



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

S.B. NO. 3206, RELATING TO CANNABINOIDS.

BEFORE THE:

SENATE COMMITTEES ON HEALTH AND HUMAN SERVICES AND ON
COMMERCE AND CONSUMER PROTECTION

DATE: Tuesday, February 17, 2026 **TIME:** 9:45 a.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Alana L. Bryant, Deputy Attorney General

Chairs San Buenaventura and Keohokalole and Members of the Committees:

The Department of the Attorney General (Department) offers the following comments.

This bill (1) adds a section to chapter 328G, Hawaii Revised Statutes (HRS), allowing permitted hemp processors to sell specified manufactured hemp products with up to five milligrams of tetrahydrocannabinol (THC) per serving to persons age 21 and older; (2) amends the definition of "manufactured hemp product" to include floral materials; and (3) amends the definition of "tincture" to allow for a maximum concentration of five milligrams of THC per serving.

The Department notes that significant changes to the definition of hemp and the regulation of hemp-derived products in the federal Agriculture Improvement Act of 2018 (2018 Farm Bill) will take effect on November 12, 2026. These changes include the exclusion of hemp-derived cannabinoids that are synthesized or manufactured outside of the cannabis plant; and a limit of 0.4 milligrams of total intoxicating cannabinoids per retail container.

Pursuant to the 2018 Farm Bill amendments, if manufactured hemp products exceed 0.4 milligrams of total THC, they will be classified as marijuana, which remains a Schedule I controlled substance under the Controlled Substances Act. If this bill is passed as written, its provisions would violate the 2018 Farm Bill and Controlled Substances Act upon implementation of the 2018 Farm Bill amendments in November.

We also note that hemp flower is currently not legal under the state Penal Code and Controlled Substances Act. See definition of marijuana in sections 712-1240 and 329-1, HRS. Allowing the sale of hemp flower would violate these laws and put both the hemp processor and consumer in danger of criminal prosecution.

To address these concerns, we recommend that any amendments to chapter 328G, HRS, align with the amendments to the 2018 Farm Bill and existing state law. In this bill, we suggest the following revision to the new section being added to chapter 328G, HRS, at page 1, line 5, through page 2, line 7 (Ramseyered against the bill):

(a) Notwithstanding section 328G-3(e), any hemp processor with a permit pursuant to section 328G-2 may sell, hold, offer, or distribute for sale the following manufactured hemp products [~~into which hemp-derived cannabinoids have been added as an ingredient or component~~]:

- (1) Gummies; provided that:
 - (A) One gummy shall be one serving;
 - ~~[(B) One gummy shall contain not more than five milligrams of tetrahydrocannabinol;]~~ and
 - ~~[(C)]~~ **(B)** Each package of gummies that is sold, held, offered, or distributed in the State shall contain not more than [~~ten gummies;~~]
0.4 milligrams of total tetrahydrocannabinol;
- (2) Beverages; provided that beverages shall contain not more than [~~five~~]
0.4 milligrams of tetrahydrocannabinol per container; **and**
- (3) Tinctures[; ~~and~~
- (4) ~~Hemp flowers; provided that hemp flowers shall have maximum concentration of five milligrams of tetrahydrocannabinol per serving].~~

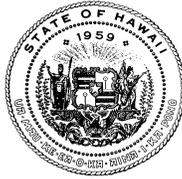
We also recommend deleting paragraph (1)(C) from the definition of "manufactured hemp product" on page 3, line 10.

Finally, we recommend the following revision to the definition of "tincture" on page 3, lines 19-20:

- (2) A maximum concentration of [~~five~~]
0.4 milligrams of **total** tetrahydrocannabinol per [~~serving~~]
container.

The Department also notes that the Department of Health (DOH) is authorized under chapter 328G, HRS, to change the allowable amount of cannabinoids in hemp products in its administrative rules. This allows flexibility to change the hemp program to align with federal law, which may be further amended prior to November 2026. Codifying THC limits in statute would reduce the DOH's ability to amend THC limits in its administrative rules and adapt to evolving federal law.

Thank you for the opportunity to provide comments.



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**Testimony COMMENTING on SB3206
RELATING TO CANNABIS**

SENATOR JOY A. SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

SENATOR JARRETT KEOHOKALOPE, CHAIR
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Hearing Date and Time: 02-17-26, 9:45AM

Room Number: 229

- 1 **Fiscal Implications:** This measure will impact the priorities identified in the Governor's
- 2 Executive Budget Request for the Department of Health's ("Department") appropriations and
- 3 personnel priorities.

- 4 **Department Position:** The Department offers comments on this measure, which authorizes
- 5 hemp processors to sell hemp-derived gummies and beverages containing up to five milligrams
- 6 of tetrahydrocannabinol (THC) per serving. While the Department recognizes the Legislature's
- 7 intent to clarify the hemp-derived cannabinoid market, establishing these higher cannabinoid
- 8 potency thresholds in statute will likely conflict with the upcoming change in federal law. The
- 9 Department also has concerns about its being responsible for regulating a program intended to
- 10 increase access to recreational intoxicating products, which is contrary to its mission to protect
- 11 and promote the health of the public.

- 12 **Department Testimony:** The Office of Medical Cannabis Control & Regulation (OMCCR)
- 13 provides the following testimony on behalf of the Department.

- 14 This bill would expand the permitted hemp-derived cannabinoid products in Hawai'i to include
- 15 edible products containing up to 5 mg of THC per serving and 50 mg of THC per container, as

1 well as drinks that contain up to 5 mg of THC per container. However, these potency levels are
2 inconsistent with changes to federal law scheduled to take effect in November 2026.

3 In 2025, Congress enacted appropriations legislation that amended the federal definition of
4 hemp under the Agricultural Marketing Act of 1946 (“2018 Farm Bill”). When these
5 amendments take effect in November 2026, hemp-derived cannabinoid products will be limited
6 to no more than 0.4 mg of THC *per container*. Products authorized by this measure, including
7 hemp-derived THC gummies containing up to 50 mg of THC per container and beverages
8 containing 5 mg of THC per container, would likely be treated as federally controlled cannabis
9 products under the amended federal framework.

