



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony COMMENTING on HB1217
RELATING TO MEDICAL CANNABIS**

REP. DELLA AU BELATTI, CHAIR
HOUSE COMMITTEE ON HEALTH & HOMELESSNESS

Hearing Date: 02-04-23

Room Number: 329

1 **Fiscal Implications:** N/A.

2 **Department Testimony:** The Department of Health (DOH) appreciates and supports this
3 measure which provides clarity and strengthens the integrity of the medical use of cannabis laws
4 by amending section 329-41, HRS, various sections of part IX, chapter 329, HRS, and section
5 328D-2, HRS.

6 DOH supports the proposed amendment under Section 1 which clarifies that only those persons
7 authorized under part IX, chapter 329 or chapter 329D may cultivate, produce, manufacture,
8 distribute, or dispense medical cannabis.

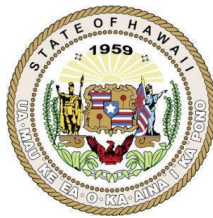
9 DOH also supports the proposed amendment under Section 2 which amends the definition of
10 "medical use" to clarify that the term distribution is limited to the transfer of cannabis and
11 paraphernalia from the qualifying patient's authorized primary caregiver to the qualifying
12 patient. DOH asks that the expanded definition does not preclude qualifying patients or their
13 authorized primary caregiver from purchasing cannabis from a licensed dispensary.

14 DOH further supports the proposed amendments under Sections 3 through 7, all of which clarify
15 parameters regarding medical use of cannabis.

16 Thank you for the opportunity to testify.

17 **Offered Amendments:** N/A.

JOSH GREEN
GOVERNOR



JORDAN LOWE
DIRECTOR

MICHAEL S. VINCENT
Deputy Director
Administration

STATE OF HAWAII | KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF LAW ENFORCEMENT
Ka 'Oihana Ho'opalekana Lehulehu
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Vacant
Deputy Director
Law Enforcement

No.

TESTIMONY ON HOUSE BILL 1217
RELATING TO MEDICAL CANNABIS
Before the House Committee on Health and Homelessness
Saturday, February 4, 2023; 9:30 a.m.
State Capitol Conference Room 329, Via Videoconference
WRITTEN TESTIMONY ONLY

Chair Belatti, Vice Chair Takenouchi, and Members of the Committee:

The Department of Law Enforcement (DLE) **supports** House Bill (HB) 1217, which amends various statutory provisions for the purpose of strengthening the integrity of medical cannabis law.

DLE believes that HB 1217 is timely and necessary to address gaps in current law that allow controversial practices in Hawaii's medical cannabis realm. HB 1217 provides better ability to address those controversial practices, thereby increasing the legitimacy of Hawaii's Medical Use of Cannabis Program and protecting the licensed dispensary industry.

Thank you for the opportunity to testify on this measure.



To: Representative Della Au Belatti, Chair
Representative Jenna Takenouchi, Vice Chair
Members of the House Committee on Health and Homelessness

Fr: Randy Gonce, Executive Director of the Hawaii Cannabis Industry Association

Re: **Testimony In Support of House Bill (HB) 1217**
RELATING TO MEDICAL CANNABIS.
Amends various statutory provisions for the purpose of strengthening the integrity of medical cannabis law.

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

The Hawai'i Cannabis Industry Association is the trade association for the state's licensed medical cannabis dispensaries. HICIA **supports HB1217** as a measure to strengthen the integrity of the medical cannabis law.

Thank you for the opportunity to testify.

HB-1217

Submitted on: 2/1/2023 9:25:24 PM

Testimony for HLT on 2/4/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Tai Cheng	Aloha Green Holdings Inc.	Support	Remotely Via Zoom

Comments:

To: Representative Della Au Belatti, Chair

Representative Jenna Takenouchi, Vice-Chair

Members of the Health & Homelessness Committee

Fr: Tai Cheng, President of Aloha Green Holdings Inc.

Re: Testimony In Support with COMMENTS of House Bill (HB) 1217

RELATING TO MEDICAL CANNABIS.

Amends various statutory provisions for the purpose of strengthening the integrity of medical cannabis law.

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

Aloha Green Apothecary is a state licensed medical cannabis dispensary licensee operating on Oahu. Aloha Green Supports with COMMENTS as this bill may affect how commercial caregivers may operate in the gray market.

Aloha Green’s comment is to amend the addition of the provision “No more than five qualifying patients may use any particular location to cultivate cannabis” to “No more than five qualifying patients may use one Tax Map Key (TMK) property or location with prior written approval by the Office of Medical Cannabis Control and Regulation to cultivate cannabis”. The restriction to one TMK avoids commercial caregivers who may seek to CPR (or condominiumize) a property to evade the definition of one property, but the addition of discretion given to the Department of Health will allow for multiple legitimate caregivers who may be operating at one location. The Department of Health should be given the power to regulate the number of patients per caregiver to ensure public safety, product safety and patient safety.

