



**WRITTEN TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2023**

---

**ON THE FOLLOWING MEASURE:**

H.B. NO. 1359, H.D. 2, S.D. 1, RELATING TO HEMP.

**BEFORE THE:**

SENATE COMMITTEES ON WAYS AND MEANS AND ON JUDICIARY

**DATE:** Tuesday, April 4, 2023

**TIME:** 10:00 a.m.

**LOCATION:** State Capitol, Room 211

**TESTIFIER(S):** **WRITTEN TESTIMONY ONLY.**

(For more information, contact Jodi K. Yi,  
Deputy Attorney General, at (808) 586-1195)

---

Chairs Dela Cruz and Rhoads and Members of the Committees:

The Department of the Attorney General opposes the portions of this bill that seek to diminish the State's ability to regulate hemp.

The bill's purpose is to reform state laws regarding hemp by repealing redundant regulations, amending hemp laws to remove constraints on hemp farmers, allowing hemp producers to sell hemp biomass, requiring transparency in labeling, appropriating funds for the Department of Health, establishing a hemp task force jointly convened by the Department of Agriculture (DOA) and the Department of Health, appropriating funds for the DOA, and extending the hemp-processor law through July 1, 2027. See section 1 on page 2, line 20, to page 4, line 5, of the bill.

We have concerns about those portions of the bill that eliminate certain regulations of hemp production by prohibiting the State from requiring inspections, sampling, or the issuing of penalties against hemp producers; relax conditions imposed on the transportation of hemp within the State; allow producers to sell hemp biomass; and revise definitional terms. This deregulation would significantly hinder the State's ability to ensure that the production of hemp does not inadvertently enable the production (and distribution) of illegal marijuana. Law enforcement is unable to readily distinguish hemp flower, leaves, and seeds from the same components of illegal marijuana. Maintenance of the existing regulations affords some support to our law

enforcement's ability to police suspected illegal activity. Existing regulations serve to protect consumers from exceedingly potent products. Should an issue arise where an exceedingly potent or dangerous product was detected within our community, existing regulations permit inspection and the assessment of penalties.

Section 141-42, Hawaii Revised Statutes (HRS), currently allows hemp to be grown under regulations enforced by the United States Department of Agriculture (USDA). Additionally, the section allows for a licensed hemp producer to transport hemp that has passed USDA testing from a farm to a hemp processing facility. The DOA must authorize the transportation and has the authority to inspect or test a shipment to ensure that it is hemp and not marijuana. We have five main concerns about the bill's amendments to section 141-42, HRS.

*First*, this bill would repeal section 141-42(a)(2), HRS, which mandates that "[h]emp shall not be grown outside of a state agricultural district" on page 4, lines 20-21. Enforcement will be more difficult if the growing of hemp is not limited to agricultural districts, and we recommend leaving this restriction in the statute and not deleting section 141-42(a)(2), HRS, on page 4, lines 20-21.

*Second*, this bill would amend section 141-42(b)(1), HRS, by deleting the requirement that hemp transported off of a farm pass USDA testing (page 6, lines 3-5). The bill would also remove the authority for DOA to inspect a shipment to ensure it is actually hemp (page 6, line 9) and remove, by repeal of the existing subsection (c) and amendment of subsection (d), all penalties for noncompliance with the transportation requirements (page 6, line 14, to page 7, line 5). As shipments of marijuana may be disguised as hemp, we recommend (1) keeping the existing requirements that hemp pass all USDA testing (leave in section 141-42(b)(1), HRS, on page 6, lines 3-5); (2) keeping DOA's authority to inspect (leave in the words "inspections, sampling, and testing" on page 6, line 9; (3) not adding "[t]he State shall not require other inspections or sampling" on page 8, lines 20-21); and (4) keeping the penalties for noncompliant transportation of hemp (leave unchanged section 141-42(c) and (d) on page 6, line 14, to page 7, line 5).

*Third*, on page 7, lines 12-16, the bill amends section 141-42(e) to limit judicial proceedings based on administrative penalties or a cease-and-desist order to unlicensed hemp producers. If this change is made, any administrative penalty or cease and desist order would be unenforceable on licensed producers. Therefore, we recommend leaving the wording of subsection (e) (redesignated as "(d)") unchanged without adding the qualifier "an unlicensed" hemp producer on page 7, line 14.

*Fourth*, this bill would add a new subsection (e) to section 141-42, HRS, to allow the sale of hemp biomass at page 8, lines 3-5. Absent a laboratory analysis, there is no way to tell the legal and illegal plants, plant parts, or substances apart. Therefore, we recommend deleting the new subsection (e) from section 141-42, HRS, on page 8, lines 3-5.

*Fifth*, the bill would amend section 141-42, HRS, to add a new subsection (g), which states that "[t]he State shall not issue notices of violations or impose penalties upon any hemp producer licensed by the [USDA]", and to effectively prohibit all penalties except for growing hemp without a USDA license (page 8, line 21, to page 9, line 8). That prohibition is very broad and, for instance, would prohibit penalties against hemp growers for the illegal use of pesticides or the production of hemp within the buffers established by paragraphs (3) and (4) of section 141-42(a). We recommend that the wording on page 8, line 21, to page 9, line 8, beginning from "The State shall not issue . . . ." be deleted.

Additionally, this bill adds two new definitions to chapter 328G, HRS – "finished hemp product" and "intermediate hemp product" – and amends the definitions of "hemp product," "manufacture," "processing," and "hemp processor." However, this creates uncertainty regarding the operation of chapter 328G. Because no distinction is made between the regulation of intermediate and finished hemp products, there is no need to make a distinction between them. Also, the term "manufacture" is only used minimally in chapter 328G, HRS, and differs from "processing" in that it specifically includes compounding, blending, extracting, and infusing. We recommend that "processing" be re-defined more broadly so as to include compounding, blending, extracting, and infusing.

To improve the clarity of the chapter, which defines terms that are not then utilized, we recommend deleting from the bill the terms "finished hemp product," "intermediate hemp product," and "manufacture" (page 10, line 5, to page 11, line 6, and page 12, lines 14-21). We recommend using a single term for all finished hemp products and a single term for the process of converting hemp into a finished hemp product. An additional amendment to the term "hemp processor" could also be made for conformity with the other changes. We, therefore, respectfully suggest amending existing terms by amending the following definitions:

- (1) ""Hemp processor" means a person processing hemp [~~to manufacture~~]-into a hemp product." (Page 11, lines 8-10).
- (2) ""Hemp product" means [~~a product that: . . . for use.~~] any processed hemp being held, offered, or distributed for sale and intended for human or animal ingestion, inhalation, or consumption." (Page 11, line 12, to page 12, line 13);
- (3) ""Processing" means making a transformative change to the hemp plant [~~following harvest by converting an agricultural commodity~~] into a hemp product[~~], including but not limited to compounding, blending, extracting, and infusing, but not including planting, growing, harvesting, drying, curing, grading, or trimming a hemp plant or part of a hemp plant.~~]" (Page 13, lines 2-5); and
- (4) Delete the definition of "manufacture." (Page 12, lines 14-21).

Finally, there are two appropriations in this bill, one to the Department of Health in section 8 and one to DOA in section 10. In section 8 of this bill, the appropriation is for the specific purpose of "the hiring of a toxicologist or consultant for the purposes of section 328G-5(c)," HRS, rather than generally "for the purposes of this part." (Page 20, lines 14-19). Consequently, we recommend that the wording on lines 20-21 be amended to "The sum appropriated shall be expended by the department of health [~~for the purposes of this part~~]." Section 10 of this bill should be worded similarly to avoid ambiguity, because the wording for the hiring of a third-party consultant differs from the wording in section 9(e) of the bill and the appropriation is not generally "for the purposes

of this Act." Consequently, we recommend that the wording on page 23, lines 12-15, be amended to "for the hiring of a third-party consultant [~~to identify the infrastructure needs of Hawaii hemp farmers and the hemp industry on each island.~~] for the purposes of section 9 of this Act." In addition, we recommend that the wording on page 23, lines 16-17, be changed to "The sum appropriated shall be expended by the department of agriculture [~~for the purposes of this Act.~~]"

Thank you for the opportunity to present this testimony.

**JOSH GREEN, M.D.**  
Governor

**SYLVIA LUKE**  
Lt. Governor



**SHARON HURD**  
Chairperson, Board of Agriculture

**MORRIS M. ATTA**  
Deputy to the Chairperson

State of Hawai'i  
**DEPARTMENT OF AGRICULTURE**  
KA 'OIHANA MAHI'AI  
1428 South King Street  
Honolulu, Hawai'i 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

**TESTIMONY OF SHARON HURD  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE  
COMMITTEE ON WAYS AND MEANS AND COMMITTEE ON JUDICIARY**

**TUESDAY, APRIL 4, 2023  
10:00 AM  
CONFERENCE ROOM 211 AND VIDEOCONFERENCE**

**HOUSE BILL NO. 1359 HD2 SD1  
RELATING TO HEMP**

Chairpersons Dela Cruz and Rhoads and Members of the Committees:

Thank you for the opportunity to testify on House Bill 1359 HD2 SD1. This measure repeals redundant regulations on hemp production, allows sell of hemp biomass, requires transparency in labeling of hemp products, establishes the Hawaii Hemp Task Force and appropriates funds for the Department of Agriculture to hire hemp consultant to recommend infrastructure improvements on each island, requires and appropriates moneys for the Department of Health to hire or consult a toxicologist or consultant on hemp products, extends the State's hemp processor law through 7/1/2027, and repeals on 7/1/2027. The Department of Agriculture (DOA) offers the following comments.

DOA recommends NOT deleting section 141-42(a)(2), HRS, on page 4, lines 20 to 21, which states "Hemp shall not be grown outside of a state agricultural districts". Enforcement will be more difficult if the growing of hemp is not limited to agricultural districts. This is consistent with the testimony of Department of the Attorney General.



Consistent with repealing redundant regulations on hemp production, DOA strongly recommends deleting the language on page 9 lines 15 to 20 of this bill pertaining to nuisance issues. DOA does not find it necessary or appropriate to create additional rules to address nuisance issues, including smell, noise, and excessive lighting arising out of the activities of hemp growers. Pre-existing regulations and authority under the Department of Health and county land use ordinances already address (and are the appropriate method of addressing) the areas of nuisance referenced. DOA has serious concerns regarding the creation of a duplicative enforcement framework that may result in confusion and challenge due to incompatible oversight and conflicting actions and decisions.

Hemp geographic origin labeling provides transparency and encourages fair advertising practices for hemp products that are being promoted for sale. The DOA supports the labeling requirement to ensure that hemp produced in the State is labeled as Hawaii produced and that hemp produced outside the State is labeled with the appropriate origin. The DOA notes, however, that enforcement of the requirement may be challenging because it is difficult to determine the authenticity of the origin of the product.

DOA is concerned with the wording in the revision of HRS 141-42(g); “The State shall not require other inspections or sampling...” and “The State shall not issue notices of violations or impose penalties upon any hemp producer...”. Due to the open nature of those statements the bill may imply that hemp producers are free from all inspection or sampling types, and notices of violations or imposed penalties. This may put the DOA’s Performance Partnership (Pesticides) Grant with the U.S. EPA in jeopardy due to the inability to inspect, sample, issue notices of violations, and impose penalties for violating State and Federal pesticide laws or other laws not related to USDA hemp production.

Thank you for the opportunity to testify on this measure.



