JOSH GREEN, M.D.
GOVERNOR OF HAWAI'I
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAI'I

KENNETH S. FINK, M.D., M.G.A., M.P.H.
DIRECTOR OF HEALTH
KA LUNA HO'OKELE

STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony in SUPPORT of HB2445
RELATING TO THE TESTING OF CANNABIS AND MANUFACTURED CANNABIS PRODUCTS

REPRESENTATIVE DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

REPRESENTATIVE CEDRIC ASUEGA GATES, CHAIR
HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

Hearing Date: 01/31/2024 Room Number: 325

Fiscal Implications: N/A.

Department Testimony: The Department of Health (department) supports this bill and believes that a post-market testing program will provide the data to confirm the efficacy and safety of medical cannabis products. Additionally, this post-market testing program can be utilized to collect useful indicators and long-term data to better project the safety of products that have been sitting on shelves.

Thank you for the opportunity to testify.

Offered Amendments:

To: Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Members of the Judiciary & Hawaiian Affairs Committee

To: Representative Cedric Asuega Gates, Chair
Representative Kirstin Kahaloa, Vice-Chair
Members of the Agriculture & Food Systems Committee

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

Re: Testimony **In OPPOSITION** of **House Bill (HB) 2445**

RELATING TO THE TESTING OF CANNABIS AND MANUFACTURED CANNABIS PRODUCTS.
Requires the Department of Health to implement a post-market testing program to verify the labeling on cannabis and manufactured cannabis products and monitor the shelf lives of cannabis and manufactured cannabis products.

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

Aloha Green Apothecary is a state-licensed medical cannabis dispensary licensee operating on Oahu. Aloha Green **OPPOSES with Comments** as this bill may affect the medical cannabis dispensary program negatively by increasing patient costs and reducing patient access to medicine.

The Department of Health has implemented unreasonably onerous labeling requirements which are far and above other US state medical cannabis programs. These labeling requirements are based on FDA guidelines due to the recommendations by department members who served previously in food and drug, yet when cannabis is neither regulated by the FDA nor considered a food or drug by the State.

HB2445 provides for additional testing and labeling powers by the Department of Health when there has been no harm caused by current testing or labeling standards. Hawaii already has one of the strictest lab testing and labelling requirements.

There has been no harm to patients reported due to the lack of post-market testing. We assert that there is no need for this requirement as licenses are already required to hold at least two packaged reserve sample units of every packaged flower and manufactured cannabis product lot for 1 year past the expiration date. The Department of Health has access to these reserve samples for further testing as required. The cost of retaining packed reserve units from every lot and batch of cannabis product is at a very high cost to licenses. There is little reason to allow for additional post-sales testing when the Department has access to reserve samples of all cannabis products from each lot.

The current 11-850 HAR Rules set out as follows:

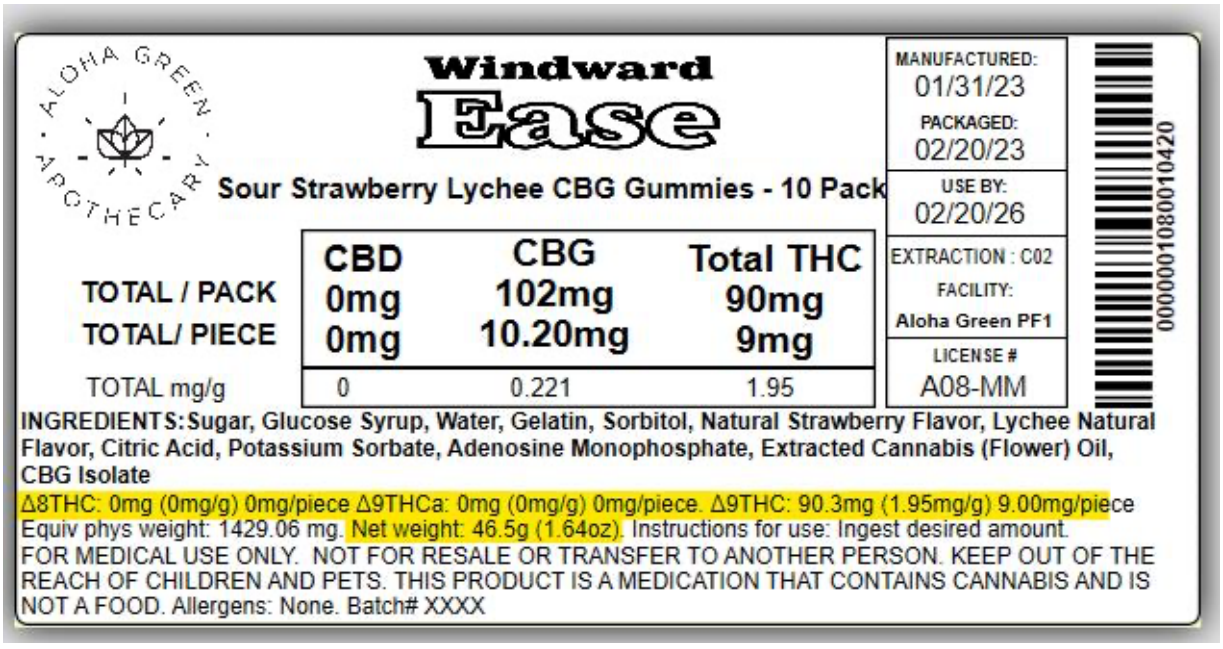
§11-850-131 Laboratory analysis required; batch size limits; representative samples; reserve samples.

(d) A dispensary licensee shall maintain two reserve samples from each batch: (1) In the same packaging in which the cannabis or manufactured cannabis product is dispensed; (2) Under conditions consistent with the label or, if no storage conditions are recommended on the label, under ordinary storage conditions; and (3) Until the use by date.

(e) A dispensary shall make reserve samples available for analysis or request laboratory analysis of reserve samples as directed by the department.

Finally, we ask the committees to review the amount of information that the Department of Health requires on each product label. The rules provide for useless and repetitive information to clutter such labels. For example, the Department of Health requires licenses to set out the milligram measurement per minor cannabinoid for each piece of product which is often zero (0) because it is negligible. When told there is no de minimus amounts tested, the Department responds that “it is the law” to provide repetitive and confusing information. This information is not helpful for the patient and takes up valuable label space, cluttering an already confusing label. Not only do we provide a milligram measurement per piece, but also a milligram measurement per gram of product which is useless information for a patient but required by the Department of Health. Patients do not consume these products per gram so the measurement is useless.

See example of labels after 2023 DOH Rules update:



In addition, the Department of Health is asking for information that is not reported in the testing laboratory’s certificates of analysis. Licenses are asked to perform mathematical calculations several times for each label to list the information requested, which increases the chance of error for minuscule quantities listed. If this information is

required on the label, the Department of Health should require testing labs to provide the information in its certificates of analysis reports so that licensees may just copy and paste the information into their labels for safety and accuracy.

Instead of fixing the above onerous labeling issues, the Department of Health wishes to further complicate labels when there has been no harm or risk of patient harm. We oppose this bill.

Thank you for the opportunity to testify. I am available for any questions.

Aloha,

TY Cheng

HB-2445
Submitted on: 1/30/2024 1:55:46 PM
Testimony for JHA on 1/31/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Casey Rothstein	Green Aloha Ltd	Oppose	Written Testimony Only

Comments:

Aloha,

Green Aloha Ltd. is OPPOSSED to HB2445 as it adds unnecessary regulations to an already over regulated industry. Products are already lab tested, and there have not been issues with product safety. This is an attempt to create a problem that doesn't exsist and added regulations purley for the sake of regulating. Additional testing is unnecessary and will only add to the end cost for the patients.

Warmest Aloha

Casey Rothstein

Green Aloha Ltd, CEO