



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
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**Testimony COMMENTING on HB 2102 HD1**  
**RELATING TO HEMP PRODUCTS**

SENATOR ROSALYN H. BAKER, CHAIR  
COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND HEALTH

Hearing Date: 3/12/2020

Room Number: 229

1 **Fiscal Implications:** This measure may 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 appreciates the opportunity to offer testimony on this  
5 measure. The Department agrees with much of the intended purpose of this measure. We agree  
6 that establishing a regulatory framework for consumer products containing hemp that is legally  
7 grown under approved government programs, consisting of labeling requirements and  
8 independent lab testing for contaminants to inform and protect consumers is needed. We offer  
9 the following comments and suggestions for amendments to create a framework that allows  
10 hemp growers licensed to grow production legal hemp to process hemp into hemp supplements  
11 intended to be ingested orally or hemp cosmetics for topical application to skin and hair.

12 A summary of our comments on the measure is offered below, with complete list of amendments  
13 respectfully submitted at the end of our testimony for your consideration.

14 Page 7, line 3: **Labeling.** Recommend amending proposed warning statement to use the word  
15 "cannabinoids", instead of "cannabidiol", as safe use of cannabinoids in pregnant or  
16 breastfeeding women has not been determined.

1 Page 7, line 12: **Health-related statements.** Offered amendment to subsection to expressly  
2 prohibit a manufacturer, distributor, seller from labeling or advertising a hemp product that  
3 implies use of product to cure, treat, prevent a disease.

4 Page 8, line 1: **Manufacturing standards; dietary supplements.** The Department respectfully  
5 offers an amendment to this subsection that seeks to ensure that hemp plant material, when used  
6 as an ingredient to manufacture a hemp supplement or hemp cosmetic, must come from an  
7 established and approved hemp growing program in Hawaii or in another state and has  
8 satisfactorily complied with independent laboratory testing for THC content. Our amendment  
9 also requires hemp products from out-of-state to have a certificate of analysis from independent  
10 laboratory stating compliance with THC and contaminant testing. Test results must be made  
11 available to consumers by request.

12 Page 9, line 6: **Hemp products; food; manufacture, sale, and distribution prohibited.** The  
13 Department strongly supports the proposed amendment prohibiting the manufacture, sale and  
14 distribution of foods into which cannabinoids, synthetic cannabinoids or hemp products have  
15 been added. We respectfully request consideration of additional amendments that clearly protect  
16 existing allowance for hemp seeds, hemp seed oil and hemp seed protein powder to be used in  
17 foods as they are currently generally recognized as safe (GRAS) by FDA. We further offer  
18 amendments prohibiting manufacture, sale and distribution of cannabinoid products used to  
19 aerosolize for respiratory routes of delivery, such as with an inhaler or nebulizer.

20 Page 9, line 11: **Products designed to be appealing to children; sale or distribution**  
21 **prohibited.** The Department recognizes the concern this section seeks to address and has no  
22 additional comments.

23 Page 10, line 8: **Hemp products; not automatically adulterated or misbranded.** The  
24 Department respectfully recommends this proposed amendment be removed as we are amenable  
25 to hemp in supplements and cosmetics under our proposed amendments for creation of a  
26 regulatory framework. Should our proposed amendments be accepted, this subsection would not  
27 be required.

Page 10, line 17: **Rulemaking.** The Department agrees with the measure granting rule making authority to carry out the purposes of this part. Minor edits are offered in our amendment to this subsection.

Page 13, line 4: **Hemp products; persons under twenty-one years of age.** The Department recognizes the concern this section seeks to address and offers amendments moving the proposed language to a statute under the Department's authority.

Additional amendments are offered in our proposal below that seek to:

- Establish a hemp processor registry for processing legally grown hemp into ingredients to be used in hemp supplements or hemp cosmetics.
- Establish standards for laboratory-based testing of hemp products for content, contamination and consistency.
- Establish enforcement and penalty section for any person who violates the chapter or rules adopted by Department. Fines up to \$10,000 for each offense and administrative and civil penalties.
- Request appropriation out of the general revenues of the State of Hawaii the sum of \$750,000 for fiscal year 2021-2022 to be deposited into the Hawaii hemp products regulatory special fund.

#### **Offered Amendments:**

RELATING TO HEMP PRODUCTS.

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

##### PART I

SECTION 1. The legislature finds that Act 228, Session Laws of Hawaii 2016, established the industrial hemp pilot

1 program within the department of agriculture and has created the  
2 promise of a new form of diversified agriculture in Hawaii.  
3 Since the inception of the hemp pilot program, thirty-six  
4 industrial hemp farmers have registered with the department and  
5 are currently cultivating hemp for commercial use.

6 The legislature further finds that Congress passed the  
7 Agricultural Improvement Act of 2018, otherwise known as the  
8 Farm Bill, which removed hemp derived extracts, derivatives, and  
9 cannabinoids, such as cannabidiol (CBD) as schedule I substances  
10 in the Controlled Substances Act from hemp plants that contain  
11 no more than 0.3 per cent tetrahydrocannabinol. The hemp  
12 industry across the country has grown rapidly, and hemp-derived  
13 products are used by a wide range of consumers.

14 The legislature also finds that, while the United States  
15 Department of Agriculture has opened the industrial hemp market,  
16 the Food and Drug Administration has continued to exercise  
17 jurisdiction over the regulation of ingestible and topical hemp  
18 products. In 2019, the Food and Drug Administration, in its  
19 continuation of evaluating regulatory frameworks for hemp-  
20 derived compounds, held a public hearing, and opened a public  
21 docket for data gathering. The Food and Drug Administration has  
22 also issued non-legally binding public statements arguing that  
23 it is illegal to market cannabidiol as a food additive or

1 dietary supplement because it is an active ingredient in a  
2 pharmaceutical drug.

3 While it is expected that the Food and Drug Administration  
4 will eventually use its authority to regulate hemp-derived  
5 products, the only enforcement action it has taken to date is to  
6 send warning letters against improper disease remediation claims  
7 made by food and supplement companies. The legislature finds  
8 that, given the time expected for the Food and Drug  
9 Administration to act and the existing confusion among consumers  
10 and the industry, it is important that a timely regulatory  
11 framework be established around hemp products and cannabinoids,  
12 both to provide consumer safety requirements, and certainty for  
13 Hawaii hemp farmers to continue to viably operate their  
14 industrial hemp operations in the State.

