

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
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KIRK CALDWELL  
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LOUIS M. KEALOHA  
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DAVE M. KAJIHIRO  
MARIE A. McCAULEY  
DEPUTY CHIEFS

OUR REFERENCE JK-TA

March 27, 2015

The Honorable Gilbert S. C. Keith-Agaran, Chair  
and Members  
Committee on Judiciary and Labor  
State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran and Members:

SUBJECT: Senate Concurrent Resolution No. 45, Requesting the Drug Enforcement Administration to Initiate Rescheduling Proceedings to Remove Marijuana From Schedule I of the Federal Controlled Substances Act Because Marijuana Does Not Meet the Criteria of a Federal Schedule I Controlled Substance

I am Jason Kawabata, Acting Major of the Narcotics/Vice Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes Senate Concurrent Resolution No. 45, Requesting the Drug Enforcement Administration to Initiate Rescheduling Proceedings to Remove Marijuana From Schedule I of the Federal Controlled Substances Act Because Marijuana Does Not Meet the Criteria of a Federal Schedule I Controlled Substance.

Marijuana is a Federal Schedule I controlled substance. Only components that have been shown to have medical value should be evaluated and rescheduled appropriately. Components of marijuana do have medical value, and research in the area is ongoing.

The Honolulu Police Department urges you to oppose Senate Concurrent Resolution No. 45, Requesting the Drug Enforcement Administration to Initiate Rescheduling Proceedings to Remove Marijuana From Schedule I of the Federal Controlled Substances Act Because Marijuana Does Not Meet the Criteria of a Federal Schedule I Controlled Substance.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Kawabata".

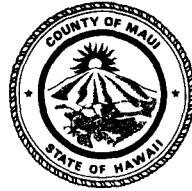
Jason Kawabata, Acting Major  
Narcotics/Vice Division

APPROVED:

A handwritten signature in black ink, appearing to read "Louis M. Kealoha".  
\_\_\_\_\_  
Louis M. Kealoha  
Chief of Police

*Serving and Protecting With Aloha*

ALAN M. ARAKAWA  
Mayor



JOHN D. KIM  
Prosecuting Attorney  
ROBERT D. RIVERA  
First Deputy Prosecuting Attorney

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

CONTACT: RICHARD. K. MINATOYA  
Deputy Prosecuting Attorney  
Supervisor - Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY  
ON

SCR 45/SR 19 - REQUESTING THE DRUG ENFORCEMENT ADMINISTRATION TO  
INITIATE RESCHEDULING PROCEEDINGS TO REMOVE MARIJUANA  
FROM SCHEDULE I OF THE FEDERAL CONTROLLED SUBSTANCES ACT  
BECAUSE MARIJUANA DOES NOT MEET THE CRITERIA OF A  
FEDERAL SCHEDULE I CONTROLLED SUBSTANCE

March 27, 2015

The Honorable Gilbert S. C. Keith-Agaran  
Chair  
The Honorable Maile S. L. Shimabukuro  
Vice Chair  
and Members  
Senate Committee on Judiciary and Labor

Chair Keith-Agaran, Vice Chair Shimabukuro and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, OPPOSES SCR 45 and SR 19 - Requesting the Drug Enforcement Administration to Initiate Rescheduling Proceedings to Remove Marijuana from Schedule I of the Federal Controlled Substances Act Because Marijuana does not meet the Criteria of a Federal Schedule I Controlled Substance.

We oppose these resolutions because, contrary to the wording of the resolutions, the U.S. Food and Drug Administration (FDA) has not approved smoked cannabis for the treatment of any disease or condition. Furthermore, THC is already available in pharmaceutical form as Marinol, which is already a Schedule III controlled substance that is not only available by prescription, but is also refillable. Therefore, marijuana is not eligible to be rescheduled, and is not necessary for prescription.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, OPPOSES SCR 45 and SR 19 , and asks that the committee HOLD these resolutions.

Thank you very much for the opportunity to provide this testimony.



