



# the Drug Policy Forum of hawaii

Newsletter: September 2014

## Contents:

A Reflection on International Overdose Day	2
<i>By Heather Lusk</i>	
We're Finally Legal	3
<i>By Pam Lichty</i>	
Marijuana in Hawai'i and Around the Country	4
<i>By Rafael Kennedy</i>	
Sentencing Commission Votes to Reduce Some Drug Trafficking Sentences	6
Transitions	7
Meet the Board of Directors: Mike Webb	7

## ARE WE AT THE TIPPING POINT IN HAWAI'I? HELP US MOVE IT!

According to Malcolm Gladwell's highly influential book, "the tipping point is that magic moment when an idea, trend, or social behavior crosses a threshold, tips, and spreads like wildfire."

Many people think we're near the tipping point on drug law reform. On cannabis, we may already be there. In other areas such as reform of mandatory minimum sentencing and prison reform, there has been movement too, driven largely by economic realities. In issues like civil asset forfeiture, progress is glacial.

### How does Hawai'i compare to other jurisdictions? Not so great.

We know we have public opinion on our side (see [www.dpfhi.org](http://www.dpfhi.org) for polling results), but that's not enough! If you're reading this newsletter you likely support some or all of our values and goals –like the majority of Hawai'i residents.

But in our society **it takes money to be heard** and to amplify our voices. Attention is focused now on the issues we care about, and with your help we can reform drug policy in Hawai'i. Seldom in our 21-year history have we made a fundraising appeal, but we are asking for your help now. **Momentum is on our side** and we need you to help us push for reform. Mahalo to all of you for whatever support you can offer!

## MATCH GIFT CHALLENGE!

An anonymous donor has presented DPFHI a "Match Gift Challenge." The donor will match any donation up to **\$15,000** if it is received by **September 22nd!** Please donate now to multiply your gift and help us take advantage of this generous offer!"

Click the button to donate now,  
You can also send a check to:  
DPFHI, P.O. Box 83, Honolulu, HI 96810



Please make checks payable to either:  
**Drug Policy Forum of Hawai'i** (This gift is tax deductible to the extent allowed by law.) or **Drug Policy Action Group** (This gift is NOT tax deductible since it is used for lobbying purposes.)

## A REFLECTION ON INTERNATIONAL OVERDOSE DAY



HEATHER LUSK

Accidental drug overdoses are on the rise in the U.S. and in Hawai'i and have more than tripled in the past decade. From 2008-2012, unintentional drug overdose was the leading cause of injury-related death in Hawai'i, surpassing falls and car accidents according to the Hawai'i Department of Health. The approximately **180 deaths** a year in Hawai'i are in addition to the estimated **2,240 emergency room visits** in our state each year due to overdose.

*In Hawai'i, more people die of overdose than in car wrecks.*

Most overdoses occur with opioids or opiate derivatives such as heroin, methadone, or oxycontin and other medications. Understanding how these drugs affect the body is the first step in preventing deaths as many overdoses result from too high a dose or an interaction with alcohol and other drugs. If someone stops breathing, it is essential to call 911 and initiate rescue breathing until help arrives. There is an antidote, called Naloxone, which will reverse an overdose if administered in time.

*Overdose deaths are preventable!*

Overdose deaths are preventable, and the Drug Policy Forum of Hawai'i has partnered with the CHOW Project for the past two years to try and pass Good Samaritan legislation as twenty other states have accomplished.



