

STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony COMMENTING on SB2418 SD1 HD1
RELATING TO CONTROLLED SUBSTANCES**

REPRESENTATIVE DAVID TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Hearing Date: April 1, 2026 @ 2:00 PM

Room Number: 325

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.

14 The legislature has previously recognized the public health benefit of permitting access to
15 sterile injection equipment, reducing drug paraphernalia penalties, and increasing access to

1 certain items of drug paraphernalia for syringe exchanges participants for the purpose of
2 reducing infection and injury related to injection drug use.

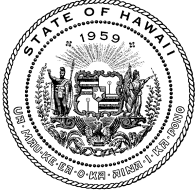
3 While the Department underscores that smoking illegal drugs is not safe, for those who are not
4 ready or able to quit using drugs, smoking instead of injecting reduces health risks such as
5 bloodborne infections, soft tissue injuries, needle stick injuries, overdose and death. Repealing
6 or modifying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

8 Should this committee consider amendments, such as those in SD1, to retain some prohibitions
9 on items used by dealers and producers of illicit controlled substances, the Department would
10 recommend that such prohibitions not apply to items an individual may use in the course of
11 their personal drugs use, including items that an individual may use to “process” or “prepare”
12 drugs for their personal consumption. Such items can exacerbate or mitigate risks of infections
13 or injury and reducing legal barriers to such items for an individual who uses illicit drugs can
14 help individuals reduce the harm associate with their drug use.

15 While health impacts may not be the only consideration in restricting access to items and
16 supplies an individual might use in connection with drug use, from a public health perspective,
17 such restrictions appear to have negative impacts. There is little evidence to suggest that access
18 to drug paraphernalia leads people to initiate or increase drug use. In contrast, barriers to
19 accessing items currently categorized as drug paraphernalia are clearly associated with
20 increased risks of infection, injury, and overdose.

21 **Offered Amendments: None**

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



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

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GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII

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March 31, 2026

TO: HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
Honorable Members

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

RE: **SB 2418-SD1-HD1 -- RELATING TO CONTROLLED SUBSTANCES**

HEARING: Wednesday, April 1, 2026 @ 2:00 pm; Conference Room 325

POSITION: SUPPORT with COMMENTS

Testimony:

SHPDA strongly supports SB 2418-SD1-HD1 with comments.

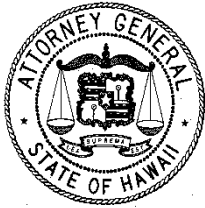
This bill is intended to narrow Hawai'i's drug paraphernalia law. The intent is to reduce penalties that can discourage people from seeking health care, harm reduction services, or overdose prevention support, while still keeping limits on equipment used for drug manufacturing. It aims to shift the response more toward safety and treatment and less toward punishment for people who use drugs.

This bill could help people seek help sooner by reducing penalties tied to items used for drug use, which can make people less afraid to access health care, overdose prevention, and harm reduction services. The bill keeps restrictions on items used to make illegal drugs, while supporting a more health focused response for people who use drugs. It can help prevent overdoses and the spread of infectious diseases while encouraging treatment and connection to services.

This bill supports a more practical and compassionate approach that can better protect individual and community health. It moves policy in a direction that can help people stay safer, connect to support earlier, and reduce preventable harm across Hawai'i.

Thank you for hearing SB 2418-SD1-HD1. Mahalo for the opportunity to testify.

■ -- Jack Lewin, MD, Administrator, SHPDA



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

ON THE FOLLOWING MEASURE:

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

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Wednesday, April 1, 2026 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

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

Chair Tarnas and Members of the Committee:

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

This bill would legalize all items currently considered drug paraphernalia by repealing the law prohibiting drug paraphernalia under the Uniform Controlled Substances Act.

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 moot. Moreover, this bill goes far beyond decriminalization and would in fact legalize all forms of drug paraphernalia.

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 **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.

Additionally, the Department is concerned that the proposed repeal of section 329-43.5, HRS, would disregard the potential consequences of eliminating certain felony offenses found within that section, which we believe are critical to public safety. For example, the repeal of section 329-43.5(c) would allow adults to provide drug paraphernalia to minors, which is currently a class B felony. Moreover, the repeal of section 329-43.5(d) would allow anyone to advertise and promote the sale of drug paraphernalia in newspapers, magazines, handbills, or other publications, which is currently a class C felony. These prohibitions are necessary to protect the public, particularly youth and other vulnerable individuals, from the foreseeable dangers of targeted advertising, marketing campaigns, and full-scale distribution of drug paraphernalia for all types of controlled substances, including those used for heroin, cocaine, or methamphetamine.