10 Authorizing these products in state law could result in Hawai‘i permitting products that will
11 soon become federally unlawful, creating regulatory uncertainty for businesses, complicating
12 enforcement, and placing the State’s hemp program out of alignment with the national
13 regulatory framework.

14 Under section 328G-4, HRS, OMCCR already has authority to establish allowable cannabinoid
15 concentrations and potency limits for manufactured hemp products through administrative
16 rulemaking. Preserving this regulatory flexibility allows the State to respond to evolving federal
17 requirements, market conditions, and public-health considerations without requiring statutory
18 amendments.

19 OMCCR intends to align state hemp product rules with the forthcoming federal definition and
20 implementation timeline. Maintaining rulemaking authority allows the program to adjust
21 potency limits if federal law changes before November 2026 while helping ensure that Hawai‘i’s
22 hemp program remains federally compliant and competitive in the national marketplace.

23 For these reasons, OMCCR has concerns with this measure as currently drafted and
24 recommends preserving existing rulemaking authority to establish cannabinoid potency limits
25 for manufactured hemp products.

- 1 **Offered Amendments:** None
- 2 Thank you for the opportunity to testify on this measure.

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THE HONORABLE JARRETT KEOHOKALOLE, CHAIR
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Thirty-Third State Legislature
Regular Session of 2026
State of Hawai`i

February 17, 2026

REGARDING S.B. 3206 — RELATING TO CANNABINOIDS.

Chair San Buenaventura and Chair Keohokalole, Vice Chair McKelvey and Vice Chair Fukunaga, and members of the Senate Committees on Health and Human Services and Commerce and Consumer Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in **strong opposition** of S.B. 3206.

By allowing hemp processors to sell hemp products that contain not more than 5 milligrams of tetrahydrocannabinol, S.B. 3206 would essentially legalize the sale of intoxicating THC products that pose significant public health and safety risks. Additionally, it would authorize products that will be federally illegal within months.

On November 12, 2025, President Trump signed into law a federal spending bill (Public Law 119-37) that redefines "hemp" under federal law. Effective November 12, 2026, hemp products cannot contain more than 0.4 milligrams of THC **per container**. This creates a major conflict between what S.B. 3206 would allow and what the federal law will allow.

Product Type	What S.B. 3206 Would Allow	What Federal Law will Allow 11/12/2026
Gummies	5 mg THC per gummy, 10 gummies per package = 50 mg total	0.4 mg per container
Beverages	5 mg THC per container	0.4 mg per container
Tinctures	5 mg THC per serving (serving not defined in S.B. 3206)	0.4 mg per container
Hemp flowers	5 mg THC per serving (flower not defined in S.B. 3206)	0.4 mg per container

As shown above, S.B. 3206 would allow limits are much higher than federal law allows. This means that starting November 12, 2026 (less than 9 months away), products authorized by this S.B. 3206 would be:

- Classified as marijuana under federal law (Currently a Schedule I controlled substance)
- Subject to federal prosecution under 21 U.S.C. § 841
- Illegal to transport across state lines
- Ineligible for banking services or credit card processing

Additionally, THC creates serious public health and safety concerns for our citizens. The Department cannot support legislation that endangers public safety and contradicts federal law and we stand in **strong opposition** to S.B. 3206. Thank you for the opportunity to testify.



February 16, 2026

Testimony on SB 3206: Relating to Cannabinoids Manufactured Hemp Products, THC Concentration Limit Support With Amendments

Aloha Chairs San Buenaventura and Keohokalole, Vice Chairs McKelvey and Fukunaga, and members of the Senate Health and Human Services and Commerce and Consumer Protection committees:

My name is Karen O’Keefe. I am the director of state policies for the nonprofit Marijuana Policy Project (MPP), the largest cannabis policy reform organization in the nation. We urge you to report SB 3206 favorably with amendments so that Hawai’i can respect the wishes of voters and join the 24 other states that have legalized cannabis for adults 21 years of age and older.

More than 20% of Hawai’i adults admit having used cannabis in the past year,¹ while under 2.5% are registered patients.² That means more than 17% of Hawai’i residents are lawbreakers under state law for conduct most voters believe should be legal.³ Adults should not be punished for using a substance that is safer than alcohol,⁴ and which — for many — is an over-the-counter medicine.⁵ Forcing cannabis onto the illicit market also puts everyone involved at risk.

SB 3206 allows sales of flower, beverages, and gummies with up to five milligrams of THC per serving, produced by hemp processors. **While this is progress, the bill is missing legalization of possession by adults. It also lacks non-discrimination protections and home cultivation. We also urge you to remove the distinction between hemp and cannabis, and to allow medical cannabis dispensaries to sell these products.**

I. Adults should not be punished for a substance that is safer than alcohol.

Governments should not punish adults for relaxing with a plant that is safer than alcohol.

¹ [Interactive NSDUH State Estimates](#), "Marijuana Use in Past Year Among Adults Aged 18 or Older, by State: 2022-2023," U.S. Substance Abuse and Mental Health Services Administration. Accessed February 14, 2026.

² Hawaii Department of Health, [December 2025 Data Report](#) (showing 28,735 patients); Hawaii’s adult population is 1.15 million.

³ [Hawai’i Perspectives Winter 2023 Report](#).

⁴ See, i.e. "Facts About U.S. Deaths from Excessive Alcohol Use," Centers for Disease Control and Prevention (CDC); National Academies of Sciences, Engineering, and Medicine. 2017. The health effects of cannabis and cannabinoids: Current state of evidence and recommendations for research. Washington D.C.: The National Academies Press, Conclusion 4-1, p. 221 ("Although the available evidence suggests that cannabis use is not associated with an increased risk of all-cause mortality, the limited nature of that evidence makes it impossible to have confidence in these findings." "There is insufficient evidence to support or refute a statistical association between self-reported cannabis use and all-cause

⁵ "Cannabis Consumers in America 2023, Part 1: An Overview of Consumers Today," New Frontier Data, p. 12.