15 The purpose of this Act is to:

16 (1) Establish a hemp processor registry for hemp-derived  
17 products which consists of labeling and independent  
18 laboratory testing to ensure products do not contain  
19 contaminants unfit for human consumption;

20 (2) Prohibit hemp processors, distributors, and  
21 retailers from making unwarranted health claims of their  
22 hemp-derived products;

(3) Prohibit the sale or furnish of any hemp product to a person under twenty-one years of age;

(4) Prohibit the sale, hold, offer, or distribution for sale of any hemp-derived products designed to be appealing to children;

(5) Require these products to be properly labeled to be legally allowed for sale in the State;

(6) Requiring certain warning statements to be placed on the packaging of hemp-derived products.

## PART II

SECTION 2. New Chapter 328H, Hawaii Revised Statutes, is created to read as follows:

### **"CHAPTER 328H. HEMP PRODUCTS**

**§328H - Definitions.** As used in this chapter.

"Applicant" means the person applying to register as a hemp processor under this chapter.

"Cannabinoids" means chemicals in *Cannabis* that cause drug-like effects in the body, including the central nervous system and the immune system. The main psychoactive cannabinoid in

1 *Cannabis* is delta-9 tetrahydrocannabinol. Cannabidiol (CBD) is  
2 an example of a cannabinoid.

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

8 "Certificate of Registration" means the Certificate issued  
9 by the department attesting that the hemp products produced by  
10 the applicant's company have been registered with the  
11 department.

12 "Decarboxylated" means the completion of the chemical  
13 reaction that converts delta-9 tetrahydrocannabinol's acids  
14 (THCA) into delta-9 tetrahydrocannabinol. The decarboxylated  
15 value may be calculated using a conversion formula that sums  
16 delta-9 tetrahydrocannabinol and eighty-seven and seven tenths  
17 (87.7) per cent of THCA.

18 "Delta-9 tetrahydrocannabinol" or "THC" is the primary  
19 psychoactive component of cannabis.

20 "Department" means the department of health.

1       "Director" means the director health.

2       "Disease or health-related condition" means damage to an  
3 organ, part, structure, or system of the body such that it does  
4 not function properly (e.g., cardiovascular disease), or a state  
5 of health leading to such dysfunctioning (e.g., hypertension).

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

9       "Food" means a raw, cooked, or processed edible substance,  
10 ice, beverage or ingredient used or intended for used or for  
11 sale in whole or in part for human or animal consumption, or  
12 chewing gum.

13       "Enclosed indoor facility" means a permanent, stationary  
14 structure with a solid floor, rigid exterior walls that encircle  
15 the entire structure on all sides, and a roof that protects the  
16 entire interior area from the elements of weather. Nothing in  
17 this definition shall be construed to relieve the registered  
18 applicant from the applicant's duty to comply with all  
19 applicable building codes and regulations.



1 "Established and approved hemp program" means a program  
2 that meets all federal requirements regarding the lawful and  
3 safe cultivation of hemp.

4 "FDA" means the United States Food and Drug  
5 Administration.

6 "Health claim" means any claim made on the label or in  
7 labeling of a hemp product, that expressly or by implication,  
8 including "third party" references, written statements (e.g., a  
9 brand name including a term such as "heart"), symbols (e.g., a  
10 heart symbol), or vignettes, characterizes the relationship of  
11 any substance to a disease or health-related condition. Implied  
12 health claims include those statements, symbols, vignettes, or  
13 other forms of communication that suggest, within the context in  
14 which they are presented, that a relationship exists between the  
15 presence or level of a substance in the hemp product and a  
16 disease or health-related condition.

17 "Hemp" means Cannabis sativa L. and any part of that plant,  
18 including the seeds thereof and all derivatives, extracts,  
19 cannabinoids, isomers, acids, salts, and salts of isomers,  
20 whether growing or not, with a delta-9-tetrahydrocannabinol  
21 concentration of not more than 0.3 per cent on a dry weight

1 basis, as measured post-decarboxylation or by other similarly  
2 reliable methods.

3 "Hemp processor" means an individual or entity authorized  
4 by the State of Hawaii and operating in the State to receive  
5 harvested hemp plant material lawfully grown under an  
6 established and approved hemp program in any state for the  
7 purpose of:

- 8 1. Making a transformative change to the harvested  
9 hemp plant into a hemp derived ingredient to be  
10 used to manufacture a hemp product and;
- 11 2. Manufacturing of a finished hemp product using a  
12 hemp derived ingredient compliant with (1).

13 "Hemp product" means a product containing hemp that:

- 14 1. Is a hemp cosmetic for topical application to the  
15 skin or hair, or a hemp supplement to be ingested  
16 orally by humans or animals, excluding food;
- 17 2. Contains any part of the hemp plant, including  
18 naturally-occurring cannabinoids, compounds,  
19 concentrates, extracts, isolates, resins, or

1 derivatives; and

2 3. Has a delta-9-tetrahydrocannabinol concentration of  
3 not more than 0.3 per cent as measured post-  
4 decarboxylation or other similarly reliable  
5 methods.

6 4. Does not include any living hemp plants, viable  
7 seeds, leaf materials, or floral materials marketed  
8 for retail sale.

9 "Industrial Hemp" means hemp as defined in this chapter.

10 "Manufacture" means to compound, blend, extract, infuse, or  
11 otherwise make or prepare a hemp product, but does not include  
12 planting, growing, harvesting, drying, curing, grading, or  
13 trimming a hemp plant or part of a hemp plant.

14 "Marijuana" means all parts of the plant (genus) Cannabis  
15 whether growing or not; the seeds thereof, the resin extracted  
16 from any part of the plant; and every compound, manufacture,  
17 salt, derivative, mixture, or preparation of the plant, its  
18 seeds, or resin. It does not include the mature stalks of the  
19 plant, fiber produced from the stalks, oil, or cake made from

1 the seeds of the plant, any other compound, manufacture, salt,  
2 derivative, mixture, or preparation of the mature stalks (except  
3 the resin extracted therefrom), fiber, oil, or cake, or the  
4 sterilized seed of the plant which is incapable of germination  
5 and with a delta-9-tetrahydrocannabinol concentration of more  
6 than 0.3 per cent on a dry weight basis.

