



STATE OF HAWAII
DEPARTMENT OF HEALTH
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Testimony in SUPPORT of SB1429
RELATING TO MEDICAL CANNABIS

SENATOR JOY A. SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES &

SENATOR JARRETT KEOHOKALOLE, CHAIR,
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Hearing Date/Time: February 11, 2025, 9:45AM

Room Number: 229

1 **Fiscal Implications:** None for the current measure. However, proposed amendments to Act
2 159, Session Laws of Hawaii 2018, to extend current filled exempt positions would require
3 continued appropriation of special funds.

4 **Department Testimony:** The Department strongly supports this measure, gratefully
5 appreciates the Committees' hearing this measure, and respectfully requesting critical
6 amendments that ensure continuity for Hawaii's medical cannabis dispensary program.

7

8

Caregiver Sunset Repeal

9 The Department supports patient access to medicine, which includes the ability to
10 cultivate cannabis in a lawful, safe, and patient-focused approach by medical cannabis patients
11 and their designated primary caregivers. Some qualifying patients are unable to cultivate
12 medical cannabis on their own due to debilitating medical conditions, mobility impairment that
13 make tending to plants difficult or impossible, or restrictions on cultivation at their place of
14 residence. Some of these patients cannot afford dispensary products and rely on their
15 caregivers for support with cultivation. Allowing patients to continue to register a primary

1 caregiver to assist with cultivation is essential in ensuring consistent and reliable access to
2 medical cannabis.

3 A measure to repeal the sunset date did not pass last year. However, it's our
4 understanding that this did not result from a policy objection. In response and to avoid access
5 disruption to this medicine, the Governor issued an Executive Order directing the Department
6 not to enforce continued caregiver cultivation. Removing the sunset date would help ensure
7 continuity of care, preventing potential disruptions for patients who rely on home cultivation of
8 medical cannabis for treatment and providing them with peace of mind.

9

10 Critical Housekeeping Amendments

11 Additionally, the Department respectfully requests two sets of amendments to Act 159,
12 Session Laws of Hawaii 2018:

- 13 • Extend the sunset date for all 6 dispensary employees who are in real jeopardy of losing
14 their jobs on 6/30/25.
 - 15 ○ Due to the lack of civil service analogs for dispensary inspectors, DOH was unable
16 to establish permanent positions for dispensary staff and thus needs additional
17 time to complete this human resources work. Not extending these positions
18 would result in six current employees losing their jobs and significant disruption
19 to the medical cannabis program.
- 20 • Extend the interim rule-making authority
 - 21 ○ Administrative rules have been interim for the past 5 years and are being
22 prepared to undergo the chapter 91 process, but the complexity of the rules due
23 to the evolving regulatory framework and lessons learned from experience have
24 made producing a final draft challenging. Additional time is required to
25 complete the chapter 91 process.

26

27 Thank you for the opportunity to testify on this measure.

1 **Offered Amendments:**

2 SECTION 3. Act 159, Sessions Laws of Hawaii 2018, is
3 amended by amending sections 3 and 4 to read as follows:

4 "SECTION 3. Section 329D-27, Hawaii Revised Statutes, is
5 amended by amending subsections (b) and (c) to read as follows:

6 "(b) No later than January 4, 2016, the department shall
7 adopt interim rules, which shall be exempt from chapter 91 and
8 chapter 201M, to effectuate the purposes of this chapter;
9 provided that the interim rules shall remain in effect until
10 July 1, [~~2025~~] 2027, or until rules are adopted pursuant to
11 subsection (a), whichever occurs sooner.

12 (c) The department may amend the interim rules and the
13 amendments shall be exempt from chapters 91 and 201M, to
14 effectuate the purposes of this chapter; provided that any
15 amended interim rules shall remain in effect until July 1,
16 [~~2025~~] 2027, or until rules are adopted pursuant to subsection
17 (a), whichever occurs sooner."