Thank you for the opportunity to testify with comments.



To: Representative Della Au Belatti, Chair
Representative Jenna Takenouchi, Vice Chair
Members of the House Committee on Health and Homelessness

Fr: Casey Rothstein, CEO Green Aloha Ltd.

Re: **Testimony In Support of House Bill (HB) 1217**

RELATING TO MEDICAL CANNABIS.

Amends various statutory provisions for the purpose of strengthening the integrity of medical cannabis law.

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

Green Aloha, the Kauai Medical Cannabis License, is in strong **support of HB1217** as a measure to strengthen the integrity of the medical cannabis law.

Thank you for the opportunity to testify.



DATE: February 3, 2023

TO: Representative Della Au Belatti
Chair, House Committee on Health & Homelessness

FROM: Mihoko Ito

RE: **H.B. 1217 – Relating to Medical Cannabis**
Hearing Date: Saturday, February 4, 2023 at 10:00 a.m.
Conference Room: 329

Dear Chair Belatti, Vice Chair Takenouchi, and members of the Committee on Health & Homelessness:

We submit this testimony on behalf of Cure Oahu in **support** of H.B. 1217. Cure Oahu is a vertically integrated licensed dispensary that has been operating in the State of Hawaii since 2018, with two retail locations in the Kapahulu and Kapolei areas.

H.B. 1217 Relating to Medical Cannabis amends various statutory provisions for the purpose of strengthening the integrity of medical cannabis law. Currently, medical cannabis dispensaries are regulated under HRS Chapter 329D and the individual medical use of medical cannabis is regulated under HRS Chapter 329. By definition, any activity that falls outside of these regulations is not regulated cannabis.

We believe clarity as to what is permitted by law is fundamental to any legal, regulated system. It is important for the agencies that regulate cannabis to have the tools they need to perform compliance and oversight responsibilities as necessary to ensure the law is abided by. It is equally important for dispensaries and medical cannabis patients to have clarity about the existing regulations. There is currently some confusion in the marketplace and community of medical cannabis patients as to what is permissible under the law, and something must be done to clarify the intent of both Chapter 329 and Chapter 329D. We believe this measure will help both dispensaries and medically cannabis patients interpret and comply with the letter and spirit of the law on equal footing. It will also help the regulatory agencies educate the community regarding current permissible uses of cannabis.

We respectfully request that the Committee pass this measure to allow for discussions to continue on these issues. Thank you for the opportunity to submit testimony in support of this bill.



To: Representative Della Au Belatti, Chair
Representative Jenna Takenouchi, Vice Chair
Members of the House Committee on Health and Homelessness

Fr: Bill Jarvis, Chief Executive Officer of Noa Botanicals

Re: Testimony In Support of House Bill (HB) 1217
RELATING TO MEDICAL CANNABIS.
Amends various statutory provisions for the purpose of strengthening the integrity of medical cannabis law.

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

Noa Botanicals is in support of HB1217 as a measure to strengthen the integrity of the medical cannabis law.

Thank you for the opportunity to testify.

Best,

Bill Jarvis
CEO
Noa Botanicals

HB-1217

Submitted on: 2/2/2023 10:14:33 AM

Testimony for HLT on 2/4/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Victor K. Ramos	Individual	Support	Written Testimony Only

Comments:

SUPPORT: The proposed added language.

To: REP DELLA AU BELATTI, CHAIR HEALTH AND HOMELESSNESS (HLT)
REP JENNA TAKENOUCI, VICE-CHAIR HLT
MEMBERS OF THE HOUSE HLT COMMITTEE

From: ANN CHUNG

Hearing Date: Feb 4, 2023
9:30AM
RM 329

Re: SUPPORT
House Bill (HB) 1217, RELATING TO MEDICAL CANNABIS - Amends various statutory provisions for the purpose of strengthening the integrity of medical cannabis law.

Dear Chair Belatti, Vice-Chair Takenouchi, and Members of the Committee:

I am writing **in support of HB1217**, to strengthen the integrity of the medical cannabis law.

State-legal medical cannabis, and the future of legal cannabis, currently rely on state law as its bedrock with federal policy guidance. As a new industry evolves, state, federal, and international standards align, similar to food, drugs, telecommunications, and automobiles. Success with establishing legal medical cannabis would provide significant economic and social benefits.

Strengthening the medical cannabis law is safe and adds value. Discarding the integrity of the medical cannabis law adds more risk, and cost, and destructs economic and social benefits.