Lastly, legalizing the possession and use of drug paraphernalia will not support the intent of the bill to prevent accidental and fatal overdoses and the transmission of disease, nor will it facilitate the expansion of harm reduction-based interventions for under-resourced populations or reduce the involvement of individuals with behavioral health challenges in the State's criminal legal system. Instead, legalizing the possession and use of drug paraphernalia will decrease barriers and simplify 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 these reasons, we respectfully ask the Committee to hold this bill.

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

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March 31, 2026

SB 2418, SD1, HD1: RELATING TO CONTROLLED SUBSTANCES

Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee on Judiciary and Hawaiian Affairs :

The Office of the Public Defender (OPD) supports SB 2418 SD1 HD1 which repeals Hawai‘i’s drug paraphernalia statute, Hawai‘i Revised Statutes (HRS) § 329-43.5.

Repeal of the Drug Paraphernalia Statute is Sound Public Policy

As reflected in the bill findings (pp. 1–5), drug paraphernalia laws originated from the 1979 federal Model Drug Paraphernalia Act and were widely adopted across the country. Over time, a significant body of public health scholarship has concluded that paraphernalia criminalization:

- Reduces access to safer-use supplies
- Increases overdose and infectious disease risk
- Diverts limited public resources from treatment and prevention
- Disproportionately impacts marginalized communities

Although Act 72 (2017) reduced possession of paraphernalia to a violation, paraphernalia charges continue to serve as an entry point into the criminal legal system. As the bill explains, possession of even unusable trace or residue amounts of controlled substances can still result in serious felony consequences.

From the OPD’s direct experience representing indigent clients statewide, paraphernalia charges often arise in the context of poverty, homelessness, and untreated substance use disorder. This measure appropriately shifts the focus from criminalization to health-based responses.

This Bill Advances Racial Equity and Reduces System Entry Points

This bill recognizes the documented racial disparities in drug law enforcement and the disproportionate impact on Native Hawaiian and other minority residents, and under-resourced communities.

In our representation of clients across all four circuits, the OPD consistently observes that paraphernalia and residue-based possession charges disproportionately affect individuals:

- Experiencing housing instability
- Living in heavily policed neighborhoods
- Managing untreated mental health or substance use disorders

Eliminating paraphernalia criminalization reduces low-level system entry points that entrench individuals in Hawai‘i’s already lengthy criminal probation system.

SB 2418 Works in Harmony with SB 2721

OPD also respectfully highlights SB 2721, which proposes broader Penal Code reforms pursuant to the Penal Code Review Committee’s work. A key feature of SB 2721 is the effort to recalibrate grading and proportionality within the Penal Code and align Hawai‘i law with national best practices.

SB 2721 seeks to reduce possession offenses involving residue-type amounts to misdemeanor treatment rather than felony classification. This is a crucial reform. As currently structured, possession of trace, unusable amounts, often detected solely through laboratory analysis, may expose individuals to felony offenses, even when no distribution or trafficking conduct is alleged.

Together:

- SB 2418 removes paraphernalia criminalization entirely, and
- SB 2721 addresses the disproportionate felony treatment of residue-based possession.

For these reasons, the OPD **supports** SB 2418 SD1 HD1.

Thank you for the opportunity to comment.

KELDEN B.A. WALTJEN
PROSECUTING ATTORNEY

SHANNON M. KAGAWA
FIRST DEPUTY
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OFFICE OF THE PROSECUTING ATTORNEY

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

A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Representative David Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

Wednesday, April 1, 2026, at 2:00 p.m.
Via Videoconference
State Capitol Conference Room 325
415 South Beretania Street

Honorable Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee on Judiciary & Hawaiian Affairs: The County of Hawai‘i, Office of the Prosecuting Attorney respectfully submits the following testimony **in opposition** to Senate Bill 2418, Senate Draft 1, House Draft 1.

