Testimony of the National Organization for the Reform of Marijuana Laws (NORML) in Regard to House Bill 1383

My name is Carly Wolf and I am State Policies Coordinator for The National Organization for the Reform of Marijuana Laws (NORML). I wish to thank the members of Hawaii’s Senate Committees on Judiciary and Public Safety, Intergovernmental, and Military Affairs for considering House Bill 1383. NORML is supportive of legislative efforts to remove criminal penalties for the possession of cannabis by adults.

House Bill 1383 reduces first-time marijuana possession penalties involving three grams or less from a criminal misdemeanor -- punishable¹ by up to 30 days in jail, a $1,000 fine, and a criminal record -- to a civil infraction, punishable by a $200 fine. The measure would also establish a system to expunge certain minor cannabis possession convictions.

In 2016, 1,031 Hawaii residents were arrested for the possession of marijuana.² Passage of HB 1383 would spare some of these everyday citizens from criminal arrest, prosecution, and incarceration, as well as the emotional and financial hardships that follow -- including the potential loss of employment, student loans, federal and state subsidies, and child custody rights.

Though monetary sanctions would remain in place for violators of the law, offenders would no longer be saddled with the stigma and lost opportunities associated with a lifelong criminal record. This change would continue to discourage marijuana abuse while halting the practice of permanently criminalizing thousands of otherwise law-abiding citizens of Hawaii.

¹ https://norml.org/laws/item/hawaii-penalties
² https://norml.org/data/item/hawaii-marijuana-arrests?category_id=855
Studies by the National Academy of Sciences\(^3\) and others\(^4\) have consistently shown that the enactment of these alternative sentencing penalties, commonly known as ‘decriminalization,’ is not associated with increased marijuana use or access, particularly among young people. Twenty-two states and the District of Columbia have decriminalized minor marijuana possession offenses — as have multiple cities and counties nationwide.\(^5\) To date, no state that has amended marijuana penalties in this manner has chosen to later recriminalize marijuana possession offenses. Should the policy of decriminalization have been ineffective, counterproductive, or triggered negative federal ramifications, surely this would not be the case.

Decriminalizing low-level marijuana offenses allows police and the courts to re-prioritize their resources towards addressing more serious criminal activity and keeping the public safe. For example, according to a 2018 analysis by the National Bureau of Economic Research, statewide decriminalization has shifted police priorities toward the prevention and enforcement of more serious crimes while having no adverse effect on marijuana use patterns.\(^6\)

Authors further acknowledged that the enactment of marijuana decriminalization in Maryland (decriminalized in 2014), Massachusetts (2008), Connecticut (2011), Rhode Island (2013), and Vermont (2013), “was associated with large and immediate decreases in drug-related arrests for both youth and adults… Decriminalization was not associated with increased cannabis use either in aggregate or in any of the five states analyzed separately, nor did we see any delayed effects in a lag analysis, which allowed for the possibility of a two-year (one period) delay in policy impact… On the contrary, cannabis use rates declined after decriminalization…. [T]he lag analysis suggested a potential protective effect of decriminalization.”

A separate 2018 analysis published in the journal *Police Quarterly* reported that the elimination of criminal marijuana possession penalties is associated with “some demonstrable and persistent benefit in [criminal] clearance rates” by law enforcement.\(^7\)

That said, we are concerned that the low threshold imposed by HB 1383 will offset many of the societal benefits identified in other jurisdictions that have amended their marijuana laws. To date, no decriminalization state\(^8\) has imposed a limit as low as that proposed by HB 1383. Most jurisdictions impose one ounce decriminalization thresholds (28.4 grams) and some states, like Ohio, impose far higher limits (100 grams).

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\(^3\) *Marijuana and Medicine: Assessing the Science Base*, 1999. "In sum, there is little evidence that decriminalization of marijuana use necessarily leads to a substantial increase in marijuana use." (page 102)

\(^4\) https://norml.org/aboutmarijuana/item/marijuana-decriminalization-its-impact-on-use-2

\(^5\) https://norml.org/legal/local-decriminalization


\(^7\) https://journals.sagepub.com/doi/full/10.1177/1098611118786255

\(^8\) https://norml.org/aboutmarijuana/item/states-that-have-decriminalized
If lawmakers truly wish to reap the societal and fiscal benefits of decriminalization, and truly wish to significantly reduce the number of Hawaii adults adversely impacted by a criminal marijuana arrest, then we suggest raising the arbitrarily low three gram limit to a more reasonable threshold -- one that is in line with those of other states.

Public opinion strongly favors a bolder policy change. According to a recent Quinnipiac University Poll, 60 percent of Americans say "the use of marijuana should be made legal" nationwide, and 63 percent support erasing criminal records for past marijuana possession crimes.\(^9\) Polling data from Hawaii shows even stronger local support for eliminating criminal marijuana possession penalties.\(^{10}\)

For these reasons, NORML urges members of the Committees on Judiciary and Public Safety, Intergovernmental, and Military Affairs to make the necessary amendments to HB 1383 so that it will provide maximum benefits to the people of Hawaii, and so that it will be consistent with the marijuana policies of other states that have decriminalized minor marijuana possession offenses.

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