18 Section 4. Act 241, Sessions Laws of Hawaii 2015, section
19 14, as amended by 41, Session Laws of Hawaii 2017, section 11,
20 is amended to read as follows:

21 "SECTION 14. For the purposes of effectuating this Act,
22 the personnel hired and the contracts entered into by the

1 department of health, pursuant to this Act, shall be exempt from
2 chapter 76, Hawaii Revised Statutes, for a period beginning on
3 July 1, 2015, and ending on June 30, [~~2025,~~] 2027; provided
4 that:

5 (1) All personnel actions taken pursuant to this Act by
6 the department of health after June 30, [~~2025,~~] 2027,
7 shall be subject to chapter 76, Hawaii Revised
8 Statutes, as appropriate; and

9 (2) Any employee hired by the department of health to
10 effectuate this Act, who occupies a position exempt
11 from civil service on July 1, [~~2025,~~] 2027, shall:

12 (A) Be appointed to a civil service position; and

13 (B) Not suffer any loss of prior service credit,
14 vacation or sick leave credits previously earned,
15 or other employee benefits or privileges;

16 provided that the employee possesses the minimum
17 qualifications and public employment requirements for
18 the class or position to which appointed; provided
19 further that subsequent changes in status shall be
20 made pursuant to applicable civil service and
21 compensation laws."

1 SECTION [~~3.~~] 5. Statutory material is to be repealed is
2 bracketed and stricken. New statutory material is underscored.

3 SECTION [~~4.~~] 6. This Act, upon its approval, shall take
4 effect retroactive to January 1, 2025.

To: Senator Joy San Buenaventura, Chair
Senator Henry Aquino, Vice-Chair
Members of the Senate Health and Human Services Committee

To: Senator Jarrett Keohokalole, Chair
Senator Coral Fukunaga, Vice-Chair
Members of the Senate Commerce and Consumer Protection Committee

Fr: TY Cheng, on behalf of Aloha Green Holdings Inc.

Re: Testimony of **SUPPORT with comments** on **House Bill (SB) 1429**
RELATING TO MEDICAL CANNABIS.

Retroactively repeals the sunset date of the authorization for primary caregivers to cultivate medical cannabis for their qualifying patients. Clarifies that each location used to cultivate cannabis can be used to cultivate cannabis for no more than five qualifying patients. Effective 1/1/2025.

Dear Chairs San Buenaventura and Keohokalole, Vice-Chairs Aquino and Fukunaga, and Members of the Committees:

Aloha Green Apothecary (“Aloha”), a state-licensed medical cannabis dispensary operating on Oahu, respectfully submits this testimony in support of SB 1429, which revives the caregiver growing provisions for medical cannabis patients. We have suggestions on how to improve the bill so that previous non-enforcement does not ruin the program for law-abiding caregivers. We don’t want one rotten apple to ruin the bunch.

As a licensed dispensary, Aloha wishes to highlight that the caregiver sunset was a key part of the original Act 329 to allow patients access to caregiver-grown cannabis while the medical dispensaries were stood up. The caregiver relationship was a personal one-on-one relationship that allowed a patient to know exactly how their medicine was being grown by a trusted friend. Instead, the caregiver program was abused and caregivers amassed over 1000 patients to establish cultivation sites larger than any medical cannabis dispensary license.

In addition to the growth of a commercial cannabis caregiver model, the medical dispensaries were never given a chance to grow and reach market potential. The unnecessary and onerous application of regulations at the dispensary program’s onset stifled innovation and growth among the dispensaries and allowed the illicit market to thrive.

Regulators continue to provide non-enforcement of illicit hemp sales, caregivers selling cannabis products, and large-scale caregiver farms. The Department of Health and Attorney-General continue to deflect and point fingers to local police, and the Narcotics Enforcement Division to take care of these programs. This inefficiency and non-

enforcement create confusion in the marketplace and lead to the proliferation of the sale of untested and untracked cannabis products for profit.

Prior to the caregiver sunset, there were large scale commercial caregivers acting as unlicensed dispensaries growing, manufacturing, and selling cannabis products to patients for one-time sham rent payments. These products were untested and not tracked.

This situation and the confusion among law enforcement between d8-THC hemp and d9-THC cannabis highlights the importance of regulating hemp and cannabis as “one plant”, with one regulator responsible for rules and enforcement with support from local police.

Aloha asks the committee to consider adding regulatory provisions giving the Department of Health authority to regulate hemp and cannabis as “one plant” in order to protect the public and community from the illicit sales of THC molecules. Without this change, SB 1429 creates the foundation for potential uncertainty and additional illegal sales proliferation endangering the patients, and the public.

Thank you for the opportunity to testify. I am available for any questions.