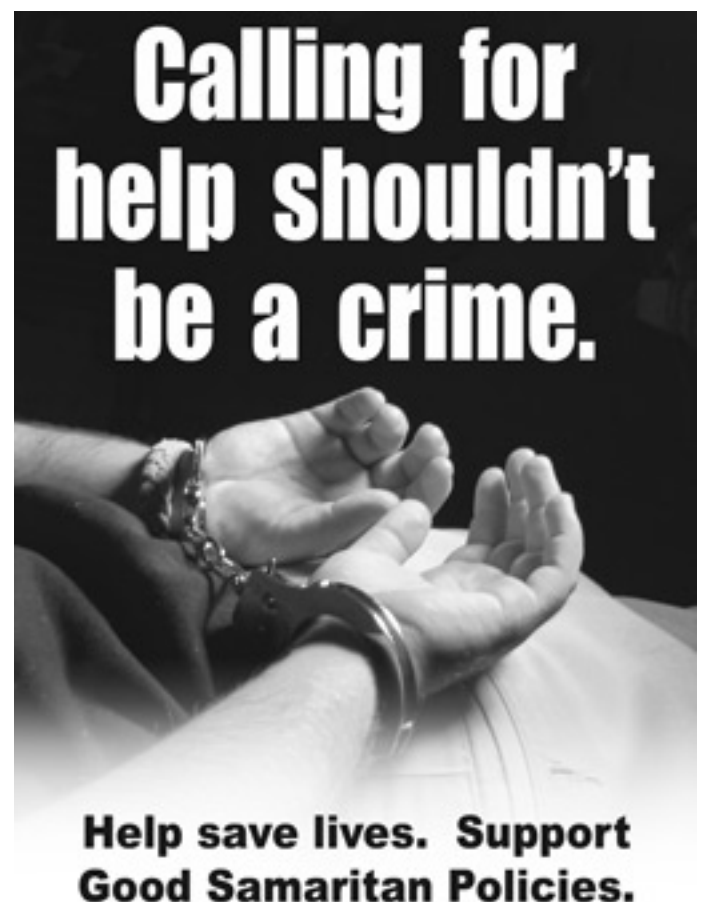
Good Samaritan legislation would give limited amnesty to people witnessing an overdose so they can call 911 without fear of arrest, since **concern about police involvement is the number one reason given for why people do not call 911 in the event of an overdose.**

*Good Samaritan laws really do save lives.*

Increasing access to Naloxone is another important policy strategy that the Drug Policy Forum of Hawai'i and CHOW will be addressing during the coming legislation session.

This August 31st, we recognized Overdose Awareness Day by honoring those we lost to overdose. Please, if you have loved ones who use prescription pain medications or other drugs, make sure they know how to prevent and respond to an overdose.

**No one should have to die.**



**Calling for help shouldn't be a crime.**

**Help save lives. Support Good Samaritan Policies.**

## WE'RE FINALLY LEGAL!



PAMELA LICHTY

We're finally legal! That is to say, the Drug Policy Forum of Hawai'i is now 21 years old.

Twenty-one, of course, is the age when the U.S. tells us we can legally consume alcohol. But the war on some drugs continues.

When the late Don Topping and I founded DPFHI in 1993 after meeting at a Drug Policy Foundation conference in DC (forerunner to the Drug Policy Alliance), it was kapu to even discuss the negative consequences of the War on Drugs (WOD). You must be a wild-eyed radical or a druggie to even question the Just Say No mentality. But from my public health perspective and Don's background as a researcher and Director of the University of Hawaii's Social Science Research Institute, we discovered that we shared deep concerns about the unintended consequences of the WOD.

Upon our return to Honolulu, Don invited the faculty and staff of UH to a meeting. Thirty people attended from sociology, law, economics, medicine, and many other disciplines. One of them, Richard S. Miller, now Emeritus Law Professor from the Richardson School of Law, has served faithfully on our board ever since!



Since that time we've sponsored **forums, debates and conferences**, donated books to **libraries**, appeared on **television and radio shows**, and in print. We've presented at high school and college classes, and sponsored student interns to research issues ranging from the constitutionality of drug testing teachers to Adderall use at U.H., to medical cannabis use among people living with AIDS to drug courts.

We are also active in the state legislature and at the Board of Education. In 2007 we formed the Drug Policy Action Group, our government affairs offshoot to enhance our lobbying efforts at the Capitol.

Over the years we've hosted most of the luminaries of the drug law reform movement and have raised our voices on topics including Ice and violence, overdose prevention, criminalizing pregnant women who use drugs, Ecstasy, student and teacher drug testing, medical cannabis, drugged driving, drug sniffing dogs, and the racism permeating drug law enforcement.

*More and more Americans now recognize that the War on Drugs has been an unabashed failure.*

We've opposed and defeated efforts to criminalize substances when it was unwarranted. We've fought against the labeling and stigmatizing of all drug users no matter how benign the substance, without acknowledging the spectrum from occasional use to serious dependence and addiction.

In all of these efforts we worked closely with an evolving cast of allies, the ACLU and Community Alliance on Prisons foremost among them, but also with public health organizations, AIDS service organization, women's groups and many others.