7 "Person" means an individual, firm, corporation,  
8 partnership, association, or any form of business or legal  
9 entity.

10 "Processing" means making a transformative change to the  
11 hemp plant following harvest by converting a hemp agricultural  
12 commodity into a hemp derived ingredient that may be used to  
13 manufacture a hemp product.

14 "Synthetic cannabinoid" means a cannabinoid that is

15 (a) produced artificially, whether from chemicals or  
16 from recombinant biological agents including but not limited to  
17 yeast and algae; and

18 (b) not derived from the genus cannabis. This includes  
19 biosynthetic cannabinoids.

20 "State" means the State of Hawaii.

1       **§328H - Hemp processing; sale.** (a) No person shall process  
2 hemp or manufacture hemp into hemp products without being  
3 registered by the department as a hemp processor pursuant to  
4 this part and any rules adopted pursuant thereto.

5       (b) Hemp, hemp products and extraction by-products shall be  
6 processed, and stored, within an enclosed indoor facility with  
7 proper storage conditions to minimize spoilage and formation of  
8 mold/mycotoxins and secured to prevent unauthorized entry.

9       (c) Hemp shall not be processed within 1,000 feet of an  
10 existing playground, school, state park, state recreation area,  
11 residential neighborhood, hospital, or daycare due to odorous  
12 emissions created during processing.

13       (d) Hemp shall not be processed using butane in an open  
14 system where fumes are not contained or any other method the  
15 department determines could potentially pose a risk to health  
16 and safety

17       **§328H - Hemp processor registry.** (a) The department shall  
18 create a registry for hemp processors.

19       (b) No person shall process hemp in the State unless the  
20 person is registered by the department pursuant to this part.

1           (c) A person who intends to process hemp in the State shall  
2     apply to the department for registration on an application form  
3     created by the department.

4           (d) The applicant shall provide, at a minimum, the  
5     following information:

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

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

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

12                (4) Documentation that the indoor facility and planned  
13                        hemp processing operation, complies with all zoning  
14                        ordinances, building codes, and fire codes and;

15                (5) Any other information required by the department.

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

1 (f) Any incomplete application shall be denied.

2 (g) Upon the department receiving a complete and accurate  
3 application, and remittal of the application fee, the applicant  
4 shall be sent a certificate of registration that it is  
5 registered to process hemp in the State.

6 (h) No person shall process hemp without receiving a  
7 Certificate of Registration from the department.

8 (i) Upon receiving a Certificate of Registration, the  
9 registrant shall apply to the department of public safety  
10 narcotics enforcement division (NED) and obtain a certificate to  
11 possess and handle delta-9 tetrahydrocannabinol as a byproduct  
12 of the cannabinoid extraction process.

13 (i) The registrant shall provide proof of the NED  
14 certificate to the department within seven days of  
15 obtaining the certificate.

16 (ii) The registrant shall maintain the certificate  
17 throughout the licensing period, and shall notify the  
18 department immediately if the NED certificate is  
19 suspended or revoked.

1       (j) The Certificate of Registration shall be renewed  
2       annually by payment of an annual renewal fee to be determined  
3       by the department and subject to verification by the  
4       department.

5       (k) All hemp processors shall allow federal, state, or  
6       local authorities including any member of the department, or any  
7       agent or third party authorized by the department, entry at  
8       reasonable times upon any private property in order to inspect,  
9       sample, and test the hemp processing area, hemp products,  
10      plants, plant materials, seeds, equipment, facilities incident  
11      to the processing or storage of hemp, and review all pertinent  
12      records.

13      (l) The department may remove any person from the registry  
14      for failure to comply with any law or regulation. It is the  
15      responsibility of the hemp processor to make sure it is  
16      registered and legally allowed to process hemp and in compliance  
17      with any and all laws and regulations. The removal of a hemp  
18      processor from the registry shall be accompanied by a cease and  
19      desist order, any violation of which constitutes a violation of  
20      this chapter.



1       **§328H - Hemp used as ingredient in hemp supplement or hemp**  
2       **cosmetic.**

3       (a) The hemp plant material used as an ingredient in a hemp  
4       supplement or hemp cosmetic shall meet the following  
5       conditions:

6               (1) Hemp plant shall be grown in Hawaii and/or in  
7       another state under a valid license, issued by an established  
8       and approved hemp program allowing for the lawful growth of  
9       production legal hemp. For purposes of this chapter, production  
10      legal hemp means:

11                   (A) Hemp plant that has satisfactorily complied  
12      with all testing requirements, conducted by a third-party  
13      independent laboratory, to determine the delta-9-  
14      tetrahydrocannabinol concentration as required by the established  
15      and approved hemp program having primary jurisdiction and;

16                   (B) does not meet the definition of marijuana or  
17      cannabis by state law.

18               (2) Hemp supplements or hemp cosmetics imported into  
19      the state shall be manufactured, labeled, and tested in  
20      accordance with the approved hemp program having primary  
21      jurisdiction.

1 (A) Hemp supplements or hemp cosmetics shall not  
2 be sold, held, offered or distributed for sale without a  
3 certificate of analysis from an independent testing laboratory  
4 that indicates every batch of product is in compliance with all  
5 contaminant testing and that the total delta-9  
6 tetrahydrocannabinol concentration does not exceed 0.3 percent  
7 in accordance with the approved hemp program having primary  
8 jurisdiction.

9 (B) The certificate of analysis shall be provided  
10 to every distributor and retailer for every batch of product  
11 received and shall be provided to consumers by request.

12 (C) Hemp supplements or hemp cosmetics that is  
13 manufactured in a jurisdiction that does not have an approved  
14 hemp program shall be in compliance with required testing and  
15 labeling requirements of this chapter and subsequent rules to  
16 implement this chapter.

17 **§328H - Labeling.** (a) No person shall sell, hold, offer  
18 or distribute for sale, hemp products without a label prescribed  
19 by the department identifying the hemp product has been tested  
20 and satisfies the criteria for quality control established by  
21 the department pursuant to this chapter.

(b) The label of any package of a hemp supplement or hemp cosmetic shall include the contents and potency of cannabinoids and the following boxed warning statements in all capital letters and printed in not less than eighteen-point font:

(1) "USING PRODUCTS CONTAINING CANNABINOIDS WHILE PREGNANT OR BREASTFEEDING MAY BE HARMFUL. KEEP OUT OF REACH OF CHILDREN."; and

(2) "WARNING: MAY INTERACT WITH OTHER DRUGS CONSULT A HEALTH PROFESSIONAL BEFORE USE."

