

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

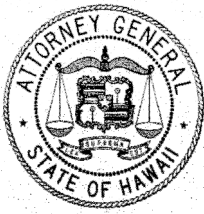
**Testimony COMMENTING on SB1291 SD2
RELATING TO MEDICAL MARIJUANA**

REPRESENTATIVE DELLA AU BELATTI, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: March 25, 2015

Room Number: 329

- 1 **Fiscal Implications:** None.
- 2 **Department Comments:** The Department supports the intent of this bill to afford basic
- 3 protections for a medical marijuana patient. Certified medical marijuana patients have the right
- 4 to use their medication but the department recommends a sober approach that balances state
- 5 policy with federal law enforcement priorities.
- 6 Thank you for the opportunity to offer comments.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2015**

ON THE FOLLOWING MEASURE:

S.B. NO. 1291, S.D. 2, RELATING TO MEDICAL MARIJUANA.

BEFORE THE:

HOUSE COMMITTEE ON HEALTH

DATE: Wednesday, March 25, 2015 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Jill T. Nagamine, Deputy Attorney General

Chair Belatti and Members of the Committee:

The Department of the Attorney General provides the following comments.

This bill would prohibit discrimination by schools and landlords against users of medical marijuana and their caregivers who are in strict compliance with the State's medical marijuana laws, except for those schools or landlords who would lose a monetary or licensing-related benefit under federal law. It would also protect registered qualifying patients who receive medical care and parents who face custodial or visitation issues.

Section 2 of the bill would add a proposed new section 329- (a), at page 2, lines 6-15. The new section would prohibit certain discriminatory behavior by schools and landlords against qualifying patients and primary caregivers provided that the qualifying patients or primary caregivers strictly comply with the requirements of chapter 329, part IX, Hawaii Revised Statutes (HRS). The problem with this proviso is that schools and landlords cannot know and cannot find out whether patients or caregivers are in compliance because of the privacy protections afforded to qualifying patients and primary caregivers. Allowing schools and landlords limited access to the Department of Health's registry on patients and caregivers would be one means to resolve the problem.

Proposed new section 329- (c), at page 3, lines 3-11, provides that no person shall be denied certain parental rights for conduct allowed by part IX. The antidiscrimination provision does not apply if the person's conduct creates an "unreasonable danger" to the safety of the minor, page 3, line 10. However, "unreasonable danger" is not defined. We recommend defining unreasonable danger as "placing a child at risk for neglect or physical or psychological

injury." We believe that more specificity is necessary for laymen who may be in a position to have to make this determination. We also believe that a standard of preponderance of the evidence would be more protective of a child at risk because a more lenient standard would prevent discrimination yet help ensure that children are not endangered.

We respectfully ask the Committee to pass this bill with the recommended amendments.



The Judiciary, State of Hawai‘i

Testimony to the House Committee on Health

Representative Della Au Belatti, Chair

Representative Richard P. Creagan, Vice Chair

Wednesday, March 25, 2015

9:30 a.m.

Conference Room 329

WRITTEN TESTIMONY ONLY

by

R. Mark Browning

Deputy Chief Judge, Senior Family Judge

Family Court of the First Circuit

Bill No. and Title: Senate Bill No. 1291, S.D.2, Relating to Medical Marijuana

Judiciary's Position:

The Judiciary takes no position on this bill, but we wish to share one concern.

Under this bill:

(c) No person shall be denied: (1) Custody of; (2) Visitation with; or (3) Parenting time with a minor, and there shall be no presumption of neglect or child endangerment, for conduct allowed under this part; provided that this subsection shall not apply if the person's conduct created an unreasonable danger to the safety of the minor as established by clear and convincing evidence.

Nothing in the purpose of this bill requires that danger to the safety of minors be “unreasonable danger” that must be established by “clear and convincing evidence.” This bill is intended to provide civil protections to persons legally using medical marijuana. However, the



Senate Bill No. 1291, SD2, Relating to Medical Marijuana
House Committee on Health
Wednesday, March 25, 2015 at 9:30 a.m.
Page 2

present language would provide greater protections to parents using medical marijuana than other parents. What is damaging is that this greater protection is provided at the expense of vulnerable children. “Danger to the safety of the minor” is danger enough for state intervention (see, Hawaii Revised Statutes Chapter 587A). We cannot imagine a scenario where a parent could create danger to a child that would be “reasonable.” The “clear and convincing standard” is more than what is required under Chapter 587A and more than is needed to support a presumption in favor of the parent who legally uses medical marijuana.

