



**STATE HEALTH PLANNING
AND DEVELOPMENT AGENCY**
DEPARTMENT OF HEALTH - KA 'OIHANA OLAKINO

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KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII

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February 6, 2026

TO: HOUSE COMMITTEE ON HUMAN SERVICES & HOMELESSNESS
Representative Lisa Marten, Chair
Representative Ikaika Olds, Vice Chair
Honorable Members

FROM: John C. (Jack) Lewin, MD, Administrator, SHPDA, and Sr. Advisor to
Governor Josh Green, MD on Healthcare Innovation

RE: HB 2083 -- RELATING TO CONTROLLED SUBSTANCES

HEARING: Tuesday, February 10, 2026 @ 09:30 am; Conference Room 329

POSITION: SUPPORT with COMMENTS

Testimony:

SHPDA supports HB 2083 with comments.

This bill is to strengthen the protections for people experiencing homelessness, and strengthens safety and stability for people seeking help by extending Hawai'i's existing "drug-free zone" law to include homeless facilities. Specifically, it amends HRS §712-1249.6 to create drug-free zones in, on, or near homeless facilities, helping deter drug distribution and related activity around shelters and similar sites.

By creating clear enforcement authority for drug distribution and possession with intent to distribute on shelter property and within 750 feet, it aims to deter dealers from targeting a highly vulnerable population and to reduce drug activity around places meant for housing and services. As a result, the bill supports safer shelter environments for clients and staff, reinforces community confidence in homelessness response efforts, and helps address a key factor linked to homelessness by disrupting the drug market that preys on people in crisis.

In closing, this bill takes a step to protect some of Hawai'i's most vulnerable population by extending existing drug-free zone protections to homeless facilities. By creating clearer deterrence and accountability for drug distribution in and around homeless facilities, the bill helps reduce predatory drug activity near critical services, supports safer environments for clients and staff, and reinforces the State's broader efforts to address homelessness with both compassion and public safety.

Thank you for hearing HB 2083.

Mahalo for the opportunity to testify.

■ -- Jack Lewin, MD, Administrator, SHPDA

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February 8, 2026

**HB 2083: RELATING TO THE PROMOTION OF CONTROLLED
SUBSTANCES**

**Chair Marten, Vice-Chair Olds, and Members of the Committee on Human
Services and Homelessness:**

The Office of the Public Defender (OPD) **opposes HB 2083** which amends Hawai'i Revised Statutes § 712-1249.6 to include homeless facilities within existing “drug-free zones,” subjecting conduct occurring in, on, or within seven hundred and fifty feet of these locations to enhanced felony penalties. The bill expressly links homelessness and substance use and proposes expansion of criminal enforcement as the solution.

OPD is concerned that many homeless facilities and shelters are unmarked, difficult to identify, or indistinguishable from surrounding residences or commercial buildings. Unlike schools, school vehicles, or public parks, homeless service sites may operate out of spaces with no visible signage indicating their function.

As a result, individuals often have no reasonable way of knowing when they are within seven hundred and fifty feet of a “homeless facility” as newly defined by this bill. Criminal liability should not turn on invisible boundaries surrounding locations that are not clearly identifiable to the public. This lack of notice raises fundamental fairness and due process concerns and increases the risk of arbitrary or uneven enforcement.

By attaching severe felony consequences to activity occurring near homeless facilities, this measure risks creating perverse incentives. Individuals who use substances, or who fear being swept into enhanced penalty zones, may avoid

shelters, transitional housing, and service providers altogether. This outcome undermines the Legislature's stated goal of addressing homelessness. Policies that discourage people from accessing shelter and assistance make individuals less safe, less stable, and more disconnected from treatment and support, increasing long-term system involvement rather than reducing it.

The OPD opposes HB 2083.

Thank you for the opportunity to comment on this measure.

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**THE HONORABLE LISA MARTEN, CHAIR
COMMITTEE ON HUMAN SERVICES & HOMELESSNESS
Thirty-Third State Legislature
Regular Session of 2026
State of Hawai'i**

February 10, 2026

**REGARDING H. B. 2083; RELATING TO PROMOTION OF CONTROLLED
SUBSTANCES.**

Chair Marten, Vice-Chair Olds and members of the House Committee on Human Services & Homelessness, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in **strong support** of H. B. 2083. This bill is part of the Department's 2026 legislative package, and we thank you for hearing it.

The purpose of H. B. 2083 is to include homeless facilities in the protected areas listed in §712-1249.6, thus making it a criminal offense to knowingly distribute or possess with intent to distribute a controlled substance in, or within 300 ft. This bill is about protecting a critical point of intervention for some of our most vulnerable community members—individuals who have taken the difficult first step off the streets and into shelter in an effort to stabilize their lives, access services, and begin recovery.