Committee: Committee on Judiciary and Labor  
Hearing Date/Time: Friday, March 27, 2015, 9:00 a.m.  
Place: Conference Room 016  
Re: Testimony of the ACLU of Hawaii **in Support of SCR 45 / SR 19**

Dear Chair Keith-Agaran and Members of the Committee on Judiciary and Labor,

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in **support of SCR 45 / SR 19**, Requesting the Drug Enforcement Administration to Initiate Rescheduling Proceedings to Remove Marijuana from Schedule I of the Federal Controlled Substances Act Because Marijuana Does Not Meet the Criteria of a Federal Schedule I Controlled Substance.

Enforcement of marijuana prohibition as a part of the failed war on drugs has contributed to overincarceration in the United States, disproportionately affecting people of color. In Hawai‘i, this overincarceration results in the use of problematic mainland for-profit prisons. Rescheduling marijuana to reduce the penalties for related offenses is a step in the right direction toward ending the war on drugs.

Thank you for this opportunity to testify.

Lois K. Perrin  
Of Counsel  
ACLU of Hawaii

*The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for 50 years.*

THE LIBERTARIAN PARTY OF HAWAII  
C/O 1658 LIHOLIHO ST #205  
HONOLULU, HI 96822

**TESTIMONY**

March 24, 2015

RE: **SCR 45/ SR 19** to be heard Friday, March 27, 2015 in Conference Room 016 at 9:00 AM

To the members of the Senate Committee on Judiciary and Labor

**SUPPORT**

We support this resolution that would ask the Federal Government to engage in common sense for a change. We suggest that our State Attorney General be asked to prepare to take this matter to the US Supreme Court if there is any Federal interference with our laws moving forward. The Federal authority rests on the Gonzales vs. Reich decision that interpreted the commerce clause in such a way as to allow them to interfere with state medical marijuana laws. We believe this decision was in error and that the current court might reverse it or at least hear Hawaii's arguments that our geographic isolation reduces the risk of marijuana used here crossing state lines.



Tracy Ryan  
Chair

# COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON JUDICIARY and LABOR

Chair: Sen. Gil Keith-Agaran

Vice Chair: Sen. Maile Shimabukuro

Friday, March 27, 2015

9:00 a.m.

Room 016

## SUPPORT for SCR 45 - FEDERAL SCHEDULING OF MARIJUANA

Aloha Chair Keith-Agaran, Vice Chair Shimabukuro 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 almost two decades. This testimony is respectfully offered on behalf of the 5,600 Hawai'i individuals living behind bars, always mindful that more than 1,600, and soon to be rising number of Hawai'i individuals who 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.

SCR 45 requests the Drug Enforcement Administration to initiate rescheduling proceedings to remove marijuana from schedule 1 of the Federal Controlled Substances Act because marijuana does not meet the criteria of a federal Schedule 1 controlled substance.

Community Alliance on Prisons supports this measure.

The debate over scheduling of cannabis is ongoing in Congress and the courts.

On March 10, 2015 a bipartisan Senate bill<sup>1</sup>, introduced by Sen. Rand Paul (R-Ky) and co-sponsored by Sens. Cory Booker (D-NJ) and Kirsten Gillibrand (D-NY), was introduced that would reschedule cannabis from Schedule I to Schedule II under the Controlled Substances Act (CSA), as well as legalizing the recommendation of medical marijuana by Veterans Affairs doctors and introducing other welcome reforms. The purpose of the bill as stated is *"to extend the principle of federalism to State drug policy, provide access to medical marijuana, and enable research into the medicinal properties of marijuana."*

*"Judge Kimberly Mueller, the federal magistrate who made history by granting defense requests for a five-day hearing on the constitutionality of the continued inclusion of cannabis in Schedule I of the Controlled*

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<sup>1</sup> CARERS bill introduced in Senate, March 10, 2015.

<https://american-safe-access.s3.amazonaws.com/documents/US%20Senate%20MMJ%20March%202015.pdf>

*Substances Act, was originally scheduled to meet with the parties of US v Schweder et al for a status hearing this week – but has delayed that meeting until April 15th.*

*The most significant reform would be the removal of herbal cannabis from the ultra-restrictive Schedule I of the CSA and its rescheduling in Schedule II, a category which includes drugs like cocaine and methamphetamine – which are considered substances with a high potential for abuse under the CSA but are also recognized to have medical value when administered under a doctor’s supervision. (It should be noted that the Leaf specifically predicted that the federal government would move to reschedule cannabis some time this year.) Cannabis products high in cannabidiol (CBD) and low in THC would be treated even more liberally under the bill, which would specifically exempt medicines containing less than 0.3% THC from the definition of “marihuana” under federal law.*

