



STATE OF HAWAII
DEPARTMENT OF HEALTH
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Written
Testimony Only

**Testimony in SUPPORT of SB3133 SD1
RELATING TO CRIMINAL HISTORY RECORD CHECKS**

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date: 02/23/2024

Room Number: 016

1 **Fiscal Implications:** N/A.

2 **Department Testimony:** The Department of Health (department) supports this measure as it
3 will allow the department to meet the legislative intent of Act 263, Session Laws of Hawaii
4 2023, to conduct criminal history checks on consenting hemp processor applicants. Act 263
5 provided two options by which a hemp processor applicant can satisfy the criminal background
6 check requirement:

- 7 1. Agree to and pass fingerprint and criminal background check by the department, or
- 8 2. Submit a valid USDA license to grow hemp to the department during the application
9 process.

10 Currently, because the department does not have the authority to conduct criminal history checks
11 on consenting hemp processor applicants, only those applicants who have satisfactorily passed a
12 criminal background check to obtain a USDA license to grow hemp can apply to be a permitted
13 hemp processor (option #2).

14 Amending section 846-2.7, Hawaii Revised Statutes (HRS), as proposed by this measure will
15 allow the department to conduct the fingerprinting and criminal history record checks required
16 on those applying under option #1 above. Without this amendment, the department will be

1 unable to issue hemp processor permits to those applicants who do not have a valid USDA
2 license to grow hemp.

3 Note:

4 An agency can conduct a state or national criminal history record check only after the Federal
5 Bureau of Investigation – Office of the General Counsel Criminal Justice Information Law Unit
6 approves the proposed statutory language in section 847-2.7, HRS. The department requested an
7 expedited review of the amendments to section 846-2.7 and is currently waiting for a response.

8 **Offered Amendments:** None.

9 Thank you for the opportunity to testify.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEXTER KISHIDA
Deputy to the Chairperson

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**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE SENATE COMMITTEE ON JUDICIARY

FRIDAY, FEBRUARY 23, 2024

9:30 AM

CONFERENCE ROOM 016 & VIDEOCONFERENCE

**SENATE BILL NO. 3133, SD1
RELATING TO CRIMINAL HISTORY RECORD CHECKS**

Chair Rhoads, Vice Chair Gabbard and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 3133, SD1. This bill authorizes the Department of Health (DOH) to conduct fingerprinting and criminal history record checks on applicants who apply for a permit to operate as a hemp processor. The Hawaii Department of Agriculture (HDOA) supports the intent of this bill, however, defers to DOH, and offers comments.

HDOA regulates buffer zones for hemp farms and the transport of hemp materials (such as viable seeds, live hemp plants, propagative plant parts, leaves, and flowers) while DOH regulates hemp products and the processing of hemp within the state. HDOA understands that hemp farmers applying for hemp processor's permit are exempt from additional fingerprinting and criminal history record checks if they have a valid USDA hemp producer license.

Thank you for the opportunity to testify on this measure.