We respectfully suggest the following change:

(c) No person shall be denied: (1) Custody of; (2) Visitation with; or (3) Parenting time with a minor, and there shall be no presumption of neglect or child endangerment, for conduct allowed under this part; provided that this subsection shall not apply if the person's conduct created ~~an unreasonable~~ danger to the safety of the minor as established by ~~clear and convincing~~ a preponderance of the evidence.

So that it will read:

(c) No person shall be denied: (1) Custody of; (2) Visitation with; or (3) Parenting time with a minor, and there shall be no presumption of neglect or child endangerment, for conduct allowed under this part; provided that this subsection shall not apply if the person's conduct created a danger to the safety of the minor as established by a preponderance of the evidence.

Thank you for the opportunity to testify on this bill.



Committee: Committees on Health and Judiciary
Hearing Date/Time: Wednesday, March 25, 2015, 9:30 a.m.
Place: Room 329
Re: Testimony of the ACLU of Hawaii in **Support of S.B. 1291, S.D. 2,**
Relating to Medical Marijuana

Dear Chair Belatti, Chair Rhoads, and Members of the Committees on Health and Judiciary:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in **support of S.B. 1291, S.D. 2**, which provides protections for employees who are medical marijuana patients.

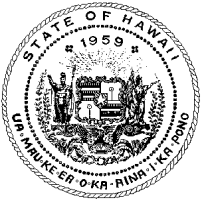
Patients who are obeying the law should not face discrimination with regard to medical care, school enrollment, housing, or parental rights. Being a medical cannabis patient should not disqualify individuals from services, benefits, or rights that would otherwise apply.

Thank you for this opportunity to testify.

Lois K. Perrin
Of Counsel
ACLU of Hawaii

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for 50 years.

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawaii 96801
T: 808-522-5900
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E: office@acluhawaii.org
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HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

March 25, 2015
Rm. 329, 9:30 a.m.

To: The Honorable Della Au Belatti, Chair
and Members of the House Committee on Health

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 1291, S.D.2

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

S.B. No. 1291, S.D.2, if enacted, would provide protections for qualifying medical marijuana patients and primary caregivers, including protections from: refusal to enroll or other penalty by a school; refusal to lease or other penalty by a landlord; disqualification from medical care; and denial of custody, visitation, or parenting time .

The HCRC supports S.B. No. 1291, S.D.2, with a suggestion that the legislature should amend Section 1 of the bill to include an express statement that an individual with a disability who is a qualifying medical marijuana patient has the right to request a reasonable accommodation from an employer for the use of medical marijuana, if the individual with a disability would be subject to termination or other adverse action for violation of a workplace drug policy, based on a positive drug test.

In its original form, S.B. No.1291 was intended to protect the employment rights of qualifying medical marijuana patients who test positive for marijuana use, by adding identical statutory language to a new subsection to HRS § 329-125 and a new section in HCRC chapter 378. At hearing before the Senate Committee on Judiciary and Labor, the HCRC testified that it was not necessary or appropriate to repeat the new statutory language in HRS chapter

378, emphasizing that the HCRC's interest in S.B. No. 1291 was focused on the right of a person with a disability to request a reasonable accommodation in employment. It was not, the HCRC urged, appropriate or desirable to assign the HCRC enforcement jurisdiction over a broader protection for all medical marijuana users, not limited to persons with disabilities.

The Senate Committee on Judiciary and Labor acknowledged the need to provide some civil protections for medical marijuana users from employment ramifications, and recognized the interest and concern of the HCRC, reporting:

Your Committee finds that some civil protections are necessary to protect registered medical marijuana patients from employment ramifications based solely upon a positive test for marijuana use. Because the State has endorsed marijuana as a legitimate medical treatment, it follows that the State would also provide protection for those who require such treatment, not only from criminal consequences, but from civil consequences as well. This measure does not prohibit an employer from taking disciplinary action against an employee who is a registered medical marijuana patient and whose work suffers, who is intoxicated on the job, or who fails to fulfill employment duties.

However, your Committee notes the testimony submitted by the Hawaii Civil Rights Commission that it is not appropriate or desirable to assign the Commission enforcement jurisdiction over the broader protection for all medical marijuana users, not limited to person with disabilities, for wrongful termination, unlawful suspension, discharge, or discriminatory action, especially in light of the Commission's limited resources and capacity to enforce civil rights protections already under the Commission's jurisdiction.