Shelters Are a Point of Opportunity — and a Point of Risk

In our experience, homeless shelters represent a fragile but vital window of opportunity. When individuals enter shelter, they are often:

- Newly separated from street-based drug activity,
- Engaging with case managers and treatment providers, and
- Attempting to reduce or stop substance use in order to secure housing, employment, or reunification with family.

Unfortunately, that opportunity is **routinely undermined** by drug dealers who deliberately operate immediately outside shelter boundaries, fully aware that residents are struggling with addiction and are at their most vulnerable.

We hear this repeatedly from service providers: Individuals trying to get clean are tempted, solicited, and supplied with drugs directly across the street from the very shelters designed to help them escape homelessness.

This reality derails recovery, destabilizes shelters, and pushes people right back onto the streets.

This Bill Targets Predatory Drug Activity — Not People Experiencing Homelessness

H. B. 2083 does not criminalize homelessness, nor does it target individuals seeking help. It focuses squarely on drug dealers who prey on vulnerability by positioning themselves near homeless facilities for easy access to customers struggling with substance use disorders.

Hawaii already recognizes that certain locations—schools, parks, and public housing—deserve heightened protection from drug trafficking because of the populations they serve. Homeless shelters serve an equally vulnerable population and deserve the same protection.

Drug-Free Zones Help Stabilize Shelters and Support Recovery

Including homeless facilities in the safe zone statute will:

- Reduce open-air drug markets immediately surrounding shelters;
- Improve safety for residents, staff, and service providers;
- Support sobriety and recovery efforts;
- Increase the likelihood that individuals remain engaged in services rather than returning to street use; and
- Protect public investments in shelter operations and supportive housing programs.

Without this protection, shelters risk becoming magnets for drug activity, undermining their purpose and discouraging both participation and community support.

This Is a Public Safety and Public Health Measure

Substance use and homelessness are deeply interconnected. H. B. 2083 recognizes that interrupting the supply side of drugs near shelters is a necessary part of addressing both issues.

Allowing drug dealers to operate freely just steps away from shelters sends the wrong message and creates conditions that make recovery exponentially harder.

Conclusion

H. B. 2083 is a targeted, reasonable, and necessary update to existing law. It closes a loophole that drug dealers actively exploit and reinforces the Legislature's commitment to helping individuals move from homelessness to stability.

For individuals trying to get clean and rebuild their lives, proximity matters. This bill helps ensure that when someone finally makes it into shelter, the law is not working against their chance to succeed.

Unfortunately, substance abuse is more predominant in people who are homeless than in those who are not—thus, they tend to turn to drugs to cope with the reality of homelessness.

As such, it could be said that substance abuse is the result of the stress of homelessness, rather than the other way around.¹ Including homeless facilities to this protected group of areas will allow those who seek shelter, services, and other support, to not have the enticement of drugs following them from the street.²

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu **strongly supports** the passage of H. B. 2083. Thank you for the opportunity to testify.

¹ National Coalition for the Homeless. (2009). Substance abuse and homelessness.

² See <https://ciceroinstitute.org/research/drug-free-homeless-service-zones/>



The Institute for Human Services, Inc.
Ending the Cycle of Homelessness

TO: Honorable Representative Lisa Marten,
Chair, House Committee on Human Services and Homelessness

Honorable Representative Ikaika Olds,
Vice Chair, House Committee on Human Services and Homelessness

FROM: Connie Mitchell, Executive Director
IHS, The Institute for Human Services, Inc.

RE: HB 2083 - Relating to the Promotion of Controlled Substances

DATE: February 9, 2026

POSITION: IHS supports HB 2083

IHS, The Institute for Human Services, has been providing emergency shelter services to adult men, women, and families with children on Oahu for nearly 48 years. In recent years, we have experienced an increase in conflicts and threats of bodily harm to guests. Alongside this increase of threats of violence brought on by the use and abuse of substances, many of IHS' guests, clients, and staff are actively working to maintain a sober lifestyle. IHS' shelters and service centers are drug-free properties; however, an individual only needs to walk outside to be tempted by the very drugs they've been clean from.

This type of temptation is increasingly hard to ignore, and the disease of addiction causes many to relapse. This is only amplified by the number of homeless shelters, kauhale, and services concentrated in the Iwilei block. Many of our clients and guests have done the hard work, fought through withdrawal, and are working toward sustained housing – yet, as they chose a different path, their physical surroundings are working to entice them back rather than push forward.

Passing this measure is an important step toward helping our homeless facilities better serve those who accept our help, while also providing a better environment for those working in this field and making our community safer. Mahalo for the opportunity to testify.

