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STATE OF HAWAII | KA MOKU'ĀINA O HAWAII  
**DEPARTMENT OF LAW ENFORCEMENT**  
*Ka 'Oihana Ho'okō Kānāwai*  
715 South King Street  
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**JARED K. REDULLA**  
Deputy Director  
Law Enforcement

**TESTIMONY ON SENATE BILL 2418  
RELATING TO CONTROLLED SUBSTANCES**  
Before the Senate Committee on  
**JUDICIARY**

Friday, February 13, 2026, 9:00 AM  
State Capitol Conference Room 016  
Testifier: Jared Redulla

Chair Rhoads, Vice Chair Gabbard, and members of the Committee:

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

The Department understands the Legislature's broader intent in this measure. Several portions of the bill address areas where reform may be appropriate, including provisions related to needle exchange programs and certain probation and parole consequences. DLE recognizes that these adjustments can support public health objectives and may be reasonable, particularly where criminal prosecution would not occur absent a usable amount of controlled substances.

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

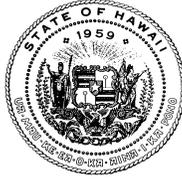
While penalties for paraphernalia offenses have already been substantially reduced over time—most offenses are now treated only as fineable violations rather than felonies—the statute continues to provide an important baseline level of regulation. It helps ensure that the possession, sale, importation, and distribution of drug paraphernalia do not become widespread or normalized within the community.

Importantly, the statute also retains a felony provision related to the advertising of drug paraphernalia. DLE believes this distinction remains appropriate. Without any legal restriction in this area, the State could begin to see drug-use devices marketed openly through local media and commercial channels, which would represent a significant shift in community standards and could undermine broader prevention efforts.

The Legislature's concern appears to focus on the possibility of enforcement actions involving trace residue or unusable amounts of controlled substances found on paraphernalia. However, Hawai'i courts have already addressed this issue through longstanding legal standards requiring a usable amount of dangerous, harmful, or detrimental drugs. Cases involving only residue below that threshold are not typically referred for prosecution and would not result in a sustainable conviction.

For these reasons, while DLE can support portions of SB2418 that reflect targeted, evidence-based harm-reduction strategies, the Department respectfully urges caution against a complete repeal of the paraphernalia statute. A more balanced approach would preserve modest regulatory safeguards while allowing carefully defined exemptions where clear public health benefits are demonstrated.

Thank you for the opportunity to provide comments.



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

SENATOR KARL RHOADS, CHAIR  
SENATE COMMITTEE ON JUDICIARY

Hearing Date: February 13, 2026 @ 9:00 am

Room Number: 016

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

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

1 certain items of drug paraphernalia for syringes 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 is less harmful and reduces  
5 health risks such as transmission of bloodborne infections, soft tissue injuries, needle stick  
6 injuries, overdose and death. Repealing or modifying restrictions on drug paraphernalia may  
7 support people who inject drugs to switch to smoking to significantly reduce injection-related  
8 risks.

9 While health impacts may not be the only consideration in restricting access to items and  
10 supplies used in connection with drug use, from a public health perspective, such restrictions  
11 appear to have negative impacts. There is little evidence to suggest that access to drug  
12 paraphernalia leads people to initiate or increase drug use. In contrast, barriers to accessing  
13 items categorized as drug paraphernalia are clearly associated with increased risks of infection,  
14 injury, and overdose.

15 **Offered Amendments: None**

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

JON N. IKENAGA  
PUBLIC DEFENDER

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**February 11, 2026**

**SB 2418: RELATING TO CONTROLLED SUBSTANCES**

**Chair Rhoads, Vice-Chair Gabbard, and Members of the Committee on  
Judiciary:**

The Office of the Public Defender (OPD) **supports** SB 2418 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, 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.

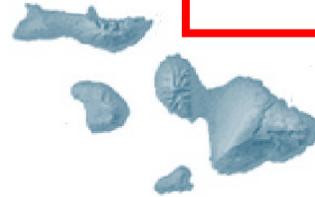
Thank you for the opportunity to comment.