**§328H - Health claims; prohibited.** A hemp processor, manufacturer, distributor, or seller of a hemp product shall not include on the label of the product, or publish or disseminate in advertising or marketing, any health claims of a curative or therapeutic nature that, expressly or impliedly, suggests a relationship between the consumption or use of hemp or hemp products and health benefits or effects on the diagnosis, cure, mitigation, treatment, or prevention of any disease.

**§328H - : Products designed to be appealing to children; manufacture, sale or distribution prohibited.** (a) No person shall manufacture, or sell, hold, offer, or distribute for sale,

1 in the State any hemp product designed to be appealing to  
2 children, including but not limited to:

3 (1) Any product bearing any resemblance to a  
4 cartoon character, fictional character whose target audience is  
5 children or youth, or pop culture figure;

6 (2) Any product bearing a reasonable resemblance to  
7 a product available for consumption as a commercially available  
8 candy;

9 (3) Any product whose design resembles, by any  
10 means, another object commonly recognized as appealing to, or  
11 intended for use by, children; or

12 (4) Any product whose shape bears the likeness or  
13 contains characteristics of a realistic or fictional human,  
14 animal, or fruit, including artistic, caricature, or cartoon  
15 renderings.

16 **§328H - : Hemp products; food; manufacture, sale, and**  
17 **distribution prohibited.** (a) No person shall manufacture, or  
18 sell, hold, offer, or distribute for sale, in the State any food  
19 into which a cannabinoid, synthetic cannabinoid, or other hemp  
20 product has been added. This section shall not apply to hemp

1 that is generally recognized as safe (GRAS) by FDA for use in  
2 foods, as intended, in a public GRAS notification.

3 (b) No person shall manufacture, or sell, hold, offer, or  
4 distribute for sale, in the State any hemp supplement into which  
5 a synthetic cannabinoid has been added.

6 (c) No person shall manufacture, or sell, hold, offer, or  
7 distribute for sale, in the State any cannabinoid products used  
8 to aerosolize for respiratory routes of delivery, such as with  
9 an inhaler or nebulizer.

10 **§328H - : Rulemaking.** (a) The department shall adopt rules  
11 pursuant to chapter 91 that include but are not limited to:

12 (1) Inspection and sampling requirements of any hemp or  
13 hemp products;

14 (2) Testing protocols, including certification by state  
15 laboratories or independent third-party laboratories, to  
16 determine delta-9-tetrahydrocannabinol concentration of hemp or  
17 hemp products and screen for contaminants;

18 (3) Reporting and record-keeping requirements;

19 (4) Assessment of fees for registration applications,  
20 inspecting, sampling, and testing hemp products;

(5) A procedure for the disposal or destruction of unwanted or unused hemp, hemp products and extraction by-products to include but not limited to delta-9 tetrahydrocannabinol;

(6) Penalties for any violation of this chapter and;

(7) Any other rules necessary to carry out this chapter.

(b) The department may adopt and amend interim rules, which shall be exempt from chapter 91 and chapter 201M, to effectuate the purposes of this chapter provided that:

(1) The department shall hold at least one public hearing prior to the adoption of interim rules with at least thirty days' notice for that public hearing; and

(2) Any interim rules shall remain in effect until June 30, 2023, or until rules are adopted pursuant to subsection (a), whichever occurs sooner.

**§328H - Laboratory standards and testing; certification.** (a) The department shall establish and enforce standards for laboratory-based testing of the hemp products for content, contamination, and consistency; provided that in establishing these standards, the department shall:

1           (1) Review and consider the testing programs and standards  
2 utilized in other jurisdictions;

3           (2) Consider the impact of the standards on the retail  
4 cost of the product;

5           (3) Review and consider the testing programs and standards  
6 for pesticides under the regulations of the United States  
7 Environmental Protection Agency; and

8           (4) For the testing for microbiological impurities,  
9 consider the benefits of organically grown hemp that features  
10 the use of bacteria in lieu of pesticides.

11          (b) The department may certify laboratories that are  
12 qualified to test hemp products for quality control prior to  
13 sale.

14          (c) If a hemp processor obtains a laboratory result  
15 indicating that a sample of a batch of its hemp product does not  
16 meet the department's standards, the hemp processor, at its own  
17 expense, may have the same sample or a different sample from the  
18 same batch retested by the same laboratory or a different  
19 laboratory, both of which must be certified or otherwise  
20 approved by the department. If a retest at a different  
21 laboratory yields a different result, the department shall

determine which result controls whether the batch may be approved for sale or whether further testing shall be required.

(d) Any hemp product that fails to meet the standard for testing and re-testing established by the department pursuant to this chapter shall be destroyed in a manner prescribed by the department in accordance with rules adopted pursuant to this chapter.

**§328H - Enforcement; penalty.** (a) Any person who violates this part or any rule adopted by the department pursuant to this part shall be fined not more than \$10,000 for each separate offense. Any action taken to collect the penalty provided for in this subsection shall be considered a civil action. In addition to any other administrative or judicial remedy provided by this part, or by rules adopted pursuant to this part, the director may impose by order the administrative penalty specified in this section. Factors to be considered in imposing the administrative penalty include the nature and history of the violation and of any prior violation, and the opportunity, difficulty, and history of the violation and of any prior violation, and the opportunity, difficulty, and history of corrective action.



1           (b) For any judicial proceeding to recover an  
2 administrative penalty imposed by order or to enforce a cease  
3 and desist order against a hemp processor removed from the  
4 registry, the director may petition any court of appropriate  
5 jurisdiction and need only show that notice was given, a hearing  
6 was held or the time granted for requesting a hearing has  
7 expired without such a request, the administrative penalty was  
8 imposed or the hemp processor was removed from the registry, and  
9 that the penalty remains unpaid or the hemp processor continues  
10 to process hemp.

11           (c) Nothing in this part shall limit any other legal  
12 remedy, or limit any civil or criminal action, available under  
13 any other statute, rule, or ordinance.

14           **§328H - Hemp products; persons under twenty-one years of**  
15 **age; prohibited.** (1) It shall be unlawful to sell or furnish a  
16 hemp product in any shape or form to a person under twenty-one  
17 years of age.

