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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: 4/6/2023

Room Number: CR 211

- 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: 4/5/2023 1:43:36 PM

Testimony for WAM on 4/6/2023 10:47:00 AM

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

Comments:

Warm and friendly hello to all legislators. Please, in order to avoid conflict with federal statements regarding cannabis seeds, I ask that the VIABLE seeds of all types of cannabis be included in the states legal definition of "hemp".

There is an established federal level precedent in the memo issued by the D.E.A. announcing they would be considering cannabis seeds as 'hemp' due to the absence of cannabinoids.

In the very realistic sense of all cannabis cultivation allowed within the law, seeds of the appropriate type and cultivar of cannabis are indispensable requirements. It's a basic biological necessity for all legal activities currently legal under the relevant medical cannabis rules; patients, first and foremost, need the assurance of the state that they may obtain the most appropriate and effective medical cannabis varieties possible. This is often a process of breeding within the patient community, a recognized agricultural process of acclimatization breeding. It is not a financially motivated process, but in order to obtain the seeds necessary for patients, many of us must purchase them. Both domestically and from the mainland US. The process is currently not subject to prosecution at the federal level, but through seeds being included in other legislation this session, the exchange of seeds is at risk of being criminalized in Hawai'i.

Please, act decisively to clarify that viable cannabis seeds of all kinds should be defined as 'hemp'. This is established federal practice.

By doing so you protect citizens from the consequences of unreasonable legislation. Primarily, that's enough. If you wish to consider that Hawai'i has an opportunity to enter the GLOBAL industry of seed sales, if legislation allows citizens to proceed with the creation of tax paying businesses.

Many legacy cultivators exist legally within the medical cannabis patient community. I am one. A college educated agricultural professional. A mendelian plant breeder, with decades of accumulated work invested. I exist in the reasonable expectation that legislature will offer me, and all like myself, the same opportunities and protections being legislated into existence for commercial licenses.

I am a member of the landrace preservation community in Hawai'i. We are protectors and stewards of a resource, which is needed, in all legal aspects of cannabis cultivation.

Please, act decisively and legalize the cannabis industry in Hawai'i. Thank you for this chance to speak.