

Senate Committee on Judiciary

Sen. Karl Rhoads (Chair), Sen. Glenn Wakai (Co-chair)

Re: Testimony for SB686 – Relating to Marijuana

From: Clifton Otto, MD - Oppose

Public Hearing: January 31, 2019, 9:00 am, Room 016

Whenever we talk about the scheduling of cannabis, the Legislature's reply is that we must wait for the federal government to act first, because federal law pre-empts state law. Why is the recreational use of cannabis any different ?

Have you discussed this subject with the Department of Justice, and if so, can we see the communications ?

Do you feel that it's acceptable to create an industry that violates federal law just because of the current policy of non-enforcement ? What signal are you sending to the black market and the general population when you convey that federal law does not need to be followed ?

The accepted medical use of cannabis in Hawaii is exempt from federal Schedule I regulation because federal law says that a substance cannot be in federal Schedule I if it has accepted medical use. However, there is no such exemption for the recreational use of cannabis under federal law.

Legalizing the recreational use of cannabis in Hawaii because other states have already done so is not a valid reason, especially not for Hawaii, where we have a unique island setting that is unlike any other mainland state.

Have you considered the impact that all the fertilizer waste and energy usage that comes with retail cannabis production will have upon our fragile environment ?

If the main motivation for legalizing recreational use cannabis is to generate tax revenue, then you need to find a different revenue source. Cannabis for profit will only encourage unethical criminal and corporate interests to take advantage of our Aloha.

If the goal is to decrease harm from drug arrests and incarcerations, then why don't you simply recognize the ability of Hawaii residents to produce cannabis for personal use in their own homes under our constitutionally protected right to privacy ? Creating a state-regulated retail distribution system for recreational use cannabis is not needed.

Cannabis is a very powerful substance with unique medical properties that require medical supervision, which means that it cannot be regulated like tobacco and alcohol. The answer is to stick with medical use, remove the myth that our medical program is violating federal law, allow certifying physicians to decide what constitutes legitimate medical use rather than following an arbitrary list created by the Legislature, and give us a chance to become more familiar with the uses and dangers of this substance before opening a door that cannot be closed.