

STAND. COM. REP. NO.

701

Honolulu, Hawaii

, 2023

FEB 17

RE: H.B. No. 70

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Health & Homelessness, to which was referred H.B. No. 70 entitled:

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

begs leave to report as follows:

The purpose of this measure to prohibit the sale and distribution of certain cannabis-based products.

Specifically, this measure:

- (1) Establishes that no person shall sell or hold, offer, or distribute for sale any hemp product that contains cannabinoids created through isomerization, including Delta 8 tetrahydrocannabinol; and
- (2) Includes Delta 8 cis or trans tetrahydrocannabinol, and their optical isomers, among the controlled substances under Schedule I of the Uniform Controlled Substances Act.

Your Committee received testimony in support of this measure from the Department of Health; Department of Law Enforcement; Department of Public Safety; Honolulu Police Department; and Aloha Green Holdings, Inc.



Your Committee received testimony in opposition to this measure from the Drug Policy Forum of Hawaii, Marijuana Policy Project, and one individual.

Your Committee finds that Delta 8 tetrahydrocannabinol is found in the *Cannabis sativa* plant. The substance has psychoactive and intoxicating effects, similar to Delta 9 tetrahydrocannabinol, which is responsible for the "high" people may experience from using cannabis. Delta 8 tetrahydrocannabinol is not found in significant amounts in the cannabis plant. However, hemp products, if not manufactured properly, could expose consumers to higher levels of the substance. The United State Food and Drug Administration has noted that Delta 8 tetrahydrocannabinol products have may be marketed in ways that put public health at risk, and that concerns exist over variability in product information and product labeling, the inclusion of cannabinoid and terpene content, and variable Delta 8 tetrahydrocannabinol concentrations.

Your Committee also finds that, although current state law already classifies Delta 8 cis or trans tetrahydrocannabinol, and their optical isomers, as Schedule I controlled substances, this status is unclear because they are listed as their synonyms Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers.

Your Committee has amended this measure by:

- (1) Inserting language to clarify that Delta 8 cis or trans tetrahydrocannabinol, and their optical isomers, are alternative names for Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers;
- (2) Providing that the new prohibition imposed upon hemp products shall not be construed to prohibit a medical cannabis dispensary licensed pursuant to Chapter 329D, Hawaii Revised Statutes, from selling or holding, offering, or distributing for sale cannabis or manufactured cannabis products that contain naturally-occurring Delta 8 tetrahydrocannabinol;
- (3) Changing the effective date to June 30, 3000, to facilitate further discussion on the measure; and



- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 70, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 70, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Health &
Homelessness,

Delia A. Belatti

DELLA AU BELATTI, Chair