**LATE**

**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
**KA 'OIHANA OLAKINO**  
P. O. BOX 3378  
HONOLULU, HI 96801-3378  
[doh.testimony@doh.hawaii.gov](mailto:doh.testimony@doh.hawaii.gov)

**WRITTEN  
TESTIMONY  
ONLY**

In reply, please refer to:  
File:

**Testimony COMMENTING on HB1359 HD2 SD1  
RELATING TO HEMP**

SENATOR KARL RHOADS, CHAIR  
SENATE COMMITTEE ON JUDICIARY

SENATOR DONOVAN M. DELA CRUZ, CHAIR  
SENATE COMMITTEE WAYS AND MEANS

Hearing Date: 4/4/2023

Room Number: CR 415

- 1 **Fiscal Implications:** This measure will impact the priorities identified in the Governor's  
2 Executive Budget Request for the Department of Health's (Department) appropriations and  
3 personnel priorities.
- 4 **Department Testimony:** The Department offers comments and supports section 9, extending  
5 the sunset date for chapter 328G, Hawaii Revised Statutes, and Part III, participating in a Hawaii  
6 hemp task force. We respectfully offer amendments to improve the clarity of the chapter and to  
7 fully realize the legislature's intent to allow the development of a legal and regulated hemp  
8 industry in Hawaii. Key amendments, in part, include:
- 9 • Allowing hemp processors to process hemp biomass into an intermediary product,  
10 defined now as crude extract. This crude extract would have specific contaminant testing  
11 and labeling requirements, prescribed in rules, that address the fact that it is not yet fit for  
12 use as a manufactured hemp product. Crude extract could be sold only to other hemp  
13 processors for further refinement into a manufactured hemp product or to processors in  
14 other jurisdictions.
  - 15 • Removal of the requirement that a hemp processor must obtain a USDA license to  
16 grow hemp. In lieu of the USDA license, the department has offered language on adding  
17 a requirement that an applicant consent to a background check.



1 • Currently those that produce a manufactured hemp product by using a manufactured  
 2 hemp product as an ingredient do not need to register as a hemp processor, nor follow  
 3 current good manufacturing practices required by a registered hemp processors working  
 4 the hemp plant material. Amendment would now include this type of manufacturing as a  
 5 processing activity and require registration as a hemp processor.

6 • Only hemp processors that are processing hemp biomass in an enclosed building must  
 7 comply with current 500 foot buffer between the processing building and playgrounds,  
 8 schools, state parks, residential neighborhoods, hospitals, etc. However, hemp processors  
 9 that do not process hemp biomass to create a manufactured hemp product are not subject  
 10 to this buffer zone.

11 • Allowing the department, via rulemaking, to establish cannabinoid (including THC)  
 12 concentration limits to manufactured hemp products and the flexibility to add to the  
 13 existing types of ingestibles or topical manufactured hemp products. This will improve  
 14 departments ability to address potentially intoxicating amount of various THC  
 15 compounds and other cannabinoids and limit the amounts that can be present in a  
 16 manufactured hemp product.

17 Consistent with the department’s suggestion that the USDA licensure requirement for hemp  
 18 processors be replaced by a criminal background check, the department asks that if its proposed  
 19 amendments are adopted that corresponding amendments also be made to section 846-2.7, HRS, to  
 20 allow the department to conduct the state and national criminal history record check envisioned by  
 21 the proposed amendments.

22  
 23 **Offered Amendments:** To improve the clarity of the chapter and fully realize the legislature’s  
 24 intent to allow the development of a legal and regulated hemp industry in Hawaii, we  
 25 recommend the following amendments:

26  
 27 **[CHAPTER 328G]**  
 28 **HEMP PROCESSORS**

29  
 30 Section

1 328G-1 Definitions

2 328G-2 Hemp processor permit~~[registry]~~; application; ~~[removal]~~ permit revocation~~[from~~  
3 ~~registry]~~

4 328G-3 Hemp processing; hemp product sale and prohibitions; labeling

5 328G-4 Rulemaking

6 328G-5 Laboratory standards and testing; certification

7 328G-6 Enforcement; penalty

8 328G-7 Hawaii hemp processing special fund established

9  
10 **Note**

11  
12 Chapter repealed July 1, 2025. L 2022, c 137, §2.

13  
14 **Cross References**

15  
16 Commercial hemp production, see chapter 141, part III

17  
18 **[§328G-1] Definitions.** *[See Note at beginning of chapter.]* As used in this chapter:

19 "Applicant" means the person applying for a permit~~[to register]~~ to operate as a hemp  
20 processor under this chapter.

21 "Artificially derived cannabinoid" means a chemical substance that is created by a chemical  
22 reaction that changes the molecular structure of any chemical substance derived from the plant  
23 genus cannabis. "Artificially derived cannabinoid" does not include:

24 (1) A naturally occurring chemical substance that is separated from the plant genus  
25 cannabis by a chemical or mechanical extraction process; or

26 (2) Cannabinoids that are produced by decarboxylation from a naturally occurring  
27 cannabinoid acid without the use of a chemical catalyst.

28 "Cannabinoids" means any of the various naturally occurring, biologically active, chemical  
29 constituents of cannabis that bind to or interact with receptors of the endogenous cannabinoid  
30 system.

1 "Cannabis" means the genus of the flowering plant in the family Cannabaceae. For the  
2 purpose of this chapter, cannabis refers to any form of the plant where the delta-9  
3 tetrahydrocannabinol concentration on a dry weight basis has not yet been determined.

4 "Permit~~[Certificate of registration]~~" means the certificate issued by the department attesting  
5 that the applicant is permitted to operate~~[registered]~~ as a hemp processor.~~[to process hemp.]~~

6 "Crude extract" means an extract that:

- 7 (1) is extracted from hemp biomass that has not been specially further processed to concentrate or  
8 remove botanical constituents after the initial extraction is made. Crude extract may be  
9 further processed by filtration, pressing, partial or complete removal of solvent, blending with  
10 excipients, and other physical processes that are not primarily intended to alter the botanical  
11 constituent composition of the extract; and  
12 (2) has not yet undergone the complete manufacturing process into a manufactured hemp  
13 product; and  
14 (3) is not yet fit for use or consumption by consumers.

15 "Decarboxylated" means the completion of the chemical reaction that converts naturally  
16 occurring cannabinoid acid into a cannabinoid, including delta-9 tetrahydrocannabinol's acids  
17 (THCA) into delta-9-tetrahydrocannabinol. The decarboxylated value for delta-9  
18 tetrahydrocannabinol may be calculated using a conversion formula that sums delta-9-  
19 tetrahydrocannabinol and eighty-seven and seven tenths (87.7) per cent of THCA.

20 "~~Delta-9~~ [t]Tetrahydrocannabinol" ~~or "THC"~~ means the cannabinoids that function as the  
21 primary psychoactive components of cannabis.

22 "Department" means the department of health.

23 "Director" means the director of health.

24 "Dry weight basis" refers to a method of determining the percentage of a chemical in a  
25 substance after removing the moisture from the substance.

26 "Enclosed indoor facility" means a permanent, stationary structure with a solid floor, rigid  
27 exterior walls that encircle the entire structure on all sides, and a roof that protects the entire  
28 interior area from the elements of weather. Nothing in this definition shall be construed to  
29 relieve the permitted~~[registered]~~ applicant from the applicant's duty to comply with all applicable  
30 building codes and regulations.

1 "FDA" means the United States Food and Drug Administration.

2 "Hemp" means Cannabis sativa L. and any part of that plant, whether growing or not,  
3 including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and  
4 salts of isomers, with a delta-9-tetrahydrocannabinol concentration of not more than 0.3 per cent  
5 on a dry weight basis, as measured post-decarboxylation or by other similarly reliable methods.

6 "Hemp biomass" means the leaf and floral parts of hemp plant material.

7 ~~["Hemp processor" means a person processing hemp to manufacture a hemp product.]~~

8 "Hemp processor" means a person who processes hemp biomass or prepares a manufactured  
9 hemp product.

10 [~~Hemp product" means a product that:~~

11 ~~(1) Contains naturally occurring cannabinoids, compounds, concentrates, extracts, isolates,~~  
12 ~~resins or derivatives from processed hemp;~~

13 ~~(2) Does not include any living hemp plants, viable seeds, leaf materials, or floral materials;~~

14 ~~(3) Has a delta-9 tetrahydrocannabinol concentration of not more than 0.3 per cent, as~~  
15 ~~measured post-decarboxylation, or other similarly reliable methods;~~

16 ~~(4) Is intended to be consumed orally to supplement the human or animal diet; and~~

17 ~~(5) Is in the form of a tablet, capsule, powder, softgel, gelcap, or liquid form (e.g. hemp oil)~~  
18 ~~to be used by the consumer to infuse edible items at home for personal use or for topical~~  
19 ~~application to the skin or hair.~~

20 ~~For purposes of this chapter, a hemp product shall be considered as intended for oral ingestion in~~  
21 ~~liquid form only if it is formulated in a fluid carrier and it is intended for ingestion in daily~~  
22 ~~quantities measured in drops or similar small units of measure per labeled directions for use.]~~

23 "Manufactured hemp product" means a product created by processing, as defined in this  
24 chapter, that:

25 (1) Is intended to be consumed orally to supplement the human or animal diet in tablet,  
26 capsule, powder, softgel, gelcap, or liquid form (e.g. hemp oil); or

27 (2) Is in a form for topical application to the skin or hair;

28 (3) Does not include any living hemp plants, viable seeds, leaf materials, or floral materials;

29 (4) Includes any other product specified by the department pursuant to section 328G-4(a)(6).

1 ~~["Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a~~  
2 ~~hemp product, but does not include planting, growing, harvesting, drying, curing, grading, or~~  
3 ~~trimming a hemp plant or part of a hemp plant.]~~

4 "Person" means an individual, firm, corporation, partnership, association, or any form of  
5 business or legal entity.

6 ~~["Processing" means making a transformative change to the hemp plant following harvest by~~  
7 ~~converting an agricultural commodity into a hemp product.]~~

8 "Processing" means:

9 (1) Making a transformative change to hemp biomass following harvest by converting into a  
10 crude extract or manufactured hemp product; or

11 (2) Compounding, blending, extracting, infusing, or otherwise producing a manufactured  
12 hemp product, by:

13 (a) Completing the manufacturing process of transforming crude extract into a  
14 manufactured hemp product; or

15 (b) Using a manufactured hemp product as an ingredient in the production of another  
16 manufactured hemp product.

17 "Synthetic cannabinoid" means a cannabinoid that is:

18 (1) Produced artificially, whether from chemicals or from recombinant biological agents  
19 including but not limited to yeast and algae; and

20 (2) Not derived from the genus cannabis, including biosynthetic cannabinoids. [L 2020, c 14,  
21 pt of §2, §9]

22  
23 **§328G-1.5 Applicability.** (a) This chapter, and any rules adopted by the department pursuant  
24 to this chapter, shall apply only to the processing of hemp biomass into crude extract or into a  
25 manufactured hemp product or processing crude extract into a manufactured hemp product or  
26 using a manufactured hemp product as an ingredient in the production of another manufactured  
27 hemp product, and to their sale and distribution, but shall not apply to other products that may be  
28 produced from hemp except as otherwise provided in section 328G-3.

29

1 **§328G-2 Hemp processor permit~~[registry]~~; application; ~~[removal]~~ permit revocation~~[from~~  
2 ~~registry]~~. *[See Note at beginning of chapter.]* ~~[(a) No person shall process hemp without first~~  
3 ~~obtaining a license to produce hemp, issued by the Secretary of the United States Department of~~  
4 ~~Agriculture pursuant to title 7 United States Code section 1639q.]~~**

5 (a~~[b]~~) No person shall process hemp biomass or prepare a manufactured hemp product  
6 without obtaining a permit~~[being registered]~~ by the department as a hemp processor pursuant to  
7 this part and any rules adopted pursuant ~~{to}~~ this chapter.

8 (b~~[c]~~) A person who intends to ~~[process]~~ operate as a hemp processor shall apply to the  
9 department for a permit~~[registration]~~ on an application form created by the department.

10 (c~~[d]~~) The applicant shall provide, at a minimum, the following information:

11 (1) The applicant's name, mailing address, and phone number in Hawaii;

12 (2) The legal description of the land on which the hemp processor is to operate~~[be~~  
13 ~~processed or stored]~~;

14 (3) A description of the enclosed indoor facility where the hemp processor will  
15 operate~~;~~~~[processing will occur]~~;

16 (4) Documentation that the hemp processors indoor facility and planned ~~[hemp]~~  
17 processing operation complies with all zoning ordinances, building codes, and fire codes;

18 ~~(5) Documentation showing that the applicant has obtained a license to produce hemp,~~  
19 ~~issued by the Secretary of the United States Department of Agriculture pursuant to title 7 United~~  
20 ~~States Code section 1639q; and~~

21 (5) To establish proof of no disqualifying felony convictions, an individual applicant, or  
22 if applicant is a firm, corporation, partnership, association, or any form of business or legal  
23 entity, shall provide the following documentation:

24 (i) Consent to a background check, that includes, but not limited to,

25 fingerprinting and criminal history checks in accordance with section 846-2.7;

26 (6) Documentation of the authority of the individual to act on behalf of the applying  
27 entity; and

28 (7~~[6]~~) Any other information required by the department.