When Gov. Cayetano introduced a medical marijuana bill 15 years ago, we pushed for the legislation's passage and were one of the major players in that arena. So much so, that many people believe that DPFHI only deals with pakalolo issues. Many observers do believe that the war on marijuana is the linchpin of the war on drugs, and the hundreds of thousands of marijuana arrests seem to bear this out. But the reality is that we've never let up on our advocacy and leadership on critical issues like prison reform, and the over-incarceration of minorities and others caught up by the criminalization of drugs. We've continued to oppose the sensational scare tactics of drug "education" from groups such as DARE and the Hawai'i Meth Project, which are not only ineffective but sometimes may be counterproductive. Instead we've promoted pragmatic, harm reduction-based alternatives.



Gradually DPFHI has evolved from a marginalized regional drug law reform group to one which many policy-makers and media professionals regard as THE authoritative, go-to source for credible, evidence-based approaches for Hawai'i. This is thanks in large part to the participation, input and activism of all our wonderful supporters and from the many talented Board members who have lent their energy and expertise over the years.

*Many observers believe that the war on marijuana is the linchpin of the war on drugs*

So now here we are 21 years old. But we're not going to mark the birthday by bingeing! Rather we'll celebrate the fact that a growing number of Americans from all demographics now recognize the failures of the War on Drugs, and are seriously considering alternative approaches to dealing with our nation's drug problems.

On Sunday, July 27th, the *New York Times* had a lead editorial calling for marijuana prohibition to be repealed. Articles examining incarceration, health issues, states' rights, racial imbalance, criminal justice, changing public attitudes, track records, and regulation followed the editorial. Given the *Times* reputation and its status as the newspaper of record, this endorsement should have a huge ripple effect on the public and on legislatures nationwide.



## Repeal Prohibition, Again



By THE EDITORIAL BOARD

So after seventy-seven years of reefer madness, is the U.S. slowly coming to its senses on regulation of cannabis? How long will it take before the same rationality is applied to the whole gamut of currently illicit drugs? Hopefully, it won't take anywhere near that long. But rest assured, that in Hawai'i nei, the Drug Policy Forum will redouble our efforts to bring reason, compassion and scientific evidence to the drug law debate. We welcome your continued involvement and support!

## MARIJUANA IN HAWAI'I AND AROUND THE COUNTRY

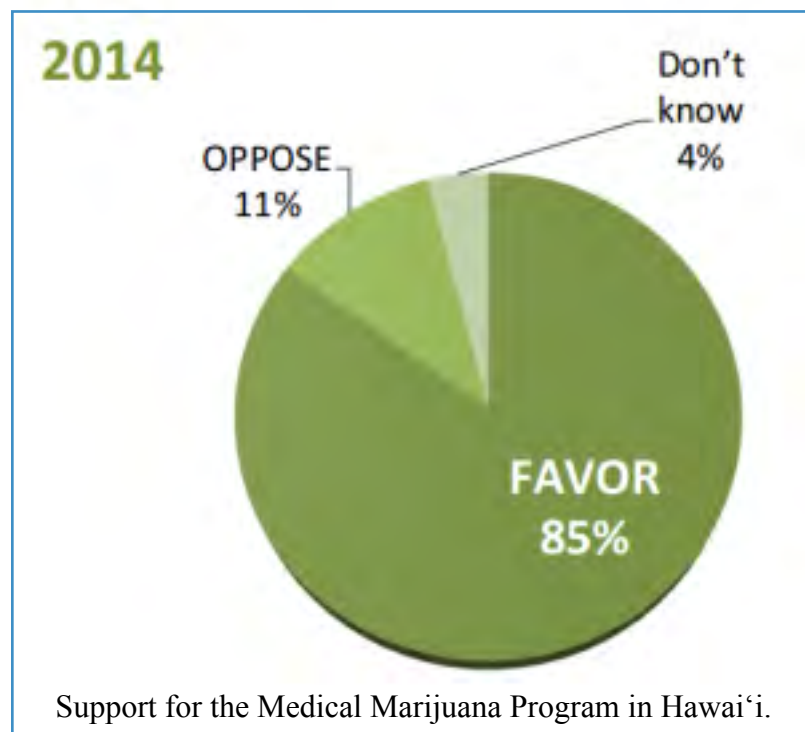


RAFAEL KENNEDY

Marijuana might not be the most important aspect of drug policy reform, but it is certainly a dimension of what we do that has garnered a great deal of attention and enthusiasm lately, both at home in Hawai'i and nationally.

Recent months have seen a series of high profile bills in Florida, Illinois, DC and elsewhere to expand medical marijuana and reduce criminalization of marijuana. Adding to the push are editorials by *The New York Times* outlining the case to legalize, or as they put it, [Repeal Prohibition Again](#).

