The Oddity of Governor Ige’s Veto of Crucial Medical Cannabis & Opioid Bill

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HONOLULU, HI –.This week Governor Ige vetoed SB2407 that would have added “opioid use & substance use disorders, or withdrawal symptoms resulting from the treatment of those conditions” to the list of ailments legally treatable with medical cannabis. DPFHI can neither fathom the decision nor understand the rationale given by the Governor in justifying the veto, especially with the adoption of this policy in other states, previous additions of conditions via legislation signed by Governor Ige himself and finally the fact that this bill aligns with the intent of the Governor’s own State of Hawai‘i Opioid Initiative Action Plan. With many around the country watching, Hawai‘i preparing to welcome out-of-state patients, and states like New York innovatively acting to use medical cannabis against the opioid epidemic, this is opportunity lost for Hawai‘t to lead and to help suffering patients.

The following is a statement by Carl Bergquist, DFPHI Executive Director:

“In his veto message, Governor Ige refers to the Department of Health’s petition process as if it was the only avenue for adding conditions. As his signatures on Act 241 in 2015 (adding post-traumatic stress disorder - PTSD) and Act 41 in 2017 (adding four other conditions: lupus, epilepsy, multiple sclerosis and rheumatoid arthritis) highlight, this is demonstrably not the case. In fact, the petition process is meant to complement public health policy decisions by the Legislature and the Executive Branch. The very types of choices made in other states. As the Pennsylvania Secretary of Health, Dr. Rachel Levine, said when she recently approved the use of medical cannabis against substance use disorders, this is not meant to be a “substitute” for other proven treatments but rather to act as “another tool” against this devastating disease. The Governor’s Opioid Initiative, in which DPFHI participated, calls for “alternatives” to opioids. Yet Hawai‘i, one of the very states to legalize medical cannabis, refused to even name it as one of those alternatives in the plan. Why? While “severe pain” (but notably not “chronic pain”) is an approved condition for medical cannabis use, SB2407 would have sent a strong, unambiguous message across the state that medical cannabis has a role to play in tackling the opioid epidemic.

Bergquist continued, “the Governor’s excuse, as stated in his press conference on 7/10/2018, that no one has submitted a petition for this condition both belittles the origins of this bill and the hard work put into it by both legislators and advocates. When no patient or health care professional was able to submit a petition, the legitimate legislative route was pursued. It is also crucial to note that the genesis of this particular bill is the Legislature’s own Act 230
Oversight Working Group on Medical Cannabis, which is comprised of experts and patients, and which convened for over a year and a half before submitting its final report to the Legislature in December 2017. Governor Ige himself signed Act 230 into law in 2016 at a public ceremony at the University of Hawai’i’s John A. Burns School of Medicine, creating this working group. SB2407 was vetted by both Chambers of the Legislature, and sent to the Governor without a single vote in opposition.

The following statement is to be attributed to Nikos Leverenz, DPFHI Board President:

“Hawaii deserves executive leadership that advances compassion, justice, and human rights as a matter of course. This veto ensures that those who are struggling with opioid use are precluded from legal access to a safer alternative. The Legislature is to be commended for sending this bill to a recalcitrant governor, but it should consider whether the current Department of Health process to add qualifying conditions should be revised or even abolished. A broader approach that empowers patients and their medical advisors to make individual determinations is probably the best course. For example, California’s Compassionate Use Act affords patients legally protected access to medical cannabis for any condition where it may provide relief.”