Your Committee further finds that support for the medical use of marijuana in the state is strong, but existing protections for patients are very weak regarding civil penalties. Patients within the medical marijuana program should not be less secure in their housing, school enrollment, employment, or supplemental medical care than patients who have made different private decisions with their doctors concerning medication.

The HCRC suggests that the right to request a reasonable accommodation for an individual with a disability who is a qualifying medical marijuana patient, who has tested positive for marijuana use in a drug test, can be confirmed by adding express language to that effect in Section 1 of the S.D.2 of the bill, with corresponding comments in the committee report.

Current Medical Marijuana Statute – No Protection for Medical Marijuana Patients in Employment

Hawai'i, like a number of other states, has enacted its medical marijuana law, HRS chapter 329, permitting physicians to prescribe marijuana for medical purposes for qualifying patients who have been diagnosed as having a debilitating medical condition. The statute allows qualifying patients who have a physician's certification and have registered with the Department of Health to obtain, cultivate, possess, and use marijuana to alleviate the symptoms or effects of a debilitating medical condition.

HRS § 329-125 provides protections for qualifying patients and primary caregivers of qualifying patients, including the qualifying medical use of marijuana as an affirmative defense to any criminal prosecution involving marijuana. Chapter 329 currently provides no employment protections for medical marijuana users.

The Hawai‘i medical marijuana law does not provide protection for marijuana use or intoxication at work. Indeed, no state medical marijuana law goes that far, and neither would any new protection created by recognizing a right of qualifying medical marijuana patient who is an individual with a disability to request a reasonable accommodation.

HRS § 329-121 defines “debilitating medical condition” to mean three things: 1. Cancer, glaucoma, HIV positive status, AIDS, or the treatment of those conditions; 2. A chronic or debilitating disease or medical condition or its treatment that produces cachexia or wasting syndrome, severe pain, severe nausea, seizures (including those characteristic of epilepsy, or severe and persistent muscle spasms, including those characteristic of MS or Crohn’s disease; or 3. Any other medical condition approved by the Department of Health pursuant to its rules, pursuant to a request from a physician or a potentially qualifying patient.

Federal and State Law Protections for Persons with Disabilities in Employment – Treatment of Medical Marijuana Users

Both the federal Americans with Disabilities Act and state HRS Chapter 378, part I, prohibit discrimination based on disability in employment, and require an employer provide reasonable accommodation to the known physical or mental limitations of an employee with a disability, unless the employer can show that the accommodation would impose an undue hardship on the business. A reasonable accommodation is any modification or adjustment that makes it possible for a person with a disability to enjoy equal employment opportunity.

Reasonable accommodations might include: making existing facilities accessible; job restructuring; part-time or modified work schedules; acquiring or modifying equipment; **changing** tests, training materials, or **policies**; providing qualified readers or interpreters; or reassignment to a vacant position.

Under both federal and state law, in the reasonable accommodation context, a person with a “disability” means a person who has a physical or mental impairment which substantially limits one or more major life activities. Major life activities include: 1. Basic activities that most people in the general population can perform with little or no difficulty, including, but not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, reading, sitting, standing, lifting, reaching, eating, sleeping, bending, concentrating,

thinking, communicating, interacting with others, and working; the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genito-urinary, bowel, bladder, neurological, brain respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions, including the operation of an individual organ in the body.

The Ninth Circuit Court of Appeals has held that **the federal ADA does not protect individuals who use marijuana for medical use or require employer accommodation of such use**, because the ADA expressly excludes current users of illegal drugs from its definition of “qualified individuals with a disability,” and marijuana remains an illegal drug under federal law, even when such use is legal under state law. *James v. Costa Mesa*, 700 F.3d 394, 397 (9th Cir. 2012).

In addition there are federal drug-free workplace laws that apply to federal contractors and, in the transportation industry, U.S. Department of Transportation (DOT) regulations that employees in safety sensitive positions, such as truck drivers, must be removed from those positions if they test positive for drugs, until certain return-to-duty requirements are met. Non-compliance with these DOT regulations can result in fines and loss of federal funding. Some state medical marijuana statutes expressly permit the discipline of a qualifying patient for violating a workplace drug policy or failing a drug test where that failure would place the employer in violation of federal law or cause the employer to lose a federal contract or funding.