1 (d[e]) In addition to the application form, each applicant shall submit a non-refundable  
2 application fee established by the department. If the fee does not accompany the application, the  
3 application for the permit~~[registration]~~ shall be deemed incomplete.

4 (e[f]) Any incomplete application shall be denied.

5 (f[g]) Upon the department's receipt of a complete and accurate application, confirmation the  
6 applicant does not have a disqualifying conviction for a State or Federal felony related to a  
7 controlled substance during the 10 years prior to the date the application is submitted, remittal of  
8 the application fee, and contingent upon compliance with this chapter and any rules adopted  
9 pursuant to this chapter, the department may issue a permit to the applicant to operate as a hemp  
10 processor. ~~[the applicant shall be registered and shall be issued a certificate of registration to~~  
11 ~~process hemp.]~~

12 (g[h]) The permit~~[certificate of registration]~~ shall be renewed annually by submission of  
13 renewal application, and payment of the annual renewal fee to be determined by the department.

14 (h[i]) Hemp processors shall allow any member of the department, or any agent or third party  
15 authorized by the department, to enter at reasonable times upon any private property in order to  
16 inspect, sample, and test any hemp biomass, ~~[the hemp processing area,]~~ crude extract or  
17 manufactured hemp product[s], equipment, facilities incident to the processing or storage of  
18 hemp biomass, crude extract or manufactured hemp products and review all pertinent records.

19 (i[j]) The department may revoke ~~[remove]~~ any person's permit ~~[from the registry]~~ for failure  
20 to comply with any law or regulation under this chapter. It is the responsibility of the hemp  
21 processor to make sure it is has a valid permit~~[registered]~~ and is legally allowed to process hemp  
22 biomass or prepare a manufactured hemp product and in compliance with any and all laws and  
23 regulations. The revocation~~[removal]~~ of a hemp processor's permit ~~[from the registry]~~ shall be  
24 in accordance with the procedures set forth in section 328G-6. [L 2020, c 14, pt of §2, §9; am L  
25 2021, c 230, §7]

26  
27 **[§328G-3] Hemp biomass processing; manufactured hemp product sale and prohibitions;**  
28 **labeling.** *[See Note at beginning of chapter.]* (a) No hemp biomass shall be processed into  
29 crude extract or manufactured hemp products, nor shall any hemp processor hold for processing

1 or sale any hemp biomass, unless lawfully obtained from a person approved or otherwise  
2 authorized by applicable federal, state or local law to cultivate hemp~~[plants]~~.

3 (b) Hemp biomass, crude extract and manufactured hemp products shall be processed,  
4 packaged, labeled and stored within an enclosed indoor facility secured to prevent unauthorized  
5 entry and in a manner that prevents cross-contamination and exposure to physical, chemical and  
6 microbiological sources of contamination. ~~[Hemp, hemp products, and a]~~Any toxic or otherwise  
7 hazardous by-products of ~~[hemp]~~ processing, or by products, including but not limited to delta-9  
8 tetrahydrocannabinol, shall be stored within an enclosed indoor facility, secured to prevent  
9 unauthorized entry and in a manner that prevents cross-contamination and unintended exposures.

10 (c) Hemp biomass shall not be processed into crude extract or a manufactured hemp product  
11 within 500 feet of a pre-existing playground, school, state park, state recreation area, residential  
12 neighborhood, hospital, or daycare facility.

13 (d) Hemp biomass, crude extract and manufactured hemp product shall not be processed  
14 ~~[using butane in an open system where fumes are not contained or by use of any other]~~ by any  
15 method of processing the department ~~[determines poses a risk to health and safety]~~ prohibits by  
16 rules adopted pursuant to this chapter.

17 (e) No person shall sell, hold, offer, or distribute for sale any food, as that term is defined in  
18 section 328-1, into which a cannabinoid, artificially derived cannabinoid, synthetic cannabinoid,  
19 hemp, hemp biomass, or manufactured hemp product ~~[extract, hemp derivatives or other hemp~~  
20 ~~product that]~~ has been added as an ingredient or component unless otherwise prescribed by rules  
21 adopted by the department pursuant to this chapter. This section shall not apply to hemp that is  
22 generally recognized as safe (GRAS) by FDA for use in foods, as intended, in a public GRAS  
23 notification.

24 (f) No crude extract or manufactured hemp product shall be sold, offered for sale, distributed  
25 or held for sale with a tetrahydrocannabinol concentration of more than 0.3 per cent unless  
26 otherwise prescribed by rules adopted by the department pursuant to this chapter.

27 (g~~[f]~~) No person shall sell, hold, offer, or distribute for sale any crude extract or  
28 manufactured hemp product into which an artificially derived cannabinoid or synthetic  
29 cannabinoid has been added.



1 (h[~~g~~]) No person shall sell, hold, offer, or distribute for sale any cannabinoid, artificially  
2 derived cannabinoid, synthetic cannabinoid, or any other product containing hemp used to  
3 aerosolize for respiratory routes of delivery, such as an inhaler, [~~nebulizer~~]vape pen or other  
4 device designed for such purpose.

5 [~~(h) No person shall sell, hold, offer, or distribute for sale, any hemp leaf or hemp floral~~  
6 ~~material that is intended to be smoked or inhaled, including but not limited to hemp cigars or~~  
7 ~~hemp cigarettes.~~]

8 (i) Except for manufactured hemp products intended for external topical application to the  
9 skin or hair, no person shall sell, hold, offer, or distribute for sale any products containing a  
10 cannabinoid, artificially derived cannabinoid, synthetic cannabinoid, hemp, hemp biomass or  
11 manufactured hemp product as an ingredient that are intended to be introduced via non-oral  
12 routes of entry to the body, including but not limited to, use in eyes, ears, and nasal cavities,  
13 unless otherwise specified by department pursuant to 328G-4(a)(6).

14 (j) No person shall sell, hold, offer or distribute for sale[~~;~~] manufactured hemp products  
15 without a label[~~;~~] in a form prescribed by the department in rules adopted pursuant to this chapter  
16 [~~;~~] affixed to the package.[~~ing that identifies the hemp product as having been tested pursuant to~~  
17 ~~department rules.~~]

18 (k) Crude extract shall be sold only to a hemp processor with a valid permit issued by the  
19 department, or to a person with equivalent authority from a regulatory agency in another  
20 jurisdiction, and shall be sold only with a label affixed to the package in a form prescribed by the  
21 department pursuant to rules adopted pursuant to this chapter. No person shall sell, hold, offer,  
22 or distribute for sale, crude extract direct to consumer.

23 (l) Crude extract and manufactured hemp products shall comply with laboratory-based  
24 testing, as prescribed by the department, prior to sale. [L 2020, c 14, pt of §2, §9]

25  
26 **[§328G-4] Rulemaking.** [See Note at beginning of chapter.] (a) The department may [~~shall~~]  
27 adopt rules pursuant to chapter 91 that include but are not limited to:

28 (1) Inspection and sampling requirements of crude extract and manufactured hemp products;

29 (2) Establishing maximum allowable concentrations of cannabinoids in crude extract and  
30 manufactured hemp products.

1 (3[2]) Testing protocols, including certification by state laboratories or independent third-  
2 party laboratories, to determine cannabinoid [~~delta-9 tetrahydrocannabinol~~] concentration,  
3 including but not limited to tetrahydrocannabinol, and screening for contaminants of crude  
4 extract and manufactured hemp products;

5 (4[3]) [~~Reporting and r~~] Record-keeping requirements;

6 (5[4]) Assessment of fees for application, renewal application, inspecting, sampling, and  
7 other fees as deemed necessary;

8 (6[5]) Penalties for any violation; [~~and~~]

9 (7) At the discretion, and as specified by the department, the addition to the types of  
10 manufactured hemp products that may be sold pursuant to section 328G-3(e) and (h).

11 (8) Good manufacturing practices for hemp processors;

12 ([6]9) Any other rules and procedures necessary to carry out this chapter.

13 (b) The department may adopt and amend interim rules, which shall be exempt from chapter  
14 91 and chapter 201M, to effectuate the purposes of this chapter; provided that any interim rules  
15 shall only remain in effect until July 1, 202[5]7, or until rules are adopted pursuant to subsection  
16 (a), whichever occurs sooner. [L 2020, c 14, pt of §2, §9]

17  
18 **[§328G-5] Laboratory standards and testing; certification.** [*See Note at beginning of*  
19 *chapter.*] (a) The department shall establish and enforce standards for laboratory-based testing  
20 of crude extract and [the] manufactured hemp products for content and [;] contamination, ~~and~~  
21 ~~consistency~~].

22 (b) The department may certify laboratories and recognize certifications from other  
23 jurisdictions of laboratories that are qualified to test crude extract and manufactured hemp  
24 products for quality control prior to sale. [L 2020, c 14, pt of §2, §9]

25  
26 **[§328G-6] Enforcement; penalty.** [*See Note at beginning of chapter.*] (a) Any person who  
27 violates this chapter or any rule adopted by the department pursuant to this chapter shall be fined  
28 not more than \$10,000 for each separate offense. Any action taken to collect the penalty  
29 provided for in this subsection shall be considered a civil action. In addition to any other  
30 administrative or judicial remedy provided by this chapter, or by rules adopted pursuant to this

1 chapter, the director may impose by order the administrative penalty specified in this section or  
2 revoke a permit issued pursuant to this chapter.

3 (b) Any order issued under this chapter shall become final, unless not later than twenty days  
4 after the notice of order is served, the person or persons named therein request in writing a  
5 hearing before the director. Any penalty imposed, including the revocation of a permit~~removal~~  
6 ~~from the registry~~, shall become final, and any monetary penalty shall become due and payable  
7 twenty days after the order is served unless the person or persons named therein request in  
8 writing a hearing before the director. Whenever a hearing is requested, the penalty imposed,  
9 including permit revocation ~~[removal from the registry]~~, shall become final, and any monetary  
10 penalty shall become due and payable only upon completion of all review proceedings and the  
11 issuance of a final order confirming the penalty in whole or in part. Any hearing shall be  
12 conducted in accordance with chapter 91.

13 (c) ~~[For]~~ In any judicial proceeding to enforce an order issued by the department pursuant to  
14 this section, including but not limited to the recovery of administrative penalties ~~[recover an~~  
15 ~~administrative penalty]~~ permit revocation, and the imposition of an embargo imposed by order  
16 ~~[or to enforce a cease and desist order]~~ against a hemp processor ~~[removed from the registry]~~, the  
17 director may petition any court of appropriate jurisdiction for relief and need only show that:

18 (1) Notice was given;

19 (2) A hearing was held or the time granted for requesting a hearing has expired without such  
20 a request;

21 (3) The administrative penalty was imposed or the hemp processor's permit was revoked  
22 ~~[removed from the registry]~~; and

23 (4) The penalty remains unpaid or the hemp processor continues to operate.~~[process hemp.]~~

24 (d) The director, in the event there is deemed a potential health hazard, may take  
25 precautionary measures to protect the public through imposition of an embargo, the detention  
26 and removal of hemp, hemp biomass, crude extract or manufactured hemp products from the  
27 market, and the sequestration of hemp, hemp biomass, crude extract or manufactured hemp  
28 products suspected to be contaminated or otherwise harmful to human health. In the event of  
29 any embargo or detention of hemp, hemp biomass, crude extract or manufactured hemp products,

1 the person or persons so named in the order imposing the embargo or detention shall be afforded  
2 an opportunity to contest the findings of the department in a hearing pursuant to chapter 91.

3 (e) Nothing in this chapter shall limit any other legal remedy, or limit any civil or criminal  
4 action, available under any other statute, rule, or ordinance. [L 2020, c 14, pt of §2, §9]

5  
6 **[§328G-7] Hawaii hemp processing special fund established.** *[See Note at beginning of*  
7 *chapter.]* (a) There is established within the state treasury the Hawaii hemp processing special  
8 fund into which shall be deposited:

9 (1) Appropriations made by the legislature to the special fund;

10 (2) Any income and capital gains earned by the fund; and

11 (3) Any fees or fines collected by the department pursuant to this part.