A recent analysis by a panel of experts in Canada — where cannabis is legal nationwide — scored numerous substances based on their harms. Criteria included mortality, damage to physical health, dependence, withdrawal, impairment of mental functioning, injury to others, and organized criminal activity. Alcohol scored the highest as the most harmful at 79.⁶ Cannabis scored far lower at 15.

While the vast majority of Canada’s demand for cannabis — more than 70% according to the analysis — is being met by the country’s legal regulated market, some remains on the illicit market.⁷ The experts found the illicit market for cannabis to be cannabis’s greatest harm, even though most sales are legal now. In Hawai’i, where 100% of the non-medical market is derived from the illicit market, that harm caused by illicit production and sales is far greater. Shifting to a legal, regulated market would greatly diminish that harm.

Here in the United States, the CDC reports 117,000 deaths are caused by the chronic health impacts of alcohol each year.⁸ The CDC reports another 2,641 Americans die from alcohol poisoning every year, and 7,037 die from homicides attributed to alcohol.⁹ While cannabis does pose some risks, they pale in comparison to alcohol.

And as cannabis legalization has spread, alcohol use has decreased.¹⁰ This has also corresponded with more awareness of alcohol’s risks. In 2012, just before the first two states legalized cannabis, Gallup found 66% of Americans reported drinking alcohol. In the most recent poll, in 2025, the rate had dropped to a record low of 54%. Hawai’i shouldn’t be criminalizing its citizens for using the safer substance.

II. Adults should not be punished for a plant that is, for many, a beneficial over-the-counter medication.

Unlike alcohol and tobacco, cannabis is a beneficial medicine.¹¹ Many adult-use consumers use it as an over-the-counter medicine for pain, anxiety, and insomnia.¹²

My husband, to my relief, largely replaced his reliance on over-the-counter pain medicines with cannabis when the state we lived in legalized cannabis for adults’ use. Almost

⁶ Crépault J-F, Russell C, Asbridge M, et al. Drug harms in Canada: A multi-criteria decision analysis. *Journal of Psychopharmacology*. 2026;0(0). doi:10.1177/02698811251409147

⁷ Drug harms in Canada: A multi-criteria decision analysis. *Journal of Psychopharmacology*. At p. 7.

⁸ “Facts About U.S. Deaths from Excessive Alcohol Use,” Centers for Disease Control and Prevention.

⁹ Alcohol and Public Health: Alcohol-Related Disease Impact (ARDI), CDC.

¹⁰ “U.S. Drinking Rate at New Low as Alcohol Concerns Surge,” Gallup, Aug. 13, 2025.

¹¹ National Academies of Sciences, Engineering, and Medicine (2017). *The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research*. Washington (DC): National Academies Press. (A review of more than 10,000 studies, finding conclusive or substantial evidence that cannabis is beneficial for chronic pain, and that cannabinoids are effective treatments for multiple sclerosis spasms and chemotherapy-induced nausea and vomiting.)

¹² “Cannabis Consumers in America 2023, Part 1: An Overview of Consumers Today,” New Frontier Data, p. 12.

one-quarter of Americans suffer from chronic pain.¹³ For many, cannabis is a safer choice than alternatives. As the FDA explains:

There is the potential for gastrointestinal bleeding (bleeding in the stomach or elsewhere in the digestive tract) associated with all NSAIDs. The risk of bleeding is low for people who use NSAIDs intermittently. The risk of stomach problems goes up for people who take them every day or regularly, especially for people who are older than 65, people with a history of stomach ulcers, and people who take blood thinners or corticosteroids (prednisone).¹⁴

The FDA also notes that all NSAIDs except aspirin increase “the risk of heart attack or stroke. These serious side effects can occur as early as the first few weeks of using an NSAID, and the risk might rise the longer people take non-aspirin NSAIDs.” In addition, each year, acetaminophen overdoses result in about 56,000 ER visits and 500 deaths from acute liver failure.¹⁵

Meanwhile, opioids painkillers are highly addictive and result in more than 14,000 fatal overdoses each year in the United States.¹⁶

A recently released study found that jurisdictions that adopt adult-use marijuana legalization laws experience declines in opioid overdose death. “We find a statistically significant negative relationship between RML [recreational marijuana laws] and opioid overdose deaths. RML is associated with a decrease of approximately 3.51 deaths per 100,000 individuals.”¹⁷

While Hawai'i has a medical cannabis program, as was noted, the large majority of cannabis consumers are not enrolled in it. Under 2% of practitioners issue certifications. As a result, patients have to go to a cannabis-specific provider and pay out of pocket, totalling \$150-400 for a certification plus registration. Adult-use programs avoid an inequitable system where patients who can afford to shell out \$200+ up front are legally protected, while those who cannot remain criminals, or are steered toward riskier opioids and large-scale use of NSAIDs.

III. Consumer protection regulations are only possible with legalization.

Prohibition harms health and safety by making control impossible.

¹³ "Chronic Pain and High-impact Chronic Pain in U.S. Adults, 2023," NCHS Data Brief No. 518, November 2024.

¹⁴ The Benefits and Risks of Pain Relievers: Q & A on NSAIDs with Sharon Hertz, M.D., U.S. Food and Drug Administration.

www.fda.gov/consumers/consumer-updates/benefits-and-risks-pain-relievers-q-nsaids-sharon-hertz-md

¹⁵ Agrawal S, Murray BP, Khazaeni B. Acetaminophen Toxicity. [Updated 2025 Apr 10]. In: StatPearls [Internet]. Treasure Island (FL): StatPearls Publishing; 2025 Jan. Available from:

<https://www.ncbi.nlm.nih.gov/books/NBK441917/>

¹⁶ “[Drug Overdose Deaths: Facts and Figures](#),” National Institute on Drug Abuse.