While there is an apparent conflict between federal and state laws, it is worth noting that no court has ruled that federal law preempts the Hawai‘i state medical marijuana law. And, our state laws can provide broader and stronger protections than the federal law.

Which brings us to the question: ***Under Hawai‘i disability law, must an employer consider and provide a reasonable accommodation for an employee with a disability who is a medical marijuana user by making an exception to a policy imposing discipline for a positive marijuana drug test?***

Under current law, the answer is likely no. We have found no jurisdiction that has a medical marijuana law that requires employers to make a reasonable accommodation for use of medical marijuana for persons with disabilities, without express inclusion of employment-related protections in their medical marijuana statutes.

Based on cursory research, of some twenty-four states that have medical marijuana laws, it appears that five state statutes include protections for employees: Delaware, Arizona, Maine, Rhode Island, and Nevada. The Delaware and Arizona statutes expressly protect employees who are registered medical marijuana users from discriminatory

action in hiring, termination, terms and conditions, or other penalty based on a positive drug test. Nevada requires employers to make reasonable accommodations for an employee who is a registered medical marijuana user.

Hawai‘i could follow suit with the enactment of an amended S.B. No. 1291, requiring employers to consider and provide a reasonable accommodation for a person with a disability who tests positive for marijuana, if that person is a registered qualifying medical marijuana patient.

It is important to note that the HRS § 329-121 definition of “debilitating medical condition” is not identical to the HRS § 378-1 and HAR 12-46-182 definition of “disability,” so not every registered qualifying medical marijuana patient will necessarily be a person with a disability entitled to a reasonable accommodation.

CONCLUSION

The HCRC’s interest in S.B. No. 1291, S.D.2, is focused on whether and how the bill affects the right of a person with a disability to a reasonable accommodation in employment; in its current form, S.D.2 does not address the HCRC concern. The Committee can address the HCRC concern by amending Section 1 of the S.D.2, to expressly protect the rights of individuals with disabilities who are registered medical marijuana users, confirming a state reasonable accommodation requirement. The HCRC continues to caution that it is neither appropriate or desirable to assign the HCRC enforcement jurisdiction over a broader protection for all medical marijuana users, not limited to persons with disabilities, for wrongful termination, unlawful suspension, discharge, or discriminatory action, as was the case with earlier drafts of this bill, especially in light of the HCRC’s limited resources and lost capacity to enforce civil rights protections already under HCRC jurisdiction.

With these comments and suggestions, the HCRC supports S.B. No. 1291, S.D.2.

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phone/E-Mail: (808) 533-3454 / kat.caphi@gmail.com



COMMITTEE ON HEALTH

Chair: Rep. Della Au Belatti

Vice Chair: Rep. Richard Creagan

COMMITTEE ON JUDICIARY

Chair: Rep. Karl Rhoads

Vice Chair: Rep. Joy Sanbuenaventura

Wednesday, March 25, 2015

9:30 a.m.

Room 329

SUPPORT for SB 1291 SD2 – Prohibiting Discrimination Of Medical Marijuana Patients

Aloha Chairs Belatti and Rhoads and Members of the Committees!

My name is Kat Brady and I am the Coordinator Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered always mindful that 6,000 Hawai'i individuals are living behind bars, including 1,800 men who are serving their sentences abroad, thousands of miles from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

SB 1292 SD2 prohibits discrimination against medical marijuana patients and caregivers by schools, landlords, and courts with regard to medical care or parental rights. Effective January 7, 2019. (SD2)

Act 228, Hawai'i's Medical Marijuana Law passed 15 years ago permitted patients to use medical cannabis to help relieve their suffering, but left patients on their own regarding access to their medicine and protection against discrimination.

Community Alliance on Prisons supports this bill that contains language that is already enacted in other states, such as Arizona.

Community Alliance on Prisons respectfully asks the committee to support our patients by prohibiting discrimination in education, housing, protection against being denied custody of children, and protection against being denied other medical care, such as organ transplants, on the grounds of being a medical cannabis patient.

Mahalo for this opportunity to testify.



Hawaii's voice for sensible, compassionate, and just drug policy

COMMITTEE ON HEALTH

Rep. Della Au Belatti, Chair. Rep. Richard P. Creagan, Vice Chair

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair. Rep. Joy A. San Buenaventura, Vice Chair

Wednesday, March 25, 2015, 9:30 a.m.