Supporters probably know that Washington and Colorado are both now selling legal, recreational marijuana to adults. And the odds are good that residents in Oregon, Alaska, and the District of Columbia will support ballot initiatives this November to add momentum to legalization efforts.



For reformers, legalization is the goal because it will eliminate the problems of over-criminalization associated with recreational marijuana use and allow us to control prices with taxation rather than law enforcement. And as we've seen in Colorado, legalization has relieved a great deal of strain and confusion from the medical marijuana program.

While [most voters in Hawai'i are strongly in favor of legalization, decriminalization, and further expansion of medical marijuana](#), the state has been moving slowly on this issue. In large part, this is because Hawai'i has no ballot initiative process, so we are forced to wait for state legislators to push forward with these reforms. Thus Hawai'i is in a position to learn from the experience of these other states.

Colorado's system of legal sales started at the beginning of the year, and was greeted with widespread praise, high tax revenues, and a marked decrease in crime. Washington's system is just starting but is looking less promising. [Moody's has recently speculated](#) that Washington's model may never bring in the impressive revenues that we've seen in Colorado. While I'm not saying the only metric of success for a policy is revenue, it does seem the movement can benefit by examining those policies.

Washington State's legalization has been criticized by some for a couple of problematic features. These include a prohibition on home growing, and a shortage of licenses, both for retail establishments (Seattle has only 1) and for growers. Moreover, while Colorado allowed the infrastructure established by the medical marijuana system to expand to cover adult use marijuana, Washington's legalization system required an entirely new system to be built from the ground up.

At its most basic, there is an economic problem of supply and demand leading to the revenue gap. Moody's blames the very high taxes (an effective rate of about 44%), but the truth is that high taxes are part of the justification for legalization. The real problem, as I see it, is that a shortage of growing licenses is artificially limiting the supply of cannabis material, making it even more expensive. As long as adult use prices are higher than prices on the black market and in the medical market there is no reason to expect that people will migrate over to the legal market. Also important is the fact that the surge of cannabis tourism experienced in Colorado will not be as important a factor in Washington, as it does not have the novelty of being the first legal state, and must compete with the cannabis tourism structures already in place in Colorado.

*It would be crazy to say you can only own one case of beer. So why is that the rule with marijuana?*

Washington may see an increase in tax revenues when it grants more licenses to growers and people are able to afford legal adult use marijuana. But this shines a light on an ideological problem with these legalization efforts. While in Colorado or Washington, marijuana is theoretically taxed and regulated like alcohol, in reality, it is taxed and regulated very differently than alcohol. Both states limit how much marijuana a customer can purchase, but in Colorado, much has been made of the fact that a person could buy an ounce at several different adult use shops. Still, no one seems to be pointing out the obvious, which is that because alcohol is legal, no one cares how much of it you have. Even the states with the

most restrictive alcohol regulations would scoff at the idea of a law saying you can only buy (or own) two bottles of liquor, or three cases of beer.

The counter-argument is that while marijuana is legal in Colorado, it is still illegal (for now) in Iowa, so limiting the amount that a person can have is merely paying lip-service to preventing people from reselling marijuana in Iowa. The truth is that this is both ineffective and unnecessary since Iowa already has what the Colorado system calls, "an unregulated modality satisfying demand for marijuana." There is no compelling reason for drug dealers to buy taxed, regulated marijuana at high prices on the legal market to

*We need a real discussion about advertising in the age of legal marijuana.*

turn around and sell it illegally at black market prices. If the price structures were such that this made sense, a 1 oz limit would do little to prevent it.

The problem is not that there are too few regulations on adult use marijuana sales, but rather that they are the wrong ones. These limits indicate a compromise between those who support a tax and regulate approach to marijuana and those that are wholly committed to a law-enforcement approach. The real effort should not be in trying to define where the line is between legal and illegal use of marijuana, it should be in market regulations, which are still underdeveloped.

One of these is advertising. We understand the need to prevent a legal marijuana industry from trying to expand its market by advertising to teens. Reasonable restrictions on advertising are an issue of growing importance, as are restrictions on labeling of edibles, etc.

But other restrictions on the number of growers and sellers of marijuana will have the natural tendency to drive the market into the hands of a few firms that can afford to hire many lawyers and build the biggest infrastructure according to the literal dictates of the law. Most activists and skeptics alike would prefer a system that favored smaller, local growers and sellers of marijuana that were part of the community. The way to create this system is to encourage a large number of small marijuana stores, and to make sure that regulations on marketing, sales, etc. are locally determined and specific, so that the Phillip-Morrises of marijuana will face competition from smaller marijuana sellers, and cannot capitalize on their economies of scale.