12 (b) Moneys in the Hawaii hemp processing special fund shall be used by the department for  
13 the following purposes:

14 (1) To establish and regulate a system of permitting [~~registering~~] hemp processors and the  
15 sale, holding, offering, or distributing for sale of crude extract and manufactured hemp products;

16 (2) To fund positions and operating costs authorized by the legislature; and

17 (3) For any other expenditure necessary, consistent with this chapter, to implement the  
18 Hawaii hemp processing program. [L 2020, c 14, pt of §2, §9]

19  
20  
21 Thank you for the opportunity to testify.  
22  
23  
24

**HB-1359-SD-1**

Submitted on: 4/1/2023 12:00:25 PM

Testimony for WAM on 4/4/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
TY Cheng	Testifying for Hemptuary Hawaii	Comments	Written Testimony Only

Comments:

To: Senator Donovan Dela Cruz, Chair of the Senate Ways and Means Committee,

Senator Karl Rhoads, Chair of the Senate Judiciary Committee,

Members of the Senate Ways and Means Committee and

Members of the Senate Judiciary Committee.

Fr: TY Cheng, President of Henptuary Hawaii

**RE: Testimony with COMMENTS of House Bill (HB) 1359 HD2 SD1**

*RELATING TO HEMP.*

*Repeals redundant regulations on hemp production, which will reduce costs for the State and Hawai'i farmers. Amends the hemp law in a manner that recognizes the unique constraints of Hawai'i farmers, while protecting human health. Allows licensed hemp producers to sell hemp biomass. Requires transparency in labeling of hemp products to identify the percentage of Hawai'i-grown hemp or hemp product in all hemp products. Establishes the Hawai'i Hemp Task Force. Requires and appropriates funds for the Department of Agriculture to hire hemp consultant to recommend infrastructure improvements on each island. Requires and appropriates moneys for the Department of Health to hire or consult a toxicologist or consultant familiar with hemp industry standards for the purpose of setting defined action limits or exposure levels for different types of hemp products. Extends the State's hemp processor law through 7/1/2027. Repeals on 7/1/2027. Effective 6/30/3000. (SD1)*

Dear Chairs, Vice-Chairs and Members of the Joint Committee:

Hemptuary Hawaii is a USDA licensed hemp producer operating on Oahu since 2016. Hemptuary Hawaii offers COMMENTS on HB1359 which attempts to improve the current hemp program so as to allow hemp products to be manufactured and sold in Hawaii.

Comments:

The broad manufacturing language must be amended so that potency edible THC products are not sold at gas stations and smoke shops in violation of the federal Farm Bill. The current version of the bill would allow apply the federal standard of hemp with 0.3% THC to the TOTAL PRODUCT VOLUME vs edible hemp products that use hemp oil with 0.3% THC (which is the definition of hemp according to the Farm Bill). The broad language has gone undetected until the last hearing.

It would be unsafe to have stores sell THC edibles or drinks to the public that are stronger and more psychoactive than what is sold in medical cannabis dispensaries without proper licensing and tracking. This could be dangerous to the public (especially children) as high dose THC products derived from Hemp could be sold under the current proposed bill HB1359. For example, medical dispensaries can only sell 10mg THC total edible items, where there is no cap in the proposed hemp bill where “hemp” in food, or beverage products since the primary psychoactive cannabinoid in hemp, delta-9 tetrahydrocannabinol (THC), would be limited only by a percent of the product’s content, currently set at 0.3%. Using this calculation, a manufacturer could add 150 milligrams of hemp derived delta-9 THC to a single serving 50 gram chocolate bar or 60 milligrams of delta-9 THC to a “snack size” pack of fruits snacks (20 grams) and still be considered compliant with the 0.3% THC limit.

**The proposed Amendments to fix this safety issue are below:**

Delete the two new definitions, “Finished hemp product”, page 10, lines 5 to 21, and “Intermediate hemp product”, page 11, lines 1 to 6.

Insert “hemp product” definition to read “means [a product that:..for use.] any processed hemp being held, offered, or distributed for sale and intended for human or animal ingestion, inhalation, or consumption.”, page 11, line 12, to page 12, lines 12-13.

Amend existing definitions, “Hemp processor”, to read ”means a person [processing hemp to manufacture a hemp product.] or business processing hemp into a hemp product,” page 11, lines 8 to 10, and the “Processing” definition to read “means making a transformative change to the hemp plant following harvest by converting an agricultural commodity into a hemp product, including but not limited to compounding, blending, extracting, and infusing, but does not include planting, growing, harvesting, drying, curing, grading, trimming a hemp plant or part of a hemp plant.”, page 13, lines 2 to 5.

Delete the proposed definition of “manufacture”, page 12, lines 14 to 21, and the existing “manufacture” definition in section 328G-1.

Mahalo for your time and leadership on this issue. Together we hope to inject new lift into our struggling hemp industry.

TO: Chair Dela Cruz, Chair Rhoads, Vice Chair Keith-Agaran, Vice Chair Gabbard and WAM/JDC Committee Members

FROM: Robert Bence, Disabled Generational Farmer, for Hawai'i Sustainable Farms

DATE: 4/2/2023

RE: Strong Support of HB 1359 HD2 SD1 **with Amendments Below:**

**Strikethrough and remove the language on page 5 lines 1-15 as the USDA has the sole regulatory jurisdiction on the growth of hemp in Hawai'i including whether or not to establish any crop specific buffer zone.**

~~[(4)] (2) Hemp shall not be grown within [500] \_\_\_ feet of any pre-existing house, dwelling unit, residential apartment, or other residential structure that is not owned or controlled by the license holder; provided that this restriction shall not apply to an individual or entity licensed to grow hemp in those areas under the [State] state industrial hemp pilot program [prior to] before August 27, 2020; and~~

Please no crop specific buffer zones, not aware of any other crop specific buffer zones. The state Restricted Use Pesticide (RUP) buffer zone is 100', and then only from schools, and only while they are in session and it addressed a clear health issue for any crop. The RUP buffer, unlike hemp growth, is not under exclusive federal jurisdiction, as the EPA allows for state pesticide laws. No inherent health danger is imposed by hemp. The state does not have a hemp program approved by the USDA. USDA AMS licensed hemp is therefore a legal crop and can be grown like other legal crops under the federal regulatory jurisdiction.

Suggest as a compromise reinstating the requirement that hemp shall not be grown outside of an agricultural district (page 4 lines 20 and 21) to address the issues of buffer zones for residents and childcare sites as they are not usually located in the agricultural zone.

Recommend mediation if there are any cases of a hemp farm in the agricultural zone neighbored by a residential zone or childcare facility or requiring prior written permission from neighbors in a residential zone or other land classifications outside of the agriculture zone where hemp is allowed.



This would bring state hemp law in line with federal law, the regulations we are already supposed to be following as hemp growth in Hawai'i is under USDA AMS regulatory jurisdiction for the cultivation of hemp as a raw agricultural commodity in the Ag zone.

Please for local farmers like my family as well as local consumers who can't obtain safe locally grown hemp, support HB 1359 to repeal the requirement for additional rules by the department of agriculture. Please finally allow this legal and harmless hemp plant to be grown by Hawai'i Farmers on the Ag lands that we own and grew up on to support the next generations.

The entire state is being blamed for one malahini farming in a way that is not common or unique to hemp, the complainants are coming from another very small group of malahini who would object to any of the same nuisances posed by any other commercial agriculture operation.

**As highlighted by the testimony of Sharon, the amazing new head of HDOA, these farming complaints are already addressed by existing state and county laws.**

The current buffer zones also violate my legal rights as a licensed hemp farmer to grow on the Ag land I own for interstate commerce. My USDA AMS hemp program contact said that where to grow on agriculture zoned land is regulated by the USDA and that there are no buffer zones. The vocal gentlemen estates that neighbor that one hemp farmer conduct businesses unrelated to farming like a massage business and rental housing with no real farming activity who claim to be farmers in testimony are the problem in the last few decades moving here where they move into prime ag lands and complain about activities common on ag land. They would complain about any commercial scale Ag activity...this issue of people buying Ag land for residential use and then complain about commercial Ag activities in Ag zoned land is supposed to be protected by the Hawai'i Right to Farm Act. I have visited the area on Piliwale where the dentists, engineer and retired figure skater/massage landlords pretending to grow a handful of trees on prime ag land is a neighborhood and never smelled, saw or heard anything as they described in testimony. Haven't met that hemp farmer; however, his children attend the preschool my sisters operate at my mother's old house up the road so they are also now a part of the community and as the hemp farmer is a real farmer, they are already far more respected by our fellow generational farmers who have made this land famous for generations of productive agriculture.

The current state buffer zones are so large the majority of farms in Hawai'i can't grow any hemp and the production of hemp is not intrinsically offensive in any way. The ones complaining are not from Hawai'i and instead of working it out they complained to the legislature with stories reminiscent of reffer madness it's hemp, it's legal. Those complaints might be legitimate if they live in a residentially zoned neighborhood; however, not acceptable in ag zone to be complaining about noise and supposed smells during the occasional parties they attend at a gentleman estate owned by a dentist. This type of encroachment of residential to agricultural zoned lands was meant to be

addressed by the Hawai'i Right to farm act. The offending farm is not impacted by these buffer zones; however, the buffer zones and these additional/illegal rules have destroyed the entire state's hemp industry for innocent farmers.

I am a local, disabled, diversified farmer growing on family lands, in Kula, purchased with help from a USDA direct farm mortgage and in Waimanalo as part of a partnership on state lease land. Farming full-time since graduation of UH Mānoa with BBA. I am passionate about growing food. The buffer zone, movement and other double regulations will hopefully be addressed by the new members of this legislature, the governor and are excellent new head of the HDOA. **These huge buffers are not on any other farming in the state not even the most dangerous pesticides or the smelliest pig/chicken CFAO so such blanket barriers to harmless hemp is unjust discrimination. Any supposed nuisance on ag activity already has a method to be addressed through the existing laws for any nuisance operation especially zoning regulations. The vast majority of the people in Omaopio, Kula and Hawai'i strongly support this sustainable, nutritious and harmless crop.**

The benefits of hemp as a superfood and a myriad of other uses from soil remediation to advanced nano particles of hemp graphene superconductors, from animal bedding to housing, from fresh juice to solvent-less extracts, to seed breeding to nutritious and delicious microgreens...the market potential and environmental benefit list would go on for countless pages. Hawai'i farmers shouldn't be left behind any longer and consumers should be allowed to have the quality the free food of microgreens with more omegas than tuna fish from local farms not the over 99.9 percent imported hemp due to duplicative and illegal state laws.

Hemp has saved my life from seizures after a random birth defect required brain surgery after a stroke and led to me to learn how to walk and talk again. I hope my voice in support of hemp helps the plant and planet in return.

Appreciate your help.

**Strong support for HB 1359 HD2 SD1with the Amendment proposed to remove the duplicate hemp growth buffer zone language as it is already supposed to be under the jurisdiction of the USDA AMS regulatory program, not the state.**

Mahalo  
Robert Bence

Farmer  
Hawai'i Sustainable Farms  
Kula, HI 96790  
And  
Farm Board Member of  
Keki O Ka 'Āina





[www.hawaiihempfarmersassociation.org](http://www.hawaiihempfarmersassociation.org)

April 3, 2023

RE: Support HB 1359 **with Amendments for Processing and Separate Categories for Food**

Aloha Chairs Dela Cruz and Rhoads and Members of the Senate Committees on Ways and Means and Judiciary,

Thank you for your continued support of Hawaii Hemp farmers. The Hawaii Hemp Farmers Association, which is composed of Hawaii hemp farmers, processors, and manufacturers, is in support of HB 1359 and asks for the following to clarifications to HB 1359,

- 1.) Keep the existing 0.3% limit for THC for already allowed hemp products which includes tinctures, salves, and supplements so farmers are not upended with more rule changes with the addition of CBD food and gummy products;
- 2.) Create a separate category for gummy products and food and beverage with compound limits established by the Department of Health, and,
- 3.) Include allowing on-farm processing of hemp in enclosed agricultural building and structures per HRS 46-88. These types of buildings and structures are regularly used to store and process other crops with no restrictions. This would align HB 1359 with SB 637. See language on page 2.
- 4.) Per the attached copy of HB 1359, insert language that clarifies that USDA sampling is sufficient for establishing compound limits for production/farming, eliminating duplicative state sampling as allowed per current Board of Agriculture rules, but also ensuring the following: *“This does not preclude law enforcement from conducting sampling or inspections at their expense if they have reasonable evidence that a hemp farmer is transporting marijuana not hemp nor does this exempt hemp producers from pesticide or herbicide laws and rules.”* Please note that the national hemp economist, Mr. Beau Whitney, who consults with the United Nations, numerous states, and countries on hemp policy has provided a letter to the Hawaii State Legislature previously stating that this is a false narrative – that hemp licenses and farming are used as a front for illicit marijuana operations. Mr. Whitney’s letter is attached.