S.B. 2418, SD 1, HD 1 would repeal Section 329-43.5 in its entirety, fully legalizing all forms of drug paraphernalia, for any and all intended uses. As presently drafted, this measure would not only legalize end-user paraphernalia such as syringes or pipes, to “inject, ingest, inhale, or otherwise introduce into the human body a controlled substance,” but would also fully legalize uses of drug paraphernalia for manufacturing, sales, and distribution of controlled substances, to “plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, [or] conceal” a controlled substance.¹

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, SD 1, HD 1, 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, prohibited uses of drug paraphernalia are already classed as 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

¹ HRS § 329-43.5

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 very concerned that S.B. 2418, SD 1, HD 1, would fully legalize the provision of drug paraphernalia to minors, as well as the possession and use of drug paraphernalia by minors, and would allow drug paraphernalia to be advertised for sale to minors as well. Currently, the intentional or knowing provision of drug paraphernalia by an adult to a minor who is at least three years younger than the adult is treated as a serious class B felony offense under Section 329-43.5(c). This measure would repeal that offense and would make it legal for adults to sell or give drug paraphernalia to children. Moreover, this measure would repeal the prohibition against public advertising for sales of drug paraphernalia under Section 329-43.5(d), opening the doors to advertisements intended to sway minds and convert new users. We are very concerned about unintended effects of this measure on 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, SD 1, HD 1. 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 prohibited 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.

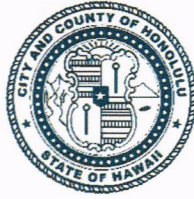
For the foregoing reasons, the County of Hawai‘i, Office of the Prosecuting Attorney respectfully **opposes** the passage of Senate Bill 2418, Senate Draft 1, House Draft 1. Thank you for the opportunity to testify on this matter.

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

HONOLULU POLICE DEPARTMENT
KA 'OIHANA MAKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU

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INTERIM DEPUTY CHIEFS
NĀ HOPE LUNA NUI MAKA'I KŪIKAWA

OUR REFERENCE JP-HR

April 1, 2026

The Honorable David A. Tarnas, Chair
and Members
Committee on Judiciary
and Hawaiian Affairs
House of Representatives
415 South Beretania Street, Room 325
Honolulu, Hawai'i 96813

Dear Chair Tarnas and Members:

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

I am Jerome A. Pacarro, Major 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, H.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 David A. Tarnas, Chair
and Members
April 1, 2026
Page 2

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

Thank you for the opportunity to testify.

Sincerely,



Jerome A. Pacarro, Major
Narcotics/Vice Division

APPROVED:



Rade K. Vanic
Interim Chief of Police

SB-2418-HD-1

Submitted on: 3/30/2026 2:47:56 PM

Testimony for JHA on 4/1/2026 2:00:00 PM

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

Comments:

Dear Chair Tarnas, Vice Chair Poepoe and members of the committee

Hep Free Hawai'i **supports** SB 2418 SD1 HD1, 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.



KUMUKAHI

HEALTH + WELLNESS

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Peter Tuiolosega Silva

Dear Chair Tarnas, Vice Chair Poepoe and members of the committee

I **support** SB 2418 SD1 HD1, 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.

Respectfully,

Peter T. Silva
Chief Executive Officer

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

TESTIMONY SUPPORTING SB 2418, SD 1, HD 1

TO: Chair Tarnas, Vice Chair Poepoe, & JHA Committee

FROM: Nikos Leverenz, Policy & Advancement Manager

DATE: April 1, 2026 (2:00 P.M.)

Hawai'i Health & Harm Reduction Center (HHHRC) **strongly supports** SB 2418, SD 1, HD 1, which repeals 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.

An unintended negative consequence of the current paraphernalia law is that our staff are not legally allowed to support disease prevention unless the equipment is specifically exempted. 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 short, this bill will strengthen our state's capacity in its ongoing efforts public health efforts in disease prevention and overdose prevention.

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.



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

TESTIMONY SUPPORTING SB 2418, SD 1, HD 1

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

FROM: Nikos Leverenz, DPFH Board President

DATE: April 1, 2026 (2:00 P.M.)

Drug Policy Forum of Hawai'i (DPFH) **strongly supports** SB 2418, SD 1, HD1, which would have Hawai'i [repeal 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.](#)

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. Most 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.