18           (2) All persons engaged in the retail sale of hemp products  
19 shall check the identification of hemp product purchasers to  
20 establish the age of the purchaser if the purchaser reasonably  
21 appears to be under twenty-seven years of age.

1           (3) It shall be an affirmative defense that the seller of  
2   a hemp product to a person under twenty-one years of age in of  
3   this section had requested, examined, and reasonably relied upon  
4   a photographic identification from the person establishing that  
5   person's age as at least twenty-one years of age prior to  
6   selling the person a hemp product. The failure of a seller to  
7   request and examine photographic identification from a person  
8   under twenty-one years of age prior to the sale of a hemp  
9   product to the person shall be construed against the seller and  
10   form a conclusive basis for the seller's violation of this  
11   section.

12           (4) Signs using the statement, "The sale of hemp products  
13   persons under twenty-one is prohibited", in letters at least  
14   one-half inch high shall be posted on or near any vending  
15   machine at or near the point of sale of any other location where  
16   hemp products are sold.

17           (5) It shall be unlawful for a person under twenty-one  
18   years of age to purchase or possess any hemp product. This  
19   subsection does not apply if a person under the age of twenty

one, with parental authorization, is participating in a controlled purchase as part of a law enforcement activity or a study authorized by the department of health under the supervision of law enforcement to determine the level of incidence of hemp product sales to persons under twenty-one years of age.

(6) Any person who violates subsection (1) or (4), or both shall be subject to enforcement and penalties pursuant to this chapter and subsequent rules to carry out this chapter.

### PART III

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$750,000 or so much thereof as may be necessary for fiscal year 2021-2022 to be deposited into the Hawaii hemp products regulatory special fund established pursuant to section 328H-\_\_, Hawaii Revised Statutes.

The sums appropriated shall be expended by the department of health for purposes of this Act.

1       SECTION 4. Not later than July 1, 2027, the department of  
2 health shall establish a repayment plan and schedule to repay  
3 the general fund, the sums deposited into the Hawaii hemp  
4 processing revolving fund established pursuant to section 328H-  
5 \_\_\_, Hawaii Revised Statutes. The department of health shall  
6 only use moneys from the Hawaii hemp processing revolving fund  
7 to repay the general fund.

8                               PART IV

9       SECTION 5. This Act does not affect rights and duties that  
10 matured, penalties that were incurred, and proceedings that were  
11 begun before its effective date.

12       SECTION 6. If any provision of this Act, or the  
13 application thereof to any person or circumstance, is held  
14 invalid, the invalidity does not affect other provisions or  
15 applications of the Act that can be given effect without the  
16 invalid provision or application, and to this end the provisions  
17 of this Act are severable.

18       SECTION 7. This Act shall take effect on July 1, 2020.

19

20

1                                   INTRODUCED BY: \_\_\_\_\_

2

3

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

March 10, 2020

To: Senator Rosalyn H. Baker, Chair  
Senator Stanley Chang, Vice Chair  
Members of the Senate Committee on Commerce, Consumer Protection, and Health

From: Maggie Cole, Pan Pacific Ventures

Re: TESTIMONY IN SUPPORT OF HB2102 HD1

RELATING TO HEMP PRODUCTS

As a state-licensed hemp producer dedicated to the production of quality-assured, hemp-derived consumer products made in Hawai'i, PPV strongly **supports** the key provisions contained within HB 2102 HD1, which would help to foster the development of an economically viable hemp industry in Hawai'i while safeguarding the public and serving consumer demand for safe and affordable products.

Cannabidiol (CBD) products that are produced by indoor cannabis producers are typically expensive because they are produced in highly controlled facilities that are very costly to operate. By contrast, CBD derived from industrial hemp, which is grown outdoors on a large scale, can be produced far more cheaply. PPV estimates that CBD derived from field grown industrial hemp can be produced at 1/10<sup>th</sup> the cost of CBD derived from cannabis cultivated in highly controlled indoor facilities.

*That said, industrial hemp derived CBD is far more susceptible to contamination than cannabis derived CBD grown in controlled indoor facilities.* As 'bioaccumulators', hemp plants commonly absorb and store soil impurities such as heavy metals. These impurities often find their way into hemp-derived consumer products. Furthermore, plants cultivated in large outdoor plots, as industrial hemp commonly is, are frequently exposed to pathogenic microbes and insect pests, and therefore demand the use of fungicides and insecticides to a much greater degree than plants grow in controlled indoor environments.

The establishment of a legal path to market for CBD derived from Hawai'i grown industrial hemp has the potential to improve access to affordable, quality-assured CBD products for consumers and medical cannabis patients at a fraction of their current cost. However, because field-grown industrial hemp plants are highly susceptible to contamination, rigorous testing by state-certified laboratories for the presence of microbial contaminants, heavy metals and pesticides is an imperative.

We cannot build a trusted and sustainable hemp sector if we compromise on product quality and safety.

Mahalo for your consideration.

Pan Pacific Ventures, LP  
PO Box 1149  
Kula, HI 96790

**HB-2102-HD-1**

Submitted on: 3/10/2020 2:04:09 PM

Testimony for CPH on 3/12/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Richard	Testifying for Kokoiki Brands LLC	Oppose	No

Comments:

Honorable Representatives,

As a small business owner who is trying to help create a hemp industry in Hawaii, I can tell you that this bill is another nail in the coffin of the potential for hemp to expand sustainable agriculture, create new businesses and jobs, and improve the health of our population.

All of the bills regarding CBD and hemp that have been proposed this year display a very incomplete knowledge and understanding of what differentiates hemp and CBD from marijuana and vapes. This is particularly true of the testimonies offered by the DOH, whose proclamations seem more concerned with building new bureaucracies than protecting the public.

I have looked worldwide over history and find no evidence supporting the assumptive theory that hemp and CBD are somehow a menace to anyone:

- There is no incentive for the recreational use of hemp and CBD.
- Over the course of thousands of years, there have never been any reported public health issues associated with hemp, nor any reported public disorder emerging from the use of hemp.

I have studied CBD and hemp for four years, and have been engaged retailing CBD and hemp for two years. In that time, I have seen that everyone can benefit from supporting their endocannabinoid system.