¹⁷ Because I Got High? Recreational Marijuana Legalization's Impact on Opioid Overdose Deaths

Elisha Kwaku Denkyirah, Raymond J. March, Veeshan Rayamajhee, Ryan M. Yonk

First published: 09 October 2025 <https://doi.org/10.1002/soej.12797> Digital Object Identifier (DOI)

Because Hawai'i is a prohibition state, the cannabis most Hawai'i consumers purchase is illegal and thus unregulated, putting consumers at risk of hazardous pesticides, heavy metals, molds — and even lacing with hard drugs.¹⁸

Legalization with regulation provides consumers with a safer alternative to illicit cannabis.

IV. Youth cannabis use has decreased in most legalization states.

Under prohibition, high schoolers often have the easiest access to cannabis. On the eve of states beginning to legalize cannabis in 2012, a Columbia University research survey of high schoolers found 40% knew a peer who sold cannabis.¹⁹ Only 1% knew a peer who sold alcohol. Legalization moves cannabis sales out of schools and the streets and into the regulated, adult-only stores.

When states started legalizing cannabis, some feared youth marijuana use would increase. We now have more than a decade of data, and the opposite has happened. In 19 of the 21 states that have legalization laws old enough to have before-and-after data, high schoolers' marijuana use has decreased.²⁰ (In the other two states, the "before" year was 2021 — which was during COVID shutdowns and significantly impacted use rates.)

Nationwide, government data from both the CDC and the University of Michigan's Monitoring the Future report shows as the nation went from zero legalization states to 24, teen marijuana use has dropped significantly.²¹ Monitoring the Future's survey data also shows the percent of 8th, 10th, and 12th graders who report cannabis is fairly easy or very easy to get has dropped dramatically.²²

Moving cannabis sales from streets and schools to adult-only stores has been accompanied by reduced access and use of cannabis by youth. On the illegal market, no one is checking IDs before selling cannabis. In contrast, licensed cannabis stores have overwhelming compliance with age-gating.²³

¹⁸ See: Botelho, Diane & Boudreau, April & Rackov, Andrien & Rehman, Attiq & Phillips, Bruce & Hay, Cathy & Broad, Karen & Crowhurst, Peter & Cockburn, Sara & Smith, Troy & Balonova, Barbora. (2021). Analysis of Illicit and Legal Cannabis Products for a Suite of Chemical and Microbial Contaminants; "Unintentional use of fentanyl attributed to surreptitious cannabis adulteration," Hopwood, Taylor et al. Journal of the American Pharmacists Association, Volume 60, Issue 6, e370 - e374.

¹⁹ "National Survey of American Attitudes on Substance Abuse XVII: Teens," The National Center on Addiction and Substance Abuse at Columbia University, 2012, p. 2.

²⁰ For citations and charts with the full before-and-after data, see: "Adult-Use Cannabis Legalization Corresponds With Drops in Teen Use," Marijuana Policy Project.

²¹ [High School Youth Risk Behavior Survey Data](#), CDC, 1991-2023.

²² "[National Survey Results on Drug Use, 1975–2025](#), Monitoring the Future.

²³ Carla J. Berg, Katelyn F. Romm, Alexandria Pannell, Priyanka Sridharan, Tanvi Sapra, Aishwarya Rajamahanty, Yuxian Cui, Yan Wang, Y. Tony Yang, Pat [Annual Reports | Monitoring the Future](#) ricia A. Cavazos-Rehg, Cannabis retailer marketing strategies and regulatory compliance: A surveillance study of retailers in 5 US cities, Addictive Behaviors, Volume 143, 2023, 107696, ISSN 0306-4603, See additional sources at: "Study: Licensed Cannabis Retailers Are Strictly Complying with ID Verification Laws," NORML, April 5, 2023. Available at: <https://norml.org/blog/2023/04/05/study-licensed-cannabis-retailers-are-strictly-complying-with-id-verification-laws>

While middle schoolers and high schoolers are using cannabis at lower rates, seniors in legal states are finally able to try a lab-tested product that many find preferable to pain medications and sleep-aids. The age group that saw the most significant increase in cannabis use in Colorado was people older than 65. Their use of cannabis more than tripled to 9.3%.²⁴

While SB 3206 provides that sales are only legal to other adults, licensing is important to ensure a license can be revoked or suspended for patterns of violations.

V. Cannabis legalization grows the economy, jobs, and tourism.

Adult-use legalization can also create thousands of new jobs. Adjusting for population, based on Leafly and Vangst cannabis jobs reports for Nevada, Hawai'i can expect upwards of 5,000 new cannabis industry jobs.²⁵

Some opponents have claimed Hawai'i's tourism industry would be negatively impacted, and "Japanese tourists will stop coming to Hawaii. Full stop."²⁶ If you look at the experience of legalization states, you'll see that those fears are not warranted.

After Colorado voters made their state the first to legalize cannabis in 2012, tourism set records. In 2019, the Colorado Tourism Office reported that Colorado continued a nine-year streak of record-setting growth in visitors, traveler spending, and tax generation in 2018.²⁷ (It hit a record again in the most recent year with data, 2023.) In 2016, a survey from the Colorado Tourism Office found that 49% of visitors consider legalization when deciding to visit.²⁸

After Hawai'i, California is host to the second most tourists from Japan. California voters legalized cannabis in November 2016 and sales began on January 1, 2018. Tourism thrived there, too, post-legalization — *including tourism from Japan*. The year after legal sales began, in 2019, tourism to California hit a record.²⁹ Tourism crashed during COVID shutdowns, but tourism to California has rebounded since then and hit a new record in 2023 and again in 2024. While tourism from Japan to California has not fully rebounded post-COVID, Visit California data shows tourism from Japan *increased* in 2016 and 2019.³⁰

²⁴ "Impacts on Marijuana Legalization in Colorado", Colorado Division of Criminal Justice, 2021. P. 4.

