



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

H.B. NO. 1596, RELATING TO CONTROLLED SUBSTANCES.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Tuesday, February 6, 2024 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Kory W. Young, Deputy Attorney General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) respectfully opposes this bill.

The purpose of the bill is to make the distribution of drug paraphernalia by persons 18 to 20 years old to minors more than three years younger than the distributor a violation punishable by a maximum \$500 fine instead of a class B felony, to exempt the possession of drug paraphernalia used in connection with marijuana from certain penalties under the Uniform Controlled Substances Act, and to make the possession of less than one ounce of marijuana a violation punishable by a \$25 dollar fine.

Section 1 of the bill proposes to amend section 329-43(c), Hawaii Revised Statutes (HRS), on page 2, line 7, to increase the age at which an adult could be charged with a class B felony for distributing drug paraphernalia to a minor from 18 years old to 21 years old. Section 329-43(c) makes any distribution of drug paraphernalia by a person 18 years old or older to a person less than 18 years old a class B felony, unless the minor was younger than the adult (distributor) by 3 years or less. Currently, section 329-43(c) provides a strong deterrent against the predatory exploitation of children by drug dealers, while at the same time recognizing that young people form social groups that often span a range of ages, and punishing young adults for sharing drug paraphernalia with minors who are close to their own age with class B felonies may not be a desirable result.

The proposed change to section 329-43(c) would allow 18 year olds, 19 year olds, and 20 year olds to provide drug paraphernalia including ice pipes, needles, and syringes to children of any age, including elementary school students, while only being charged with a violation and fined a maximum of five hundred dollars (\$500). If the purpose of the amendment to section 329-43(c) is to protect adults under 21 years old from being punished too harshly for distributing drug paraphernalia to minors, the Department would point out that it may not be necessary, because these young adults would largely be eligible for deferrals of their convictions under chapter 853, HRS, if they had no prior felony convictions. As an added protection, drug paraphernalia offenses could also be added to section 712-1255, HRS, allowing them to be conditionally discharged by the courts. However, allowing adults under 21 years old to distribute drug paraphernalia to young children while only being fined a maximum of \$500, invites drug dealers to use these young adults to try to expand their businesses to younger children at less risk.

The proposed change to add a new subsection (f) to section 329-43 on page 3, lines 15 to 16, should not include persons under the age of 21 years old. An age restriction should be added, which could read as follows:

(f) This section shall not apply to the possession of drug paraphernalia by persons twenty-one years of age or older to:

People under 21 years old should still be strongly discouraged from using any illegal drugs, or possessing the paraphernalia that promotes the use of these drugs. A growing body of research indicates that the use of marijuana, appears to have a negative impact on brain development particularly among young people.

The proposed changes to section 712-1249(2), HRS, would increase the amount of marijuana that a person can possess and still be charged with a violation from three grams to less than one ounce, and decrease the fine attached to the violation from \$130 to \$25.

One ounce is equal to 28.3495 grams. It is more marijuana than what is needed for personal consumption, and could be considered an amount for distribution. We

have concerns that further decriminalization of marijuana is in many ways more damaging than legalization.

Extensive decriminalization of marijuana may increase recreational use in a way similar to legalization; however, decriminalized marijuana is unregulated, untested, and untaxed. This lack of regulation and testing creates a significant public health concern, particularly as marijuana use increases. Black market marijuana often contains pesticides, trace amounts of metals like lead and nickel, and other toxic chemicals. Legalized marijuana can be tested for these poisons, and regulations can ensure that the marijuana consumed by recreational users is relatively safe. Decriminalized black market marijuana is not tested, and there are no restrictions on the levels of pesticides and other toxins that consumers may be inhaling or ingesting. The extensive decriminalization of marijuana also results in the community bearing the cost of greater recreational marijuana use, such as increased traffic accidents and fatalities associated with marijuana, but deprives the community of the benefits that could have been derived from taxing legalized marijuana.

Allowing individuals to possess almost an ounce of marijuana also poses greater problems for law enforcement. At present, the distribution of marijuana is still illegal, although the possession of three grams or less of marijuana has been decriminalized. So, law enforcement officers may not be able to do much to regulate the possession of marijuana by recreational users who tend to carry only enough marijuana to fulfill their immediate needs, but individuals either caught distributing marijuana or holding quantities sufficient for distribution are still subject to arrest and criminal charges. By decriminalizing any amount less than one ounce of marijuana, the bill essentially decriminalizes the possession of distribution quantities of marijuana. Twenty-eight grams of marijuana (slightly less than one ounce), is enough marijuana to make anywhere between 50 and 70 “joints” depending on the amount of marijuana used (a half a gram is relatively standard). By decriminalizing distribution quantities of marijuana, while at the same time decreasing the fine imposed on violators, the bill will move decriminalization beyond merely allowing recreational use of the drug, to actively making it easier and more profitable to distribute marijuana.

