

HPD reviewing policy on pot and guns

By Kristen Consillio

kconsillio@staradvertiser.com

The Honolulu Police Department is reviewing a controversial policy that requires legal marijuana patients to turn in their firearms.

The reconsideration follows community backlash since the Honolulu Star-Advertiser reported earlier this week that HPD has sent letters to at least 30 medical cannabis users who are permitted gun owners telling them to surrender their firearms.

The new police chief, Susan Ballard, hasn't said what her position is on the issue. HPD spokeswoman Michelle Yu said Ballard is reviewing the policy.

Ballard's name was at the bottom of a letter, dated Nov. 13, informing the gun owner he or she had 30 days to bring in or transfer all firearms. The Nov. 13 letter also had the name of HPD Maj. Raymond Ancheta at the bottom, and only Ancheta's signature appears on a copy viewed by the Honolulu Star-Advertiser.

"The department has standard letters that are sent out and some are signed by commanders," Yu said Thursday.

The Nov. 13 letter said: "Your medical marijuana use disqualifies you from

ownership of firearms and ammunition. If you currently own or have any firearms, you have 30 days upon receipt of this letter to voluntarily surrender your firearms, permit and ammunition to the Honolulu Police Department or otherwise transfer ownership."

Federal law prohibits an "unlawful user" of any controlled substance from possessing firearms, and under federal law, marijuana is a controlled substance.

"The point that HPD seems to be missing is that you can't use violation of federal law as a reason to take firearms away from patients when the federal scheduling of marijuana doesn't apply to the medical use of cannabis in Hawaii," said medical marijuana advocate Dr. Cliff Otto.

The issue came up three months after Hawaii's first medical marijuana dispensary opened for business.

"HPD's policy must be reversed. Since opening in August, we've served over 3,000 responsible citizens living with serious medical conditions sanctioned under state law for cannabis use," said Teri Freitas Gorman, spokeswoman for Maui Grown Therapies, the state's first medical marijuana dispensary. "There's no reason patients should



STAR-ADVERTISER

Susan

Ballard:

The Honolulu police chief hasn't disclosed her position on a gun policy

have their constitutional rights trampled by administrative overreach by a county law enforcement agency."

There were 43 firearm permit denials for medical marijuana patients in 2016 in Hawaii, according to the latest report by the Attorney General's Crime Prevention and Justice Assistance Division.

HPD has checked all gun permit applicants through the state Department of Health's marijuana patient registry since September 2016 when firearms personnel gained access to the database, Yu said. Before that, applicants were required to acknowledge they read the U.S. Bureau of Alcohol, Tobacco, Firearms and Explo-

sives September 2011 letter stating that any person who uses marijuana, regardless of whether state law authorizes the drug for medicinal purposes, is "prohibited by federal law from possessing firearms or ammunition."

"I don't know why it was handled differently previously," Yu said.

The Health Department is required by law to provide 24/7 verification of cannabis patients for law enforcement purposes, said spokeswoman Janice Okubo. Law enforcement personnel registered to use the DOH marijuana registry system cannot access patient names or identifying information, but receive either a "valid" or "not valid" response, she said.

"This unfairly singles out registered medical cannabis patients and it does so in a sweeping one-size-fits-all policy," said Carl Bergquist, executive director of the Drug Policy Forum of Hawaii, in a notice sent to members of the Medical Cannabis Coalition of Hawaii. "Are they the only people who could be seen as violating federal law with regards to Hawaii's medical cannabis programs? No, but they are low-hanging fruit since they are complying with state law and thus listed in the patient registry database."