

**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2026**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2418, S.D. 1, RELATING TO CONTROLLED SUBSTANCES.

**BEFORE THE:**

HOUSE COMMITTEE ON HEALTH

**DATE:** Wednesday, March 25, 2026      **TIME:** 9:30 a.m.

**LOCATION:** State Capitol, Room 329

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Mark S. Tom, Deputy Attorney General

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Chair Takayama and Members of the Committee:

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

The bill would legalize many items currently considered drug paraphernalia, if such items are used to test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body any illicit controlled substance. It would also legalize items used to plant, propagate, cultivate, grow, or harvest any illicit controlled substance.

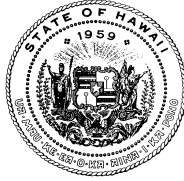
The bill appears to confuse "decriminalization" with "legalization." In Hawaii, possession of drug paraphernalia has been decriminalized since 2017 (Act 72, Session Laws of Hawaii (SLH) 2017), and incarceration is not a potential penalty for this offense, even if associated with a Schedule 1 controlled substance. Thus, calls to decriminalize this type of offense (page 2, line 8, to page 3, line 10), are **unnecessary**.

Also, it appears this bill is intended to support the State's syringe exchange program, as it prioritizes "access to safer-use supplies" (page 1, line 15); "engag[ing] . . . in health care and other essential services" (page 2, lines 18-19); and "public health efforts to prevent accidental and fatal overdoses and the transmission of the human immunodeficiency virus (HIV) and hepatitis C; [and] facilitate the expansion of harm reduction-based interventions for under-resourced populations" (page 5, lines 6-10). This is also **unnecessary**, as syringe exchange program staff and participants already receive criminal immunity from many drug-related offenses, including drug

paraphernalia under section 329-43.5, Hawaii Revised Statutes (HRS), pursuant to section 325-114(a)-(c), HRS, as amended by section 4 of Act 106, SLH 2025.

Instead of decriminalizing possession of drug paraphernalia or limiting enforcement of this offense against syringe exchange participants—both of which have already been done—this bill would simply legalize possession of many kinds of drug paraphernalia, thereby decreasing barriers to and/or enabling the use of illicit controlled substances. Given Hawaii's widespread public health and public safety problems stemming from the use of illicit controlled substances, the Department strongly believes that legalizing drug paraphernalia in this way would send the wrong message to the public and particularly to users or would-be users of illicit substances. For all of these reasons, we respectfully ask the Committee to hold this bill.

Thank you for the opportunity to provide testimony on this matter.



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
**KA 'OIHANA OLAKINO**  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on SB2418 SD1**  
**RELATING TO CONTROLLED SUBSTANCES**

REPRESENTATIVE GREGG TAKAYAMA, CHAIR  
HOUSE COMMITTEE ON HEALTH

REPRESENTATIVE LISA MARTEN, CHAIR  
HOUSE COMMITTEE ON HUMAN SERVICES & HOMELESSNESS

Hearing Date: March 25, 2026 @ 9:30 AM

Room Number: 329

1 **Fiscal Implications:** none

2 **Department Position:** The Department appreciates the intent of this measure and offers  
3 comments.

4 **Department Testimony:** The Communicable Disease and Public Health Nursing Division  
5 (CDPHND) provides the following testimony on behalf of the Department.

6 The Department supports steps to increase access to items and supplies that help people who  
7 use drugs to reduce risks of infection, injury, or overdose. Even when not ready or able to  
8 discontinue drug use, people can take steps to reduce infection, injury, or overdose by using  
9 sterile equipment when injecting, using single-use equipment for drug preparation, not sharing  
10 drug preparation and consumption items, modifying route of administration such as switching  
11 from injecting to smoking, and testing drugs for contaminants including more powerful drugs  
12 than the user is anticipating. These steps to reduce risks of infection, injury, or overdose require  
13 items and supplies that are currently considered drug paraphernalia under §329-1, H.R.S.

1 The legislature has previously recognized the public health benefit of permitting access to  
2 sterile injection equipment, reducing drug paraphernalia penalties, and increasing access to  
3 certain items of drug paraphernalia for syringe exchanges participants for the purpose of  
4 reducing infection and injury related to injection drug use.

5 While the Department underscores that smoking illegal drugs is not safe, for those who are not  
6 ready or able to quit using drugs, smoking instead of injecting reduces health risks such as  
7 bloodborne infections, soft tissue injuries, needle stick injuries, overdose and death. Repealing  
8 or modifying restrictions on drug paraphernalia may support people who inject drugs to switch  
9 to smoking to significantly reduce injection-related risks.

10 The Department is concerned that some of the amendments in SD 1 may undermine the public  
11 health objectives of this measure. While the Department has no concerns with retaining  
12 prohibitions on items used by dealers and producers of illicit controlled substances, we are  
13 concerned that some of the prohibitions retained in SD1 might be applied not only to dealers  
14 and producers, but also to individuals using items for their personal drugs use. Specifically, the  
15 Department is concerned that items used in the “processing” or “preparing” of controlled  
16 substances might apply to items an individual uses in the context of the individual’s own drug  
17 consumption. Steps such as heating, dissolving, diluting, and filtering, might be considered  
18 “processing” or “preparing”. Items that an individual might use to process or prepare drugs  
19 prior to consuming them are often items that can transmit infectious agents and cause injury.  
20 The Department respectfully requests that the committee consider either clarifying that the  
21 prohibition of items shall not apply to personal use of drugs or removing “processing” and  
22 “preparing” from the description of prohibited paraphernalia.

