

STAND. COM. REP. NO.

1656

Honolulu, Hawaii

APR 07 , 2021

RE: S.B. No. 1333  
S.D. 2  
H.D. 2

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 1333, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT,"

begs leave to report as follows:

The purpose of this measure is to conform the Uniform Controlled Substances Act with amendments in the federal controlled substances law by:

- (1) Exempting hemp and any material, compound, mixture, or preparation that falls within the definition of hemp from the Uniform Controlled Substances Act; and
- (2) Removing the prescription drug Epidiolex and approved generic versions of that drug that contain cannabidiol derived from cannabis and no more than 0.1 percent (w/w) residual tetrahydrocannabinols from Schedule V of the Uniform Controlled Substances Act and certain provisions of the Hawaii Penal Code.

Your Committee received testimony in support of this measure from Greenwich Biosciences and one individual. Your Committee

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received comments on this measure from the Department of the Attorney General.

Your Committee finds that the Agriculture Improvement Act of 2018 (Public Law 115-334) modified the regulatory controls over cannabis, tetrahydrocannabinols, and other cannabis-related constituents in the federal Controlled Substances Act by removing hemp from the definition of marihuana under the Act. Your Committee further finds that in April 2020, the United States Drug Enforcement Agency notified the manufacturer of Epidiolex, a drug used to treat two forms of childhood-onset epilepsy, of its removal from the federal Schedule V and, in August 2020, officially removed Epidiolex's designation in the federal Schedule V through an interim final rule. This measure conforms the Uniform Controlled Substances Act with the federal treatment of hemp and Epidiolex and its approved generic versions.

Your Committee notes that the Department of the Attorney General submitted written testimony to your Committee raising concerns that some provisions of this measure may exceed the bounds of the one subject expressed in this measure's title. Specifically, the Department of the Attorney General states that the provisions in this measure amending the Hawaii Penal Code are outside the scope of the title, "Relating to the Uniform Controlled Substances Act." This concern should be given further consideration as this measure advances into Conference.

Your Committee has amended this measure by:

- (1) Changing the effective date to January 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1333, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1333, S.D. 2, H.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committee on Consumer  
Protection & Commerce,



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AARON LING JOHANSON, Chair



State of Hawaii  
House of Representatives  
The Thirty-first Legislature

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**Record of Votes of the Committee on Consumer Protection & Commerce**

<b>Bill/Resolution No.:</b> <i>SB 1333 SD 2 HD 1</i>	<b>Committee Referral:</b> <i>JHA, CPC</i>	<b>Date:</b> <i>4/1/21</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. JOHANSON, Aaron Ling (C)	✓			
2. KITAGAWA, Lisa (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. HAR, Sharon E.			✓	
5. HASHEM, Mark J.	✓			
6. KONG, Sam Satoru				✓
7. MIZUNO, John M.	✓			
8. MORIKAWA, Dee	✓			
9. ONISHI, Richard H.K.	✓			
10. TARNAS, David A.	✓			
11. MATSUMOTO, Lauren	✓			
<b>TOTAL (11)</b>	<i>9</i>	<i>0</i>	<i>1</i>	<i>1</i>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <span style="margin-left: 150px;">committee acronym(s)</span>				
<b>Vice Chair's or designee's signature:</b> <i>Lisa Kitagawa</i>				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				