Mahalo for your time and consideration.

Respectfully,

*Gail Byrne Baber*  
Gail Byrne Baber

President and Farmer

*Ray Maki*

Ray Maki

Co-Vice President and Farmer

*Brittany Neal*

Brittany Neal

Co-Vice President and Farmer

SB 637 language:

Page 13, line 7, paragraph 4:

(4) Documentation that the indoor facility and planned hemp processing operation complies with all zoning ordinances, building codes, and fire codes; or documentation that the processing or documentation that the processing does not include heat or volatile compounds or gases under pressure, such as cold water extraction and is in an enclosed indoor facility that is exempt from building permit and building code requirements pursuant to section 46-88; or is in an enclosed indoor facility in a food hub or agricultural park;



## **False Narrative and Its Negative Impact on Hemp**

Beau Whitney, Chief Economist

April 13, 2022

RE: False Narrative Regarding Hemp Licenses and Marijuana

Dear Hawaii Hemp Farmers Association,

As we have discussed, across the country, hemp licenses are **not** being used as fronts for illicit marijuana grows. I have provided testimony as an expert in Oregon recently dispelling the narrative with data that it is hemp farmers that are growing marijuana illicitly. What we are seeing in Oregon is that the illicit marijuana grows are growing with no regard for any license and have nothing to do with the Oregon hemp industry. I was in Sacramento recently speaking with county policy makers and they too are seeing the same thing: illicit marijuana operators act in blatant and total disregard of law enforcement.

Hemp growers are not responsible for illicit supply. Illicit marijuana actors are.

Sincerely,  
Beau R. Whitney  
Whitney Economics  
503-724-3084

---

---

# A BILL FOR AN ACT

RELATING TO HEMP.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 PART I

2 SECTION 1. The legislature finds that hemp is a high-value  
3 crop that has the potential to bring significant and diverse  
4 revenues to Hawaii. Hemp has more than fifty thousand  
5 recognized uses, including as a fuel; a food, including the  
6 seeds, oil, the juice from leaves, and herbal tinctures; and  
7 fiber used in supercapacitors, cloth, building materials, and  
8 bioplastic. Hemp has significant potential to provide a  
9 lucrative crop for Hawaii farmers and can support food security  
10 for the State. Many Hawaii farms subsidize food production with  
11 non-farming income or jobs. Hemp could provide a farm-based  
12 income for farmers to expand or stabilize their food production.

13 However, Hawaii's hemp industry remains in a nascent stage,  
14 largely due to overregulation, which has stifled the State's  
15 hemp industry. The Hawaii hemp cannabinoid and cannabidiol  
16 market is approximated to be \$32,000,000 to \$54,000,000  
17 annually, but most of that money goes to hemp producers outside



1 Hawaii due to prohibitions banning farmers from making and  
2 selling these products in Hawaii. Moreover, overregulation of  
3 production and processing has driven many hemp farmers out of  
4 business in Hawaii, which makes Hawaii farmers non-competitive  
5 in the hemp market.

6 The legislature further finds that transparency in hemp  
7 product labeling is also needed. Given the number of "Buy  
8 Local", "Buy Aloha", and "Eat Local" campaigns that have been  
9 launched, Hawaii residents, when given the opportunity and  
10 transparent data, will often choose Hawaii-grown products.

11 The legislature also finds that the Agriculture Improvement  
12 Act of 2018, informally known as the 2018 "Farm Bill", legalized  
13 hemp by removing hemp from the definition of "marihuana"  
14 contained in the federal Controlled Substances Act. Therefore,  
15 hemp is no longer classified as an illegal drug under federal  
16 law. In October 2019, the United States Department of  
17 Agriculture established new regulations through which states may  
18 monitor and regulate hemp production. In light of these federal  
19 reforms, state laws regarding hemp should also be reformed.

20 Accordingly, the purpose of this Act is to:





- 1 (1) Repeal redundant regulations on hemp production, which  
2 would reduce costs for the State and Hawaii farmers;
- 3 (2) Amend hemp law in a manner that recognizes the unique  
4 constraints of Hawaii farmers, while protecting human  
5 health;
- 6 (3) Allow licensed hemp producers to sell hemp biomass;
- 7 (4) Require transparency in labeling of hemp products to  
8 identify the percentage of Hawaii-grown hemp or hemp  
9 product in all hemp products;
- 10 (5) Require and appropriate funds for the department of  
11 health to hire or consult a toxicologist or consultant  
12 familiar with hemp industry standards for the purpose  
13 of setting defined action limits or exposure levels  
14 for different types of hemp products;
- 15 (6) Establish a Hawaii hemp task force to be jointly  
16 convened by the department of agriculture and the  
17 department of health to gather data and information to  
18 better understand hemp industry needs;
- 19 (7) Require and appropriate funds for the department of  
20 agriculture to hire a hemp consultant to work with the  
21 Hawaii hemp task force and recommend infrastructure



1 improvements on each island, considering the unique  
2 needs and geographic spread of licensed hemp farmers;  
3 and

4 (8) Extend the State's hemp processor law through July 1,  
5 2027.

6 PART II

7 SECTION 2. Section 141-42, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "[+]§141-42[+] Commercial hemp production. (a) It shall  
10 be legal for an individual or entity to produce hemp, as defined  
11 in title 7 United States Code section 1639o, if that individual  
12 or entity has a license to produce hemp, issued by the Secretary  
13 of the United States Department of Agriculture pursuant to title  
14 7 United States Code section 1639q; provided that:

15 ~~[(1) Any person convicted of a felony related to a~~  
16 ~~controlled substance under state or federal law is~~  
17 ~~prohibited from producing hemp, or being a key~~  
18 ~~participant in an entity producing hemp, for a period~~  
19 ~~of ten years following the date of conviction;~~

20 (2) Hemp shall not be grown outside of a state  
21 agricultural district;



1       ~~(3)~~ (1) Hemp shall not be grown within ~~[500]~~ five hundred  
2           feet of pre-existing real property comprising a  
3           playground, childcare facility, or school; provided  
4           that this restriction shall not apply to an individual  
5           or entity licensed to grow hemp in those areas under  
6           the ~~[State]~~ state industrial hemp pilot program ~~[prior~~  
7           ~~te]~~ before August 27, 2020;

8       ~~(4)~~ (2) Hemp shall not be grown within ~~[500]~~ 300 feet of  
9           any pre-existing house, dwelling unit, residential  
10          apartment, or other residential structure that is not  
11          owned or controlled by the license holder; provided  
12          that this restriction shall not apply to an individual  
13          or entity licensed to grow hemp in those areas under  
14          the ~~[State]~~ state industrial hemp pilot program ~~[prior~~  
15          ~~te]~~ before August 27, 2020; and

16       ~~(5)~~ (3) Hemp shall not be grown in any house, dwelling  
17          unit, residential apartment, or other residential  
18          structure~~[-]~~, unless that structure is part of a  
19          United States Department of Agriculture area.

20           (b) An individual or entity licensed to produce hemp  
21   pursuant to ~~[paragraph]~~ subsection (a) may transport hemp within



1 the State to a facility authorized by law to process hemp or to  
2 another licensed producer's grow area[~~7~~]; provided that[+

3 ~~(1) The hemp to be transported has passed all compliance~~  
4 ~~testing required by the United States Department of~~  
5 ~~Agriculture; and~~ Comment: Ok to leave this in

6 ~~(2) The] the~~ transportation has been [authorized by]  
7 reported to the department[~~7~~ of agriculture. The  
8 department of agriculture may require movement reports  
9 [~~, inspections, sampling, and testing of]~~ that include  
10 copies of the United States Department of Agriculture  
11 test results for the hemp to be transported and may  
12 deny authorization if the hemp is found to not comply  
13 with any law or regulation.

14 [~~(c) An individual or entity licensed to produce hemp~~  
15 ~~pursuant to paragraph (a) may export hemp, provided that:~~

16 ~~(1) The hemp to be exported has passed all compliance~~  
17 ~~testing required by the United States Department of~~  
18 ~~Agriculture; and~~

19 ~~(2) The licensed producer complies with all laws relating~~  
20 ~~to the exportation of hemp, including state and~~



1 ~~federal laws and the laws of the state or country of~~  
2 ~~import.~~

3 ~~(d)]~~ (c) Any individual or entity who [~~violates this~~  
4 ~~section or any rule adopted pursuant to this section]~~ grows hemp  
5 without a United States Department of Agriculture license shall  
6 be fined not more than \$10,000 for each separate offense. Any  
7 notice of violation of this section may be accompanied by a  
8 cease and desist order, the violation of which constitutes a  
9 further violation of this section. Any action taken to collect  
10 the penalty provided for in this subsection shall be considered  
11 a civil action. This does not preclude law enforcement from collecting sampling if they have reasonable evidence that a hemp farmer is transporting marijuana not hemp nor does this exempt hemp producers from pesticide or herbicide laws and rules.

12 ~~[(e)]~~ (d) For any judicial proceeding to recover an  
13 administrative penalty imposed by order or to enforce a cease  
14 and desist order against [a] an unlicensed hemp producer, the  
15 department may petition any court of appropriate jurisdiction  
16 and need only show that:

- 17 (1) Notice was given;
- 18 (2) A hearing was held or the time granted for requesting  
19 a hearing has expired without such a request;
- 20 (3) The administrative penalty was imposed on the  
21 individual or entity producing hemp; and



1 (4) The penalty remains unpaid or the individual or entity  
2 continues to produce hemp.

3 (e) An individual or entity licensed by the United States  
4 Department of Agriculture to produce hemp in Hawaii may sell  
5 hemp biomass.

6 (f) In addition to all other labeling requirements, the  
7 identity statement used for labeling or advertising hemp  
8 products shall identify the percentage of Hawaii grown hemp in  
9 hemp products; provided that any hemp product containing hemp  
10 not grown or processed in Hawaii shall identify the origin and  
11 percentage of the hemp from outside Hawaii in the hemp product;  
12 provided further that if the hemp product contains hemp from  
13 multiple origins, the hemp product shall identify the percentage  
14 of hemp origin as "United States" or "Foreign" if the hemp  
15 product includes hemp from a source outside of the United  
16 States.

17 (g) A hemp producer licensed by the United States  
18 Department of Agriculture to grow hemp shall follow all  
19 inspection and sampling rules and protocols established by the  
20 United States Department of Agriculture. The State shall not  
21 require other inspections or sampling. The State shall not  
of hemp post-harvest. This does not preclude law enforcement from sampling conducting samples if they have  
reasonable evidence that a hemp farmer is transporting marijuana not hemp nor does this exempt hemp producers  
from pesticide or herbicide laws and rules.



1 issue notices of violations or impose penalties upon any hemp  
2 producer licensed by the United States Department of  
3 Agriculture; provided that the licensee is compliant with all of  
4 the requirements imposed by the United States Department of  
5 Agriculture. The State shall impose no penalty with respect to  
6 the production of hemp, except penalties for growing hemp  
7 without a license issued by the United States Department of  
8 Agriculture. This does not preclude law enforcement from sampling conducting samples if they have  
9 (h) As used in this section, "hemp biomass" means the  
10 stalks and leaves of hemp plants."