This is an exciting time to be working on marijuana reform in Hawai'i. We are seeing liberalization and legalization all around us, and hopefully this will give us the knowledge and encouragement to expand our own laws in a way that is consistent with the dictates and necessities of our unique and beautiful state.



## SENTENCING COMMISSION VOTES TO REDUCE SOME DRUG TRAFFICKING SENTENCES

This past April, the United States Sentencing Commission voted unanimously to amend the guidelines to lower the base offense levels in the Drug Quantity Table across drug types, which may mean lower sentences for most drug offenders going forward. Then in July, the Commission once again unanimously agreed to apply a reduction in the sentencing guideline levels applicable to most federal drug trafficking offenders **retroactively**, meaning that many offenders currently in prison could be eligible for reduced sentences beginning November 2015!

Under the new guidelines, no offender would be released unless a judge reviews the case to determine whether a reduced sentence poses a risk to public safety and is otherwise appropriate.

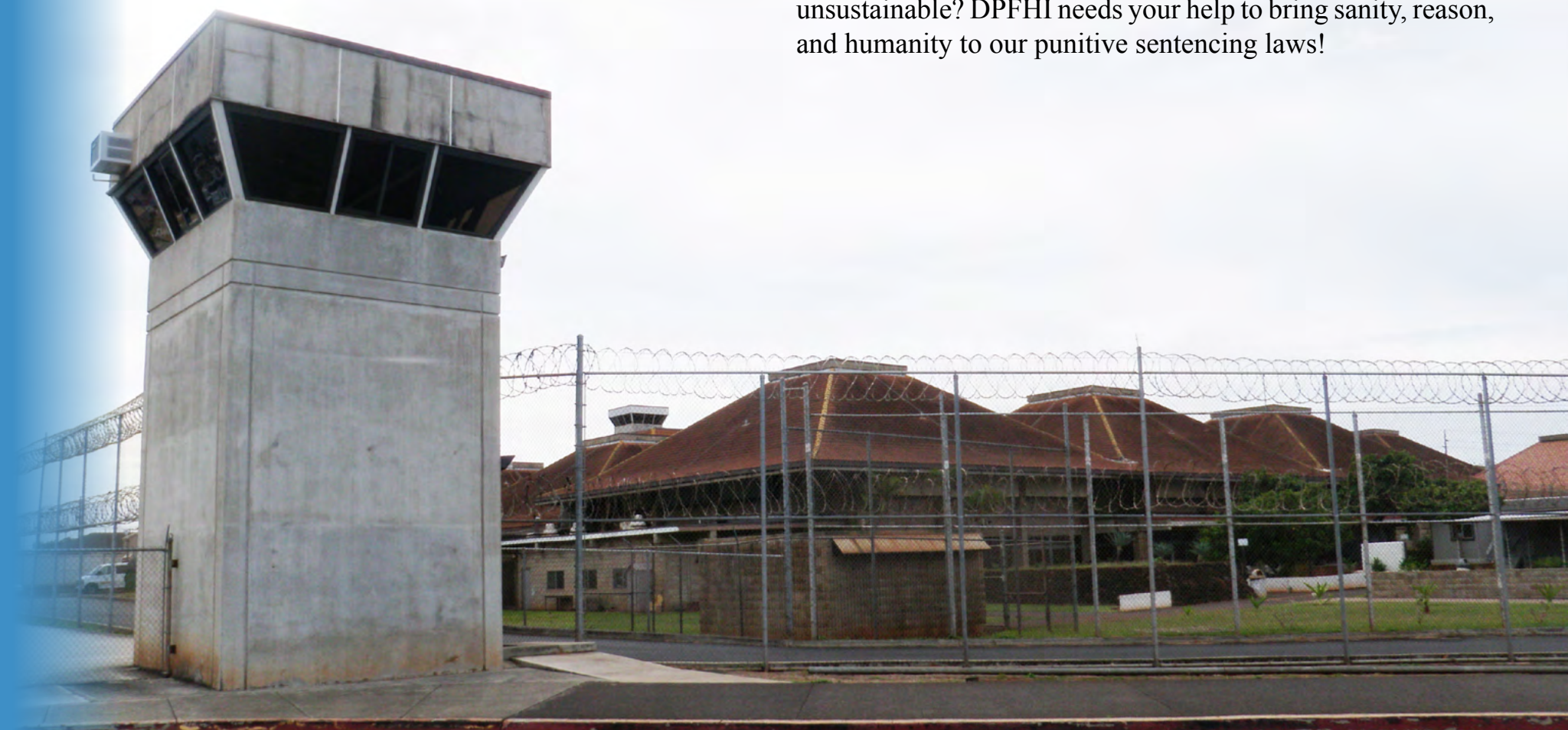
“This amendment received unanimous support from Commissioners because it is a measured approach,” said Judge Patti B. Saris, chair of the Commission. “It reduces prison costs and populations and responds to statutory and guidelines changes since the drug guidelines were initially developed, while safeguarding public safety.” [Read the entire press release here.](#)

