DPFH RECOGNIZES LEGISLATURE’S PASSAGE OF CANNABIS DECRIMINALIZATION BILL, DEPLORES CONTINUED STIGMA

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HONOLULU, HI – Today, the Hawai’i State Legislature sent HB1383 HD2 SD1 CD1, decriminalizing a small amount of cannabis, to Governor Ige for his signature. The law, if signed, would mean that those found in possession of 3 grams or less (around 1/8 oz) of cannabis as of January 11, 2020, would be subject to a fine of $130. Currently, they can be prosecuted for a petty misdemeanor and fined up to $1,000. Further, it would also allow those previously convicted of possessing the same small amount to more easily erase the conviction from their records. Finally, HB1383 will convene a task force to evaluate cannabis laws in other states, including those who with adult use legalization, and make recommendations for Hawai’i.

What was originally a uniquely, progressive and thoughtful bill has morphed into one characterized by the continuing stigma and mythology that strangely envelops cannabis in Hawai’i. There is marked dissonance between the public’s embrace of cannabis – for some as a necessary medicine, for others as a drug of choice – and the message sent by this bill and others contemplated by the legislature this session. Employment protections for medical cannabis patients, who are in full compliance with state law, were nixed due to misguided concerns that these same patients would show up impaired at the workplace. Edibles, commonly used in most other states, remain prohibited all while Hawai’i is opening up its medical cannabis program to out of state patients and actively discourages smoking. As Hawai’i continues to wage an otherwise successful preemptive battle against the opioid epidemic, there is a reluctance to highlight that medical cannabis has a role to play.

The following statement is attributable to DPFH Board President Nikos Leverenz:
“This decriminalization of cannabis possession for personal use, even with this unduly small threshold, is a welcome development. Hopefully this measure will make some inroads on the over 1,000 Hawaii residents who are arrested for misdemeanor cannabis possession each year.
Continued criminalization of cannabis possession is injurious to individual and public health as it fuels legal, medical, and social stigma. For many this stigma drives their criminal justice system involvement and erects barriers to employment and medical care. The criminal justice system should focus on those activities that pose a tangible safety risk to others. Cannabis possession is not among them.”

**Carl Bergquist, Executive Director of DPFH, added:** “After decades of criminalizing those who possess a drug far less harmful than alcohol and tobacco, this bill marks a long overdue turning point for the Aloha State. However, we remain concerned that the low threshold of 3 grams with its relatively high fine, will foil the good intentions of the bill. There are sound reasons that all other states – **including Alabama, Missouri and Texas which are currently contemplating decriminalization** – have set their threshold at 10 grams, ½ oz or higher. In New Mexico, for example, which just decriminalized cannabis possession of ½ oz (14 grams) with a $50 fine, the State Public Defender testified that the ½ oz or less threshold would affect some 95% of cases handled by that office. We doubt 3 grams will achieve that same result here in Hawai’i. Moreover, the $130 fine is wholly disproportionate to the 3 gram amount, and will disparately impact low-income communities.

We are grateful to Representative Chris Lee and his staff for conferring with stakeholders and shepherding the passage of this bill. Given how overdue this is, we sincerely appreciate the bill’s social justice focus on expunging records of some previously criminalized for cannabis offenses. With the incredible amounts of misinformation and confusion generated by this bill as well as the [adult-use cannabis legalization bill](#), it is crystal clear that Hawai’i is in dire need of an informed, honest discussion across the state. We look forward to being part of that, working with the task force to map out the future of adult use cannabis in Hawai’i, just as we did on [the HCR48 Task Force](#) to set up the medical cannabis dispensaries.”