**LATE**

**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  
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TESTIMONY ON  
S.B. 2418  
RELATING TO CRIMINAL PROCEDURE

February 12, 2026

The Honorable Karl Rhoads  
Chair  
The Honorable Mike Gabbard  
Vice Chair  
and Members of the Committee on Judiciary

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in opposition to S.B. 2418, Relating to Controlled Substances**. This bill would, *inter alia*, repeal HRS § 329-43.5 criminalizing the use or possession with intent to use of drug paraphernalia.

We are opposed to this bill 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. However, it still elected to retain it as a non-criminal offense rather than eliminate it completely. Furthermore, the statutes amended by S.B. 2418 already exclude possession and delivery of 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 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.

Third, the definition of drug paraphernalia in HRS § 329-1 includes more than just common end-user ingestion tools such as pipes and bongs. It also includes items clearly related to illegal drug trafficking or manufacturing, such as kits intended for the manufacturing of prohibited controlled substances and dilutants and adulterants intended for “cutting” of prohibited controlled substances. Furthermore, the prohibited controlled substances in question include clearly dangerous intoxicants such as cocaine and methamphetamine. Repeal of HRS § 329-43.5 would encourage the legal sale, purchase and possession of items that support illegal drug trafficking infrastructure.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **opposes S.B. 2418 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.



**JOHN PELLETIER**  
CHIEF OF POLICE

# POLICE DEPARTMENT

## COUNTY OF MAUI

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TELEPHONE: (808) 244-6400  
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**WADE M. MAEDA**  
DEPUTY CHIEF OF POLICE

February 12, 2026

**LATE**

Chair Karl Rhoads  
Vice Chair Mike Gabbard  
and Members  
Committee on Judiciary  
The Thirty-Third Legislature  
Hawai'i State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

**SUBJECT: Testimony in opposition of S.B. 2418, Relating to Controlled Substances**

Dear Chair Rhoads, Vice-Chair Gabbard and Committee Members:

Drug paraphernalia laws are an important and practical enforcement tool. They provide officers with lawful authority to address drug-related activity at its earliest stages allowing officers to disrupt illegal drug activity, gather intelligence, and deter open and visible drug use in our communities. If paraphernalia laws are repealed, law enforcement will lose a key proactive investigative tool used to intervene early in illegal drug activity. SB2418 is a reactive posture which reduces law enforcements ability to prevent illegal drug crimes and undermines policing efforts designed to protect our neighborhoods and businesses.

Paraphernalia violations often provide lawful grounds to investigate broader criminal activity, including drug distribution and outstanding warrants. Removing this authority eliminates a key investigative entry point and weakens overall drug enforcement efforts. Eliminating paraphernalia enforcement would likely increase public drug use and increase improper disposal of needles and glass pipes. Officers as well as other first responders regularly encounter these hazards during routine patrol and service calls, raising the risk of injury.

While law enforcement supports treatment, diversion, and rehabilitation programs, those efforts must be balanced with maintaining necessary enforcement tools. Hawai'i has already implemented reduced penalties and diversion pathways. Full repeal of paraphernalia laws would go beyond reform and instead remove an essential public safety mechanism.

Sincerely,

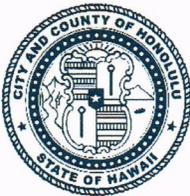
**JOHN PELLETIER**  
Chief of Police

HONOLULU POLICE DEPARTMENT  
KA 'OIHANA MĀKA'I O HONOLULU  
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**LATE**

RICK BLANGIARDI  
MAYOR  
MEIJA



RADE K. VANIC  
INTERIM CHIEF  
KAHU MĀKA'I KŪIKAWA  
AARON TAKASAKI-YOUNG  
RYAN T. NISHIBUN  
INTERIM DEPUTY CHIEFS  
NĀ HOPE LUNA NUI MĀKA'I KŪIKAWA

OUR REFERENCE JP-HR

February 13, 2026

The Honorable Karl Rhoads, Chair  
and Members  
Committee on Judiciary  
State Senate  
415 South Beretania Street, Room 016  
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

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

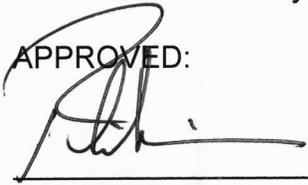
Our opposition is based on the concern that repealing drug paraphernalia laws could inadvertently encourage increased drug use and contribute to public health and safety issues.