In a statement, Attorney General Eric Holder said, “The department looks forward to implementing this plan to reduce sentences for certain incarcerated individuals. We have been in ongoing discussions with the Commission during its deliberations on this issue, and conveyed the department's support for this balanced approach. In the interest of fairness, it makes sense to apply changes to the sentencing guidelines retroactively, and the idea of a one-year implementation delay will adequately address public safety concerns by ensuring that judges have adequate time to consider whether an eligible individual is an appropriate candidate for a reduced sentence. At my direction, the Bureau of Prisons will begin notifying federal inmates of the opportunity to apply for a reduction in sentence immediately. This is a milestone in the effort to make more efficient use of our law enforcement resources and to ease the burden on our overcrowded prison system.”

*It makes sense to apply changes to the sentencing guidelines retroactively...*

Congress has until November 1, 2014 to reverse the amendment to reduce drug guidelines. Should Congress choose to let the guideline reductions stand, courts could then begin considering petitions from prisoners for sentence reductions.

Will Hawai'i now realize that our policies are harmful and unsustainable? DPFHI needs your help to bring sanity, reason, and humanity to our punitive sentencing laws!





## MEET THE BOARD OF DIRECTORS: MIKE WEBB

While many of you have been long-time supporters of the Drug Policy Forum of Hawai‘i, we’ve undergone some changes with our board members of which you may not be aware. To bring you up-to-date with our entire board of directors, we will introduce you to a member in each of our newsletters.

This time we start off with one of our newest members, Mike Webb. Mike is relatively new to Hawai‘i - having been on the islands for almost a year now. However, he’s been involved with progressive political causes for most of his life.

Webb began his political career working as a flack in the Ohio Attorney General’s Office and helping to send reporters on drug raids with the state’s Bureau of Criminal Investigation! But he soon took a detour and spent the next ten years working in the music business for various major and indie labels. Highlights from those days include being part of the teams that were responsible for debut albums by Alice in Chains, Nas, Jeff Buckley and Buckshot LeFonque.

After a decade of musical merriment, Webb jumped back into the political world by first volunteering on Bill Bradley’s presidential campaign, and then signing on as a full-time researcher. He followed that by working with a few different New York politicians until he landed a job at The Nation magazine as their publicity director. That led to more PR work for the NYC-based think tank the Brennan Center for Justice and then to the Pulitzer Prize-winning nonprofit, investigative newsroom ProPublica. In 2013, he moved to Hawai‘i and met fellow board member Jenny Lee through her work at the Hawai‘i Appleseed Center for Law and Economic Justice. Lee introduced him to members of DPFHI’s Board of Directors and the rest, as they say, has been happily ever after.



### **Why did you want to join DPFHI?**

For me, there were several reasons why I wanted to be a part of their work. First, members of my family have been negatively impacted by the War on Drugs and I think it’s time we ended it and developed a smarter approach to dealing with drug issues in America. And I’ve heard far too many stories about the medicinal benefits of marijuana and the legal obstacles that prevent people from getting relief. So I wanted to end a hand in helping DPFHI reform Hawaii’s drug policies.

### **What do you hope to achieve as a DPFHI board member?**

There are so many issues that need to be addressed, but I would love to see progress on legalizing marijuana or at least decriminalization. If I can use some of my PR skills to help support DPFHI’s efforts, I think we can lead Hawai‘i to developing more sensible drug policies.

## TRANSITIONS

Some changes are afoot at DPFHI this month. Michael Attocknie, our Executive Director, is stepping down. Rafael Kennedy, who many of you know through his work as our Organizer, will now serve as Interim Executive Director. Raf will be continuing his work as Organizer on cannabis issues as well.

We’ll soon be looking for a permanent Executive Director - so please stay tuned for the job announcement. We wish Mike well in his next endeavor. Thanks for bearing with us during this transition!