlike sellers of tobacco and alcohol. There are no quality controls for purity or potency. Taxing and regulating marijuana allows police to spend money on serious and violent crimes(1): In Hawai'i, marijuana arrests for possession have increased 50% since 2004. Arrests for distribution have almost doubled since 2004. ■Costs and law enforcement time spent on these could be used for more serious drug offenses like Hawaii's methamphetamine problem or in addressing violent crimes. Hawaii's marijuana laws are enforced unevenly(1): There is no evidence that any specific gender or ethnic group uses marijuana more than another group, but arrest data in Hawai'i show a different story: ■Males are 50% more likely to be arrested than females ■Juveniles are 70% more likely to be arrested. ■Native Hawaiians are 70% more likely to be arrested than non-native Hawaiians. ■Filipinos are 30% more likely to be arrested than non-Filipinos. ■Non-Oahu residents are 40-140% more likely to be arrested for possession than Oahu residents. Convicted marijuana offenders: Are denied federal student aid. Lose their professional licenses. Encounter barriers to employment, housing, and adoption. These penalties disproportionately affect young, low income, and minority individuals. While people who are convicted of marijuana related offenses are denied federal student aid, people convicted of violent crimes remain eligible. Arrests for marijuana possession are one of the most common ways that people get caught up in the criminal justice system. Marijuana users who are not convicted have gone on to be President or a Supreme Court justice. Legalizing, taxing, and regulating marijuana for personal use will not increase youth consumption: Selling to minors (under 21) will remain illegal. ■Young people now have easy access to marijuana since drug dealers don't check IDs. Placing marijuana under strict regulatory control may actually decrease youth access here in Hawai'i since regulated businesses could lose their license if they sell to minors while illegal dealers have no incentive not to sell to kids. Hawai'i residents support the taxation and regulation of marijuana(2): ■In a December 2012 poll, 57% of registered voters in Hawai'i support legalizing, taxing, and regulating marijuana for personal use. ■76% believe police should focus their time on violent crimes and fighting the ice/methamphetamine problem in Hawai'i. Laws against driving while intoxicated and other anti-social behaviors will remain in place. The current bill keeps penalties in place for those driving under the influence of marijuana. The current bill does not allow for marijuana

consumption in public places. ■All forms of advertising will be prohibited. References: 1 – Nixon, David. Update to: Budgetary Implications of Marijuana Decriminalization in Hawai'i. Public Policy Center: University of Hawai'i, Dec 2012.

http://acluhawaii.files.wordpress.com/2013/01/econreptmarijuana1\_2013.pdf\_2 – QMark Research & Polling. November 19 –December 4, 2012. Survey of 603 adults statewide, MOE +/-4% http://acluhawaii.files.wordpress.com/2013/01/dpagmarijuanapolicyfindings.pdf\_

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 10:11 AM
To:	JUDtestimony
Cc:	azn_king96@hotmail.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Christian Martin	Individual	Support	Yes

Comments:

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 9:26 AM
То:	JUDtestimony
Cc:	aurahawaii@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Christine Olanda	Individual	Oppose	No

Comments: I can understand and will agree to medical marijuana but not for casual use.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 7:26 AM
То:	JUDtestimony
Cc:	CESanders@Mail2world.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Cliford Sanders	Individual	Support	No

Comments:

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From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 7:41 PM
То:	JUDtestimony
Cc:	myspaceproof@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Cody Fry	Individual	Support	No

Comments: I support this bill. I believe it will help build revenue for the state. It will also decrease DUI's in the state. It will also decrease the use of meth, therefore decreasing violent behavior. The effects of marijuana is known to decrease stress and promotes happiness. Just a better world. I would like other states to follow suit as well. By end of the year we will see progress. Please pass this bill. Thank you

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 12:53 PM
То:	JUDtestimony
Cc:	caj@hawaii.rr.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Cynthia Liebe-Johnson	Individual	Support	No

Comments: I strongly support the legalization of cannabis for those 21 and over. Our hawaii economy could be supported by less cost through the courts for cannabis being illegal. Having taxation for legal purchase of cannabis could support our community in dealing with real dangerous drugs and would discourage the black market of cannabis currently.

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From:	Daniel Hempey [dan@hempeymeyers.com]
Sent:	Wednesday, January 30, 2013 9:50 AM
То:	JUDtestimony
Subject:	House Bill 699

#### Dear Legislators:

I write to support the legalization of small personal use quantities of marijuana in Hawaii. I have been a criminal defense attorney for twenty-three years. I am senior partner in the law firm of Hempey & Meyers, LLP.

In all of my years of practicing criminal law, I have never once seen a marijuana-induced violent crime. That distinction belongs to alcohol and methamphetamine.

I am concerned that each dollar spent of the war on marijuana is a dollar that is not being spent on the islands' meth problem. Additionally, with the recent changes in Colorado and Washington, Hawaii has become out of step with the nations's trend toward more personal freedom inside one's own home. I believe that liberals, libertarians and conservatives alike generally support the idea that we should be free to grow and use a relatively harmless plant in the safety and privacy of our own homes.

Of course, the tax revenue from legalization would be a windfall, and legalization would also deal a significant financial blow to the criminal importer/smugglers, who only profit if the plant remains illegal.

The data out of Holland shows no significant social cost to legalization. The same holds true in Spain and Portugal.

Finally, it seems absurd to me that a US citizen in Washington or Colorado can legally possess a small amount of marijuana in a bag, but if the same person forgets the marijuana in his or her pocket and travels to Hawaii, He or she will be facing up to 30 days in jail for the marijuana and up to 5 years in state prison for the bag (which the Kauai prosecutor considers to be felony-level possession of drug paraphanalia).

He or she will then likely have to pay thousands of dollars to a criminal defense lawyer to negotiate dropping the felony charge in exchange for a conviction on the marijuana charge, and the person will be on probation for six months, and likely have a criminal record for life. This is what happens, virtually every day in Hawaii. This result is unreasonably harsh, and given the lack of any known association between marijuana use and true criminality, it is not a wise use of our monetary or human resources. If you want me to testify in person, I would be happy to do so.

Thank you for you attention to this matter.

Daniel Hempey dan@hempeymeyers.com (808) 632-2444

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 7:49 AM
То:	JUDtestimony
Cc:	daniciccone420@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
danielle ciccone	Individual	Support	No

Comments: It is high time you stop arresting us. You have written a check for freedom I would like to cash in on it now. The drug war is outdate. Wake up. Legalize the cannabis.

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From:	Aadavidallen@aol.com	
Sent:	Thursday, January 31, 2013 7:48 AM	
To:	JUDtestimony	
Subject:	Relating to Marijuana - HB 699	

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: David Allen RE: Relating to Marijuana - HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Please make this pass as the "war" on our own people must stop. Thank you, David Allen

46-395A Kahuhipa Street Kaneohe, HI 96744

January 30, 2013

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair Committee on Judiciary

### <u>RE: Relating to Marijuana - HB 699</u> <u>Hearing: Friday, February 1, 2013, Room 325</u>

I am writing to express my strong support for HB 699. Historically, marijuana was made illegal by Congress and classified as a Schedule I narcotic not because it posed a real danger to public health, but rather due to lobbying by DuPont which wanted to protect its nylon rope products from competition from hemp and due to discrimination against Blacks and Hispanics who tended to use marijuana.

Your committee will receive an avalanche of claims about the serious dangers of marijuana. Please be aware that virtually all of these claims are groundless and not supported by the objective facts. Any objective comparison between marijuana and alcohol will show that if everyone stopped using alcohol in favor of marijuana, then society would experience very significant declines in violent crime, domestic violence, suicide, emergency room visits, heart disease, cancer, vehicle accidents, absence from work, and just about any other measure relevant to human well-being.

Clearly it is in Hawaii's interest to stop treating users of marijuana as common criminals.

Sincerely,

David Jeaks. David Leake

David Leake 808-247-4737

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 9:08 AM
То:	JUDtestimony
Cc:	debbie@jaycohawaii.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Debora Lopes	Individual	Oppose	No

Comments: I strongly oppose legalization of marijuana. As a parent of young children I do not want these type of drug easily available for purchase. I believe it is a gateway drug to other substances and our legalization of marijuana would be encouraging use of them.

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Chair Karl Rhoads, Vice Chair Sharon Har and members of the Judiciary Committee:

I do not support House Bill 699 that proposes to legalize the recreational use of marijuana by a person 21 years of age or older to consume, possess, display, purchase, or transport one ounce or less of marijuana for personal use. House Bill 699 also proposes to allow the licensing of marijuana cultivation facilities, product manufacturing facilities, operation of marijuana establishments, and retail marijuana stores.

Any legislative action that legalizes or decriminalizes marijuana will negatively affect the people of Hawaii. Allowing marijuana dispensaries in Hawaii will open the door to criminal activities including drug trafficking activities by those establishments. The Rocky Mountain HIDTA has already reported that marijuana from dispensaries in Colorado has been trafficked to multiple states on the mainland.

We already have empirical data which show that marijuana use is a direct precursor to methamphetamine addiction. There is no logic to encouraging and exacerbating an already devastating problem.

Thank you for the opportunity to testify on this matter.

Doug Fine Author, Journalist, Filmmaker <u>fine@well.com</u> <u>www.dougfine.com</u>

January 30, 2013

Representative Karl Rhoads, Chair Representative Sharon E. Har, Vice Chair Judiciary Committee

HEARING: Friday, February 1, 2013, 2:00 pm, Conference room 325

## Re: In support of House Bill 699 relating to Marijuana (Cannabis)

Dear Speaker Souki, Chair Rhoads, Vice-Chair Har and Members of the Committee:

As a full-time cannabis journalist for the past two years (see bio below), I've lived and worked on the front lines of America's longest War: The War on Drugs. Never mind that as a father, voter and patriot who lives in a border state (New Mexico), I realize that the trillion dollars spent on the war is wasted, and that the nation will be safer, stronger and wealthier when it ends. Beyond that, the cannabis crop, already our nation's number one crop and as largely yet-un taxed and unregulated in the Aloha State, should be a significant part of our agricultural economy. This is what I discovered while researching my recent book, *Too High to Fail: Cannabis and the New Green Economic Revolution.* 

In one county in California, Mendocino, local government and law enforcement came together to permit the county's \$6 billion dollar crop. The "Zip-tie" program, as it was known (for the bright yellow bracelets that every cannabis plant wore) raised revenue, lowered local crime, and hurt foreign criminal cartels. The local law enforcer who managed the program, Captain Randy Johnson, told me, "The money that regulating the county's cannabis crop raised saved real public safety jobs. But even more importantly, cannabis farmers could finally call the police to report domestic violence, burglary and other crimes. These farmers are now part of the aboveground community."

I saw the unmitigated success that legalizing cannabis was in Mendocino County, and am touring the country (including Hawaii) speaking about the resulting book. The U.S. cannabis economy is worth \$35 billion annually. It's time to take that money away from cartels and bring it into the aboveground economy by regulating the plant for adult use like alcohol. Colorado and Washington have done it, and now it's time for Hawaii to do it. When enough states do, the federal government will finally be compelled to listen to the will of the people. For all of these reasons, especially for the safety of our families (prohibition creates Al Capones, and criminals don't ask kids for ID), I urge support of HB 699 for regulation of cannabis for adult use. Please feel free to contact me at any time for more testimony or information. A brief bio follows below.

Best, Doug Fine Author, Journalist, Filmmaker <u>fine@well.com</u> www.dougfine.com

About Doug Fine: Doug Fine is an investigative journalist, author and solarpowered New Mexican goat herder. He has reported from five continents for the Washington Post, Wired, Salon, High Times, The New York Times, Outside, NPR, and US News & World Report, and he has a regular column in New Mexico magazine. His work from Burma has been read into the Congressional Record. Fine is the author of three books, Too High to Fail, Not Really an Alaskan Mountain Man and Farewell, My Subaru. A Web site of his work and short films about Farewell, My Subaru and Too High to Fail are at www.dougfine.com

From:	Douglas Campbell [dcamp42@aol.com]	
Sent:	Wednesday, January 30, 2013 8:49 PM	
То:	JUDtestimony	
Subject:	Bill HB 699	

I am a Medical Marijuana patient and have limited access to procure or grow my pain and nausea medicine.Medical Marijuana has changed my condition for the better for the last 3 years.I can't wait for a Dispensary to become a reality so we can have safe access and less stress in my life.I have been disabled for the past 20 years and have waited for some change in my pain management and now I have great difficulty getting it.Please pass all medical bills.Mahalo,Douglas Campbell

From:	mailinglist@capitol.hawaii.gov		
Sent:	Wednesday, January 30, 2013 4:58 AM		
То:	JUDtestimony		
Cc:	doctorforgolf@yahoo.com		
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM		

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Dr. Gregory Hungerford	Individual	Support	No

Comments: To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: Dr. Gregory Hungerford RE: Relating to Marijuana - HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support Taxing and regulating makes economic sense for Hawai'i(1): It would save \$12 million a year in marijuana law enforcement costs. It would bring in at least \$11.3 million a year in tax revenue. Legalizing marijuana for adults will undercut dangerous drug cartels which sell millions of dollars in marijuana on the black market. Prohibition has failed: Marijuana use is mainstream and widespread. More than 106 million Americans have tried it and every year more than 80% of high school students say it's easy to obtain (per Monitoring the Future survey.) Prohibition makes control impossible: Producers and sellers of marijuana are completely unregulated unlike sellers of tobacco and alcohol. There are no quality controls for purity or potency. Taxing and regulating marijuana allows police to spend money on serious and violent crimes(1): In Hawai'i, marijuana arrests for possession have increased 50% since 2004. Arrests for distribution have almost doubled since 2004. Costs and law enforcement time spent on these could be used for more serious drug offenses like Hawaii's methamphetamine problem or in addressing violent crimes. Hawaii's marijuana laws are enforced unevenly(1): There is no evidence that any specific gender or ethnic group uses marijuana more than another group, but arrest data in Hawai'i show a different story: Males are 50% more likely to be arrested than females Juveniles are 70% more likely to be arrested. Native Hawaiians are 70% more likely to be arrested than non-native Hawaiians. Filipinos are 30% more likely to be arrested than non-Filipinos. Non-Oahu residents are 40-140% more likely to be arrested for possession than Oahu residents. Convicted marijuana offenders: Are denied federal student aid. Lose their professional licenses. Encounter barriers to employment, housing, and adoption. These penalties disproportionately affect young, low income, and minority individuals. While people who are convicted of marijuana related offenses are denied federal student aid, people convicted of violent crimes remain eligible. Arrests for marijuana possession are one of the most common ways that people get caught up in the criminal justice system. Marijuana users who are not convicted have gone on to be President or a Supreme Court justice. Legalizing, taxing, and regulating marijuana for personal use will not increase youth consumption: Selling to minors (under 21) will remain illegal. Young people now have easy access to marijuana since drug dealers don't check IDs. Placing marijuana under strict regulatory control may actually decrease youth access here in Hawai'i since regulated businesses could lose their license if they sell to minors while illegal dealers have no incentive not to sell to kids. Hawai'i residents support the taxation and regulation of marijuana(2): In a December 2012 poll, 57% of registered voters in Hawai'i support legalizing, taxing, and regulating marijuana for personal use. 76% believe police should focus their time on violent crimes and fighting the ice/methamphetamine problem in Hawai'i. Laws against driving while intoxicated and other anti-social

behaviors will remain in place. The current bill keeps penalties in place for those driving under the influence of marijuana. The current bill does not allow for marijuana consumption in public places. All forms of advertising will be prohibited.

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.
## Dr. Myron Berney, 908 16th Ave, Honolulu, HI 96816 Relating to Marijuana – HB 699

To: Rep. Karl Rhoads, Chair; Rep. Sharon Har, Vice Chair

# Hearing: Friday, February 1, 2013, Room 325 Position: 100% Strong Support of the Complete Legalization of Marijuana

State has no basis or interest in limiting the number of plants or the amount of marijuana a person possesses. Previously State Law was working under the delusion that Marijuana was not a medicine and was totally unsafe. We know that is a Big Lie. Marijuana is a medicine and one of the safest drugs on the planet. Your only problem is believing the Big Lie from psychopathic/sociopathic law enforcement instead of relying upon medical facts and direct personal experience.

Following the Legalization of Marijuana by the States of Washington and Colorado, Obama has made the Recreational Use of Marijuana the <u>"Lowest Level of Law Enforcement"</u>. The Big Island has SAFELY had the same "Lowest Level of Law Enforcement" for the Adult Use of Marijuana for 5 years demonstrating the SAFETY of the RECREATIONAL USE OF MARIJUANA.

<u>Medical Marijuana is Constitutionally Protected</u> under the State and Federal Constitutions. The Schedule 1 definition in HRS 329 states that Marijuana has a high risk although unlike the Federal definition lacks the language stating no medicinal use. HRS 329 Part IX states that Marijuana is a necessary, medically appropriate, and reasonably safe herbal medicine. Marijuana is a noncommercial, nonprescription, grow your own, natural medicine that may be recommended by a physician for certain debilitating conditions. Being a medicine, Marijuana is Protected under the Federal Right of Privacy. Since Hawaii's Constitution copied the same Privacy Language from the Alaska Constitution, the Supreme Court decision holding that persons have the Right of Privacy to use Marijuana in their own home also applies by Law to Hawaii.

Since Government is NOT given the power to make any medical care illegal including Abortions, this same Right of Privacy applies to Government NOT having any power to make Marijuana illegal either.

Obama and the US Senate are moving to allow States to make Marijuana legal on a State by State basis.

# THE RECREATIONAL USE, THE SOCIAL USE OF MARIJUANA IS THERAPEUTIC

For those people that enjoy the social and recreational use of Marijuana, the social and recreational use of Marijuana is <u>beneficial and therapeutic for the person and beneficial for society</u>. The beneficial and therapeutic properties of Marijuana are present in the herb itself, not in the physician's recommendation. The endocannabinol system regulates and balances the brain, nervous system and each and every organ system. <u>Socially Marijuana reduces violent crimes, prevents hard drug and alcohol abuse, builds social harmony and provides for the domestic tranquility.</u>

As Food, Marijuana seeds are even more amazing. They are the Vegetarian Fish Oil. Preventing and Treating Chronic Disease and Cancer. With 33% Protein and 9% essential fatty acids Marijuana is a super food.

57% of Voters want Marijuana Legalized. 40% oppose. You will hear from the 40% and from NED/DEA opponents and their PACK OF LIES. The Prohibition of Marijuana, always OPPOSED

by the AMA, is the Bastard Step-Child of Alcohol Prohibition. Marijuana is listed as an Official Drug by the US Government in the US Pharmacopeia. The DEA Administrative judges found Marijuana to be the safest medicine and that the FDA should be involved. Marijuana is Grandfathered [actually Great Great Great Grandfathered] under FDA law. Marijuana is non toxic, safer than aspirin, even safer than Marinol the prescription drug substitute. Prescription drugs that treat similar problems are know to be far more toxic and often lethal.

Unbiased modern research shows that Marijuana is a safe and effective medicine with minimal adverse effects.

The Medical Use of Marijuana has been fully accepted in Hawaii State Law for over a decade. Unfortunately nobody, not even I, realized that the Right of Privacy in health care and medicine must fully apply to Medical Marijuana. The Supreme Court has ruled in Roe v Wade that Government has no power to restrict health care or medicine. This understanding, that the Right of Privacy applies 100% without exception, need to be incorporated into Hawaii State Law.

## **Suggested Changes in Language:**

HOUSE OF REPRESENTATIVES TWENTY-SEVENTH LEGISLATURE, 2013 STATE OF HAWAII

H.B. NO.

# A BILL FOR AN ACT

RELATING TO MARIJUANA.

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

SECTION 1. The legislature finds that in the interest of the efficient use of law enforcement resources, increasing respect for laws, and enhancing revenue for public purposes, the use of marijuana should be legal for persons twenty-one years of age or older and taxed in a manner similar to alcohol. Law enforcement resources should be redirected to more serious threats to public safety, and income from black market enterprises should be redirected to legitimate businesses and new employers who will furnish tax revenues to the State.

The purpose of this Act is to promote the interest of health and public safety by regulating marijuana in a manner similar to alcohol so that:

(1) Individuals must submit proof of age before purchasing marijuana;

(2) Selling, distributing, or transferring marijuana to minors and other individuals under the age of twenty-one remain illegal;

(3) <u>Reckless</u> Driving under the influence of marijuana remains illegal;

(4) Legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana; and

(5) Marijuana will be labeled and subject to additional requirements to ensure that consumers are informed and protected.

SECTION 2. Chapter 329, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

#### "PART . PERSONAL USE OF MARIJUANA

**§329-A Definitions.** As used in this part, unless the context otherwise requires:

"Consumer" means a person twenty-one years of age or older who purchases marijuana or marijuana products for personal use by persons twenty-one years of age or older, but not for resale to others.

"Department" means the department of taxation.

"Marijuana accessories" means any equipment, products, <u>paraphernalia</u>, or materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

"Marijuana cultivation facility" means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

"Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

"Marijuana product manufacturing facility" means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

"Marijuana products" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, including <u>but</u> <u>not limited to</u> edible <u>and combustible</u> products, ointments, [<del>and]</del> tinctures<del>,</del> , and extracts.

"Marijuana testing facility" means an entity licensed to analyze and certify the safety and potency of marijuana.

"Retail marijuana store" means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

"Unreasonably impracticable" means that the measures necessary to comply with this part or any part of this chapter require such a high investment of risk, money, time, or any other resource or asset that the operation of a marijuana establishment is not worthy of being carried out in practice by a reasonably prudent businessperson.

**§329-B** Personal use of marijuana. Notwithstanding any other provision of law, the following acts shall be lawful and shall not be an offense or a basis for seizure or forfeiture of assets for persons twenty-one years of age or older:

(1) Possessing, using, displaying, purchasing, or transporting marijuana accessories or [one ounce or less of ]marijuana;

(2) Possessing, growing, processing, or transporting [no more than five] marijuana plants, and possession of the marijuana produced by the plants on the premises where the plants were grown, [provided that the growing takes place in a secured space, is not conducted openly or publicly, and is not made available for sale]; excluding the sale of Marijuana plants or products.

(3) Transfer of one ounce or less of marijuana without remuneration to a person who is twenty-one years of age or older;

(4) Consumption of marijuana, provided that nothing in this section shall permit consumption that is conducted openly and publicly or in a manner that endangers others; and

(5) Assisting another person who is twenty-one years of age or older in committing any of the acts described in this section.

#### §329-C Lawful operation of marijuana

establishments. Notwithstanding any other provision of law, the following acts shall be lawful and shall not be an offense or a basis for seizure or forfeiture of assets for persons twenty-one years of age or older:

(1) Manufacture, possession, or purchase of marijuana accessories or the sale of marijuana accessories to a person who is twenty-one years of age or older;

(2) Possessing, displaying, or transporting marijuana or marijuana products; purchase of marijuana from a marijuana cultivation facility; purchase of marijuana or marijuana products from a marijuana product manufacturing facility; or sale of marijuana or marijuana products to consumers, if the person conducting the activities described in this paragraph has obtained a current, valid license to operate a retail marijuana store or is

acting in the person's capacity as an owner, employee, or agent of a licensed retail marijuana store;

(3) Cultivating, harvesting, processing, packaging, transporting, displaying, or possessing marijuana; delivery or transfer of marijuana to a marijuana testing facility; selling marijuana to a marijuana cultivation facility, a marijuana product manufacturing facility, or a retail marijuana store; or the purchase of marijuana from a marijuana cultivation facility, if the person conducting the activities described in this paragraph has obtained a current, valid license to operate a marijuana cultivation facility or is acting in the person's capacity as an owner, employee, or agent of a licensed marijuana cultivation facility;

(4) Packaging, processing, transporting, manufacturing, displaying, or possessing marijuana or marijuana products; delivery or transfer of marijuana or marijuana products to a marijuana testing facility; selling marijuana or marijuana products to a retail marijuana store or a marijuana product manufacturing facility; the purchase of marijuana from a marijuana cultivation facility; or the purchase of marijuana or marijuana products from a marijuana product manufacturing facility, if the person conducting the activities described in this paragraph has obtained a current, valid license to operate a marijuana product manufacturing facility or is acting in the person's capacity as an owner, employee, or agent of a licensed marijuana product manufacturing facility;

(5) Possessing, cultivating, processing, repackaging, storing, transporting, displaying, transferring, or delivering marijuana or marijuana products if the person has obtained a current, valid license to operate a marijuana testing facility or is acting in the person's capacity as an owner, employee, or agent of a licensed marijuana testing facility; and

(6) Leasing or otherwise allowing the use of property owned, occupied, or controlled by any person, corporation, or other entity for any of the activities conducted lawfully in accordance with this section.

## §329-D Department rules; marijuana establishments. (a) Not later

than one hundred twenty days after the effective date of this part, the department shall adopt rules under chapter 91 necessary to implement this part. The rules shall not prohibit the operation of marijuana establishments, either expressly or through rules that make their operation unreasonably impracticable. The rules shall include:

(1) Procedures for the issuance, renewal, suspension, and revocation of a license to operate a marijuana establishment;

(2) A <u>reasonable</u> schedule  $[\Theta f]$  for application, licensing, and renewal fees;

(3) Qualifications for licensure that are directly and demonstrably related to the operation of a marijuana establishment;

(4) Security requirements for marijuana establishments;

(5) Requirements to prevent the sale or diversion of marijuana and marijuana products to persons under the age of twenty-one;

(6) Labeling requirements for marijuana and marijuana products sold or distributed by a marijuana establishment;

(7) Health and safety requirements and standards for the manufacture of marijuana products and the cultivation of marijuana;

(8) <u>Reasonable</u> Restrictions on the advertising and display of marijuana and marijuana products; and

(9) Civil penalties for the failure to comply with any rule adopted pursuant to this section.

(b) For the purpose of ensuring that individual privacy is protected, notwithstanding subsection (a), the department shall not require a consumer to provide a retail marijuana store with personal information other than government-issued identification to determine the consumer's age, and a retail marijuana store shall not be required to acquire and record personal information about consumers other than information typically acquired in a financial transaction conducted at a retail liquor store.

**\$329-E** Taxation of marijuana transactions. (a) There shall be an excise tax at a rate of [fifteen] one per cent to be levied upon the proceeds of marijuana sold [or otherwise transferred ]by a marijuana cultivation facility to a marijuana product manufacturing facility or to a retail marijuana store.

(b) The department shall establish procedures for the collection of all taxes levied under this section.

**§329-F Marijuana establishments; licenses; procedures.** Each application for an annual license to operate a marijuana

establishment shall be submitted to the department. The department shall:

(1) Begin accepting and processing applications Not later than one hundred twenty days after the effective date of this part;

(2) Issue an annual license to the applicant between thirty and forty-five and ninety days after receipt of an application [unless the department finds the applicant is not in compliance with rules adopted pursuant to section 329-D]; and

(3) Upon denial of an application, notify the applicant in writing of the specific reason for its denial.

§329-G Employers; driving; minors; control of property. Nothing

in this part shall be construed to:

(1) Require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace or to affect the ability of employers to have policies restricting the use of marijuana by employees;

(2) Allow <u>reckless</u> driving under the influence of marijuana [or driving while impaired by marijuana or to supersede any law relating to driving under the influence of marijuana or driving while impaired by marijuana, nor shall this part preclude the State from enacting laws and imposing penalties for driving under the influence of or while impaired by marijuana;]

(3) Permit the transfer of marijuana, with or without remuneration, to a person under the age of twenty-one or to allow a person under the age of twenty-one to purchase, possess, use, transport, grow, or consume marijuana <u>unless recommended by a physician</u>; or

(4) Prohibit a person, employer, school, hospital, detention facility, corporation, or any other entity who occupies, owns, or controls property from prohibiting or otherwise regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property.

**\$329-H** Medical use of marijuana unaffected. Nothing in this part shall be construed to limit any privileges or rights of a medical marijuana [qualifying] patient, primary caregiver, or registered entity as provided in part IX of this chapter.

**§329-I Severability; conflicting provisions.** All provisions of this part are severable and, except where otherwise indicated, shall

supersede conflicting state statutory, local charter, ordinance, or resolution, and other state and local provisions."

SECTION 3. Section 712-1240.1, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

"(2) It is an affirmative defense to prosecution for any marijuana-related offense defined in this part that the person who possessed or distributed the marijuana was authorized to possess or distribute the marijuana for medical purposes pursuant to part IX of chapter 329[-] or acted in accordance with part of that chapter."

SECTION 4. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 4.5 Please also add an additional section that would delete Cannabis and Marijuana from all laws in the criminal code. And where ever else necessary and appropriate to comply with the Right of Privacy and the suggested changes made within this bill.

SECTION 5. This Act does not affect rights and duties that matured, [penalties that were incurred, and proceedings that were begun] before its effective date.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 2013.

INTRODUCED BY:

# Beyond the scope of this Bill as written, two other Laws need changes:

Whereas, Cannabis, Marijuana, is a Traditional and Official herbal medicine found to be necessary, appropriate and reasonably safe under Hawaii State Law, the Constitutional Right of Privacy as elucidated under *Roe v Wade* applies.

Whereas, The Supreme Court has found that the Constitution does not give any power to government to to regulate, govern, or interfere with medical care, Government has no power to regulate, govern, or interfere with medical care.

Therefore, in order to comply with the Right of Privacy in Medical Care, the Legislature should delete all laws in the criminal code pertaining to Cannabis, Marijuana.

Section 1

......delete Cannabis and Marijuana from all laws in the criminal code. And where ever else necessary and appropriate to comply with the Right of Privacy.

Section 2 This Law will take effect immediately upon passage and signature by the Governor.

# In addition HRS 329 must also be modified to comply with the Right of Privacy.

The Purpose of this Bill is to delete *ultra vires* unconstitutional language from HRS 329. This Bill would;

• delete Marijuana as a Schedule I controlled substance in Hawaii State Law;

• delete Drug Paraphernalia from the HRS 329 as these are Constitutionally Protected Medical Devices;

• delete *ultra vires* unconstitutional language from Part IX Medical Use of Marijuana to comply more closely with Constitutional Protections and the Right of Privacy.

This Bill only deletes language. Since you only need to delete language once for it to be gone, this Bill adds no new language so as to require only one Committee hearing before being reported to the floor.

Time is of the Essence to comply with the State and Federal Constitution and the Right of Privacy in Medical Care.

**§329-1 Definitions.** As used in this chapter:

"Drug paraphernalia" means all equipment, products, and materials of any kind which are used, primarily intended for use, or primarily designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter. It includes, but is not limited to:

(1) Kits used, primarily intended for use, or primarily designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a prohibited controlled substance can be derived;

(2) Kits used, primarily intended for use, or primarily designed for use in manufacturing, compounding, converting, producing, processing, or preparing prohibited controlled substances;

(3) Isomerization devices used, primarily intended for use, or primarily designed for use in increasing the potency of any species of plant which is a prohibited controlled substance;

(4) Testing equipment used, primarily intended for use, or primarily designed for use in identifying, or in analyzing the strength, effectiveness, or purity of prohibited controlled substances;

(5) Scales and balances used, primarily intended for use, or primarily designed for use in weighing or measuring prohibited controlled substances;

(6) Diluents and adulterants; such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, primarily intended for use, or primarily designed for use in cutting prohibited controlled substances;

(7) Separation gins and sifters used, primarily intended for use, or primarily designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, prohibited marijuana;

(8) Blenders, bowls, containers, spoons, and mixing devices used, primarily intended for use, or primarily designed for use in compounding prohibited controlled substances;

(9) Capsules, balloons, envelopes, and other containers used, primarily intended for use, or primarily designed for use in packaging small quantities of prohibited controlled substances;

(10) Containers and other objects used, primarily intended for use, or primarily designed for use in storing or concealing prohibited controlled substances;

(11) Hypodermic syringes, needles, and other objects used, primarily intended for use, or primarily designed for use in parenterally injecting prohibited controlled substances into the human body;

(12) Objects used, primarily intended for use, or primarily designed for use in ingesting, inhaling, or otherwise introducing prohibited marijuana, cocaine, hashish, or hashish oil or methamphetamine into the human body, such as:

(A) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(B) Water pipes;

(C) Carburetion tubes and devices;

(D) Smoking and carburetion masks;

(E) Roach clips: meaning objects used to hold burning materials, such as marijuana cigarettes, that have become too small or too short to be held in the hand;

(F) Miniature cocaine spoons, and cocaine vials;

(G) Chamber pipes;

(H) Carburetor pipes;

(I) Electric pipes;

(J) Air-driven pipes;

(K) Chillums;

(L) Bongs; and

(M) Ice pipes or chillers.

(F) Miniature cocaine spoons, and cocaine vials;

(G) Chamber pipes;

(H) Carburetor pipes;

(I) Electric pipes;

(J) Air-driven pipes;

(K) Chillums;

(L) Bongs; and

(M) Ice pipes or chillers.

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

(1) Statements by an owner or by anyone in control of the object concerning its use;

(2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;

(3) The proximity of the object, in time and space, to a direct violation of this chapter;

- (4) The proximity of the object to controlled substances;
- (5) The existence of any residue of controlled substances on the object;
- (6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control

of the object, to deliver it to a person or persons whom the owner or person in control knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

- (7) Instructions, oral or written, provided with the object concerning its use;
- (8) Descriptive materials accompanying the object which explain or depict its use;
- (9) National and local advertising concerning its use;
- (10) The manner in which the object is displayed for sale;

(11) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(12) Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;

- (13) The existence and scope of legitimate uses for the object in the community; and
- (14) Expert testimony concerning its use.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer or sale from one person to another of a controlled substance or drug paraphernalia, whether or not there is an agency relationship.

**[§329-43.5]** Prohibited acts related to drug paraphernalia. (a) It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter. Any person who violates this section is guilty of a class C felony and upon conviction may be imprisoned pursuant to section 706-660 and, if appropriate as provided in section 706-641, fined pursuant to section 706-640.

(b) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter. Any person who violates this section is guilty of a class C felony and upon conviction may be imprisoned pursuant to section 706-660 and, if appropriate as provided in section 706-641, fined pursuant to section 706-640.

(c) Any person eighteen years of age or over who violates subsection (b) by delivering drug paraphernalia to a person or persons under eighteen years of age who are at least three years younger than that adult person is guilty of a class B felony and upon conviction may be imprisoned pursuant to section 706-660 and if appropriate as provided in section 706-641, fined pursuant to section 706-640.

(d) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this section is guilty of a class C felony and upon conviction may be imprisoned pursuant to section 706-660 and, if appropriate as provided in section 706-641, fined pursuant to section 706-640.

#### §329-14 Schedule I.

(d) Any material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

#### (20) Marijuana;

§329-121 Definitions. As used in this part:

"Adequate supply" means an amount of marijuana jointly possessed between by the qualifying patient and the primary caregiver that is not more than is reasonably necessary to assure the uninterrupted availability of marijuana for the purpose of alleviating the symptoms or effects of a qualifying patient's debilitating medical condition; provided that an "adequate supply" shall not exceed three mature marijuana plants, four immature marijuana plants, and one ounce of usable marijuana per each mature plant.

"Debilitating medical condition" means:

(1) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, or the treatment of these conditions;

(2) A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following:

- (A) Cachexia or wasting syndrome;
- (B) Severe pain;
- (C) Severe nausea;
- (D) Seizures, including those characteristic of epilepsy; or
- (E) Severe and persistent muscle spasms, including those characteristic of multiple sclerosis or Crohn's disease;

#### or

(3) Any other medical condition approved by the department of health pursuant to administrative rules in response to a request from a physician or potentially qualifying patient.

"Marijuana" shall have the same meaning as "marijuana" and "marijuana concentrate" as provided in sections 329-1 and 712-1240.

"Medical use" means the acquisition, possession, cultivation, use, distribution, or transportation of marijuana or paraphernalia relating to the administration of marijuana to alleviate the symptoms or effects of a qualifying patient's debilitating medical condition. For the purposes of "medical use", the term distribution is limited to the transfer of marijuana and paraphernalia from the primary caregiver to the qualifying patient.

"Physician" means a person who is licensed to practice medicine or osteopathic medicine under chapter 453 and is licensed with authority to prescribe drugs and is registered under section 329-32. "Physician" does not include physician's assistant as described in section 453-5.3 or an advanced practice registered nurse with prescriptive authority as described in section 457-8.6.

"Primary caregiver" means a person, other than the qualifying patient and the qualifying patient's physician, who is eighteen years of age or older who has agreed to undertake responsibility for managing the well-being of the qualifying patient with respect to the medical use of marijuana. In the case of a minor or an adult lacking legal capacity, the primary caregiver shall be a parent, guardian, or person having legal custody. "Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition.

"Usable marijuana" means the dried leaves and flowers of the plant Cannabis family Moraceae, and any mixture [or] preparation thereof, that are appropriate for the medical use of marijuana. "Usable marijuana" does not include the seeds, stalks, and roots of the plant.

"Written certification" means the qualifying patient's medical records or a statement signed by a qualifying patient's physician, stating that in the physician's professional opinion, the qualifying patient has a debilitating medical condition and the potential benefits of the medical use of marijuana would likely outweigh the health risks for the qualifying patient. The department of public safety may require, through its rulemaking authority, that all written eertifications comply with a designated form. "Written certifications" are valid for only one year from the time of signing. [L 2000, c 228, pt of §2; am L 2009, c 11, §43 and c 169, §7]

Note

The L 2009, c 11, §43 amendment is retroactive to April 3, 2008. L 2009, c 11, §76(2).

§329-122 Medical use of marijuana; conditions of use. (a) Notwithstanding any law to the contrary, the medical use of marijuana by a qualifying patient shall be permitted <del>only</del> if:

(1) The qualifying patient has been diagnosed by a physician as having a debilitating medical condition;

(2) The qualifying patient's physician has certified in writing that, in the physician's professional opinion, the potential benefits of the medical use of marijuana would likely outweigh the health risks for the particular qualifying patient; and

(3) The amount of marijuana does not exceed an adequate supply.

(b) Subsection (a) shall not apply to a qualifying patient under the age of eighteen years, unless:

(1) The qualifying patient's physician has explained the potential risks and benefits of the medical use of marijuana to the qualifying patient and to a parent, guardian, or person having legal custody of the qualifying patient; and

(2) A parent, guardian, or person having legal custody consents in writing to:

(A) Allow the qualifying patient's medical use of marijuana;

(B) Serve as the qualifying patient's primary caregiver; and

(C) Control the acquisition of the marijuana, the dosage, and the frequency of the medical use of marijuana by the qualifying patient.

(c) The authorization for the medical use of marijuana in this section shall not apply to:

- (1) The medical use of marijuana that endangers the health or well-being of another person;

(2) The medical use of marijuana:

(A) In a school bus, public bus, or any moving vehicle;

(B) In the workplace of one's employment;

(C) On any school grounds;

(D) At any public park, public beach, public recreation center, recreation or youth center; or

(E) Other place open to the public; and

(3) The use of marijuana by a qualifying patient, parent, or primary caregiver for purposes other than medical use permitted by this part. [L 2000, c 228, pt of §2; am L 2001, c 55, §15]

Law Journals and Reviews

Gonzales v. Raich: How the Medical Marijuana Debate Invoked Commerce Clause Confusion. 28 UH L. Rev. 261.

-[§329-123] Registration requirements. (a) Physicians who issue written certifications shall register the names, addresses, patient identification numbers, and other identifying information of the patients issued written certifications with the department of public safety.