Conference Room 329
State Capitol
415 South Beretania Street

**Executive Director Rafael Kennedy in support – SB1291 Proposed SD2 – Relating to the
the Medical Use of Marijuana**

Aloha Chairs Belatti and Rhoads, Vice Chairs Creagan and San Buenaventura, and members of the committees,

Mahalo for taking the time to hear this bill. As you may know, Hawaii's medical marijuana law allows patients to have and use medical cannabis, but it does not give them any real protection against civil liability or discrimination, and in this way it is sorely behind the times. Most recent medical cannabis programs include some protections against the civil penalties and discrimination that can be as harmful as criminal prosecution for patients.¹

- Patients can still be denied housing, despite recent improvements to housing protections for patients. Especially in Hawaii, housing is a core issue, both for individuals and families.
- Patients can be denied visitation with their children solely on the grounds of their legal medication. Fears about losing custody, losing parenting time, and losing the chance to play a role in the lives of

¹ See the attached document from the Marijuana Policy Project outlining the state of civil protections for medical cannabis patients in various states.

children are critical for many people, and we hear often from patients who are worried about neighbors threatening to call Child Protective Services. The fact is that many medical cannabis patients are excellent parents, and their status alone should not be enough to cause them to lose their children.

- Patients can be expelled from school, or denied admission to educational programs.
- Patients can be denied life-saving transplants solely on the grounds of their medical cannabis use and have been! There have been many incidents of this throughout the country, including a Big Island resident named Kimberley Reyes who lost her life to hepatitis after being denied a liver transplant in 2009 because of having cannabis in her system.^{2 3} This is truly unconscionable. In many cases, medical cannabis is used precisely because it is not hepatotoxic.

This bill may not fix all of these problems immediately, because it allows exceptions for institutions that would lose "a monetary- or licensing-related benefit under federal law or regulation." It may indeed also be worth inputting **explicit exceptions for safety sensitive positions**. Still, this shows the clear intent to treat medical cannabis patients with the same compassion and humanity with which we treat patients who use other medicine.

Mahalo for the opportunity to speak about this issue, and for your time and consideration.

Rafael Kennedy
Executive Director,
Drug Policy Forum of Hawaii

The Drug Policy Forum of Hawaii works to educate policymakers and the public about effective ways of addressing drug issues in Hawai'i with sensible and humane policies that reduce harm, expand treatment options, and adopt evidence-based practices while optimizing the use of scarce resources.

2 Chelsea Jensen. "Marijuana Use May Have Cost Big Island Woman a Life-Saving Liver Transplant." *Honolulu Advertiser*. August 9, 2009. <http://the.honoluluadvertiser.com/article/2009/Aug/09/br/hawaii308090006.html>.

3 Belville, Russel. "The Denial of Organ Transplants to Medical Marijuana Patients." *The Huffington Post*. Accessed February 16, 2015. http://www.huffingtonpost.com/russ-belville/the-denial-of-organ-trans_b_435348.html.



Hawaii's Voice for Sensible, Compassionate, and Just Drug Policy

TO: HOUSE COMMITTEE ON HEALTH

FROM: PAMELA LICHTY, M.P.H., PRESIDENT

DATE: MARCH 25, 2015, 9:30 a.m., ROOM 329

RE: S.B. 1291, S.D. 2 RELATING TO MEDICAL MARIJUANA – **IN SUPPORT**

Good morning, Chair Belatti, Vice Chair Creagan, and members of the Committee. My name is Pam Lichty and I'm President of the Drug Policy Action Group (DPAG), the government affairs arm of the Drug Policy Forum of Hawaii.

We strongly support this measure which prohibits discrimination against both medical marijuana patients and caregivers in employment and housing discrimination, discrimination by schools, courts, licensing boards, and also protect both medical and parental rights.

As you all know, the Hawaii state legislature was the first policy-making body to authorize the medical use of marijuana in 2000. Prior to that the laws were put into place in four or five states by voter initiative. Since then, some 16 other states plus Washington, D.C. have passed similar, but far more comprehensive measures.

In short, our medical marijuana statute has become antiquated, as other states have leapfrogged ahead of us in terms of the services they offer to patients (e.g. dispensaries) and the civil protections they provide.