COMMUNITY ALLIANCE ON PRISONS

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

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

Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Representative David Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Wednesday, April 1, 2026

2:00 PM

Room 325 and VIDEOCONFERENCE

STRONG SUPPORT FOR SB 2418 SD1, HD1 - DRUG PARAPHERNALIA

Aloha Chair Tarnas, Vice Chair Poepoe and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for almost three decades. This testimony is respectfully offered on behalf of the 3,626 Hawai'i individuals living behind bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation on March 23, 2026. We are always mindful that 795 of Hawai'i's imprisoned male 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 is in **STRONG SUPPORT FOR SB 2418 SD1, HD1** that finally repeals the law prohibiting drug paraphernalia under the Uniform Controlled Substances Act.

HALLELUJAH! Despite Hawai'i decriminalizing drug paraphernalia people are still being incarcerated for residue in a pipe.

As a member of the 2025 Penal Code Review Committee we participated in discussions around drug paraphernalia that illustrated how just punitive the First Circuit continues to be.

These times of economic austerity affords Hawai'i the opportunity to view the War on Drugs from a different perspective - as a public health issue that should be treated in that modality, rather than as a criminal legal issue.

Let's stop wasting time on ridiculous laws that hurt families and communities. Please pass this bill and repeal this ineffective and harmful statute!

¹ DCR Weekly Population Report, March 23, 2026

[Pop-Reports-Weekly-2026-03-23.pdf](#)

SB-2418-HD-1

Submitted on: 3/30/2026 3:39:02 PM

Testimony for JHA on 4/1/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|----------------|--------------|--------------------|------------------------|
| RUSSELL ABORDO | Individual | Support | Written Testimony Only |

Comments:

Aloha mai Chair Tarnas, Vice Chair Poepoe and members of the committee

I **support** SB 2418 SD1 HD1, 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

SB-2418-HD-1

Submitted on: 3/30/2026 3:45:47 PM

Testimony for JHA on 4/1/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Courtney Kacir | Individual | Support | Written Testimony Only |

Comments:

Aloha Committee Members,

I **SUPPORT** SB 2418. Relating to controlled substances.

Mahalo for the opportunity to testify.

Courtney Kacir, RN BSN

Honolulu, Hawaii

SB-2418-HD-1

Submitted on: 3/30/2026 4:45:56 PM

Testimony for JHA on 4/1/2026 2:00:00 PM

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

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and JHA Committee Members,

As a local resident concerned with public safety, I write in strong **support** SB 2418 SD1 HD1, 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-HD-1

Submitted on: 3/30/2026 10:43:29 PM

Testimony for JHA on 4/1/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Carrie Ann Shirota | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe and Committee Members:

I strongly support **SB 2418 SD1 HD1 Relating to Controlled Substances** which would repeals drug paraphernalia laws that are harmful, discriminatory and a barrier to public health.

Draconian drug paraphernalia laws which criminalize items like syringes, pipes, and testing materials, do NOT deter drug use. Instead, it increases the risk of disease transmission (such as HIV and Hepatitis C) and creates barriers to accessing essential harm-reduction services.

Please pass this important measure. Thank you for your consideration.

Sincerely,
Carrie Ann Shirota, Esq.

Honolulu, Hawaii

SB-2418-HD-1

Submitted on: 3/31/2026 8:48:29 AM

Testimony for JHA on 4/1/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Zachary Fraser | Individual | Support | Written Testimony Only |

Comments:

Dear Chair Tarnas, Vice Chair Poepoe and members of the committee

I **support** SB 2418 SD1 HD1. This bill would decriminalize paraphernalia which could serve several other health and safety objectives. Firstly, decriminalization would decrease stigma against people struggling with Substance Use Disorder and addiction. Second, it would allow greater access to supplies that reduce the risk of blood borne pathogens like HIV and Hepatis C. Thirdly, it would ease the burden on law enforcement by encouraging them to focus on higher profile and more dangerous criminal activity. Finally, this repeal of criminalized paraphernalia acts as a bulwark against further criminilization and marginlization of already vulnerable communities.

Mahalo for your consideration, and please make the correct choice by supporting SB2418

SB-2418-HD-1

Submitted on: 3/31/2026 9:44:15 AM

Testimony for JHA on 4/1/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Faye Abayan | Individual | Support | Written Testimony Only |

Comments:

Dear Chair Tarnas, Vice Chair Poepoe and members of the committee

I **support** SB 2418 SD1 HD1, 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.

Thank you for your time and efforts,

Faye Abayan

SB-2418-HD-1

Submitted on: 3/31/2026 12:16:12 PM

Testimony for JHA on 4/1/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Terri Yoshinaga | Individual | Oppose | Written Testimony Only |

Comments:

I oppose this bill.