(b) Qualifying patients shall register with the department of public safety. Such registration shall be effective until the expiration of the certificate issued by the physician. Every qualifying patient shall provide sufficient identifying information to establish personal identity of the qualifying patient and the primary caregiver. Qualifying patients shall report changes in information within five working days. Every qualifying patient shall have only one primary caregiver at any given time. The department shall then issue to the qualifying patient a registration certificate, and may charge a reasonable fee not to exceed \$25.

(c) Primary caregivers shall register with the department of public safety. Every primary caregiver shall be responsible for the care of only one qualifying patient at any given time.

(d) Upon an inquiry by a law enforcement agency, the department of public safety shall verify whether the particular qualifying patient has registered with the department and may provide reasonable access to the registry information for official law enforcement purposes. [L 2000, c 228, pt of §2]

----[§329-124] Insurance not applicable. This part shall not be construed to require insurance coverage for the medical use of marijuana. [L 2000, c 228, pt of §2]

[§329-125] Protections afforded to a qualifying patient or primary caregiver. (a) A qualifying patient or the primary caregiver may assert the medical use of marijuana as an affirmative defense to any prosecution involving marijuana under this [part] or chapter 712; provided that the qualifying patient or the primary caregiver strictly complied with the requirements of this part.

(b) Any qualifying patient or primary caregiver not complying with the permitted scope of the medical use of marijuana shall not be afforded the protections against searches and seizures pertaining to the misapplication of the medical use of marijuana.

(c) No person shall be subject to arrest or prosecution for simply being in the presence or vicinity of the medical use of marijuana as permitted under this part. [L 2000, c 228, pt of §2]

[§329-126] Protections afforded to a treating physician. No physician shall be subject to arrest or prosecution, penalized in any manner, or denied any right or privilege for providing written certification for the medical use of marijuana for a qualifying patient; provided that:

(1) The physician has diagnosed the patient as having a debilitating medical condition, as defined in section 329-121;

(2) The physician has explained the potential risks and benefits of the medical use of marijuana, as required under section 329-122;

(3) The written certification is based upon the physician's professional opinion after having completed a full assessment of the patient's medical history and current medical condition made in the course of a bona fide physician-patient relationship; and

-(4) The physician has complied with the registration requirements of section 329-123. [L 2000, c 228, pt of §2]

[§329-127] Protection of marijuana and other seized property. Marijuana, paraphernalia, or other property seized from a qualifying patient or primary caregiver in connection with a claimed medical use of marijuana under this part shall be returned immediately upon the determination by a court that the qualifying patient or primary caregiver is entitled to the protections of this part, as evidenced by a decision not to prosecute, dismissal of charges, or an acquittal; provided that law enforcement agencies seizing live plants as evidence shall not be responsible for the care and maintenance of such plants. [L 2000, c 228, pt of §2]

-[§329-128] Fraudulent misrepresentation; penalty. (a) Notwithstanding any law to the contrary, fraudulent misrepresentation to a law enforcement official of any fact or circumstance relating to the medical use of marijuana to avoid arrest or prosecution under this part or chapter 712 shall be a petty misdemeanor and subject to a fine of \$500.

(b) Notwithstanding any law to the contrary, fraudulent misrepresentation to a law enforcement official of any fact or circumstance relating to the issuance of a written certificate by a physician not covered under section 329-126 for the medical use of marijuana shall be a misdemeanor. This penalty shall be in addition to any other penalties that may apply for the non-medical use of marijuana. Nothing in this section is intended to preclude the conviction of any person under section 710-1060 or for any other offense under part V of chapter 710. [L 2000, c 228, pt of §2]

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 9:27 AM
То:	JUDtestimony
Cc:	konks@att.net
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Duke	Individual	Support	No

Comments: Im a medical marijuana blue card patient. This is the only pain medication that will allow me to function sides keep me bed ridden like other man made prescription drugs..... its about time you all seen the light. Do it for the people and not for your dictator selfs... I am Hawaiian what else are you going to take our freedom... You already took our land.... I think that the truth and facts about marijuana are finally coming to light and that the stigmas with people who choose to use marijuana are changing as society looks to change the status quo. I have had a huge positive impact on the community and the world around me - to people I meet from near and far - sharing aloha and Hawaiian culture through selling my artwork and other local art, all while using marijuana on a daily basis. I was also an A student both in High School on Maui and at University of Hawai 'i. I am a homeowner and housewife and am so happy to know that our near future in Hawai 'i will change for the better. I am really looking forward to seeing the availability of marijuana in a retail store for sale and am considering a business plan for a dispensary as well as investing in product manufacturing.

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 1:36 PM
То:	JUDtestimony
Cc:	jarronn@hotmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Elijah Ariel	Individual	Support	No

Comments: To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: Elijah Ariel RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support Hello, Back in my youth I wanted to be tough so I did not go to doctors for many of my injuries that are now causing me tremendous pain, ESPECIALLY MY LOWER BACK! It was my gymnastic accident that almost left me paralyzed, seeing stars and lights, that finally drove me to a chiropractor and documented my injury and treatment. Unfortunately, the nerve damage could only be treated so far by a chiropractor and I still sometimes turn the wrong way in bed and have chronic pain. If I didn't use marijuana I would probably be an alcoholic because I detest pharmaceutical drugs. Marijuana is OBVIOUSLY better for me than alcohol and MOST DEFINITELY better than cigarettes. I don't smoke and I wish you would outlaw cigarettes, for crying out loud! No good whatsoever!!! I've read that the government can save and make guite a bit of money through treating marijuana the same way they treat liquor. It makes sense to give adults the legal right to smoke marijuana in moderation and to regulate it as though people are drinking liquor. Prohibition didn't work for alcohol and it most certainly is not working for marijuana. The less available marijuana is the more likely people will turn to harder drugs as a result. Please, please, please make marijuana as legal as liquor is for adults. Thank you, Elijah Ariel

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 1:15 PM
To:	JUDtestimony
Cc:	annstarshine@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### **HB699**

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Elizabeth Davis	Individual	Support	No

Comments: To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: (Your Name) RE: Relating to Marijuana - HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support Write your own reasons for your support of taxation and regulation of marijuana in Hawaii. It is always a good idea to use your personal experiences and stories. You may also use two or three of the talking points I've provided below. Talking Points: Taxing and regulating makes economic sense for Hawai'i(1): It would save \$12 million a year in marijuana law enforcement costs. It would bring in at least \$11.3 million a year in tax revenue. Legalizing marijuana for adults will undercut dangerous drug cartels which sell millions of dollars in marijuana on the black market. Prohibition has failed: Marijuana use is mainstream and widespread. More than 106 million Americans have tried it and every year more than 80% of high school students say it's easy to obtain (per Monitoring the Future survey.) Prohibition makes control impossible: Producers and sellers of marijuana are completely unregulated unlike sellers of tobacco and alcohol. There are no quality controls for purity or potency. Taxing and regulating marijuana allows police to spend money on serious and violent crimes(1): In Hawai'i, marijuana arrests for possession have increased 50% since 2004. Arrests for distribution have almost doubled since 2004. Costs and law enforcement time spent on these could be used for more serious drug offenses like Hawaii's methamphetamine problem or in addressing violent crimes. Hawaii's marijuana laws are enforced unevenly(1): There is no evidence that any specific gender or ethnic group uses marijuana more than another group, but arrest data in Hawai'i show a different story: Males are 50% more likely to be arrested than females Juveniles are 70% more likely to be arrested. Native Hawaiians are 70% more likely to be arrested than non-native Hawaiians. Filipinos are 30% more likely to be arrested than non-Filipinos. Non-Oahu residents are 40-140% more likely to be arrested for possession than Oahu residents. Convicted marijuana offenders: Are denied federal student aid. Lose their professional licenses. Encounter barriers to employment, housing, and adoption. These penalties disproportionately affect young, low income, and minority individuals. While people who are convicted of marijuana related offenses are denied federal student aid, people convicted of violent crimes remain eligible. Arrests for marijuana possession are one of the most common ways that people get caught up in the criminal justice system. Marijuana users who are not convicted have gone on to be President or a Supreme Court justice. Legalizing, taxing, and regulating marijuana for personal use will not increase youth consumption: Selling to minors (under 21) will remain illegal. Young people now have easy access to marijuana since drug dealers don't check IDs. Placing marijuana under strict regulatory control may actually decrease youth access here in Hawai'i since regulated businesses could lose their license if they sell to minors while illegal dealers have no incentive not to sell to kids. Hawai'i residents support the taxation and regulation of marijuana(2): In a December 2012 poll, 57% of registered voters in Hawai'i support legalizing, taxing, and regulating

marijuana for personal use. 76% believe police should focus their time on violent crimes and fighting the ice/methamphetamine problem in Hawai'i. Laws against driving while intoxicated and other antisocial behaviors will remain in place. The current bill keeps penalties in place for those driving under the influence of marijuana. The current bill does not allow for marijuana consumption in public places. All forms of advertising will be prohibited. References: 1 – Nixon, David. Update to: Budgetary Implications of Marijuana Decriminalization in Hawai'i. Public Policy Center: University of Hawai'i, Dec 2012. <u>http://acluhawaii.files.wordpress.com/2013/01/econreptmarijuana1\_2013.pdf\_</u> 2 - QMark Research & Polling. November 19 –December 4, 2012. Survey of 603 adults statewide, MOE +/-4% <u>http://acluhawaii.files.wordpress.com/2013/01/dpagmarijuanapolicyfindings.pdf\_</u>

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 8:50 PM
То:	JUDtestimony
Cc:	elfranke15@gmaill.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

#### **HB699**

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Emerson Franke	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing \_, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Marijuana prohibition needs to end. Regulation makes far more sense and is less expensive. The historic votes on Election Day underscore that times have changed. People are no longer afraid of marijuana being a threat to society. Rather they see it as a positive plant that was given to us by God on the third day of creation.

The ongoing enforcement of cannabis prohibition financially burdens taxpayers, encroaches upon civil liberties, engenders disrespect for the law, impedes legitimate scientific research into the plant's medicinal properties, and disproportionately impacts communities of color. You might want to review Inouye's reasons for being against capital punishment in the fifties. (no white person was put to death but 90% were Hawaiians and the other 10% were other minorities. The same situation exists with drugs. Blacks are jailed far more frequently even though roughly the same percentage use drugs.

Furthermore, the criminalization of cannabis simply doesn't work. All it has done is to give rise to a Prison industrial complex second to none. We should not be proud that America leads the world in the number of its citizens behind bars. When I was growing up, communist nations had the most prisoners. How can America boast of "freedom" when so many of its citizens are behind bars? It can't.

Prohibition did not work with alcohol and it sure hasn't worked with marijuana. During prohibition the number of drinkers actually rose so that at the end of prohibition, there were more drinkers than prior to prohibition. Why have legislators forgotten this? With marijuana it is even worse as it has led to stronger and stronger drugs being developed. When I was growing up there were basically natural drugs: marijuana, mushrooms, and peyote. With the war on drugs Cocaine became popular and today there is a slight problem with Crystal Meth. I don't think demand for these drugs would be here today if we didn't prosecute the natural drugs. Drug use involving marijuana is on the rise while drug use involving stronger drugs appears to be on the decline. Legalizing marijuana will continue this path

Voters in Hawaii support regulating the adult consumption of cannabis. A statewide poll conducted in January of 2013 reported that 57% of Hawaiian voters believe that marijuana should be taxed, regulated, and legalized for adults. Only 39% of statewide voters oppose legalization. These are probably people who profit off a system where people are prosecuted for using a natural plant or who fear the competition that marijuana and hemp might give them.

Despite more than 70 years of federal marijuana prohibition, Americans' consumption of and demand for cannabis is here to stay. It is time for state lawmakers to acknowledge this reality. It is time to stop ceding control of the marijuana market to untaxed criminal enterprises and it is time for lawmakers to impose common-sense regulations governing cannabis' personal use by adults and licensing its production. A pragmatic regulatory framework that allows for limited, licensed production and sale of cannabis to adults - but restricts use among young people - best reduces the risks associated with its use or abuse. I encourage you to support legislation to regulate marijuana, not criminalize it.

New Address Peter Ehrhorn <u>ehrhornpl@gmail.com</u> 254 Kaha St.

Kailua, Hawaii 96734

From:	mailinglist@capitol.hawaii.gov
Sent:	Tuesday, January 29, 2013 7:26 PM
To:	JUDtestimony
Cc:	onipaa.porter@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/29/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Ethan Onipaa Porter	Individual	Support	No

Comments: The revenue made from the taxation of marijuana could be used to remedy many of the State's revenue problems.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 7:03 AM
То:	JUDtestimony
Cc:	fayehreese@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Faye Reese Brenner	Individual	Support	No

Comments: I am in total support of HB699. The laws against the use of Marijuana have always been impossible to enforce and should never have been in acted to start with. I, as a tax payer get angry at the waste of our tax money toward enforcement and the lives this criminalization has ruined. PLEASE use our money wisely. Drives me crazy when I see Green Harvest and realize that's my money being thrown away. Like the year we could not afford to send our children to school for one day a week, but Green Harvest still flew that year.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 10:02 AM
То:	JUDtestimony
Cc:	gail@gailswanson.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Gail Swanson	Individual	Support	No

Comments: I think Hawaii should be the next State to legalize Marijuana. Thank you!

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From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 2:14 PM
То:	JUDtestimony
Cc:	alohagalyn@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
galyn williams	Individual	Support	No

Comments: Aloha Honorable Rep. Karl Rhoads and Rep. Sharon Har, I am in favor of House Bill 699, The Personal Use of Marijuana Act. I do not smoke marijuana either for personal or medical reason. As a matter of I do not smoke at all, which is my personal choice. I do though feel that Hawaii has always been at the forefront of legislation that reflects the "evolution" of laws and free choice, that are both forward thinking and in the best interest of Hawaii's people. Our legislators have passed some of the most aggressive laws to encourage recycling, provide equal protection and rights to races/genders, provided health insurance to more of Hawaii's employees and was one of the first state's to recognize the importance of allowing those in medical need, to have access to medical marijuana. I now ask our legislators to consider passing House Bill 699 to further serve the best interest of both Hawaii and its people. Hawaii can take the resources that are currently spent enforcing failed and antiguated drug statutes and use those resources (people and money) to provide education to our keikis about drug use and their parents as well. The revenue that is generated from taxes/fees can go toward improving our parks and beaches, social programs to empower the homeless with alliterative treatment programs to help those addicted to drugs and alcohol and counseling/education to "move off our sidewalks and beaches". The primary job of legislators is to enact laws to serve and protect it's constituents and to provide a funding base for those legislated needs. In reviewing the cost to Hawaii for the enforcement of its current laws on marijuana, there is a substantial savings to be made with a change of statues. As too the additional tax revenue, millions of dollars can be raised from legislation that that taxes the end user of the product and those that profit from the sale of it. It is time for a change in Hawaii's current laws on the use/possession of marijuana. I believe that when you look at the current facts, and not emotion/hysteria or antiquated science, you will find this bill worthy of serious consideration and passing. Mahalo for your time...Galyn Williams AlohaGalyn@yahoo.com

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

I do not support House Bill 699 that proposes to legalize the recreational use of marijuana by a person 21 years of age or older to consume, possess, display, purchase, or transport one ounce or less of marijuana for personal use. House Bill 699 also proposes to allow the licensing of marijuana cultivation facilities, product manufacturing facilities, operation of marijuana establishments, and retail marijuana stores.

Any legislative action that legalizes or decriminalizes marijuana will negatively affect the people of Hawaii. According to SAMSHA Treatment Episode Data (TEDS), treatment admissions with marijuana as the primary drug in Hawaii accounts for 72.70% of the total amount for the 12 to 17 age group in 2010. Marijuana is a highly addicting drug and effort to decriminalize it will decrease the perception of health risk. The widespread use of tobacco was greatly reduced by educating people of the health risks, increasing the price, and limiting the availability. Laws were enacted to restrict use, not make it easier to obtain and use.

Tax revenue generated from marijuana will not cover the impact on health issues ,crime, and health costs. The RAND corporation in 2010 concluded that taxing marijuana makes no economic sense. Taxing marijuana will create a black market that undercuts the "legal" price. ONDCP Director Gil Kerlikowse reported that taxes from alcohol and tobacco generated \$40 billion in 2009. Health costs were \$385 billion, for a net loss of \$340 billion. HB699 does not stipulate that revenues generated will be designated to treatment, prevention education and law enforcement.

Allowing marijuana dispensaries in Hawaii will open the door to criminal activities including drug trafficking activities by those establishments. The Rocky Mountain HIDTA reported that marijuana from dispensaries in Colorado have been trafficked to multiple states through the mid west and all the way to the east coast. California has shut down countless dispensaries as criminal enterprises. Many of the dispensaries in California pay a separate 'tax' to organized crime.

Thank you for the opportunity to testify on this matter.

Gary Shimabukuro

Laulima Hawaii

From:	mailinglist@capitol.hawaii.gov
Sent:	Tuesday, January 29, 2013 7:07 PM
То:	JUDtestimony
Cc:	juggler@aloha.net
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/29/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Graham Ellis	Individual	Support	No

Comments: This is not only a very good initiative it is also long overdue. My personal experience, and I am 62 years old, is that Marijuana is not a danger to society but prohibition is.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 10:11 AM
To:	JUDtestimony
Cc:	hlusk@chowproject.org
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Heather Lusk	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing \_, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From: Sent: To: Subject: Hoku [heleolani@yahoo.com] Wednesday, January 30, 2013 7:09 PM JUDtestimony Legalize Marijuana

Please make my life ALOT simpler/painless. Legalize marijuana! It heals! Mahalo, Hoku Cabebe

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 8:14 PM
То:	JUDtestimony
Cc:	starr@maui.net
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Hugh Starr	Individual	Support	No

Comments: Aloha House Judiciary Committee Members: I support HB 699 for the reason that it initiates serious discussion and debate on the comparative costs and benefits of decriminalizing marijuana. To hold this debate would be, in my judgement, in the best general interest of Hawaii and our people. Thank you, Hugh Starr, Makawao, Maui

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From: Sent:	Mike Landes [jmlandes@gmail.com] Wednesday, January 30, 2013 5:14 PM
То:	JUDtestimony
Subject:	Relating to Marijuana – HB 699

Aloha, Representatives Rhoads and Har!

I am writing to express my strong support for HB 699 relating to the taxation and regulation of marijuana in Hawaii. As a United States history teacher, I know all too well Prohibition's legacy of failure. Alcohol was demonized in our country and made an illicit substance that became a billion dollar industry for gangsters. Marijuana prohibition has produced the same effect in modern times, and it is time for us to wake up. A majority of citizens have used marijuana for recreational purposes, just as most Americans drank liquor during the 1920s. Keeping marijuana illegal results in ordinary Americans being turned into law-breakers, prisons becoming crowded with non-violent offenders, law enforcement spending their time and our tax money pursuing peaceful consenting adults, and drug cartels and black market dealers getting rich. Legalizing marijuana would help to alleviate many of the problems in our state by providing a safe and legal means for people to obtain this natural herb, allowing our law enforcement and prison systems to focus on the violent criminals who present a danger to society, and producing a bonanza of revenue for the state and local businesses as a network of growers and providers would become legal tax-paying entities and their customers would also be taxed when making purchases.

In urge you to pass HB 699 relating to marijuana. It is a much safer alternative to both alcohol and cigarettes, yet could be regulated and taxed in much the same manner and for exactly the same reasons: many people want to use it, the majority of people currently do use it (or have used it), and it would mean multi-billion dollar profits for the state instead of for the gangsters and criminals who currently provide much of the supply.

Mahalo for your time and consideration!

J Michael Landes Kihei, HI

From:9191966@gmail.comSent:Wednesday, January 30, 2013 12:00 PMTo:JUDtestimonySubject:Attn: Rep's Karl Rhoads & Sharon Har, Re: Support of HB699

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: James Koons RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Hello, This email statement is made in support of passing HB699.

The War On Drugs regarding marijuana is a dismal failure and wastes 12million per year of taxpayer's money. Money I have no say over when its taken from me and wasted. This is not my choice. It removes limited resources from and allows flourishing of Meth, Ice and Heroin by pulling those police resources to fight an organic medicinal plant which does no harm and has strong medicinal benefits. Marijuana use has skyrocketed since showing its a wasted effort. People know marijuana is good for them and that its not 'a drug' but a medicinal herb. Its time for the laws to catch up to and reflect today's science.

Hawaii could be saving the \$12m per year which it currently wastes, while also earning an additional \$11M by taxing Marijuana. Doing so will free up our limited resources to fight the real illicit and dangerous drugs wreaking havoc on our streets. I am a former Police Officer. This current situation makes no sense and is counter productive on every level. Its inept. but this is more than a \$23M profit decision.

Marijuana was made illegal out of a LACK of information and an abundance of Fear. Can we learn from our mistakes? Mistakes are fine as long as we learn from them and we have. Science now shows those old and negative views of Marijuana as patently incorrect and as such the laws wrong.

Lets create laws which reflect the findings of Science of today, rather than the from the fears of the ignorant from 60 years ago.

I am a health-conscious vegetarian, 46 years of age. I take no OTC or Prescribed Medications of any kind. I wont ingest medications which are harmful to my liver, other organs, mental state, etc. And, I do not consume alcohol. I have a right to live a healthy life and that right with the current laws, is being denied to me.

I have used Marijuana for over 35 years and I have been forced to do so "illegally" by the creation of laws of ignorance. Thankfully, now, I am in the Medical Marijuana program for a back injury sustained in the line of duty as a DC Police Officer while chasing a prisoner. Marijuana helps relieve my pain which would otherwise diminish my quality of life. And it does so without harming my liver or other

organs as do "Big Pharm Medications and pills". However, in addition to this, marijuana also helps me with: Irritable Bowl Syndrome, Stress, Anxiety, as a sleep aid, with focus, creativity, communicating, etc.

Personally, I take issue that our Govt profits from the taxation of Big Pharm sales at the expense of the health of the population while keeping an organic medicinal plant which helps me with my ailments, illegal.

I also take issue with our current Govt profiting from Alcohol sales which KILL 100,000 humans every year to disease and accidents while an Organic and Medicinal Plant of many benefits and has killed no one, is kept illegal.

I would agree that we should evolve to observe Logic and Science over ancient Ignorances or Fears. I am glad to see this is changing with the introduction of HB699. This non-debate is a distraction from fighting drugs which are dangerous. It needs to end. Its time. This is the chance.

Other states have accepted Science and have now paved the way for Hawaii. I am happy that my state of Hawaii is taking their lead and continuing to evolve as an informed people who are committed to a healthier and more aware population.

I urge you in the name of forward progress, integrity and for the welfare of people to take the opportunity being presented here. End 60 years of ignorance, senseless debate and distraction. Do the right thing and pass HB699.

I'm not sure when "doing the right thing" became so difficult. Here's the chance to fix it.

Thank You so much,

James Koons 808 689 5605 To: Rep. Karl Rhodes, Chair
Rep. Sharon Har, Vice Chair
From: James W. Macey 92-6051 Kohi Street Kapolei, HI 96707
RE: Relating to Marijuana – HB 699
Hearing: Friday, February 1, 2013, Room 325
Position: I Most Strongly Support HB 699 There is absolutely no reason on earth to criminalize
God's creation. To many lives have been destroyed needlessly enforcing a useless prohibition against marijuana use. Time to decriminalize it now!

Taxing and regulating makes economic sense for Hawai'i(1):

- It would save \$12 million a year in marijuana law enforcement costs.
- It would bring in at least \$11.3 million a year in tax revenue.
- Legalizing marijuana for adults will undercut dangerous drug cartels which sell millions of dollars in marijuana on the black market.

## Prohibition has failed:

• Marijuana use is mainstream and widespread. More than 106 million Americans have tried it and every year more than 80% of high school students say it's easy to obtain (per Monitoring the Future <u>survey</u>.)

## Prohibition makes control impossible:

- Producers and sellers of marijuana are completely unregulated unlike sellers of tobacco and alcohol.
- There are no quality controls for purity or potency.

# Taxing and regulating marijuana allows police to spend money on serious and violent crimes(1):

- In Hawai'i, marijuana arrests for possession have increased 50% since 2004.
- Arrests for distribution have almost doubled since 2004.
- Costs and law enforcement time spent on these could be used for more serious drug offenses like Hawaii's methamphetamine problem or in addressing violent crimes.

## Hawaii's marijuana laws are enforced unevenly(1):

• There is no evidence that any specific gender or ethnic group uses marijuana more than another group, but arrest data in Hawai'i show a different story:
- Males are 50% more likely to be arrested than females
- Juveniles are 70% more likely to be arrested.
- Native Hawaiians are 70% more likely to be arrested than non-native Hawaiians.
- Filipinos are 30% more likely to be arrested than non-Filipinos.
- Non-Oahu residents are 40-140% more likely to be arrested for possession than Oahu residents.
- Convicted marijuana offenders:
  - Are denied federal student aid.
  - Lose their professional licenses.
  - Encounter barriers to employment, housing, and adoption.
  - These penalties disproportionately affect young, low income, and minority individuals.
- While people who are convicted of marijuana related offenses are denied federal student aid, people convicted of violent crimes remain eligible.
- Arrests for marijuana possession are one of the most common ways that people get caught up in the <u>criminal justice</u> system.
- Marijuana users who are not convicted have gone on to be President or a Supreme Court justice.

# Legalizing, taxing, and regulating marijuana for personal use will not increase youth consumption:

- Selling to minors (under 21) will remain illegal.
- Young people now have easy access to marijuana since drug dealers don't check IDs.
- Placing marijuana under strict regulatory control may actually decrease youth access here in Hawai'i since regulated businesses could lose their license if they sell to minors while illegal dealers have no incentive not to sell to kids.

# Hawai'i residents support the taxation and regulation of marijuana(2):

- In a December 2012 poll, 57% of registered voters in Hawai'i support legalizing, taxing, and regulating marijuana for personal use.
- 76% believe police should focus their time on violent crimes and fighting the ice/methamphetamine problem in Hawai'i.

# Laws against driving while intoxicated and other anti-social behaviors will remain in place.

- The current bill keeps penalties in place for those driving under the influence of marijuana.
- The current bill does not allow for marijuana consumption in public places.
- All forms of advertising will be prohibited.

#### **References:**

1 – Nixon, David. Update to: Budgetary Implications of Marijuana Decriminalization in Hawai'i. Public Policy Center: University of Hawai'i, Dec 2012. http://acluhawaii.files.wordpress.com/2013/01/econreptmarijuana1\_2013.pdf

2 – QMark Research & Polling. November 19 –December 4, 2012. Survey of 603 adults statewide, MOE +/-4% http://acluhawaii.files.wordpress.com/2013/01/dpagmarijuanapolicyfindings.pdf

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 3:57 PM
То:	JUDtestimony
Cc:	jtrujill@hawaii.edu
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
james trujillo	Individual	Support	No

Comments: mahalo for considering this testimony in favor of passing hb 699. passing hb699 will allow the state to raise revenue while decreasing costs and resources to the judiciary, law enforcement and corrections. in addition to raising revenue while decreasing some hard costs of government we have the potential to reduce the costs to society at large who suffer from lost wages, family hardships and personal loss due to arrest and incarceration to a non violent crime. these costs to community are difficult to absorb and by passing HB 699 we may be able to spark additional economic benefit from another sustainable agricultural endeavor that could have international appeal for export. certainly the ability for medicinal marijuana users to have better access to local supplies will be of benefit of those looking for comfort and relief. revenue to from license and taxes should be distributed to agricultural development programs, substance abuse and prevention programs and educational needs. mahalo for considering this testimony in support of HB 699. i urge you pass HB 699 and hope you move this bill forward to the senate for thier consideration. with respect and aloha, james g trujillo po box 33 kapaa, hi

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## KAUAI COMMUNITY HEALTH ALLIANCE

2460 Oka Street Kilauea, Kauai, HI 96754 808.828.2885 phone 808.828.0119 fax www.kauai-medical.org winkler@kauai-medical.org (email)

January 30, 2013

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: James Winkler, President Kauai Community Health Alliance/ Hale Lea Medicine RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

I have been providing primary care medicine on Kauai for over 22 years, and operate a medical clinic that sees over 10,000 visits yearly. Our specialty is family medicine. We see it all.

We are legally able to prescribe, and do, medicines for pain, for insomnia, for anxiety. These include Valium, Xanax, Librium, Ambien, Restoril, Vicodin, Norco, Percocet, Oxycontin, and the list goes on.

While some patients use these medicines responsibly we also see addiction and abuse of these "legal medications."

People also self medicate with alcohol which cause problems as far reaching as liver disease, malnutrition, encephalopathy, domestic violence, and deadly motor vehicle accidents, to name a few.

What we don't see is medical problems from the use of Marijuana.

I pose this question: Is it safer for a patient to come home stressed after work, or unable to sleep, and imbibe enough alcohol to mitigate that problem (which they do), or swallow a benzodiazepine like Valium (which they do), or use cannabis (which they do)? The first two are the culturally sanctioned and legal ways to "unwind." The latter is punishable by imprisonment. Yet medically, cannabis is by far the safer choice.

Marijuana smoking does not cause lung cancer: http://www.washingtonpost.com/wpdyn/content/article/2006/05/25/AR2006052501729\_pf.html Does not cause motor vehicle accidents, does not cause violent crimes, and is one of the medically safest means people have to do what they have always done and will continue to do--find ways to relax, to sleep, and to relieve pain.

I have no doubt that anything "good" can be misused. Automobiles can be terribly misused. Should they be illegal? Examples like this abound. Clearly we can't make illegal everything that has the possibility for misuse or we'd have to outlaw knives, cars, and well--alcohol and most pharmaceuticals. Marijuana is incredibly safe by comparison to the above list.

From the perspective of someone practicing family medicine in the state of Hawaii for over two decades, I must urge you to pass HB 699. We will have a healthier Hawaii.

Respectfully,

James Winkler

President, and medical provider Hale Lea Medicine dba of Kauai Community Health Alliance http://www.kauai-medical.org 2460 Oka Street Kilauea, Hawaii, USA 808-828-2885 fax 808-828-0119

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 9:14 PM
To:	JUDtestimony
Cc:	jnomura@punahou.edu
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

#### **HB699**

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Jason Nomura	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing \_, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	Jennifer Martin [ecoclone@gmail.com]
Sent:	Thursday, January 31, 2013 10:48 AM
То:	JUDtestimony
Subject:	Please tax and regulate cannabis for the good of everyone

To: Rep. Karl Rhodes, Chair Rep. Sharon Har, Vice Chair From: *(Your Name)* RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Hello,

I'm writing to voice my support for HB699. I am a new Hawaii resident. Here is my information:

Address: 2031A Baldwin Ave Makawao, HI 96768 phone: 808-419-6070

At this point in history, I believe it is fairly obvious, even to the most conservative citizens and lawmakers that cannabis criminalization does more harm than good. The cost of enforcement, the destruction of people's lives who get caught at the wrong place at the wrong time, and grossly unfair and uneven arrests and sentencing are all big reasons. There are also many small reasons to legalize it- more tax revenue, putting cannabis in a legal and social category closer to alcohol (where it belongs) and farther from hard drugs (where it doesn't belong), and righting the wrongs from 40 years of Drug War craziness.

Let's just be pragmatic at this point and acknowledge that no one should have their life derailed because of cannabis. It's even more harmless than tobacco and alcohol, and people are going to keep using it by the millions whether it's legal or not. Time to get some common sense into this topic.

Recent polls are showing a sea change in public opinion on the matter, and I believe it is now safe for politicians to support liberalization on this issue without risking their jobs.

Let's do it!

Thank you for your time,

Jennifer Martin

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 1:39 PM
То:	JUDtestimony
Cc:	bigbucks420@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
jeremy nickle	Individual	Comments Only	No

Comments: i vote yes on hb699 beacause, marijuana posses no harm to the community because it is harmless, noone has ever died from it no matter how much they ingest. A new study published in Nature Reviews-Cancer provides an historic and detailed explanation about how THC and natural cannabinoids counteract cancer, but preserve normal cells. It is hard to believe that the knowledge that cannabis can be used to fight cancer has been suppressed for almost thirty years , yet it seems likely that it will continue to be suppressed. Why? this documentory is a great refrence. I belive we can tax and regulate it. <u>http://www.youtube.com/watch?v=iksA-DD3990</u>

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From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 1:02 PM
То:	JUDtestimony
Cc:	jsoares8@hawaii.edu
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Jeremy Soares	Individual	Support	Yes

Comments: I AM FOR THE LEGALIZATION OF MARIJUANA BECAUSE ITS STUPID TO HAVE IT BE ILLEGAL, AND WE ARE GOING TO VOTE YOU OUT OF OFFICE UNLESS YOU LISTEN TO US :)

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From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 10:49 AM
То:	JUDtestimony
Cc:	jessbender93@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Jess Bender	Individual	Support	No

Comments: I strongly support the passing of this bill. Prohibition has clearly been a huge failure. We need to turn around our efforts of spending money and getting nothing in return. We need to tax and treat this as a real business.

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 9:26 PM
То:	JUDtestimony
Cc:	hawaiicleaning@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Jessi Gilley	Individual	Support	No

Comments: To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: Jessi Gilley RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	Jim Dudley [jimmydudley@gmail.com	
Sent:	Wednesday, January 30, 2013 8:25 A	
To:	JUDtestimony	
Subject:	Support of HB 699	

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: *James Dudley* RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support **Aloha**,

I would like to express my support of HB 699 and hope this is an appropriate way to get someones attention. I have never been any kind of criminal in my whole life, except when it comes to using Marijuana for medical purposes (I'm disabled). I have a card indicating I can legally use it, but I must illegally obtain it, criminalizing the process of getting it to me. There is no provision for me to obtain it legally. While I can legally grow it, I can't legally get any seeds or clones. Who writes these stupid laws???

I have always been a law abiding citizen and have given back to my community as a ocean lifeguard, teacher and as a emergency medical technician. I'm now retired. I believe strongly in our youth and our country. I also believe strongly that Marijuana has been inaccurately classified. Making a criminals of so many of us does not serve our society, nor the individuals who are an integral part of our society.

I would love to see Marijuana prohibition repealed, and taxed, so we can remove it from the money making Drug Lords who are the only ones who are profiting by this prohibition. Marijuana laws take needed money away from enforcement of laws that need enforcement. We need more money to educate, support and enforce laws on Crystal Meth and other drugs which are eating away at our youth and less fortunate members of our society. Please show some moral fortitude and stop reacting to the "Fear" that has surrounded this relatively minor social drug which has numerous positive uses for us who are in constant pain.

Thank you for your time and service,

**James Dudley** 

From:	Joan Dickerson [jblocker@usa.net]	
Sent:	Wednesday, January 30, 2013 7:07 AM	
To:	JUDtestimony	
Subject:	Legalization of Marijuana	

Please legalize. You can regulate it, tax it and use crime fighting money for more important things. It is time to stop the nonsense using manpower and the criminal system when marijuana is less harmful than alcohol. If you regulate it, like alcohol, you can at least control it better. The monetary incentive will be taken away from criminals. Also the quality will be better (no illegal additives). Also, researchers will be able to study and perhaps find cures for some diseases.

Please vote to legalize. Be progressive. It's time to stop this nonsense.

Joan and John Dickerson 3886 Punahele Road Princeville, HI 96722 jblocker@usa.net

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 4:54 PM
То:	JUDtestimony
Cc:	joeandalbert@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Joe Bertram III	Individual	Support	No

Comments: Please treat us like adults and allow us to use this medicine that is non-lethal and nonaddictive. once the most prescibed medicine n America .It's cousin hemp is used for rope,fabric,food ,paper and construction material.We were once in a sustainable cannabis economy ,we now struggle in an unsustainable petroleum based economy.We also imprison more people than any other country in the world,60% for simple possession.Help us help ourselves by liberating this wonder plant. Let freedom ring!

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 12:58 PM
То:	JUDtestimony
Cc:	Smith33@Hawaii.rr.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
John Smith	Individual	Support	No

Comments: To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: John "JP" Smith RE: Relating to Marijuana - HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 8:34 AM
То:	JUDtestimony
Cc:	Johnray@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
John-Ray	Individual	Support	No

Comments: The herb heals the body, mind and soul.

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#### To all concerned,

Aloha and thank you for the opportunity to present my remarks.

First, I must acknowledge that I understand people are passionately excited while debating both sides of the legislation proposed. I understand the legalization of the overall use of marijuana is both a very personal choice, yet professional and potentially lucrative economical issue to consider for some people. I also understand that certain breeds of marijuana and their THC concentration can have positive medicinal effects for some people. Likewise, I would like to offer that prescription medicine use and sales have arguably become an abused and lucrative industry within our nation as well. I also realize and understand that some people may perceive my remarks to be humorous and/or naïve, I assure they are not. I could argue both sides of the proposed legislation, but I choose what I believe to be the wiser choice I will acknowledge in my remarks below.

To use or not to use, to legalize or not to legalize, appears to be a choice we are faced with today. We live in a country where an individual can enjoy the luxury of having and making choices, some legal and some illegal. I wore a military uniform for twenty years to fight for the rights of our nation and its people to have "choices", albeit I would prefer individuals make low-risk legal and wise choices.

I am opposed to the legalization of marijuana outside the use of medicinal purposes in the State of Hawaii for a wide variety of reasons. Several of which will be mentioned in my remarks. As one of a small group of Certified Prevention Specialists for the State of Hawaii, I took an ethical oath to teach, educate, hold a standard to, and abide by "high standards" in association with the world of substance abuse prevention and education.

The marijuana debate has long existed. Generation after generation has debated both sides of the issues and several states have legalized marijuana use.

I believe the common individual has not studied nor is aware of all of the short or long term ramifications associated with the use of marijuana. I acknowledge that THC levels vary from medicinal marijuana to the marijuana found and "sold on the street". Through MRI use and other scientific experiments, evidence exists showing chronic problems for those using marijuana - especially over extended periods of time. I question how much an individual's use of marijuana affects his or her productivity performance, motor skills, judgment, etc., much akin to excessive use of alcohol. To consider a nation full of marijuana smokers is a fearful thought. I would also wonder how our nation's defense with our military personnel would be affected. Would any of us as citizens, desire to consider a military where marijuana use is permitted? If marijuana use is not harmful, why hasn't the military approved and condoned the every day, recreational use of marijuana? Can you imagine the compromise of our national security or the lack of productivity, military training, and subsequent health problems related with continuous use of marijuana laden with excessive THC levels?

As well, one debatable argument I consider is relative to individuals who operate a vehicle under the influence of alcohol above .05 BAC within the confines of a military base or .08 on the roads elsewhere in the State of Hawaii. In my professional world facilitating groups, speaking with high school students

in a class setting, visiting treatment centers, speaking in theater sized venues to throngs of people, I often ask of the crowd the question posed, "Do we have a problem with drunk and impaired drivers on the road"? Almost immediately, all hands go up when I ask, "How many of you would say 'yes' " Often, I receive affirmative acknowledgement of 95-100% of the crowd. So my question then becomes, "Why on Earth would we add yet ANOTHER potentially intoxicated driver to our roads and DOUBLE our problems"?

It appears to me the legalization question comes up to the surface for debate and approval most often when economic times are difficult. This is one of those times. It would be easy for all of us to give in and simply "go with the flow" and approve such a measure legalizing marijuana use and wonder what the subsequent consequences or issues may exist or come to exist in the future; especially with those individuals who will choose to chronically use high concentrated levels of THC marijuana.