The bottom line is that registered medical cannabis patients and caregivers who are complying with existing state law should not have to fear that their status will jeopardize their jobs, their education, their parental rights or their right to necessary medical care. It's time to modernize our medical marijuana law as many other jurisdictions have done. **We urge the Committees to move this on the Judiciary Committee with a strong recommendation.**

Mahalo for hearing this measure today and for giving us the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 24, 2015 4:02 PM
To: HLTtestimony
Cc: bacher.robert@gmail.com
Subject: Submitted testimony for SB1291 on Mar 25, 2015 09:30AM

SB1291

Submitted on: 3/24/2015

Testimony for HLT on Mar 25, 2015 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Bacher	Green Futures	Support	No

Comments: This bill will help patients and the community by fixing a previously undefined area of the law concerning patients possibly facing unnecessary discrimination. Currently some patients face issues of discrimination by former spouses, landlords or even courts who sometimes use their medicine as an excuse to leverage forfeiture children's custody, or might even precipitate a patient losing their job or housing as well.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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creagan3 - Karina

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 20, 2015 10:27 PM
To: HLTtestimony
Cc: tasymons56@gmail.com
Subject: *Submitted testimony for SB1291 on Mar 25, 2015 09:30AM*

SB1291

Submitted on: 3/20/2015

Testimony for HLT on Mar 25, 2015 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Toni Symons	Individual	Support	No

Comments:

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creagan3 - Karina

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 23, 2015 4:35 PM
To: HLTtestimony
Cc: breaking-the-silence@hotmail.com
Subject: *Submitted testimony for SB1291 on Mar 25, 2015 09:30AM*

SB1291

Submitted on: 3/23/2015

Testimony for HLT on Mar 25, 2015 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 23, 2015 9:26 PM
To: HLTtestimony
Cc: ninja01@hawaii.rr.com
Subject: Submitted testimony for SB1291 on Mar 25, 2015 09:30AM

SB1291

Submitted on: 3/23/2015

Testimony for HLT on Mar 25, 2015 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
stuart saito	Individual	Support	No

Comments: This bill needs to be passed for obvious reasons if they are a legal patient it should not be held against them

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creagan3 - Karina

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 23, 2015 11:26 PM
To: HLTtestimony
Cc: lucialyou@gmail.com
Subject: *Submitted testimony for SB1291 on Mar 25, 2015 09:30AM*

SB1291

Submitted on: 3/23/2015

Testimony for HLT on Mar 25, 2015 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Lucia You	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 25, 2015 6:24 AM
To: HLTtestimony
Cc: theede@hawaii.rr.com
Subject: *Submitted testimony for SB1291 on Mar 25, 2015 09:30AM*

SB1291

Submitted on: 3/25/2015

Testimony for HLT on Mar 25, 2015 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Support	No

Comments:

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Dr. Myron Berney

SB1291 SD2

Support

Marijuana is an Official Medicine in the State of Hawaii under HRS 321 Part IX- The Medical Use of Marijuana.

The US Budget Law signed in December 2014 both recognizes and protects Medical Marijuana Laws in the Various States; Hawaii is a named State in which the Medical Use of Marijuana is NOW PROTECTED UNDER FEDERAL LAW.

The State of Hawaii which was a leader decades ago in the Medical Use of Marijuana is now lagging far behind Federal Law and Federal Justice Department policy.

The Federal Justice Department has promulgated guidelines for the COMMERCIAL SALES OF RECREATIONAL MARIJUANA for the State of Colorado which is applicable to all 50 States. As noted above the Medical Use of Marijuana is recognized and protected under Federal Law.

Both the State and Federal Government's duty is to protect and promote the public health as well as individual health care delivery. Laws are in place to protect the health care rights and health care access of patients. However, because of Marijuana having been WRONGLY classified as not a medicine and completely unsafe under the strictest medical supervision, health care access to this necessary, medically appropriate and reasonably safe herbal medicine [HRS 329-121] has been severely hampered by Law Enforcement and members of the Legislature. Other bills currently are addressing the accessibility, affordability and availability of medical marijuana for patients in Hawaii.

Although laws are already in place to protect patients from discrimination, this protection needs to be promulgated again for medical marijuana patients. All health care is Federally protected. It is the responsibility of Hawaii State Government to also protect access to health care access and patients' rights. Therefore it is now necessary to protect seriously ill patients in need of medically appropriate and reasonably safe health care, medical marijuana patients, to be specifically protected under the Law.

Please SUPPORT this bill for humanitarian treatment of medical marijuana patients. Patients should not be discriminated against merely because of the medical recommendations for necessary, appropriate and reasonable herbal medicine.

This is in harmony with current State and Federal Law.