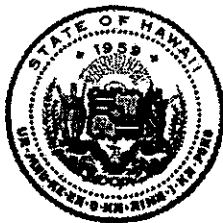


LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Blvd. 4th Floor
Honolulu, Hawaii 96813

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Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 1930
A BILL FOR AN ACT RELATING TO
MEDICAL USE OF MARIJUANA

Clayton A. Frank, Director
Department of Public Safety

Committee on Public Safety
Representative Faye P. Hanohano, Chair
Representative Henry J.C. Aquino, Vice Chair

Committee on Health
Representative Ryan I. Yamane, Chair
Representative Scott Y. Nishimoto, Vice Chair

Thursday, February 4, 2010, 8:30 AM
State Capitol, Room 309

Representatives Hanohano, Yamane and Members of the Committees:

The Department of Public Safety would like to comment on House Bill 1930 in regards to probationers and parolees participating in Hawaii's Medical Use of Marijuana Program. Presently under existing State law (Chapter 329, Part X HRS) there are no legal restrictions placed upon a judge to prohibit an individual on probation or parole from participating in Hawaii's Medical Use of Marijuana Program if he is deemed eligible to use marijuana for medical purposes pursuant to section 329-122 by his treating physician. However unlike other States that have Medical Use of Marijuana Programs Hawaii does not have restrictions on probationers and parolees that have been convicted of a felony drug offence from being issued a medical use of marijuana permit as a caregiver. The Department is requesting that a new section be added to House Bill 1930 to be amend the definition of "primary caregiver" in Section 329-121 to read as follows:

""Primary caregiver" means a person, other than the qualifying patient and the qualifying patient's physician, who is eighteen years of age or older who has agreed to undertake responsibility for managing the well-being of the qualifying patient with respect to the medical use of marijuana and who doesn't have a felony drug conviction. In the case of a minor or an adult lacking legal capacity, the primary caregiver shall be a parent, guardian, or person having legal custody. "

Thank you for the opportunity to testify on this matter.



the
**Drug Policy
Forum**
of hawaii

February 4, 2010

To: Committee on Public Safety
Committee on Health

From: Jeanne Ohta, Executive Director

Re: HB 1930 Relating to the Medical Use of Marijuana
Hearing: Thursday, February 4, 2010, 8:30 a.m., Room 309

Position: Support

The Drug Policy Forum of Hawai'i writes in support of HB 1930 Relating to the Medical Use of Marijuana which allows probationers and parolees who meet the requirements of qualifying patients to request that the terms of their parole or probation be modified to be allowed the medical use of marijuana.

Probationers and parolees are often subject to random or mandatory drug testing. Testing positive for THC, the active ingredient in marijuana often leads to re-incarceration. This precludes their use of medical marijuana.

This measure allows them to request the court to modify the conditions of probation or parole. Once a physician has determined that a patient can benefit from the use of marijuana, the judicial system should not stand in the way of this health care decision made between a physician and patient.

There is precedent for this proposal. In 2008, a circuit court judge in South Dakota modified the terms of release for a patient. The patient was still subject to drug testing twice a month and subject to random testing. The order said that a positive result showing THC in Defendant's system will not be a violation of his bond.

The medical marijuana program was established out of compassion for seriously ill patients. We hope this compassion extends to those parolees and probationers whose medical needs qualify them for the program.

We urge the committee to pass this measure.

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Committee: Committee on Public Safety and Committee on Health
Hearing Date/Time: Thursday, February 4, 2010, 8:30 a.m.
Place: Room 309
Re: Testimony of the ACLU of Hawaii in Support of H.B. 1930, Relating to Medical Use of Marijuana

Dear Chairs Hanohano and Yamane and Members of the Committees on Public Safety and Health:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of H.B. 1930, which seeks to allow probationers and parolees who meet the requirements of qualifying patients to request that the terms of their probation or parole be modified to allow the medicinal use of marijuana.

The ACLU of Hawaii encourages legislative actions that end punitive drug policies that cause widespread violations of constitutional and human rights as well as unprecedented levels of incarceration. In furtherance of that goal, we support legislation like H.B. 1930 that seeks to ensure that sick and dying individuals have safe and legal access to medical cannabis.

Individuals become seriously and need safe and legal access to medicine whether or not they are on probation or parole. H.B. 1930 is a compassionate measure that will ensure that individuals get the medical treatment that they need without risking incarceration. Further, this bill protects medical decisions made by a doctor and patient from government interference.

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 over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney
ACLU of Hawaii

American Civil Liberties Union of Hawaii
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COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair

Rep. Henry Aquino, Vice Chair

COMMITTEE ON HEALTH

Rep. Ryan Yamane, Chair

Rep. Scott Nishimoto, Vice Chair

Thursday, February 4, 2010

8:30 a.m.

Room 309

SUPPORT HB 1930 – Allowing Medical Marijuana for Probationers & Parolees

PBStestimony@capitol.hawaii.gov

Aloha Chair Hanohano, Chair Yamane and Members of the Committees!

My name is Kat Brady and I have been a caregiver to several terminally ill patients over the years. I have seen the effects of medical marijuana/cannabis has on patients and am, therefore, a strong supporter of Hawai'i's Medical Marijuana Program.

HB 1930 allows probationers and parolees who meet the requirements of qualifying patients to request that the terms of their probation or parole be modified to allow the use of medical marijuana.

I support this measure and believe that it could be drastically simplified to say that *"Probationers and parolees shall be allowed to register for Hawai'i's Medical Marijuana Program upon the recommendation of a physician."*

A patient's diagnosis and medication is between the doctor and patient. Since patients who may be on probation or parole are allowed to use other doctor prescribed medications, it is consistent that doctor recommended remedies must also be included for patients.

Mahalo for this opportunity to testify.

aquino1-Ruffalyne

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2010 4:31 PM
To: PBStestimony
Cc: mattrifkin28@gmail.com
Subject: Testimony for HB1930 on 2/4/2010 8:30:00 AM

Testimony for PBS/HLT 2/4/2010 8:30:00 AM HB1930

Conference room: 309
Testifier position: support
Testifier will be present: No
Submitted by: Matthew Rifkin
Organization: Individual
Address: 475 Kinole St, PMB 167 Hilo, HI 96720
Phone: 917-378-9123
E-mail: mattrifkin28@gmail.com
Submitted on: 2/3/2010

Comments:

This is a wise and sensible bill. Other states such as California, Oregon and Montana allow parolees to use medical marijuana if they suffer from a debilitating condition. It is far safer to prescribe medical marijuana than opiates. It is also an act of compassion to allow a parolee to receive the benefits of a less harmful medicine. Vioxx can cause strokes and heart attacks, medical marijuana does not. It is also important that the doctor determine what medicine is right for the patient, not a judge or parole officer.