²⁵ "How Many Jobs Depend on Legal Cannabis in 2017? We Did the Math" Leafly, Jan. 5, 2017 (estimates 2,295 cannabis jobs in 2016, pre-legalization); "Jobs Report 2024 Positive growth returns" Vangst (estimates 12,825 cannabis jobs in Nevada in 2023, that is a net increase of 10,530 since 2016); Hawai'i's population plus average daily visitors is half of Nevada's (1.67 million, compared to Nevada's 3.324 million).

²⁶ <https://www.staradvertiser.com/2023/10/08/editorial/island-voices/column-legalizing-marijuana-will-cause-harm/>

²⁷ "Colorado Tourism Sets All-Time Records for Sixth Consecutive Year," Colorado.com June 28, 2017.

<https://www.colorado.com/news/colorado-tourism-sets-all-time-records-sixth-consecutive-year>

²⁸ See: Jason Blevins | "Marijuana has huge influence on Colorado tourism, state survey says," The Denver Post, Oct. 2 2016.

²⁹ www.gov.ca.gov/2024/05/05/at-the-top-of-the-golden-gate-bridge-governor-newsom-announces-tourism-spending-hit-an-all-time-high-in-california/

³⁰ "California Travel-Related Spend & Visitation Forecast," Visit California. (There were 537,000 visits from Japan to California in 2016, the year when California legalized — in November. That figure increased to 559,000 in 2019. Beginning

In reality, Hawai'i is likely already missing out on tourists due to its policy of prohibition. Twenty-three percent of Americans adults admit to having used cannabis in the past year,³¹ and 15% of adults 26 and older use cannabis at least monthly.³² Just as most people who enjoy alcohol wouldn't want to vacation in a dry county, many cannabis consumers factor in the legal status when deciding where to travel. This is particularly the case since survey data shows that for most cannabis consumers.

VI. Suggested amendments

A. Legalize possession and home cultivation plus non-discrimination.

SB 3206 does remove penalties for adults' possession or home cultivation of the products hemp processors could sell. Legalization provisions need to be added. It also omits important non-discrimination protections, so responsible cannabis consumers don't lose their children, medical care, benefits, and government jobs. These provisions are found in SB 3275, SB2421, and SB 1613, and should be included.

B. It's one plant: "cannabis" should be allowed to avoid waste and hazards.

SB 3206 maintains a two-plant fiction between hemp and cannabis. Cannabis and hemp are the same plant, and this distinction makes little sense at this time. Effective on November 12, 2026, federal law will reclassify hemp as products with 0.3% THC *and* a total of no more than 0.4 milligrams of THC per container. SB 3206 allows sales of flower, beverages, and gummies with up to five milligrams of THC per serving, which is far higher than federal law will allow. Since SB 3206 would legalize far more THC, there is no reason to call it "hemp" or require it to be sourced from "hemp."

Requiring THC to be sourced from plants with 0.3% THC or less creates inefficiencies, wasting water and energy resources. It would take 100 times the plant materials to source natural delta-9 THC from 0.3% THC plant compared to a 30% THC plant. Since hemp has such a tiny amount of THC, intoxicating cannabinoids derived from hemp often are created through chemical processes. The end results also often include synthesized or semi-synthetic cannabinoids, which may have greater risks than naturally extracted delta-9 THC.³³

in 2020, tourism crashed due to COVID. It is slowly rebounding. To access the data, click on "download report (XLS)." Unhide columns C-M. The data is row 21-5) Accessed Jan. 2, 2025.

³¹ "Population Statistics Report: Marijuana Use or Opioid Misuse in the Past Year," NSDUH, Sept. 2025

³²"Key Substance Use and Mental Health Indicators in the United States, Results from the 2024" National Survey on Drug Use and Health, July 2025, p. 7.

³³ See: Alipour A, Patel PB, Shabbir Z, Gabrielson S. Review of the many faces of synthetic cannabinoid toxicities. *Ment Health Clin.* 2019 Mar 1;9(2):93-99. doi: 10.9740/mhc.2019.03.093. PMID: 30842917; PMCID: PMC6398358.

Cannabis with delta-9 THC has been used for millennia, and state policy should not drive consumption to potentially more dangerous — and more dangerously produced — products.

In addition, if hemp manufacturers will be allowed to sell to adult-use consumers, medical cannabis dispensaries should be allowed to as well. Dispensaries have been selling cannabis products for over a decade, with far stricter regulations than hemp manufacturers.

C. Revising the limit for raw and inhaled cannabis

The bill allows sales of flower, with “A maximum concentration of five milligrams of tetrahydrocannabinol per serving.”

Absorption varies dramatically based on the mode of administration of cannabis, and far more THC is needed for the same effect for inhaled cannabis.³⁴ A five milligram per serving limit is far too low for smoke, raw cannabis. A joint typically weighs between one-third and one gram. Commercially sold cannabis is typically 20-30% THC. That means that a half-gram joint at 25% THC would have 125 milligrams, and would be 25 servings. In reality, a joint is 1-5 servings, depending if the person smoking is a regulator consumer or not.

We don't endorse THC caps on flower since they require individuals with tolerance to smoke more for the same total dosage. This increases the risk of bronchitis and respiratory issues. However, if the bill's goal is to allow only lower potency cannabis, instead of imposing an unrealistic 5 milligram serving limit on flower, it could instead cap flower at 30% as Connecticut, Ohio, and Vermont have done.

D. Legalize the possession, production, and sale of cannabis paraphernalia by adults.

While SB 3206 allows botanical THC products — i.e. cannabis — it does not allow paraphernalia. Language should be lifted from SB 3275, SB 2421, or SB 1613 to avoid creating a situation where cannabis is legal, but the bowl it is smoked with is not.