23 While health impacts may not be the only consideration in restricting access to items and  
24 supplies an individual might use in connection with drug use, from a public health perspective,  
25 such restrictions appear to have negative impacts. There is little evidence to suggest that access  
26 to drug paraphernalia leads people to initiate or increase drug use. In contrast, barriers to

1 accessing items currently categorized as drug paraphernalia are clearly associated with  
2 increased risks of infection, injury, and overdose.

3 **Offered Amendments: None**

4 Thank you for the opportunity to testify on this measure.

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



MIKE LAMBERT  
Director

ERNEST J. ROBELLO  
Deputy Director  
Administration

SYLVIA LUKE  
LT GOVERNOR  
KA HOPE KIA'ĀINA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII  
**DEPARTMENT OF LAW ENFORCEMENT**

*Ka 'Oihana Ho'okō Kānāwai*

715 South King Street  
Honolulu, Hawaii 96813

JARED K. REDULLA  
Deputy Director  
Law Enforcement

TESTIMONY ON SENATE BILL 2418, SENATE DRAFT 1  
RELATING TO CONTROLLED SUBSTANCES  
Before the House Committees on  
HEALTH and HUMAN SERVICES and HOMELESSNESS  
Wednesday, March 25, 2026, 9:30 AM  
State Capitol Conference Room 329  
Testifier: Jared Redulla

Chairs Takayama and Marten, Vice Chairs Keohokapu-Lee Loy and Olds, and  
Members of the Committees:

The Department of Law Enforcement (DLE) offers comments on Senate Bill 2418 SD1,  
which proposes to repeal drug paraphernalia-related provisions under Hawai'i's Uniform  
Controlled Substances Act.

However, the Department has significant concerns with the bill's proposal to largely  
repeal Section 329-43.5, HRS, Hawai'i's drug paraphernalia statute.

While penalties associated with paraphernalia have already been substantially reduced  
over time—most offenses are now treated only as fineable violations rather than  
felonies—the statute continues to provide an important level of baseline regulation. It  
helps ensure that the possession, sale, importation, and distribution of drug  
paraphernalia does not become widespread or normalized within the community. As  
well, the drug scene is always evolving with new drugs and new ways to manufacture,  
distribute, and ingest them being constantly created. Therefore, a baseline of regulation

would at least allow government to have some “teeth” to confront new drugs and new methods of using them.

Recently, the Legislature took a targeted approach by specifically passing statutes to exempt certain types of drug paraphernalia (e.g., opioid testing strips) when those exemptions showed clear public safety benefits. The DLE believes that kind of targeted approach is more appropriate than the broader changes proposed in SD 2418, SD 1.

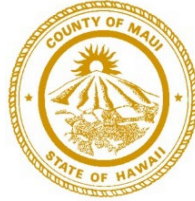
For these reasons, the Department respectfully urges caution against the broad repeal of the paraphernalia statute. A more balanced approach would be to preserve modest regulatory safeguards while allowing carefully defined exemptions where clear public health benefits are demonstrated.

Thank you for the opportunity to provide comments.

**RICHARD T. BISSEN, JR.**  
Mayor

**ANDREW H. MARTIN**  
Prosecuting Attorney

**SHELLY C. MIYASHIRO**  
First Deputy Prosecuting Attorney



**DEPARTMENT OF THE PROSECUTING ATTORNEY**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
PHONE (808) 270-7777 • FAX (808) 270-7625

TESTIMONY ON  
S.B. 2418 SD1  
RELATING TO CONTROLLED SUBSTANCES

March 23, 2026

The Honorable Gregg Takayama  
Chair  
The Honorable Sue L. Keohokapu-Lee Loy  
Vice Chair  
and Members of the Committee on Health

The Honorable Lisa Marten  
Chair  
The Honorable Ikaika Olds  
Vice Chair  
and Members of the Committee on Human Services and Homelessness

Chairs Takayama and Marten, Vice Chairs Keohokapu-Lee Loy and Olds, and Members of the Committees:

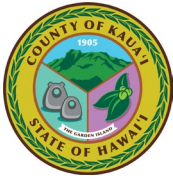
The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in opposition to S.B. 2418 SD1, Relating to Controlled Substances**. This bill would, *inter alia*, amend HRS § 329-43.5 to only prohibit drug paraphernalia used to manufacture, compound, convert, produce, process, or prepare controlled substances.