Why do we not know more about the cannabinoid system? Only 13% of medical schools even mention it in their curriculum. Everything regarding cannabis and hemp, including knowledge, became criminalized as the petrochemical industries emerged and synthetic pharmaceuticals became the new state sanctioned medicine in the early twentieth century.

It is only now, one hundred years later, that we are putting the unique and amazing hemp plant back into service for the people whom you represent.

Please help create regulations that make sense, that protect what needs protection ("Hawaii Grown") and promote what needs promotion ("Hawaii Grown").

Respectfully,

Richard Bodien  
Owner, Kokoiki Barnds LLC





[www.hawaiihempfarmersassociation.org](http://www.hawaiihempfarmersassociation.org)  
[info@hawaiihempfarmersassociation.org](mailto:info@hawaiihempfarmersassociation.org)

March 9, 2020

RE: HB 2102 Relating to Hemp Products - **STRONGLY OPPOSED**

Dear Honorable Committee Members,

The Hawaii Hemp Farmers Association is strongly opposed to HB 2102. It will delay and unnecessarily hinder the cannabinoid and hemp product industry for farmers and many Hawaii retailers.

It is a waste of tax payers dollars to set up a complex regulatory system for hemp products ahead of FDA rulings. SB 2050 will protect public health and consumers with labeling and independent laboratory testing.

This bill will drive Hawaii customer sales to the internet so they only entities profiting from Hawaii hemp products will be Amazon and mainland hemp farmers and businesses.

We support the model presented by SB 2050 and strongly encourage SB 2050 to incorporate protections for packaging that discourages packaging that may appeal to children. Other concerns can be incorporated into SB 2050.

We object to the application of civil fines for non negligent material violations of the program, the 21 year age limit for purchase of hemp products, and the definition of "hemp" and "hemp product" that does not include flower or leaf material.

Hawaii Farmers support the model that HB 1819 develops to manage the production aspects of the State Hemp Program and support the spirit and intent that rules running the Hawaii program and its products be developed cooperatively between the agencies and farmers to give the Hawaii farmer equal footing with farmers in other states.

Please do not refer HB 2102 to advance through committee.

Respectfully Submitted

*Ray Maki*

Ray Maki



Vincent Mina  
State President

Anabella Bruch  
Vice-President  
Kauai

Annie M. Alvarado  
Treasurer  
Maui

David Case  
Secretary  
Kona, Hawai'i

Eric (Drake)  
Weinert, Jr.  
East Hawai'i

John Dobovan  
Haleakala, Maui

Matthew  
VanPaepgehen  
Hana, Maui

Matthew Drayber  
K'au, Hawaii

Anabella Bruch  
Kauai

Dash Kuhr  
Kohola, Hawai'i

Maureen Datta  
Kona, Hawai'i

Kaipo Kekona  
Lahaina, Maui

Robert (Bobby)  
Pahia Mauna  
Kahalawai, Maui

Brynn Foster  
North Shore, Oahu

Steve Lund  
Puna, Hawai'i

Christian  
Zuckerman  
Wai'anae, Oahu

Vincent Kimura  
Waimanalo, Oahu

P.O. Box 99  
Wailuku, HI 96793-0099  
(808) 800-3974  
March 9, 2020

RE: **Oppose** HB 2102 HD 1 Relating to Hemp

Dear Honorable Representatives,

The Hawaii Farmers Union United (HFUU) has 1,300+ members across the state. Our hemp farmers have relayed their strong concerns regarding the likelihood of HB 2102 to severely hamstring or kill the hemp products industry in Hawaii.

We understand that our farmers and Hawaii hemp product manufacturers and retailers are working together to modify SB 2050 to protect public health and the Hawaii hemp industry.

HFUU acknowledges our members' concern that HB 2102 may waste taxpayers dollars by setting up a more complex regulatory system than SB 2050 and ahead of FDA rulings on hemp products.

We urge you to defer and kill HB 2102 HD1 in favor of SB 2050.

HAWAII FARMERS UNION UNITED

Vincent Mina, President

*The Hawai'i Farmers Union United and its Chapters are a nonprofit corporation formed under Hawai'i law and Section 501(c)(5) of the Internal Revenue Code. HFUU advocates for the sovereign right of farmers to create and sustain vibrant and prosperous agricultural communities for the benefit of all Hawai'i through cooperation, education and legislation. Because HFUU is an agricultural advocacy organization, donations to it are not tax deductible.*

**HB-2102-HD-1**

Submitted on: 3/8/2020 1:30:32 PM

Testimony for CPH on 3/12/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
DOC	Testifying for Irie Hawaii	Oppose	No

Comments:

Dont take away my freedom to use CBD!



March 7, 2020

To: The Honorable Rosalyn Baker, Chair  
Senate Committee on Commerce, Consumer Protection & Health

From: Eric Steenstra, President, Vote Hemp

**Re: OPPOSITION to HB 2102 – hemp products: Hearing: March 12 at 9:30 am**

Chairwoman Baker and committee members;

My name is Eric Steenstra and I am the president of Vote Hemp, the nations leading non-profit advocacy group working to bring back hemp as a commercial crop and to grow the global market for hemp products. Today I am writing you in opposition to HB 2102.

HB 2102 will update Hawaii law to require labels on hemp products, prohibit unwarranted health-related statements about hemp products, establish standards for hemp product manufacturers and prohibits the sale of hemp products to persons under twenty-one years of age among other provisions. Unfortunately there are serious flaws with this legislation as drafted.

The bill defines “hemp product” overly broadly to include “any part of the hemp plant” which means that these regulations would apply to the sale of hemp seed oil sold as a supplement for example as well any body care or cosmetic product made from hemp seed oil. Hemp seed oil products have been sold safely for decades in the United States and this bill will hurt consumers and manufacturers of hemp seed oil based products.

Furthermore the bill would create a special requirement limiting the sale of “hemp products” as defined only to those who are 21 or older. No other supplements, topicals or body care products on the market face this restriction and therefore it is an unfair and unnecessary restriction on trade in hemp products and limitation on consumer access to hemp products.