VII. Concluding thoughts

While cannabis is not risk-free, it is far less dangerous than alcohol, tobacco and some medications. Hawai'i should treat adults like grown ups who are allowed to make their own decisions about the plant. SB 3206 would take a significant step in that direction, but only if it also legalizes adult-use possession. SB 3206 should also be revised to avoid pushing

³⁴ Lucas CJ, Galettis P, Schneider J. The pharmacokinetics and the pharmacodynamics of cannabinoids. *Br J Clin Pharmacol*. 2018 Nov;84(11):2477-2482. doi: 10.1111/bcp.13710. Epub 2018 Aug 7. PMID: 30001569; PMCID: PMC6177698.

consumers to hemp-derived products, given that “hemp” as defined by this bill would be illegal cannabis under federal law starting in November.

Medical cannabis dispensaries, which are far more strictly regulated than hemp manufacturers, should also be included.

Mahalo for your time and consideration. Please don't hesitate to reach out if I can answer any questions.

Sincerely,

A handwritten signature in black ink that reads "Karen O'Keefe". The signature is written in a cursive, flowing style.

Karen O'Keefe
Director of State Policies
Marijuana Policy Project
202-905-2012
kokeefe@mpp.org

Appendix Suggested Amendments

A. Legalize possession and home cultivation and include non-discrimination protections.

Add a section, such as:

§ xx (a) Notwithstanding any other provision of law to the contrary, except as limited by this chapter, beginning July 1, 2026, it shall be lawful for persons who are at least twenty-one years of age to:

- (1) Smoke, ingest, or consume cannabis and THC products;
- (2) Purchase, transport, or possess up to 2.5 ounces of cannabis and products with up to a total of 2,500 milligrams of tetrahydrocannabinol and tetrahydrocannabinol acid.
- (3) Possess, plant, or cultivate not more than six living cannabis plants, whether mature or immature, for personal adult use only; and
- (4) Harvest, dry, and process the low cannabis plants cultivated under this section, without the use of butane or other volatile or potentially hazardous methods.
- (5) Within a person's private residence only, harvest, dry, process, and possess up to one pound cannabis produced by their personal cultivation of cannabis pursuant to this section; provided that not more than five pounds of cannabis in total, whether for medical use or personal adult use, shall be stored at any private residence, regardless of the number of people residing there; and
- (6) Purchase, obtain, transport, manufacture, sell, or possess cannabis accessories.

§ xx +1

(a) For the purposes of medical care, including organ and tissue transplants, a person's personal adult use of low-dose and low-potency cannabis in compliance with this part shall not constitute the use of an illicit substance or otherwise disqualify a person from medical care, unless in the judgment of the health care provider the use of low-dose and low-potency cannabis increases the risk for an adverse outcome from a medical procedure or treatment.

(b) No person shall be denied custody, visitation, or parenting time with a minor for conduct allowed under this part and no presumption of neglect or child endangerment shall arise therefrom; provided that this subsection shall not apply if the person's conduct creates a danger to the safety of the minor as established by a preponderance of the evidence.

(c) Except as provided in this chapter, the State and any of its political subdivisions shall not impose any discipline upon an employee or deny an employee any benefit or entitlement for conduct permitted under this part or solely for the presence of cannabinoids or cannabinoid metabolites in the urine, blood, saliva, breath, hair, or other tissue or fluid of a person who is at least twenty-one years of age, unless the failure to do so would cause the State or any of its political

subdivisions to lose a monetary or licensing-related benefit under a contract or federal law, or otherwise violate federal law. This subsection shall not be construed to prohibit the State or any of its political subdivisions from:

- (1) Conducting drug testing and using the results of those tests for the discipline of an employee if the testing is done to comply with federal requirements; or
- (2) Disciplining employees for being impaired by cannabis while at work.

B. It's one plant: "cannabis" should be allowed to avoid waste and hazards.

This amendment will require changing hemp to cannabis in the bill and throughout Hawai'i statutes, at least for products with higher levels of THC than 0.4 milligrams per container that can be sold under SB 3206.

In addition, and "medical cannabis dispensaries licensed under chapter 329 D" should be added where SB 3206 says "hemp processor with a permit pursuant to section 328G-2" or "hemp processor."

C. Revise the limit for raw and inhaled cannabis.

Revise "§328G (a)(4) to

...

(4) Botanical cannabis, including cannabis flowers; provided that botanical cannabis shall have a maximum concentration of thirty percent tetrahydrocannabinol and tetrahydrocannabinol acid.

D. Legalize the possession, production, and sale of cannabis paraphernalia by adults.

Language such as the following should be added. This is from SB 3275.

Cannabis accessories; authorized. (a) Notwithstanding any other provision of law to the contrary, it shall be lawful for persons who are at least twenty-one years of age to manufacture, possess, possess with intent to distribute, or purchase cannabis accessories, or distribute or sell cannabis accessories to persons who are at least twenty-one years of age.

(b) This section is intended to meet the requirements of title 21 United States Code section 863(f) by authorizing, under state law, any person in compliance with this chapter to manufacture, possess, or distribute cannabis accessories.

SB-3206

Submitted on: 2/16/2026 9:24:28 AM

Testimony for HHS on 2/17/2026 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Shelby "Pikachu" Billionaire	Testifying for Kingdom of The Hawaiian Islands & OHana Unity Party	Support	Remotely Via Zoom

Comments:

****Testimony in Strong Support of SB3206 – Relating to Cannabinoids (Hemp-Derived Low-THC Products)****

Aloha kakou, Chair and Members of the Committee,

I am Master Shelby "Pikachu" Billionaire, HRM, Kingdom of The Hawaiian Islands, H.I., Chairman of the Ohana Unity Party. Aloha nui loa from the heart of our islands, where we live guided by the timeless spirit of ****aloha****—love, compassion, mercy, kindness, and grace—and where ****‘ohana**** means we mālama every member with care, as the ‘ōlelo no‘eau teaches: ***‘Ike aku, ‘ike mai. Kōkua aku, kōkua mai. Pēlā ka nohona ‘ohana.*** “Observe others, be observed. Help others, be helped. That is the way of family life.”