Although we greatly appreciate the Legislature's acknowledgement of our concerns in the SD1 version of this bill, we are still opposed to it for the following reasons. First, HRS § 329-43.5 is currently a non-criminal violation offense punishable by a fine of up to \$500.00 and has been so for nearly a decade. In Act 72 of SLH 2017, the legislature determined that possession of drug paraphernalia did not warrant felony criminal treatment because state funds were better spent on community programs and rehabilitation of nonviolent, low-risk drug offenders, but still retained it as an offense rather than eliminating the personal use paraphernalia prohibition. Furthermore, the statutes amended by S.B. 2418 already exclude possession and delivery of

personal use items such as sterile hypodermic needles and syringes from the scope of HRS § 329-43.5. We believe that retaining the offense with a non-criminal penalty for all drug paraphernalia, rather than only manufacturing and processing items, appropriately balances the public interest in encouraging citizens with substance abuse issues to seek help while also discouraging the use of dangerous drugs such as methamphetamine, heroin and cocaine.

Second, the combination of low-level felony drug and drug paraphernalia offenses with a probation sentence is one of the tools our community uses to help people with actual substance abuse issues get themselves out of the cycle of addiction. Probation sentences for these offenses, as well as diversion programs such as the state-wide drug courts, include drug abuse assessment and treatment intended to give people the skills and assistance they need to break their addiction and move on to a better life.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **opposes S.B. 2418 SD1 and requests that it be deferred.** Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries. Thank you very much for the opportunity to provide testimony on this bill.



# POLICE DEPARTMENT

## COUNTY OF KAUA'I



**DEREK S.K. KAWAKAMI**, MAYOR  
**REIKO MATSUYAMA**, MANAGING DIRECTOR

**RUDY TAI**, CHIEF OF POLICE  
**MARK T. OZAKI**, DEPUTY CHIEF OF POLICE

March 23, 2026

The Honorable Representative Gregg Takayama, Chair  
And Honorable Members of the Committee on Health  
Hawai'i State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

**RE: Testimony in Opposition to SB 2418 SD 1, Relating to Controlled Substances**

Chair Takayama, Vice Chair Keohokapu-Lee Loy, and Members of the Committee:

On behalf of the Kaua'i Police Department, I respectfully submit testimony in **opposition** to SB 2418 SD1, which narrows Hawai'i's drug paraphernalia law by legalizing possession of items used for drug consumption while keeping only manufacturing-related paraphernalia illegal.

While we support efforts to address substance abuse through treatment and public health approaches, this measure removes a critical enforcement tool by eliminating penalties for most drug paraphernalia. As also noted in previous testimonies, paraphernalia laws allow officers to intervene early, disrupt criminal activity, and connect individuals to services before more serious offenses occur.

Current law already reflects a balanced approach, treating paraphernalia possession as a non-criminal violation rather than a misdemeanor. SB 2418 SD1 goes further by removing even this minimal accountability, limiting law enforcement's ability to address open drug use and associated community impacts.

The proposed changes may also lead to increased public safety concerns, including greater visibility of drug use and improper disposal of drug-related items in public spaces. Additionally, paraphernalia violations often serve as an entry point for diversion and treatment programs; eliminating them reduces opportunities to guide individuals toward help.

For these reasons, the Kaua'i Police Department respectfully urges the Committee to **oppose SB 2418 SD1**. Thank you for the opportunity to provide testimony.

Respectfully submitted,

Rudy Tai  
Chief of Police  
Kaua'i Police Department

C. Kimo Alameda, Ph.D.  
*Mayor*



Reed K. Mahuna  
*Police Chief*

William V. Brilhante Jr.  
*Managing Director*

Sherry D. Bird  
*Deputy Police Chief*

## County of Hawai`i

### POLICE DEPARTMENT

349 Kapi`olani Street • Hilo, Hawai`i 96720-3998  
(808) 935-3311 • Fax (808) 961-2389

March 24, 2026

Representative Gregg Takayama, Chair  
Representative Sue L. Keohokapu-Lee Loy, Vice Chair  
And Members  
Committee on Health

Representative Lisa Marten, Chair  
Representative Ikaika Olds, Vice Chair  
And Members  
Committee on Human Services & Homelessness  
State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Dear Representatives Takayama, Keohokapu-Lee Loy, Marten and Olds and Committee Members:

RE: SENATE BILL 2418 SD1 RELATING TO CONTROLLED SUBSTANCES  
DATE: MARCH 25, 2026  
TIME: 9:30 A.M.  
PLACE: VIDEOCONFERENCE  
CONFERENCE ROOM 329

Thank you for the opportunity to testify. The Hawaii Police Department (HPD) respectfully submits testimony in opposition to SB2418 SD1.

This measure would significantly narrow the definition of drug paraphernalia, removing from statute many of the tools that are commonly used in the consumption, concealment, and distribution of dangerous drugs. From an enforcement and public-safety standpoint, these changes would severely limit officers' ability to intervene early and disrupt ongoing drug activity before it escalates.

On Hawai'i Island, we continue to face serious challenges related to methamphetamine and the growing presence of fentanyl. These substances are driving violent crime, property crime, overdose incidents, and unpredictable encounters that threaten both community safety and officer safety. The items this bill proposes to decriminalize—pipes, syringes, testing devices, packaging materials, and concealment tools—are not incidental. In practical, real-world policing, they are indicators of active drug use or sales, often found alongside small quantities of narcotics.