11 SECTION 3. Section 141-43, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13 "(a) The department of agriculture shall adopt rules  
14 pursuant to chapter 91 to effectuate the purpose of this part,  
15 including any rules necessary to address any nuisance issues,  
16 including smell, noise, and excessive lighting arising out of  
17 the activities of hemp growers licensed under the State's  
18 industrial hemp pilot program who grow hemp within areas  
19 prohibited under section [~~141-42(a)(3) and (4).~~] 141-42(a)(1)  
20 and (2)."



1.) Keep current ruels for current allowed products. 2.) 0% THC for any food or beverage  
3.)DOH suggestion for THC limits for gummies of 1-2 mg THC for a single gummy and no  
more than 40 mg THC per package and always less than 0.3% THC in any serving and no  
more than 03% THC total in the package.

1 SECTION 4. Section 328G-1, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By adding two new definitions to be appropriately  
4 inserted and to read:

5 "Finished hemp product" means a finished product,  
6 including a product to supplement the human or pet diet, or a  
7 cosmetic, food, food additive, beverage, or herb product, that:

8 (1) Is fit for use or consumption by a consumer or the pet  
9 of a consumer;

10 (2) Contains naturally-occurring cannabinoids, compounds,  
11 concentrates, extracts, isolates, resins or  
12 derivatives from processed hemp;

13 (3) Does not contain any living hemp plants or viable  
14 seeds;

15 (4) Has a delta-9-tetrahydrocannabinol concentration of no  
16 more than 0.3 per cent, as measured by  
17 post-decarboxylation, or by another similarly reliable  
18 methods;

19 (5) Does not include tetrahydrocannabinol isolate as an  
20 added ingredient; and

21 (6) Is not intended as feed for livestock.





1 "Intermediate hemp product" means an extract that:

2 (1) Is extracted from hemp;

3 (2) Has not yet undergone the complete manufacturing  
4 process; and

5 (3) Is not yet fit for use or consumption by consumers or  
6 the pets of consumers."

7 2. By amending the definition of "hemp processor" to read:

8 "Hemp processor" means a person [processing hemp to  
9 manufacture a hemp product.] or business that receives wet or  
10 dry raw hemp material and extracts hemp extracts."

11 3. By amending the definition of "hemp product" to read:

12 "Hemp product" means [a product that:

13 (1) Contains naturally occurring cannabinoids, compounds,  
14 concentrates, extracts, isolates, resins or  
15 derivatives from processed hemp;

16 (2) Does not include any living hemp plants, viable seeds,  
17 leaf materials, or floral materials;

18 (3) Has a delta-9 tetrahydrocannabinol concentration of  
19 not more than 0.3 per cent, as measured post-  
20 decarboxylation, or other similarly reliable methods;



1       ~~(4) Is intended to be consumed orally to supplement the~~  
2           ~~human or animal diet; and~~

3       ~~(5) Is in the form of a tablet, capsule, powder, softgel,~~  
4           ~~geleap, or liquid form (e.g. hemp oil) to be used by~~  
5           ~~the consumer to infuse edible items at home for~~  
6           ~~personal use or for topical application to the skin or~~  
7           ~~hair.~~

8       ~~For purposes of this chapter, a hemp product shall be considered~~  
9       ~~as intended for oral ingestion in liquid form only if it is~~  
10       ~~formulated in a fluid carrier and it is intended for ingestion~~  
11       ~~in daily quantities measured in drops or similar small units of~~  
12       ~~measure per labeled directions for use.] an intermediate hemp~~  
13       ~~product or a finished hemp product."~~

14       4. By amending the definition of "manufacture" to read:

15        "Manufacture" means to compound, blend, [~~extract,~~] infuse,  
16       or otherwise make or prepare a finished hemp product [~~, but~~].

17       "Manufacture" does not include [~~planting,~~]:

18        (1) Planting, growing, harvesting, or drying [~~, curing,~~  
19           ~~grading, or trimming]~~ a hemp plant or part of a hemp  
20           plant [~~-~~]; or

21        (2) Extracting hemp extract from wet or dry biomass."



1           5. By amending the definition of "processing" to read:  
2            "Processing" means making a transformative change to the  
3 hemp plant following harvest by converting an agricultural  
4 commodity into [a] an intermediate hemp product[-] through  
5 extraction."

6           SECTION 5. Section 328G-2, Hawaii Revised Statutes, is  
7 amended to read as follows:

8           "**§328G-2 Hemp processor registry; application; removal**  
9 **from registry.** (a) [~~No person shall process hemp without first~~  
10 ~~obtaining a license to produce hemp, issued by the Secretary of~~  
11 ~~the United States Department of Agriculture pursuant to title 7~~  
12 ~~United States Code section 1639g.~~

13           ~~(b)~~] No person shall process hemp without being registered  
14 by the department as a hemp processor pursuant to this part and  
15 any rules adopted pursuant [+]to[+] this chapter.

16           ~~(e)~~] (b) A person who intends to process hemp shall apply  
17 to the department for registration on an application form  
18 created by the department.

19           ~~(d)~~] (c) The applicant shall provide, at a minimum[~~the~~  
20 ~~following information~~]:



1 (1) The applicant's name, mailing address, and phone number  
2 in Hawaii;

3 (2) The legal description of the land on which the hemp is  
4 to be processed or stored;

5 (3) A description of the enclosed indoor facility where  
6 hemp processing will occur;

7 (4) Documentation that the indoor facility and planned  
8 hemp processing operation complies with all zoning

9 ordinances, building codes, and fire codes; <sup>Inse</sup> and Insert text of  
10 SB6SB67 HERE

11 ~~[(5) Documentation showing that the applicant has obtained~~ ^  
12 ~~a license to produce hemp, issued by the Secretary of~~ ^  
13 ~~the United States Department of Agriculture pursuant~~ ^  
14 ~~to title 7 United States Code section 1639g, and~~ ^

15 ~~[(6)]~~ (5) Any other information required by the department. ^

16 ~~[(e)]~~ (d) In addition to the application form, each ^  
17 applicant shall submit a non-refundable application fee ^  
18 established by the department. If the fee does not accompany ^  
19 the application, the application for registration shall be ^  
20 deemed incomplete. ^

~~[(f)]~~ (e) Any incomplete application shall be denied. ^

; or documentation that the processing does not include heat or volatile compounds or gases under pressure,  
such as cold water extraction; and is in an enclosed indoor facility that is exempt from building permit and  
building code requirements pursuant to section 46—88; or is in an enclosed indoor facility in a food hub or  
agricultural park;



1           ~~[(g)]~~ (f) Upon the department's receipt of a complete and  
2 accurate application and remittal of the application fee, the  
3 applicant shall be registered and shall be issued a certificate  
4 of registration to process hemp.

5           ~~[(h)]~~ (g) The certificate of registration shall be renewed  
6 annually by payment of the annual renewal fee to be determined  
7 by the department.

8           ~~[(i)]~~ (h) Hemp processors shall allow any member of the  
9 department, or any agent or third party authorized by the  
10 department, to enter at reasonable times upon any private  
11 property in order to inspect, sample, and test the hemp  
12 processing area, hemp products, equipment, facilities incident  
13 to the processing or storage of hemp, and review all pertinent  
14 records.

15           ~~[(j)]~~ (i) The department may remove any person from the  
16 registry for failure to comply with any law or regulation under  
17 this chapter. It is the responsibility of the hemp processor to  
18 make sure it is registered and legally allowed to process hemp  
19 and in compliance with any and all laws and regulations. The  
20 removal of a hemp processor from the registry shall be in  
21 accordance with the procedures set forth in section 328G-6."



1 SECTION 6. Section 328G-3, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 " ~~[+]~~ §328G-3 ~~[+]~~ Hemp processing; hemp product sale and  
4 prohibitions; labeling. (a) No hemp shall be processed into  
5 hemp products, nor shall any hemp processor hold for processing  
6 or sale any hemp, unless lawfully obtained from a person  
7 approved or otherwise authorized by applicable federal, state or  
8 local law to cultivate hemp plants.

9 (b) Hemp and hemp products shall be processed within an  
10 enclosed indoor facility secured to prevent unauthorized entry.  
11 Hemp, hemp products, and any toxic or otherwise hazardous  
12 by-products of hemp processing, or by-products, including but  
13 not limited to delta-9 tetrahydrocannabinol, shall be stored  
14 within an enclosed indoor facility, secured to prevent  
15 unauthorized entry in a manner that prevents cross-contamination  
16 and unintended exposures.

17 (c) Hemp shall not be processed within ~~[500]~~ five hundred  
18 feet of a pre-existing playground, school, state park, state  
19 recreation area, residential neighborhood, hospital, or daycare  
20 facility.



1 (d) Hemp shall not be processed using butane in an open  
2 system where fumes are not contained or by use of any other  
3 method of processing the department determines poses a risk to  
4 health and safety.

5 ~~[(e) No person shall sell, hold, offer, or distribute for~~  
6 ~~sale any food, as that term is defined in section 328-1, into~~  
7 ~~which a cannabinoid, synthetic cannabinoid, hemp extract, hemp~~  
8 ~~derivatives or other hemp product that has been added as an~~  
9 ~~ingredient or component. This section shall not apply to hemp~~  
10 ~~that is generally recognized as safe (GRAS) by FDA for use in~~  
11 ~~foods, as intended, in a public GRAS notification.~~

12 ~~(f)]~~ (e) No person shall sell, hold, offer, or distribute  
13 for sale any hemp product into which a synthetic cannabinoid has  
14 been added.

15 ~~[(g) No person shall sell, hold, offer, or distribute for~~  
16 ~~sale any cannabinoid products used to aerosolize for respiratory~~  
17 ~~routes of delivery, such as an inhaler, nebulizer or other~~  
18 ~~device designed for such purpose.~~

19 ~~(h) No person shall sell, hold, offer, or distribute for~~  
20 ~~sale, any hemp leaf or hemp floral material that is intended to~~



1 ~~be smoked or inhaled, including but not limited to hemp cigars~~  
2 ~~or hemp cigarettes.~~

3       ~~(i)]~~ (f) Except for hemp products intended for external  
4 topical application to the skin or hair, no person shall sell,  
5 hold, offer, or distribute for sale any products containing hemp  
6 or hemp derivatives that are intended to be introduced via  
7 non-oral routes of entry to the body, including but not limited  
8 to, use in eyes, ears, and nasal cavities.

9       ~~(+j)]~~ (g) No person shall sell, hold, offer or distribute  
10 for sale, hemp products without a label, in a form prescribed by  
11 the department, affixed to the packaging that identifies the  
12 hemp product as having been tested pursuant to department rules  
13 and clearly identifies the percentage of Hawaii-grown hemp in  
14 hemp products in a font size large enough for consumers to  
15 easily read on the label on the physical product; provided that  
16 any hemp product not grown in Hawaii shall identify the origin  
17 and percentage of the hemp from outside Hawaii in the hemp  
18 product; provided further that if the hemp product contains hemp  
19 from multiple origins, the hemp product shall identify the  
20 percentage of hemp origin as "United States" or "Foreign" if the





1 hemp product includes hemp from a source outside of the United  
2 States.

3 (h) No person shall sell, hold for sale, offer, or  
4 distribute to persons younger than the age of twenty-one any  
5 cannabinoid product used to aerosolize for respiratory routes of  
6 delivery, including any inhaler, nebulizer, or other device  
7 designed for that purpose. An inhalable product shall not  
8 contain:

9 (1) Any flavoring, other than natural terpenes;

10 (2) Polyethylene glycol (PEG);

11 (3) Vitamin E acetate;

12 (4) Medium chain triglycerides (MCT) oil;

13 (5) Squalane; or

14 (6) Any other substance that the department finds to be a  
15 danger to public health.

16 (i) No person shall sell, hold, offer or distribute for  
17 sale any hemp product having a label that is attractive to  
18 underaged persons."

19 SECTION 7. Section 328G-5, Hawaii Revised Statutes, is  
20 amended to read as follows:



1 " [f] §328G-5 [f] Laboratory standards and testing;

2 certification. (a) The department shall establish and enforce  
3 standards for laboratory-based testing of the hemp products for  
4 content, contamination, and consistency.

5 (b) The department may certify laboratories and recognize  
6 certifications from other jurisdictions of laboratories that are  
7 qualified to test hemp products for quality control prior to  
8 sale.