Today, I stand in full support of SB3206, urging its passage to bring responsible, regulated access to safe, low-dose hemp-derived cannabinoid products while protecting our keiki and honoring ****kuleana**** to our communities and farmers. This smart, targeted bill amends Chapter 328G, Hawaii Revised Statutes, to allow permitted hemp processors to sell, hold, offer, or distribute specific ****manufactured hemp products**** containing added hemp-derived cannabinoids—limited to low-THC levels for safety: - Gummies: ≤5 mg THC per gummy (one serving per gummy), ≤10 gummies per package. - Beverages: ≤5 mg THC per container. - Tinctures: Updated to allow up to 5 mg THC per serving (oil-based, unflavored, ≤1 oz per container). - Hemp flowers: ≤5 mg THC per serving. It prohibits sales to anyone under 21, requires full compliance with existing hemp rules under Chapter 328G (including testing, labeling, and permits from the Department of Health), and adds clear definitions for "gummy" (chewable soft confection with gelatin or similar gelling agents) and refined "manufactured hemp product" and "tincture."

The bill creates an exception to current prohibitions on added cannabinoids in food products, ensuring these low-dose items are regulated, not banned, while excluding living plants, viable seeds, or unprocessed leaf materials. In our Hawaiian way, we know ****ua ola loko i ke aloha****—“love gives life within”—and that true mālama comes from balancing opportunity with protection. Hemp is a versatile crop with deep roots in sustainable agriculture—supporting our local farmers, aloha ‘āina, and economic growth. Yet outdated restrictions have limited access to safe, low-THC hemp-derived options that many adults use responsibly for wellness, relaxation, or mild symptom relief. SB3206 fixes this with strict safeguards: age-21 minimum,

low-dose caps to minimize risks (especially to youth), child-resistant packaging implied through compliance, and integration with DOH oversight—no high-potency products, no unregulated sales, no threat to our medical cannabis program.

This incremental step reduces the black market for unregulated THC products, provides consumers with tested, labeled alternatives, boosts our hemp industry (which can create jobs and diversify farming), and aligns with federal hemp frameworks (post-2018 Farm Bill). It shows Hawaii can innovate responsibly—protecting public health while fostering local enterprise. **In closing, with deepest aloha and a call to mālama our ‘ohana by supporting safe, regulated hemp innovation, I respectfully ask the Committee to pass SB3206 without delay.

Key reasons include:**

- **Low-dose limits** (≤ 5 mg THC per serving/container) for gummies, beverages, tinctures, and hemp flowers—ensuring safety, preventing overconsumption, and prioritizing protection for keiki and youth. -

Age-21 prohibition on sales, combined with full compliance under Chapter 328G—maintaining strong regulatory guardrails through permitted processors, testing, and DOH rules. - Updated definitions and exceptions that modernize hemp product rules—allowing tinctures up to 5 mg THC per serving and clarifying manufactured products to include processed floral materials safely. - Economic and agricultural benefits: empowering Hawaii's hemp farmers and processors to offer legal, tested products—reducing illicit markets, creating jobs, and advancing **aloha ‘āina** through sustainable crops. - True embodiment of Hawaiian values: **aloha**, **‘ohana**, **mālama**, and **kōkua aku, kōkua mai**—balancing wellness access with responsibility, protecting our people, and showing Hawaii leads with wisdom, caution, and heart.

Mahalo nui loa for your kuleana in this forward-thinking work. I am available for any questions and urge you to pass SB3206—let us grow progress with aloha in action.

Master Shelby "Pikachu" Billionaire, HRM Kingdom of The Hawaiian Islands, H.I. Ohana Unity Party, Chairman www.Ohanaunityparty.com Presidentbillionaire@gmail.com

To: The Honorable Members of the Senate Committee on Commerce and Consumer Affairs and Committee on Health and Human Services

Re: **STRONG OPPOSITION to SB 3206 – Relating to Cannabinoids**

Distinguished Chairs and Committee Members,

My name is **Laverne Moore**, and I am writing to you today to express my **firm opposition** to [SB 3206](#). I speak from the perspective of a retired educator who has spent **54 years** in the classroom working with the youth of Hawai'i.

While [SB 3206](#) seeks to regulate the sale of manufactured hemp products and limit THC concentrations to five milligrams per serving, I believe this measure is deeply detrimental to our students and the safety of our school environments.

Why SB 3206 is Detrimental to Our Students

- **The "Serving Size" Trap:** Though the bill limits THC to five milligrams per serving, we know that students do not always adhere to "servings." Commercializing these products makes them accessible in forms like gummies or tinctures that are easily hidden in schools. Five milligrams may seem low to an adult, but for a developing adolescent brain, the cumulative effect of these products is anything but minor.
- **Increased Exposure and Normalization:** By expanding the retail market for hemp-derived cannabinoids, we are further normalizing substance use for our children. In my 54 years of teaching, I have seen that as substances become more common in the community, they inevitably find their way into the backpacks and pockets of our students.
- **Undermining Educational Focus:** Our schools are already facing a crisis of student engagement and mental health. Adding another legal, accessible cannabinoid product to the local market creates an unnecessary hurdle for educators. We should be focusing on providing students with the clarity and cognitive tools they need to succeed, not defending them against a growing industry of "low-dose" intoxicants.

A Lifetime of Experience

I have seen many trends come and go in my five decades of service, but the fundamental need for a safe, drug-free learning environment remains constant. [SB 3206](#) prioritizes the "hemp processing" industry over the well-being of our keiki.