SENATE BILL 2418 SD1 RELATING TO CONTROLLED SUBSTANCES

DATE: MARCH 25, 2026

TIME: 9:30 A.M.

PLACE: VIDEOCONFERENCE

CONFERENCE ROOM 329

Page 2

Removing these tools from the purview of enforcement eliminates one of the few early-intervention points available to officers. It reduces accountability, restricts opportunities to connect individuals to services through diversion programs, and limits the ability to interrupt distribution networks at the street level. This will make it more difficult to keep our communities safe.

This discussion is not solely about enforcement. It is about maintaining a balanced approach—one that supports prevention, treatment, and harm reduction, while also retaining reasonable accountability measures that allow officers to act when clear indicators of drug activity are present. SB2418 SD1 removes that balance.

For these reasons, the Hawaii Police Department respectfully asks the committee to reject this measure.

Mahalo for the opportunity to submit testimony.

Na'u Me Ka Ha'aha'a,

A handwritten signature in black ink, appearing to be 'R. Mahuna', with a long horizontal stroke extending to the right.

REED K. MAHUNA  
POLICE CHIEF

**KELDEN B.A. WALTJEN**  
PROSECUTING ATTORNEY

**SHANNON M. KAGAWA**  
FIRST DEPUTY  
PROSECUTING ATTORNEY



855 KEALAKEHE AVENUE  
HILO, HAWAII 96720  
PH: (808) 961-0466  
FAX: (808) 961-8908

74-675 KEALAKEHE PARKWAY  
KAILUA-KONA, HAWAII 96740  
PH: (808) 322-2552  
FAX: (808) 322-6584

64-1067 MAMALAHOA HIGHWAY, C-3  
KAMUELA, HAWAII 96743  
PH: (808) 887-3017  
FAX: (808) 887-3016

## OFFICE OF THE PROSECUTING ATTORNEY

### TESTIMONY IN OPPOSITION TO SENATE BILL 2418, SENATE DRAFT 1

A BILL FOR AN ACT  
RELATING TO CONTROLLED SUBSTANCES

**LATE**

COMMITTEE ON HEALTH  
Representative Gregg Takayama, Chair  
Representative Sue L. Keohokapu-Loy, Vice Chair

Wednesday, March 25, 2026, at 9:30 a.m.  
Via Videoconference  
State Capitol Conference Room 329  
415 South Beretania Street

Honorable Chair Takayama, Vice-Chair Keohokapu-Loy, and Members of the Committee on Health: The County of Hawai'i, Office of the Prosecuting Attorney respectfully submits the following testimony **in opposition** to Senate Bill 2418, Senate Draft 1.

S.B. 2418, SD1, would amend subsections (a) and (b) of Section 329-43.5, Hawai'i Revised Statutes, to legalize the use of drug paraphernalia to "plant, propagate, cultivate, grow, harvest [...] test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body" a controlled substance in violation of law. Notably, this measure does not amend the definition of "drug paraphernalia" under Section 329-1, and the term "drug paraphernalia" will still include objects intended or designed to be used for ingesting, inhaling, and injecting prohibited drugs into the human body, even though those uses would be essentially legalized.

While we agree that enforcement resources should focus on producers and distributors of illegal controlled substances, and we support treatment and rehabilitation programs, we respectfully oppose S.B. 2418, SD1, and request that it be deferred for the following reasons.

First, the stated rationale for this legislation simply does not reflect the reality on the ground. There is no overcriminalization of drug paraphernalia under current law in Hawai'i. Under existing law, these uses of drug paraphernalia are already non-criminal violations, punishable solely by a fine of no more than \$500. Eliminating the non-criminal penalty for these uses of drug paraphernalia would not change enforcement priorities, which are already focused on targeting producers and distributors. Moreover, existing law controlling drug paraphernalia does not interfere with public health efforts. For example, sale of sterile syringes is already permitted under Section 325-21, a sterile needle exchange program is already authorized by

Sections 325-111 through 325-117, and fentanyl test strips are already exempted from the definition of “drug paraphernalia” under Section 329-1.

Second, we are concerned that S.B. 2418, SD1, would unintentionally legalize the intentional or knowing provision of drug paraphernalia by an adult to a minor who is at least three years younger than the adult, which is currently a serious class B felony offense under Section 329-43.5(c). Because that offense requires a violation of subsection (b), S.B. 2418, SD1 would in effect make it legal for adults to supply end-user drug paraphernalia to children. We are very concerned about the effects of this unintended consequence for our keiki. Adults who perpetuate the spread of drug addiction to the next generation should be held strictly accountable.

Third, there are broader unintended consequences that we believe will follow from S.B. 2418, SD1. The economics of illegal drug trafficking and manufacturing are supported by the demand of end users, and legalizing the sale, purchase, and possession of drug paraphernalia will inevitably strengthen the market for illegal drugs and benefit the producers and distributors of illegal drugs. The Legislature has retained a non-criminal penalty for these uses of drug paraphernalia for more than a decade, for good reason. The sale, purchase, and possession of drug paraphernalia should not be normalized in society. Fully legalizing these items will not assist the goal of treating and rehabilitating end-users, but will instead increase the corrosive effects of illegal drugs in our communities.