As for our nation, I feel that as a society our values and, dare I suggest, morals have been deteriorating for decades. Media influence, technology, school systems, the political climate, etc., have all changed drastically over the past few decades. What was once taboo on television is now considered "the norm" and, in my humble opinion, resulted in a more "desensitized" nation of people as a whole. Arguably as examples, people are rapidly becoming more addicted to computer and cell phone interface rather than face-to-face meetings, with some technology being very useful in certain situations. However, overall and generally speaking I believe our younger generations might be losing valuable and important "people skills" because of preferred computer interface use over face-to-face interaction. Dwindling rapidly are the yesteryears where prominent figureheads such as the Walter Cronkite's for news and the Bob Hope's in the world of entertainment have exist. Now, news and entertainment are reported in much different, more sensationalized, more graphic and often times more openly vulgar manners. Is our society decaying? People, especially individuals in age groups who are responsible for the higher number of substance abuse related incidents across the board (ages 18-26), are heavily influenced by these Medias and, I feel, are becoming more desensitized to what was once considered "higher standards" and, instead, choosing what is "high risk" behavior/choices versus "low-risk" behaviors/choices and especially when it comes to alcohol and drug use.

It is often said marijuana is the gateway drug; I believe alcohol to be the gateway drug. Look at society's problems now associated with alcohol use? Look at the costs associated with education and treatment as a result. Look at the overall health costs associated with someone needing a liver transplant because of their high-risk choices and decisions in life when they could have and should have heeded the education and information and healthier alternative activity choices in life that most likely would have resulted in less health problems at an advanced age in life. As for smoking cigarettes and finally having the tobacco industry acknowledge the myriad of health problems and risks associated with smoking tobacco, it took generations, a lot of lobbying, a lot of politics, and a lot of money for our nation to finally concede and understand that smoking cigarettes is dangerous to one's health and that secondary smoke inhalation is unhealthy as well. Pregnant mothers are advised not to smoke. Why not? Perhaps similarities exist between smoking cigarettes and smoking marijuana. If smoking cigarettes can cause health problems, why are we not to believe that inhaling another foreign substance into your lungs may not eventually cause needless and avoidable health problems same as the individual who is more prone

to health problems than the individual who does not? Why would anyone want to legalize and invent another industry similar to the tobacco industry we are just now realizing has caused major health problems for people over the decades? I perceive most people do not enjoy eating a meal in a smokefilled restaurant and other enclosed space. I perceive most pregnant mothers do not want to risk their unborn, the born babies to have health issues because the mother chose to smoke cigarettes during her pregnancy. Laws have been invented that, hopefully, have influenced and built a healthier individual. It is often said that sometimes we need to be saved from ourselves and certain laws are designed to keep us safe, especially society as a whole. I believe now is one of those times.

All of the above verbiage mentioned ties into the question and issue before us. Do we further allow yet another venue, tool, product, culture (legalized marijuana use) to exist openly and possibly increase and possibly burden our society's legal and health systems and our nation's overall "health" in the future simply to make a dollar off of a product that obviously and scientifically has proven to impair people?

Lastly, many people I have come across have mentioned to me that they "don't like the smell", "cigarettes already smell up the house, clothes, carpets, furniture, etc.", "people stoned on the road drive TOO SLOW and can cause accidents just as dangerously as those drivers who speed excessively or drive recklessly", to name a few examples. I realize these are personal perceptions and issues some people profess.

I understand the economic factors associated with legalizing marijuana use. I am just NOT convinced we should sell out, give in to, cater to, and lower our nation's moral standard for yet another potentially intoxicating drug's open legalized use. We have enough of a burden with the drugs we are confronted with now.

I am a patriot of my country and I believe in America. I was raised in a part of the country where a hard, honest day's work resulted in a paltry wage. But I was proud to have earned that wage. I believe in my country and want her to remain strong. I do, however, have major concerns to our perceived deteriorating moral decline as a nation; and I don't consider myself to be prude or staunchly conservative. Times just seem to be much less innocent, less respectful, less productive, more abrasive, more desensitized, and more individuals seem to be more selfish and feeling more "entitled" than before. I desire to see America get back on her feet and return to a time where life appeared to be more innocent, less vulgar, "healthier", and more productive as a country rather than give in to the vocal few who would prefer to see her further decay; albeit perhaps unknowingly.

Although I could continue with more dissertation and more thoroughly detailed information, to do so would fill volumes of books and fill up computer memory. I will conclude my remarks here.

Please vote AGAINST the legalization of marijuana for purposes other than medicinal in the State of Hawaii.

Thank you all for your time and consideration towards my remarks.

Aloha,

Jonathan Barkley

From:	Jonathon Newton [jonathonnewton@ymail.com]
Sent:	Thursday, January 31, 2013 11:01 AM
То:	JUDtestimony
Subject:	Support Legislation to Regulate Marijuana, Not Criminalize It

To: Rep. Karl Rhodes, Chair Rep. Sharon Har, Vice Chair From: Jonathon Newton RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strongly Support HP 699

Aloha Rep. Karl Rhodes, Rep. Sharon Har,

I strongly support HB 699 to legalize, tax, and regulate marijuana in Hawaii. Below are some of the reasons for my support of the bill.

Jonathon Newton

### Taxing and regulating makes economic sense for Hawai'i:

- It would save \$12 million a year in marijuana law enforcement costs.
- It would bring in at least \$11.3 million a year in tax revenue.
- Legalizing marijuana for adults will undercut dangerous drug cartels which sell millions of dollars in marijuana on the black market.

**Prohibition has failed:** Marijuana use is mainstream and widespread. More than 106 million Americans have tried it and every year more than 80% of high school students say it's easy to obtain (per Monitoring the Future survey.)

**Prohibition makes control impossible:** Producers and sellers of marijuana are completely unregulated unlike sellers of tobacco and alcohol. There are no quality controls for purity or potency.

# Taxing and regulating marijuana allows police to spend money on serious and violent crimes:

- In Hawai'i, marijuana arrests for possession have increased 50% since 2004.
- Arrests for distribution have almost doubled since 2004.
- Costs and law enforcement time spent on these could be used for more serious drug offenses like Hawaii's methamphetamine problem or in addressing violent crimes.

# Legalizing, taxing, and regulating marijuana for personal use will not increase youth consumption:

- Selling to minors (under 21) will remain illegal.
- Young people now have easy access to marijuana since drug dealers don't check IDs.
- Placing marijuana under strict regulatory control may actually decrease youth access here in Hawai'i since regulated businesses could lose their license if they sell to minors while illegal dealers have no incentive not to sell to kids.

# Hawai'i residents support the taxation and regulation of marijuana:

- In a December 2012 poll, 57% of registered voters in Hawai'i support legalizing, taxing, and regulating marijuana for personal use.
- 76% believe police should focus their time on violent crimes and fighting the ice/methamphetamine problem in Hawai'i.
- Laws against driving while intoxicated and other anti-social behaviors will remain in place.
- The current bill keeps penalties in place for those driving under the
- influence of marijuana.
- The current bill does not allow for marijuana consumption in public places.
- All forms of advertising will be prohibited.

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 1:29 PM
То:	JUDtestimony
Cc:	latinsup@yahoo.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
jorge veras	Individual	Support	No

Comments:

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From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 1:08 PM
То:	JUDtestimony
Cc:	j.bobich@tcu.edu
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Joseph A. Bobich	Individual	Support	Yes

Comments: To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: Joseph A. Bobich, Ph. D., Professor of Chemistry, Emeritus RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strongest Possible Support To Whom It May Concern: When I arrived in Hawai'i in September, 2007, X-rays revealed that I was afflicted with osteoarthritis; a bone spur in my spine was pressing on a nerve in my neck, producing neck pain on my right side. Now I am taking prescribed Celebrex, Lyrica, and full-strength aspirin, but they only partially diminish the pain. Eventually, I applied for a medical marijuana permit and was granted one, but I had no idea how to obtain the marijuana. I am a law-abiding citizen, never having received a traffic ticket (or even a parking ticket) since I arrived in Hawai'i. But the current laws forced me to break one law in order to get the drug by obeying another law. When law-abiding citizens are forced by the State to break it's own laws, something is VERY wrong. The current situation MUST be changed. In support of HB 699, I would welcome the addition of taxation and regulation so I could acquire my medicine from a qualitycontrolled, licensed facility. Now I would like to address what is currently known about marijuana, writing as a Professor of Chemistry for 34 years (until I retired to take care of my wife, crippled by an acute cerebral hemorrhage in 2006). My specialty was brain chemistry during my entire 40-year professional career. Clearly, the Federal Government has incorrectly classified marijuana as a Schedule I drug. The overwhelming body of evidence demonstrates that, while marijuana may make some people psychologically dependent on it, MARIJUANA IS NOT ADDICTIVE. It has lower addictive potential than alcohol and is much less addictive than tobacco, both products widely available to adults in Hawai'i. The people who say 'it might be addictive, it is potentially addictive', those people are merely blowing smoke and are plain wrong. True, a large recent study has indicated that marijuana is harmful to the developing brain and should not be consumed by those under 18 years of age. But the same study also clearly showed that marijuana is not harmful to those over the age of 18. In terms of harm to society, marijuana appears to be less harmful than alcohol. For example, how many citizens have been killed in Hawai'i in the last decade due to the direct or indirect affects of alcohol intoxication? Quite a few, as we all know. But how many have been killed by marijuana intoxication? Any? The police would do well to think about that comparison; fewer police officers might be killed by drunken drivers if marijuana were legal. Now, we all would like to live in a drug-free society, but that seems unrealistic: what will we do about wine, beer and cigarettes, etc.? A couple of months ago, I was fortunate to share a bottle of 1982 Chateau Gruaud Larose that I will long remember with fondness. Obviously, we will not eliminate those drugs from society. In addition, there is a rapidly growing body of evidence that marijuana may have many medically beneficial effects. Hawai'i would do well to legalize marijuana so that these beneficial effects could be explored in more detail through scientific research. In that way, agriculture could benefit by growing a

medically-useful, high-dollar-per-acre crop, similar to our world-class coffee and chocolate. In my opinion as an intelligent realist, marijuana has the potential to be as successful a cash crop for Hawai'i as seed corn, and it can be grown in much poorer soils. Therefore, classifying, regulating, and controlling marijuana like alcohol would produce many benefits and upside economic potential to our society with few harmful effects. In countries where marijuana is legal, The Netherlands for example, the minor problems that have arisen, but they are being solved, and there certainly has been no public health crisis. I know that is a fact because I have spent time in the Netherlands doing scientific research on more than one occasion. In addition, the States of Colorado and Washington provide clear models for a Hawai'ian system. Our State workers, who will be responsible for establishing our system, will be able to adopt and adapt the best features of their systems to facilitate creation of our own. To enhance conformity with other marijuana legalization bills introduced recently, consideration might be given to making a few minor changes to HB 699: (1); page 2, line 4: between "will" and "conduct", insert "grow, process, and". (2); page 2, between lines 18 and 19: insert a definition for "marijuana". (3); page 3, line 6: remove the first appearances of "and" and "marijuana" and insert a comma after "package". (4); page 3, line 19: remove the first appearance of "marijuana". (5); page 3, line 20: insert a comma after "ingredients", delete "and are", and insert "but not limited to" after "including". (6); page 4, between lines 2 and 3: insert a definition for "personal use". (7); page 4, line 4: delete "and" and insert ", purchase" after "facilities". (8); page 4, line 6: insert a comma after "facilities" and delete "to". (9); page 4, line 14: insert "Lawful" between "329-B" and "Personal". (10); page 5, line 10: the phrase "openly and publicly or" creates a discrepancy between marijuana and alcohol that could be considered for deletion. (11); page 6, line 1: insert "Manufacturing" between "(2)" and "Possessing". (12); page 8, line 14: insert "application for," between "the" and "issuance". (13); page 8, line 18: delete the semicolon after "fees" and add "provided that application fees shall not exceed \$5,000." Finally, let me stand up and applaud the Representatives and Senators who have supported the legalization of marijuana. I am so grateful to live in a State that has legislators who are willing to take a unemotional look at reality and realize that changes need to be made and who are willing to make those necessary changes. Bravo to you all! Most Sincerely, Joseph A. Bobich, Ph. D.

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 6:17 AM
То:	JUDtestimony
Cc:	jlawi3@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Judy Lawi	Individual	Oppose	No

Comments: Chair Rhoads, Vice Chair Har and members of the Committee: I do not support House Bill 699 that proposes to legalize the recreational use of marijuana by a person 21 years of age or older to consume, possess, display, purchase, or transport one ounce or less of marijuana for personal use. House Bill 699 also proposes to allow the licensing of marijuana cultivation facilities, product manufacturing facilities, operation of marijuana establishments, and retail marijuana stores. Any legislative action that legalizes or decriminalizes marijuana will negatively affect the people of Hawaii. Allowing marijuana dispensaries in Hawaii will open the door to criminal activities including drug trafficking activities by those establishments. The Rocky Mountain HIDTA reported that marijuana from dispensaries in Colorado have been trafficked to multiple states through the mid west and all the way to the east coast. Thank you for the opportunity to testify on this matter.

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 9:23 PM
То:	JUDtestimony
Cc:	hachacarva@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Justin Hollenbaugh	Individual	Support	No

Comments: To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: Justin Hollenbaugh RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 10:29 PM
То:	JUDtestimony
Cc:	legalizeitnow808@yahoo.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Kalama	Individual	Support	Yes

Comments:

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To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: Kanoa Meriwether MA. RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

I am writing in support of House Bill 699. I am an instructor in the social science division at the University of Hawaii-West Oahu, where I teach courses for our certificate in substance abuse studies ( the education required for state licensure as a Certified substance Abuse Counselor (CSAC). I have a Master's degree in clinical psychology with a specialization in addiction from the University of Nebraska-Lincoln and have worked in the addiction and counseling field for over 15 years. I support the taxation and regulation of marijuana for the following reasons:

- 1. Abundant scientific evidence exists that indicates there are benefits to medical and personal use, the U.S. Department of health holds 2 patents for the neuroprotective and anticonvulsive use of cannabinoids.
- 2. Every major study of marijuana use in the united states has argued *against* the criminalization of marijuana use. More than a dozen government-appointed commissions (these include the La Guardia commission -1944, and the National Commission on Marijuana and Drug Abuse -1972) have examined the effects of marijuana, and made public policy recommendations regarding its use. Overwhelmingly, the conclusions of these expert panels have been the same: marijuana prohibition causes more social damage than marijuana use, and the possession of marijuana for personal use should no longer be a criminal offense.
- 3. Prohibition creates more problems than it solves, including allowing black market profits, needless incarceration of nonviolent users and wasted public funds that could be used for education or policing of violent and other serious crimes. Former President Jimmy Carter acknowledged: "Penalties against drug use should not be more damaging to an individual than the use of the drug itself. Nowhere is this more clear than in the laws against the possession of marijuana in private for personal use." Once convicted of a marijuana offense, individuals are denied federal student aid, lose their professional licenses, encounter barriers to employment, housing, and adoption. These penalties disproportionately affect young, low income, and minority individuals. Arrests for marijuana possession are one of the most common ways that people get caught up in the criminal justice system. Had Barack Obama been convicted of a marijuana offense, he may not have had the student aid resources to obtain a Harvard education and may never have been elected president. Marijuana users such as Obama who are not convicted have gone on to be President or a Supreme Court justice.
- 4. Marijuana prohibition needlessly destroys the lives and careers of literally hundreds of thousands of good, hard-working, productive citizens each year in this country. More than 800,000 Americans were arrested on marijuana charges last year, and more than 5 million Americans have been arrested for marijuana offenses in the past decade. Almost 90 percent of these arrests are for simple possession, not trafficking or sale.

- 5. Laws regarding marijuana are enforced in a biased manner. Here in Hawaii, Males are 50% more likely to be arrested than females, Juveniles are 70% more likely to be arrested than adults, Native Hawaiians are 70% more likely to be arrested than non-native Hawaiians and Filipinos are 30% more likely to be arrested than non-Filipinos.
- 6. Hawaii has a long and rich culture of marijuana use for medical, spiritual and personal reasons. In a December 2012 poll, 57% of registered voters in Hawai'i support legalizing, taxing, and regulating marijuana for personal use. The same poll found that 76% of respondents believe police should focus their time on violent crimes and fighting the ice/methamphetamine problem in Hawai'i (QMark Research & Polling, November 19 December 4, 2012. Survey of 603 adults statewide).
- 7. Legalization and regulation of marijuana would save \$12 million a year in marijuana law enforcement costs and would bring in at least \$11.3 million a year in tax revenue.
- 8. The trend is clear, with 16 states allowing medical marijuana and Washington and Colorado have already legalized and regulated sale and consumption. The only force opposing marijuana for personal use is the federal government, with no meaningful rationale for the ban.

Thank you for the opportunity to speak on this important issue.

Kanoa Meriwether MA

From: Sent:	Kathy D'Assis [kcdassis@gmail.com] Wednesday, January 30, 2013 4:58 PM
To:	JUDtestimony
Subject:	Relating to Marijuana – HB 699

To: Rep. Karl Rhodes, Chair Rep. Sharon Har, Vice Chair From: (Your Name) RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325

I Strongly Support the taxation and regulation of marijuana in Hawaii. This would allow police to spend the money they get on serious and violent crimes. Legalizing marijuana for adults will undercut the selling millions of dollars in marijuana on the black market. It would save millions of dollars a year in marijuana law enforcement costs.

While people who are convicted of marijuana related offenses are denied federal student aid, people convicted of violent crimes remain eligible. Arrests for marijuana possession are one of the most common ways that people get caught up in the criminal justice system. Marijuana users who are not convicted have gone on to be President or a Supreme Court justice.

There is no evidence that any specific gender or ethnic group uses marijuana more than another group, but arrest data in Hawai'i show a different story:

- Males are 50% more likely to be arrested than females
- Juveniles are 70% more likely to be arrested.
- Native Hawaiians are 70% more likely to be arrested than non-native Hawaiians.
- Filipinos are 30% more likely to be arrested than non-Filipinos.
- Non-Oahu residents are 40-140% more likely to be arrested for possession than Oahu residents.

While people who are convicted of marijuana related offenses are denied federal student aid, people convicted of violent crimes remain eligible. Arrests for marijuana possession are one of the most common ways that people get caught up in the criminal justice system. Marijuana users who are not convicted have gone on to be President or a Supreme Court justice.

Everybody I know who smoke or make food products from Marijuana are hardworking members of society. No one is getting Welfare.

The problem with the medical marijuana system is that you have to pay a huge fee to a Dr and them find someone who grows to supply you. That is not an easy feat. The act of being taxed and regulated with stores would make it just like going to the store for a beer or tylenol. It would be safe and be cheaper than having to come up with \$300 to go to a Dr.

- In a December 2012 poll, 57% of registered voters in Hawai'i support legalizing, taxing, and regulating marijuana for personal use.
- 76% believe police should focus their time on violent crimes and fighting the ice/methamphetamine problem in Hawai'i.

--Kathy Dassis County of Hawaii

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 4:11 PM
То:	JUDtestimony
Cc:	OccupyHiloMedia@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Kerri Marks	Individual	Support	No

Comments: strongly support - it's about time

Please note that testimony submitted less than 24 hours prior to the hearing \_, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	Kevin Carter [kevin.carter13@yahoo.com]
Sent:	Wednesday, January 30, 2013 8:04 AM
To:	JUDtestimony
Subject:	HB 699

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: *(Kevin Carter)* RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

I would like to see the legalization and taxation of marijuana here in Hawaii. I believe that it is safer than alcohol and that just like the prohibition of alcohol, prohibition of marijuana is causing more harm than good.

Sincerely, Kevin Carter Haiku

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 3:00 PM
To:	JUDtestimony
Cc:	yoshiokakm@aol.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Kevin Yoshioka	Individual	Support	No

Comments:

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From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 1:27 PM
То:	JUDtestimony
Cc:	caldwellkillian@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### **HB699**

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Killian Caldwell	Individual	Support	No

Comments: Decriminalize marijuana & let the patients get their medication.

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To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: Kimberly Harrison RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

I am for legalization of marijuana therefore support bill HB 699

#### Taxing and regulating makes economic sense for Hawai'i(1):

- It would save \$12 million a year in marijuana law enforcement costs.
- It would bring in at least \$11.3 million a year in tax revenue.
- Legalizing marijuana for adults will undercut dangerous drug cartels which sell millions of dollars in marijuana on the black market.

#### Prohibition has failed:

 Marijuana use is mainstream and widespread. More than 106 million Americans have tried it and every year more than 80% of high school students say it's easy to obtain (per Monitoring the Future survey.)

#### Prohibition makes control impossible:

- Producers and sellers of marijuana are completely unregulated unlike sellers of tobacco and alcohol.
- There are no quality controls for purity or potency.

#### Taxing and regulating marijuana allows police to spend money on serious and violent crimes(1):

- In Hawai'i, marijuana arrests for possession have increased 50% since 2004.
- Arrests for distribution have almost doubled since 2004.
- Costs and law enforcement time spent on these could be used for more serious drug offenses like Hawaii's methamphetamine problem or in addressing violent crimes.

#### Hawaii's marijuana laws are enforced unevenly(1):

- There is no evidence that any specific gender or ethnic group uses marijuana more than another group, but arrest data in Hawai'i show a different story:
  - Males are 50% more likely to be arrested than females
  - Juveniles are 70% more likely to be arrested.
  - Native Hawaiians are 70% more likely to be arrested than non-native Hawaiians.
  - Filipinos are 30% more likely to be arrested than non-Filipinos.
  - O Non-Oahu residents are 40-140% more likely to be arrested for possession than Oahu residents.
- Convicted marijuana offenders:
  - O Are denied federal student aid.
  - Lose their professional licenses.
  - O Encounter barriers to employment, housing, and adoption.
  - O These penalties disproportionately affect young, low income, and minority individuals.
- While people who are convicted of marijuana related offenses are denied federal student aid, people convicted of violent crimes remain eligible.
- Arrests for marijuana possession are one of the most common ways that people get caught up in the criminal justice system.
- Marijuana users who are not convicted have gone on to be President or a Supreme Court justice.

#### Legalizing, taxing, and regulating marijuana for personal use will not increase youth consumption:

- Selling to minors (under 21) will remain illegal.
- Young people now have easy access to marijuana since drug dealers don't check IDs.
- Placing marijuana under strict regulatory control may actually decrease youth access here in Hawai'i since regulated businesses could lose their license if they sell to minors while illegal dealers have no incentive not to sell to kids.

#### Hawai'i residents support the taxation and regulation of marijuana(2):

- In a December 2012 poll, 57% of registered voters in Hawai'i support legalizing, taxing, and regulating marijuana for personal use.
- 76% believe police should focus their time on violent crimes and fighting the ice/methamphetamine problem in Hawai'i.

#### Laws against driving while intoxicated and other anti-social behaviors will remain in place.

- The current bill keeps penalties in place for those driving under the influence of marijuana.
- The current bill does not allow for marijuana consumption in public places.
- All forms of advertising will be prohibited.

#### References:

1 – Nixon, David. Update to: Budgetary Implications of Marijuana Decriminalization in Hawai'i. Public Policy Center: University of Hawai'i, Dec 2012. http://acluhawaii.files.wordpress.com/2013/01/econreptmarijuana1\_2013.pdf

2 - QMark Research & Polling. November 19 –December 4, 2012. Survey of 603 adults statewide, MOE +/-4% http://acluhawaii.files.wordpress.com/2013/01/dpagmarijuanapolicyfindings.pdf

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 9:14 AM
To:	JUDtestimony
Cc:	lcook@kualoha.org
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Lisa Cook	Ku Aloha Ola Mau	Oppose	No

Comments:

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From:	Lani [oahu_lani@yahoo.com]
Sent: To:	Wednesday, January 30, 2013 4:10 PM JUDtestimony
Subject:	Relating to Marijuana – HB 699

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: Lani Michael RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

I have been a strong supporter of the legalization of marijuana since the 1970's. From a personal perspective I have seen more people killed in car accidents, lost jobs, failed marriages, and addiction of alcohol than marijuana. I do no or would not ever drink alcohol and I am scared to death when I am on the roads because of all of the drunk drivers. I have NEVER seen this from a person who smokes marijuana. In addition, all people are different, but marijuana does not necessarily lead to other drugs. Those people would have gone down that route anyway. Other countries have legalized drugs so they can be controlled and are safe to use.

#### There have been brilliant people who have smoked marijuana:

• Marijuana users who are not convicted have gone on to be a President, Supreme Court justice, Lawyers, Doctors, Dentist, and so on.

### From a financial standpoint taxing and regulating makes economic sense for Hawai'i(1):

- It would save \$12 million a year in marijuana law enforcement costs.
- It would bring in at least \$11.3 million a year in tax revenue.
- Legalizing marijuana for adults will undercut dangerous drug cartels which sell millions of dollars in marijuana on the black market.

#### Prohibition has failed:

• Marijuana use is mainstream and widespread. More than 106 million Americans have tried it.

#### Hawaii's marijuana laws are enforced unevenly(1):

- There is no evidence that any specific gender or ethnic group uses marijuana more than another group, but arrest data in Hawai'i show a different story:
  - Males are 50% more likely to be arrested than females
  - Juveniles are 70% more likely to be arrested.
  - Native Hawaiians are 70% more likely to be arrested than non-native Hawaiians.
  - Filipinos are 30% more likely to be arrested than non-Filipinos.
  - o Non-Oahu residents are 40-140% more likely to be arrested for possession than Oahu residents.
- Convicted marijuana offenders:
  - Are denied federal student aid.
  - Lose their professional licenses.
  - Encounter barriers to employment, housing, and adoption.
  - These penalties disproportionately affect young, low income, and minority individuals.

- While people who are convicted of marijuana related offenses are denied federal student aid, people convicted of violent crimes remain eligible.
- Arrests for marijuana possession are one of the most common ways that people get caught up in the criminal justice system.

## Legalizing, taxing, and regulating marijuana for personal use will not increase youth consumption:

- Selling to minors (under 21) will remain illegal.
- Young people now have easy access to marijuana since drug dealers don't check IDs.
- Placing marijuana under strict regulatory control may actually decrease youth access here in Hawai'i since regulated businesses could lose their license if they sell to minors while illegal dealers have no incentive not to sell to kids.

## Hawai'i residents support the taxation and regulation of marijuana(2):

- In a December 2012 poll, 57% of registered voters in Hawai'i support legalizing, taxing, and regulating marijuana for personal use.
- 76% believe police should focus their time on violent crimes and fighting the ice/methamphetamine problem in Hawai'i.

## Laws against driving while intoxicated and other anti-social behaviors will remain in place.

- The current bill keeps penalties in place for those driving under the influence of marijuana.
- The current bill does not allow for marijuana consumption in public places.
- All forms of advertising will be prohibited.

## Mahalo for taking the time to listen so we can make the right laws for a better Hawai'i.

# Lani Michael

We are what we think. All that we are arises with our thoughts. With our thoughts, we make our world. ~ Buddha ~

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 8:52 AM
То:	JUDtestimony
Cc:	lannon23@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Lannon Oldenburg	Individual	Support	No

Comments: To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: (Your Name) RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

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From:	Larry Caldwell [Icaldwell12@live.com]
Sent:	Wednesday, January 30, 2013 1:57 PM
То:	JUDtestimony
Subject:	Legalizing marijuana

My name is Larry Caldwell I have been a businessman and marijuana user for 50 years I obviously support the legalization of marijuana for many more reasons than I can put here and would appreciate your positive actions thank you

Sent from my iPad

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 11:17 AM
То:	JUDtestimony
Cc:	larry@larryjohnwright.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Larry John	Individual	Support	No

Comments: Please pass H.B. 699. This is important for Hawaii.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 2:29 PM
То:	JUDtestimony
Cc:	lionel@cruzio.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Lee Eisenstein	Individual	Support	No

Comments: To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: Lee Eisenstein RE: Relating to Marijuana - HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support House Bill 699, The Personal Use of Marijuana Act, would legalize the possession of up to an ounce or less of marijuana and the private cultivation of a limited number of marijuana plants for adults 21 years of age and older. HB 699 would also allow for the commercial cultivation and sale of marijuana. Polling conducted in January of 2013 by the ACLU of Hawaii reported that 57% of Hawaiian voters believe that marijuana should be "taxed, regulated, and legalized for adults." Only 39% of statewide voters were oppose legalization. After tens of millions of arrests, millions of American lives harmed and disrupted by a war on Americans over a plant that should never have been made illegal, it's time to end the longest running, public policy hoax in American history, the sordid, crime enriching, marijuana prohibition laws. In Holland, this has been a billion dollar a year industry. In Hawaii, it will bring in more than that, as tourists from Asia and less enlightened states on the mainland flood here for sunshine, aloha and freedom. I have spoken with Dutch police about this and I believe every Hawaii lawmaker would be surprised and delighted with their feedback. Here is what they say. During a typical year, Dutch police respond to 2,000 calls from alcohol bars, due to violence and rowdy behavior. Similar calls from Coffee Shops are zero. No problems, no noise, no violence. Just peaceful people, enjoying life in a civilized manner. I hope this helps to understand what we have been saying over and over again, all these years. As you can guess, I've spent time in the Dutch "Coffee Shops". They are peaceful, pleasant places where people play chess, pool, read newspapers and talk about events of the day. Now, picture that same image, with palm trees, beautiful weather in a tropical paradise. Get ready for a flood of wealth to pour into Hawaii, the minute this law goes into effect. As Francis Young, acting for the DEA has stated, marijuana is surprisingly safe and non-toxic. What we now know about it is nothing short of a revelation. People are curing themselves of cancer with home made cannabis tinctures and salves and documenting their cures. with their doctors. Consuming raw, fresh cannabis in juice form, or in a smoothie, is non-psychoactive (no high) and delivers thousands of times more beneficial cannabinoids that reduce inflammation and fight cancer and win. Mark my words. There is a peaceful, wonderful, revolution coming, concerning raw cannabis, because of the miraculous healings that are taking place and being documented, right now, around the US and around the world. Mainstream Americans will flock to using nonpsychoactive cannabis to improve their health, hold back serious diseases, cure serious diseases and bring down medical costs, thru much better health. Large amounts of cannabis are required for people to do this. Typcially, people will juice or use ounces of cannabis in smoothies, every few days. Cancer patients use more, effectively. The law, if based on compassion, intelligence and current knowledge, will reflect this, to the benefit of society. Did I mention that I support this bill? Well, I do

and I hope lawmakers will allow the people of Hawaii to peacefully and beneficially improve their health, reduce crime and violence (including alcohol and other hard drug related crime and violence) and finally, offer the people of Hawaii an enormously beneficial and powerfully good health supporting alternative. Not to mention all the good that will be done with the flood of wealth and tax dollars that will immediately come into our state. Mahalo and thank you for considering this much, much needed step forward towards a better future for Hawaii and it's people. Aloha, Lee Eisenstein Hawaii

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 8:55 AM
To:	JUDtestimony
Cc:	aquaticimportshawaii@yahoo.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

### **HB699**

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Leighton Lum	Individual	Oppose	No

Comments:

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## Lisa Ann Tomita P.O. Box 283 Wailuku, Hawaii 96793

January 31, 2013

Committee on Judiciary Hawaii State Capitol

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

I do not support House Bill 699 that proposes to legalize the recreational use of marijuana by a person 21 years of age or older to consume, possess, display, purchase or transport one ounce or less of marijuana for personal use. House Bill 699 also proposes to allow the licensing of marijuana cultivation facilities, product manufacturing facilities, operation of marijuana establishments and retail marijuana store.

Any legislative action that legalizes or decriminalizes marijuana will negatively affect the people of Hawaii. Allowing marijuana dispensaries in Hawaii will open the door to criminal activities, not limited to but including drug trafficking activities by those establishments. The Rocky Mountain HIDTA reported that marijuana from dispensaries in Colorado have been trafficked to multiple states through the Mid West and all the way to the east coast.

A US report released in June 2008, states the level of THC (marijuana's psychoactive ingredient) has never been higher. This may be a contributing factor as to why marijuana is cited as the number one drug causing young people to enter treatment and why there continues to be a significant number of American teenagers in treatment for marijuana dependence.

For these reasons I do not support House Bill 699 and ask that it be held.

Thank you for the opportunity to testify on this matter.

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 9:22 AM
То:	JUDtestimony
Cc:	lisa.hanabusa@aol.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Lisa Hanabusa	Individual	Oppose	No

Comments: Oppose as a parent, employer, citizen. This bill contradicts Federal laws, which have already gone through tons of research, expert testimony, good judgment and common sense. Marijuana is not a harmless organic drug. What makes lawmakers more capable than the FDA in overturning the FDA's classification as having no medicinal value and being harmful.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 12:07 AM
То:	JUDtestimony
Cc:	mikaela143@msn.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Lori Lei Nishida	Individual	Oppose	No

Comments:

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 9:20 AM
To:	JUDtestimony
Cc:	lokumura@hotmail.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Lorrin Okumura	Individual	Oppose	No

Comments:

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From:	mailinglist@capitol.hawaii.gov
Sent:	Tuesday, January 29, 2013 11:05 AM
То:	JUDtestimony
Cc:	marcyfrommaui@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/29/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Marcy Koltun-Crilley R.N.	Individual	Support	No

Comments: I support this bill because the benefits firmly outweigh the risks. The plant clearly has medicinal value, yet people who need it and get approval to use it as medicine have a hard time getting it. In addition, people are going to for jail. This will cut down on crime and raise revenue.

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RE: HB 699

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: Marilyn Mick, Honolulu RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support Support Legislation to Regulate Marijuana, Not Criminalize It

Never in modern history has there existed greater public support for ending the nation's nearly century-long experiment with marijuana prohibition and replacing it with regulation. The historic votes on Election Day in Colorado and Washington - where, for the first time ever, a majority of voters decided at the ballot box to abolish cannabis prohibition - underscore this political reality.

The ongoing enforcement of cannabis prohibition financially burdens taxpayers, encroaches upon civil liberties, engenders disrespect for the law, impedes legitimate scientific research into the plant's medicinal properties, and disproportionately impacts communities of color. Furthermore, the criminalization of cannabis simply doesn't work.

Voters in Hawaii support regulating the adult consumption of cannabis. A statewide poll conducted in January of 2013 reported that 57% of Hawaiian voters believe that marijuana should be taxed, regulated, and legalized for adults. Only 39% of statewide voters oppose legalization.

Despite more than 70 years of federal marijuana prohibition, Americans' consumption of and demand for cannabis is here to stay. It is time for state lawmakers to acknowledge this reality. It is time to stop ceding control of the marijuana market to untaxed criminal enterprises and it is time for lawmakers to impose common-sense regulations governing cannabis' personal use by adults and licensing its production. A pragmatic regulatory framework that allows for limited, licensed production and sale of cannabis to adults - but restricts use among young people - best reduces the risks associated with its use or abuse. I encourage you to support legislation to regulate marijuana, not criminalize it.

Sincerely, Marilyn Mick Honolulu, HI

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 8:57 AM
To:	JUDtestimony
Cc:	mark_fredette@Hotmail.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Mark Fredette	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing \_, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 1:29 PM
To:	JUDtestimony
Cc:	mark@solights.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

### **HB699**

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
mark nelson	Individual	Support	No

Comments: Yes I support hb699 AND please re legalize aqll cannabis.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 12:02 AM
То:	JUDtestimony
Cc:	marina@jia-or.jp
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Marni Nishimura	Individual	Oppose	No

Comments: I do not support House Bill 699 that proposes to legalize the recreational use of marijuana by a person 21 years of age or older to consume, possess, display, purchase, or transport one ounce or less of marijuana for personal use. House Bill 699 also proposes to allow the licensing of marijuana cultivation facilities, product manufacturing facilities, operation of marijuana establishments, and retail marijuana stores. Any legislative action that legalizes or decriminalizes marijuana will negatively affect the people of Hawaii. Allowing marijuana dispensaries in Hawaii will open the door to criminal activities including drug trafficking activities by those establishments.

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 11:16 PM
To:	JUDtestimony
Cc:	Wvpk@hotmail.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

### **HB699**

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Marsha nakasone	Individual	Oppose	No

Comments:

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From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 4:09 PM
To:	JUDtestimony
Cc:	Mbevill@ymail.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

### **HB699**

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Mary Esposito-Bevill	Individual	Support	No

Comments:

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 7:33 AM
То:	JUDtestimony
Cc:	universalvibrance@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Mary Rose Hoona Kailiahi Anderson	Individual	Support	No

Comments: I support the lagalization. It is our right to be able to use a medicinal herb in generous amounts. There are statistics all around the world comparing marijuana to other substances like alcohol. Which one leads to more deaths, alcohol. I think if you give legalization a chance you'll see if it helps our economy and also the population by not having to fear to do it and instead use other substances way more harmful. Thank you for letting me say my opinion and making this to a hearing... Aloha!

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 10:06 AM
То:	JUDtestimony
Cc:	mswan_99@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

## HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Mason Swanson	Individual	Support	No

Comments: Never in modern history has there existed greater public support for ending the nation's nearly century-long experiment with marijuana prohibition and replacing it with regulation. The historic votes on Election Day in Colorado and Washington - where, for the first time ever, a majority of voters decided at the ballot box to abolish cannabis prohibition - underscore this political reality. The ongoing enforcement of cannabis prohibition financially burdens taxpayers, encroaches upon civil liberties, engenders disrespect for the law, impedes legitimate scientific research into the plant's medicinal properties, and disproportionately impacts communities of color. Furthermore, the criminalization of cannabis simply doesn't work. Voters in Hawaii support regulating the adult consumption of cannabis. A statewide poll conducted in January of 2013 reported that 57% of Hawaiian voters believe that marijuana should be \$taxed, regulated, and legalized for adults. \$Only 39% of statewide voters oppose legalization. Despite more than 70 years of federal marijuana prohibition, Americans' consumption of and demand for cannabis is here to stay. It is time for state lawmakers to acknowledge this reality. It is time to stop ceding control of the marijuana market to untaxed criminal enterprises and it is time for lawmakers to impose common-sense regulations governing cannabis' personal use by adults and licensing its production. A pragmatic regulatory framework that allows for limited, licensed production and sale of cannabis to adults - but restricts use among young people best reduces the risks associated with its use or abuse. I encourage you to support legislation to regulate marijuana, not criminalize it.

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	Matt Binder [mattbinder@earthlink.net]
Sent:	Tuesday, January 29, 2013 8:11 PM
То:	JUDtestimony
Subject:	HB 699

To: Rep. Karl Rhodes, Chair Rep. Sharon Har, Vice Chair From: Matthew Binder RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Aloha Judiciary Committee members,

I do not use marijuana. Neither do I know anyone who has been incarcerated for using or selling marijuana. But it has been increasingly obvious to me that our way of dealing with this mild drug is not working at all.

I would also like to add that I have a 16 year old son who I certainly do not want to become a drug user. But all the evidence that I have seen from other countries suggests that marijuana use among teens will not increase if it is legalized, taxed, and regulated.

The biggest factor in my thinking on this issue is how the current illegal status of marijuana pushes users into the hands of the criminal underworld. We will never stop people from using marijuana - the last 40 years of the War on Drugs has proven that. But we can get the cartels and the criminal dealers out of the process.