I urge this committee to prioritize our students' futures over commercial interests. Please **vote NO** on [SB 3206](#). Mahalo, Laverne Moore

Marcus R. Oshiro
Wahiawa, Hawaii

February 15, 2026

Written Testimony in Opposition to SB 3206

Summary and contextual provision

SB 3206 would allow permitted hemp processors to sell, hold, offer, or distribute manufactured hemp products (gummies, beverages, tinctures, and hemp flowers) limited to **5 mg THC per serving**, and would prohibit sales to persons under 21. This measure appears driven in part by recent U.S. Congressional action taken that will take effect in November 2026.

In November 2025, Congress enacted the **Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act, 2026 (Pub. L. No. 119-37)**.

Section 781 of that Act amended the federal definition of “hemp” under the Agricultural Marketing Act of 1946 and, by cross-reference, the Controlled Substances Act, by shifting from a delta-9 THC-only standard to a “total THC” metric, reaffirming a 0.3 percent total THC concentration limit, and imposing a nationwide cap of 0.4 milligrams of total THC per finished product container, regardless of serving size or format. Congress delayed enforcement of these amendments until November 12, 2026, creating a transitional period for state and industry compliance.

SB 3206 does not reconcile with these forthcoming federal standards, creating legal uncertainty, potential preemption concerns, and consumer and market confusion if enacted without amendment(s).

(See “Note”, below).

Key policy objections

- **Conflict with federal standards and legal uncertainty.** The bill’s 5 mg per-serving THC cap is not harmonized with the federal 0.3% delta-9 THC threshold or cap individual product THC content at 0.4 milligrams; without statutory reconciliation, manufacturers and regulators will face conflicting compliance regimes. Consumer product safety could be compromised. Federal legal preemption questions could also arise.
- **Insufficient public-health safeguards.** The bill lacks statutory requirements for independent potency testing, contaminant screening, clear package labeling (total THC per serving and per package), and mandatory child-resistant packaging. The measure is aspirational but fails to set forth clear and actionable measures and standards.
- **Processors acting as retailers without retail safeguards.** Allowing processors to sell finished consumer products bypasses retail licensing, age-verification protocols, and local zoning controls that enforce the under-21 sales prohibition.
- **Regulatory and enforcement ambiguity.** The bill expands definitions (including floral materials) without assigning clear enforcement authority, inspection responsibilities, or penalties for noncompliance.

Critique of factual assumptions and legal gaps

- **Arbitrary threshold without findings.** The 5 mg per-serving limit is adopted without legislative findings or a required Department of Health risk assessment explaining why that threshold is appropriate across product types and populations.
- **Misalignment with federal delta-9 rule.** The federal 0.3% delta-9 standard regulates concentration by weight, not per-serving dose; SB 3206’s failure to address this difference invites litigation and interstate commerce complications.
- **Conflation of raw and manufactured product rules.** Including “floral materials” in the manufactured product definition conflates raw agricultural hemp with processed consumer goods, complicating oversight for growers and processors.
- **GRAS carve-out left unresolved.** Exempting FDA, generally recognized as safe, (GRAS) hemp uses without guidance on how GRAS status interacts with state THC limits and labeling creates legal uncertainty for food and beverage manufacturers. Consumer product safety is compromised. Minimum food safety standards are disregarded.

Likely unintended consequences

- **Proliferation of unregulated retail points** and weakened age-verification enforcement if processors sell directly to consumers in the “gray market” or via Internet sales.
- **Consumer harm from inconsistent potency** if mandatory third-party testing and clear labeling are not required.
- **Regulatory fragmentation and litigation** as state and federal standards collide and agencies dispute enforcement roles.

Conclusion and committee action suggested

SB 3206 expands the hemp product marketplace but does so without reconciling federal and state standards, and without the statutory guardrails such as testing, labeling, licensing, enforcement, and evidentiary findings—necessary to protect public health, consumer product safety, and ensure enforceability.

I urge the committee to hold SB 3206 or defer and then seriously consider amendments to address the concerns raised herein, before proceeding any further.

Note: *Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act, 2026, Pub. L. No. 119-37, § 781* (Nov. 12, 2025) (amending the definition of “hemp” under the Agricultural Marketing Act of 1946 and, by cross-reference, the Controlled Substances Act, to apply a **0.3% total THC** standard and to impose a **0.4 milligram total THC limit per finished product container**, with enforcement delayed until **Nov. 12, 2026**).

February 16, 2026

RE: SB3206

COMMITTEE ON HEALTH AND HUMAN SERVICES
Senator Joy A. San Buenaventura, Chair
Senator Angus L.K. McKelvey, Vice Chair

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair

Aloha Chairs, Vice Chairs, and Members of the Committees:

Thank you for the opportunity to testify. The Coalition for a Drug-Free Hawai'i opposes SB3206.

While SB3206 limits hemp-derived products to five milligrams of THC per serving, lower dose does not eliminate public health risk. Expanding the retail sale of THC-infused products increases availability and contributes to normalization. Prevention science consistently shows that when perceived risk declines and availability increases, youth use and experimentation rise.

SB3206 would create a broader commercial retail pathway for THC products outside of Hawai'i's existing medical cannabis framework. Even with a 5 mg cap, edible and beverage products are particularly appealing to youth due to flavoring, form, and marketing potential. National data continue to show that early cannabis exposure is associated with increased risk of Cannabis Use Disorder, mental health challenges, and impaired academic outcomes.

Our concern is for youth.

Perceived Harm: Monitoring the Future and NSDUH data consistently show that when adolescents perceive marijuana use as less harmful, rates of use increase.

Commercial Expansion: In multiple states and in Canada, cannabis frameworks that began with limitations on potency or product type expanded over time in response to market pressure.

Creating a regulated retail market for THC products under the hemp statute may make future expansion easier and increase enforcement challenges related to youth access and product diversion.

For these reasons, and given ongoing concerns about normalization, youth exposure, and long-term health impacts, we respectfully urge the Committee to reject SB3206.

Thank you for your consideration.

Greg Tjapkes
Executive Director