

EXECUTIVE CHAMBERS

HONOLULU

July 6, 2009

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1058

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1058, entitled "A Bill for an Act Relating to Controlled Substances."

This bill establishes the medical cannabis task force within the Department of Public Safety to review issues relating to the medical marijuana program and make recommendations for any proposed legislation and rules. This bill also establishes the Salvia divinorum task force within the Department of Public Safety to review issues regarding the effects, use, and sale of Salvia divinorum and its primary psychoactive constituent, salvinorin A, and make appropriate legislative recommendations regarding the possible regulation of Salvia divinorum and salvinorin A. The Director of Public Safety is required to submit reports for both task forces to the Legislature prior to the convening of the regular session of 2010.

This bill is objectionable because the proposed task forces are unnecessary and would redirect limited resources within the Department of Public Safety from their primary functions of corrections and operations of the Sheriff Division.

The medical cannabis task force is unnecessary because it would attempt to deal with issues raised by medical marijuana users that can only be addressed by circumventing federal law. The use of marijuana and the distribution of marijuana are still illegal under federal law. Until that law is changed, it is

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inappropriate for the State of Hawaii to support the production, transportation, and distribution of marijuana. The task force will not be able to resolve these issues.

The *Salvia divinorum* task force is also unnecessary. The Narcotics Enforcement Division of the Department of Public Safety is already working with county police departments, the Alcohol and Drug Abuse Division of the Department of Health, and the federal Drug Enforcement Administration to closely monitor this substance and determine if it should be scheduled as a controlled substance. Under the provisions of section 329-11, Hawaii Revised Statutes, the Department of Public Safety has the duty to annually recommend to the Legislature the necessary scheduling of any controlled substances, and the Department has the authority to temporarily establish the emergency scheduling of any substance, if necessary, pending legislative action.

The provisions pertaining to the *Salvia divinorum* task force may also raise a possible objection under Section 14 of Article III of the State Constitution, which states in pertinent part, "Each law shall embrace but one subject, which shall be expressed in its title." *Salvia divinorum* is not a controlled substance under Hawaii law and the bill is not amending our controlled substances law to include it. Consequently, the provisions pertaining to the *Salvia divinorum* task force could possibly be challenged as being beyond the scope of the subject of this bill as expressed in its title.

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For the foregoing reasons, I am returning Senate Bill 1058 without my approval.

Respectfully,



LINDA LINGLE
Governor of Hawaii