



**WRITTEN TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTY-FIRST LEGISLATURE, 2021**

---

**ON THE FOLLOWING MEASURE:**

H.B. NO. 482, RELATING TO CANNABIS FOR MEDICAL USE.

**BEFORE THE:**

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES, AND HOMELESSNESS

**DATE:** Friday, February 5, 2021 **TIME:** 8:30 a.m.

**LOCATION:** State Capitol, Via Videoconference

**TESTIFIER(S):** **WRITTEN TESTIMONY ONLY.**  
(For more information, contact Tara K.C.S. Molnar,  
Deputy Attorney General, at 587-3050)

---

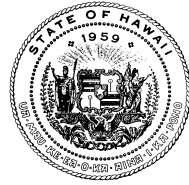
Chair Yamane and Members of the Committee:

The Department of the Attorney General offers the following comments.

This measure would amend section 329D-1, Hawaii Revised Statutes (HRS), to add two new definitions, "cutting" and "propagule," and amend the existing definition for "cannabis" (page 3, lines 6-13). The bill would also amend section 329D-13, HRS, to: (1) set dispensing limits for propagules and cuttings for qualifying patients and primary caregivers; and (2) prohibit a qualifying out-of-state patient and a caregiver for a qualifying out-of-state patient from purchasing propagules and cuttings (page 3, lines 19 through page 5, line 7).

The measure's wording with respect to dispensing limits (page 4, lines 3-8) raises concerns because it allows a qualifying patient or primary caregiver to purchase "no more than five propagules or cuttings within a consecutive period of fifteen days, or no more than ten propagules or cuttings within a consecutive period of thirty days." It is unclear how these limits would work in conjunction with the definition of "adequate supply" in section 329-121, HRS, which permits no more than ten cannabis plants, whether immature or mature. Whether the intent is to expand the allowable supply of cannabis or to include cuttings and propagules within the current definition of "adequate supply," we believe it would help regulators, dispensaries, and certificate holders and regulators if this were clarified.

Thank you for the opportunity to provide comments.



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony in OPPOSITION to HB482**  
**RELATING TO CANNABIS FOR MEDICAL USE.**

REPRESENTATIVE RYAN I. YAMANE, CHAIR  
HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS

Hearing Date: Friday, February 5, 2021

Room Number:

1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's  
2 Executive Budget Request for the Department of Health's appropriations and personnel  
3 priorities. Additional personnel resources will be needed to ensure that patients remain within  
4 their statutory limits and to prevent diversion of cannabis to the illegal market.

5 **Department Testimony:** The Department of Health (DOH) appreciates the intent of this  
6 measure to improve patient access by allowing licensed dispensaries to distribute cannabis  
7 propagules and cutting, however, DOH OPPOSES SB254 for the following reasons:

8 (1) **Does not comport with the Legislature's intent in establishing the regulated**  
9 **statewide dispensary system.** In 2015, the Hawaii Legislature established a statewide  
10 dispensary system to ensure safe and legal access to medical cannabis for qualifying  
11 patients. Authorizing the licensed dispensaries to distribute cannabis seeds and clones  
12 appears to be a departure from the Legislature's intent.

13 (2) **Great potential for patients to exceed their statutory limit of medical cannabis.**  
14 "Adequate supply" is defined in section 329-121, HRS, as an amount not to exceed "ten  
15 cannabis plants, whether immature or mature...at any given time." Although patients and

1 caregivers are required to tag each plant and remain within this ten plant limit, home  
2 grow plants are not tracked within the state's electronic seed-to-sale tracking system.  
3 SB254 would allow a patient to acquire up to ten propagules or cuttings each month.  
4 Since plants take between 2-3 months to reach harvest age, one patient could accumulate  
5 up to 30 plants before their first month's purchase is ready to harvest. This creates a  
6 great potential for patients to exceed their statutory plant count limits.

7 (3) **Inadequate ability to enforce plant limits impacts individuals' enjoyment of**  
8 **property and risks encouraging the illegal cannabis market.** The potential for  
9 patients to grow more than their statutory limit combined with the inability to adequately  
10 enforce plant limits impacts the community and tempts the diversion to other than  
11 registered patients. DOH and law enforcement routinely receive complaints regarding  
12 cannabis plant odor, however, DOH lacks the personnel to enforce plant limits and law  
13 enforcement must have probable cause or permission to enter a property. As a result,  
14 there is little that can be done to assist these individuals whose enjoyment of their  
15 properties is often impacted and the potential for patients to exceed their statutory limits  
16 is unchecked. In addition, because one location can be registered as a grow site for an  
17 unlimited number of patients, the risk of illegal growing operations under the guise of  
18 home grows is exacerbated by this inability to adequately enforce plant limits. There is at  
19 least one grow site registered to almost 400 cardholders. SB254 risks further  
20 compounding this situation and significantly jeopardizing patient and public health and  
21 safety.

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



February 5, 2021

To: Representative Ryan Yamane, Chair  
Representative Adrian Tam, Vice-Chair  
Members of the House Health, Human Services and Homelessness Committee

Fr: Blake Oshiro, Esq. on behalf of the HICIA Assn.

Re: Testimony **In Strong Support** on **House Bill (HB) 482**

RELATING TO CANNABIS FOR MEDICAL USE

Authorizes medical cannabis dispensaries to distribute cannabis propagules and cuttings to individuals authorized to cultivate cannabis plants for medical use, subject to quantity limits and quality requirements.