Thank you for doing what is right,

Matthew Binder Kealakekua

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 11:50 AM
То:	JUDtestimony
Cc:	mattrifkin28@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

## HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Matthew Rifkin	Individual	Support	No

Comments: In 2012 both Colorado and Washington state voters approved the legalization of cannabis for personal use, and it is time for Hawaii to do the same. The prohibition of cannabis has not worked, and the "War on Drugs" has done nothing to reduce the availability of it. Allowing for personal growing and possession as well as well as taxing and regulating the commercial market place will have many positive benefits. Law enforcement's limited resources will be better utilized elsewhere, the state government will gain needed revenue, and the drug cartels and organized crime will be forced out of business. We imprison far too many people for minor offenses related to a plant, and the plant is far safer than many drugs, such as alcohol and tobacco, which are currently legal. So long as they are not harming someone else, an adult over the age of 21 should be allowed to put into his/her body anything they want. I strongly support HB699.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 8:20 AM
То:	JUDtestimony
Cc:	info@MCCDFIA.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

### **HB699**

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
MCCFDIA		Support	No

Comments: Regulate & Control!

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From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 9:32 PM
То:	JUDtestimony
Cc:	michele.chong808@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Michele Chong	Individual	Support	No

Comments: To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: Michele Chong RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

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From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 11:36 PM
То:	JUDtestimony
Cc:	mlagunoy@msn.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

### **HB699**

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Michelle Lagunoy-Doi	Individual	Oppose	No

Comments:

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From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 5:02 PM
То:	JUDtestimony
Cc:	mikedruggles@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
mike ruggles	Individual		No

Comments: I really appreciate the fact that legislation is finally trying to help in an issue that is very important to Hawaii. Even though I support this bill I strongly suggest the language be revised and/or rewritten with regards to consideration for medical marijuana(cannabis) and future distribution of cannabis for the public. Thank you for your vote

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	Mike Aiello [mpaiello@gmail.com]
Sent:	Thursday, January 31, 2013 9:42 AM
То:	JUDtestimony
Subject:	Testimony HB 699

To: Rep. Karl Rhodes, Chair Rep. Sharon Har, Vice Chair From: (Your Name) RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 **Position: Strong Support** 

I am writing to express my strong support for HB 699.

The existing legal regime overseeing use of marijuana in the state of Hawaii is untenable. Each year, the state of Hawaii throws \$12 million down a rat hole of marijuana law enforcement. Hawaii arrests for marijuana possession have increased 50% since 2004. Arrests for marijuana distribution have almost doubled during the same period. Yet today marijuana use is more widespread and more mainstream than ever before. In surveys conducted each year, more than 80% of high school students say marijuana is easy to obtain. <a href="http://www.monitoringthefuture.org//pubs/monographs/mtf-overview2012.pdf">http://www.monitoringthefuture.org//pubs/monographs/mtf-overview2012.pdf</a>

Prohibition is a disaster. We need a new policy.

The best way to control marijuana in our society is to legalize it.

Mike Aiello Keaau, HI

From:	Mimsy Bouret [mimsyheart@gmail.com]
Sent:	Thursday, January 31, 2013 9:21 AM
То:	JUDtestimony
Subject:	Please decriminalize the use of Pakalolo

A an adult who has used and benefitted from the use of Marijuana for several decades I urge you to change the laws so that I am no longer an outlaw for taking care of my body with an herb that has been used for centuries. I do not use or abuse and other drugs or medications. I do not use liquor. I do not smoke cigarettes. I simply want this herb to begin to come out from the shadows to shine in the light of day. It has healing and restorative properties that would be better studied then banned. Thank you for listening to my request.

**Mimsy Bouret** 808-826-6129

# HB 699 (Twenty-Seventh Legislature, 2013) State of Hawaii

I am for legalization for the simple reasons that cannabis is very safe overall and no more dangerous than alcohol. I think the real crime is the criminalization of those regular people who use and possess. That is the real health issue... the real LEGAL health of normal people when something is so ubiquitous in society. In addition, this underground economy already exists, and the wrong people are profiting from it. Law enforcement is the ones who are addicted to all the benefits and monies generated by making up this crime. Its illegality has generated the prohibition related crimes and drug families. Our high schools are already substitutes for retail drug stores. Tax this underground economy and keep the kids in school. I am tired of a made-up crime and the damage it does to our society, our towns, and our culture. In addition, I am thoroughly convinced that regulating marijuana safely will lead to encouraging and progressive multiplier effects felt throughout the State's economy and society.

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 9:57 PM
То:	JUDtestimony
Cc:	nikki@kingneel.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Monica Brissette	Individual	Oppose	No

Comments:

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Chariman Rhoads, Vice Chairman Har and members of the Committee:

I do not support House Bill 699 that proposes to legalize the recreational use of

marijuana by a person 21 years of age or older to consume, possess, display, purchase, or transport one ounce or less of marijuana for personal use. House Bill 699 also proposes to allow the licensing of marijuana cultivation facilities, produce manufacturing facilities, operation of marijuana establishments, and retail marijuana stores.

Any legislative action that legalizes or decriminalizes marijuana will negatively affect The people of Hawaii. Allowing marijuana dispensaries in Hawaii will open the door to criminal activities including drug trafficking activities by those establishments. The Rocky Mountain HIDTA reported that marijuana from dispensaries in Colorado have been trafficked to multiple states through the Midwest and all the way to the east coast.

Hawaii has enough problems already with drug related crimes and marijuana is a drug. We do not need to add to the already existing problem by legalizing marijuana.

Thank you.

To: Rep. Karl Rhoads, Chair, Rep. Sharon Har, Vice Chair From: Nancy Davlantes

# RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Current marijuana laws aren't working, and Hawaii has much to gain by passing this bill which would authorize adults 21 years and older to possess or consume 1 ounce or less of marijuana for personal use and would provide for the licensing of marijuana cultivation and for stores that are taxed and regulated.

In these uncertain economic times, Hawaii could save \$12 million a year in law enforcement costs while taking in at least \$11.3 million a year in tax revenue. Taxing and regulating marijuana would allow police to spend time and money on serious and violent crimes and address the far more serious drug offenses like meth.

Current laws are not enforced equally:

- Men are half again more likely to arrested than females
- Juveniles are arrested more often than adults
- Native Hawaiians are far more likely to be arrested than non-native residents
- Because convicted marijuana offenders are denied federal student aid and face obstacles to employment, housing and adoption, the young, low income and minority individuals are disproportionately affected.

A poll taken this past December showed that almost 60% of registered voters here support legalizing, taxing, and regulating marijuana for personal use.

It's time for Hawaii to turn a problem into a profit.

Thank you for the opportunity to submit testimony.

Nancy Davlantes Kaneohe, HI
From:	Nancy Miranda [nancylamiranda@gmail.com]
Sent:	Wednesday, January 30, 2013 8:28 AM
To:	JUDtestimony
Subject:	Legalize Cannabis in Hawaii

Cannabis is a life saving plant that should be legalized for all uses.

I would much rather consume it if I have a headache than take a pill that is made in a lab, that will lead to an illness.

I'm asking you to do the right thing. I will support you if you support me by legalizing marijuana for all uses in Hawaii.

I just registered to vote and am ready, willing and able to have my vote count.

Love and light,

--Nancy Miranda

202-276-1212 cell 888-294-2556 fax nancylamiranda@gmail.com

IF GOD CAN MAKE ME, who can break me?

Nathan Lanham 154 Kupuna St Kihei, Hawaii 96753

#### Re: House Bill HB699

I strongly support the unanimous passing of this bill for multiple social and economic reasons. Firstly the social impact would be outstanding. Crime would decrease, alcohol and drug addiction rates would drop and the population of Hawaii would economically benefit both from retail excise tax revenue and decreased prison costs due to lower imprisonment rates. It is working great in two other states. In my opinion it should be legal for anyone with photo I.D. over the age of 18 as it is and has been in other parts of the world. This would help decrease alcoholism rates in young adults, many people drink in place of smoking cannabis (you can't lose your job because of a drug test). Alcohol has proven to be a beast in modern society causing nothing but death and destruction for simple financial gain. Cannabis is both safer and it has been proven multiple times by major U.S. educational institutions and private researchers to have a far less dangerous impact on society.

With any luck this would also trigger a strong push for other products made from Cannabis such as paper products, textiles, clothing, plastics and fuels. You can get at least 5 times as mush ethanol from a hemp plant as a corn stock....and it grows twice as fast in almost any climate. It takes 1/5 the toxic chemicals to process hemp pulp than tree pulp for making paper, and when you cut Cannabis down you can plant a new crop and harvest in as little as 3 weeks. Toxic waste is becoming a huge issue and we are at the front lines of the battle, passing this bill will be the first steps towards major environmental advances (that have been practices throughout history for thousands of years until the 1930's).

Far less than 100 years ago Cannabis was legal in the U.S. At one point during early America it was actually legal to use in place of currency for buying goods. During the revolutionary war you could actually be imprisoned for not growing Cannabis as it was a major part of the plan "to get economically separate from Brittan". The first American flag was made from hemp. It is a known fact that George Washington and Thomas Jefferson grew and smoked Cannabis at the White House. Major corporations had governmental influence on congress during the 1930's (and still do of course). DuPont was one of the largest financial donators to politicians in the 1930's with a number of strong lobbyists in Washington, Cotton finally succeeded once Cannabis was illegal.

If Hawaii could allow tourists to consume cannabis while visiting this would have a huge impact on our economy. Why not make the money? If you pass this bill illegal drug rates will drop and the illegal un-taxable street market will be gone. Why not help drop crime? When you pass this bill Prisons will not be filled with people in jail for Cannabis charges, the prison system will save money. Why not save money? The people of Hawaii want this to happen, we want to be able to exercise our rights and to lead America to a more free, prosperous and environmentally sound future. Why not vote for what the people of Hawaii elected you to vote for?

I trust you are listening to the people who voted for you to lead our wonderful state and you support HB699 to make Hawaii a better place.

Aloha, Nathan Lanham

From:	Nicklaus Park [deejaycin@gmail.com]
Sent:	Thursday, January 31, 2013 1:26 AM
То:	JUDtestimony
Subject:	Relating to Marijuana – HB 699

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: Nicklaus Park RE: Relating to Marijuana - HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

From: Sent: To: Subject: Niloufar [nilouataie@gmail.com] Wednesday, January 30, 2013 9:36 AM JUDtestimony Re: Bill 699

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: *(Niloufar Ataie)* RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Dear Members of the House Judiciary Committee,

I am writing for your deep consideration in legalization and taxation of marijuana. I have two major motivations for this. First, I use marijuana to fight against a persistent, debilitating depression that I have struggled with for years. Moderate use of marijuana has enabled me to live a normal life and keep the disease at bay in a way no prescription medication ever has. My mother suffers from the same condition and she has been spiraling downwards over the years and spends much of her time in bed. This works for me and it has not stopped me from pursuing a doctorate in Biochemistry and teaching university students and conducting research. I am also a mother of three and my husband and I contribute greatly to our community. I must use marijuana once in a while to stay on track, please consider making it easier for me to live and contribute. Second, I am writing to you as a tax payer. My husband, a well respected businessman, and I have joked that it may be better to quit working so hard and go lie on the beach. We employ almost twenty Hawaii residents, and contribute greatly to our community, but taxes make it very hard on us. Our children attend public schools, but in our area, they are not very good; our roads need help; giant power lines are always falling down around us. We pay so much in taxes yet we seem not to benefit from them. Why work so hard? We only have one life, might as well relax. Of course we enjoy working hard, but we need to see some benefit from it too. Imagine how we could benefit our community by making marijuana legal and taxable. Citizens would feel their community changing, this will inspire them to work and produce. It is time to give us a break.

Please consider legalizing marijuana. I it as not as harmful as other legal substances and it will benefit those that need it and the tax payer/ community. The benefits outweigh the costs, and as a tax paying citizen, I need a break.

Thank you for the time you have taken in reading this, Nilou Ataie, PhD

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 9:10 PM
To:	JUDtestimony
Cc:	nshima411@yahoo.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

## HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
nina ota	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing \_, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 9:06 AM
То:	JUDtestimony
Cc:	randomskypie@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

## HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Pam Brewer-Fink	Individual	Support	No

Comments: I want to offer support for this bill, HB699. We are wasting our law enforcement on going after "pot users', when much more important crimes are being disregarded. This bill could bring much needed revenue into our state, which could go for education needs, elderly care, & more social services that are so needed. The state could also regulate the product more & give people a more quality control product. We need to get out of the 'mindset' of this being a evil plant! This plant can do SO MUCH for the world. Besides so many uses, it is being studied for curing cancer too!!...Please make the sensible choice for Adults to have a safe & free access to this herb..it is the smart thing to do!! Thank you....

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 8:18 AM
То:	JUDtestimony
Cc:	bmurphy420@mail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

## HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Brian Murphy	Patients Without Time	Support	No

Comments: PWT has over 1600 MMP blue card holders, regulate & control Mahalo B

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From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 9:50 PM
То:	JUDtestimony
Cc:	patrickcompton@ymail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

## HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
patrick compton	Individual	Support	No

Comments: I believe that cannabis should be legalized for the fact there is increasing evidence that it can help improve peoples health. There are studies on CBD that prove it has properties that help relieve pain and help with the effects of arthritis. It can also help cancer patients with nausea . My grandfather passed way two years ago and he was unable to keep any food down. Cannabis was the only thing that allowed him to eat and keep the food down. There has also been increasing research into the use of raw cannabis used in juicing to help people boost immune function. Hemp makes clothes that are up to three times stronger and more fire retardant than cotton and can be recycled into paper. Hemp paper is stronger and lasts longer with out fading or turning yellow like paper made from trees. trees have thirty percent of the fibers needed to make paper whereas hemp has sixty to ninety percent of the same fibers. One acre of hemp produce as much as four acres of trees over a twenty year period. This would help to counter global warming and stop the cutting of rain forests. These are just a few of of the benefits that legalizing cannabis would have on Hawaii and the world.

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From:	Patty [threewahines@aol.com]
Sent:	Wednesday, January 30, 2013 4:14 PM
То:	JUDtestimony
Subject:	Legalization and Decriminalization of Marijuana

To Whom it may concern:

I am an RN licensed and working in the state of Hawaii for over 40 years. I am for the legalization and decriminalization of marijuana in the USA. As a nurse I can truthfully say I have NEVER had to care for ANYONE harmed by marijuana. My experience has been on Oahu, the Big Island and Maui.

I support the use of marijuana for helping those who are ill, who are in pain, who are nauseated, who have difficulty sleeping, who have inadequate appetites, etc. And I support the use by those who are well, for those who are caregivers and for those who simply want to enjoy kicking back and relaxing.

I believe EVERYONE who chooses to do so should be able to empty out many of the prescription drugs in their medicine cabinets and replace them with this NATURAL HERB!

It is past time to do the right thing. Stop denying and stop punishing marijuana users. Put our money towards helping those with alcohol and meth problems. IMAGINE. Imagine a more peaceful Hawaii.

Respectfully, Patricia Nelson RN

Sent from my iPhone

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 6:49 PM
То:	JUDtestimony
Cc:	Cotarisk@aim.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Philip collier	Individual	Support	No

Comments: Many people need stable places to purchase their medication. I support this bill but would like to make the age lowered to 18.

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From: Sent: To: Subject: Philip Valentine [primojr99@gmail.com] Wednesday, January 30, 2013 6:36 AM JUDtestimony Testimonial for HB699

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: Philip L. Valentine Jr. RE: Relating to Marijuana-HB699 Hearing: Friday, February 1, 2013, Rm. 325 Position: Strong Support

#### Aloha,

I am for legalization for the simple reasons that cannabis is very safe overall and no more dangerous than alcohol. I think the real crime is the criminalization of those regular people who use and possess. That is the real health issue... the real LEGAL health of normal people when something is so ubuquitous in society. Native Hawaiians, especially NH women, are disproportionally criminalized because of their traditions over many generations of using cannabis for many maladies and illnesses. In addition, this whole underground economy already exists, and the wrong people are profitting from it. Law enforcement are the ones who are addicted to all the benefits and monies generated by making up this crime. Its illegality has generated the prohibition related crimes and drug families. Our high schools are already substitutes for retail drug stores. Tax this whole underground economy and keep the kids in school. I am tired of a made-up crime, and the damage it does to our society, our towns and its culture. Also, I am thoroughly convinced that its scarcity leads to harder and more dangerous substance abuse. In my experience, those over the age of thirty actually do use it in a medical fashion for some condition, instead of going to the doctor and getting a matching pill that is probably much more dangerous, like sleeping pills, and valium like drugs. It tends to replace alcohol as well and all the bad social consequences of alcoholism and alcohol related assaults and traumas, as well as the destruction of families and lives.

I am a registered medicinal marijuana patient. I firmly believe like many others that this could be a pinnacle year for canabis and everything connected to it. Although I am very sick and disabled I just wanted to share some personal testimony so that you know the REAL truth about medicinal marijuana. It is crucial that the elected officials calling the shots understand that we are not just stoners we are ill, and this all about medicinal use for relief from pain. Disabled people can't grow plants like that there is too much involve physically as well as knowledge, so dispensaries are a must! I have had to go to places that I did'nt really feel safe to get my medicine because I am not able to grow my own medicine (which the state allows). Lifting pots and shoveling dirt, remembering to water the plants, having the knowledge to look for mites or mold and knowing what to do to solve the problem; these are all good examples of why a person would be forced to purchase the medication and since there is no legal outlet you are forced to go out on the street. What you will pick up on the street from an illegal dealer is basically a "hit and miss" situation because recreational user wants a flower with a high THC chemical percentage (which gets you stoned), and the medicinal patient may need a flower that has a genetic breeding to increase CBD and CBV chemicals percentage (which would relieve pain, increase your apetite, relieve nausea, and I am just going to say ect. because I believe we have'nt figured out all of the medical uses for this plant. The smell of marijuana is really strong so a user can be as discreet as possible yet the odor will be noticed. This is why when you are out in public or for those patients who can't handle smoking or vaporizing their medicine, edibles (brownies, salad dressing, butter, chocolate, pizza, ect) this form of medication would be much more appropriate for everyone including the general public because they are'nt going to even know that you were medicating through your food. I have bad arthritis in my hands, legs, feet, so it is impossible at

times to roll a joint or operate a lighter, mess with small fragile parts of a vaporizer, opening sealed packages, unscrew the cap off a plastic bottle. The medicine produced in the form of a salve is the ideal way to take the medicine would be in the form of a salve. The illegal dealers don't sell edibles, or seeds, or salves, ect.

Mahalo Philip Valentine Jr.

From:	Phyllis Windham [rztinc@yahoo.com]
Sent:	Thursday, January 31, 2013 9:38 AM
То:	JUDtestimony
Subject:	Bill HB699

Attn: Rep. Chairman Karl Rhoads Attn: Rep. Vice Chairman Sharon Har

I would like to share w/you my experience w/my back injury and anxiety, and marijuana.

I am a 52yr old, full Japanese female.(not somebody you would even think would be writing you this letter)

I have been suffering w/anxieties 4 approx 35yrs.

unfortunately, i was diagnosed about 20yrs ago, which, obviously, if you do the math, it comes out to suffering w/anxiety for 15yrs before getting professional treatment.

The solution alot of the times for people w/anxiety, is a pill called Xanax.

At least for me, it was, and still is.

Xanax is a narcotic and can sometimes be addicting to some people.

About 4yrs ago, I really badly hurt my back.

I went thru w/all my therapy but my back was still in alot of pain.

I couldn't walk, I had to quit my job.

By this point in my life, i was drinking about 2 cases of beer a week.

smoking 2 packs of cigarettes a week.

taking up to 4 Xanax a day, not to mention the aleve, Advil any over the counter pain reliever. drinking even hard liquor 2 relieve the pain.

Waking up feeling terrible n just doing it all over again, becuz of the pain.

I started smoking marijuana, i didn't want to at 1st because it was illegal, but when i weighed my options, i decided to go w/the marijuana.

since then, i have stopped drinking, not 2 much cigarettes. maybe 5 cigarettes a week. i have lost 70lbs.

i am not taking the Xanax as much.

My life has drastically, dramatically, improved because of marijuana.

If you choose to do away w/this bill, you will be hurting the people that use it 4 they're health reasons. The people that are doing the illigel dealings, r not the people interested in this bill nor are they going to stop doing what they do.

You will not be doing anything to those people, but you will probably make me and alot of other people, go back to drinking, which would be a way to ease our pain or it's back to the pain killers.

I feel that a few puffs of an organically grown herb, is better than those other chemicals in the pain killers.

PLEASE, DON'T TAKE AWAY OUR HERBAL FORM OF PAIN RELIEF!!!! I AM IN TOTAL SUPPORT OF THIS BILL. Sincerely, Phyllis Windham

From:	mailinglist@capitol.hawaii.gov
Sent:	Tuesday, January 29, 2013 1:23 PM
То:	JUDtestimony
Cc:	herbn808legend@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/29/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Powell D. Ewell III	HERBN LEGEND cannabis shop	Support	No

Comments: alOoOoOoOha. My name iz Powell an i will be opening a store here in kona. Konaz tourist industry is non exzistant!!! We need help! Cannabis is the answer. Kona Gold is LEGENDARY. I beleve the "AS IS" will benefit the state of hawaii. TAXation shoud be a flat rate 5%-15% but U MUST RELIZE LEGALIZATION WIL DROP THE PRICE VERY VERY LOW. \$50 ounce my estimate. Please see fit to allow the big island residents a chance to survive. Any questions i will answer openly. Mahalos for your time

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To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: Rachael Ray Au Hoon (Maui) RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Aloha,

I am pleased to provide my support for HB699, relating to the personal use of the plant called Marijuana along with licenses to cultivate, manufacture, test, or sell said plant. It is so wise of our beautiful state to consider such a liberating change and I believe we will see positive results both socio-economically and politically. I would be happy to pay a tax to have a regulated license to personally use Marijuana.

I currently use Marijuana every day to help me manage any pain or anxiety but it also gives me a creativity beyond compare. As an artist for a living, it helps me to look within myself for creativity - sharing my joy and happiness to others. It also helps me connect to God and the essence of my spirituality. It helps me realize that my true potential is my spirit within. Nothing else gives me this kind of result or motivation.

I think that the truth and facts about marijuana are finally coming to light and that the stigmas with people who choose to use marijuana are changing as society looks to change the status quo. I have had a huge positive impact on the community and the world around me - to people I meet from near and far - sharing aloha and Hawaiian culture through selling my artwork and other local art, all while using marijuana on a daily basis. I was also an A student both in High School on Maui and at University of Hawai'i. I am a homeowner and housewife and am so happy to know that our near future in Hawai'i will change for the better. I am really looking forward to seeing the availability of marijuana in a retail store for sale and am considering a business plan for a dispensary as well as investing in product manufacturing.

Mahalo,

Rachael Ray Au Hoon

35 Nokekula Loop

Wailuku HI 96793

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 6:16 PM
То:	JUDtestimony
Cc:	rafronova@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

## HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Rafael Marquez	Individual	Support	Yes

Comments: Marijuana opens up the creative side of my brain when I'm performing music or other arts. It keeps me motivated to follow through with my goals. I believe that legalizing marijuana for recreational use in the state of Hawaii will increase tourism greatly which will in turn put more money into our local economy as well as create new jobs for our local people in the processes of building, maintaining, and operating dispensaries and shops that sell goods made from hemp material such as clothing and paper. This will slow the process of destroying trees around the world that are home to our wildlife. As long as the legal age of 21 is upheld to purchase or use marijuana and there are certain places where you cannot smoke such as bus stops, parks, and other public places or private business establishments that request not to, I do not see any cons to this issue.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 5:30 AM
То:	JUDtestimony
Cc:	raven.malott@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### <u>HB699</u>

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Raven	Individual	Support	No

Comments: I support the bill BH699for may reasons. Im a mother, I hold a full time job and im a recreational smoker. My spouse is disable and smokes marijuana also. He uses for pain and spasm relief. He dose not like doctor for what had happend to him in the past. We dont see the point in paying some doctor to give him a license to medicate we take care of our daily live well but yet we are looked down upon and fear for arrest for possession. I feel that is wrong please pass this bill so that we may feel free in our own lives. After all isn't that what America is all about, our freedoms. I don't see any one trying to make alcohol illegal even though it take many lives every Day. So please think twice before writing this off. The people of Hawaii need your support

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Marijuana is a dangerous drug, that may cause reduced inhibitions, panic, impaired memory, paranoia, loss of concentration, loss of coordination, loss of motivation, changes in perception, impaired heart function, lung cancer, psychological dependence, and fetal marijuana syndrome. To legalize marijuana would be a devastating detriment to our already drug plagued community, and would only further burden and trouble the physical, mental, and emotional health and safety of our people.

Testimony.txt

To: Rep. Karl Rhodes, Chair Rep. Sharon Har, Vice Chair From: Rev. Cloudia Charters RE: Relating to Marijuana - HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: I Strongly Support This Bill

Aloha Greetings;

Our smal faith community storngly supports this sensible Bill for many reasons-

1- Taxing and regulating Pakalolo makes economic sense for Hawai'i(1)

2- It would save \$12 million a year in marijuana law enforcement costs. It would bring in at least \$11.3 million a year in tax revenue.

3- Prohibition has not worked, it makes control impossible.

4- Bill allows police to spend money on serious and violent crimes(1).

5- Simple Justice: Hawaii's marijuana laws are enforced unevenly(1).

6- Bill may actually decrease youth access here in Hawai'i since regulated businesses could lose their license if they sell to minors while illegal dealers have no incentive not to sell to kids.

7- Hawai'i residents support the taxation and regulation of marijuana(2):

8- Laws against driving while intoxicated and other anti-social behaviors will remain in place.

9- The current bill does not allow for marijuana consumption in public places.

Mahalo, Rev. Cloudia Charters

#### References:

1 - Nixon, David. Update to: Budgetary Implications of Marijuana Decriminalization in Hawai'i. Public Policy Center: University of Hawai'i, Dec 2012. http://acluhawaii.files.wordpress.com/2013/01/econreptmarijuana1\_2013.pdf

2 - QMark Research & Polling. November 19 -December 4, 2012. Survey of 603 adults statewide, MOE +/-4% http://acluhawaii.files.wordpress.com/2013/01/dpagmarijuanapolicyfindings.pdf

From:	Manny [theweddingdude@gmail.com]
Sent:	Wednesday, January 30, 2013 12:49 PM
To:	JUDtestimony
Subject:	Strong Support
Canjeen	

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: *Rev. Manuel Newman* RE: Relating to Marijuana – HB 699 Hearing: <u>Friday, February 1, 2013</u>, Room 325 Position: Strong Support

Aloha,

I am writing on support of the bill to legalize/decriminalize marijuana in the State of Hawaii. Some of the many reasons that I believe marijuana should be legalized are as follow:

- Legalization would lead to an Immediate improvement in Hawaii's economy (and we need that now, more than ever)

- the entire Tourism industry would rebound dramatically.

Also,

The prison population would be reduced significantly, and Law Enforcement Officers would be freed up to focus on actual dangers to society (like the 'ICE' epidemic, or violent crime).

I have Muscular Dystrophy, and as a registered medical-marijuana patient & caregiver (patient # MJ11641, MJ33822, Caregiver #MJ40390) I can personally attest to the miracles of medical marijuana (which is Safer, More Effective, and Less Addictive\* than Morphine).

This is a very important topic, that many people feel very strongly about, thanks for taking the time to hear my two cents.

Reverend Manuel Newman Lic. 2012-01410

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 12:03 AM
То:	JUDtestimony
Cc:	rlsncak@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

# HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Rico Tubbs	Individual	Oppose	No

Comments: I do not support House Bill 699 that proposes to legalize the recreational use of marijuana by a person 21 years of age or older to consume, possess, display, purchase, or transport one ounce or less of marijuana for personal use. House Bill 699 also proposes to allow the licensing of marijuana cultivation facilities, product manufacturing facilities, operation of marijuana establishments, and retail marijuana stores. Any legislative action that legalizes or decriminalizes marijuana will negatively affect the people of Hawaii. Allowing marijuana dispensaries in Hawaii will open the door to criminal activities including drug trafficking activities by those establishments.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 12:00 AM
То:	JUDtestimony
Cc:	miteymouse@hawaii.rr.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Riki Shimabukuro	Individual	Oppose	No

Comments: I do not support House Bill 699 that proposes to legalize the recreational use of marijuana by a person 21 years of age or older to consume, possess, display, purchase, or transport one ounce or less of marijuana for personal use. House Bill 699 also proposes to allow the licensing of marijuana cultivation facilities, product manufacturing facilities, operation of marijuana establishments, and retail marijuana stores. Any legislative action that legalizes or decriminalizes marijuana will negatively affect the people of Hawaii. Allowing marijuana dispensaries in Hawaii will open the door to criminal activities including drug trafficking activities by those establishments.

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From:	Road Runner [manskerg04@hawaii.rr.com]
Sent:	Thursday, January 31, 2013 11:14 AM
То:	JUDtestimony
Subject:	HB 699

#### Aloha

I vote and strongly support HB 699. Prohibition causes more harm than good and waste resources. It's common sense.

Sent from my iPad

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 3:58 AM
То:	JUDtestimony
Cc:	nimo1767@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Robert Petricci	Individual	Support	No

Comments: Feb 1, 2013 2:00 PM Re: HB699 Aloha Chairman Rhoads and committee members. Position strong support. Far to many resources are wasted turning non violent Hawaii residents into criminals for simply using marijuana. Families are ripped apart when one or both parents are arrested, or children are removed to foster care for nothing more than personal use or possession of marijuana, by responsible adults. The trauma of this causes more harm than marijuana use does. I ask where is the benefit of current policy? I can not see it. What are the results of the last thirty years of criminalizing adults can do with regards to marijuana use. I made a list. Results: 1) Because of current policy the most dangerous thing about marijuana at this time is being arrested for it. 2) After decades for harsh even draconian punishment Hawaii has not reduced marijuana use or availability. In fact marijuana potency has risen, the price has dropped, and it's more widely available in every community in the state, than before than ever before. Certainly marijuana is used more and easier to get now than when current policy was enacted. I remember what it was like. It's a much worse problem today. 3) Millions of dollars have been wasted treating what is essentially a health issue as a criminal one. That money would have been more effective in achieving the stated purpose if used for honest education and counselling. 4) Many thousands of good, hard working, loving, otherwise law abiding residents of Hawaii have been turned into criminals. Been made unemployable, had their educations interrupted or cut short, lost their jobs and families, and or gone to prison in what for all intents and purposes can only be described a complete and utter failed attempt to control marijuana use. Many of those people went from being productive members of society (assets)to liabilities of the state, from taxpayers to needing some form of assistance maybe for life. From employable at good jobs to unemployable at most jobs not because they used marijuana, but because they were arrested for it and tagged with not only a criminal record but as a drug offender. That carries a stigma that many good people never fully overcome. The current policy is destructive, not constructive and that cost society far more than it benefits it IMO, we need to change that. 5) Why would a policy that actually has not met one of it's states purposes after 30 years even after countless millions of dollars were wasted implementing it be continued? Current policy has resulted in more harm to to society than marijuana. Current policy creates a black market where criminal activity thrives and removes billions of dollars from our regulated and taxed economy. Marijuana has been called the largest cash crop in Hawaii. Yet marijuana is still smuggled in to Hawaii from the mainland, Canada, and Mexico, fueling criminal activity and drug cartels while sucking millions of dollars out of our economy and tax coffers. You do not have to like marijuana to understand why you should pass HB699. We could hardly do worse in every category than current policy that leaves marijuana untaxed and unregulated. It's prudent in these hard economic times to consider a reallocation of resources to violent crimes and to look at the revenue stream that HB699 creates. As odd as it may seem this bill is a win win. Please let common sense prevail and support passage of HB699. Mahalo for your thoughtful consideration of and support for HB699 Robert Petricci

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	Robert Slavin [slavinrobert@me.com]
Sent:	Wednesday, January 30, 2013 9:33 PM
То:	JUDtestimony
Subject:	In Support of Taxation and Regulation of Marijuana in Hawaii.

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: Robert Slavin Re: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strongly Supporting some kind of legalization and concomitant lowest level of police response

Salutations,

I am a 70 year old retired teacher, and not a 'druggie'; I rarely use alcohol and quit smoking cigarettes in 1979. I am educated, have always been a hard-working and useful member of society, and I have found relief from a moderate use of cannabis - so much less impairing than the narcotics that my doctors prescribe. I suffer from an array of neuropathies & paresthesias related to cervical radiculopathy. I had a subtotal meniscectomy in 1996, a knee replacement in 2012, and suffer from ongoing knee and iliotibial band pain. Degenerative changes are occuring in my knees, neck, ankles and probably more - arthritic spurs (osteophytes). These pains can be severe and debilitating. Please believe me when I say that my pain is eased by this natural substance. This is backed up by studies concluding that marijuana is effective in controlling chronic pain, and an extremely safe medication. In addition, marijuana use is less debilitating and addicting than alcohol or narcotics for any relaxation/calming purposes.

I believe that state lawmakers should be prodding the Federal Government to change the way they are including cannabis with dangerous and addictive drugs, and not be persuaded by false propaganda. Please help stop the uneven enforcement of the antiquated marijuana laws. Let's keep the real criminal element out of the marijuana business by setting up some legal avenues to ensure that an unadulterated quality product is regulated and taxed, without fear of arrest and incarceration.

Thank you,

Robert Slavin 1129 Rycroft St. #208 Honolulu, HI 96814 (808) 596-8843

From:	Rod [rodneye9110@msn.com]
Sent:	Thursday, January 31, 2013 7:59 AM
To:	JUDtestimony
Subject:	HB 699 Legalize use of Cannabis (marijuana) an berbal medicine used for thousands of
Subject:	HB 699 Legalize use of Cannabis (marijuana) an herbal medicine used for thousands of years

To: Rep. Karl Rhoads, Chair [] Rep. Sharon Har, Vice Chair

From: Rodney Evans; 562 Lauiki St. Apt. Two; Honolulu, HI. 96826

RE: Relating to Marijuana - HB 699

Position: Strong Support

Our State lawmakers are the great equalizers between us and corrupted Federal govt that carries a patent for the medical use of cannabis while denying that any medical use exist. Our FDA no longer functions adequately while it has become staffed by corporate stooges such as Michael Taylor from the pesticide industry and others from the Pharmaceutical industry who are more interested in their corporate profits that what is morally right for the good of the people and the environment. We need access to all traditional herbal remedies so we can survive this difficult period of trying to fix our Federal govt. We cannot afford and do not want to be labeled as criminals for attempting to obtain a medical marijuana license because it can put housing and jobs in jeopardy.

Taxing and regulating makes economic sense for Hawai'i:

It would save \$12 million a year in marijuana law enforcement costs.

It would save \$12 million a year in marijuana law enforcement costs.

Legalizing marijuana for adults will undercut dangerous drug cartels which sell millions of dollars in marijuana on the black market.

Prohibition has failed:

Marijuana use is mainstream and widespread. More than 106 million Americans have tried it and every year more than 80% of high school students say it's easy to obtain (per Monitoring the Future survey.)

Prohibition makes control impossible:

Producers and sellers of marijuana are completely unregulated unlike sellers of tobacco and alcohol.

There are no quality controls for purity or potency.

Taxing and regulating marijuana allows police to spend money on serious and violent crimes1:

In Hawai'i, marijuana arrests for possession have increased 50% since 2004. Arrests for distribution have almost doubled since 2004.

Costs and law enforcement time spent on these could be used for more serious drug offenses like Hawaii's methamphetamine problem or in addressing violent crimes.

Hawaii's marijuana laws are enforced unevenly1:

There is no evidence that any specific gender or ethnic group uses marijuana more than another group, but arrest data in Hawai'i show a different story:

Males are 50% more likely to be arrested than females Juveniles are 70% more likely to be arrested. Native Hawaiians are 70% more likely to be arrested than non-native Hawaiians. Filipinos are 30% more likely to be arrested than non-Filipinos. Non-Oahu residents are 40-140% more likely to be arrested for possession than Oahu residents. Convicted marijuana offenders: Are denied federal student aid.

Lose their professional licenses.

Encounter barriers to employment, housing, and adoption.

These penalties disproportionally affect young, low income, and minority individuals.

While people who are convicted of marijuana related offenses are denied federal student aid, people convicted of violent crimes remain eligible.

Arrests for marijuana possession are one of the most common ways that people get caught up in the criminal justice system.

Marijuana users who are not convicted have gone on to be President or a Supreme Court justice.

Legalizing, taxing, and regulating marijuana for personal use will not increase youth consumption:

Selling to minors (under 21) will remain illegal.

Young people now have easy access to marijuana since drug dealers don't check IDs.

Placing marijuana under strict regulatory control may actually decrease youth access here in Hawai'i since regulated businesses could lose their license if they sell to minors while illegal dealers have no incentive not to sell to kids.

Hawai'i residents support the taxation and regulation of marijuana2:

In a December 2012 poll, 57% of registered voters in Hawai'i support legalizing, taxing, and regulating marijuana for personal use.

76% believe police should focus their time on violent crimes and fighting the ice/methamphetamine problem in Hawai'i.

Laws against driving while intoxicated and other anti-social behaviors will remain in place.

The current bill keeps penalties in place for those driving under the influence of marijuana. The current bill does not allow for marijuana consumption in public places. All forms of advertising will be prohibited.

References:

1 – Nixon, David. Update to: Budgetary Implications of Marijuana Decriminalization and Legalization For Hawai'i. Public Policy Center: University of Hawai'i, Dec 2012. <u>http://acluhawaii.files.wordpress.com/2013/01/econreptmarijuana1\_2013.pdf</u>

2 – QMark Research & Polling. November 19 –December 4, 2012. Survey of 603 adults statewide, MOE +/-4% <u>http://acluhawaii.files.wordpress.com/2013/01/dpagmarijuanapolicyfindings.pdf</u>

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 8:31 PM
То:	JUDtestimony
Cc:	r.cabradilla@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

## HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Ryan Cabradilla	Individual	Support	No

Comments: "We are now learning that the current system is governed not by "people", but by an algorithmic code which can be sourced in our own DBA. The solutions are hidden in plain sight, next to an ocean of infinite intelligence that we believed not to exist based on stories and scientific dogmas which we so willingly accepted (but that silver platter was guite shiny). Even the indigenous "people" who "sold" this land to the Conquistadores were suckered into trading a signature for the illusion of comfort that came with such ideologies, but as I said.. This was all done illegally, as the indigenous people were not "citizens" of any corporation-state, and therefor they could not legally sign documentation on behalf of such. Also, the magna carta was signed at knife point (which is also not valid), so luckily no pitchforks are needed (thank jah, because I have been investing into transformative culture, and would have to go find myself a pitchfork in order to speak so boldly what EYE know to be true.) To be frank, (or john, or paul was it?)... As long as we are being distracted by such miniscule issues as gay marriage or cannabis legalization, we are totally overlooking the FACT that ALL (wo)MEN are created EQUAL, and therefor NONE have the right to TELL you or me (or anyone else) what to do, or how to do it, regardless of what scribbles on paper one could (illegally) manifest declaring otherwise. When we REALeyez that we are willingly giving our consent to a deathmachine/domination-ritual, we will cease to do so in all ways. Until then, we will continue playing puppet games and dominating each other for profit instead of agreeing on what is necessary to turn this thing around (intuition = natural flow..)"

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 12:05 AM
То:	JUDtestimony
Cc:	muhreena88@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Sabrina Fan	Individual	Oppose	No

Comments: I do not support House Bill 699 that proposes to legalize the recreational use of marijuana by a person 21 years of age or older to consume, possess, display, purchase, or transport one ounce or less of marijuana for personal use. House Bill 699 also proposes to allow the licensing of marijuana cultivation facilities, product manufacturing facilities, operation of marijuana establishments, and retail marijuana stores. Any legislative action that legalizes or decriminalizes marijuana will negatively affect the people of Hawaii. Allowing marijuana dispensaries in Hawaii will open the door to criminal activities including drug trafficking activities by those establishments.