**For these reasons, I urge you NOT to pass HB 2102.**

Sincerely,

Eric Steenstra



**HB-2102-HD-1**

Submitted on: 3/10/2020 7:23:08 PM

Testimony for CPH on 3/12/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
David Cole	Testifying for Maui Grown Therapies	Support	Yes

Comments:

# U.S. Hemp Roundtable

502.319.2358 | 100 M Street, S.E., Suite 600, Washington, DC 20003 | [info@hempsupporter.com](mailto:info@hempsupporter.com)

March 11, 2020

Senator Rosalyn H. Baker

Chair, Committee on Commerce, Consumer Protection, and Health

Dear Chair Baker, Vice Chair Chang, and Members of the Senate Committee on Commerce, Consumer Protection, and Health:

Thank you for the opportunity to provide testimony **in opposition** to H.B. 2102 H.D.1 RELATING TO HEMP PRODUCTS. The measure would require labels on hemp products; prohibit unwarranted health-related statements about hemp products; establish standards for hemp product manufacturers; prohibit the manufacture or sale of any food into which a hemp product has been added; prohibit the sale of hemp products designed to appeal to children; establish that a product shall not be considered adulterated or misbranded solely by the inclusion of hemp with certain exceptions; clarify that a licensed medical cannabis dispensary is not prohibited from manufacturing, distributing, or selling products that contain hemp, or cannabinoids, extracts, or derivatives from hemp, subject to certain conditions; prohibit the sale of hemp products to persons under twenty-one years of age; and require DOH to report to the legislature. **We believe that S.B. 2050 S.D.2, passed by this committee and the Senate is the optimum situation for ensuring a robust and safe market for cannabidiol products, which will also support and stimulate the State's industrial hemp program. We respectfully urge the committee to amend this measure to mirror S.B. 2050 S.D.2.**

The U.S. Hemp Roundtable is a coalition of leading companies and organizations committed to safe hemp and CBD products. We proudly represent the industry's major national grassroots organizations, and are leading the way forward for hemp and CBD products through education and action. We do not view industrial hemp derived products as medication, and believe that the most effective way to realize the potential of the industrial hemp market and allow for safe and regulated CBD products in the market is to establish the right conditions for the market to flourish.

Since the passage of the federal Farm Bill in 2018, which effectively legalized the sale of cannabidiol products from the commercial cultivation of hemp, more than sixteen thousand hemp growers have emerged throughout the United States. The hemp industry across the country has grown rapidly, and hemp-derived products including cannabidiol are used by a wide range of consumers. In Hawaii, there are currently over 30 registered hemp growers under the Industrial Hemp pilot program.

It is expected that the Food and Drug Administration will eventually use its authority to regulate hemp-derived products. However, the only enforcement action that the FDA has taken to date is to issue warning letters against improper disease remediation claims made by food and supplement companies. The Hawaii Department of Health has adhered to guidance from the FDA that provides that food, beverage, or cosmetic products that contain cannabidiol are adulterated and therefore prohibited under law. Despite this suggested prohibition, cannabidiol products continue to be sold across Hawaii, with no regulatory oversight. Given the time expected for the FDA to act, other states have considered and enacted their own regulatory frameworks for hemp-derived cannabidiol. We believe that it is prudent for Hawaii to also do so, and support the approach outlined in S.B. 2050 S.D.2.

Under the H.B. 2102 H.D.1, Industrial Hemp derived CBD products would be prohibited from food products, limited to persons above the age of twenty-one, and place the adoption of rules on the Department of Health. It is our view that H.B. 2102 H.D.1 would continue to promulgate the existing on-line and unregulated marketplaces that exists today, without any protections for consumers. We would recommend that the legislature consider the providing a more market-oriented approach and allow for the industry to create a viable market of regulated industrial hemp derived products which was envisioned in S.B. 2050 S.D.2.

Thank you for the opportunity to submit testimony on this measure.



**HB-2102-HD-1**

Submitted on: 3/7/2020 6:55:42 AM

Testimony for CPH on 3/12/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Wendy Arbeit	Individual	Oppose	No

## Comments:

I oppose this bill because there are hundreds of uses for hemp, none of them needing the kind of controls or regulations proposed by this bill, which would hinder an agricultural industry that could be of great benefit our state.

**HB-2102-HD-1**

Submitted on: 3/8/2020 1:00:17 PM

Testimony for CPH on 3/12/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mariner Revell	Individual	Oppose	No

## Comments:

The state of Hawaii has misinterpreted the FDA regulations on CBD. The state has prevented access of CBD a non psychoactive compound of the hemp plant. This bill does nothing but protect the interests of Big Pharma! Why would you people prevent access to a natural plant compound without proof that CBD is a detrimental compound? Show me one instance in Hawaii or anywhere else where CBD was proven to be dangerous! Do proper research when deciding the fate of the public it is your jobs!

**HB-2102-HD-1**

Submitted on: 3/8/2020 1:11:49 PM

Testimony for CPH on 3/12/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
VALENTINO MIRANDA-KEPA	Individual	Oppose	No

Comments:

**HB-2102-HD-1**

Submitted on: 3/8/2020 1:20:19 PM

Testimony for CPH on 3/12/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
ASHLEY MATTOS	Individual	Oppose	No

Comments:

I personally use CBD hemp products, it has helped me a lot & I would like to continue to use those products.

**HB-2102-HD-1**

Submitted on: 3/8/2020 1:21:56 PM

Testimony for CPH on 3/12/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jericho Tobin	Individual	Oppose	No

Comments:

**HB-2102-HD-1**

Submitted on: 3/8/2020 1:22:45 PM

Testimony for CPH on 3/12/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
ellen benton	Individual	Oppose	No

Comments:

**HB-2102-HD-1**

Submitted on: 3/8/2020 1:34:03 PM

Testimony for CPH on 3/12/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
LINA	Individual	Oppose	No

Comments:

Dont take away my freedom to use CBD!