LATE



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

TESTIMONY OPPOSING HB 2083

TO: Chair Marten, Vice Chair Olds, and HSH Committee

FROM: Nikos Leverenz, DPFH Board President

DATE: February 11, 2026 (9:30 A.M.)

Drug Policy Forum of Hawai'i (DPFH) **opposes** HB 2083, which seeks to include homeless facilities in those locales covered by current “drug-free zones” in [HRS §712-1249.6](#).

The current language of drug-free zone law, as with other provisions of HRS §712, uses the term “promoting” in manner that perpetuates a semantic absurdity given that it applies to “any amount,” including unusable traces and residue. This includes possession for personal use “in any amount,” which is classified in [HRS §712-1243](#) as “promoting a dangerous drug in the third degree,” currently a Class C felony punishable by five years in prison and a \$10,000 fine.

As with other aspects of the “war on drugs,” which operates principally as a war on individuals from disfavored groups, this bill will further marginalize persons in our communities who are highly likely to be struggling with economic insecurity, behavioral health problems, lack of access to medical care, adverse childhood experiences, histories of individual and family trauma that likely includes prior criminal legal system involvement. [The criminal legal system in Hawai'i has disproportionately impacted Native Hawaiian families across generations, including drug law enforcement.](#)

Instead of expanding the criminalization of poverty, behavioral health issues, and drug use (or some combination thereof), the state should instead look to whether the current “drug-free zone” law, which implements a location-based mandatory minimum of at least two years and up to ten years, is utilized and operating as intended. Each county prosecutor should be able to readily identify the number of defendants who have been penalized under the current code section over the past decade so that the legislature can determine its ongoing efficacy and utility.

Having served on the Advisory Committee on Penal Code Review last year, [which issued its final report to the legislature this past December](#), it was striking to see the disparity in sentencing charges between the First Circuit and other circuits regarding unusable traces and residue as noted in Appendix B4. This attests to significantly more severe prosecutorial practices on O'ahu. It's notable that this measure is coming at a time when the state is in the process of greenlighting a new privately constructed jail facility that will cost more than \$1 billion.

Additionally, policymakers should consider the additional costs of incarceration, which are borne fully by the state budget given the unified jail and prison system. [With one year in prison now exceeding \\$112,000](#), the cost of a single application of this code section is almost one-quarter of a million dollars. Given the foreseeable cost implications, it is curious that this bill is not have a referral to the Finance Committee. The legislative process could be greatly enhanced by the use of a fiscal note or analysis, which is widely used in other statehouses.

[At a time when the state budget is already under significant pressure from lost federal funding](#), the increased costs proposed by this addition to the current drug-free zone law counsel this bill's deferral. Policymakers should also seriously consider whether there is utility in having the current code section, with other states reducing the scope of their "drug-free zone" laws in recent years. Unfortunately, [Hawaii has joined states like Texas and Arkansas in expanding these laws in the 21st century](#).

Drug-free zone laws were the subject of a [2018 resolution](#) from the [American Legislative Exchange Council](#) (ALEC), [an arch-conservative policy group funded by large corporations and others](#) that has successfully advanced measures in statehouses that have included, among other measures, "Right-to-Work" laws, the privatization of public services (including education), restrictive voter ID laws, and "Stand Your Ground" laws. It is highly curious that the Honolulu Prosecutor looks to have this state position itself to the right of ALEC and states like Indiana, Kentucky, and Utah that have reformed their "drug-free zone" laws.

As noted in the preamble in the ALEC resolution: "Most drug-free zone laws were established decades ago but have not been reformed despite evidence that drug-free zones are **arbitrary and often unnecessarily broad**, are **ineffective at deterring drug-related crime**, and create significant unintended consequences, including **unwarranted disparate impacts on minority defendants**."

Importantly, the resolution observes that "**states that have studied drug-free zones have been unable to identify any empirical basis for their size or scope**." Further, "several states have already reformed drug-free zone laws, including by reducing the number of drug-free zones and the size of such zones, and eliminating mandatory penalties and enhancements for violations committed in such zones, and have not seen increased drug activity as a result."

[The Sentencing Project](#), which “advocates for effective, humane responses to crime and punishment by promoting racial, economic, and gender justice,” is also among those organizations that have outlined the deficiencies of drug-free zone laws: “In practice, ***drug-free zone laws have created a number of serious issues within the criminal justice system, by frequently imposing excessive penalties and by subjecting urban poor and minority populations to harsher penalties than others for similar drug offenses.***” (“[Drug Free Zone Laws: An Overview of State Policies](#),” December 2013).

Given the history of this land and its people, it is well past time for [prosecutors in this state to commence with practices that advance a public health response to drug use](#), especially as public health is intentionally eroded on the continent. 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.

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.