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, posing risks of injury or health hazards to the community.

The HPD urges you to oppose Senate Bill No. 2418, Relating to Controlled Substances. Thank you for the opportunity to testify.

APPROVED:

  
Rade K. Vanic  
Interim Chief of Police

Sincerely,

  
Jerome A. Pacarro, Major  
Narcotics/Vice Division



**To: Committee on Judiciary**

**Hearing Date/Time: Friday February 13, 2026 9 am**

**Re: Testimony in Strong Support SB 2418**

**Dear Chair Rhoads, Vice Chair Gabbard and Members of the Committee**

The Hawaii Health & Harm Reduction Center (HHRC) **strongly supports SB 2418** which repeals the law prohibiting drug paraphernalia under the Uniform Controlled Substances Act.

HHRC runs the statewide Syringe Exchange Program (SEP) which has been in operation since 1993 when the Hawaii Legislature became the first in the country to have this statewide public health program. According to the Hawaii Department of Health, Hawaii has a very low rate of HIV in persons who inject drugs, their partners and children due to this important public health program. The purpose of this bill may be counterintuitive, but our data is clear: people are injecting drugs because syringes as part of the Hawaii SEP are exempt from the paraphernalia law, whereas pipes and other equipment is not. This unintended consequence of the law goes further: staff of the SEP are not legally allowed to support disease prevention unless the equipment is exempted from the paraphernalia law, and therefore this bill would protect those doing public health work in addition to those who could prevent bloodborne pathogens such as hepatitis C.

In addition to providing disease prevention, the Hawaii SEP 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. This bill will not only save lives by promoting disease prevention, but will strengthen connection to important services that will not only support the individual, but broader health of the community.

HHRC's mission is to *reduce harm, promote health, create wellness and fight stigma in Hawaii and the Pacific*. We focus our efforts on those disproportionately affected by social determinants of health, including but not limited to: people living with and/or affected by HIV, hepatitis, substance use, and the transgender, LGBTQ and the Native Hawaiian communities.

Thank you for the opportunity to testify.

Heather Lusk, Executive Director, Hawaii Health and Harm Reduction Center

**LATE**

## COMMUNITY ALLIANCE ON PRISONS

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*Today's Inmate; Tomorrow's Neighbor*



### COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Friday, February 13, 2026

9:00 am

Room 016 and VIDEOCONFERENCE

### **SUPPORT for SB 2418 - REPEALING DRUG PARAPHERNALIA LAW**

Aloha Chair Rhoads, Vice Chair Gabbard 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 3,654 Hawai'i individuals living behind bars<sup>1</sup> and under the "care and custody" of the Department of Corrections and Rehabilitation on February 2, 2026. We are always mindful that 799 - 43% 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 appreciates the opportunity to express our **support for SB 2418** that repeals the law prohibiting drug paraphernalia under the Uniform Controlled Substances Act. This bill takes a harm-reduction, public health approach, which is sorely needed in Hawai'i nei.

Despite the 2017 (Act 72) law decriminalizing drug paraphernalia and making it a violation, people are still being incarcerated. This proves that this is still the open

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<sup>1</sup> DCR Weekly Population Report, February 2, 2026

[dcr.hawaii.gov/wp-content/uploads/2026/02/Pop-Reports-Weekly-2026-02-02.pdf](https://dcr.hawaii.gov/wp-content/uploads/2026/02/Pop-Reports-Weekly-2026-02-02.pdf)

door to the criminal legal system if even an unusable or trace amount of a controlled substance is found, causing serious consequences. These laws affect people experiencing homelessness, poverty, or mental illness. Hawai`i needs to stop the criminalization of poverty. This bill takes a different approach, a harm-reduction, public health approach.