If the eventual goal is the legalization of cannabis, then extensive decriminalization is the most clearcut road to failure for legalization as a whole— it will cause the illicit market to proliferate to meet demand, and destroy any sense of an orderly transition to legality. It will also harm any social equity program before it has a chance to prove its value because, by the time social equity licensees can open their doors, the black market businesses will have already cornered the marijuana market.

The Department respectfully thanks the Committee for allowing us to offer testimony on the bill, and we respectfully ask the Committee to consider our comments in opposition.

State of Hawai‘i
The Office of the Public Defender

H.B. No. 1596: RELATING TO CONTROLLED SUBSTANCES

Chair David Tarnas
Vice Chair Gregg Takayama
Honorable Committee Members

The Office of the Public Defender **supports** this bill.

This bill is another step in the gradual normalization and decriminalization of cannabis. The Office of the Public Defender supports this bill, applauds the Legislature’s efforts to further destigmatize cannabis, and hopes that someday there will be no criminal punishment attached to this substance.

COMMUNITY ALLIANCE ON PRISONS

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

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



COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Representative David A. Tarnas, Chair

Representative Gregg Takayama, Vice Chair

COMMITTEE ON HEALTH & HOMELESSNESS

Representative Della Au Belatti, Chair

Representative Jenna Takenouchi, Vice Chair

Wednesday, February 6, 2024

Room 325

2:00 PM

STRONG SUPPORT FOR HB 1596 - PARAPHERNALIA

Aloha Chairs Tarnas and Belatti, Vice Chairs Takayama and Takenouchi and Members of the Committees!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the 3,844 Hawai'i individuals living behind bars¹ and under the "care and custody" of the Department of Public Safety/Corrections and Rehabilitation on January 29, 2024. We are always mindful that 857 - 33% of the male imprisoned population - are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons appreciates this opportunity to share our strong support for HB 1596 for adults 21 years of age or older to underscore that paraphernalia was decriminalized several years ago, yet people are still being charged for it. The bill also makes possession of up to one ounce of cannabis a violation, punishable by a fine of \$25, which will reduce the jail population.

Prohibition is rearing its ugly head in Hawai'i. When one looks at the arrest records of HPD, it is clear that Class C felonies are the prosecutors' stock in trade because it has been reported that 40% of the population of our jails are individuals incarcerated for low level

¹ DPS/DCR Weekly Population Report, January 29, 2024.

<https://dcr.hawaii.gov/wp-content/uploads/2024/01/Pop-Reports-Weekly-2024-01-29.pdf>

offenses – Class C felonies and lower. This is sad because the community has constantly asserted that we want law enforcement to focus on violent crimes. One must question the motivation for this prohibitionist approach.

“On January 17, 1920 the Volstead Act, the law that put enforcement teeth into the Eighteenth Amendment, banning intoxicating beverages, went into effect. The obvious people who lost out were drinkers, especially working-class immigrants. Ah, now we get to the real reason for prohibition: racism.

Temperance advocates worried about immigrant men who gathered – and drank – in saloons. “Alien illiterates rule our cities today; the saloon is their palace,” proclaimed prominent Prohibitionist Frances Willard. Of course many temperance advocates had a double standard; a drink for themselves with dinner was good manners, but booze for others (especially working-class people) was dangerous.

The increasing number of immigrants, and their bars, was a source of race- and class-based fear for many white middle- and upper-class people born in the United States.”²

Racism and fear of immigrants was a motivator for rich white people whose drink with dinner was acceptable for them, but not for anyone else. It is heartbreaking to see elected officials in Hawai`i mimic this racist position.

“... While Prohibition may have killed saloon culture, it didn’t end the consumption of alcohol. Working-class men moved their drinking from saloons into their homes, private halls, “athletic clubs,” and illicit bars. Affluent Americans also continued to drink. Famed Chicago mob boss Al Capone was reported to have said “When I sell liquor, it is bootlegging. . . . When my patrons serve it on a silver tray on Lake Shore Drive, it is hospitality.