**HB-2102-HD-1**

Submitted on: 3/8/2020 1:40:36 PM

Testimony for CPH on 3/12/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Hoku	Individual	Oppose	No

Comments:



**HB-2102-HD-1**

Submitted on: 3/8/2020 1:41:36 PM

Testimony for CPH on 3/12/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Erin Alicia Wiggins	Individual	Oppose	No

Comments:

**HB-2102-HD-1**

Submitted on: 3/8/2020 1:46:48 PM

Testimony for CPH on 3/12/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert Riley	Individual	Oppose	No

Comments:

**HB-2102-HD-1**

Submitted on: 3/8/2020 1:52:33 PM

Testimony for CPH on 3/12/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
pua	Individual	Oppose	No

Comments:

**HB-2102-HD-1**

Submitted on: 3/8/2020 1:56:17 PM

Testimony for CPH on 3/12/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Naomi Muronaka	Individual	Oppose	No

Comments:

**HB-2102-HD-1**

Submitted on: 3/8/2020 3:19:16 PM

Testimony for CPH on 3/12/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Esket	Testifying for Akuas Blend	Oppose	No

Comments:

**HB-2102-HD-1**

Submitted on: 3/8/2020 2:04:22 PM

Testimony for CPH on 3/12/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Monique gunn	Individual	Oppose	No

Comments:

**HB-2102-HD-1**

Submitted on: 3/9/2020 8:37:59 AM

Testimony for CPH on 3/12/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
jonah	Individual	Oppose	No

Comments:

**HB-2102-HD-1**

Submitted on: 3/9/2020 9:20:18 AM

Testimony for CPH on 3/12/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
HANALEI BENN	Individual	Oppose	No

## Comments:

I can't talk for others or claim that CBD cures thing, but personally it has worked wonders for me since I was introduced too it almost two years ago. I have also got other family memebbers on it that swear by it including my pets, please dont take our freedom away from that.



**HB-2102-HD-1**

Submitted on: 3/9/2020 9:24:44 AM

Testimony for CPH on 3/12/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
dillon rellez	Individual	Oppose	No

## Comments:

I oppose this bill. People who are of the correct age should be able to purchase a product that may or may not help them , it is a good product to try and if done and sold safely could be great for people who need these hemp derived products. Please do not take away our right to be healthy. Thank you for your time.

**HB-2102-HD-1**

Submitted on: 3/9/2020 10:34:38 PM

Testimony for CPH on 3/12/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eric Heaukulani	Individual	Oppose	No

Comments:

**HB-2102-HD-1**

Submitted on: 3/10/2020 10:16:30 AM

Testimony for CPH on 3/12/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
natalea mikami	Individual	Oppose	No

Comments:

**HB-2102-HD-1**

Submitted on: 3/10/2020 1:18:55 PM

Testimony for CPH on 3/12/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Randi D	Individual	Oppose	No

Comments:

**HB-2102-HD-1**

Submitted on: 3/10/2020 4:08:46 PM

Testimony for CPH on 3/12/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
chance	Individual	Oppose	No

Comments:

**HB-2102-HD-1**

Submitted on: 3/10/2020 11:46:11 PM

Testimony for CPH on 3/12/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sheldon Miyakado	Individual	Oppose	No

Comments:

I OPPOSE this bill as the right to use CBD products is up each Adult and should not be regulated by the govenement esepcially for medicinal use.

March 11, 2020

TO: Senator Rosalyn H. Baker, Chair  
Senator Stanley Chang, Vice Chair  
Members of the Senate Committee on Commerce

FROM: Michael Backes, Cannabinoid Researcher, Author, Consultant

Re: TESTIMONY IN SUPPORT OF HB2102 HD1

## RELATING TO HEMP PRODUCTS

Thank you for the opportunity to testify in support of HB2102 HD1. I am a medical cannabis researcher, author of *Cannabis Pharmacy*, educator, and cannabis policy consultant with clients in Hawai‘i and abroad. Since 2008, I’ve been an advocate for Project CBD, a nonprofit dedicated to promoting and publicizing research into the medical uses of cannabidiol. It was my pleasure to participate in a briefing on CBD at the invitation of Senator Baker and Representative Mizuno last September.

Since the September legislative briefing, the FDA updated its public advisory<sup>1</sup> for CBD to confirm the prescription drug Epidiolex is the only approved CBD product in the United States. The FDA further clarified that it is illegal to market CBD as a dietary supplement. After reviewing limited CBD data, the FDA concluded the health risks were significant enough to issue a consumer advisory against taking CBD. The FDA is concerned that people mistakenly believe that CBD “can’t hurt,” when in fact it can. Very few consumers are aware of the potential health risks associated with using CBD products including interactions between CBD and several commonly prescribed drugs.

In the absence of explicit FDA regulation, state and regional governments need to step in to protect public health. I’ve observed state regulatory efforts through the nation.

In May 2018, the Centers for Disease Control (CDC) published its summary<sup>2</sup> of a case in Utah when 52 people were sickened by a product named *Yolo CBD Oil*. The top three reported symptoms were altered mental states, nausea or vomiting, and seizures or shaking. The product label contained no information about the manufacturer, or ingredients. The product was tested by the Utah Public Health Laboratory and the Utah Department of Public Safety Crime Laboratory and found to contain a synthetic cannabinoid, 4-cyano CUMYL-BUTINACA (4-CCB), but no CBD. As a result, the CDC recommended, “States should consider regulating products labeled as CBD and establishing surveillance systems for illness associated with products labeled as CBD to minimize the risk for this emerging public health threat.”

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<sup>1</sup> <https://www.fda.gov/consumers/consumer-updates/what-you-need-know-and-what-were-working-find-out-about->

<sup>2</sup> Horth RZ, Crouch B, Horowitz BZ, et al. *Notes from the Field: Acute Poisonings from a Synthetic Cannabinoid Sold as Cannabidiol — Utah, 2017–2018*. MMWR Morb Mortal Wkly Rep 2018;67:587–588.  
DOI: <http://dx.doi.org/10.15585/mmwr.mm6720a5>

In 2018, the Utah State Legislature passed HB130, the Cannabidiol Product Act<sup>3</sup> that authorizes the cultivation, production, and possession of hemp and the sale and use of cannabidiol products under certain circumstances; grants various state agencies rulemaking authority and requires all CBD products to be registered with the state and provide lab samples and consumer data. The measure also directs the state to randomly test CBD products for potency and contaminants.

Like Utah's example, HB2102 HD1 takes a significant step toward safeguarding public health by providing for testing of hemp-derived CBD throughout Hawai'i.

Unlike Utah, Hawai'i has already established considerable institutional capacity focused on patient welfare, quality-assured products and public safety since establishing the medical cannabis dispensary system in 2015. This system includes certification and inspection of independent testing labs monitored by the Hawai'i Department of Health, State Labs Division.

Because this infrastructure is applied to the emerging industrial hemp sector, I urge passage of HB2102 HD1.

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<sup>3</sup> <https://le.utah.gov/~2018/bills/static/SB0130.html>