For the foregoing reasons, the County of Hawai‘i, Office of the Prosecuting Attorney respectfully **opposes** the passage of Senate Bill 2418, Senate Draft 1. Thank you for the opportunity to testify on this matter.

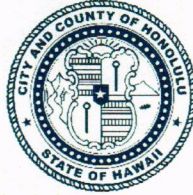
LATE \*Testimony submitted late may not be considered by the Committee for decision making purposes.

KA 'OIHANA MĀKA'I O HONOLULU  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 • WEBSITE: [www.honolulu.gov](http://www.honolulu.gov)

**LATE**

RICK BLANGIARDI  
MAYOR  
MEIA



RADE K. VANIC  
INTERIM CHIEF  
KAHU MĀKA'I KŪIKAWĀ

AARON TAKASAKI-YOUNG  
BRANDON NAKASATO  
INTERIM DEPUTY CHIEFS  
NĀ HOPE LUNA NUI MĀKA'I KŪIKAWĀ

OUR REFERENCE JP-HR

March 25, 2026

The Honorable Gregg Takayama, Chair  
and Members  
Committee on Health  
The Honorable Lisa Marten, Chair  
and Members  
Committee on Human Services  
and Homelessness  
House of Representatives  
415 South Beretania Street, Room 329  
Honolulu, Hawai'i 96813

Dear Chairs Takayama and Marten and Members:

SUBJECT: Senate Bill No. 2418, S.D. 1, Relating to Controlled Substances

I am Clinton Corpuz, Acting Captain of the Narcotics/Vice Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes Senate Bill No. 2418, S.D. 1, Relating to Controlled Substances.

The HPD opposes this bill based on the concern that repealing drug paraphernalia laws could inadvertently encourage increased drug use and contribute to public health and safety issues.

First, decriminalizing drug paraphernalia may lead to easier access to items that support substance abuse, potentially normalizing drug use, especially among youth and vulnerable populations. Public health research generally indicates that greater availability of drug paraphernalia can correlate with higher rates of substance abuse.

Second, unregulated paraphernalia could lead to public safety concerns, such as discarded items in public spaces, and pose risks of injury or health hazards to the community.

The Honorable Gregg Takayama, Chair  
and Members  
The Honorable Lisa Marten, Chair  
and Members  
March 25, 2026  
Page 2

The HPD urges you to oppose Senate Bill No. 2418, S.D. 1, Relating to  
Controlled Substances.

Thank you for the opportunity to testify.

Sincerely,



Clinton Corpuz, Acting Captain  
Narcotics/Vice Division

APPROVED:



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Rade K. Vanic  
Interim Chief of Police

**SB-2418-SD-1**

Submitted on: 3/23/2026 2:44:50 PM

Testimony for HLT on 3/25/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Aaron Ruddick	Hep Free Hawaii	Support	Written Testimony Only

Comments:

Dear Chair Takayama, Vice Chair Keohokapu-Lee Loy and members of the committee

Hep Free Hawaii **supports** SB 2418 SD1, which would have Hawai‘i join [Minnesota in repealing its drug paraphernalia law](#) to strengthen our landmark statewide syringe services program (SSP), [which has operated to keep HIV rates low among injection drug users for over three and half decades, provide naloxone to prevent accidental opioid overdoses from becoming fatal overdoses, and linking underserved populations with needed medical care and social services.](#)

A full repeal of Hawai‘i’s drug paraphernalia law will strengthen this state’s syringe services program and eliminate the looming threat of criminalization for the possession of disease-preventing and life-saving supplies, particularly among those from underserved communities.



**LATE**

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

## **TESTIMONY SUPPORTING SB 2418, SD 1**

TO: Chair Takayama, Vice Chair Keohokapu-Lee Loy, and HLT Committee

FROM: Nikos Leverenz, DPFH Board President

DATE: February 13, 2026 (9:00 A.M.)

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Drug Policy Forum of Hawai'i (DPFH) **strongly supports** SB 2418, SD 1 which would have Hawai'i [reform its drug paraphernalia law](#) to strengthen its landmark statewide syringe services program (SSP), [which has operated to keep HIV rates low among injection drug users for over three and half decades, provide naloxone to prevent accidental opioid overdoses from becoming fatal overdoses, and linking underserved populations with needed medical care and social services.](#)

This modification of Hawai'i's drug paraphernalia law will strengthen this state's syringe services program by eliminating the looming threat of criminalization for the possession of disease-preventing and life-saving supplies, particularly among those from underserved communities. Should the committee wish to preserve the SD 1 amendment to maintain a prohibition on items used to manufacture controlled substances, [HRS Section 712-1240 offers the following definition](#) that is more precise for the purposes of Chapter 712, Part IV:

***"Manufacture" means to produce, prepare, compound, convert, or process a dangerous drug, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical conversion or synthesis.***

At a time when state policymakers are looking to expend over \$1 billion on a new jail facility, expending \$112,000 each year of incarceration on a per capita basis, and having the longest average term of probation in the nation, it is incumbent to look for ways to reduce the reach of the criminal legal system and mitigate overzealous prosecutorial practices around drug possession for personal use.