One unexpected downside of Prohibition was its impact on the health of the nation. While alcohol consumption initially decreased after implementation of the Volstead Act, working-class consumers soon turned to alternative forms of alcohol, not all of which were safe. Patent medicine and over-the-counter goods with a high percentage of alcohol (even hair tonic) were consumed for off-label purposes. ...”²

Community Alliance on Prisons reminds the legislature that when medical cannabis was enacted in 2000, a report was released warning that if the Green Harvest continued and cannabis was prohibited, something worse would arrive in its place. It sure did! Crystal methamphetamine has been a scourge for Hawai`i.

² **100 years later, do we think Prohibition was good for the nation?** By Peter Liebhold January 17, 2020, <https://americanhistory.si.edu/explore/stories/100-years-later-do-we-think-prohibition-was-good-nation>

It was reported at a recent symposium that approximately 40% of our imprisoned population is serving time for Class C felonies and below. This begs the question: Why are our facilities overcrowded with low level lawbreakers? What is the motivation for police and prosecutors to continue this costly and ineffective process in our communities, when communities have constantly said that we want law enforcement to address violent crime

The report cited in this testimony continues...

“Tainted alcohol was an even bigger problem – especially for poor people. Alcohol is an important industrial chemical, and large quantities are produced for use as solvents in paint, antifreeze, and other non-potable substances. Industrial alcohol is not taxed like drinking alcohol and is denatured (purposely adulterated) to make it unattractive for human consumption. During Prohibition, denatured ethyl alcohol and deadly methyl alcohol found their way into the U.S. beverage stream. Many people got sick and some died from unregulated and tainted alcohol.”²

George Santayana wrote, “Those who cannot remember the past are condemned to repeat it.”

Community Alliance on Prisons respectfully asks the committee not to condemn us by repeating past mistakes.



Committee: Judiciary & Hawaiian Affairs
Hearing Date/Time: Tuesday, February 6, 2024 at 2:00pm
Place: Conference Room 325 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of HB1596
Relating to Controlled Substances**

Dear Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The ACLU of Hawai'i **supports HB1596**, which exempts drug paraphernalia for marijuana from certain penalties under the Uniform Controlled Substances Act and makes the possession of less than 1 ounce of recreational marijuana a nonjailable violation punishable by a fine of \$25.

HB1596 will further reduce the number of unreasonable arrests for cannabis possession in our already bloated criminal justice system.

Arrest for possession of small amounts of cannabis, or related paraphernalia, is one of the most common points of entry into the criminal justice system. In 2019, the legislature passed, and the Governor signed, ACT 273, which decriminalized the possession of 3 grams or less and imposed a fine of \$130.

The current tiny threshold, while an improvement to past cannabis prohibition policies, continues to result in hundreds of individuals being arrested in Hawai'i each year and facing possible jail time for simple possession of cannabis.

This bill simply expands on that laudable effort by increasing the amount of cannabis possession decriminalized, along with related paraphernalia, while reducing the fine to an amount that is far less likely to create hardship for those most affected by cannabis prohibition.

Removing criminal penalties for certain cannabis offenses will keep people out of jail, and save tax payer dollars. We currently spend over \$250 a day to incarcerate an adult. This proposed measure will eliminate the many collateral consequences that flow from cannabis arrests, thereby reducing the gross number of people entering or otherwise harmed by the criminal justice system. Money currently spent on enforcement could be used for efforts that would *actually* increase public safety.

HB1596 provides a safe and smart alternative to current cannabis laws.

Our state's ineffective prohibition on recreational cannabis has 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 criminal penalties for certain cannabis offenses, like those outlined in this bill, will prevent people from becoming needlessly entangled in the criminal justice system, eliminate many collateral consequences that flow from cannabis arrests, and allow Hawai‘i to reinvest the money it saves for important community needs.

Decriminalizing certain cannabis-related offenses will reduce targeted enforcement of cannabis laws against specific communities.

Not all communities have been impacted equally by current enforcement of Hawaii’s cannabis laws; these laws overly impact men under 25 and Native Hawaiians. These groups are arrested in numbers disproportionate to their share of the population.

For the above reasons, we urge the Committee to support this measure. Thank you for the opportunity to testify.