Historically, **Alaska** is the only state that [never enacted](#) state-level drug paraphernalia restrictions. Residents can legally purchase and possess items like syringes and testing equipment without fear of state prosecution.

In August 2023, **Minnesota** became the [first state to fully repeal](#) its drug paraphernalia laws. The new law legalizes the possession and distribution of all paraphernalia and even permits residual amounts of drugs found within such items.

In **Michigan, Vermont, West Virginia, and Wyoming**, paraphernalia is defined in the law, but there is [no criminal penalty](#) for personal possession.

**California** and the **District of Columbia** allow individuals to possess paraphernalia, including syringes, for personal use.

At least **37 states have passed laws permitting the possession and distribution of drug testing equipment** as of late 2024.

States like **Delaware, Idaho, Illinois, New Hampshire, New Jersey, West Virginia, and Wisconsin** implemented these exemptions between 2023 and 2024.

We hope the committee sees the wisdom of a public health approach and passes SB 2418.

Mahalo for the chance to testify in support of SB 2418!

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

## TESTIMONY SUPPORTING SB 2418

TO: Chair Rhoads, Vice Chair Gabbard, and JDC 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, which would have Hawai'i join [Minnesota in repealing 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.](#)

Notably, Alaska has never had a drug paraphernalia law.

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.

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 in Hawai'i 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.

**SB-2418**

Submitted on: 2/10/2026 11:19:02 AM

Testimony for JDC on 2/13/2026 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Aaron Ruddick	Individual	Support	Written Testimony Only

Comments:

I strongly support SB2418.

**SB-2418**

Submitted on: 2/10/2026 12:55:14 PM

Testimony for JDC on 2/13/2026 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Victor K. Ramos	Individual	Oppose	Written Testimony Only

Comments:

OPPOSE this bill. Possession of drug paraphernalia shows a mindset or intent to use the related scheduled drug when paired together during a law enforcement contact. This is needed and helpful for criminal prosecution.

**SB-2418**

Submitted on: 2/11/2026 10:30:39 PM

Testimony for JDC on 2/13/2026 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
David Fukuzawa	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Senators:

I respectfully oppose bill SB2418. By reducing the laws governing paraphernalia. I think as a substance abuse professional in retirement who used to work in the prisons, I think this would not make us any safer by doing this.

Sincerely,

David Fukuzawa, SAS-5 (Retired)

**LATE**

**SB-2418**

Submitted on: 2/12/2026 9:42:23 PM

Testimony for JDC on 2/13/2026 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carrie Ann Shirota	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and Committee Members:

I strongly support **S.B. 2418 Relating to Controlled Substances** which will repeal Hawaii's drug paraphernalia law.

The War on Drugs, initiated in the early 1970s, is widely criticized by experts, researchers, and policymakers as ineffective and prohibitively expensive.

As noted by The Network for Public Health, "State laws that make it illegal to distribute or use items such as sterile syringes and smoking equipment have resulted in near record levels of drug overdose, hepatitis C infections and injection-related endocarditis due to the sharing of injections and inhalation supplies." <https://www.networkforphl.org/news-insights/repeal-of-paraphernalia-laws-minnesota-leads-the-way/>

The majority of our jails and prisons are overcrowded, subjecting people to unconstitutional conditions of confinement, limited access to health and treatment, exposure to violence and access to drugs. All paid for with public tax dollars!

It's time for Hawai'i to pass public health laws grounded in evidence. Please pass S.B. 2148.

Sincerely,

Carrie Ann Shirota, Esq.

Honolulu, Hawai'i

**LATE**

**SB-2418**

Submitted on: 2/13/2026 5:27:30 AM

Testimony for JDC on 2/13/2026 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Randy Gonce	Individual	Support	Written Testimony Only

Comments:

Strong Support