9 (c) No less than once every three years, the department  
10 shall hire or consult a toxicologist or consultant familiar with  
11 hemp industry standards for the purpose of setting defined  
12 action limits or exposure levels for different types of hemp  
13 products."

14 SECTION 8. There is appropriated out of the general  
15 revenues of the State of Hawaii the sum of \$ or so  
16 much thereof as may be necessary for fiscal year 2023-2024 for  
17 the hiring of a toxicologist or consultant familiar with hemp  
18 industry standards for the purposes of 328G-5(c), Hawaii Revised  
19 Statutes, as amended by section 7 of this Act.

20 The sum appropriated shall be expended by the department of  
21 health for the purposes of this part.



## PART III

SECTION 9. (a) The department of agriculture and department of health shall jointly convene a Hawaii hemp task force to gather data and information to understand industry needs and inform strategies and actions that support agriculture and a robust hemp industry in the State.

(b) The task force shall:

(1) Work with a third-party consultant to identify the infrastructure needs of Hawaii hemp farmers and the hemp industry, considering the unique needs and geographic spread of Hawaii's licensed hemp farmers and the various hemp sector needs; and

(2) Develop an outline of farmer and industry needs and the strategies and actions that can help inform public policy concerning the development of a hemp industry in the State that also supports rural agricultural development in the State.

(c) The task force may request data and information from additional sources, including but not limited to hemp economists, regulators in other states, retailers, farmers, and hemp industry groups outside of Hawaii.



1 (d) The task force shall consist of hemp producers from  
2 each island proportionate to the total number of United States  
3 Department of Agriculture hemp licenses issued in the State and  
4 a representative from each of the fuel, building, general fiber,  
5 cannabinoid, and grain food sectors.

6 (e) The department of agriculture shall hire a third-party  
7 consultant to identify the infrastructure needs of Hawaii hemp  
8 farmers and the hemp industry, considering the unique needs and  
9 geographic spread of Hawaii's licensed hemp farmers and the  
10 various hemp sector needs. The consultant shall submit a report  
11 to the task force on or before July 1, 2024. The report shall  
12 include a concise outline of recommended infrastructure by  
13 island and schematics showing the various processing steps and  
14 infrastructure needed from harvest to product for various  
15 sectors with approximate costs per infrastructure component,  
16 sizing and capacity options, including mobile versus fixed and  
17 volume/mass per day, and approximate square footage required per  
18 component.

19 (f) The task force shall report its findings and  
20 recommendations, including any proposed legislation, to the



1 legislature no later than twenty days prior to the convening of  
2 the regular session of 2025.

3 (g) The members of the task force shall serve without  
4 compensation but shall be reimbursed for expenses, including  
5 travel expenses, necessary for the performance of their duties.

6 (h) No member of the task force shall be subject to  
7 chapter 84, Hawaii Revised Statutes, solely because of the  
8 member's participation in the task force.

9 (i) The task force shall be dissolved on August 30, 2024.

10 SECTION 10. There is appropriated out of the general  
11 revenues of the State of Hawaii the sum of \$50,000 or so much  
12 thereof as may be necessary for fiscal year 2023-2024 for the  
13 hiring of a third-party consultant to identify the  
14 infrastructure needs of Hawaii hemp farmers and the hemp  
15 industry on each island.

16 The sum appropriated shall be expended by the department of  
17 agriculture for the purposes of this Act.

18 PART IV

19 SECTION 11. Act 14, Session Laws of Hawaii 2020, as  
20 amended by Act 137, Session Laws of Hawaii 2022, is amended by  
21 amending section 9 to read as follows:



1           "SECTION 13. This Act shall take effect upon its approval,  
2 and shall be repealed on July 1, [~~2025~~] 2027; provided that the  
3 definition of "marijuana" in section 329-1, Hawaii Revised  
4 Statutes, and the definitions of "marijuana" and "marijuana  
5 concentrate" in section 712-1240, Hawaii Revised Statutes, shall  
6 be reenacted in the form in which they read on the day prior to  
7 the effective date of this Act."

8           SECTION 12. This Act does not affect rights and duties  
9 that matured, penalties that were incurred, and proceedings that  
10 were begun before its effective date.

11           SECTION 13. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13           SECTION 14. This Act shall take effect on June 30, 3000,  
14 and shall be repealed on July 1, 2027.



**Report Title:**

Hemp Producers; Cannabis; Licensing; Labeling; Appropriation

**Description:**

Repeals redundant regulations on hemp production, which will reduce costs for the State and Hawaii farmers. Amends the hemp law in a manner that recognizes the unique constraints of Hawaii farmers, while protecting human health. Allows licensed hemp producers to sell hemp biomass. Requires transparency in labeling of hemp products to identify the percentage of Hawaii-grown hemp or hemp product in all hemp products. Establishes the Hawaii Hemp Task Force. Requires and appropriates funds for the Department of Agriculture to hire hemp consultant to recommend infrastructure improvements on each island. Requires and appropriates moneys for the Department of Health to hire or consult a toxicologist or consultant familiar with hemp industry standards for the purpose of setting defined action limits or exposure levels for different types of hemp products. Extends the State's hemp processor law through 7/1/2027. Repeals on 7/1/2027. Effective 6/30/3000. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*





**LATE**

**Officers**

Kaipo Kekona  
State President

Anabella Bruch  
Vice-President

Maureen Datta  
Secretary

Reba Lopez  
Treasurer

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Senate Ways and Means Committee,

The Hawaii Farmers Union United (HFUU) is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFUU supports and seeks to amend HB1359.**

HFUU has adopted hemp policies that support origin labeling for hemp, as well as on-farm processing and hemp processing in food hubs or agricultural parks. Towards those ends HFUU seeks the following amendments:

- 1) Keep the existing 0.3% limit for THC for existing hemp products which includes tinctures, salves, and supplements so farmers are not upended with more rule changes;
- 2) Create a separate category for gummy products and food and beverage with compound limits established by the Department of Health, and,
- 3) Include allowing on-farm processing of hemp in enclosed agricultural building and structures per HRS 46-88. These types of buildings and structures are regularly used to store and process other crops with no restrictions. This would align HB 1359 with SB 637.

This bill will allow hemp producers to streamline their production process, reduce costs, and adhere to industry-specific constraints that are pertinent to Hawaii's unique agricultural environment. Furthermore, it will ensure the availability of transparency in labeling, clarifying the percentage of hemp grown in Hawaii. In addition, appropriating money for the Department of Health to hire or consult with a toxicologist or consultant is a great step forward and will allow farmers to confidently participate in hemp growth. We urge you to vote in favor of this bill, as it will help Hawaii farmers remain sustainable and thrive in both the hemp and agricultural markets.

Mahalo for the opportunity to testify.

Kaipo Kekona, President HFUU/HFUF

**Chapter Presidents**

Madeline Ross  
Kohala, Hawai'i

Odysseus Yacalis  
East Hawai'i

Puna, Hawai'i

Andrea Drayer  
Ka'u, Hawai'i

Chantal Chung  
Kona, Hawai'i

Fawn Helekahi-Burns  
Hana, Maui

Reba Lopez  
Haleakala, Maui

Kaiea Medeiros  
Mauna Kahalawai,  
Maui

Kaipo Kekona  
Lahaina, Maui

Rufina Kaauwai  
Molokai

Negus Manna  
Lāna'i

Brynn Foster  
North Shore, O'ahu

Christian Zuckerman  
Wai'anae, O'ahu

Ted Radovich  
Waimanalo, O'ahu

Vincent Kimura  
Honolulu, O'ahu

Ray Maki  
Kauai



**LATE**

**HB-1359-SD-1**

Submitted on: 4/3/2023 7:25:30 PM  
Testimony for WAM on 4/4/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Vince Kana`i Dodge	Testifying for `Ai Pohaku- The Stone Eaters	Support	Written Testimony Only

Comments:

Aloha Legislators,

Writing in strong support for SB 1359 HD2SD1.  
This bill will help the little guys without causing any harm to the big guys. And like our earth and our human bodies it is the little guys that hold it all together.  
Please pass SB1359HD2SD1.

Aloha Nui!

Vince Kana`i Dodge

**HB-1359-SD-1**

Submitted on: 4/3/2023 9:30:32 AM

Testimony for WAM on 4/4/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Christian Zuckerman	Testifying for Kuwale Ridge Farms	Support	Written Testimony Only

Comments:

Aloha,

My name is Christian Zuckerman and I am in strong support of HB1359. I am a farmer in Waianae and also a member of the Hawaii Farmers Union United (HFUU).

Please include these amendemnets to the bill to support Hawaii Hemp Farmers:

- 1.) Keep the existing 0.3% limit for THC for existing hemp products which includes tinctures, salves, and supplements so farmers are not upended with more rule changes;
- 2.) Create a separate category for gummy products and food and beverage with compound limits established by the Department of Health, and,
- 3.) Include allowing on-farm processing of hemp in enclosed agricultural building and structures per HRS 46-88. These types of buildings and structures are regularly used to store and process other crops with no restrictions. This would align HB 1359 with SB 637.

Aloha

Christian Zuckerman

**HB-1359-SD-1**

Submitted on: 4/3/2023 9:35:05 AM

Testimony for WAM on 4/4/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Maile	Testifying for Kauai Hemp Co.	Support	Written Testimony Only

Comments:

**Testimony from Maile Walters**

**Dear Committee chairs and members,**

**Thank you so much for allowing me to testify in support of this bill.**

**My name is Maile Walters and I am Compliance Director at Kauai Hemp Co. I've been in this position for 2 years and have worked diligently to support our company in creating a thriving hemp industry for our islands.**

**I support this bill but request the following changes be made:**

- 1. Addressing the Department of Health's concerns related to hemp food products, please separate and define the difference between a finished hemp product and a finished hemp food product. Keep finished hemp products at the USDA THC threshold of 0.3% which is the current allowable limit under Hawaii law. The Department of Health cited that The National Institute on Drug Abuse established a "standard dose" of THC as 5 milligrams. To address the Department of Health's above concerns, all serving sizes of hemp food products will have less than one "standard dose" of THC. Please include language that reads:**

**"finished hemp food products shall allow 0.3% and shall be packaged so that one dose, serving, or single wrapped item contains less than five milligrams of tetrahydrocannabinol;**

**provided that no manufactured finished hemp food product that is sold in a pack of multiple doses, servings, or single wrapped items, shall contain more than a total of one hundred milligrams of tetrahydrocannabinol per pack or container.”**

- 1. Prohibit finished hemp food products being advertised or sold to any one under the age of 21.**
- 2. Amend wording to align with SB 637 that would allow hemp farmers to process in an enclosed indoor facility that is a permit-exempt agriculture structure pursuant to section 46-88 or is an enclosed building in a food hub or agricultural park.**
- 3. Defining and protecting Hawaii CBD products allows consumers to “buy local” and supports our island industry.**

**This bill with the above changes will allow Hawaii’s hemp industry to stay alive and will be its best chance to grow and flourish.**

**Please support HB1359!**

**Thank you so much for the opportunity to testify.**

Bill #HB 1359 Relating to Hemp

Testimony from Isabella Sherman

Dear Committee chairs and members,

Thank you so much for allowing me to testify in support of this bill.

My name is Isabella Sherman and I am the Vice President at Kauai Hemp Co. I've been in this position for just three years and have worked diligently to support our company in complying with all state and federal rules and regulations pertaining to hemp.

I support this bill but request the following changes be made:

1. Addressing the Department of Health's concerns related to hemp food products, please separate and define the difference between a finished hemp product and a finished hemp food product. Keep finished hemp products at the USDA THC threshold of 0.3% which is the current allowable limit under Hawaii law. The Department of Health cited that The National Institute on Drug Abuse established a "standard dose" of THC as 5 milligrams. To address the Department of Health's above concerns, all serving sizes of hemp food products will have less than one "standard dose" of THC. Please include language that reads:

*"finished hemp food products shall allow 0.3% and shall be packaged so that one dose, serving, or single wrapped item contains less than five milligrams of tetrahydrocannabinol; provided that no manufactured finished hemp food product that is sold in a pack of multiple doses, servings, or single wrapped items, shall contain more than a total of one hundred milligrams of tetrahydrocannabinol per pack or container."*

2. Prohibit finished hemp food products being advertised or sold to any one under the age of 21.
3. Amend wording to align with SB 637 that would allow hemp farmers to process in an enclosed indoor facility that is a permit-exempt agriculture structure pursuant to section 46-88 or is an enclosed building in a food hub or agricultural park.
4. Defining and protecting Hawaii CBD products allows consumers to "buy local" and supports our island industry.