Sincerely,

Carrie Ann Shirota

Carrie Ann Shirota

Policy Director

ACLU of Hawai‘i

cshirota@acluhawaii.org

The mission of the ACLU of Hawai‘i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai‘i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai‘i 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 Hawai‘i has been serving Hawai‘i for over 50 years.

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



February 5, 2024

Re: In support of HB 1596 to decriminalize cannabis paraphernalia and make possessing less than one ounce of cannabis a non-jailable violation punishable by a \$25 fine

Aloha Chair Tarnas, Vice Chair Takayama, and distinguished members of the House Judiciary Committee:

My name is Karen O'Keefe. I am the director of state policies for the Marijuana Policy Project (MPP), the largest cannabis policy reform organization in the nation. I am an attorney who has worked on cannabis policy at MPP since 2003. For the past year, I have had the pleasure of working with a coalition of Hawai'i advocates as part of the Hawai'i Alliance for Cannabis Reform.

I am writing to urge you to advance HB 1596, which would improve Hawaii's cannabis decriminalization, by:

- removing penalties for paraphernalia to use or store cannabis,
- increasing the threshold amount for a civil fine from three grams to one ounce, and
- reducing the fine from \$130 to \$25.

Polling shows most Hawai'i residents believe cannabis should be legal.¹ Yet, Hawai'i has not only not legalized cannabis for adults, but its "decriminalization" law applies to the lowest amount of all the decriminalization and legalization laws in the U.S. Most laws apply to *at least* an ounce.² The tiny threshold results in hundreds of individuals being arrested in Hawai'i each year and facing possible jail time for simple possession of cannabis.³

The high fine also poses a significant hardship. The Fed's 2022 Economic Well-Being of U.S. Households survey found that 18% of Americans could not cover an expense over \$100 using only their savings.⁴ Hawai'i's current fine for possession of up to three grams is \$130, and its fine for paraphernalia for cannabis is up to \$500, meaning many people will be unable to pay either. Hefty fines can have a devastating effect on low-income individuals, making it difficult to pay for food, rent, medications, and other essentials.

¹ Civiqs found 73% of Hawai'i residents support cannabis legalization as of 2023.

² See:

www.mpp.org/assets/pdf/issues/decriminalization/State%20Decrim%20Chart%20March%202022.pdf

Note this is slightly dated, and does not reflect that Delaware, Maryland, Missouri, and Ohio have now legalized cannabis. As an interim step, Maryland increased the decriminalized amount from 10 grams to 1.5 ounces until legal possession took effect.

³ For year-by-year arrests reported to the FBI's NIBRS, see: <https://norml.org/marijuana/library/state-marijuana-arrests/hawaii-marijuana-arrests/> These numbers are likely incomplete due to .

⁴ <https://www.federalreserve.gov/publications/files/2022-report-economic-well-being-us-households-202305.pdf>

We are also urging the legislature to legalize cannabis this year, but the most likely vehicles to do so – SB 3335 and HB 2600 – do not legalize possession until 2026. HB 1596 is a vital interim step and is all the more important if those bills do not make it past the finish line.

Some recent legalization states have also first expanded decriminalization. In 2022, Maryland lawmakers referred legalization to voters, but had an effective date of July 2023. In the interim, they increased the decriminalized amount to 1.5 ounces. In 2020, a year prior to Virginia legalizing marijuana for adults' use, the Virginia General Assembly reduced the penalty for simple possession to a \$25 fine.

I urge you to report HB 1596 out of committee. Please don't hesitate to reach out if you have any questions or would like any additional information.

Mahalo for your time and consideration,

A handwritten signature in cursive script that reads "Karen O'Keefe". The signature is written in black ink and is positioned to the left of the typed contact information.

Karen O'Keefe
Director of State Policies
202-905-2012
kokeefe@mpp.org



Testimony from Frank Stiefel
Senior Policy Associate
Last Prisoner Project

RE: Last Prisoner Project Calls on Hawai'i to Prioritize HB 1596 This Session

February 6, 2024

Dear Members of the Committee on Judiciary & Hawaiian Affairs,

Throughout the nation, there has been a clear shift in the public sentiment towards cannabis. Given that adult use is now legal in 24 states, and being considered for legalization in Hawai'i, it is evident that the country is moving away from an era of strict cannabis criminalization.

The War on Drugs and the criminalization of cannabis have created a racially inequitable criminal legal system that has disproportionately impacted people of color, including Native Hawaiians. We at the Last Prisoner Project (LPP) believe that no one should suffer the collateral consequences of cannabis criminalization. Of the states that have decriminalized but not legalized cannabis, Hawai'i has the lowest weight threshold at which point an individual may face a criminal penalty. Louisiana, the most heavily incarcerated state in the nation, allows for individuals to possess a greater amount of cannabis than in Hawai'i.