While adult use will be heavily discussed in this 2023 legislative session, most successful adult-use markets used the medical cannabis program as their launching pad, and continuously make improvements. In 2017, Colorado House Bill 17-1220 unanimously passed and became law. Colorado's law:

Places a cap on the number of plants that can be possessed or grown on a residential property at 16 plants unless a local jurisdiction permits possessing or growing more than 16 plants. The criminal penalties for violating the cultivation limit are:

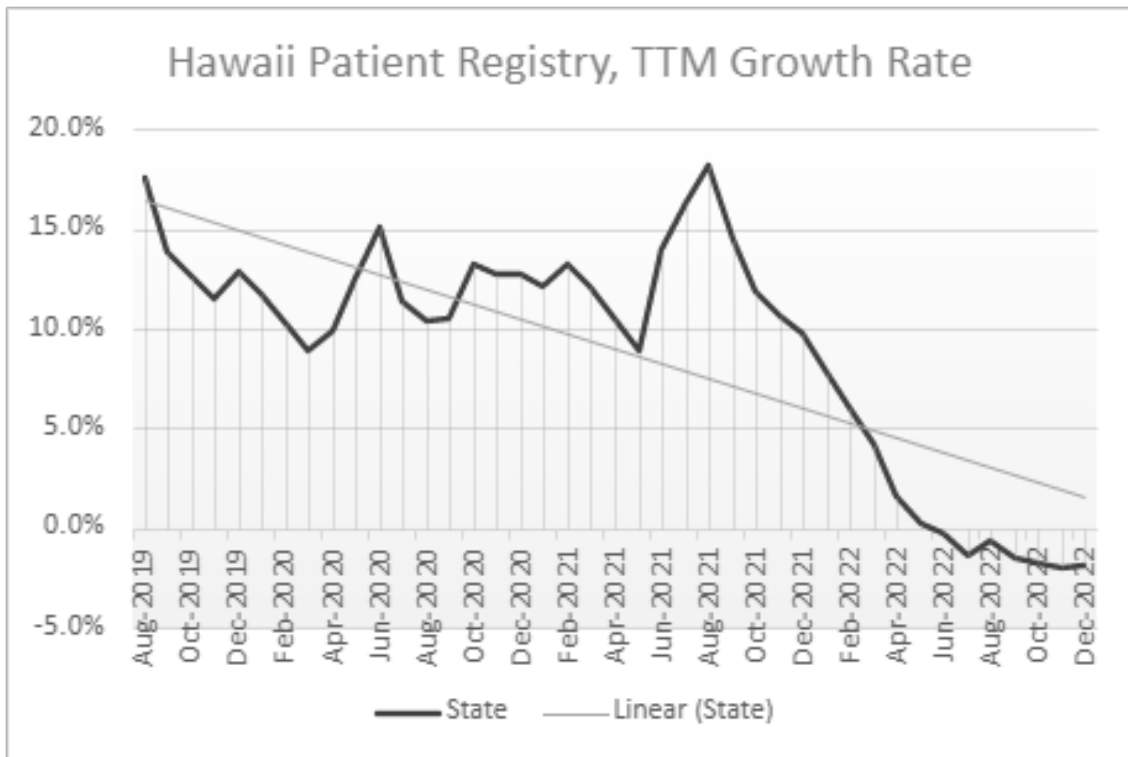
- A level 1 drug petty offense for a first offense if the offense involves more than sixteen plants, punishable by a fine of up to one thousand dollars;
- A level 4 drug felony for a second or subsequent offense if the offense involves more than sixteen but not more than thirty plants; or
- A level 3 drug felony for a second or subsequent offense if the offense involves more than thirty plants.

A medical marijuana patient or primary caregiver who cultivates more than 16 plants must cultivate the plants in compliance with applicable city, county, or city and county law. The bill requires a patient or primary caregiver cultivating medical marijuana to comply with all local laws, regulations, and zoning requirements.

Despite more medical cannabis dispensaries, and expanded product selection including edibles, registered patients are declining; less than half of registered patients utilize a dispensary each month.

Month	Patients	Unique Patient Encounters	Utilization Rate
Dec-2019	27,152	9,638	35.5%
Dec-2020	30,868	12,013	38.9%
Dec-2021	34,125	13,558	39.7%
Dec-2022	33,308	14,443	43.4%

Hawaii DOH MedCan Program Statistics



ON THE FOLLOWING MEASURE: HB1217, RELATING TO CANNABIS

COMMITTEE ON HEALTH & HOMELESSNESS

DATE: Saturday, February 4, 2023 TIME: 9:30PM

TESTIFIER: Brian Goldstein

POSITION: STRONG SUPPORT WITH COMMENTS

Chair Au Bellati, Vice Chair Takenouchi and Members of the Committee:

This bill is focused on clarifying various medical cannabis statutory provisions and has important measures that deserve your support.

