

**JOSH GREEN, M.D.**  
Governor

**SYLVIA LUKE**  
Lt. Governor



**SHARON HURD**  
Chairperson, Board of Agriculture

**MORRIS M. ATTA**  
Deputy to the Chairperson

State of Hawai'i  
**DEPARTMENT OF AGRICULTURE**  
KA 'OIHANA MAHI'AI  
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**TESTIMONY OF SHARON HURD**  
**CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT**

**FRIDAY, MARCH 17, 2023**  
**1:05 PM**  
**CONFERENCE ROOM 224 & VIDEOCONFERENCE**

**HOUSE BILL NO. 973 HD2**  
**RELATING TO HEMP**

Chairperson Gabbard and Members of the Committee:

Thank you for the opportunity to testify on House Bill 973 HD2. This measure repeals the requirement for additional rules by the Department of Agriculture (DOA) to address nuisance issues, including smell, noise, and excessive lighting arising out of the activities of hemp growers. The DOA strongly supports this bill.

Under sections 141-42 and 141-43, Hawaii Revised Statutes, the DOA is tasked with monitoring the transportation of hemp within the State, enforcing restrictions regarding the impact to surrounding communities from growing hemp within the State, and adopting rules pursuant to chapter 91. This bill is to amend section 141-43(a) to delete the requirement for additional rules to address nuisance issues, including smell, noise, and excessive lighting arising out of the activities of hemp growers. Pre-existing regulations and authority under the Department of Health and county land use ordinances address, and are the appropriate method of addressing, the areas of nuisance referenced. The DOA believes that where pre-existing regulatory oversight of nuisance and other issues are present, a deferral to and reliance on those regulatory frameworks is the proper and preferred means to avoid any ambiguity that may arise



from multi-jurisdictional enforcement authority that may conflict. That is especially true when conflicting standards are imposed by the DOA that lacks scientific expertise in the areas of health issues, and the necessary resources and staffing to enforce the type of standard envisioned. As such, the DOA does not find it necessary or appropriate to create additional, duplicative regulations that may increase the challenges to enforcement.

Thank you for the opportunity to testify on this measure.



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March 17, 2023

HEARING BEFORE THE  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

**TESTIMONY ON HB 973, HD2**  
**RELATING TO HEMP**

Conference Room 224 & Videoconference  
1:05 PM

Aloha Chair Gabbard, Vice-Chair Richards, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

**The Hawai'i Farm Bureau supports HB 973, HD2**, which repeals the requirement for additional rules by the department of agriculture to address nuisance issues, including smell, noise, and excessive lighting arising out of the activities of hemp growers.

Hemp continues to provide an opportunity for our farmers to diversify and expand agriculture production into new areas. Hemp is a very versatile agricultural product that is used to make a variety of products including clothing, food, animal feed, paper, biofuels, construction material, medicinal products, and various non-medicinal products.

This measure will continue to support and grow Hawai'i's hemp industry by deleting the nuisance rules in HRS Section 141-43(a) that adds additional and duplicative regulations for Hawai'i's hemp farmers.

Thank you for this opportunity to testify in support of this measure.



**Officers**

Kaipo Kekona  
State President

Anabella Bruch  
Vice-President

Maureen Datta  
Secretary

Reba Lopez  
Treasurer

**Chapter Presidents**

Madeline Ross  
Kohala, Hawai'i

Odysseus Yacalis  
East Hawai'i

Puna, Hawai'i

Andrea Drayer  
Ka'u, Hawai'i

Chantal Chung  
Kona, Hawai'i

Fawn Helekahi-Burns  
Hana, Maui

Reba Lopez  
Haleakala, Maui

Kaiea Medeiros  
Mauna Kahalawai,  
Maui

Kaipo Kekona  
Lahaina, Maui

Rufina Kaauwai  
Molokai

Negus Manna  
Lāna'i

Brynn Foster  
North Shore, O'ahu

Christian Zuckerman  
Wai'anae, O'ahu

Ted Radovich  
Waimanalo, O'ahu

Vincent Kimura  
Honolulu, O'ahu

Ray Maki  
Kauai

Aloha Chair Gabbard, Vice Chair Richards, and Members of the Senate Agriculture and Environment Committee,

The Hawaii Farmers Union United (HFUU) is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFUU supports HB973.**

HB973 will repeal a burdensome requirement for additional rules by the Department of Agriculture to address unrealized nuisance issues related to hemp growers in Hawaii. This bill is essential to protect the rights and interests of hemp farmers across our state.

The current regulations requiring additional rules to address nuisance issues, such as smell, noise, and excessive lighting, single out an already well regulated fledgling industry. We recognize the state's responsibility to ensure the safety and health of its citizens, but this bill provides the needed balance of safety and fairness to farmers. We urge the passage of House Bill 973 in order to ensure the survival of our small and medium sized farmers.

Mahalo for the opportunity to testify.

Kaipo Kekona, President HFUU/HFUF



[www.hawaiihempfarmersassociation.org](http://www.hawaiihempfarmersassociation.org)

March 16, 2023

RE: Support HB 973 Remove Duplicative Rules

Aloha Chair Gabbard and Members of the Senate Committee on Agriculture,

The Hawaii Hemp Farmers Association is a nonprofit organization consisting of farmers, processors, and manufacturers. We support deletion of the nuisance rules in 141-43 that singled our hemp farmers and added an extra layer of regulation to agricultural lands. Hemp farmers must still abide by health and safety regulations and existing agricultural zoning requirements. Only one incident in the state drove the creation of this extra set of rules and, to the best of our knowledge, has since been resolved.

Thank you for your continued support of Hawaii Hemp farmers.

Respectfully,

*Gail Byrne Baber*

Gail Byrne Baber

President and Farmer

*Ray Maki*

Ray Maki

Co-Vice President and Farmer

*Brittany Neal*

Brittany Neal

Co-Vice President and Farmer

HB 973

Delete Hemp Nuisance Rules

**HB-973-HD-2**

Submitted on: 3/16/2023 11:05:01 AM

Testimony for AEN on 3/17/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Robert Bence	Testifying for Hawai'i Sustainable Farms	Support	Remotely Via Zoom

Comments:

support to support hemp

**HB-973-HD-2**

Submitted on: 3/15/2023 11:31:08 AM

Testimony for AEN on 3/17/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Barbara Barry	Individual	Support	Written Testimony Only

Comments:

Aloha,

I strongly support!

Mahalo,

**HB-973-HD-2**

Submitted on: 3/15/2023 3:56:00 PM

Testimony for AEN on 3/17/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

Support



**HB-973-HD-2**

Submitted on: 3/16/2023 7:29:49 AM

Testimony for AEN on 3/17/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In support of HD2. Thank you.