



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of H.B. 0583, PROPOSED HD1
RELATING TO HEALTH**

REPRESENTATIVE JOHN M. MIZUNO, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: Tuesday, January 28, 2020

Room Number: 329

1 **Fiscal Implications:** None identified.

2 **Department Testimony:** The Department is in SUPPORT of this measure which: (1) Aligns the
3 language in Chapter 329D, Hawaii Revised Statutes, with recent enactments that provide for the
4 transfer of a dispensary license, removes the exclusion from dispensary employment for certain
5 class C felony convictions, and repeals the public housing restriction on medical cannabis facility
6 siting; (2) Corrects the omission of primary caregivers, qualifying out-of-state patients, and
7 caregivers of a qualifying out-of-state patient as individuals allowed to access medical cannabis
8 retail locations; (3) Defines “restricted access area” as that area in a retail location where medical
9 cannabis and manufactured medical cannabis products are dispensed or made available for retail
10 sale; and (4) Clarifies that each day of a violation of Chapter 329D, HRS is a separate offense
11 subject to a fine. Defining “restricted access area” will better serve patients by allowing a family
12 member, caregiver, or other assistant to help patients into retail dispensaries while preventing
13 unauthorized access to medical cannabis and manufactured medical cannabis products.
14 Clarifying that each day of a violation is a separate offense will better protect patient safety by
15 facilitating oversight of dispensary compliance with Chapter 329D, HRS.
16 Thank you for the opportunity to testify on this measure.



Akamai Cannabis Clinic

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TESTIMONY ON HOUSE BILL 583
RELATING TO CANNABIS FOR MEDICAL USE

By
Clifton Otto, MD

House Committee on Health
Representative John M. Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair

Tuesday, January 28, 2020; 8:35 AM
State Capitol, Conference Room 329

Thank you for the opportunity to provide testimony on this measure. Please consider the following comments related to this bill:

Any changes to our Medical Cannabis Program require that we also address the misconception that our program is violating federal law in order to eliminate the injuries that the current situation is causing our patients and dispensaries.

These injuries include patients not being able to obtain employment because of a positive cannabis screening drug test, being terminated from employment because of failing a cannabis urine drug test that does not test for impairment in the workplace, being evicted from federally subsidized housing, not being able to obtain life insurance, not being able to enjoy the protections of the American with Disabilities Act, being discriminated against in child custody hearings, not being able to travel to other islands with their medicine, and dispensaries not being able to carry on normal banking activity, having to conduct a majority of their transactions in cash, not being able to enjoy standard business expense deductions which is creating a 70%+ tax burden that only raises product costs for patients, and not being able to conduct medical research with the University of Hawaii system.

Our patients and dispensaries should not be required to operate under the false assumption that they are violating federal law in order to engage in the medical use of cannabis in Hawaii.

“An Accepted Medical Use Supporter”

The State of Hawaii created this situation when it lawfully decided that cannabis has medical use in Hawaii, which means that the State cannot simply wait for Congress to fix a situation that it created. We can no longer stand for the federal regulation that has the non-medical use of cannabis on the Schedule I list being unconstitutionally applied to our medical cannabis program.

There is a simple solution to this problem, which is presented in Senator Ruderman's federal exemption bill, [SB2462](#), which was recently introduced into the Senate:

In order to increase the chances that this important change will be made to our Medical Use of Cannabis Act this session, I ask that you please adopt the following language from SB2462 into the current bill before you:

"329D-25 Coordination among state and federal agencies. The department shall initiate ongoing dialogue among relevant state and federal agencies to identify processes and policies that ensure the privacy of qualifying patients and qualifying out-of-state patients and the compliance of qualifying patients, primary caregivers, qualifying out-of-state patients, and caregivers of qualifying out-of-state patients and medical cannabis dispensaries with state laws and regulations related to medical cannabis. The department shall submit a written request, in accordance with title 21 C.F.R. section 1307.03, to the Office of Diversion Control, Drug Enforcement Administration by September 1, 2020, stating that part IX of chapter 329 and this chapter do not create any positive conflict with state or federal drug laws and regulations and are consistent with title 21 U.S.C. section 903, and requesting formal written acknowledgement that the listing of marijuana as a controlled substance in federal schedule I does not apply to the nonprescription use of cannabis under the medical cannabis registry and dispensary programs established pursuant to chapters 329 and 329D."

Thank you for considering this necessary amendment.

Aloha.

"An Accepted Medical Use Supporter"

HB-583

Submitted on: 1/26/2020 7:20:45 PM

Testimony for HLT on 1/28/2020 8:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Blake Oshiro	Hawaii Cannabis Industry Association	Support	Yes

Comments:



January 28, 2020

To: Representative John Mizuno, Chair
Representative Bertrand Kobayashi, Vice-Chair
Members of the House Health Committee

Fr: Blake Oshiro, Esq. on behalf of the Hawai'i Cannabis Industry Association (HICIA)

Re: Testimony in SUPPORT of the PROPOSED HOUSE DRAFT (HD) 1 of HB583

RELATING TO MEDICAL CANNABIS.

Proposed HD1: Allows primary caregivers, qualifying out-of-state patients, and caregivers of a qualifying out-of-state patient to access the restricted access area within a medical cannabis retail dispensary. Clarifies violations related to medical cannabis dispensaries.

The Hawai'i Cannabis Industry Association, formerly known as the Hawai'i Educational Association for Therapeutic Health (HEALTH), represents all eight of the state's licensed medical cannabis dispensaries.

The association would like to provide clarification and additional information about the scope of access to dispensary areas restricted to the public. The law currently uses the broad term "premises" to describe prohibited areas but should be more specifically defined and delineated as the retail facility sales area, so that the security and access for caregivers, qualifying out-of-state patients and caregivers of out-of-state patients is clear.

We also support the other housekeeping provisions in the bill which align with recent enactments to the law so that there is consistency throughout the chapter to: (1) provide a process for the voluntary or involuntary sale or transfer of a dispensary license, (2) remove the exclusion from dispensary employment for certain class C felony convictions, and (3) repeal certain restrictions on medical cannabis dispensary siting.

Thank you for the opportunity to provide our testimony and for your consideration to move this bill forward.

HB-583

Submitted on: 1/27/2020 5:29:29 AM

Testimony for HLT on 1/28/2020 8:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Arielle Jackson	Individual	Support	No

Comments:

To whom it may concern,

Thank you so much for hearing this topic today , As a professional cannabis consultant and moderate consumer I can not stress how important it is to allow our medical patients to use cannabis in all ways and forms possible.I have experienced great results from eating edibles once I was familiar with my proper dosage. I find it depends on someone's metabolism and also their weight, their height and there overall tolerance to cannabis and other pharmaceuticals and definitely are to be considered. Safe dose for the average person is 10-20mg and the whole bar should be 100-200mg containing 10-20 servings. I also find that one can receive great benefits from consuming edibles if they are suffering from cancer or dementia as it helps increase appetite and alleviates nausea, chronic fatigue , inflammation, pain and/or insomnia. The proper form of administration is key when using cannabis as an alternative regimen or medicine please please please be open to our suggestions. Thank you for your time .

Arielle Jackson.