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#### Testimony in support of HB 699

I strongly support HB 699, to legalize, tax, and regulate marijuana in Hawaii. Economically, this bill would benefit the state by both eliminating about ten million dollars' worth of law enforcement action and by bringing in a similar amount in tax revenue. Obviously, the current legal prohibition is not effective. I also believe that widespread availability of this plant would be an alternative to other brain-damaging drugs like meth and bath salts, so the cost to the health system of treating drug abusers would decrease. Furthermore, I believe less-criminalized access to marijuana would stop the legal system from filling the prisons with nonviolent offenders who were arrested for marijuana crimes.

This plant has a long and cross-cultural history as a beneficial herb for physical, emotional, and spiritual health. I urge you to help make it more available for use by the people of the state of Hawaii.

Thank you for reading my testimony.

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 6:32 AM
То:	JUDtestimony
Cc:	saralegal@live.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

## HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Sara Steiner	Individual	Support	No

Comments: Dear Representatives, I am absolutely in favor and support this bill! By passing this legislation you will help the economy, help free up valuable police time and resources, and stop ruining lives with the stigma of a drug offense record. Thank you in advance for your attention, courtesy and cooperation! Sara Steiner P.O. Box 1965 Pahoa, HI 96778

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov		
Sent:	Wednesday, January 30, 2013 8:29 PM		
То:	JUDtestimony		
Cc:	ladylikedreamer@yahoo.com		
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*		

## HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Sarah Daigle	Individual	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing \_, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.
From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 10:37 AM
To:	JUDtestimony
Cc:	scottseki@Live.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Scott Seki	Individual	Support	No

Comments:

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From:	Energy Hawaii [energyhawaii@gmail.com]
Sent: To:	Wednesday, January 30, 2013 12:39 PM JUDtestimony
Subject:	testimony in FAVOR of marijuana legalization

Aloha Legislature,

I believe that the legalization and regulation of marijuana will benefit the State on AT LEAST three levels :

Reduced cost of incarceration and law enforcement of arcane laws Increased revenue for farmers and bumper crop production Increased tourism due to legalized marijuana here in Hawaii versus illegal in country of origin

Other side benefits :

Increase in general revenue to the state, higher utilization of solar and agricultural resource, better farmer cash flows which decrease export dollars for food which crush the economy

Decrease in revenue to illegal clandestine weed growing individuals and criminal organizations.

Mahalo

Sean M. Costello, Mechanical Engineer President Hawaii Energy Consultants (808) 778-9784

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 11:26 AM
То:	JUDtestimony
Cc:	unclesean81@aol.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### **HB699**

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Sean	Individual	Support	No

Comments: I am in support of this bill. It is time we put forth more efforts on education rather than demonization. And shining the light on how disproportionate the focus is on marijuana use and cultivation in contrast to Methamphetamine and other hard drugs which are on the rise in our islands.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 8:54 AM
To:	JUDtestimony
Cc:	sharils@hawaii.edu
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
shari shimabukuro	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing \_, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	Sharif Bari [sharifbari@gmail.com]
Sent:	Wednesday, January 30, 2013 2:35 PM
То:	JUDtestimony
Subject:	Relating to Marijuana – HB 699

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: *Sharif Bari* RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Aloha,

I support the legalization of marijuana similar to bills passed in the states of Washington and Colorado. In my opinion, marijuana used responsibly is much less harmful than other substances such as alcohol, tobacco and OTC and prescription medications. The benefits far outweigh the costs.

# Taxing and regulating makes economic sense for Hawai'i:

- It would save \$12 million a year in marijuana law enforcement costs.
- It would bring in at least \$11.3 million a year in tax revenue.
- Legalizing marijuana for adults will undercut dangerous drug cartels which sell millions of dollars in marijuana on the black market.

# **Prohibition has failed:**

• Marijuana use is mainstream and widespread. More than 106 million Americans have tried it and every year more than 80% of high school students say it's easy to obtain (per Monitoring the Future survey.)

# Prohibition makes control impossible:

- Producers and sellers of marijuana are completely unregulated unlike sellers of tobacco and alcohol.
- There are no quality controls for purity or potency.

# Taxing and regulating marijuana allows police to spend money on serious and violent crimes(1):

- In Hawai'i, marijuana arrests for possession have increased 50% since 2004.
- Arrests for distribution have almost doubled since 2004.
- Costs and law enforcement time spent on these could be used for more serious drug offenses like Hawaii's methamphetamine problem or in addressing violent crimes.

# Hawaii's marijuana laws are enforced unevenly(1):

- There is no evidence that any specific gender or ethnic group uses marijuana more than another group, but arrest data in Hawai'i show a different story:
  - $_{\odot} Males$  are 50% more likely to be arrested than females
  - <sup>o</sup>Juveniles are 70% more likely to be arrested.
  - $_{\circ} Native$  Hawaiians are 70% more likely to be arrested than non-native Hawaiians.
  - °Filipinos are 30% more likely to be arrested than non-Filipinos.
  - Non-Oahu residents are 40-140% more likely to be arrested for possession than Oahu residents.
- Convicted marijuana offenders:
  - •Are denied federal student aid.
  - oLose their professional licenses.
  - °Encounter barriers to employment, housing, and adoption.
  - These penalties disproportionately affect young, low income, and minority individuals.
- While people who are convicted of marijuana related offenses are denied federal student aid, people convicted of violent crimes remain eligible.
- Arrests for marijuana possession are one of the most common ways that people get caught up in the criminal justice system.
- Marijuana users who are not convicted have gone on to be President or a Supreme Court justice.

# Legalizing, taxing, and regulating marijuana for personal use will not increase youth consumption:

- Selling to minors (under 21) will remain illegal.
- Young people now have easy access to marijuana since drug dealers don't check IDs.
- Placing marijuana under strict regulatory control may actually decrease youth access here in Hawai'i since regulated businesses could lose their license if they sell to minors while illegal dealers have no incentive not to sell to kids.

# Hawai'i residents support the taxation and regulation of marijuana(2):

• In a December 2012 poll, 57% of registered voters in Hawai'i support legalizing, taxing, and regulating marijuana for personal use.

• 76% believe police should focus their time on violent crimes and fighting the ice/methamphetamine problem in Hawai'i.

# Laws against driving while intoxicated and other anti-social behaviors will remain in place.

- The current bill keeps penalties in place for those driving under the influence of marijuana.
- The current bill does not allow for marijuana consumption in public places.
- All forms of advertising will be prohibited.

Mahalo for your consideration, Sharif <u>sharifbari@gmail.com</u> 808-389-5317

From:	mailinglist@capitol.hawaii.gov
Sent:	Tuesday, January 29, 2013 5:04 PM
То:	JUDtestimony
Cc:	shauncpowers.powers@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/29/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Shaun Powers	Individual	Support	No

Comments: To: Rep. Karl Rhodes, Chair Rep. Sharon Har, Vice Chair From: Shaun Powers RE: Relating to Marijuana - HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support Aloha and thank you for showing a more positive direction on the use of marijuana. I am a 28 year old male who has suffered from chronic back for 6 years after a serious back injury at my workplace. I have changed my life by taking martial arts, yoga and even changing my diet to try and help this pain and inflammation. I still suffer with pain today so seeking a medical card is in my best interest. The reason I feel it can help me is that I have used it to help with pain and it works. Marijuana has been around me all my life and lve seen the church and politics treat it as a dangerous and vial subject but Ive always asked why since its a GOD bearing seed that's been around for 25 million years. Scientist have done studies for years and found it has many natural, non addictive effects. Our bodies are designed to take in the chemical to help balance us out and balance is the best why for all of us to live in peace. In the early 1990's scientist discovered The Endocannabinoid System in the which the human body has receptors that respond to a set of at least 60 compounds found in cannabis plant called 'cannabinoids'. I ask the people who are against it if our great creator designed our bodies why do we have these receptors? We were designed to use the cannabis in a positive manor. I agree there should be guidelines and/or restrictions on it because there is always those you take things too far 'the bad apples'. It needs to be viewed as a respectful resource for medical patients, a major alternate resource and a economical salvation. The Indians used it as a peace offering so there wouldn't be war between strangers so why cant we use it for that. If this plant can save law enforcement \$12 million dollars a year then that money can be put towards more serious problems like methamphetamine and other serious drugs. The state could actually use that to help rehabilitate chronic users instead of treating them like criminals and help them better there lives and reduce crime rate. The other advantage is the 11.3 million a year in tax revenue which also could be put to a more positive such as helping the homeless, create more jobs and focus on keeping the 'Aloha Spirit' alive. Hawaii has one of the lowest unemployment rates in the nation so by adding this 11.3 million year the state could lower that even more. The use of marijuana is a private issue that should be used by mature responsible adults so yes to 21 and up, yes to no smoking in public, yes to a gualified license to grow and use for medicine. The state needs to take the power out of these drug dealers hands and put it in the hands of responsible citizens. The state allows the use of tobacco which kills the smoker and the people around them, they allow alcohol which causes liver damage, drunk driving and under age drinking and smoking of tobacco. We need to educate people on proper use of this plant because for me its not about smoking its about a healthier life style by using it in food and juices. Henry Ford designed the first T-models to run on Hemp fuel so we wouldn't deplete the world of its life source 'oil'. We could cut down the use of paper and pollution by using hemp and also

alternate options to clothing. Hemp is one of the strongest fibers in the world and contains very low THC so we could actually recycle plants to produce more greener option for our community.

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From: Sent: To: Subject: Shirley Rodman [shirleyrodman@yahoo.com] Wednesday, January 30, 2013 9:57 PM JUDtestimony Relating to Marijuana - HB 699

To: Rep. Karl Rhodes, Chair Rep. Sharon Har, Vice Chair From: (Your Name) RE: Relating to Marijuana - HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Aloha,

I am a responsible and reasonable 31 year old, licensed massage therapist who has a family. I also have a bachelor's degree in counseling psychology. My daughter is the most precious thing to me. I have dealt with anxiety all my life, for as long as I remember, and for me, marijuana takes the edge off and makes me feel 'normal', more personable. I have always struggled with insomnia as well, and marijuana helps me sleep. it also helps ease the pain i sometimes feel in my hands after a hard day's work. although medical marijuana is proven to help some and has been approved for use in extreme cases of pain, i further believe it also helps with anxiety.

people under the influence of marijuana don't act crazy, hurt people, or commit violent crimes like alcohol or 'hard drugs' do. the worst thing about marijuana is that if you smoke too much too often, you become lazy.

I don't do any other 'drugs', i don't drink alcohol, i don't take pills, i eat organic, my family grows a lot of our own food. I don't smoke in front of my child. like i said, i am a responsible and reasonable person and feel marijuana should be legal for people 21 and over. furthermore, it is socially and culturally acceptable here in Hawaii, and most people use it in one form or another because it is not dangerous and most of us know it now.

Despite any current bias you may have against marijuana, please consider the facts as listed on <a href="http://freshapproachhawaii.org/2013/01/30/1st-hearing-to-legalize-regulate-marijuana-on-f-2-1-13/">http://freshapproachhawaii.org/2013/01/30/1st-hearing-to-legalize-regulate-marijuana-on-f-2-1-13/</a>

Mahalo for your time.

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 10:00 AM
То:	JUDtestimony
Cc:	ted.orssten@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Ted Orssten	Individual	Support	No

Comments: In a time where government enforcement has repeatedly failed, and wasted precious tax funds, law enforcement time and resources. -We need afresh approach to regulation. By hte State of Hawaii controlling, taxing and regulating Marijuana distribution and use- a whole new and positive scenario presents itself. -Take the criminal element out of the cannabis industry -put it in the right hands and make it a productive part of our State economy. The time is here and now.

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To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair

RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Aloha, Chair Rhoads, Vice Chair Har and Committee Members!

I have been coming before this body for the last few years as a patient in the medical marijuana program. I have testified about trading a basket full of pills and syringes for cannabis. I have a problem though.

The first problem EVERY patient has is where do I get safe, medicinal quality medication? The answer is: the same place everybody else does, on the black market. Frankly YOU have made me and all the other patients in the program CRIMINALS at one time or another. Immediately upon receipt of your "blue card" it is IMPOSSIBLE to grow the meds you need that day and where would you get the seeds or "clones" even if you wanted to start? You see what I mean. This bill solves that problem.

Law enforcement and media have been giving you false and misleading information regarding cannabis. For example, in the Honolulu Star Advertiser (Sunday 1-13-13) had a "Pot not as harmless as once perceived, new studies suggest" and the article did not cite one credible study. It was quick to point out that teens are greatly affected by usage. Ok. That is true. By legalizing and making it at least as difficult as buying beer, I think we can discourage teen use and there really is more than one study to support that. One thing for sure, the teenager that does try it...gets caught, after this bill is passed will not have their life ruined.

Law enforcement has been ill equipped to handle medical cannabis so I think this bill will actually help them focus more on legitimate criminals. They have harassed my doctors, delayed my paperwork, released my records to the press and vilified me personally at Rotary Club meetings for testifying at the State Legislature. They failed to mention I testify on more than issues regarding cannabis but....remember that fact would mess up the propaganda.

Law enforcement and some news media have misinformed the public and you about cannabis. They have called dangerous "bath salts" (K2, Spice, etc..) which ARE harmful drugs "synthetic pot" or "fake pot". The truth is that there is no cannabis in these products and they DO NOT have the same effect on the brain as cannabis. Undoubtedly if cannabis was legalized/decriminalized, there would be less experimentation with these kinds of dangerous drugs.

I have always come here with polite and desperate entreaties, begging the legislature to extend their compassion but this time, I am stomping my feet and pounding on the table. Legalizing marijuana will generate millions in tax revenue for the state of Hawai'i, while reducing victimless crime prosecutions.

Polling indicates that most people think like I do. As a matter of fact a December 2012 poll, 57% of registered voters in Hawai'i support legalizing, taxing, and regulating cannabis for personal use.

Mahalo for your time today and your cooperation in getting this bill passed.

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, January 30, 2013 11:54 AM
То:	JUDtestimony
Cc:	thayne@thayne.net
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/30/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Thayne Taylor	Individual	Support	No

Comments: I am so glad to see that this bill to legalize marijuana is finally being proposed by the state of Hawaii. Marijuana has many more benefits than detriments. Not only does marijuana help alleviate the stress on the human body undergoing kemo therapy it also has many more beneficial uses. Marijuana helps to calm the nerves due to stress, been shown to cure some types of cancer, can be used in cooking, clothing and building materials. By passing this bill marijuana will have a positive economic impact in Hawaii by freeing up our judicial system and by creating thousands of jobs.

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 11:14 AM
То:	JUDtestimony
Cc:	thokaneshiro74@hotmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Thomas Kaneshiro	Individual	Support	No

Comments: To: Rep. Karl Rhodes, Chair Rep. Sharon Har, Vice Chair From: Thomas Kaneshiro RE: Relating to Marijuana - HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support Taxing and regulating makes economic sense for Hawai'i: It would save \$12 million a year in marijuana law enforcement costs. It would bring in at least \$11.3 million a year in tax revenue. Legalizing marijuana for adults will undercut dangerous drug cartels which sell millions of dollars in marijuana on the black market. Prohibition has failed: Marijuana use is mainstream and widespread. More than 106 million Americans have tried it and every year more than 80% of high school students say it's easy to obtain (per Monitoring the Future survey.) Prohibition makes control impossible: Producers and sellers of marijuana are completely unregulated unlike sellers of tobacco and alcohol. There are no quality controls for purity or potency. Taxing and regulating marijuana allows police to spend money on serious and violent crimes: In Hawai'i, marijuana arrests for possession have increased 50% since 2004. Arrests for distribution have almost doubled since 2004. Costs and law enforcement time spent on these could be used for more serious drug offenses like Hawaii's methamphetamine problem or in addressing violent crimes. Hawaii's marijuana laws are enforced unevenly: There is no evidence that any specific gender or ethnic group uses marijuana more than another group, but arrest data in Hawai'i show a different story: Males are 50% more likely to be arrested than females Juveniles are 70% more likely to be arrested. Native Hawaiians are 70% more likely to be arrested than non-native Hawaiians. Filipinos are 30% more likely to be arrested than non-Filipinos. Non-Oahu residents are 40-140% more likely to be arrested for possession than Oahu residents.

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	THOMAS TRIBBLE [ttribble48@yahoo.com]
Sent:	Wednesday, January 30, 2013 7:01 AM
То:	JUDtestimony
Subject:	Support legalization of marijuana

I am for legalization of marijuana because I speak from 40 years of experience that it is safer than alcohol for adults 21 years and older. Thank God we don't have the amount of gun violence here there is on the mainland but our police are never the less overworked and underpaid. Legalization would allow them to focus their precious time on more important issues such as , ice, illegal dumping, and policing the huge homeless population on the west side of Oahu. Thank you Thomas Tribble

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 12:06 AM
То:	JUDtestimony
Cc:	Timax55@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Tim Max	Individual	Support	No

Comments: I am a cancer survivor and cannabis saved my life. Cannabis use is not a barrier to success. Just ask Michael Phelps or Bill Clinton or Obama. Industrial hemp is a huge opportunity. It is an extremely versatile crop.

Please note that testimony submitted less than 24 hours prior to the hearing \_, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Tuesday, January 29, 2013 9:46 PM
To:	JUDtestimony
Cc:	Tom1.galli@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/29/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Tom Galli	Individual	Support	No

Comments: I applaud the intention of this bill. I do suggest you read the testimony submitted by the Libertarian Party and consider incorporating thenpointsbraised therein.

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 9:24 AM
То:	JUDtestimony
Cc:	tyler.alai@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
tyler Martinez	Individual	Support	No

Comments: legalize it!

Please note that testimony submitted less than 24 hours prior to the hearing \_, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Legalizing Cannabis in Hawaii makes pure economic sense in every way. It's time to take pakalolo out of the hands of the black market. I'm a caregiver for medical cannabis patient and having regulated shops to obtain quality herbs would ease so many of my concerns and worries. Such a useful plant such as hemp/cannabis should have never been put under prohibition.

Anyone who does the research will clearly see that it was done to protect certain corporate interests such as pharmaceutical and petroleum industries that had vested interest in promoting their resources. Lets end this idiocy NOW! Mahalo.

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 10:04 AM
То:	JUDtestimony
Cc:	vince.callagher@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
vincent callgher	Individual	Support	No

Comments: I support this bill, and will actively campaign in its favor. It is necessary to change the intent of the existing law to take cannabis out of the black market. Also medicine needs to be available for patients with medical needs that can be obtained legally and with quality control.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 9:43 AM
To:	JUDtestimony
Cc:	waraki@me.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Wenda Araki	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing \_, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Tuesday, January 29, 2013 10:27 PM
То:	JUDtestimony
Cc:	w.joy.hee@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/29/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Wynnie Hee	Individual	Oppose	No

Comments: Please, let's wait and see what really happens in Washington State & Colorado with legalized marijuana. Let's learn from their experience and keep our tradition of being years behind the trends and fads on the mainland, OK? Thank you for not rushing to jump on the legal pot wagon.

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

AS A SURVIVOR OF FIVE CAR ACCIDENTS, I AM PLAGUED WITH MAJOR HEADACHES. I TAKE ALL OF THE PRESCRIBED MEDICATIONS AND UNFORTUNATELY MY CURRENT HEALTH CARE PROVIDER NO LONGER PRESCRIBES MEDICAL MARIJUANA. THIS MEDICATION WAS THE ONLY MEDICATION THAT WOULD TAKE CARE OF MY HEADACHES IMMEDIATELY. I DID NOT SMOKE THIS BUT WOULD EAT IT IN COOKIES OR RICE KRISPIES TREATS. A LITTLE GOES A VERY LONG WAY

DECRIMINALIZING THIS DRUG WOULD HELP MANY OF US WHO SUFFER WITH MEDICAL PROBLEMS. I CAN NO LONGER USE THIS PARTICULAR MEDICATION AS MY HEALTH CARE PROVIDER HAS DECIDED TO DISCONTINUE ITS USE AND IF I WERE TO BE TESTED FOR ANY TYPE OF SUBSTANCE AND THIS DRUG WERE TO BE FOUND IN MY BLOOD, I WOULD NO LONGER HAVE ACCESS TO THE OTHER MEDICATIONS THAT I NEED FOR THESE SEVERE HEADACHES.

ADDITIONALLY, THE STATE WOULD NO LONGER BE BROKE! SUPPLY AND DEMAND. THAT'S THE KEY. THE DEMAND IS FEROCIOUSLY HIGH, ESPECIALLY FOR HAWAIIAN GROWN PRODUCT TO THE MAINLAND OR TO MAINLAND VACATIONERS WHO WOULD PAY TO ENJOY THEIR VACATIONS. JUST SUPPLY THE POLICE WITH CANDY BARS AND WATER!

THANK YOU FOR YOUR CONSIDERATION.

KATHARINE (KIT) ATCHLEY, OWNER FOR THE PEOPLE LEGAL DOCUMENT ASSISTANCE

From:	kailee Paekukui [godlike19@me.com]
Sent:	Thursday, January 31, 2013 11:50 AM
To:	JUDtestimony
Subject:	Hearing on HB-699
	3

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: *Alan Keli'iokekai Alexander* RE: Relating to Marijuana – HB 699 Hearing: <u>Friday, February 1, 2013</u>, Room 325 Position: Strong Support

Today I felt compelled to put my comments on the record, on an issue that has perplexed and divided not only our state but our country as a whole. I've been back and forth myself about the issue many times on what side of the fence I stood on about the issue of legalization of marijuana, being that there are very sincere beliefs held by both sides. I remain but one voice out of many in this discussion, but this is how it should be. We should ALL be talking about this, considering we all have children of our own, or very close family members, or friends who will openly admit to using marijuana at some point in our lives. The fact that our President gets on national t.v. and makes jokes about how he himself smoked and inhaled, "because that's the point", should at least give us some solace in knowing that everyone who smokes, isn't going to end up ruining their lives, and in fact, everyone who smokes won't turn out to be a detriment to our peaceful society here in Hawaii. The "Gateway Drug" argument has been, in my opinion thoroughly discredited from organizations such as LEAP (Law Enforcement Against Prohibition), who basically rationalize that argument in a comparison to alcohol. All alcoholics started with a bottle of warm milk, but we don't criminalize the drinking of warm milk to prevent alcoholism.

Me being a person who truly believes in the right to self determination and personal responsibility, I believe people have a right to decide what they consume, so long as the consumption doesn't harm another person. This is found in the bedrock of our judicial system, which is and will always be, Common Law. In Common Law, there are really only 3 ways to break the law. 1)Physically Harm another person. 2) Damage another persons property. 3)Commit fraud in your contract. The consumption or possession of marijuana doesn't violate any of these three scenarios, so for me, legalization is at least a rational thought based off the foundation of our legal system.

I in no way encourage the consumption of marijuana for children or even young adults under 21. I do believe however, otherwise law abiding citizens should be able to consume marijuana without the threat of force, arrest, or the taking away of their children from CPS. In the enforcement of the current laws, which are gray in some areas to begin with, the harm done through that enforcement far outweighs the harm done by marijuana alone. My father in law, who passed away in 2010, smoked a joint everyday for over thirty years. He was fully active in his kids lives, attended church every Sunday, was never late to work, always the go to guy when it came time to set up and break down family parties, and got along with everyone rich or poor. But if he got caught smoking, despite the positive effect he had on everyone around him and in his life, he could have been thrown in jail, fined, got his kids taken away, etc. I don't see justice in this scenario.

So, I just wanted to give you all another thing for you guys to think about, that's all. I appreciate all that you guys are doing on conducting this conversation openly with citizens of our great state, I wish you all well in your endeavors, and urge you to vote in favor of legalization. Keep the money in good people's hands and pull this booming industry from the confines of the black market. Mahalo for your time.

Eternally greatful ke Akua for this day. Alan K. Alexander

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 12:48 PM
То:	JUDtestimony
Cc:	dkcambra@yahoo.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

#### **HB699**

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Delizhia Cambra	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing \_, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:dostler007@hawaii.rr.comSent:Thursday, January 31, 2013 1:03 PMTo:JUDtestimonySubject:HB 699

As a medical marijuana patient I feel it would be beneficial to legalize, monitor and tax marijuana. Many patients are not able to grow their own medicine and have to go to illegal and dangerous sources to obtain marijuana. The patients do not know what they are receiving.

#### 01/30/2013

#### F Morgan

Maui, Hi

I am for the legalization of marijuana. I have had back surgery and neck surgery removing disks from both areas. After years of being giving heavy narcotics to help the pain and discomfort, came to find out that marijuana helps with the pain. I have been prescribed marinol which works to some extent but the other properties that are extracted provide the main relief. I applied for a blue card in Hawaii and received one however I cannot get the medicine I need and am in fear of being fired from my job if I use this medicine to help. I do not know of anyone that sells marijuana as I do not hang around with the underground folks. I am not sure why this is treated so criminally. This helps people and gets them off of the highly addictive drugs that are legal from our medical care system. I would like to see marijuana legalized but also a law implemented that would make it illegal for employees that test positive for marijuana to be fired if the approved by a doctor for use if it is not completely legalized. The federal government cannot get this right and it is obvious that Colorado and Washington are done with the federal laws regarding marijuana and have moved to legalize it. Hawaii being one of the initial leaders in this, needs to step up and help its people. Thanks.

F Morgan

K5bgg1229@gmail.com

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: *Rustin Smith*, President Hardknocks Inc. RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Good afternoon, my name is Rustin Smith and I am the president of Hardknocks Incorporated Dba Smokey's here in Hawaii. We specialize in the retail sale of smoking devices. We have been in business for over 12 years and have 3 locations throughout Oahu. I would like to urge the committee to support HB699 the Legalizing and Taxing of Marijuana for adults 21 years and older.

In the 12 years my company has been open; we have missed out on thousands of possible marijuana transactions, at least 100 a day if not more. Instead of the state collecting a tax on these possible sales, they have lost them to the street dealers who do not pay taxes and in the same time make Hawaii an unsafe place to live or visit. I say this of personal experience. There has been many times that I have had to listen to the sob story of a tourist getting robbed all because he or she was looking to purchase a small amount of marijuana to make their Hawaii Vacation a little more memorable. I guarantee these people go home and the only memory they have of Hawaii is when they got robbed. How many different people do they tell this story to? How many people change their mind about vacationing to Hawaii? How much revenue did the state just lose? If we can push this bill forward and make marijuana legal for persons 21 years and older, not only can we take the money out of the criminals' hands and put it in the tax payers' pockets, but it would drive more tourists from around the world to come to Hawaii. Hawaii is the meeting place of the pacific. Customers who visit my stores are from all around the world. They come from places where marijuana is punishable by a hefty prison sentence or even death. When they come here all they ask for is an escape from their everyday

life. If we can make Hawaii their "home away from home" they are more likely to return to Hawaii and keep Hawaii's economy flourishing.

I would like to thank the committee for hearing my testimony and urge them to support HB699 the Legalization and Taxation of Marijuana.

Sincerely,

 $\sum$ 

Rustin Smith President Hardknocks Inc Dba Smokeys Hawaii

From:	James Traynor [jamestraynorphotography@gmail.com]
Sent:	Thursday, January 31, 2013 12:56 PM
To:	JUDtestimony
Subject:	legalize it

Based on the tax revenue here in Colorado brought in by Medical Marijuana sales I few the legalization and taxing of The cannabis family we as a country can solve at least two of the problems faced, education and health care. Colorado has decided that 40% of tax revenue generated will go to schools. To give you an Idea of the amount of money that can be generated Salida, Colorado is a town of approximately 5,000 people reported tax revenue from Medical Marijuana to be in excess of 2 million dollars.

And might I briefly remind you that if Marijuana becomes legal so does hemp. And hemp my friend will be where the real money is at. One acre of hemp can replace 4 acres of trees. I think it is the same ratio for using hemp as a fuel source(i.e. one gallon of hemp fuel replaces 4 gallons of fossil fuel.). And processing of hemp is at about 1/3 the cost. Everybody wins. Please join the fight and show Washington that We The People have the solution to the problems they want to ignore.

From:
Sent:
To:
Subject:

Jeff Crawford [ExecDevelopment@hawaii.rr.com] Thursday, January 31, 2013 12:17 PM JUDtestimony Strong Support for HB 699

To: Rep. Karl Rhoads, Chair

Rep. Sharon Har, Vice Chair

From: Jeff Crawford, Ph.D.

RE: Relating to Marijuana - HB 699

Hearing: Friday, February 1, 2013, Room 325

Position: Strong Support

I strongly support legalization of marijuana for the following reasons:

CRIME REDUCTION:

Legalization of marijuana would take money away from people who profit from the illegal drug trade and who often use the money to finance other criminal activities.

Additionally, allowing personal cultivation and imposing only low or moderate taxation on legal sales of marijuana would likely reduce the amount of crime committed by people who support their drug habits through burglary or robbery.

Allowing law enforcement resources to be expended on only more serious criminal activity might also have a positive effect on reducing the rate of crime.

PUBLIC HEALTH BENEFITS:

Legalizing marijuana would also likely result in a number of positive public health benefits. For example, if alcoholics could be persuaded to make marijuana their drug of choice, deaths by alcohol overdose/poisoning, rates of cirrhosis due to excessive use of alcohol, and violence (domestic and stranger) due to alcohol induced intoxication would likely fall.

Patients with chronic pain would be less likely to become addicted to narcotic pain killers because, for many patients, marijuana use reduces the amount of narcotics necessary to treat the pain.

Finally, for our citizens with a predisposition toward addiction, legal marijuana would offer a much more benign substance to abuse and we would be less likely to see the negative social consequences of using crack, ice, heroin, etc.

Although I do not advocate the use of marijuana, I strongly support rescinding its prohibition.

Thank you,

Jeff Crawford, Ph.D. Consulting Psychologist 2269 Okoa Street Honolulu, Hawaii 96821 Voice 808-373-1172 Fax 1-877-926-7401 ExecDevelopment@Hawaii.rr.com

\_\_\_

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 1:00 PM
To:	JUDtestimony
Cc:	mann224@gmail.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Jeff Mann	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing \_, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	Joan Conrow [joanconrow@hawaiiantel.net]
Sent:	Thursday, January 31, 2013 12:15 PM
To:	JUDtestimony
Subject:	Bill 699 Feb. 1, 2013 2 p.m

Dear Members of the House Judiciary Committee,

I am writing in strong support of Bill 699.

In this time of growing needs and shrinking revenues, I think we all can agree that our limited law enforcement and judiciary budgets would be better spent dealing with the far more devastating problems of crystal meth and prescription drug abuse. Legalizing and taxing marijuana also would provide an important income source for Hawaii. Currently, substantial amounts of marijuana are imported into Hawaii, creating yet another avenue for dollars to leave the state that could stay here. I'm sure many of our visitors would enjoy purchasing locally grown cannabis, which is already legendary around the world.

But this isn't just an issue of money. It's also about civil liberties, and the right of adult citizens to use a plant – a plant that has none of the health problems associated with such currently legal substances as alcohol, tobacco and fast food. It's about people getting criminal records and losing their student loans because of an arbitrary determination that marijuana is "bad" and other substances are acceptable. It's about eliminating a social stigma and arrest threat that creates stress for otherwise productive and law-abiding citizens. And it's about ending Green Harvest, which is such an intrusion on our privacy and our peace and quiet.

I hope you will consider in making your decision that many citizens who support this initiative are fearful of submitting testimony because marijuana is currently illegal, and they don't want to draw attention to themselves. However, the poll conducted by the Drug Policy Alliance and ACLU gives the true picture: strong public support for relaxing the state's marijuana laws.

It's time to get cannabis out of the closet and off the black market.

Please move this bill forward.

Mahalo nui loa for your consideration.

Sincerely, Joan Conrow PO Box 525 Anahola, HI 96703 Dear Honorable Chair Rhoads, Honorable Vice Chair Har, Honorable Representatives,

Concerning HB 699: Relating to Marijuana.

My name is Joshua Sweet. I am a high school Senior and I live in Kapahulu.

Although I may be young, I ask that you consider my words not as a mental exercise but as real, practical ideas applicable to daily life.

I wish to express my views freely, not meaning to cause offence or be demeaning; however my firm belief in OPPOSITION TO HB 699 is as follows:

- 1. **Gateway drug.** Marijuana is known as the gateway drug because people who use the drug often become addicted on more severe drugs such as cocaine, meth, etc. By legalizing marijuana for recreational purposes for those over 21, it now allows people the opportunity to become addicted to mind altering substances.
- 2. **Safety.** Though it may be illegal, to use the drug and operate a vehicle at the same time, people will still use the drug and operate a vehicle. This will cause a serious driving hazard, especially since driving fatalities among young drivers are currently high. By allowing such a drug to be widely available will mean that it will be easier to obtain, use and operate a vehicle to more people.
- 3. **Economy.** The purpose of the bill, as it seems, is to make profit and income off of illegal activities, not to uphold law, order and justice. There are other ways to boost income and the economy that are much more safe, sound, secure and profitable.
- 4. Law Enforcement. If it were difficult to enforce a law, any law, then should that law become void? Certainly not! Just because a law may be difficult to enforce does not mean the law is no longer necessary. On the contrary, if a law is difficult to enforce, then the solution should be to look at the problem closer and find a better more direct route to the root of the problem. So, we can find ways to stop illegal drug use if we look at the root of the problem and from there help alleviate the grievances. Also, if we give such a foothold in our law, then what is to stop us from legalizing other dangerous and severe drugs?
- 5. Lastly, it seems that marijuana in the bill is being treated as alcohol. Taxed as alcohol, same age restrictions and uses as alcohol. But, sadly, marijuana is <u>not like alcohol</u>. Unless proven by studies, one cannot treat alcoholic beverages the same as mind altering plants.

In conclusion, I would like to end with this-Ua Mau ke Ea o ka Aina i ka Pono. The life of the land is perpetuated in righteousness. If we allow such a drug to become legal for monetary gains, then our life in this land is no longer operated by righteousness. Besides that, there are better ways to deal with the proposed problems. Any advantageous benefits from this bill are diminished by the safety hazards caused by this. Finally, the reasoning behind this bill calls for compromise against that which is wrong. If we compromise what we have so strongly believed in for so long, what is to stop us from degrading society?

Thank you for your time and consideration. Very Respectfully, Joshua Sweet
From: Sent: To: Subject: linda@kauaidesign.com Thursday, January 31, 2013 12:19 PM JUDtestimony HB699.DOC

I am writing in SUPPORT of HB699.

Linda Pizzitola Kapaa HI

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 1:04 PM
То:	JUDtestimony
Cc:	mlk5206@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Marjorie Kahookele	Individual	Oppose	No

Comments: Marijuana alters the mind, is a gateway and introduction to other drugs.

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House Judiciary Committee Hearing 2/1/13 • 2 PM • Conference Room 325

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: Nancy Aleck RE: Relating to Marijuana – HB 699 Position: Strong Support

Aloha Chair Rhoads, Vice Chair Har, and members of the House Judiciary Committee:

If I said I've never inhaled it would be a big lie and I don't lie. However, marijuana has played no role in my own life in decades. Despite no anticipated personal use, I strongly support this measure due to many positive impacts it can have as well as social harm reduction and major cost savings in criminal justice expenditures.

Over the years, I have heard experts speak to both sides of the decriminalization issue and have been extremely impressed with the diversity and intelligence of those who favor legalization. Including former narcotic officers.

This measure is a great step forward. Hawaii can watch how Colorado handles its recent legislation and hopefully move in that direction, too.

Thank you for your consideration.

Nancy Aleck

From:	ol dirty prescott [reyesscott@ymail.com]
Sent:	Thursday, January 31, 2013 11:51 AM
То:	JUDtestimony; "To:"@RepKarl.Rhodes; "."@smtp7.pauspam.net
Subject:	Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325

I would like marijuana legalization in hawaii. I think it would be an economic boom. I am for its cultivation have stores that sell it. And tell my son how one day he can smoke weed and be president of the united states.

Taxing and regulating makes economic sense for Hawai'i(1):

It would save \$12 million a year in marijuana law enforcement costs. It would bring in at least \$11.3 million a year in tax revenue. Legalizing marijuana for adults will undercut dangerous drug cartels which sell millions of dollars in marijuana on the black market.

Prohibition has failed:

Marijuana use is mainstream and widespread. More than 106 million Americans have tried it and every year more than 80% of high school students say it's easy to obtain (per Monitoring the Future survey.)

Prohibition makes control impossible:

Producers and sellers of marijuana are completely unregulated unlike sellers of tobacco and alcohol.

There are no quality controls for purity or potency.

Taxing and regulating marijuana allows police to spend money on serious and violent crimes(1):

In Hawai'i, marijuana arrests for possession have increased 50% since 2004. Arrests for distribution have almost doubled since 2004. Costs and law enforcement time spent on these could be used for more serious drug offenses like Hawaii's methamphetamine problem or in addressing violent crimes.

Hawaii's marijuana laws are enforced unevenly(1):

There is no evidence that any specific gender or ethnic group uses marijuana more than another group, but arrest data in Hawai'i show a different story: Males are 50% more likely to be arrested than females Juveniles are 70% more likely to be arrested. Native Hawaiians are 70% more likely to be arrested than non-native Hawaiians. Filipinos are 30% more likely to be arrested than non-Filipinos. Non-Oahu residents are 40-140% more likely to be arrested for possession than Oahu residents. Convicted marijuana offenders: Are denied federal student aid. Lose their professional licenses. Encounter barriers to employment, housing, and adoption. These penalties disproportionately affect young, low income, and minority individuals. While people who are convicted of marijuana related offenses are denied federal student aid, people convicted of violent crimes remain eligible. Arrests for marijuana possession are one of the most common ways that people get caught up in the criminal justice system.

Marijuana users who are not convicted have gone on to be President or a Supreme Court justice.

Legalizing, taxing, and regulating marijuana for personal use will not increase youth consumption:

Selling to minors (under 21) will remain illegal. Young people now have easy access to marijuana since drug dealers don't check IDs. Placing marijuana under strict regulatory control may actually decrease youth access here in Hawai'i since regulated businesses could lose their license if they sell to minors while illegal dealers have no incentive not to sell to kids.

Hawai'i residents support the taxation and regulation of marijuana(2):

In a December 2012 poll, 57% of registered voters in Hawai'i support legalizing, taxing, and regulating marijuana for personal use. 76% believe police should focus their time on violent crimes and fighting the ice/methamphetamine problem in Hawai'i.

Laws against driving while intoxicated and other anti-social behaviors will remain in place.

The current bill keeps penalties in place for those driving under the influence of marijuana. The current bill does not allow for marijuana consumption in public places. All forms of advertising will be prohibited.

References:

1 - Nixon, David. Update to: Budgetary Implications of Marijuana Decriminalization in Hawai'i. Public Policy Center: University of Hawai'i, Dec 2012. http://acluhawaii.files.wordpress.com/2013/01/econreptmarijuana1 2013.pdf

2 – QMark Research & Polling. November 19 –December 4, 2012. Survey of 603 adults statewide, MOE +/-4% http://acluhawaii.files.wordpress.com/2013/01/dpagmarijuanapolicyfindings.pdf

Sent via BlackBerry from T-Mobile

From:	
Sent:	
To:	
Subject:	

Rev. Dennis Shields [konagold@starband.net] Thursday, January 31, 2013 12:10 PM JUDtestimony re HB 699

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: (Your Name) RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Aloha Chair Rhoads and Har

The time to end the long suffering of our citizens is at hand.