HB 1596 will further reduce the criminal penalties for cannabis possession. We look forward to continuing to support Hawai'i in its pursuit to end the War on Drugs by beginning to dismantle the racial injustices that the criminal legal system has perpetuated during prohibition.

About Last Prisoner Project

The Last Prisoner Project, 501(c)(3), is a national nonpartisan, nonprofit organization focused on the intersection of cannabis and criminal justice reform. Through policy campaigns, direct intervention, and advocacy, LPP's team of policy experts works to redress the past and continuing harms of unjust cannabis laws. We are committed to offering our technical expertise to ensure a successful and justice-informed pathway to cannabis legalization in Hawai'i.



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

TESTIMONY IN SUPPORT OF HB 1596

TO: Chair Tarnas, Vice Chair Takayama, & JHA Committee Members

FROM: Nikos Leverenz
DPFH Board President

DATE: February 6, 2024 (2:00 PM)

Drug Policy Forum of Hawai'i (DPFH) **strongly supports** HB 1596, which makes the possession of one ounce or less of non-medical cannabis a nonjailable violation punishable by a fine not to exceed \$25 and removes cannabis-related paraphernalia from the state's paraphernalia law.

Ideally, possession of one ounce or less of cannabis shouldn't result in any civil penalty or further action by those in the state's criminal legal system. With 24 states and the District of Columbia having legalized adult-use cannabis and a federal government poised to re-schedule or de-schedule cannabis, decriminalization of amounts for personal use should simply not be a citable offense.

One hopes that those members of the criminal legal lobby, including elected county prosecutors and mayors who are eagerly brandishing their opposition to "commercial marijuana" for public attention will recognize the importance of focusing on other salient matters related to the misuse of alcohol and other drugs, including the urgent ongoing need for increased access to community-based, non-carceral behavioral health treatment and permanent supportive housing units that can facilitate the continual delivery of medical care and social services.

While exempting cannabis paraphernalia is a worthy policy proposal in its own right, Hawai'i should join those states that have no penalty, civil or criminal, for drug paraphernalia as outlined in [HB 431](#). These laws were largely passed by state legislatures during the height of the Reagan-era drug war. Notably, ***Alaska has never had a paraphernalia law and Minnesota rescinded its drug paraphernalia statute in 2023.***

The criminal legal lobby should not be reflexively opposed to the repeal of a statute that has demonstrably operated to compromise individual health and public health for decades, ensnaring far too many individuals in this state's criminal legal system for far too long at great expense to public coffers.

Unless, that is, the principal objective of maintaining and enforcing a drug paraphernalia law is the perpetual criminalization of poverty and behavioral health issues in the state, with continued emphases on those from [Native Hawaiian](#), Pasifika, and Black communities.

As with so much regarding the operation of the criminal legal system, [and as recognized by Hawai'i's legislature in 2020](#), the state's paraphernalia statute is but one manifestation that bears witness to the less than equanimous reality felt by many Hawai'i families that ["racism is an ongoing public health crisis."](#)

Items from the findings section of HB 431 bear repeating, with appropriate hyperlinks added:

- According to a [December 2020 report from The Pew Charitable Trusts](#), Hawai'i has the longest average term of probation in the United States at fifty-nine months. That is well over twice the national average of just under two years and six times the average term of Kansas, the state with the shortest average probation term.
- The American Public Health Association recognizes in its policy statement ["Defining and Implementing a Public Health Response to Drug Use and Misuse"](#) that "the current 'war on drugs' is a 'severely flawed' approach based on 'misplaced priorities and strategies.'" The American Public Health Association notes that "the domestic drug war has also been an engine of mass incarceration." Further, "criminalization of substance use further stigmatizes people who use drugs, making it more difficult to engage people in health care and other services." As such, the American Public Health Association calls for a full policy reorientation that includes ending the criminalization of drug possession and people who use drugs.
- An [October 2022 article in the New England Journal of Medicine](#) called for the federal government to encourage states to repeal their paraphernalia laws entirely, noting that these laws were calling them harmful and unnecessary, and reduced access to safer use supplies. Furthermore, the article noted how the enforcement of paraphernalia laws falls

disproportionately on people of color and members of other marginalized groups and called upon the federal government to take an active role in shifting the country's legal environment from "one that stigmatizes and criminalizes people who use drugs to one that prioritizes their agency, dignity, and health."