This bill with the above changes will allow Hawaii's hemp industry to stay alive and will be its best chance to grow and flourish.

Please support HB1359!

Thank you so much for the opportunity to testify.

## Written Testimony

Here are some tips on preparing written testimony:

- Include the essentials: the bill number, the bill's title, your name
- Address the committee chair and members
- Clearly state whether you support or oppose the bill
- Introduce yourself and the group or organization (if any) you represent
- Summarize the reason for your position
  - Provide factual accounts of the impact the legislation will have
  - Tell a personal story
- Restate your position and provide a recommendation for action
- Thank the committee for the opportunity to testify
- Keep it short

**HB-1359-SD-1**

Submitted on: 4/3/2023 9:52:14 AM

Testimony for WAM on 4/4/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tamara Swift	Individual	Support	Written Testimony Only

Comments:

- 1.) Keep the existing 0.3% limit for THC for existing hemp products which includes tinctures, salves, and supplements so farmers are not upended with more rule changes;
- 2.) Create a separate category for gummy products and food and beverage with compound limits established by the Department of Health, and,
- 3.) Include allowing on-farm processing of hemp in enclosed agricultural building and structures per HRS 46-88. These types of buildings and structures are regularly used to store and process other crops with no restrictions. This would align HB 1359 with SB 637.

**HB-1359-SD-1**

Submitted on: 4/3/2023 9:52:29 AM

Testimony for WAM on 4/4/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Robert ZUckerman	Individual	Support	Written Testimony Only

Comments:

Please include these ammendments:

- 1.) Keep the existing 0.3% limit for THC for existing hemp products which includes tinctures, salves, and supplements so farmers are not upended with more rule changes;
- 2.) Create a separate category for gummy products and food and beverage with compound limits established by the Department of Health, and,
- 3.) Include allowing on-farm processing of hemp in enclosed agricultural building and structures per HRS 46-88. These types of buildings and structures are regularly used to store and process other crops with no restrictions. This would align HB 1359 with SB 637.



**HB-1359-SD-1**

Submitted on: 4/3/2023 9:57:02 AM

Testimony for WAM on 4/4/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Emily Emmons	Testifying for Ho`ola Veteran Services d.b.a. Ho`ola Farms / Hilo Food Hub	Support	Written Testimony Only

Comments:

We are in strong support of HB1359

**LATE**

**HB-1359-SD-1**

Submitted on: 4/3/2023 10:34:18 AM

Testimony for WAM on 4/4/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Thomas Brandt	Individual	Support	Written Testimony Only

Comments:

Strong support!

**LATE**

**HB-1359-SD-1**

Submitted on: 4/3/2023 10:38:29 AM

Testimony for WAM on 4/4/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
cheryl hendrickson	Individual	Support	Written Testimony Only

Comments:

We need to protect and support Hawaii grown hemp in all it's uses. Establishing a task force by appropriating funds for the Dept of Ag to hire an educated hemp consultant to recommend infrastructure improvements on all islands. To hire or consult a hemp industry toxicologist for the purpose of setting defined exposure levels for different types of hemp to protect human health. To establish industry standards that protect Hawaii hemp farmers by requiring labeling of source. This lucrative industry could be a real boom for Hawaii's economy and help steer us away from reliance on tourism,

**LATE**

**HB-1359-SD-1**

Submitted on: 4/3/2023 10:47:33 AM

Testimony for WAM on 4/4/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Marilyn Mick	Individual	Support	Written Testimony Only

Comments:

Aloha,

HB 1359 recognizes the unique constraints of Hawaii farmers, while protecting human health, allowing licensed hemp producers to sell hemp biomass; Requiring transparency in labeling of hemp products to identify the percentage of Hawaii-grown hemp or hemp product in all hemp products. Establishing the Hawaii Hemp Task Force; Requiring and appropriating funds for the Department of Agriculture to hire hemp consultant to recommend infrastructure improvements on each island; Requiring and appropriates moneys for the Department of Health to hire or consult a toxicologist or consultant familiar with hemp industry standards for the purpose of setting defined action limits or exposure levels for different types of hemp products.

Please support this Bill.

Mahalo, Marilyn Mick, Honolulu

**LATE**

**HB-1359-SD-1**

Submitted on: 4/3/2023 11:32:47 AM

Testimony for WAM on 4/4/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Megan Talley Womble	Individual	Support	Written Testimony Only

Comments:

Aloha,

Thank you for taking the time to review this testimony. I am in strong support of this bill. I actively work in the Cannabis and hemp space in the state. I think that this bill is important because it horizontalizes the market and creates more opportunity for participation by farmers, processors, retailers etc. Currently, Hawai'i has some of the strictest hemp, CBD specifically, rules in the nation and because of the consistent overregulation this nascent industry is stymied in its growth.

Best,

Megan

**LATE**

**HB-1359-SD-1**

Submitted on: 4/3/2023 11:32:58 AM

Testimony for WAM on 4/4/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Raphiell Nolin	Individual	Support	Written Testimony Only

Comments:

In strong support of HB1359 HD2 SD1

**LATE**

**HB-1359-SD-1**

Submitted on: 4/3/2023 12:02:56 PM

Testimony for WAM on 4/4/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Briana	Individual	Support	Written Testimony Only

Comments:

- 1.) Keep the existing 0.3% limit for THC for existing hemp products which includes tinctures, salves, and supplements so farmers are not upended with more rule changes;
- 2.) Create a separate category for gummy products and food and beverage with compound limits established by the Department of Health, and,
- 3.) Include allowing on-farm processing of hemp in enclosed agricultural building and structures per HRS 46-88. These types of buildings and structures are regularly used to store and process other crops with no restrictions. This would align HB 1359 with SB 637.

HB 1359 recognizes the unique constraints of Hawaii farmers, while protecting human health, allowing licensed hemp producers to sell hemp biomass; Requiring transparency in labeling of hemp products to identify the percentage of Hawaii-grown hemp or hemp product in all hemp products. Establishing the Hawaii Hemp Task Force; Requiring and appropriating funds for the Department of Agriculture to hire hemp consultant to recommend infrastructure improvements on each island; Requiring and appropriates moneys for the Department of Health to hire or consult a toxicologist or consultant familiar with hemp industry standards for the purpose of setting defined action limits or exposure levels for different types of hemp products.

**LATE**

**HB-1359-SD-1**

Submitted on: 4/3/2023 1:31:43 PM

Testimony for WAM on 4/4/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Terry Huth	Individual	Support	Written Testimony Only

Comments:

Honorable Committee Members,

I strongly support and ask all of you to support HB1359 to repeal redundant regulations to reduce costs for the State and local farmers and allow more hemp to be grown and locally processed in an economically sustainable manner.

Specifically, I ask that this bill:

- 1.) Keep the existing 0.3% limit for THC for existing hemp products which includes tinctures, salves, and supplements so farmers are not upended with more rule changes;
- 2.) Create a separate category for gummy products and food and beverage with compound limits established by the Department of Health, and,
- 3.) Allow on-farm processing of hemp in enclosed agricultural building and structures per HRS 46-88. These types of buildings and structures are regularly used to store and process other crops with no restrictions. This would align HB 1359 with SB 637.

Hemp can become an important agricultural and industrial manufacturing crop in Hawai'i with the proper financial and legal structures and support.

Thank you for supporting this bill.

Regards,

Terry Huth

Kihei, Maui



**LATE**

**HB-1359-SD-1**

Submitted on: 4/3/2023 1:53:15 PM

Testimony for WAM on 4/4/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
James Crum	Individual	Support	Written Testimony Only

Comments:

Aloha folks and thanks for helping this bill become a reality. I don't know a great deal about hemp personally, but I know a number of farmer friends that know a LOT about it, and from what I understand, hemp can practically fix all of our world problems with its adoption and ubiquitous use, and that it seems that Hawaii has had some of the toughest regulations on the books of any place in the country, and that this bill is aimed to address all that, and be a boon to Hawaii in general in many ways. They also asked me to say this to you so I will share it as my final words of encouragement to you to support this bill to your utmost abilities:

- 1.) Keep the existing 0.3% limit for THC for existing hemp products which includes tinctures, salves, and supplements so farmers are not upended with more rule changes;
- 2.) Create a separate category for gummy products and food and beverage with compound limits established by the Department of Health, and,
- 3.) Include allowing on-farm processing of hemp in enclosed agricultural building and structures per HRS 46-88. These types of buildings and structures are regularly used to store and process other crops with no restrictions. This would align HB 1359 with SB 637.

Ke aloha nui.

**LATE**

To: WAM / JDC

From: Hugo De Peña

Subject: OPPOSITION to HB1359 HD2 SD1 Relating to Hemp

Aloha Chairpersons Dela Cruz and Rhodes and members of the Committees.

This legislation is misguided and has unintended consequences for the citizens of Hawaii.

Hawaii's current constraints with hemp production are due to geography, not over-regulation. Hawaii hemp growers admitted to Hemp Grower Magazine (December 2021 issue) that:

- Not enough day-light hours promote early flowering in Hawaii.
- Proximity to the equator leads to higher THC levels in plants.
- Humidity causes mold and fungus in the drying and storage processes.
- Over-production of U.S. hemp has led to lower than hoped for prices.

Supporters of this measure want to eliminate rules for USDA licensed hemp producers that are intended to protect public health and welfare such as:

- Allow hemp to be grown outside of agricultural districts.
- Eliminate setbacks for hemp grown in residential areas.
- Allow transport of "hot crops" with elevated THC levels.
- As currently written, would allow USDA hemp license holders to not be subject to other regulations such as pesticide rules, etc.

Supporters want to repeal regulations on hemp production which they claim will reduce costs to the state, but at the same time are asking the state to hire consultants, toxicologists, and convene a task force. This will increase the state budget.

It is production issues related to geography, not the "over regulation" boogeyman, that are holding back the hemp industry in Hawaii. Removing protections to the public will not alter this fact. Please vote no on this bill.

**LATE**

**HB-1359-SD-1**

Submitted on: 4/3/2023 4:23:37 PM

Testimony for WAM on 4/4/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nina Cherry	Individual	Support	Written Testimony Only

Comments:

We need to grow hemp here -- the nitrogen is good for the soil. We need the bio-mass for industrial use. There are beneficial hemp products that are valuable such as the protein powder, and hemp seeds for food, rope and clothing that is made from hemp.

I don't think a person can get high from industrial hemp, so why not bring it in to the islands? It would help us become self-sufficient. It is easier to grow for protein than coconut trees.

We would be a very rich island if we grew hemp on all the land that is arid and flying out to sea in the wind -- and we could export the clothing and food and rope that we don't need for our residents.

**LATE**

**HB-1359-SD-1**

Submitted on: 4/3/2023 4:59:16 PM  
Testimony for WAM on 4/4/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Soo Sun Choe	Individual	Support	Written Testimony Only

Comments:

Please amend to allow for on-farm processing by the farmer.

**LATE**

**HB-1359-SD-1**

Submitted on: 4/3/2023 6:05:40 PM

Testimony for WAM on 4/4/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dennis F Lokmer	Individual	Support	Written Testimony Only

Comments:

I yrge strong support for this bill. DFL

**LATE**

**HB-1359-SD-1**

Submitted on: 4/3/2023 9:55:04 PM

Testimony for WAM on 4/4/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Troy Person	Individual	Support	Written Testimony Only

Comments:

*ask for HB 1359 to:*

- 1.) Keep the existing 0.3% limit for THC for existing hemp products which includes tinctures, salves, and supplements so farmers are not upended with more rule changes;
- 2.) Create a separate category for gummy products and food and beverage with compound limits established by the Department of Health, and,
- 3.) Include allowing on-farm processing of hemp in enclosed agricultural building and structures per HRS 46-88. These types of buildings and structures are regularly used to store and process other crops with no restrictions. This would align HB 1359 with SB 637.