Cannabis prohibition is fully 50% of the failed and unconstitutional war on SOME drugs.

Cannabis laws are first and foremost Jim Crow laws designed to subjugate Hispanics and Blacks with arrest rates for minorities even in Hawaii slanted to discriminate and control by subjecting Hawaiians and Filipinos to higher arrest rates than other racial types.

The 'M' word used to smear and slander cannabis is a piece of Mexican military slang implying it takes two women Mary and Jane to satisify the supposed increased libido of a Mexican cannabis user thus this one word is exposed as a vile Jim Crow exercise being both racist and sexist [by objectifying women].

The unconstitutionality of cannabis prohibition is exposed when asking a simple question.

Where is the amendment to the US Constitution prohibiting cannabis as is required to satisfy the precedent set by the prohibition of alcohol??

With out such precedent having been followed citizens due process rights and our rights of equal protection guaranteed by the 14th amendment have been ignored and thereby destroyed.

The effects of the unwise war on SOME drugs have been devastating to the United States and the war on cannabis amounts to fully half of all drug arrest and contributes to the demise of American exceptionalism as follows :

America with about 5% of the worlds population

- holds 25% of the worlds prisoners
- Americans consume 80% of the worlds supply of Pharmaceutical pain medications
- including 99% of the worlds supply of Vicodin
- while possessing 50% of the worlds privately owned guns.

In other-words :

America has been transformed into the Land of the NOT so free the Home of the barely brave and the pharmacy of the vastly over-medicated who have a gun under every pillow

By passing this law regulating cannabis as alcohol is regulated, this legislature can restore freedom and legitimacy to a government which with regard to the phony and failed war on SOME drugs has slid too far down the slippery slope of tyranny over its own citizens

By regulating cannabis and taxing it much greater control over minors obtaining and using cannabis will be gained as currently no one card ID's a minor getting cannabis and it is far easier for a minor to obtain cannabis than beer and cigarettes

The negative effects of cannabis have been grossly exaggerated given many examples of super achievers who have used cannabis range from Moses [Ex 30:23 in Hebrew calls for about 7 pounds of cannabis as a principal spice in the recipe for the Holy Anointing Oil of Israel] ; to authors like Victor Hugo and Alexander Dumas ; to scientist like Carl Sagan ; to entertainers from Louis Armstrong to Count Basie and Lennon and McCartney ; to Presidents not only those current and recent but our founding father George Washington wrote regarding his cannabis crops on Mt Vernon "Make the most of the India Hemp seed --sow it EVERYWHERE" [Cannabis Indica is the subspecies of cannabis with the highest percentage of THC -- thus Washington was interested in the medicinal/psychotropic effects as evidenced by both separating out male plants to increase potency and preferring the 'India' hemp over common hemp used primarily for cordage ]

Jesus gave the test of the good and evil tree saying that the evil tree can not produce good fruit

It tuns out that the fruit of cannabis its seed is the worlds most perfect food for human nutrition having a 'perfect' balance of all three of the essential fatty acids [omega's] and the ONLY singular food source known to have all these fatty acids

Cannabis in-spite of all the lies and exaggerations of its supposed harm is the epitome of a "good tree"

As a Minister of a Church which uses cannabis as a sacrament I repeat to you Moses' plea to Pharaoh "LET MY PEOPLE GO"

Mahalo for this hearing on this long overdue change in these failed laws

Aloha

Rev. Dennis Shields

the Religion of Jesus Church

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 12:09 PM
То:	JUDtestimony
Cc:	theques35@yahoo.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

## HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
robert mcdonald	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing \_, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From: Sent: To: Subject: Sistah Roz [rootzwoman808@gmail.com] Thursday, January 31, 2013 1:29 PM JUDtestimony HB699

As a medical marijuana patient, I believe the law should be passed.

From:	Tanner Lewis [lewistanner1997@yahoo.com]
Sent:	Thursday, January 31, 2013 11:47 AM
To:	JUDtestimony
Subject:	RE: Relating to Marijuana – HB 699

To: Rep. Karl Rhoads, Chair

Rep. Sharon Har, Vice Chair

From: Tanner Lewis

RE: Relating to Marijuana – HB 699

Hearing: Friday, February 1, 2013, Room 325

**Position: Strong Support** 

**Talking Points:** 

Taxing and regulating makes economic sense for Hawai'i:

It would save \$12 million a year in marijuana law enforcement costs.

It would bring in at least \$11.3 million a year in tax revenue.

■Legalizing marijuana for adults will undercut dangerous drug cartels which sell millions of dollars in marijuana on the black market.

Prohibition has failed:

■Marijuana use is mainstream and widespread. More than 106 million Americans have tried it and every year more than 80% of high school students say it's easy to obtain (per Monitoring the Future survey.)

Prohibition makes control impossible:

■Producers and sellers of marijuana are completely unregulated unlike sellers of tobacco and alcohol.

There are no quality controls for purity or potency.

Taxing and regulating marijuana allows police to spend money on serious and violent crimes1:

In Hawai'i, marijuana arrests for possession have increased 50% since 2004.

■Arrests for distribution have almost doubled since 2004.

■Costs and law enforcement time spent on these could be used for more serious drug offenses like Hawaii's methamphetamine problem or in addressing violent crimes.

Hawaii's marijuana laws are enforced unevenly:

There is no evidence that any specific gender or ethnic group uses marijuana more than another group, but arrest data in Hawai'i show a different story:

- ■Males are 50% more likely to be arrested than females
- ■Juveniles are 70% more likely to be arrested.
- ■Native Hawaiians are 70% more likely to be arrested than non-native Hawaiians.
- Filipinos are 30% more likely to be arrested than non-Filipinos.
- ■Non-Oahu residents are 40-140% more likely to be arrested for possession than Oahu residents.

Convicted marijuana offenders:

■Are denied federal student aid.

■Lose their professional licenses.

Encounter barriers to employment, housing, and adoption.

These penalties disproportionally affect young, low income, and minority individuals.

■While people who are convicted of marijuana related offenses are denied federal student aid, people convicted of violent crimes remain eligible.

■Arrests for marijuana possession are one of the most common ways that people get caught up in the criminal justice system.

■Marijuana users who are not convicted have gone on to be President or a Supreme Court justice.

Legalizing, taxing, and regulating marijuana for personal use will not increase youth consumption: ■Selling to minors (under 21) will remain illegal.

■Young people now have easy access to marijuana since drug dealers don't check IDs.

■Placing marijuana under strict regulatory control may actually decrease youth access here in Hawai'i since regulated businesses could lose their license if they sell to minors while illegal dealers have no incentive not to sell to kids.

Hawai'i residents support the taxation and regulation of marijuana:

■In a December 2012 poll, 57% of registered voters in Hawai'i support legalizing, taxing, and regulating marijuana for personal use.

■76% believe police should focus their time on violent crimes and fighting the ice/methamphetamine problem in Hawai'i.

From:	Peter Marley [jondill15@hotmail.com]
Sent:	Thursday, January 31, 2013 1:00 PM
То:	JUDtestimony

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: *Victor Rivera* RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Aloha and thank you for your time. I would like to submit my testimony in favor of HB 699. I am 33 year old male that has lived here for 10 years. I am a medical marijuana patient and i have been registered for 3 years. My girlfriend and I are legal card holders. We have trouble obtaing quality medicine to treat our ailments. I suffer from cyclic vomiting syndrome and my girlfriend suffers from fibrmyalgia. With out safe acces to quality cannabis we suffer. We have tried to grow our own within our legal limit. The problem is that we live in a condo and we have to use grow lghts. The price of electricty is really extreme. We have to have too many electrical appliances on at once and the bill ranges from \$250-\$300 just for power. Then when the plants are harvested there just isnt enought to last so we are forced to grow year round. If there was a govt. regulated place for us to obtain our meds that we need our quality of life would be to the sky. I am highly in favor of the legalization of marijuana. We are honestly afraid of some of the drugs that we are being prescribed to deal with our ailments. The side effects are too long to list. We beleive in a natrual path to help and wellness. The taxes alone would literally bring millions of US dollars into the state which will help everywhere from getting our schools higher scores all the way to extra roads where they are nedded. We will continue to obtain marijuana regardless of the outcome and we will continue to spend our money towards our wellness and personal well being. Why not take our money instead of letting it go untaxed and into the hands of unqualified purveryors? Take this chance to bring in revenue that would not come from anywhere else. Thank you for your time. Aloha

To whom it may concern,

This letter is to express my support for Bill HB699. I was diagnosed with Bipolar disorder when I was fifteen-years of age and it has been a long, hard battle. I am now a twenty-two year old mother who continues to struggle with Bipolar Disorder, however, when I learned about Bill HB699, I saw a light at the end of the tunnel for the first time in seven years.

The National Institute of Mental Health defines Bipolar Disorder, which is also referred to as Manicdepressive Illness, as a brain condition that causes individuals to experience unusual and severe fluctuations in energy, mood, activity level, and their ability to conduct day-to-day tasks. There are four basic types of bipolar disorder.

Bipolar I disorder is mainly defined as experiencing manic (overly joyful or overexcited state) or mixed episodes (manic mixed with feeling extremely sad or hopeless) that last at least seven days, or experiencing severe manic symptoms that require hospitalization. People with Bipolar II disorder shift back and forth between but do not suffer with full-blown manic or mixed episodes. Cyclothymic disorder is a mild form of bipolar disorder, and bipolar disorder not otherwise specified (BP-NOS) is characterized by symptoms that don't last long enough or symptoms are too few to meet the criteria of bipolar I or II.

I have personally experienced Bipolar I disorder and I struggle with Bipolar II disorder every day of my life, keeping it under control with 1500MG of Divalproex every day, for the rest of my life. Marijuana has been shown to benefit a number of physical health problems, ranging from multiple sclerosis to type 2 diabetes, inflammatory bowel disease, and cancer pain. But what about mental disorders? New studies have shown that use of cannabis (marijuana) could be helpful in improving certain neurocognitive functions in people who have Bipolar Disorder, a disorder affecting 5.7 million people in the world.

There has long been reason to think that marijuana may be helpful to some patients with Bipolar Disorder, as certain cannabinoids have been shown in lab and animal studies to have effects that ought to be beneficial. Now, a new study from the University of Oslo finds that marijuana use is associated with better neurocognitive functioning in bipolar patients. In various tests of memory, learning, etc., bipolar patients who used marijuana did better than those who didn't use it – the exact opposite of what the researchers found in patients with schizophrenia, a condition marijuana can sometimes worsen. "The findings," the scientists write, "suggest that cannabis use may be related to improved neurocognition in bipolar disorder."

I am one of 5.7 million people in the world with Bipolar Disorder. All patients with Bipolar Disorder need outpatient monitoring for both medications and psychotherapy. In addition, they need education. Marijuana can be used as an effective means of treatment and much research can be done for people like myself. Thank you for your time and consideration.

Mahalo,

Kristen Mallari

#### Thomas S Stutts

I am a medical marijuana patient here in hawaii, i feel if you legalized medical marijuana it really help me and other medical marijuana patients throughout the state who cant grow do to living conditions plus if you legalized and taxed it, you would help our state economy as well.

Sincerely Tom S Stutts

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 1:52 PM
То:	JUDtestimony
Cc:	rainbosz@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
jesse rain bosz hart	Individual	Support	Yes

Comments: To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: (Your Name) RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support In a December 2012 poll, 57% of registered voters in Hawai'i support legalizing, taxing, and regulating marijuana for personal use. 76% believe police should focus their time on violent crimes and fighting the ice/methamphetamine problem in Hawai'i.

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	fowlmd@verizon.net
Sent:	Thursday, January 31, 2013 12:57 PM
То:	JUDtestimony
Subject:	recreational marijuana

Sir:

I respectfully request you reconsider your current position on recreational marijuana. Recent events clearly demonstrate that our Federal goverenment can't even pass a working budget, let alone legislation of any sweeping social relevance. Hence, while Federal laws would ordinarily seem the place to start with a topic like marijuana, it seems that these days, at least, states must lead the way. With that in mind, please allow me to point a few thing out to you.

Access: the idea that access to marijuana is limited because of its legal status is false. Most teenagers who smoke marijuana would tell you that it's easier to find marijuana than it is to buy alcohol. That's not going to change with continued prohibition. It might change with licensing and taxation.

Safety: There no no known deaths as a result of marijuana "overdose." Yet, every state logs alcohol poisoning deaths every weekend.

The economy: Marijuana is a huge industry right now, and that's not going to change either. If we tax marijuana, we add to our general funds. Further, all the money we currently spend on law enforcement for marijuana could be redirected - win, win in my book.

Basic decency: If in my forties, I want to roll a joint and watch a movie or talk with my friends or order pizza, why should anyone be able to tell me not to do so, provided I am not hurting anyone. Isn't this America, land of the free.

Summarily, the issue is seemingly infinitely more vast, and I get that. But on it's most basic level, I think you can see that legalizing marijuana is at least worth a real discussion and even a vote. Please don't table or otherwise set aside some of such great importance to your state and our nation. Let your people make up theor own mind.

Respectfully,

Matthew Fowler

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 1:52 PM
То:	JUDtestimony
Cc:	ttui@hingyca.org
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

## HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
T.S. Tuiteleleapaga	Individual	Oppose	No

Comments: I am and have been working with at-risk youth in the State of Hawaii for the last 20 years. Marijuana is the gateway drug that changes the entire dynamics in these Youth's lives. Please remember the lives of these young people whose voice in this case are not being heard. Respectfully submitted.

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State of Hawaii House of Representatives The Twenty-Seventh Legislature Regular Session of 2013

House Committee on Judiciary Representative Karl Rhoads, Chair Representative Sharon E. Har, Vice Chair

Aaron T. Tozier

Friday, February 01, 2013

#### **Opposition to House Bill 699, Relating to Marijuana**

My name is Aaron Tozier, and I am a high school student from Honolulu. I firmly stand and testify in opposition to HB 699. As a locally born and raised individual I have been greatly blessed to grow up in a state home to some of the most beautiful scenery, crystal-blue waters, and people on planet Earth. With the introduction of HB 699, I immediately saw it as a threat to our state's well-being and moral integrity. Furthermore, HB 699 is a threat to my generation, and the future generations of people growing up and living in Hawai'i.

According to an article by CBS News, nearly 11 percent of Americans are occasional or regular smokers of marijuana. Hawai'i is just above that average. In our state, more than 12 percent of people are regular marijuana users. That means that 1 in 8 people in Hawai'i are regular users of this intoxicating and destructive drug. While I can understand that from a financial standpoint legalization of marijuana could induce great financial benefit to the state, it comes at the cost of intentionally or unintentionally promoting the drug statewide. The passing of HB 699 could result in marijuana falling into the wrong hands and more menacing, the hands of our youth.

Marijuana brings users into a psychologically unstable state, which many have reported caused memory loss or brain damage later in life. In addition, marijuana along with tobacco and other drugs that are inhaled have been proven to be a leading cause of lung cancer and other respiratory related health issues. Improving education is one of the top priorities of our current Governor's administration. Do we want to enact a bill that will put our students at risk of deteriorating their minds, and deteriorate the quality of life in our state?

Hawai'i has always been for many years a Mecca for tourism, and paradise to all who have visited or called these islands home. People from all over the world flock to our islands for its incomparable natural beauty, friendly people, and more than anything Hawai'i can boast of, Aloha. Aloha is what charges our people to move forward, and make the best and most righteous decisions to make our state a better place. As our state motto clearly states, "Ua Mau Ke Ea O Ka Aina I Ka Pono", "The Life of the Land is Perpetuated in Righteousness", we must take to the calling of our founding leaders and do what is truly best for the people of Hawai'i.

I humbly ask the committee and Hawaii State House of Representatives to consider my stance in opposition to HB 699, and would like to thank you for this opportunity to testify.

From:	mailinglist@capitol.hawaii.gov
Sent:	Friday, February 01, 2013 3:04 AM
То:	JUDtestimony
Cc:	ilikepieguy@gmail.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

### **HB699**

Submitted on: 2/1/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Alexander jones	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing \_, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 2:41 PM
То:	JUDtestimony
Cc:	atoms61@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Alvah T. Strickland	Individual	Support	No

Comments: The War on Drugs has been a monumental failure with huge damage to our nation. HB 699 takes a small step in the right direction on this issue and should by all means be enacted. The reasons supporting this position have been well outlined by others and have been included below. Taxing and regulating makes economic sense for Hawai'i1: It would save \$12 million a year in marijuana law enforcement costs. It would bring in at least \$11.3 million a year in tax revenue. Legalizing marijuana for adults will undercut dangerous drug cartels which sell millions of dollars in marijuana on the black market. Prohibition has failed: Marijuana use is mainstream and widespread. More than 106 million Americans have tried it and every year more than 80% of high school students say it's easy to obtain (per Monitoring the Future survey.) Prohibition makes control impossible: Producers and sellers of marijuana are completely unregulated unlike sellers of tobacco and alcohol. There are no quality controls for purity or potency. Taxing and regulating marijuana allows police to spend money on serious and violent crimes1: In Hawai'i, marijuana arrests for possession have increased 50% since 2004. Arrests for distribution have almost doubled since 2004. Costs and law enforcement time spent on these could be used for more serious drug offenses like Hawaii's methamphetamine problem or in addressing violent crimes. Hawaii's marijuana laws are enforced unevenly1: There is no evidence that any specific gender or ethnic group uses marijuana more than another group, but arrest data in Hawai'i show a different story: Males are 50% more likely to be arrested than females Juveniles are 70% more likely to be arrested. Native Hawaiians are 70% more likely to be arrested than non-native Hawaiians. Filipinos are 30% more likely to be arrested than non-Filipinos. Non-Oahu residents are 40-140% more likely to be arrested for possession than Oahu residents. Convicted marijuana offenders: Are denied federal student aid. Lose their professional licenses. Encounter barriers to employment, housing, and adoption. These penalties disproportionally affect young, low income, and minority individuals. While people who are convicted of marijuana related offenses are denied federal student aid, people convicted of violent crimes remain eligible. Arrests for marijuana possession are one of the most common ways that people get caught up in the criminal justice system. Marijuana users who are not convicted have gone on to be President or a Supreme Court justice. Legalizing, taxing, and regulating marijuana for personal use will not increase youth consumption: Selling to minors (under 21) will remain illegal. Young people now have easy access to marijuana since drug dealers don't check IDs. Placing marijuana under strict regulatory control may actually decrease youth access here in Hawai'i since regulated businesses could lose their license if they sell to minors while illegal dealers have no incentive not to sell to kids. Hawai'i residents support the taxation and regulation of marijuana2: In a December 2012 poll, 57% of registered voters in Hawai'i support legalizing, taxing, and regulating marijuana for personal use. 76% believe police should focus their time on violent crimes and fighting the ice/methamphetamine

problem in Hawai'i. Laws against driving while intoxicated and other anti-social behaviors will remain in place. The current bill keeps penalties in place for those driving under the influence of marijuana. The current bill does not allow for marijuana consumption in public places. All forms of advertising will be prohibited.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Friday, February 01, 2013 7:44 AM
То:	JUDtestimony
Cc:	ramsey4@hawaii.edu
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

## HB699

Submitted on: 2/1/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Amber	Individual	Support	No

Comments: I am a 35 year old medical marijuana patient in the State of Hawai'i. I suffer from PTSD, and anorexia. My anxiety is so bad, that it is a challenge for me to eat when I am suffering from my disorder. It is miserable to vomit, from exhaustion and stress, and fear. I have suffered this problem, for many years. I was sick with PTSD and anorexia relating to stress over Christmas. I was very ill. The gentle effectiveness of marijuana, calmed my nerves, as well as my stomach and make me hungry. Marijuana, helps me in so many ways and does not destroy lives like alcohol. Please help our economy and our citizens by making it more accessible to responsible tax paying adults 21 and older. It helps those of us, that want to be good law obideing citizens have access to healing, as well as stregthening our island community economically. Too many people beleive it to be a positive therapeutic asset to deny its positive influence, on an economy and a community that want better legalized access. Let the community benefit from improved health, and let our economy benefit, by making marijuana more accessable to responsible tax paying adults. Aloha and mahalo, for reviewing this bill. I am fully supporting it today. Amber S. Ramsey

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Anastasiia Lanham 154 Kupuna St Kihei, Hawaii 96753

#### Re: House Bill HB699

I strongly support the unanimous passing of this bill for multiple social and economic reasons. Firstly the social impact would be outstanding. Crime would decrease, alcohol and drug addiction rates would drop and the population of Hawaii would economically benefit both from retail excise tax revenue and decreased prison costs due to lower imprisonment rates. It is working great in two other states. In my opinion it should be legal for anyone with photo I.D. over the age of 18 as it is and has been in other parts of the world. This would help decrease alcoholism rates in young adults, many people drink in place of smoking cannabis (you can't lose your job because of a drug test). Alcohol has proven to be a beast in modern society causing nothing but death and destruction for simple financial gain. Cannabis is both safer and it has been proven multiple times by major U.S. educational institutions and private researchers to have a far less dangerous impact on society.

With any luck this would also trigger a strong push for other products made from Cannabis such as paper products, textiles, clothing, plastics and fuels. You can get at least 5 times as mush ethanol from a hemp plant as a corn stock....and it grows twice as fast in almost any climate. It takes 1/5 the toxic chemicals to process hemp pulp than tree pulp for making paper, and when you cut Cannabis down you can plant a new crop and harvest in as little as 3 weeks. Toxic waste is becoming a huge issue and we are at the front lines of the battle, passing this bill will be the first steps towards major environmental advances (that have been practices throughout history for thousands of years until the 1930's).

Far less than 100 years ago Cannabis was legal in the U.S. At one point during early America it was actually legal to use in place of currency for buying goods. During the revolutionary war you could actually be imprisoned for not growing Cannabis as it was a major part of the plan "to get economically separate from Brittan". The first American flag was made from hemp. It is a known fact that George Washington and Thomas Jefferson grew and smoked Cannabis at the White House. Major corporations had governmental influence on congress during the 1930's (and still do of course). DuPont was one of the largest financial donators to politicians in the 1930's with a number of strong lobbyists in Washington, Cotton finally succeeded once Cannabis was illegal.

If Hawaii could allow tourists to consume cannabis while visiting this would have a huge impact on our economy. Why not make the money? If you pass this bill illegal drug rates will drop and the illegal un-taxable street market will be gone. Why not help drop crime? When you pass this bill Prisons will not be filled with people in jail for Cannabis charges, the prison system will save money. Why not save money? The people of Hawaii want this to happen, we want to be able to exercise our rights and to lead America to a more free, prosperous and environmentally sound future. Why not vote for what the people of Hawaii elected you to vote for?

I trust you are listening to the people who voted for you to lead our wonderful state and you support HB699 to make Hawaii a better place.

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 5:20 PM
То:	JUDtestimony
Cc:	drewhenderson81@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Andrew Henderson	Individual	Support	No

Comments: This will provide income for our state and stop the constant waste of money and life due to prosecution of otherwise law abiding citizens who pose no real threat to society. It will also undermine the funding of organized criminal enterprise throughout the state.

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To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair Members of the Judiciary Committee

From: Annie Hollis, BA, MSW candidate (2013)

## RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: **Strong Support**

I strongly support HB 699, relating to the regulation, taxation and sale of marijuana to adults 21 and over. There are several reasons to pass this bill. Public opinion regarding marijuana has changed significantly over the past ten years; marijuana use is mainstream and widespread. More than 80% of high school students say marijuana is easy to obtain. In a December 2012 poll, 57% of registered voters in Hawai'i support the legalization, taxation, and regulation of marijuana for personal use, and 76% believe police should focus their time on violent crimes and fighting the extremely serious methamphetamine problem in Hawai'i.

In addition, the cost of keeping marijuana illegal is too much for Hawai'i to bear. As a social worker and someone who has been working in social services for over eight years, during the economic recession, we have seen necessary and vital programs slashed time and time again while the state continues to spend \$12 million a year in marijuana law enforcement costs. Taxation of marijuana would add \$11.3 million a year to the state's revenue, a badly needed source of income. Hawai'i is facing a number of financial problems, including the perpetual underfunding of public schools, social services, and the growing unfunded pension liabilities for public employees who are retiring or retired.

In addition, the arrests for marijuana unfairly target juveniles, Native Hawaiians, and Filipinos, making their futures uncertain. Convicted marijuana offenders lose access to federal student aid, often the only way low-income students can attend college or vocational training programs—effectively cutting them off from being able to pursue a secure future. Offenders also can lose professional licenses and encounter serious barriers to employment, housing, and adoption. It is unconscionable that the state continues to enforce penalties that reinforce the disparate treatment of people of color, especially Native Hawaiians, in our criminal justice system, especially when the "offense" is not violent or harmful to society.

In summation, I urge you to pass HB 699—for Hawaii's youth, and for Hawaii's future.

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: *Anthony Padilla* RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

I AM FOR THE LEGALIZATION OF MARIJUANA BECAUSE ITS STUPID TO HAVE IT BE ILLEGAL, AND WE ARE GOING TO VOTE YOU OUT OF OFFICE UNLESS YOU LISTEN TO US.

From:	darmok1 [darmok1@hawaii.rr.com]
Sent:	Thursday, January 31, 2013 4:17 PM
To:	JUDtestimony
Subject:	Strong support for HB699, taxation & legalization of marijuana

To Rep. Karl Rhodes, Chair Rep. Sharon Har, Vice Chair From Brenda Upchurch, Wahiawa, HI Re:Relating to Marijuana - HB 699 Hearing: Friday, Feb 1, 2013, Room 325 Position: Strong Support

My respect to you who serve your state and us citizens of Hawai'i as legislators. I am over 60 years old and have watched helplessly the pain, broken lives, ripped apart families, all the needless suffering caused by the restrictive marijuana laws. Many of us smoked pakalolo in college & know from experience that it is more harmless than alcohol. I will not send you another long email outlining all the points of argument on this issue, you will get enough of that. I just want to say that I will be very proud to be a citizen of Hawai'i, one of the first states of the union to legalize Marijuana posession and use by adults. Hawai'i will no longer waste tax funds, court time, police resources, and Hawai'i will no longer waste the futures of our young citizens and deny them college educations because they smoked a joint. Thank you for your continued show of courage in the face of federal threats and harassment that has caused other states to to stop legalization of marijuana over the wishes of the citizens. I was so proud of Hawai'i when we were the only state to refuse federal funds for helecopters to fly over private property in search of pakalolo plants. Thank you for your attention. Legalization of marijuana will be only good for our great state and help in so many ways to ease our finantial woes.

Aloha nui Ioa, Brenda Upchurch 1600 Wilikina Dr, Wahiawa, HI

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 4:08 PM
То:	JUDtestimony
Cc:	brentjneal@hawaii.edu
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

## HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
brent neal	Individual	Support	No

Comments: I think this MUST pass! It is WAY overdue! I agrre with my wife about the following: Section 1(3) should be amended to say "driving while IMPAIRED under the influence of cannabis remains illegal" Section 329-B (1) should be amended to replace "marijuana" with: dried, usable cannabis or cannabis product. 329-B to insert "warrantless search" before "seizure" 329-B (5) replace "older" with "younger" 329-C insert "warrantless search" before "seizure" 329-C(1) include "transportation and transfer" after the word possession. 329-D(1) insert "application" instead of the word "the" (2) amend to read as "Fee schedule and time table" application etc. 329-E (a)amend the first "marijuana" to read cannabis, cannabis products and cannabis accessories. 329-G (2) amend to say that impaired is not necessarily "under the influence" because a person might test positive for THC for weeks AFTER consumption and would be completely sober at the time. This is a VERY important distinction. there needs to be a scientific rule of measure to determine impairment vs. presence in the body. 329-G (3) after "USE" insert "sell, process, manufacture" 329-H after "registered entity" add "including but not limited to the right to cultivate and transfer between patients" And lastly: 329-A with regards to the testing facility...change "safety" to "purity" Thank you very much for taking the time to carefully read and consider my suggestions. PLEASE vote YES!!!

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 4:04 PM
То:	JUDtestimony
Cc:	britneal@live.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

## HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
brittany neal	Individual	Support	No

Comments: I recommend the derogatory slang "marijuana" be changed to the accepted scientific name cannabis. Section 1(3) should be amended to say "driving while IMPAIRED under the influence of cannabis remains illegal" Section 329-B (1) should be amended to replace "marijuana" with: dried, usable cannabis or cannabis product. 329-B to insert "warrantless search" before "seizure" 329-B (5) replace "older" with "younger" 329-C insert "warrantless search" before "seizure" 329-C(1) include "transportation and transfer" after the word possession. 329-D(1) insert "application" instead of the word "the" (2) amend to read as "Fee schedule and time table" application etc. 329-E (a)amend the first "marijuana" to read cannabis, cannabis products and cannabis accessories. 329-G (2) amend to say that impaired is not necessarily "under the influence" because a person might test positive for THC for weeks AFTER consumption and would be completely sober at the time. This is a VERY important distinction. there needs to be a scientific rule of measure to determine impairment vs. presence in the body. 329-G (3) after "USE" insert "sell, process, manufacture" 329-H after "registered entity" add "including but not limited to the right to cultivate and transfer between patients" And lastly: 329-A with regards to the testing facility...change "safety" to "purity" Thank you very much for taking the time to carefully read and consider my suggestions. PLEASE vote YES!!!

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 6:55 PM
То:	JUDtestimony
Cc:	warui808@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### **HB699**

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Brosnan Dumayas	Individual	Support	No

Comments: It's a plant! I love plants.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 2:53 PM
То:	JUDtestimony
Cc:	bender8_2005@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM
Attachments:	Support.wps

### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Candy Bender	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	carlos@greenhandsofaloha.com	
Sent:	Thursday, January 31, 2013 5:57 Pl	
To:	JUDtestimony	
Subject:	HB 699	

To: House of Repersinitives

I ask you to support the passing of HB699

I ask each and everyone of you to be progressive as you were in 2000, when Hawaii made history by being the lst state to in act the law of medical marijuana. I ask that you make history once again and pass the legalization of marijuana in the state of Hawaii. This will put a stop to the useless waste of money, time and energy to arrest people for a known harmless plant.

It will also spur the economy in Hawaii, that will open a new industry an will add to the states general fund. I also ask that the law is fair for all to have the opportunity to become part of the new cannabis industry. I ask that the state do not create a monopoly for a few.

Thanks for your comcideration

Carlos j. Trahan

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 3:05 PM
То:	JUDtestimony
Cc:	CharliBucket@gmail.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

## HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Carly Scott	Individual	Support	No

Comments:

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 2:16 PM
То:	JUDtestimony
Cc:	Crex2@msn.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### **HB699**

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Charles Rechsteiner	Individual	Support	No

Comments: To: Rep. Karl Rhodes, Chair Rep. Sharon Har, Vice Chair From: Charles Rechsteiner RE: Relating to Marijuana - HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support Please consider the following points in your deliberation. Taxing and regulating makes economic sense for Hawai'i: It would save \$12 million a year in marijuana law enforcement costs. It would bring in at least \$11.3 million a year in tax revenue. Legalizing marijuana for adults will undercut dangerous drug cartels which sell millions of dollars in marijuana on the black market. Prohibition has failed: Marijuana use is mainstream and widespread. More than 106 million Americans have tried it and every year more than 80% of high school students say it's easy to obtain (per Monitoring the Future survey.) please reference research from Law Enforcement Against Prohibition (LEAP). Prohibition makes control impossible: Producers and sellers of marijuana are completely unregulated unlike sellers of tobacco and alcohol. There are no guality controls for purity or potency. Taxing and regulating marijuana allows police to spend money on serious and violent crimes: In Hawai'i, marijuana arrests for possession have increased 50% since 2004. Arrests for distribution have almost doubled since 2004. Costs and law enforcement time spent on these could be used for more serious drug offenses like Hawaii's methamphetamine problem or in addressing violent crimes. Hawaii's marijuana laws are enforced unevenly: There is no evidence that any specific gender or ethnic group uses marijuana more than another group, but arrest data in Hawai'i show a different story: Males are 50% more likely to be arrested than females Juveniles are 70% more likely to be arrested. Native Hawaiians are 70% more likely to be arrested than non-native Hawaiians. Filipinos are 30% more likely to be arrested than non-Filipinos. Non-Oahu residents are 40-140% more likely to be arrested for possession than Oahu residents. Convicted marijuana offenders: Are denied federal student aid. Lose their professional licenses. Encounter barriers to employment, housing, and adoption. These penalties disproportionately affect young, low income, and minority individuals. While people who are convicted of marijuana related offenses are denied federal student aid, people convicted of violent crimes remain eligible. Arrests for marijuana possession are one of the most common ways that people get caught up in the criminal justice system. Marijuana users who are not convicted have gone on to be President or a Supreme Court justice. Legalizing, taxing, and regulating marijuana for personal use will not increase youth consumption: Selling to minors (under 21) will remain illegal. Young people now have easy access to marijuana since drug dealers don't check IDs. Placing marijuana under strict regulatory control may actually decrease youth access here in Hawai'i since regulated businesses could lose their license if they sell to minors while illegal dealers have no incentive not to sell to kids. Hawai'i residents support the taxation and regulation of marijuana: In a December 2012 poll, 57% of registered voters in Hawai'i support legalizing, taxing, and regulating marijuana for personal use. 76% believe police should focus their time on violent
crimes and fighting the ice/methamphetamine problem in Hawai'i. Laws against driving while intoxicated and other anti-social behaviors will remain in place. The current bill keeps penalties in place for those driving under the influence of marijuana. The current bill does not allow for marijuana consumption in public places. All forms of advertising will be prohibited. References: Nixon, David. Update to: Budgetary Implications of Marijuana Decriminalization in Hawai'i. Public Policy Center: University of Hawai'i, Dec 2012.

http://acluhawaii.files.wordpress.com/2013/01/econreptmarijuana1\_2013.pdf\_QMark Research & Polling. November 19 –December 4, 2012. Survey of 603 adults statewide, MOE +/-4% http://acluhawaii.files.wordpress.com/2013/01/dpagmarijuanapolicyfindings.pdf\_Tags: Cannabis, Hawaii, HB 699, hearing, House Judiciary Committee, HRS, marijuana, testimony

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#### submit.txt

I support the legalization of marijuana. It is a plant that has many recreational and therapeutic properties. It has been shown to be as physically addictive as caffeine. It causes less harm to the body than alcohol or tobacco. We can lessen underage use through regulation, just like alcohol and tobacco. We can take money away from real criminals and put it into those of responsible small business owners, who will create more jobs. I also support the right to grow in a secure residence. Americans can brew beer and wine at home, we should offer the same rights to marijuana consumers. marijuana consumers.

From:Colton Cyr [coltonalone@gmail.com]Sent:Friday, February 01, 2013 6:05 AMTo:JUDtestimonySubject:House Bill 699

My Name is Colton, and I support House Bill 699, The Personal use of Marijuana Act, Thank you!

From:	Dennis [whiskeypeachpie@gmail.com]
Sent:	Friday, February 01, 2013 3:17 AM
То:	JUDtestimony
Subject:	Marijuana law reform

The war on drugs is a complete failure and waste of my tax dollar. Instead let's tax and make a available a product that can boost our state economy, and take away the war on drug money for serious crime like theft, murder, and people who prey upon other people ! Instead of the victimless smoking of a joint in ones own home. Education instead of incarceration, jail is for people who actually harm people! May commonsense rule your judgement on this issue not biased opinions and hearsay. Thank you for taking my opinion into consideration.

Sent from my iPhone

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 7:42 PM
То:	JUDtestimony
Cc:	eseamon@hawaii.edu
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Elisabeth Seamon	Individual	Support	No

Comments:

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 5:13 PM
То:	JUDtestimony
Cc:	emjacobs2001@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Ellen Jacobs	Individual	Support	No

Comments: Legalization of marijuana is a win win for everyone. Police can focus on urgent issues and residents of Hawaii can partake is they wish to, legally. Please legalize marijuana now.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 6:03 PM
To:	JUDtestimony
Cc:	winnamedina@hotmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Jasmine	Individual	Comments Only	Yes

Comments: Legalizing marijuana and taxing it will help bring more money into our state.

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To: Rep. Karl Rhodes, Chair Rep. Sharon Har, Vice Chair From: Jason Kamalu-Grupen RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Thank you for the opportunity to submit testimony in STRONG SUPPORT of HB699 – Relating to Marijuana.

In 2009 I spent the better part of 6 months working in the Medical Cannabis Industry in California. I worked at a Cannabis trade school called Oaksterdam University in Oakland. Though not an accredited university, it was a place where people from all over the world came to learn about the plant itself as well as every aspect of the evolving medical cannabis industry.

It was a true pleasure to be a part of real progress in the way marijuana was viewed , not only as a potential new source of desperately needed revenues, but also as a plant with amazing power to heal. It is no exaggeration for me to say that I saw, first hand, marijuana bring tremendously ill individuals back from the brink of suicide. I watched folks who had previously lost the will to live, find hope once again by being empowered to help themselves through natural self medication.

I saw the beginning of what could have been a template for a well regulated system of production and distribution of marijuana as medicine that could have evolved into the same for legal marijuana. Had the State of California complied with the will of the people, that potential might have been realized.

Obviously, that potential wasn't realized. The failure of the State to establish a set of guidelines for patients and businesses, as well as Federal persecution of the same groups based on willfully ignorant Federal Statutes, caused the whole thing to fall apart.

I testify today in the hope that we, in Hawaii, can count ourselves among other forward thinking states like Colorado and Washington, and escape the Reefer Madness/ Drug War era of lies and misinformation regarding marijuana. Marijuana prohibition causes more heinous problems than those it is meant to solve. Please let us relegate it to the past so that we may focus our resources on the many more pressing concerns facing our state.

Thank you,

Jason Kamalu-Grupen jasonkamalu@gmail.com 808-636-4972

#### hb699.txt

I think that Hawaii needs this bill hb699 to pass. This bill makes sense both for the community and for the economy. Marijuana has been Hawaii's number one cash crop since the 80s and still is its time to reap the benefits of legalization. Put less strain on law enforcement, judicial system and family courts. And be able to go after the real threats to public safety like ice/meth and other harmful drugs. Tax it and make it Hawaii's real industry it will benefit the tourist industry, textile industry, energy industry to name a few and turn Hemp into a viable future for Hawaii Hawaii.

From:	jasper moore [jasper96720@gmail.com]
Sent:	Thursday, January 31, 2013 4:45 PM
To:	JUDtestimony
Subject:	RELATING TO MARIJUANA - HB 699

RELATING TO MARIJUANA - HB 699

To: Rep. Karl Rhodes, Chair Rep. Sharon Har, Vice Chair From: Michael J. Moore RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Aloha. I strongly support bill HB 699. I believe that a well regulated means whereby cannabis users could obtain a quality product would reduce the 'black market' in Cannabis that is associated with crime and high numbers of arrests and prosecution.

Because the State of Hawaii has already approved the use of 'Medical Cannabis' it is a logical and necessary step that the State also establish a safe and viable means for those using Cannabis for medical purposes to obtain Cannabis safely and by legal means.

It is important at this time for the legislature to recognize the enormous cost of keeping Cannabis illegal to obtain for recreational or medical purposes. As I understand it, this legislation would save around \$12 million a year in marijuana law enforcement costs.

Taxing and regulating marijuana allows police to spend money on serious and violent crime. Costs and law enforcement time spent on these could be used for more serious drug offenses like Hawaii's methamphetamine problem or in addressing violent crimes.