There is an important matter regarding patient access that should be added to this bill;

allow owners of firearms to access medical cannabis.

Currently, Honolulu Police Department does not allow persons with medical cannabis cards that are current, or expired less than one year, to acquire or possess firearms or ammunition.

According to a certified letter from HPD dated December 27, 2022 ,

This letter is to inform you that under the provisions of ...Hawaii Revised Statutes, Section 134-7(a), you are disqualified from owning, possessing, or controlling any firearms in the State of Hawaii. Our background investigation revealed that you have a valid medical cannabis card.

To be considered for future firearms applications, your medical cannabis card will need to be expired or surrendered and accompanied with a medical clearance letter if you apply within one year of your card's date of expiration." (See attached)

According to HPD, the medical clearance letter must state that the previous cardholder is "no longer adversely affected by the addiction, abuse, dependence, mental disease, disorder, or defect." (See attached)

HRS §134-7(a) states "(a) No person who is a fugitive from justice or is a person prohibited from possessing firearms or ammunition under federal law shall own, possess, or control any firearm or ammunition therefor."

The notion that a 329 cardholder is addicted or afflicted by mental disease, disorder or defect is both outdated and outrageous. It is hard to imagine that the legislature supports this view of medical cannabis patients.

It is time that the Hawaii legislature correct this injustice by **amending HRS §134-7 to prohibit the possession of a 329 card as cause for denying a firearm registration.**

One suggestion is to amend Section 134-7, Hawaii Revised Statutes, by adding the following language;

“Possession of a current or expired medical cannabis card shall not disqualify a person from owning, possessing, or controlling any firearm in the State of Hawaii”

Thank you for your attention to this matter.

HB-1217

Submitted on: 2/4/2023 7:24:49 AM

Testimony for HLT on 2/4/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Karl Michael Kvalvik	Individual	Comments	Written Testimony Only

Comments:

Greetings,

My Name is Karl Kvalvik, and I am a 38 year old Systems IT Professional. I have been living in Hawaii for 6 years, and this is my second year gratefully participating in Hawaii's Medical Cannabis Program.

I rely on Hawaii's Local Co-op farms to allow me to grow my medical plants, and I participate in community cannabis events regularly.

It has come to my attention that the Recent event "Hawaii's First Annual Cannabis Cup" has drawn static from certain council members/concerned citizens.

I want to testify that this event which took place on Saturday (02/04/2023) was highly governed, and no cannabis was being sold to bystanders.

The Hawaii Cannabis Cup, hosted by the Care Waialua Farm, which I have a Co-Op relationship with, was not selling cannabis to patients at this event, it was designed as a way to judge cannabis that is grown only.

Cannabis Patients care deeply about the quality of their plant medicine - I myself signed up to be a cannabis judge - The look/smell/taste/texture are the 4 categories which I am judging 43 different strains of Cannabis at this event.

It is important for growers to get feedback on their process/product, and to compare their notes for producing sustainable and quality cannabis medicine.

On that note, I see no effort for circumvent Hawaii Cannabis Laws by the local co-op farming community, but rather a community effort to continue growing together.

Kind Regards,

Karl M. Kvalvik

808-528-7806

karlvalvik@gmail.com

JOSH GREEN, MD
GOVERNOR



TOMMY JOHNSON
DIRECTOR

Melanie Martin
Deputy Director
Administration

Michael Hoffman
Deputy Director
Corrections

William Oku, Jr.
Deputy Director
Law Enforcement

STATE OF HAWAII | KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF PUBLIC SAFETY
KA 'OIHANA HO'OPALEKANA LEHULEHU
1177 Alakea Street
Honolulu, Hawaii 96813

No. _____

TESTIMONY ON HOUSE BILL 1217
RELATING TO MEDICAL CANNABIS

By
Tommy Johnson, Director

House Committee on Health and Homelessness
Representative Della Au Belatti, Chair
Representative Jenna Takenouchi, Vice Chair

Saturday, February 4, 2023; 9:30 a.m.

Chair Belatti, Vice Chair Takenouchi, and Members of the Committee:

The Department of Public Safety (PSD) **supports** House Bill (HB) 1217, which amends various statutory provisions for the purpose of strengthening the integrity of medical cannabis law.

PSD believes that HB 1217 is timely and necessary to address gaps in current law that allow controversial practices in Hawaii's medical cannabis realm. HB 1217 provides better ability to address those controversial practices, thereby increasing the legitimacy of Hawaii's Medical Use of Cannabis Program and protecting the licensed dispensary industry.

Thank you for the opportunity to testify on this measure.