- Although possession of syringes obtained through the Hawaii's statewide syringe exchange program are exempt from criminal charges under Hawaii's existing paraphernalia law, the mere presence of any amount of a drug like heroin or amphetamines, including unusable traces and residue, in a syringe can be charged as a class C felony that carries a penalty of up to five years in prison.

In short, this bill serves as a modest yet significant step toward more far reaching reforms on criminal and civil laws related to cannabis and drug paraphernalia.

Mahalo for the opportunity to provide testimony.

Opportunity Youth Action Hawai‘i

February 6, 2024

Senate Committee on Judiciary and Hawaiian Affairs; and Senate Committee on Health and Homelessness

Hearing Time: 2:00PM

Location: State Capitol Conference Room 325

Re: HB1596, Relating to Controlled Substances

Aloha e Chair Tarnas, Vice Chair Takayama, and members of the Committee on Judiciary and Hawaiian Affairs; and Chair Belatti, Vice Chair Takenouchi, and members of the Committee on Health and Homelessness:

On behalf of the Opportunity Youth Action Hawai‘i hui, we are writing in **strong support** of HB1596, relating to controlled substances. This bill exempts drug paraphernalia for marijuana from certain penalties under the Uniform Controlled Substances Act. It also makes the possession of less than one ounce of recreational marijuana a non-jailable violation punishable by a fine of \$25.

HB1596 represents a significant step forward in addressing the evolving landscape surrounding marijuana use. The possession of small amounts of recreational marijuana for personal use has been decriminalized or legalized in many jurisdictions across the country. By aligning our state’s laws with this trend, HB1596 acknowledges the need for a more proportionate response to marijuana-related offenses.

Native Hawaiians are arrested for marijuana possession six times more often than their share of the statewide population. This pattern is mirrored in disparities identified for Native Hawaiian juveniles in many other areas of the Hawai‘i criminal justice system. Importantly, increases in possession enforcement are not driven by increased consumption. Among juveniles, arrests for possession increased by over 5% while the highest available consumption estimates showed a 20% reduction, demonstrating that arrests are driven by factors largely if not entirely unrelated to changes in consumption. (Public Policy Center, University of Hawai‘i).

Opportunity Youth Action Hawai‘i is a collaboration of organizations and individuals committed to reducing the harmful effects of a punitive incarceration system for youth; promoting equity in the justice system; and improving and increasing resources to address adolescent and young adult mental health needs. We seek to improve the continuity of programs and services for youth and young adults transitioning from minor to adult status; eliminate youth homelessness and housing market discrimination against young adults; and promote and fund more holistic and culturally informed approaches among public/private agencies serving youth.

Please support HB1596.

1099 Alakea Street, Suite 2530 | Honolulu, Hawaii 96813 | (808) 447-1840

RE: HB1596 ; Hearing Tuesday February 6, 2024

Aloha Honorable Committee Members,

We appreciate the opportunity to testify for HB1596.

The Cannabis Society of Hawai'i is in support of this bill.

We suggest the amendment be made from "less than 1 ounce" to "less than 4 ounces" which is the amount medical patients can possess through the state recognized medical program.

With expungement on the horizon it may be an idea to remove the limit.

If there is a placeholder amount that needs to be written in now prior to any Federal descheduling or application for States authorized use of cannabis then the amount may be the same amount that is allowed for a current medical user.

In states that offer "Adult-use" cannabis, medical cannabis patient renewals drop due to

1. Not having enough benefits or protections as a patient
2. Costs of medical cannabis evaluation not subsidized by Insurance
3. No significant discount for medical patients
4. Paperwork and the option to purchase as an "Adult-use" patient
5. Community wanting to exercise right to purchase without being on a "list"

Because of these issues, when an "Adult-use" cannabis program is available, the consumers that do not need a medical license to grow fail to spend the time and money to remain in the medical program and still consume the plant medically. Limiting "Adult-use" to 1 ounce will criminalize medical patients that wish to be anonymous due to the current stigma of cannabis and lack of patient protections.

In regards to the amount that a person can use, because it can be utilized for many ailments there should be some instructions on proper use and way to measure what is being used however with consideration of the endocannabinoid system and dosage, each consumer can react differently based on factors like dehydration, sleep, and diet. This can affect any experience and should be noted with using anything from coffee to cannabis.