Dear Chair Yamane, Vice-Chair Tam, and Members of the Committee:

The Hawai'i Cannabis Industry Association, formerly known as the Hawai'i Educational Association for Therapeutic Health, represents all eight of the state's licensed medical cannabis dispensaries. HICIA **supports** HB482 authorizes the dispensaries to distribute cannabis propagules and cuttings patients.

HICIA supports a patient's right to grow their medicine for themselves. HICIA believes patients should have access to clean, safe, tested and proven genetics if they wish to grow their medicine at home. This enables patients to obtain the appropriate medicine that has the properties for which they are seeking while minimizing the risk of unwanted pests and pathogens, such as powdery mildew, from being introduced into a homegrown environment.

Thank you for the opportunity to testify.



To: Rep. Ryan I. Yamane, Chair  
Rep. Adrian K. Tam, Vice Chair  
Members of the Committee on Health, Human Services, & Homelessness

Fr: Jaclyn L. Moore, Pharm D., CEO Big Island Grown Dispensaries

TESTIMONY IN SUPPORT OF HB482

RELATING TO MEDICAL CANNABIS.

Authorizes medical cannabis dispensaries to distribute cannabis propagules and cuttings to individuals authorized to cultivate cannabis plants for medical use, subject to quantity limits and quality requirements.

Dear Chair Yamane, Vice-Chair Tam, and Members of the Committee:

Big Island Grown Dispensaries is one of eight dispensary licensees in the State. We operate a production facility and 3 retail locations on the Big Island of Hawaii. We submit testimony today **in support of HB482** which authorizes medical cannabis dispensaries to distribute cannabis propagules and cuttings to individuals authorized to cultivate cannabis plants for medical use, subject to quantity limits and quality requirements.

Big Island Grown respects a patient's right to grow for themselves. The passage of this bill helps patients that will ultimately choose to grow for themselves because of a number of reasons including geographical distance, financial, or cultural. We seek the ability to provide safe and proven genetics to this group of 329 cardholders by dispensing proven phenotyped clones that are clean and tested. This enables a patient to obtain strains with the medicinal properties for which they are seeking while minimizing the risk of unwanted pests and pathogens, such as powdery mildew, from being introduced into a home grow environment.

Thank you for the opportunity to testify on this measure.

Jaclyn L. Moore, Pharm.D.

CEO Big Island Grown Dispensaries

LATE

**HB-482**

Submitted on: 2/4/2021 10:29:21 AM

Testimony for HHH on 2/5/2021 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nikos Leverenz	Drug Policy Forum of Hawaii	Support	No

Comments:

Drug Policy Forum of Hawaii (DPFH) supports HB 482, which authorizes medical cannabis dispensaries to distribute cannabis propagules and cuttings to persons authorized to cultivate cannabis for medical use.

Offering propagules and cuttings for sale is a longstanding practice in many medical cannabis states. DPFH supports efforts that increase the availability of a variety of cannabis flower and manufactured cannabis products to better meet the emerging needs of patients.

DPFH actively participated in the Act 230 (2016) Medical Cannabis Legislative Oversight Working Group, which addressed, among other concerns, the facilitation of cannabis-infused edible products.

DPFH was also instrumental in the passage of Act 228 (2000), authorizing the acquisition, possession, and use of medical cannabis, and Act 241 (2015), authorizing the establishment and regulation of medical cannabis dispensaries.



LATE

February 4, 2021

To: Representative Ryan I. Yamane, Chair  
Representative Adrian K. Tam, Vice Chair  
Members of the House Committee on Health, Human Services, & Homelessness

From: Chris Cole, Director of Product Development, Maui Grown Therapies

Re: TESTIMONY IN SUPPORT OF HB 482

*Maui Grown Therapies (MGT) is licensed by the Department of Health pursuant to HRS 329D to cultivate, manufacture and dispense medical cannabis and medical cannabis manufactured products to qualifying patients on Maui.*

MGT **supports** House Bill 482, which would improve patient access to affordable, quality assured medical cannabis by allowing licensed dispensaries to supply genetic material needed for safe and reliable home cannabis cultivation.

MGT strongly supports the right of registered patients to cultivate their own medical cannabis plants at home in accordance with applicable laws and regulations. Indeed, **the medical dispensary system created by the legislature in 2015 did not intend to sunset the ability for qualified patients to cultivate a limited number of cannabis plants for their personal use** (although the law clearly established sunset provisions for caregivers in anticipation of the dispensary system ultimately meeting the needs of qualified patients for safe, laboratory tested products).

MGT production staff is generally available to registered patients seeking to learn how to maintain a healthy garden at home; how to identify and control common pests; and how to avoid microbial contamination when processing and storing harvested cannabis.

Patients frequently ask if they can purchase cuttings, seeds or other propagative material from MGT. Unfortunately, because propagative material is not included on the list of products licensed dispensaries may manufacture and distribute, we are unable to meet their needs – leaving patients with no alternative other than to turn to the illicit market to obtain questionable and often mislabeled genetics to propagate their gardens.

By allowing dispensaries licensed under HRS 329D to dispense cuttings and other propagative material to registered medical cannabis patients, HB 482 would establish a legal, transparent channel for the distribution of such products. Furthermore, because propagative material dispensed by licensed dispensaries would be subject to mandatory testing by an independent laboratory for the presence of contaminants, House Bill 2633 HD2 ensures 329 cardholders who wish to cultivate their medical cannabis at home have a source of safe, quality-assured plant material.

Mahalo for your consideration.

Maui Grown Therapies  
44 Pa'a St., Kahului, HI 96732  
(808) 866 7576