As noted by a 2022 article in the *New England Journal of Medicine*, “The widespread criminalization of drug paraphernalia was no accident. The vast majority of state paraphernalia laws are based on model legislation created and promoted by the Drug Enforcement Administration beginning in 1979. Although ostensibly aimed primarily at ‘head shops’ and similar retail outlets that sold paraphernalia, this model legislation broadly criminalized the possession and distribution of nearly any object used, intended for use, or designed for illegal drug consumption, regardless of whether it was sold for a profit or provided for free by an organization attempting to reduce drug related harm.” Davis CS, Carr DH. [Repealing State Drug-Paraphernalia Laws - The Need for Federal Leadership](#). *N Engl J Med*. 2022 Oct 13;387(15):1344-1346.

The authors succinctly note the deleterious toll that paraphernalia laws have on public health:

***Paraphernalia laws reduce access to safer-use supplies and increase sharing of syringes, and no compelling evidence suggests that they deter illegal-drug use. Rather, these laws continue to result in people dying from preventable overdoses, contracting bloodborne diseases, and experiencing the negative consequences of involvement with the criminal–legal system.*** The negative effects of these laws extend to trauma experienced by friends and family members of people who get sick or die because of lack of access to sterile syringes and other safer-use supplies, as well as to preventable health care and criminal–legal costs. As with most drug-related laws, the enforcement and consequences of paraphernalia laws fall disproportionately on people of color and members of other marginalized groups. (*Id.*, emphasis added)

In Hawai'i, it is well-established that [the criminal legal system has disproportionately impacted Native Hawaiian families](#) across generations, [including drug law enforcement](#).

Other researchers note the public health benefits that will result with the repeal of this state's drug paraphernalia law, noting the insufficiency of “carve out” exceptions like the recently enacted laws to decriminalize fentanyl test strips and repealing the one-for-one exchange requirement:

The full and immediate repeal of state paraphernalia laws is both warranted and needed to reduce opioid overdose death and related harms. Such repeal would improve the health of people who inject drugs and those with whom they interact, reducing the spread of blood-borne disease and fatal overdose associated with infiltration of illicitly manufactured fentanyl into the illicit drug supply. It would also free up scarce public resources that could be redirected toward evidence-based approaches to reducing drug-related harm.

***In many states with [syringe access program] laws, an individual may lawfully possess or use a syringe obtained from an approved [syringe access program] but faces potential arrest and prosecution for possessing or using the exact same type of syringe obtained elsewhere.***

Law enforcement and other governmental officials correctly state that we cannot arrest our way out of the current crisis of drug-related harm. Applying that maxim to the lowest-hanging fruit in the drug law tree—the repeal of paraphernalia laws—is long overdue.

Davis CS, Carr DH, Samuels EA. [Paraphernalia Laws, Criminalizing Possession and Distribution of Items Used to Consume Illicit Drugs, and Injection-Related Harm](#). Am J Public Health. 2019 Nov;109(11):1564-1567. (emphasis added)

Support for the repeal of drug paraphernalia laws in favor of harm reduction and public health also cuts across the ideological spectrum, with the Cato Institute noting the ideal of a paraphernalia policy that saves lives and improves health:

***The goal of drug paraphernalia policy should be to save lives by reducing the risks of overdose and disease. This means removing government barriers to obtaining and distributing clean syringes and drug testing equipment.*** Because Alaska leaves residents free to purchase syringes and other paraphernalia in any quantity, anyone can operate an SSP and implement other harm-reduction measures. States should follow Alaska's lead by repealing their drug paraphernalia laws so that programs aimed at reducing overdoses and disease can proliferate and succeed.

Jeffrey A. Singer and Sophia Heimowitz, "[Drug Paraphernalia Laws Undermine Harm Reduction](#)," Cato Institute Policy Analysis No. 929 (June 7, 2022) (emphasis added).

Given the continued disproportionate treatment of Native Hawaiians and those from under resourced communities around the larger criminal legal system and drug law enforcement, it is well past time for prosecutors in this state to commence with practices that advance a public health response to drug use, especially at time when public health policies are intentionally eroded on the continent. This can be done even in the absence of legislative direction. As noted by the Institute for Innovation in Prosecution at John Jay College in "[Prosecution, Drug Use & Public Health](#)":

Traditional prosecution of drug-related crimes, with an emphasis on incarceration, is largely ineffective. Instead, prosecutors should adopt a range of practical strategies to achieve two interrelated goals: (1) enhancing access to voluntary treatment and services

in community settings; and (2) minimizing the role of the criminal system to mitigate harms created by arrest, incarceration, surveillance, involuntary treatment, and the stigma of a criminal record.

The Penal Code Review Committee last year noted a wide disparity between the First Circuit (Honolulu County) and other circuits with respect to sentencing charges regarding unusable traces and residue as noted in Appendix B4 of [its final report to the legislature](#), attesting to significantly more severe prosecutorial practices on O'ahu. In contrast, the Fifth Circuit (Kaua'i County) does not charge unusable traces and residue.