With that noted, each person can have a different experience to the same product or amount, holding an amount to a person's limit would be comparable to say that each person's pain number holds the same weight and value.

As we work together to better understand the relationship with the plant, we suggest viewing it as coffee or tea like in 2737 B.C., the mystical Emperor Shen Neng of China who was prescribing cannabis tea for the treatment of gout, rheumatism, malaria and, oddly enough, poor memory.

Please contact us if you have any questions or would like to go over our testimony in detail.

Thank you,

Cannabis Society of Hawai'i // cannabissocietyofhawaii@gmail.com

HB-1596

Submitted on: 2/3/2024 5:33:31 AM

Testimony for JHA on 2/6/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
dain retzlaff	Individual	Support	Written Testimony Only

Comments:

Even if the legalization bills are improved and passed HB 2600/SB 3335 don't legalize possession until January 1, 2026. HB 1596 would prevent thousands of arrests and excessive fines in the meantime.

HB-1596

Submitted on: 2/3/2024 9:59:15 AM

Testimony for JHA on 2/6/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cassandra Chee	Individual	Support	Written Testimony Only

Comments:

I support HB1596 as one small step towards decriminalizing marijuana and drug use.

Cassandra Chee
Honolulu, 96817

HB-1596

Submitted on: 2/3/2024 2:11:11 PM

Testimony for JHA on 2/6/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Bush, APRN	Individual	Support	Written Testimony Only

Comments:

Lets move into the 21st century.

Elizabeth Bush, MSN, APRN, CARN-AP, CSAC, CCDP-D
Board Certified Psychiatric Advanced Practice Nurse (NP and CNS)
Certified Addiction Registered Nurse, Advanced Practice
Certified Substance Abuse Counselor
Certified Co-Occurring Disorder Professional-Diplomate (retired)

HB-1596

Submitted on: 2/4/2024 11:39:28 AM

Testimony for JHA on 2/6/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Regina Gregory	Individual	Support	Written Testimony Only

Comments:

Even better would be to legalize adult recreational use.

HB-1596

Submitted on: 2/4/2024 7:52:28 PM

Testimony for JHA on 2/6/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tamara Paltin	Individual	Support	Written Testimony Only

Comments:

I support HB1596 and the decriminalization of marijuana, please pursue the meth/ice dealers

Mahalo,

Tamara Paltin

HB-1596

Submitted on: 2/4/2024 8:20:28 PM

Testimony for JHA on 2/6/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa Seikai Darcy	Individual	Support	Written Testimony Only

Comments:

Aloha Committee,

Please support **HB 1596** and allow our law enforcement and emergency services to concentrate on significant community issues, not this small issue.

Mahalo,

Lisa Seikai Darcy

HB-1596

Submitted on: 2/5/2024 10:51:10 AM

Testimony for JHA on 2/6/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Randy Gonce	Individual	Support	Written Testimony Only

Comments:

Strong Support

HB-1596

Submitted on: 2/5/2024 11:24:22 AM

Testimony for JHA on 2/6/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Danielle Sears	Individual	Support	Written Testimony Only

Comments:

I support the decriminalization of cannabis. This is a drug that is used as medicine. It should not be putting people in custody.

HB-1596

Submitted on: 2/5/2024 1:10:12 PM

Testimony for JHA on 2/6/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Emily Sarasa	Individual	Support	Written Testimony Only

Comments:

My name is Emily Sarasa, and I support HB 1596. This bill is a step in the right direction toward the full legalization of adult-use cannabis. I would encourage the addition of a preamble that highlights the harmful impacts of criminalizing adult use of cannabis, like racial inequities in enforcement, cyclical criminalization and poverty, jail/prison overcrowding, etc.

HB-1596

Submitted on: 2/5/2024 7:55:49 PM

Testimony for JHA on 2/6/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Quintin Wilcox	Individual	Oppose	Written Testimony Only

Comments:

Not a good measure for anyone involved.

HB-1596

Submitted on: 2/6/2024 9:34:32 AM

Testimony for JHA on 2/6/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kai Luke	Individual	Support	Written Testimony Only

Comments:

RE: HB1596 ; Hearing Tuesday February 6, 2024

Aloha Chair, Vice Chair, and Members of the Committee,

I appreciate the opportunity to testify for HB1596.

I am in support of this bill.

Thank you,

Kai Luke