Further, regulation could actually protect more youth in Hawaii. Selling to minors (under 21) will remain illegal. Young people now have easy access to marijuana since drug dealers don't check IDs. Placing marijuana under strict regulatory control may actually decrease youth access here in Hawai'i since regulated businesses could lose their license if they sell to minors while illegal dealers have no incentive not to sell to kids.

Other States: Washington and Colorado have lead the way and now we are asking Hawaii legislators to follow. Please consider this bill carefully and please consider the merits of Bill HB 699.

Michael J. Moore 140A Kilauea Avenue Hilo, Hawaii 96720

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 4:13 PM
То:	JUDtestimony
Cc:	axelpackage@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
jeramy jones	Individual	Support	No

Comments: this isnt Mexico...its America! Its called Cannabis not "marijuana" a garbage slang word used to insult Mexicans. Save everybody time and money and let the people do legally what they've been doing for year with out hurting nobody!! VOTE YES!!!

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From: Sent:	John LeMahieu [jlemy@hotmail.com] Friday, February 01, 2013 12:56 AM
To:	JUDtestimony
Subject:	l support House Bill 699, The Personal Use of Marijuana Act." & INDUSTRIAL HEMP IN HAWAI'I

I support House Bill 699, The Personal Use of Marijuana Act.

Thank you for you time.

Sincerely, John LeMahieu

#### Testimony for Marajuna Bill:

Hi my name is Ms. Kae Toguchi and I am a member of American Civil Liberties Union. I don't think that politicians understand what people listen too or watching towards the judge ment. If any politician understands American Cit zen's rights more they wouldn't be judgemental and criticized about it and others doing drugs. If republicans can make more excuses upon laws than learn upon the judgement your doing now. Because, you keep changing upon every minute of the law to American cit zen and nobody asks any American upon anything what American's want than they end up blaming someone else for their mistakes. Learn how to stop making excuses and stop blaming others. Or go back to highschool or go back to college and learn the law again. Because, I am not going to stand here since I am an activist and a supporter for American Civil Liberties Union and learn about how many times you can blame someone else for your mistake and backing up your congress man and blaming Asians that aren't the same ethnic background on you. Shame on you! Marajuna is a bad thing in America but have you ever thought of done anything about it. No you haven't. You blame someone else for not doing it. Like you're doing to others right now. Marajuna to me is a bad thing. Why don't you start doing this instead? Make a license or a permit for the people whom are doing marajuna. Have you ever thought of that?

Aloha JUD Vice Chair Representative Sharon E. Har!

In regards to HB699 (legalize marijuana)

We will have mainland KAOS if we do. This should be second step, Phase II

We must do Medical Cannabis first.....

We need to execute this like a franchise. Burger King, Domino's etc. Started with one store, got it correct, and then expanded. It would be wise to use the same formula.

## Pilot Compassion Center

Establish one center...... After 3 - 6 months establish additional location. After one year open several locations. 1 - 3 on Big Island, 3 Maui & 4 on Oahu. (One location per 600 patients)

Then legalize it...

This is the best way for all sides to get comfortable with the system & paperwork. We will have grown into it smoothly with accountability & security.

#### Note

We can't just open

We must start with the Farmers first (Class II License), before patient Office opens (Class I)

\*License Approval process for Class II License (The Farm) \*Two (2) cycles of crops need to be grown first.

Mahalo for your time.

"Pittsburgh" Kahuna Consulting (808)222-2916 KahunaConsulting@yahoo.com

# **Establishment of Compassion Centers**

Prepared by "Pittsburgh" Kahuna Compassion Consulting LLC March 2011

We need to execute this like a franchise. Burger King, Domino's etc. they started with one store, got it correct, and then expanded. It would be wise to use this same formula.

#### Pilot Compassion Center Start-Up Procedures

Establish License Approval Committee. (2- 5 people)

Select and issue 1 (one) Class 1 License & 9 (nine) Class 2 License.

Class 1 License install PITS computer program

Class 2 License register with Class 1 License Compassion Center ( 6 months prior to opening)

Card Holder pre-registration with Compassion Center (6 months prior to opening)

Set up training class for Class 2 License. (farmers)

Set up training class for Class 1 License ( Compassion Center owner and staff)

Schedule appointments for card holder for 1st month opening.

#### **Compassion Center Start-Up Guidelines**

#### Three (3) Strike Rule

A center that receives 3 (three ) violations could result in a Fine, Suspension and/or loss of Compassion Center license.

Sale to a minor (under 21) Sale to a non-card holder Hours of operation Inventory quantity Failure to pay taxes on time (monthly or quarterly) not annual... Paperwork reporting (monthly or quarterly) Security Advertising

## **Red Flag Purchase**

PITS Computer Program - (Pakalolo Internal Tracking System) Notifies if cardholder purchases exceed limit (this helps eliminate street re-sale) Also tracks all deliveries & purchases viewable by NED and/or selected department/official.

#### Security Requirements

Hire front door security, I.D. and medical card check. This should be a hired off duty or retired police officer or security company.

#### **Pilot Compassion Center Phase II**

After 3 - 6 months establish one additional location. After one year open additional 1 - 3 on Big Island, 2 Maui & 3 on Oahu. Zero Class 3 License issued for 5 years (one Office "Class I License" per 600 patients)

"Pittsburgh" KahunaConsulting@yahoo.com (808) 222-2916

#### Establishment of Compassion Centers (Medical Cannabis)

I have created all paperwork for all departments and sides...

As a favor to me, 2 of the top people in the world, will come here to consult farmers for quality and yield per plant. Also training for medical uses for the Compassion Center.

Maui has the best demographics (land, population, law enforcement) of all the Islands to properly execute the role model Compassion Center. Working with Asst Chief Ramos (Maui), with my business plan and experience, we can execute this flawlessly.

Asst. Chief Ramos (Maui), Karen Arakawa (Maui County Business Resource Center), and many others endorse my plan.

When I met with Jon Riki Karamatsu in 2010, he was not for Compassion Centers. After reviewing my plan, he had changed his thoughts.

Note: Cannabis is not legal in The Netherlands (Amsterdam) as people believe. However, they have a system (for over 30 years) with law enforcement that works and is controlled. My business plan has some bases from their system.

I have done research around the world for over 20 years and worked with the people in The Netherlands watching the changes (for the better) over the past 15 years. Also witnessed what did not work in Belgium and Switzerland including the flaws on the mainland.

For reference you may call Tim Emory with the Arizona Diamondbacks.(602) 462-6635 Derry owner Barney's (Netherlands) 31 65 168 8781 Also many more references if needed

Mahalo. "Pittsburgh" Kahuna Compassion Consulting LLC Kihei Hawaii 96753 (808) 222-2916 KahunaConsulting@yahoo.com

From:	mailinglist@capitol.hawaii.gov
Sent:	Friday, February 01, 2013 7:01 AM
То:	JUDtestimony
Cc:	kauai_420@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### **HB699**

Submitted on: 2/1/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
kanaka Maoli	Individual	Support	No

Comments: Very good idea.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Friday, February 01, 2013 7:08 AM
То:	JUDtestimony
Cc:	karenouye@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 2/1/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Karen Ouye Selbe	Individual	Support	No

Comments: i am in full support of dispensaries and total legalization. The true crime is arresting little old ladies and legally? taking their car prior to the trial. The state is the thief! Asset forfeiture legalized theft!

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Friday, February 1, 2013

JUDICIARY

415 South Beretania Street, State Capitol

Re:Support for HB699

Rep. Karl Rhoads, Rep Sharon E. Har and Members of the Committee:

Thank you for this opportunity to testify in support of Bill HB699 relating to Marijuana.

Since before the modern age man has been using Marijuana to increase creativity, decrease stress and alleviate symptoms of many illnesses. There have been many claims that Marijuana when used properly can possibly shrink cancer cells and increase the appetite of those ill from the effects of chemotherepy. As man continues to make new discoveries, old theories must die. What was once considered a gateway drug that turned wives against their husbands and children into criminals has now been recognized for what it truly is. A benign weed with multitudes of uses.

"If we don't change, we don't grow. If we don't grow, we aren't really living." A quote by journalist Gail Sheehy. It puts my testimony into a very simple to understand concept. Weed is not the enemy, fear is. The fear of the world falling into the depths of their couches, never to work again. That is the fear. However, what most people don't understand is the world will keep on turning. Regardless what political party is leading the country or which drugs are legal or illegal. Things that need to be done, will get done. People are instinctual survivors. Not only that, but we also want to prosper, move forward. It doesn't matter if a man is drunk, high or sleeping. That drive to continue living a quality life will remain. With that said, legalizing marijuana will not rock the foundation of our country or push humanity into the depths of their couches. In fact, it may lead people off of them. With the highs of marijuana also comes social interconnectivity. With people connecting on a deeper emotional level there will be more synergy. Synergy not only personally, but in the work place as well. Productivity is not confined to the 2 dimensional idea that there are laborers and bosses. Productivity can be increased 10 fold simply by tapping into the highest possible chemistry a group can offer. This can be seen in many sports, for example team chem in basketball is essential! What better way than Marijuana to open people up to one another? It allows creativity to flow freely from one mind to the other. Gives insight to problems from a whole new perspective and diffuses hostile energies. Now keep in mind these effects aren't limited to the psychoactive effects during the high, but are also present in the psychological effects that take place afterwards. The ego is silenced and for once people begin to listen to each other. Walls come down and a deeper understanding takes place. You see this is about more than just the obvious practical uses of Marijuana. This is about a whole new way of revolutionizing the way we live and the way we work. In the end, a life full of pleasant memories and loving times is a mans greatest desire is it not?. Don't let that be destroyed by the fears of the few. Change is scarv and change into the unknown is even scarier. However, the unknown has been discovered now. It has been discovered and it is beautiful. Again please pass Bill HB699 relating to Marijuana. In the name of love and all the bounty the world has to offer. I thank you.

From:	mailinglist@capitol.hawaii.gov
Sent:	Friday, February 01, 2013 9:21 AM
То:	JUDtestimony
Cc:	Boilrweldr@hawaii.rr.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 2/1/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Kenneth L. Ketcherside	Individual	Support	No

Comments: To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: (Your Name) RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support It would save \$12 million a year in marijuana law enforcement costs. It would bring in at least \$11.3 million a year in tax revenue. Legalizing marijuana for adults will undercut dangerous drug cartels which sell millions of dollars in marijuana on the black market. Marijuana use is mainstream and widespread. More than 106 million Americans have tried it and every year more than 80% of high school students say it's easy to obtain (per Monitoring the Future survey.) Marijuana is not completely harmless, but prohibition creates additional harm: It wastes live. Creates turf-related violence. Wastes money. Fosters racial disparities. On a personal level, my wife suffers from chronic bone pain from a full knee replacement surgery. I want to grow and process my own RSO cannabis oil to treat her pain. Its not for personal consumption nor to ever 'get high'. Its medicinal use only. Aloha Ken Ketcherside

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From:	Kent E. Sokolow [kent@kenterle.com]
Sent:	Thursday, January 31, 2013 4:46 PM
То:	JUDtestimony
Subject:	PLEASE TAKE A FEW MINUTES TO READ THIS, TAKE A CHANCE AND SET THE
2	STANDARD FOR SMART LEGISLATORS!!!

## Taxing and regulating makes economic sense for Hawai'i <sup>1</sup>:

- It would save \$12 million a year in marijuana law enforcement costs.
- It would bring in at least \$11.3 million a year in tax revenue.
- Legalizing marijuana for adults will undercut dangerous drug cartels which sell millions of dollars in marijuana on the black market.

## Prohibition has failed:

 Marijuana use is mainstream and widespread. More than 106 million Americans have tried it and every year more than 80% of high school students say it's easy to obtain (per Monitoring the Future survey.)

#### Prohibition makes control impossible:

- Producers and sellers of marijuana are completely unregulated unlike sellers of tobacco and alcohol.
- There are no quality controls for purity or potency.

## Taxing and regulating marijuana allows police to spend money on serious and violent crimes<sup>1</sup>:

- In Hawai'i, marijuana arrests for possession have increased 50% since 2004.
- Arrests for distribution have almost doubled since 2004.
- Costs and law enforcement time spent on these could be used for more serious drug offenses like Hawaii's methamphetamine problem or in addressing violent crimes.

## Hawaii's marijuana laws are enforced unevenly <sup>1</sup>:

- There is no evidence that any specific gender or ethnic group uses marijuana more than another group, but arrest data in Hawai'i show a different story:
  - Males are 50% more likely to be arrested than females
  - Juveniles are 70% more likely to be arrested.
  - Native Hawaiians are 70% more likely to be arrested than non-native Hawaiians.
  - Filipinos are 30% more likely to be arrested than non-Filipinos.
  - Non-Oahu residents are 40-140% more likely to be arrested for possession than Oahu residents.
  - o Convicted marijuana offenders:
    - Are denied federal student aid.
    - Lose their professional licenses.
    - Encounter barriers to employment, housing, and adoption.
    - These penalties disproportionally affect young, low income, and minority individuals.

- While people who are convicted of marijuana related offenses are denied federal student aid, people convicted of violent crimes remain eligible.
- Arrests for marijuana possession are one of the most common ways that people get caught up in the criminal justice system.
- Marijuana users who are not convicted have gone on to be President or a Supreme Court justice.

# Legalizing, taxing, and regulating marijuana for personal use will not increase youth consumption:

- Selling to minors (under 21) will remain illegal.
- Young people now have easy access to marijuana since drug dealers don't check IDs.
- Placing marijuana under strict regulatory control may actually decrease youth access here in Hawai'i since regulated businesses could lose their license if they sell to minors while illegal dealers have no incentive not to sell to kids.

# Hawai'i residents support the taxation and regulation of marijuana<sup>2</sup>:

- In a December 2012 poll, 57% of registered voters in Hawai'i support legalizing, taxing, and regulating marijuana for personal use.
- 76% believe police should focus their time on violent crimes and fighting the ice/methamphetamine problem in Hawai'i.

## Laws against driving while intoxicated and other anti-social behaviors will remain in place.

- The current bill keeps penalties in place for those driving under the influence of marijuana.
- The current bill does not allow for marijuana consumption in public places.
- All forms of advertising will be prohibited.

#### Dear Governing Bodies,

I am testifying on behalf of decriminalizing marijuana. You will be able to allow responsible tax abiding citizens to stop hiding in fear of their government. I do not smoke or use marijuana; I have in the past and no longer do so due to growing family and current job, which I love. I do believe it is time to stop prosecuting petty misdemeanors of small amounts of marijuana that are for personal consumption or if an individual chooses to grow their own in their own home I think it is their right. I don't think renters should have the right to grow or consume marijuana unless granted by their landlord. I am not really fond of having places selling marijuana or really promoting it in that manner. I am only for the people who choose not to get this ridiculous medical marijuana card that is a joke and is given out just for money. I think that system is dumb; because you are scaring real doctors to prescribe it and making these money hungry phonies make some bucks off this market. I don't agree with the medical marijuana program even further because it is controlled by the police department, which is a total conflict of interest. I believe because of this policy with it being in the police hands rather than department of health many people who would like to use marijuana medically don't do so out of fear. Lets face it people will self medicate and will continue doing so forever and have been forever. Whether it would be with alcohol (which is legal and does far more damage to families and individuals and is the gateway drug), to pill popping (which kids are getting into more), to marijuana, and the list goes on and on. I do not think legalizing marijuana will make teens or our children go out and use. It lies within the parenting of these children or if the parents are lame then our education system could help intervene if our teachers were cared for maybe they would care more for our keiki as well. Although federally illegal I believe it is peoples right to use and grow marijuana in their own house. The fact that it is federal illegal is so obvious that it's all about the money. So much of these pharmaceutical giants lobby in congress keeping the government on their side and having people overdose on pain meds. So much federal money is given to police and the DEA and other drug enforcement agencies where they don't want it to be legalized since it will hurt their cash flow. The drug dealers and big time commercial growers don't want it legalized since they are making a killing off this product; as well as the spill over wars in Mexico with marijuana. It is so pointless and such a waste of our money to continue to be this dumb over this subject. If you don't like or want to smoke marijuana then don't if you do you should be allowed to within reason. Again I do not support the touting of marijuana or advertising it in any manner, it should be an individuals right and it should be discrete since it is such a sensitive subject. I don't know why or how prohibition for alcohol won and alcohol is legal, basically the same thing happened with that as has been with marijuana for years. Please consider this testimony. I am a law-abiding citizen, I pay my taxes, I work damn hard for my money and my community, I am a college graduate. All this accomplished back in the day while using marijuana, I never got violent or wanted to seek out more drugs or stole or anything negative. I was also able to stop when it became time to be responsible for my family and my job. I think there are many like myself that are competent hard working individuals and if they choose marijuana

over alcohol then that should be their choice in their own home. Thank you for your time and consideration.

Aloha, Keola Keahiolalo

From:	Kevin Yolken [kevinyolken@gmail.com]
Sent:	Thursday, January 31, 2013 6:07 PM
To:	JUDtestimony
Subject:	testimony position

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: Kevin Yolken RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Rep. Karl Rhoads,

I'm writing to you to voice my support for the legalization and regulation of Marijuana in hopes that HB 699 can make it through the legal system on the right side, which in my opinion is the side the people are on. In the past, polls have shown that a majority of the people in Hawaii are for legalization and taxation of Marijuana. At the very least, we are strongly AGAINST it being classified as a Schedule 1 drug by the State and the federal government.

Marijuana has broken the grip that media propaganda worked so hard to tightly uphold, and in the last few decades it has become apparent that a large part of society uses this substance, and does so in a responsible fashion. Responsible in the sense that the use of marijuana doesn't directly harm the user, or people around them, in the way that a drug classified as Schedule 1 might do. Marijuana is a substance that can be enjoyed by adults in their free time, and is enjoyed by many, just in the same way that alcohol or tobacco is. It doesn't belong in the work place, it doesn't belong in schools, and it doesn't belong in the hands of 12 year old kids across the country....this is I think something we can all agree on. And the same can be said for alcohol.

The bottom line is if this substance doesn't harm anybody, just as what kind of sexual preference someone may have, or what music one chooses to listen to, then why is it deemed illegal? We all understand why driving 100 miles per hour down the Pali is illegal, I personally had two friends killed in a car accident a few years ago. We all understand why someone in their 20's can't send nude photos to a 16 year old girl... The thing that many of us don't understand is why it's okay for President Obama to drink a few glasses of wine while he watches a movie with the first lady, or for the college professor to go home and drink a few glasses of whiskey and play guitar, but it's not ok for me to come home and smoke some Marijuana and partake in any of these same activities.

I think it's time that our state representatives listen to what the people have to say, and vote for what is in the best interests of those people. We are here, telling you now that we strongly support the legalization and decriminalization of Marijuana, and we simply ask for you to listen. Thank you for taking the time to read and listen to our opinions,

Sincerely,

Kevin Yolken

From: Sent: To: Subject: hanalali@aol.com Thursday, January 31, 2013 7:15 PM JUDtestimony Legalization of Marijuana

Attn:

Rep. Karl Rhoades, Chair Rep. Sharon Har, Vice Chair

Re: HB 699 1 Feb 13, Rm. 325

Dear People,

Kindly add my voice to the legions of Hawaiian residents who urge you to vote yes on this bill. Although I am mindful of the strident outcry against legalization, I am also aware, as no doubt you are, as well, of the myriad lies and distortions with regard to the use of marijuana. Although I do support efforts to discourage "pot" use by minors, I contend that effort could be better served by policing the proliferation of and access to undeniably dangerous drugs such as "ice" in all its monstrous variations, and other hazardous recreational drugs, to these same minors.

While you're about it, please consider making access to medical marijuana easy and effortless for those of us who live in intermittent and/or chronic pain. As a 72 old former professional and now retired senior, I resent the heck out of submitting both my medical HX and my person for a yearly examination by a medical professional who profits from my dilemma. With a trip to my personal care physician, I have only to submit my \$18 co-pay and mention my pain level in order to receive a script for drugs that undoubtedly poison my organs while alleviating my pain. However, for self-administered, non-toxic relief, in order to satisfy current Hawaiian law, I must submit to the aforementioned exam, be approved, and shell out \$200 for the privilege of either finding a caregiver, or growing my own pain-killer.

Make sense to you? Surely not.

Sincerely,

Lalita J Smith

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 6:06 PM
То:	JUDtestimony
Cc:	mailegannon@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM
Attachments:	MJ.doc

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
maile padilla	Individual	Support	No

Comments:

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From:	mailinglist@capitol.hawaii.gov
Sent:	Friday, February 01, 2013 8:27 AM
То:	JUDtestimony
Cc:	makanavertido@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### **HB699**

Submitted on: 2/1/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
MakanaKealoha Vertido	Individual	Support	Yes

Comments: well marijauna has been used by many people in my family and its not used for anything criminalizing its only used for medicinal purposes only to help calm depression, anger issues, anxiety, pain from past injuries. it does what medical synthetic drugs cant do which is deliver a clean non-nauseated and definitely has no side effects like how synthetic drugs do such as death, nausea, mental breakdowns, or body malfunctions in general.

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From: Sent: To: Subject: Mark Lefkowitz [m\_lefkowitz@hotmail.com] Friday, February 01, 2013 4:59 AM JUDtestimony Legalizing Marijuana!

To: Rep. Karl Rhodes, Chair Rep. Sharon Har, Vice Chair From: (Mark Lefkowitz) RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

The time has come for the beautiful state of Hawaii to recognize the change that is long overdue. Please support HB699

# Regards,



""I've been driven many times upon my knees by the overwhelming conviction that I had nowhere else to go." ...Abraham Lincoln

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 3:11 PM
То:	JUDtestimony
Cc:	markvic@hotmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Mark Vickers	Individual	Oppose	No

Comments: I am opposed to HB 699 Relating to Marijuana for the following reasons: This bill will only provide another bad example for our keiki and have a negative impact on our society's morals. If marijuana is made legal to use, this creates a larger problem for Hawaii, as Hawaii will have deal with more marijuana users and treatment for this problem will be paid by the tax payers/voters. I have seen first hand how marijuana causes problems with family and friends and can only see this problem getting worse if it's made legal. It's use has changed lives for the worse and saddens me to see how debilitating this drug can be. I strongly oppose this bill. Mahalo, Mark Vickers

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 4:36 PM
То:	JUDtestimony
Cc:	rusharippah@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Michael Murphy II	Individual	Support	No

Comments: Never in modern history has there existed greater public support for ending the nation's nearly century-long experiment with marijuana prohibition and replacing it with regulation. The historic votes on Election Day in Colorado and Washington - where, for the first time ever, a majority of voters decided at the ballot box to abolish cannabis prohibition - underscore this political reality. The ongoing enforcement of cannabis prohibition financially burdens taxpayers, encroaches upon civil liberties, engenders disrespect for the law, impedes legitimate scientific research into the plant's medicinal properties, and disproportionately impacts communities of color. Furthermore, the criminalization of cannabis simply doesn't work. Hawaiian voters also support these sensible reforms. Polling conducted in January of 2013 by the ACLU of Hawaii found that 57% of Hawaiian voters stated that they believed marijuana should be taxed, regulated, and legalized for adults to avoid the only 39% were opposed. Despite more than 70 years of federal marijuana prohibition, Americans' consumption of and demand for cannabis is here to stay. It is time for state lawmakers to acknowledge this reality. It is time to stop ceding control of the marijuana market to untaxed criminal enterprises and it is time for lawmakers to impose common-sense regulations governing cannabis' personal use by adults and licensing its production. A pragmatic regulatory framework that allows for limited, licensed production and sale of cannabis to adults - but restricts use among young people - best reduces the risks associated with its use or abuse. I encourage you to support legislation to regulate marijuana, not criminalize it. Sincerely, Michael Murphy II

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 8:51 PM
То:	JUDtestimony
Cc:	Mjohnson67@hawaii.rr.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Mitch Johnson	Individual	Oppose	No

Comments:

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## Dr. Myron Berney, 908 16th Ave, Honolulu, HI 96816 Relating to Marijuana – HB 699

To: Rep. Karl Rhoads, Chair; Rep. Sharon Har, Vice Chair

# Hearing: Friday, February 1, 2013, Room 325 Position: 100% Strong Support of the Complete Legalization of Marijuana

State has no basis or interest in limiting the number of plants or the amount of marijuana a person possesses. Previously State Law was working under the delusion that Marijuana was not a medicine and was totally unsafe. We know that is a Big Lie. Marijuana is a medicine and one of the safest drugs on the planet. Your only problem is believing the Big Lie from psychopathic/sociopathic law enforcement instead of relying upon medical facts and direct personal experience.

Following the Legalization of Marijuana by the States of Washington and Colorado, Obama has made the Recreational Use of Marijuana the <u>"Lowest Level of Law Enforcement"</u>. The Big Island has SAFELY had the same "Lowest Level of Law Enforcement" for the Adult Use of Marijuana for 5 years demonstrating the SAFETY of the RECREATIONAL USE OF MARIJUANA.

<u>Medical Marijuana is Constitutionally Protected</u> under the State and Federal Constitutions. The Schedule 1 definition in HRS 329 states that Marijuana has a high risk although unlike the Federal definition lacks the language stating no medicinal use. HRS 329 Part IX states that Marijuana is a necessary, medically appropriate, and reasonably safe herbal medicine. Marijuana is a noncommercial, nonprescription, grow your own, natural medicine that may be recommended by a physician for certain debilitating conditions. Being a medicine, Marijuana is Protected under the Federal Right of Privacy. Since Hawaii's Constitution copied the same Privacy Language from the Alaska Constitution, the Supreme Court decision holding that persons have the Right of Privacy to use Marijuana in their own home also applies by Law to Hawaii.

Since Government is NOT given the power to make any medical care illegal including Abortions, this same Right of Privacy applies to Government NOT having any power to make Marijuana illegal either.

Obama and the US Senate are moving to allow States to make Marijuana legal on a State by State basis.

# THE RECREATIONAL USE, THE SOCIAL USE OF MARIJUANA IS THERAPEUTIC

For those people that enjoy the social and recreational use of Marijuana, the social and recreational use of Marijuana is <u>beneficial and therapeutic for the person and beneficial for society</u>. The beneficial and therapeutic properties of Marijuana are present in the herb itself, not in the physician's recommendation. The endocannabinol system regulates and balances the brain, nervous system and each and every organ system. <u>Socially Marijuana reduces violent crimes, prevents hard drug and alcohol abuse, builds social harmony and provides for the domestic tranquility.</u>

As Food, Marijuana seeds are even more amazing. They are the Vegetarian Fish Oil. Preventing and Treating Chronic Disease and Cancer. With 33% Protein and 9% essential fatty acids Marijuana is a super food.

57% of Voters want Marijuana Legalized. 40% oppose. You will hear from the 40% and from NED/DEA opponents and their PACK OF LIES. The Prohibition of Marijuana, always OPPOSED

by the AMA, is the Bastard Step-Child of Alcohol Prohibition. Marijuana is listed as an Official Drug by the US Government in the US Pharmacopeia. The DEA Administrative judges found Marijuana to be the safest medicine and that the FDA should be involved. Marijuana is Grandfathered [actually Great Great Great Grandfathered] under FDA law. Marijuana is non toxic, safer than aspirin, even safer than Marinol the prescription drug substitute. Prescription drugs that treat similar problems are know to be far more toxic and often lethal.

Unbiased modern research shows that Marijuana is a safe and effective medicine with minimal adverse effects.

The Medical Use of Marijuana has been fully accepted in Hawaii State Law for over a decade. Unfortunately nobody, not even I, realized that the Right of Privacy in health care and medicine must fully apply to Medical Marijuana. The Supreme Court has ruled in Roe v Wade that Government has no power to restrict health care or medicine. This understanding, that the Right of Privacy applies 100% without exception, need to be incorporated into Hawaii State Law.

## **Suggested Changes in Language:**

HOUSE OF REPRESENTATIVES TWENTY-SEVENTH LEGISLATURE, 2013 STATE OF HAWAII

H.B. NO.

# A BILL FOR AN ACT

RELATING TO MARIJUANA.

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

SECTION 1. The legislature finds that in the interest of the efficient use of law enforcement resources, increasing respect for laws, and enhancing revenue for public purposes, the use of marijuana should be legal for persons twenty-one years of age or older and taxed in a manner similar to alcohol. Law enforcement resources should be redirected to more serious threats to public safety, and income from black market enterprises should be redirected to legitimate businesses and new employers who will furnish tax revenues to the State.

The purpose of this Act is to promote the interest of health and public safety by regulating marijuana in a manner similar to alcohol so that:

(1) Individuals must submit proof of age before purchasing marijuana;

(2) Selling, distributing, or transferring marijuana to minors and other individuals under the age of twenty-one remain illegal;

(3) <u>Reckless</u> Driving under the influence of marijuana remains illegal;

(4) Legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana; and

(5) Marijuana will be labeled and subject to additional requirements to ensure that consumers are informed and protected.

SECTION 2. Chapter 329, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

#### "PART . PERSONAL USE OF MARIJUANA

**§329-A Definitions.** As used in this part, unless the context otherwise requires:

"Consumer" means a person twenty-one years of age or older who purchases marijuana or marijuana products for personal use by persons twenty-one years of age or older, but not for resale to others.

"Department" means the department of taxation.

"Marijuana accessories" means any equipment, products, <u>paraphernalia</u>, or materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana,
or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

"Marijuana cultivation facility" means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

"Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

"Marijuana product manufacturing facility" means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

"Marijuana products" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, including <u>but</u> <u>not limited to</u> edible <u>and combustible</u> products, ointments, [<del>and]</del> tinctures<del>,</del> , and extracts.

"Marijuana testing facility" means an entity licensed to analyze and certify the safety and potency of marijuana.

"Retail marijuana store" means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

"Unreasonably impracticable" means that the measures necessary to comply with this part or any part of this chapter require such a high investment of risk, money, time, or any other resource or asset that the operation of a marijuana establishment is not worthy of being carried out in practice by a reasonably prudent businessperson.

**§329-B** Personal use of marijuana. Notwithstanding any other provision of law, the following acts shall be lawful and shall not be an offense or a basis for seizure or forfeiture of assets for persons twenty-one years of age or older:

(1) Possessing, using, displaying, purchasing, or transporting marijuana accessories or [one ounce or less of ]marijuana;

(2) Possessing, growing, processing, or transporting [no more than five] marijuana plants, and possession of the marijuana produced by the plants on the premises where the plants were grown, [provided that the growing takes place in a secured space, is not conducted openly or publicly, and is not made available for sale]; excluding the sale of Marijuana plants or products.

(3) Transfer of one ounce or less of marijuana without remuneration to a person who is twenty-one years of age or older;

(4) Consumption of marijuana, provided that nothing in this section shall permit consumption that is conducted openly and publicly or in a manner that endangers others; and

(5) Assisting another person who is twenty-one years of age or older in committing any of the acts described in this section.

#### §329-C Lawful operation of marijuana

establishments. Notwithstanding any other provision of law, the following acts shall be lawful and shall not be an offense or a basis for seizure or forfeiture of assets for persons twenty-one years of age or older:

(1) Manufacture, possession, or purchase of marijuana accessories or the sale of marijuana accessories to a person who is twenty-one years of age or older;

(2) Possessing, displaying, or transporting marijuana or marijuana products; purchase of marijuana from a marijuana cultivation facility; purchase of marijuana or marijuana products from a marijuana product manufacturing facility; or sale of marijuana or marijuana products to consumers, if the person conducting the activities described in this paragraph has obtained a current, valid license to operate a retail marijuana store or is

acting in the person's capacity as an owner, employee, or agent of a licensed retail marijuana store;

(3) Cultivating, harvesting, processing, packaging, transporting, displaying, or possessing marijuana; delivery or transfer of marijuana to a marijuana testing facility; selling marijuana to a marijuana cultivation facility, a marijuana product manufacturing facility, or a retail marijuana store; or the purchase of marijuana from a marijuana cultivation facility, if the person conducting the activities described in this paragraph has obtained a current, valid license to operate a marijuana cultivation facility or is acting in the person's capacity as an owner, employee, or agent of a licensed marijuana cultivation facility;

(4) Packaging, processing, transporting, manufacturing, displaying, or possessing marijuana or marijuana products; delivery or transfer of marijuana or marijuana products to a marijuana testing facility; selling marijuana or marijuana products to a retail marijuana store or a marijuana product manufacturing facility; the purchase of marijuana from a marijuana cultivation facility; or the purchase of marijuana or marijuana products from a marijuana product manufacturing facility, if the person conducting the activities described in this paragraph has obtained a current, valid license to operate a marijuana product manufacturing facility or is acting in the person's capacity as an owner, employee, or agent of a licensed marijuana product manufacturing facility;

(5) Possessing, cultivating, processing, repackaging, storing, transporting, displaying, transferring, or delivering marijuana or marijuana products if the person has obtained a current, valid license to operate a marijuana testing facility or is acting in the person's capacity as an owner, employee, or agent of a licensed marijuana testing facility; and

(6) Leasing or otherwise allowing the use of property owned, occupied, or controlled by any person, corporation, or other entity for any of the activities conducted lawfully in accordance with this section.

## §329-D Department rules; marijuana establishments. (a) Not later

than one hundred twenty days after the effective date of this part, the department shall adopt rules under chapter 91 necessary to implement this part. The rules shall not prohibit the operation of marijuana establishments, either expressly or through rules that make their operation unreasonably impracticable. The rules shall include:

(1) Procedures for the issuance, renewal, suspension, and revocation of a license to operate a marijuana establishment;

(2) A <u>reasonable</u> schedule  $[\Theta f]$  for application, licensing, and renewal fees;

(3) Qualifications for licensure that are directly and demonstrably related to the operation of a marijuana establishment;

(4) Security requirements for marijuana establishments;

(5) Requirements to prevent the sale or diversion of marijuana and marijuana products to persons under the age of twenty-one;

(6) Labeling requirements for marijuana and marijuana products sold or distributed by a marijuana establishment;

(7) Health and safety requirements and standards for the manufacture of marijuana products and the cultivation of marijuana;

(8) <u>Reasonable</u> Restrictions on the advertising and display of marijuana and marijuana products; and

(9) Civil penalties for the failure to comply with any rule adopted pursuant to this section.

(b) For the purpose of ensuring that individual privacy is protected, notwithstanding subsection (a), the department shall not require a consumer to provide a retail marijuana store with personal information other than government-issued identification to determine the consumer's age, and a retail marijuana store shall not be required to acquire and record personal information about consumers other than information typically acquired in a financial transaction conducted at a retail liquor store.

**\$329-E** Taxation of marijuana transactions. (a) There shall be an excise tax at a rate of [fifteen] one per cent to be levied upon the proceeds of marijuana sold [or otherwise transferred ]by a marijuana cultivation facility to a marijuana product manufacturing facility or to a retail marijuana store.

(b) The department shall establish procedures for the collection of all taxes levied under this section.

**§329-F Marijuana establishments; licenses; procedures.** Each application for an annual license to operate a marijuana

establishment shall be submitted to the department. The department shall:

(1) Begin accepting and processing applications Not later than one hundred twenty days after the effective date of this part;

(2) Issue an annual license to the applicant between thirty and forty-five and ninety days after receipt of an application [unless the department finds the applicant is not in compliance with rules adopted pursuant to section 329-D]; and

(3) Upon denial of an application, notify the applicant in writing of the specific reason for its denial.

§329-G Employers; driving; minors; control of property. Nothing

in this part shall be construed to:

(1) Require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace or to affect the ability of employers to have policies restricting the use of marijuana by employees;

(2) Allow <u>reckless</u> driving under the influence of marijuana [or driving while impaired by marijuana or to supersede any law relating to driving under the influence of marijuana or driving while impaired by marijuana, nor shall this part preclude the State from enacting laws and imposing penalties for driving under the influence of or while impaired by marijuana;]

(3) Permit the transfer of marijuana, with or without remuneration, to a person under the age of twenty-one or to allow a person under the age of twenty-one to purchase, possess, use, transport, grow, or consume marijuana <u>unless recommended by a physician</u>; or

(4) Prohibit a person, employer, school, hospital, detention facility, corporation, or any other entity who occupies, owns, or controls property from prohibiting or otherwise regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property.

**\$329-H** Medical use of marijuana unaffected. Nothing in this part shall be construed to limit any privileges or rights of a medical marijuana [qualifying] patient, primary caregiver, or registered entity as provided in part IX of this chapter.

**§329-I Severability; conflicting provisions.** All provisions of this part are severable and, except where otherwise indicated, shall

supersede conflicting state statutory, local charter, ordinance, or resolution, and other state and local provisions."

SECTION 3. Section 712-1240.1, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

"(2) It is an affirmative defense to prosecution for any marijuana-related offense defined in this part that the person who possessed or distributed the marijuana was authorized to possess or distribute the marijuana for medical purposes pursuant to part IX of chapter 329[-] or acted in accordance with part of that chapter."

SECTION 4. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 4.5 Please also add an additional section that would delete Cannabis and Marijuana from all laws in the criminal code. And where ever else necessary and appropriate to comply with the Right of Privacy and the suggested changes made within this bill.

SECTION 5. This Act does not affect rights and duties that matured, [penalties that were incurred, and proceedings that were begun] before its effective date.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 2013.

INTRODUCED BY:

# Beyond the scope of this Bill as written, two other Laws need changes:

Whereas, Cannabis, Marijuana, is a Traditional and Official herbal medicine found to be necessary, appropriate and reasonably safe under Hawaii State Law, the Constitutional Right of Privacy as elucidated under *Roe v Wade* applies.

Whereas, The Supreme Court has found that the Constitution does not give any power to government to to regulate, govern, or interfere with medical care, Government has no power to regulate, govern, or interfere with medical care.

Therefore, in order to comply with the Right of Privacy in Medical Care, the Legislature should delete all laws in the criminal code pertaining to Cannabis, Marijuana.

Section 1

......delete Cannabis and Marijuana from all laws in the criminal code. And where ever else necessary and appropriate to comply with the Right of Privacy.

Section 2 This Law will take effect immediately upon passage and signature by the Governor.

# In addition HRS 329 must also be modified to comply with the Right of Privacy.

The Purpose of this Bill is to delete *ultra vires* unconstitutional language from HRS 329. This Bill would;

• delete Marijuana as a Schedule I controlled substance in Hawaii State Law;

• delete Drug Paraphernalia from the HRS 329 as these are Constitutionally Protected Medical Devices;

• delete *ultra vires* unconstitutional language from Part IX Medical Use of Marijuana to comply more closely with Constitutional Protections and the Right of Privacy.

This Bill only deletes language. Since you only need to delete language once for it to be gone, this Bill adds no new language so as to require only one Committee hearing before being reported to the floor.

Time is of the Essence to comply with the State and Federal Constitution and the Right of Privacy in Medical Care.