Since 1993 DPFH has advanced public discussions and policy changes around Hawai'i's drug policies, which continue to advance severe criminal penalties and extended periods of criminal legal supervision. DPFH also supports policy changes around substance use and behavioral health issues that are anchored in harm reduction, public health, and human rights. These changes include broader access to community-based behavioral health treatment, the repeal of cannabis prohibition in favor of rational regulation, reducing the severity of sentencing laws, prosecutorial practices, penological practices, and criminal legal supervision, and advancing other changes to laws and policies that reduce the impact of the criminal legal system on individuals and families from under-resourced communities.

Mahalo for the opportunity to provide testimony.

**LATE**

**SB-2418-SD-1**

Submitted on: 3/24/2026 2:56:27 PM

Testimony for HLT on 3/25/2026 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gary Yabuta	Hawaii High Intensity Drug Trafficking Area	Oppose	Written Testimony Only

Comments:

As Executive Director of the Hawaii High Intensity Drug Trafficking Area (HIDTA) – a program of the Office of National Drug Control Policy, Executive Office of the President, and one of 32 nationwide because of our documented drug trafficking activity and threats to community safety, public health, and Hawai‘i’s natural environment – and as lead member of the community collaborative of federal, state, and local enforcement and community agencies focused on drug prevention and treatment across all counties, I ask you to oppose SB 2418 because:

- This bill goes further than most realize. Repealing paraphernalia penalties doesn't just affect cannabis -- it removes deterrents tied to all controlled substances. These are items used to process and consume illegal drugs. Eliminating penalties sends the wrong message at a time when Hawaii is still grappling with serious substance abuse challenges.

**LATE**



HAWAII HEALTH &  
HARM REDUCTION CENTER

677 Ala Moana Blvd, Ste 226  
Honolulu, HI 96813

(808) 521-2437

[www.hhhrc.org](http://www.hhhrc.org)

*"Reducing harm,  
promoting health,  
creating wellness, and  
fighting stigma  
in Hawai'i and  
the Pacific."*

## TESTIMONY SUPPORTING SB 2418, SD 1

**TO:** Chair Takayama, Vice Chair Keohokapu-Lee Loy, & HLT  
Committee

**FROM:** Nikos Leverenz, Policy & Advancement Manager

**DATE:** March 25, 2026 (9:30 A.M.)

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Hawai'i Health & Harm Reduction Center (HHHRC) **strongly supports** SB 2418, SD 1, which modifies the state's drug paraphernalia law to help strengthen its landmark syringe access program by eliminating the looming threat of criminalization for the possession of disease-preventing and life-saving supplies, particularly among health care workers and those from vulnerable communities.

HHHRC currently administers the statewide syringe access program, which has been in operation since 1993. According to the Hawai'i State Department of Health, Hawai'i has maintained low rate of HIV in persons who inject drugs, their partners and children due to this important public health program. Last year the Legislature improved the program by eliminating the antiquated one-to-one exchange requirement.

The unintended negative consequence of the current paraphernalia law is that our staff is not legally allowed to support disease prevention unless the equipment is specifically exempted from the paraphernalia law. As such, this bill would protect our staff who are engaged in public health work as well as others engaged in the prevention of bloodborne pathogens like hepatitis C.

In addition to providing disease prevention, our program offers access to drug treatment, wound care, insurance navigation and other services, some of which are not accessed by our community out of fear of the paraphernalia law being used against them. This bill would make it easier for healthcare workers and others to connect with people struggling with substance use and help get them into and retained in care. It will save lives by promoting disease prevention and strengthening connections to important services that support the individual and the broader health of the community.

HHHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawai'i and the Pacific. We work with many individuals impacted by poverty, housing instability, and other social determinants of health.

Mahalo for the opportunity to provide testimony.

**SB-2418-SD-1**

Submitted on: 3/20/2026 3:38:31 PM

Testimony for HLT on 3/25/2026 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Christine L. Andrews, J.D.	Individual	Support	Written Testimony Only

Comments:

I respectfully request your vote in support of this measure.

Mahalo nui

**SB-2418-SD-1**

Submitted on: 3/23/2026 2:44:32 PM

Testimony for HLT on 3/25/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Vanessa Murthy	Individual	Support	Written Testimony Only

Comments:

Dear Chair Takayama, Vice Chair Keohokapu-Lee Loy and members of the committee

I **support** SB 2418 SD1, which would have Hawai‘i join [Minnesota in repealing its drug paraphernalia law](#) to strengthen our landmark statewide syringe services program (SSP), [which has operated to keep HIV rates low among injection drug users for over three and half decades, provide naloxone to prevent accidental opioid overdoses from becoming fatal overdoses, and linking underserved populations with needed medical care and social services.](#)

A full repeal of Hawai‘i’s drug paraphernalia law will strengthen this state’s syringe services program and eliminate the looming threat of criminalization for the possession of disease-preventing and life-saving supplies, particularly among those from underserved communities.

