



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

## **LEGISLATIVE AGENDA 2017**

### DECriminalIZATION PACKAGE (a DPFHI & ACLU Hawai'i project)

#### *Decriminalization of Cannabis Possession*

In the past session, numerous cannabis possession decriminalization bills were carried over from the 2015 session, but none received a hearing. DPFHI supported [SB666, the most comprehensive piece of legislation](#), and SB708, but not SB879 that the Senate ultimately passed over to the House of Representatives. In 2017, we will work to ensure that all criminal penalties are removed from any bill, and absorb the social justice elements (retroactive resentencing & expungement of records) from California's Proposition 64. In 2014 ([the latest available data](#)), Hawai'i saw over 800 adult arrests for cannabis possession and over 400 arrests for juveniles. Arrests of African Americans ("Blacks"), Native Hawaiians ("Hawaiians") and Pacific Islanders are highly disproportionate, especially on O'ahu and Maui.

In addition to decreasing incarceration and eliminating many collateral sanctions, this type of decriminalization bill also could mean less deportations of immigrants as it negates one more reason for contact with law enforcement.

#### *Decriminalization of Drug Paraphernalia Use and Possession*

While [Act 230](#) effectively decriminalized paraphernalia for registered medical cannabis patients and a carve out exists for individuals participating in Hawaii's pioneering needle exchange, drug paraphernalia continues to be heavily criminalized in our state. [Some 150 are imprisoned solely on this conviction, and this hinders their rehabilitation while costing the state tens of millions of dollars](#). In 2016, DPFHI helped introduce legislation ([SB2179](#) and HB1809) to reform [Hawaii's antiquated drug paraphernalia statute](#). SB2179 had one successful hearing (PSM/JDL) that saw testimony from two impacted individuals. In 2017, we aim to reintroduce this measure as part of our twin decriminalization package. We will be working with our allies at the [ACLU of Hawai'i](#).

As a vehicle towards decriminalization, we helped champion [HCR127 HD1 SD1](#), a resolution requesting that the Legislative Reference Bureau (LRB) conduct a study of the effects of decriminalization on the judiciary and administrative systems of state government. Currently the LRB is undertaking this study, and we have furnished it with materials to consider.

## HARM REDUCTION

### *Hepatitis C*

Working with allies, advocate for greater funding for Hepatitis C prevention and treatment. Explore options to combat discrimination of Hepatitis C patients, including in employment law (this exists in Washington State).

### *Drug Therapy*

Explore options to expand drug treatment, especially with Suboxone. Ensure that state law is updated to avoid repeat of DPS NED's recent ban.

### *Prescription Drug Monitoring Program*

Compel physicians to use PDMP. Allow Medical Board to report overprescribing physicians.

### *Law Enforcement Assisted Diversion (LEAD)*

Ensure that DOH is appropriated funds to help get this program, which operates pre-arrest and instead of incarcerating people gets them into treatment, off the ground.

## OTHER MEASURES

### *Advocacy for Hawaii's Medical Cannabis Patients*

With the dawn of the medical marijuana dispensary era soon upon us, it is more important than ever to advocate for the rights of Hawaii's patients to have access to their medicine. Going forward it will be of the essence that both the medical marijuana registry program and the medical marijuana dispensary system operate in harmony so that they do not disrupt that access. DPFHI's focus as a statutorily included member of the [Legislative Oversight Working Group](#) created by [Act 230](#) is on patient rights as well as education of health care professionals.

### *Civil Asset Forfeiture*

The use of civil asset forfeiture by law enforcement to seize personal property raises troubling issues. [Hawaii's state law ranks among the worst in the country, and it is in serious need of reform](#). In 2016, progress was made in the legislature by raising the issue via several different bills and a resolution. The adopted resolution, [HCR4](#), requests that the State Auditor undertake the first audit (*currently underway*) of Hawaii's civil asset forfeiture program since 1995 and 1998 (!). Meanwhile, both [HB1559 HD2](#) a reform bill and [SB2149 SD2 HD1](#), a bill calling for the establishment of a working group, crossed over and only stumbled at the penultimate (JDL) and final (FIN) committee hurdles respectively. In 2017, we aim to build on this success and leverage the passage of further reform on the Mainland, especially [the law passed in California](#). We will be working with our allies at the [ACLU of Hawai'i](#).

### *Legalization of Cannabis for Adult Recreational Use*

We are currently working to introduce a social justice informed legalization bill based on a recent New Jersey bill as well as California's Proposition 64.