Akamai Cannabis Consulting

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TESTIMONY ON SENATE BILL 1429
RELATING TO MEDICAL CANNABIS
Clifton Otto, MD

SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES
Senator Joy A. San Buenaventura, Chair
Senator Henry J.C. Aquino, Vice Chair

Tuesday, February 11, 2025, at 9:45 AM
State Capitol, Room 229 & Videoconference

This bill is critical for qualifying patients on islands with a dispensary who need assistance with cultivation. Which is why the Governor issued [Executive Order](#) No. 24-06 and [called](#) upon the Legislature to fix the select sunset of primary caregiver cultivation that went into effect the first of this year. It is imperative that this bill does not die at the last [minute](#) as it did last session.

If your committees want to expand the ability of primary caregivers to assist patients with cultivation and with purchases at dispensaries while aligning primary caregiver cultivation with the new limit of 5 patients per property, then you may want to consider the following amendment, but only if it will not jeopardize the survival of this bill.

[§329-123 Registration requirements; qualifying patients; primary caregivers.](#)

(c) Primary caregivers shall register with the department of health. Each [~~Every~~] primary caregiver shall be responsible for the care of no more than five [~~only one~~] qualifying patients at any given time, unless the primary caregiver is the parent, guardian, or person having legal custody of more than one minor qualifying patient, in which case the primary caregiver may be responsible for the care of more than one minor qualifying patient at any given time; provided that the primary caregiver is the parent, guardian, or person having legal custody of all of the primary caregiver's qualifying patients. The department of health may permit registration of up to two primary caregivers for a minor qualifying patient; provided that both primary caregivers are the parent, guardian, or person having legal custody of the minor qualifying patient.

LATE

SB-1429

Submitted on: 2/10/2025 6:34:58 PM

Testimony for HHS on 2/11/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Nikos Leverenz	Testifying for Drug Policy Forum of Hawaii	Comments	Written Testimony Only

Comments:

Chair Keohokalole, Vice Chair Fukumoto, and CPN Committee Members

Chair San Buenaventura, Vice Chair Aquino, and HHS Committee Members

Drug Policy Forum of Hawaii (DPFH) supports to right of patients and care providers to collectively associate. It's unfortunate that the sunset provision was not removed last session or in prior sessions. DPFH supports increasing the number of registered patients able to access an individual care provider to 10.

It's also regrettable that the Department of Health has been less than supportive in modifications of the state's medical cannabis law to better meet the needs of patients, dispensaries, and the public. This includes overly restrictive registration requirements and the wanton lack of tone-neutral science-based information to educate the public about cannabis use. Hawaii has also been deficient in providing employment protections to registered medical cannabis patients, or access to medical cannabis in skilled nursing and hospice facilities akin to Ryan's Law.

Mahalo for the opportunity to provide testimony.

HHS/CPN, JDC
SB1429
RELATING TO MEDICAL CANNABIS.
February 11th, 2025 9:45 AM

LATE

Testimony in Support of HB1249

Aloha Chair, Vice Chair, and Members of the Committee,

Mahalo for the opportunity to testify in strong support of HB1249, which reinstates and strengthens Hawaii's caregiver cultivation program. This bill is essential to ensuring patient access to safe, affordable cannabis medicine, especially for those unable to cultivate on their own.

Two Amendments to Strengthen HB1249 Section (3):

1. Ensure caregiver oversight while preventing unnecessary raids on lawful growers. The taking of children from their parents over obscure regulations must end.
2. Increase patient limit per caregiver from four to nine patients. Allows licensed caregivers to meet the needs of patients affordably, consistently with high quality cannabis products to treat nStage cancers.

Addressing Diversion Concerns:

- Licensed dispensaries have expanded plant counts and relaxed testing with no reported harm.
- Licensed caregiver cultivation reduces unlicensed sales, while enforcing supply side economics against the economic harms of artificial price controls.

Preserving Patient Access & Hawaii's Cannabis Ohana

- Passing HB1249 before federal legalization protects patient rights, ensures long-term medical access, and allows families to grow their own medicine.

I urge the committee to pass HB1249 with these amendments or as-is.

Mahalo for your time and consideration.

Respectfully submitted,

Brent Norris
Founder, Big Island Grown
Founder, Hawaii Patients Union

SB-1429

Submitted on: 2/9/2025 11:08:01 PM

Testimony for HHS on 2/11/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Dara Yatsushiro	Individual	Support	Written Testimony Only

Comments:

Support