**SB-2418-SD-1**

Submitted on: 3/23/2026 2:45:01 PM

Testimony for HLT on 3/25/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Thaddeus Pham	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Takayama, Vice Chair Keohokapu-Lee Loy, and HLT Committee Members,

As a public health professional, I write in strong **support** SB 2418 SD1, which would have Hawai‘i join [Minnesota in repealing its drug paraphernalia law](#) to strengthen our landmark statewide syringe services program (SSP), [which has operated to keep HIV rates low among injection drug users for over three and half decades, provide naloxone to prevent accidental opioid overdoses from becoming fatal overdoses, and linking underserved populations with needed medical care and social services.](#)

A full repeal of Hawai‘i’s drug paraphernalia law will strengthen this state’s syringe services program and eliminate the looming threat of criminalization for the possession of disease-preventing and life-saving supplies, particularly among those from underserved communities.

Mahalo,

Thaddeus Pham

**SB-2418-SD-1**

Submitted on: 3/23/2026 3:09:26 PM

Testimony for HLT on 3/25/2026 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Andrea Staley	Individual	Support	Written Testimony Only

Comments:

Dear Chair Takayama, Vice Chair Keohokapu-Lee Loy and members of the committee,

I **support** SB 2418 SD1, which would have Hawai‘i join [Minnesota in repealing its drug paraphernalia law](#) to strengthen our landmark statewide syringe services program (SSP), [which has operated to keep HIV rates low among injection drug users for over three and half decades, provide naloxone to prevent accidental opioid overdoses from becoming fatal overdoses, and linking underserved populations with needed medical care and social services.](#)

A full repeal of Hawai‘i’s drug paraphernalia law will strengthen this state’s syringe services program and eliminate the looming threat of criminalization for the possession of disease-preventing and life-saving supplies, particularly among those from underserved communities.

Mahalo for this opportunity to provide testimony.

**SB-2418-SD-1**

Submitted on: 3/24/2026 6:43:39 AM

Testimony for HLT on 3/25/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Paul Takehiro	Individual	Support	Written Testimony Only

Comments:

Dear Chair Takayama, Vice Chair Keohokapu-Lee Loy and members of the committee:

I **support** SB 2418 SD1, which would have Hawai‘i join [Minnesota in repealing its drug paraphernalia law](#) to strengthen our landmark statewide syringe services program (SSP), [which has operated to keep HIV rates low among injection drug users for over three and half decades, provide naloxone to prevent accidental opioid overdoses from becoming fatal overdoses, and linking underserved populations with needed medical care and social services.](#)

A full repeal of Hawai‘i’s drug paraphernalia law will strengthen this state’s syringe services program and eliminate the looming threat of criminalization for the possession of disease-preventing and life-saving supplies, particularly among those from underserved communities.

Mahalo,

Paul Takehiro, CSAC

Hilo, HI 96720

**SB-2418-SD-1**

Submitted on: 3/24/2026 9:13:40 AM

Testimony for HLT on 3/25/2026 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Allison Shiozaki	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Takayama, Vice Chair Keohokapu-Lee Loy, and members of the committee,

My name is Allison Shiozaki. I live on Hawaii island and work for Kumukahi Health and Wellness, which does prevention and harm reduction services for our community. I support SB 2418, which Minnesota has similarly taken steps to strengthen syringe services program. These programs keep hiv rates low among injection drug users, provide nalaxone -- a life saving drug that saves every 3 lives in 11 calls to EMT in Hawaii, and linking services like the organization I work for and others to underserved communities with medical care and social services.

Let's create laws for people: policies that center harm reduction and improved health, over carceral approaches.

Mahalo nui loa.

Sincerely,

Allison Shiozaki

**LATE**

**SB-2418-SD-1**

Submitted on: 3/24/2026 2:10:13 PM

Testimony for HLT on 3/25/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Gerald Busch	Individual	Oppose	Written Testimony Only

Comments:

Dear Committee Members,

I write to respectfully express opposition to the bill relating to Controlled Substances, which would remove items used to consume, store, and conceal controlled substances from Hawaii's law prohibiting drug paraphernalia under the Uniform Controlled Substances Act.

While framed as a narrowing of paraphernalia enforcement, this bill raises serious public health and policy concerns:

- Removes critical tools of drug enforcement. By legalizing items used to consume, store, and conceal controlled substances, this bill guts a core component of Hawaii's drug paraphernalia law — making it significantly harder for law enforcement to intervene before addiction takes hold.
- Undermines prevention at the point of use. Paraphernalia laws serve a public health function by creating intervention opportunities. Eliminating penalties for possession of consumption equipment removes one of the few legal levers available to divert individuals into treatment before their substance use escalates.
- Sends the wrong message without harm reduction infrastructure to back it up. Decriminalizing drug use equipment in isolation — without simultaneously expanding access to treatment, recovery support, or evidence-based harm reduction services — abandons vulnerable individuals rather than helping them.

Effective drug policy requires balance: holding space for compassion while maintaining the tools necessary to protect public health and connect individuals to care. This bill, as written, tips that balance in the wrong direction.

Thank you for your consideration.

Respectfully,

Gerald Busch, MD, MPH

Board Certified in Psychiatry, Addiction Psychiatry, Forensic Psychiatry, Child & Adolescent Psychiatry, and Addiction Medicine

Past President, Hawai'i Psychiatric Medical Association