*“We don’t want to punish doctors simply because they’re trying to help people,” said Sen. Paul during a Tuesday press conference announcing the bill.”<sup>2</sup>*

I attended a medical conference several years ago and met Dr. Sunil Aggarwal, M.D., PhD whose power point<sup>3</sup> went through the history of cannabis scheduling, which is political as illustrated by the 1937 Marihuana Tax Act:

- Congressional Record rife with lurid tales of homicidal mania, racial slurs, and fears of miscegenation → enhances threat level of marijuana use in civil society
- William Woodward, MD, JD, Legislative Counsel, American Medical Association; Chair, Council on Scientific Affairs
  - "future investigation may show...substantial medical uses for Cannabis“
- AMA stood virtually alone in their opposition to the bill
  - cannabis not inherently dangerous
  - had already been part of the United States Pharmacopoeia for nearly a century
  - had irreplaceable, already-accepted and future-promising medical utilities that would go unrealized

In Dr. Aggarwal’s power point presentation, he noted the following statement from The Netherlandse Associatee Voor Legale Cannabis (NCSM):

*“The availability of safe cannabis of consistent quality has proven to be crucial to good research, as it opened up the way for long term quantitative studies on cannabis and its constituents on a national level. Currently, a variety of laboratories and research groups cooperate for quality control, fundamental*

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<sup>2</sup> **Why a Closely Watched Marijuana Case in Federal Court Looks to Be Leaning in the Right Direction - Does marijuana deserve to be Schedule I?** By Jeremy Daw / The Leaf Online, March 23, 2015.  
<http://www.alternet.org/drugs/federal-court-ruling-marijuana-proper-classification-delayed>

<sup>3</sup> Aggarwal SK. **Cannabis: A Commonwealth Medicinal Plant, Long Suppressed, Now at Risk of Monopolization.** 88 Denver University Law Review (2010), pp 1-12.  
Available online: <http://www.denverlawreview.org/storage/2009-03/Aggarwal%20-%20Macroed.pdf>.

*research and clinical development. Cannabis research in The Netherlands is blooming, with a clear focus on scientific outcome, rather than on repression of cannabis use. Under these favorable conditions the NCSM was founded in 2008."*

Community Alliance on Prisons supports this resolution that urges the Drug Enforcement Agency to acknowledge the science of cannabis.

Mahalo for this opportunity to testify

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**Subject:** Submitted testimony for SCR45 on Mar 27, 2015 09:00AM  
**Date:** Monday, March 23, 2015 9:16:12 PM

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## **SCR45**

Submitted on: 3/23/2015

Testimony for JDL on Mar 27, 2015 09:00AM in Conference Room 016

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

Comments: I fully support this bill as it should not be a schedule 1 drug by definition, it is usable medically schedule 1 states there is no use for it medically or otherwise. secondly even the federal government should take this off schedule 1 because since 2001 the us government has a patent on cannabidiol or cbd so it is in fact already proven that there is a medical use for it or the US government would not have had a patent on it for so long, why its still schedule 1 has all to do with money from pharmaceutical companies, tobacco companies, alcohol producing companies that see a big loss in their profit margin, its about the money and its always been about the money. it hurts the people because big money does not care about individuals only what they can put in their pockets. its proven and its real its time to do the right thing

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**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** Submitted testimony for SCR45 on Mar 27, 2015 09:00AM  
**Date:** Tuesday, March 24, 2015 4:29:20 PM

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**SCR45**

Submitted on: 3/24/2015

Testimony for JDL on Mar 27, 2015 09:00AM in Conference Room 016

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

Comments: I support this Senate resolution though I feel it doesn't go far enough and should request all drugs, not just marijuana, be removed from the schedule I list. End of the day drugs, no matter how hard, are a victimless crime or, even if you think they are harmful, less harmful than locking up users for decades at a significant cost to the taxpayer.

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**Subject:** \*Submitted testimony for SCR45 on Mar 27, 2015 09:00AM\*  
**Date:** Monday, March 23, 2015 6:13:59 PM

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**SCR45**

Submitted on: 3/23/2015

Testimony for JDL on Mar 27, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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