**§329-1 Definitions.** As used in this chapter:

"Drug paraphernalia" means all equipment, products, and materials of any kind which are used, primarily intended for use, or primarily designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter. It includes, but is not limited to:

(1) Kits used, primarily intended for use, or primarily designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a prohibited controlled substance can be derived;

(2) Kits used, primarily intended for use, or primarily designed for use in manufacturing, compounding, converting, producing, processing, or preparing prohibited controlled substances;

(3) Isomerization devices used, primarily intended for use, or primarily designed for use in increasing the potency of any species of plant which is a prohibited controlled substance;

(4) Testing equipment used, primarily intended for use, or primarily designed for use in identifying, or in analyzing the strength, effectiveness, or purity of prohibited controlled substances;

(5) Scales and balances used, primarily intended for use, or primarily designed for use in weighing or measuring prohibited controlled substances;

(6) Diluents and adulterants; such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, primarily intended for use, or primarily designed for use in cutting prohibited controlled substances;

(7) Separation gins and sifters used, primarily intended for use, or primarily designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, prohibited marijuana;

(8) Blenders, bowls, containers, spoons, and mixing devices used, primarily intended for use, or primarily designed for use in compounding prohibited controlled substances;

(9) Capsules, balloons, envelopes, and other containers used, primarily intended for use, or primarily designed for use in packaging small quantities of prohibited controlled substances;

(10) Containers and other objects used, primarily intended for use, or primarily designed for use in storing or concealing prohibited controlled substances;

(11) Hypodermic syringes, needles, and other objects used, primarily intended for use, or primarily designed for use in parenterally injecting prohibited controlled substances into the human body;

(12) Objects used, primarily intended for use, or primarily designed for use in ingesting, inhaling, or otherwise introducing prohibited marijuana, cocaine, hashish, or hashish oil or methamphetamine into the human body, such as:

(A) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(B) Water pipes;

(C) Carburetion tubes and devices;

(D) Smoking and carburetion masks;

(E) Roach clips: meaning objects used to hold burning materials, such as marijuana cigarettes, that have become too small or too short to be held in the hand;

(F) Miniature cocaine spoons, and cocaine vials;

(G) Chamber pipes;

(H) Carburetor pipes;

(I) Electric pipes;

(J) Air-driven pipes;

(K) Chillums;

(L) Bongs; and

(M) Ice pipes or chillers.

(F) Miniature cocaine spoons, and cocaine vials;

(G) Chamber pipes;

(H) Carburetor pipes;

(I) Electric pipes;

(J) Air-driven pipes;

(K) Chillums;

(L) Bongs; and

(M) Ice pipes or chillers.

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

(1) Statements by an owner or by anyone in control of the object concerning its use;

(2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;

(3) The proximity of the object, in time and space, to a direct violation of this chapter;

- (4) The proximity of the object to controlled substances;
- (5) The existence of any residue of controlled substances on the object;
- (6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control

of the object, to deliver it to a person or persons whom the owner or person in control knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

- (7) Instructions, oral or written, provided with the object concerning its use;
- (8) Descriptive materials accompanying the object which explain or depict its use;
- (9) National and local advertising concerning its use;
- (10) The manner in which the object is displayed for sale;

(11) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(12) Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;

- (13) The existence and scope of legitimate uses for the object in the community; and
- (14) Expert testimony concerning its use.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer or sale from one person to another of a controlled substance or drug paraphernalia, whether or not there is an agency relationship.

**[§329-43.5]** Prohibited acts related to drug paraphernalia. (a) It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter. Any person who violates this section is guilty of a class C felony and upon conviction may be imprisoned pursuant to section 706-660 and, if appropriate as provided in section 706-641, fined pursuant to section 706-640.

(b) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter. Any person who violates this section is guilty of a class C felony and upon conviction may be imprisoned pursuant to section 706-660 and, if appropriate as provided in section 706-641, fined pursuant to section 706-640.

(c) Any person eighteen years of age or over who violates subsection (b) by delivering drug paraphernalia to a person or persons under eighteen years of age who are at least three years younger than that adult person is guilty of a class B felony and upon conviction may be imprisoned pursuant to section 706-660 and if appropriate as provided in section 706-641, fined pursuant to section 706-640.

(d) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this section is guilty of a class C felony and upon conviction may be imprisoned pursuant to section 706-660 and, if appropriate as provided in section 706-641, fined pursuant to section 706-640.

#### §329-14 Schedule I.

(d) Any material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

#### (20) Marijuana;

§329-121 Definitions. As used in this part:

"Adequate supply" means an amount of marijuana jointly possessed between by the qualifying patient and the primary caregiver that is not more than is reasonably necessary to assure the uninterrupted availability of marijuana for the purpose of alleviating the symptoms or effects of a qualifying patient's debilitating medical condition; provided that an "adequate supply" shall not exceed three mature marijuana plants, four immature marijuana plants, and one ounce of usable marijuana per each mature plant.

"Debilitating medical condition" means:

(1) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, or the treatment of these conditions;

(2) A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following:

- (A) Cachexia or wasting syndrome;
- (B) Severe pain;
- (C) Severe nausea;
- (D) Seizures, including those characteristic of epilepsy; or
- (E) Severe and persistent muscle spasms, including those characteristic of multiple sclerosis or Crohn's disease;

#### or

(3) Any other medical condition approved by the department of health pursuant to administrative rules in response to a request from a physician or potentially qualifying patient.

"Marijuana" shall have the same meaning as "marijuana" and "marijuana concentrate" as provided in sections 329-1 and 712-1240.

"Medical use" means the acquisition, possession, cultivation, use, distribution, or transportation of marijuana or paraphernalia relating to the administration of marijuana to alleviate the symptoms or effects of a qualifying patient's debilitating medical condition. For the purposes of "medical use", the term distribution is limited to the transfer of marijuana and paraphernalia from the primary caregiver to the qualifying patient.

"Physician" means a person who is licensed to practice medicine or osteopathic medicine under chapter 453 and is licensed with authority to prescribe drugs and is registered under section 329-32. "Physician" does not include physician's assistant as described in section 453-5.3 or an advanced practice registered nurse with prescriptive authority as described in section 457-8.6.

"Primary caregiver" means a person, other than the qualifying patient and the qualifying patient's physician, who is eighteen years of age or older who has agreed to undertake responsibility for managing the well-being of the qualifying patient with respect to the medical use of marijuana. In the case of a minor or an adult lacking legal capacity, the primary caregiver shall be a parent, guardian, or person having legal custody. "Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition.

"Usable marijuana" means the dried leaves and flowers of the plant Cannabis family Moraceae, and any mixture [or] preparation thereof, that are appropriate for the medical use of marijuana. "Usable marijuana" does not include the seeds, stalks, and roots of the plant.

"Written certification" means the qualifying patient's medical records or a statement signed by a qualifying patient's physician, stating that in the physician's professional opinion, the qualifying patient has a debilitating medical condition and the potential benefits of the medical use of marijuana would likely outweigh the health risks for the qualifying patient. The department of public safety may require, through its rulemaking authority, that all written eertifications comply with a designated form. "Written certifications" are valid for only one year from the time of signing. [L 2000, c 228, pt of §2; am L 2009, c 11, §43 and c 169, §7]

Note

The L 2009, c 11, §43 amendment is retroactive to April 3, 2008. L 2009, c 11, §76(2).

§329-122 Medical use of marijuana; conditions of use. (a) Notwithstanding any law to the contrary, the medical use of marijuana by a qualifying patient shall be permitted <del>only</del> if:

(1) The qualifying patient has been diagnosed by a physician as having a debilitating medical condition;

(2) The qualifying patient's physician has certified in writing that, in the physician's professional opinion, the potential benefits of the medical use of marijuana would likely outweigh the health risks for the particular qualifying patient; and

(3) The amount of marijuana does not exceed an adequate supply.

(b) Subsection (a) shall not apply to a qualifying patient under the age of eighteen years, unless:

(1) The qualifying patient's physician has explained the potential risks and benefits of the medical use of marijuana to the qualifying patient and to a parent, guardian, or person having legal custody of the qualifying patient; and

(2) A parent, guardian, or person having legal custody consents in writing to:

(A) Allow the qualifying patient's medical use of marijuana;

(B) Serve as the qualifying patient's primary caregiver; and

(C) Control the acquisition of the marijuana, the dosage, and the frequency of the medical use of marijuana by the qualifying patient.

(c) The authorization for the medical use of marijuana in this section shall not apply to:

- (1) The medical use of marijuana that endangers the health or well-being of another person;

(2) The medical use of marijuana:

(A) In a school bus, public bus, or any moving vehicle;

(B) In the workplace of one's employment;

(C) On any school grounds;

(D) At any public park, public beach, public recreation center, recreation or youth center; or

(E) Other place open to the public; and

(3) The use of marijuana by a qualifying patient, parent, or primary caregiver for purposes other than medical use permitted by this part. [L 2000, c 228, pt of §2; am L 2001, c 55, §15]

Law Journals and Reviews

Gonzales v. Raich: How the Medical Marijuana Debate Invoked Commerce Clause Confusion. 28 UH L. Rev. 261.

-[§329-123] Registration requirements. (a) Physicians who issue written certifications shall register the names, addresses, patient identification numbers, and other identifying information of the patients issued written certifications with the department of public safety.

(b) Qualifying patients shall register with the department of public safety. Such registration shall be effective until the expiration of the certificate issued by the physician. Every qualifying patient shall provide sufficient identifying information to establish personal identity of the qualifying patient and the primary caregiver. Qualifying patients shall report changes in information within five working days. Every qualifying patient shall have only one primary caregiver at any given time. The department shall then issue to the qualifying patient a registration certificate, and may charge a reasonable fee not to exceed \$25.

(c) Primary caregivers shall register with the department of public safety. Every primary caregiver shall be responsible for the care of only one qualifying patient at any given time.

(d) Upon an inquiry by a law enforcement agency, the department of public safety shall verify whether the particular qualifying patient has registered with the department and may provide reasonable access to the registry information for official law enforcement purposes. [L 2000, c 228, pt of §2]

----[§329-124] Insurance not applicable. This part shall not be construed to require insurance coverage for the medical use of marijuana. [L 2000, c 228, pt of §2]

[§329-125] Protections afforded to a qualifying patient or primary caregiver. (a) A qualifying patient or the primary caregiver may assert the medical use of marijuana as an affirmative defense to any prosecution involving marijuana under this [part] or chapter 712; provided that the qualifying patient or the primary caregiver strictly complied with the requirements of this part.

(b) Any qualifying patient or primary caregiver not complying with the permitted scope of the medical use of marijuana shall not be afforded the protections against searches and seizures pertaining to the misapplication of the medical use of marijuana.

(c) No person shall be subject to arrest or prosecution for simply being in the presence or vicinity of the medical use of marijuana as permitted under this part. [L 2000, c 228, pt of §2]

[§329-126] Protections afforded to a treating physician. No physician shall be subject to arrest or prosecution, penalized in any manner, or denied any right or privilege for providing written certification for the medical use of marijuana for a qualifying patient; provided that:

(1) The physician has diagnosed the patient as having a debilitating medical condition, as defined in section 329-121;

(2) The physician has explained the potential risks and benefits of the medical use of marijuana, as required under section 329-122;

(3) The written certification is based upon the physician's professional opinion after having completed a full assessment of the patient's medical history and current medical condition made in the course of a bona fide physician-patient relationship; and

-(4) The physician has complied with the registration requirements of section 329-123. [L 2000, c 228, pt of §2]

[§329-127] Protection of marijuana and other seized property. Marijuana, paraphernalia, or other property seized from a qualifying patient or primary caregiver in connection with a claimed medical use of marijuana under this part shall be returned immediately upon the determination by a court that the qualifying patient or primary caregiver is entitled to the protections of this part, as evidenced by a decision not to prosecute, dismissal of charges, or an acquittal; provided that law enforcement agencies seizing live plants as evidence shall not be responsible for the care and maintenance of such plants. [L 2000, c 228, pt of §2]

-[§329-128] Fraudulent misrepresentation; penalty. (a) Notwithstanding any law to the contrary, fraudulent misrepresentation to a law enforcement official of any fact or circumstance relating to the medical use of marijuana to avoid arrest or prosecution under this part or chapter 712 shall be a petty misdemeanor and subject to a fine of \$500.

(b) Notwithstanding any law to the contrary, fraudulent misrepresentation to a law enforcement official of any fact or circumstance relating to the issuance of a written certificate by a physician not covered under section 329-126 for the medical use of marijuana shall be a misdemeanor. This penalty shall be in addition to any other penalties that may apply for the non-medical use of marijuana. Nothing in this section is intended to preclude the conviction of any person under section 710-1060 or for any other offense under part V of chapter 710. [L 2000, c 228, pt of §2]

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From: Dr. Myron Berney RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support except for the following:

HB699 pls add onto previous testimony

#### The current bill keeps penalties in place for those driving under the influence of marijuana.

This won't work and is not really necessary or appropriate since Marijuana is not alcohol.

Marijuana tests positive for thirty days following exposure, therefore a positive blood or urine test doesn't indicate impairment. Marijuana is not alcohol. Many prescription medicines have greater impairment than Marijuana. Being sleepy is more dangerous than marijuana and any impairment would be equal to how sleepy one behaves.

If someone is driving recklessly they should be stopped, ticketed and prohibited from driving if they exhibit impaired behavior regardless of what was the causative factor, it is the behavior that should be regulated and controlled not just taking medicine.

### The current bill does not allow for marijuana consumption in public places.

Tobacco is worse than Marijuana and has no medicinal use.

Any restrictions on Tobacco smoking should also apply to smoking Marijuana.

It is unreasonable to have greater restrictions on Marijuana, a non-addicting safer cancer curing and cancer preventing drug, than on Tobacco a more dangerous and a heavily addicting drug.

## All forms of advertising will be prohibited.

It may be reasonable to restrict media advertising but at least one should be able to have signage on the store or establishment so People can identify the establishment. Restricting all forms of advertising is most likely Unconstitutional and definitely unreasonable

Which States Budgets Are Benefiting From Medical Marijuana -- and Who Is Missing Out?

#### California Tax rate: Exempt. Revenue: Around **\$9 million**, extrapolating from Tax rate: 5% state, various municipal on 2011 figures. dispensary sales. Revenue: Up to **\$100 million** by the end of this Hawaii fiscal year. Tax rate: **Proposed** flat tax, pending approval of Colorado dispensaries. Revenue: Uncertain, estimated low five figures. Tax rate: Varies based on locality. Revenue: Over \$20 million a year. Montana

Tax rate: **Only application fees.** Revenue: At least **\$500,000** a year

## Washington

Tax rate: **25% (proposed).** Revenue: **\$1.9 billion over five years** (estimated).

### **Rhode Island**

Tax rate: None at the moment, **4% profits, plus 7%** sales on the imminent dispensaries. Revenue: Up to **\$700,000** when the program is fully operational.

## Arizona

Tax rate: **6.6% of sales.** Revenue: Modest at the moment, but could grow to tens of millions annually. **Maine** 

Tax rate: **5% of sales, 7% on food items** Revenue: **\$650,000** within a couple years, according to estimates.

## **New Mexico**

Tax rate: **Varies by locality.** Revenue: **\$700,000** annually according to the most optimistic projections, with an important asterisk.

## Michigan

Read more:

http://www.minyanville.com/sectors/biotech-pharma/articles/legal-marijuana-legalized-medicalmarijuana-legalized/11/8/2012/id/45677#ixzz2JaJnB5Op

From:	mailinglist@capitol.hawaii.gov
Sent:	Friday, February 01, 2013 7:40 AM
То:	JUDtestimony
Cc:	njohnsonmdi@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 2/1/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Nathaniel Johnson	Individual	Support	No

Comments: This would give Much needed tax money to the community, fix roads, get text books for schools. Crime rates will go down for both locals and tourists meaning less police time spent wasted and of course will bring in more tourists. For those who oppose this amendment i suggest you become educated on the issues before blindly forcing your own ignorance's upon others, those who don't stand for something will fall for anything.

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 8:00 PM
То:	JUDtestimony
Cc:	nedimcknight@gmail.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

#### **HB699**

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Nedi McKnight	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing \_, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	Neel Kamal [neel_dell@yahoo.in]
Sent:	Thursday, January 31, 2013 2:26 PM
То:	JUDtestimony
Subject:	In support of HB699

To: Rep. Karl Rhodes, Chair Rep. Sharon Har, Vice Chair From: Neel RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Weed, Ganja, Pot, Marijuana, Grass !!!!! We call it by many names but anyone who smokes it respects it the same. Its a plant created by God same as tobacco filled in cigarette but if the tobacco can be legal why can't weed. Weed is not something human make on purpose like beer or alcohol, it just grows and no one in this world has the right to destroy a god's creation.

In India weed is called by the name of Ganja and is considered as a gift from Lord Shiva. I mean, have you ever heard someone killing someone after having weed. On the other hand you might have heard people killing someone had alcohol.

I seriously Believe that after a day long work smoking a puff of marijuana eases your stress.

God made weed. Don't destroy it! Enjoy it!

From:	mailinglist@capitol.hawaii.gov
Sent:	Friday, February 01, 2013 10:07 AM
То:	JUDtestimony
Cc:	youconduit@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 2/1/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Nomi Carmona		Support	Yes

Comments: Aloha Representatives, We would be remiss not to legalize marijuana. The most obvious reason is that our state stands to profit greatly upon the legalization of marijuana. In addition we must consider this in order to ease the restrictions and encourage ease of legal navigation into industrial hemp. We need industrial hemp, it is one of the most sustainable textiles in the the world, and with marijuana illegal at 0.01% we will be hard pressed to proceed. It is for the following reasons Babes Against Biotech, with over 1,800 members and supporters, has taken a position in support of the legalization of marijuana in Hawaii and we urge you to pass with no reservations, HB699. We have the perfect environment to develop the cannabis and industrial hemp markets. We need the jobs, we need the business, it is a wise and strategic move in the name of commerce alone for the State of Hawaii. It will bring massive amounts of tourism dollars from a growing demographic as legalization is beginning to occur in numerous U.S. States. We would be foolish, guite frankly, not to advance this in Hawaii as a natural progression for a keen governing body to smartly advance. The bill appears to be well constructed and at 15% to the State on every purchase, we will receive MUCH needed revenue. The 15% is very generous in our opinion however, we support your willingness to open up the legislation and fight for this and make no complaint. We are pleased it is no more than 15%. We either take this opportunity now and be among the progressives in the United States or sit back on our haunches wondering where we will find the money to restore the ahupua'a, the brilliant sustainable systems of food production of ancient Hawaii. The system that can dramatically reduce the 85%+ of our food that is being shipped in. We can use money we earn from highly sustainable cannabis for the common man to provide temporary subsidization and funding to increase local, small organic farms and provide statewide sustainable organic farming education and guided incentives for new and willing farmers. We almost must. Marijuana was criminalized by a trio of power players once upon a time. William Randolph Hearst had invested heavily in timber and was printing newspapers on tree pump. Hemp paper was the top competitor and once widely used before marijuana was a common word, hemp, was a household word thought of as a textile. The paper Hearst sold was heavily processed and chemically treated by DuPont. At the same time, banker Andrew Mellon, our Secretary of the Treasury, had invested heavily in DuPont's new product Nylon, for which hemp was also a textile competitor. Seeking to eliminate hemp and dominate their respective markets, in collusion Secretary Mellon, Hearst and the DuPont family engaged in a massive national smear campaign. With all of Hearst's media and enormous fortunes at their fingertips, they criminalized hemp as marijuana and marijuana as a negative thing in a storm of widely reported, "yellow journalism." Cannabis cultivation and culture has in so many ways been living on, in many parts of the world, and here, in a private culture, living on through a peaceful bonds between citizens. It is time to remove the restrictions and return to that freedom which puts your constituents' happiness before the

direction of corporate interests which are not ultimately serving the greater good. There are a lot of people, even those who otherwise may farm nothing, who would be thrilled and dedicated, with the opportunity to study deeply and make this their life's work. Eliminate the taxpayer dollars spent on nearly meaningless personal use marijuana related convictions and jail time. Hawaii will bring innovation to recreational marijuana and encourage more citizens to engage in gardening and caring for nature. Meanwhile our drunks are mowing over pedestrians, and that Nylon manufacturer Pioneer/DuPont is now conducting the majority of their chemically carcinogenic, open air, genetically engineered crop experiments on us, here, in Hawaii. It is time to rectify the situation at large and the power is in your hands to advance Hawaii to a status of industry leaders for sustainable marijuana sale, cultivation and responsible enjoyment. If we are wise, industrial hemp must also arouse your vigor for sustainability and you should also seriously pursue, this year, now, HB154. We can use the funds from cannabis to rehabilitate our damaged farmlands that have been mono-cropped and subjected to chemical and genetically engineered industrialized farming. Since we may never be able to grow food on that land again, we may need to legalize marijuana recreationally to support our budget and in a separate bill legalize industrial hemp (HB154) so the two support one another and use that otherwise practically diseased land to develop an industrial hemp industry. Hemp is an excellent phytoremediator and can draw remarkable toxins from the soil, requires little to no pesticides and can be used for over 1,000 truly sustainable purposes. Of course, the hemp would need to be rotated, like all healthy farming systems require. In the meantime, legalizing marijuana supports not only phenomenal economic growth but opens avenues for agricultural and environmental sustainability that can and will remarkably grow exponentially, together, joint in hand. We are so proud, pleasantly surprised and pleased to see so many introductions on this bill. it makes me feel like our legislators, like you, are truly starting to get it, and reflect the will of the people. It is very encouraging. Thank you from the bottom of our hearts. Please proceed with full support for SB699. Mahalo nui Ioa, Nomi Carmona President Babes Against Biotech [501(c)3] nomi@babesagainstbiotech.org Honolulu, HI

Please note that testimony submitted less than 24 hours prior to the hearing \_, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Friday, February 01, 2013 10:52 AM
To:	JUDtestimony
Cc:	museix@gmail.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

#### HB699

Submitted on: 2/1/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Patrick Brown	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing \_, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From: Sent: To: Subject: Rev. Nancy Waite Harris [punarasta@yahoo.com] Thursday, January 31, 2013 4:51 PM JUDtestimony Relating to Marijuana – HB 699

To: Rep. Karl Rhoads, Chair

Rep. Sharon Har, Vice Chair

From: Rev. Nancy Waite Harris

RE: Relating to Marijuana - HB 699

Hearing: Friday, February 1, 2013, Room 325

Position: Strong Support

Aloha Committee Members, and thank you for taking the time to read this. I strongly support HB 699, as a means to help our State to heal from the ravages of the Drug War.

Marijuana, known more properly as Cannabis, and in Hawai'i as Pakalolo, has been in Hawai'i, and culturally embedded in these islands, for quite some time. Consider the collaboration of music icons Don Ho and Israel Kamakawiwo'ole on the hit, "Pakalolo Will Tickle your Feet," or the well-know song "Island Woman," which features the line, "Bud of the Cannabis, I can't smoke enough." UI have read that under the monarchy, taxes could be paid in (Cannabis) hemp. Clearly, a unique historic and cultural relationship exists here, which makes it in the best interest of Hawai'i to end Cannabis prohibition. Our last monarch, Queen Liliuokalani, would surely have supported this bill, as she endorsed the licensing and regulation of opium, a much stronger and more dangerous substance, as a common sense measure. Further, in the recent study

The most disturbing thing about cannabis prohibition is that it is racist. The war on Cannabis unfairly targets Native Hawaiians above all others.

"For example, Native Hawaiians are arrested for marijuana possession six times more often than their share of the population, statewide. The same dynamic that works against Native Hawaiians is evident in data available for Hawai#i Island (Burnett 2012), and a similar dynamic has been documented for Latinos and Blacks in Colorado."

David C. Nixon http://acluhawaii.files.wordpress.com/2013/01/econreptmarijuana1\_2013.pdf

Please follow your consciences and help to end this madness.

Prayerfully submitted,

Rev. Nancy Waite Harris

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 6:15 PM
То:	JUDtestimony
Cc:	bacher.robert@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Robert Bacher	Individual	Support	No

Comments: Legalizing cannabis for adults will create thousands of jobs locally in related fields. Beyond creating thousands of jobs and realizing millions in revenues during stagnant economic times, regulating and taxing cannabis takes many millions from dangerous drug cartels, and brings cannabis' enormous economy back above the table where they will provide much needed tax revenues.

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testimony letter.txt

Bill Name and Number: Relating to Marijuana - HB 699

Aloha my name is Robert Rea , and I'm for the legalization of marijuana for adults

over 21, for small amounts, the taxes that will be collected are sorely need in our state. Our police, schools, and firemen are underfunded, this will do much to help.

Marijuana has no reported deaths from the use of it, no medicine can make that claim!

Also the old and ill people who use it for medicine have no safe access. Many go without, or have to use what little money they have to buy marijuana. Caretakers are at risk of prosecution from the police if they care for more than one person, with the medical rules we have now.

The monies saved by law enforcement will allow for fighting more serious drugs in the islands like Ice or cocaine.

Prohibition only makes the criminals more money, and wastes the time of police and the courts.

Please vote yes on this much needed bill ! Mahalo, Robert Rea

From:	mailinglist@capitol.hawaii.gov
Sent:	Friday, February 01, 2013 5:51 AM
To:	JUDtestimony
Cc:	islandfireice@gmail.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

#### HB699

Submitted on: 2/1/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Roberta Stratton	Individual	Support	No

Comments:

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Scott Young, constituent of Mele Carroll on Maui.

(808) 248-7008

Lives in Hana, Maui. HB 699 - supports the bill

Would be happy to talk to Rep Har.

I support medical marijuana. We just need to legalize marijuana. India legalized marijuana. Norway legalized marijuana. Keeping marijuana forces people to turn to hard drugs.

The people against the legalization of marijuana are creating more drugs.

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 2:29 PM
То:	JUDtestimony
Cc:	jamsha10@evergreen.edu
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### **HB699**

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Shawn A. James Leavey	Individual	Support	No

Comments: COMMITTEE: JUD DATE: Friday, February 01, 2013 TIME: 2:00 p.m. PLACE: Conference Room 325 Re: HB699 - Relating to Marijuana - STRONG SUPPORT Aloha Chair Rhoads, Vice Chair Har and Members, DEDICATE SCARCE LAW ENFORCEMENT FUNDS TO FIGHTING HARD DRUGS RAISE NEW REVENUE ASSERT STATES' RIGHTS BE THE FIRST STATE TO REPEAL CANNABIS PROHIBITION BY AN ACT OF LEGISLATURE, NOT BY POPULAR INITIATIVE. mahalo, Shawn A James Leavey Honolulu, HI

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Friday, February 01, 2013 1:32 AM
То:	JUDtestimony
Cc:	Keezyphatz420@hotmail.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

### HB699

Submitted on: 2/1/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Sonny	Individual	Support	No

Comments:

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 6:50 PM
То:	JUDtestimony
Cc:	bigjohn013@me.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Staff Sgt. John H. Johnson III	Individual	Support	No

Comments: Marijuana was made illegal because of the corporate greed of the 1930s and 1940s with Andrew Mellon and Lamont du Pont and their puppet Harry Anslinger nephew of Mellon but later was used as an excuse to police the whole planet and deliberately disenfranchise minorities that led to trillions being spent at the cost of national and individual state economies. We have a revenue problem not just a spending problem regulating it like tobacco (not alcohol because it doesn't affect you like alcohol and it also doesn't have the health problems that it does) will bring in billions of dollars a year instead of shipping them to South America which actually helps support cartels and the deaths of over 50,000 since 2009 alone Mexico. The amount of "revenue" brought in would help republicans from trying to take social security from the elderly when it doesn't even add to the deficit. Hemp could have saved our planet from global warming over the last 80 years due to it's numerous uses, we are still the only modern super power in the world where it is still illegal to grow cannabis for hemp but we still import it instead of growing it ourselves. There are a hundred different things we can make from Hemp: http://norml.org/marijuana because of these powerful organizations such as correction officer unions across the nation, medical corporations, oil companies and textile companies do what ever they can to profit by keeping it illegal. Civilian organizations aren't the only ones who are destroying our nation in order to keep their pockets full, marijuana is illegal today because the government has so much invested in keeping it illegal and will loose billions if they make it legal, this is creating corrupt federal and state officials and has torn a hole in the morale fabric of our government over the last 80 years which is "trust." We are becoming a police state that has the right to put you in jail for the rest of your life for marijuana related non violent crimes, search and seizure laws have been virtually nullified by the supreme court and congress in order to enforce recently struck down "stop and frisk" laws which caused hundreds of thousands to be discriminated against in New York City alone targeting young minorities in inner city areas meanwhile suburban, college campuses and rural areas get a free pass compared to the carnage unleashed on naive young citizens that don't know the law. Once you get out for a marijuana related offense you will be denied an ever-growing amount of public assistance programs even after you have served your time. One of the fastest industries in the country, "for-profit prisons," make money off of caging black and brown men and women like animals creating the new "Jim Crow" of this century. In some states a felon will have to pay for their time in prison, any back child support and then will be told that they will have to go back to jail if they don't pay. If the states or federal government wants to throw someone in jail they should cover the cost completely and to profit off of it in such a manner should be unconstitutional because of it's proven ability to create immoral behavior among all officials at all levels not to mention its' closeness to slavery. Over the few past decades our prison population has

"QUINTUPLED", making our prison population the largest in the world dwarfing Iran and even China who has a much larger population than us. More African American adults are in the prison, parole or being process for other parts of the penal system than enslaved in 1850 a decade before the Civil War began. Most criminologist and sociologist agree that crime rate and the incarceration rate in the U.S. have moved independently of each other even though the incarceration rate of African American adults have soared regardless, proving that a certain background of people aren't just committing more crimes than others but it is due to the wave of punitive laws that have specifically ambushed African Americans and other minorities in the beginning of the Ronald Reagan presidency at a time when less than 3% of the nation saw drugs as being such a terrible threat to their fellow citizen. Although Richard Nixon coined the phrase "War on Drugs," Reagan's Drug War's contribution are that drug convictions alone have increased more than 1,000% since it beginning and more unbelievable, there are more people in prisons and jails today than for "ALL" reasons in 1980 further making it hard to believe that the war wasn't targeting minorities. The war on drugs has everything to do with politics and has been well documented that historians and political scientist agree the war on drugs is part of a grand republican strategy, known as the "Southern Strategy" encompassing racially coded "get tough" strategies to appeal to fearful, poor, working class, southern white citizens who was noticing the gains of African Americans due to progressive laws passed since the civil rights movement. The New Jim Crow laws accomplish the same of what the Old Jim Crow laws accomplished from directly after the Civil War to 1965. Today a felon will never have the right to vote after a conviction, will never be selected for a jury, will always have to check the block for a job application, will never get public housing, food stamps, professional licenses, financial aid and will most likely end up back in jail. A felon has fewer rights than a black man in Alabama at the height of Jim Crow. Today more than half of the African American working age men across the nation have criminal records and are subject to legalized discrimination for the rest of their lives which makes up for more than 80% of African Americans in America if you count those who are locked up in the penal system. A Duke University study by Dr. Dan Blazer proves that although African Americans are unfairly prosecuted for drug related crimes Whites, Hispanics, Native Americans and people of mixed race abuse drugs at a far greater rate but are prosecuted less using a data from 72, 561 youth interviewed for the National Survey on Drug Use and Health. This has unfairly destroyed mostly black and brown families to the point that it is rare to see a healthy one today, this has caused the displacement of millions of kids who sadly end up in the same cages as their parents. We must stop this death cycle by trying to elect activist like Michelle Alexander for president in 2016 who is actively out there doing something about it or we will destroy this country over corporate greed and racism. If we had taken the rights of everyone to vote, even if you are in prison, ex-convicted felon or anyone else, we wouldn't have this problem; they would of helped change these toxic laws. This simple cannabis plant that could have saved the world but is being withheld because of corporate greed at the cost of the entire nation and it will take a major grass roots civil rights movement to stand up to the Correctional Officer Unions, Large Corporations and finally the American government who all will loose billions in order to give back our basic freedoms. The total loss of each man, woman or child can partially be equated to the amount of money they would of paid in taxes, how many houses they would of bought, the amount of cars they would of bought from GM and so we will never know the billions the we as a country we would have lost due to mass incarceration. Rome fell not because of the barbarians but because of their own demise and we will too if we don't start accept people as they are. Because of the mass financial loss of so many high profile organizations, government over watch post-prohibition should be extremely limited. The public health approached headed by Patrick Kennedy will only open up new ways to limit the cannabis indica and sativa plant from you and me, because of his families profits from the alcohol industry he is comes across as just another crooked politician out to fill his pockets. The only way to go about cannabis is full legalization for all, their should be no limit to cultivation as long as they don't distribute mass amounts. The whole key to full legalization should be to make marijuana so cheap that it is no longer viable for the black market to profit off of. We need change what it means to be under the influence because THC stays in your

blood up to or more than 30 days and studies are still not agreeing to what amount makes you actually impaired. According to Maia Szalavitz of healthland.time.com states that legalize marijuana have fewer fatal accidents a year. A 2002 review of seven separate studies involving 7,934 drivers reported, "Crash culpability studies have failed to demonstrate that drivers with cannabinoids in the blood are significantly more likely than drug-free drivers to be culpable in road crashes." This result is likely because subject under the influence of marijuana are aware of their impairment and compensate for it accordingly, such as by slowing down and by focusing their attention when they know a response will be required. This reaction is just the opposite of that exhibited by drivers under the influence of alcohol, who tend to drive in a more risky manner proportional to their intoxication. Should we even bother harassing marijuana smokers? Mass cultivation and distribution should be regulated by local health departments and federal guidelines should only enforce all distribution and sales between states not within states by using existing DOT standards already set for other commercial food shipped to prevent extra laws and regulations enacted to purely prevent or disrupt the cannabis industry's inevitable boom. Give the rights back to the people! Hemp is of first necessity to the wealth & protection of the county." Thomas Jefferson

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 3:09 PM
То:	JUDtestimony
Cc:	shkunioka@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Stuart Kunioka	Individual	Oppose	No

Comments: Aloha, I am opposed to HB 699 Relating to Marijuana for the following reasons: 1.) This bill should it become law, is not setting a good example for our CHILDREN and will have a negative impact on our CHILDREN, SOCIETY and MORAL BEHAVIOR. Marijuana was made illegal for a reason, it is highly addictive. Should marijuana be legal to use, this will create a greater problem for Hawaii, as Hawaii will have deal with more people addicted to marijuana and treatment for this addiction will probably be paid by us, the tax payers/voters. 2.) The State of Hawaii barely has enough enforcement for those violating the Medical Marijuna Laws. There have been times where people with the medical marijuana cards have gotten greedy and has grown more plants then is required by law and possibly selling marijuana illegally. Because there are no checks and balances in this, it is unknown how many people are violating the Medical Marijuana Laws and there should be marijuana dispensaries to prevent this. Even if the State of Hawaii provides dispensaries for the marijuana, this will not prevent people from growing marijuana illegally, thus there will not be taxable income for the State. Also, just because it would be legal to sell at dispensaries, it does not prevent the Federal Government to raid the dispensaries and shut them down. This will also cost taxpayers/voters money. 3.) By allowing this bill to become law will drawn the wrong types or the criminal element to Hawaii, just so that they may use marijuana without penalties. Who is to say if these criminals elements would stay here in Hawaii. Do you want to risk this and expose our families, friends and community to this? I think not. CONCLUSION: By allowing this to become law, you will be undermining the SAFETY and MORAL VALUES of the People of Hawaii. On one of the news channels, it had reported that this would generate money for the State of Hawaii through taxes on marijuana. I could think of other ways to generate money, such as lotteries or legalizing gambling. By passing this bill, we will open our communities to the CRIMINAL ELEMENT and DESTROY our way of life here in Hawaii. I am a VOTER and a taxpayer and DO NOT SUPPORT HOUSE BILL 699! Aloha, Stuart Kunioka VOTER, TAXPAYER & RESIDENT of the State of Hawaii

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 2:31 PM
То:	JUDtestimony
Cc:	sd3@hawaii.rr.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### **HB699**

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Susan Douglas	Individual	Support	No

Comments: please support this bill, mahalo, Susan

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 2:51 PM
То:	JUDtestimony
Cc:	iriegurl9@aol.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Tiffany	Individual	Support	No

Comments: I think the State of Hawaii should legalize marijuana. It will lessen the crime rates in Hawaii and promote more tourists to want to come and visit the islands. It would technically open more job opportunities being as people make the product and sell them just as any other job where you become your own boss on your own terms. Unlike alcohol which causes bar fights, suicides, alcoholic beverages does the complete opposite from what marijuana does, it calms and relaxes people and it has never caused any harm to anyone. Just like taking a supplement to energize your body marijuana can be used as a "happy pill" for soothing everyone's minds from daily stress.

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 2:03 PM
To:	JUDtestimony
Cc:	obusanj001@hawaii.rr.com
Subject:	*Submitted testimony for HB699 on Feb 1, 2013 14:00PM*

#### HB699

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Wilma Fores-Obusan	Individual	Oppose	No

Comments:

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, January 31, 2013 5:19 PM
То:	JUDtestimony
Cc:	birdlivesforever@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### **HB699**

Submitted on: 1/31/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Zachary Caleb Callaghan	Individual	Support	No

Comments: Let's focus on meth. Working with drug abusers, I have never found one person who could blame all their problems on marijuana. Ice is huge. Instead of spending large amounts of money on "weed", we should go after ice. The other huge issue is alcohol. More deaths and violence are connected to that drug than all the others. You could smoke marijuana for many hours straight and not die; you can spend hours drinking and die from it. It's just silly already. I feel safe around people who smoke marijuana, not around drunks and speed freaks.

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From: Sent: To: Subject: Angela Breene [angelavideotron@gmail.com] Friday, February 01, 2013 11:24 AM JUDtestimony Re: In support of HB699 hearing today

To: Rep. Karl Rhoads, Chair Rep. Sharon Har, Vice Chair From:Angela Breene RE: Relating to Marijuana – HB 699 Hearing: Friday, February 1, 2013, Room 325 Position: Strong Support

Aloha Representatives,

I am writing to express my strong support for HB699 relating to the taxation and regulation of marijuana. This bill will have multiple benefits to the people of Hawaii.

Common sense and science shows that Marijuana is a relatively harmless substance for adults to use. Legal prescription drugs and alcohol are far more dangerous to the health of society and individuals. The most dangerous thing about marijuana is the risk of prosecution. Health risks are less than those of cigarettes.

Economic benefits of HB 699 are obvious. It would save \$12 million a year in marijuana law enforcement costs and would bring in at least \$11.3 million a year in tax revenue. That's a \$23 million gain to the state coffers.

The current medical marijuana system in Hawaii is dysfunctional. HB 699 wisely transfers oversight to the Dept of Health where it belongs. Licensed users like myself need legal dispensaries and more plants allowed for cultivation. Any gardener of farmer will tell you that growing plants can be unpredictable, and crop loss very possible.

Do the right thing and let's pass HB 699 to the great benefit of the people of Hawaii. We must stop criminalizing marijuana use by adults. Let common sense prevail.

Mahalo,

Angela Breene Haleiwa, Hawaii

From:	mailinglist@capitol.hawaii.gov
Sent:	Friday, February 01, 2013 11:34 AM
То:	JUDtestimony
Cc:	4mjpage@gmail.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 2/1/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Mike Page	Individual	Support	No

Comments: Tax it and use resources to make Hawai'i a more self sustaining state. Thank you.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Friday, February 01, 2013 10:58 AM
То:	JUDtestimony
Cc:	laanielan@yahoo.com
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### **HB699**

Submitted on: 2/1/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Rayelanie Viernes	Individual	Comments Only	Yes

Comments: Legalize Merijuana.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Friday, February 01, 2013 11:19 AM
То:	JUDtestimony
Cc:	shanti9@hawaiiantel.net
Subject:	Submitted testimony for HB699 on Feb 1, 2013 14:00PM

#### HB699

Submitted on: 2/1/2013 Testimony for JUD on Feb 1, 2013 14:00PM in Conference Room 325

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
William Bailey	Individual	Support	No

Comments: It is time to decriminalize marijuana after so many years of propaganda against it by various interests, including industrial. Marijuana has medical benefits for certain conditions, and any harmful effects are minimal compared with virtually all legal and illegal drugs. Relatedly, I am in favor of legalizing the growing of industrial hemp as a valuable multi-purpose resource.

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