



Committee: Committee on Consumer Protection and Commerce
Hearing Date/Time: Wednesday, February 06, 2013, 3:55 p.m.
Place: Conference Room 325
Re: Testimony of the ACLU of Hawaii in Support of H.R. 6, Encouraging Congress and the President to Re-state that the Congressional Intent of the Federal Controlled Substances Act is Not to Prohibit the Production of Industrial Hemp

Dear Chair McKelvey and Members of the Committee on Consumer Protection and Commerce:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of H.R. 6, Encouraging Congress and the President to Re-State that the Congressional Intent of the Federal Controlled Substances Act is Not to Prohibit the Production of Industrial Hemp.

The federal Controlled Substances Act of 1970 mandates that all drugs that have a high potential of abuse, no accepted medical use, and a lack of accepted safety for use must be classified as Schedule 1 substances. Despite industrial hemp’s genetically distinct characteristics and its inability to produce a drug effect when smoked or ingested, hemp has become another victim of the senseless War on Drugs. The result has been an unnecessary restriction on the growing of a harmless plant and unreasonable criminal penalties against individuals who cultivate it.

The ACLU of Hawaii urges you to support H.R. 6 and fair and practical laws. Thank you for this opportunity to testify.

Sincerely,
Laurie A. Temple
Staff Attorney and Legislative Program Director
ACLU of Hawaii

The American Civil Liberties Union of Hawaii (“ACLU”) has been the state’s guardian of liberty for 47 years, working daily in the courts, legislatures and communities to defend and preserve the individual rights and liberties equally guaranteed to all by the Constitutions and laws of the United States and Hawaii. The ACLU works to ensure that the government does not violate our constitutional rights, including, but not limited to, freedom of speech, association and assembly, freedom of the press, freedom of religion, fair and equal treatment, and privacy. The ACLU network of volunteers and staff works throughout the islands to defend these rights, often advocating on behalf of minority groups that are the target of government discrimination. If the rights of society’s most vulnerable members are denied, everyone’s rights are imperiled.

American Civil Liberties Union of Hawaii
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**HR 6/ HCR 3
ENCOURAGING CONGRESS AND THE PRESIDENT TO RE-STATE THAT THE
CONGRESSIONAL INTENT OF THE FEDERAL CONTROLLED SUBSTANCES ACT
IS NOT TO PROHIBIT THE PRODUCTION OF INDUSTRIAL HEMP**

**PAUL T. OSHIRO
MANAGER – GOVERNMENT RELATIONS
ALEXANDER & BALDWIN, INC.**

FEBRUARY 6, 2013

Chair McKelvey and Members of the House Committee on Consumer Protection
& Commerce:

I am Paul Oshiro, testifying on behalf of Alexander & Baldwin, Inc. (A&B) on
HR 6/HCR 3, “ENCOURAGING CONGRESS AND THE PRESIDENT TO RE-STATE
THAT THE CONGRESSIONAL INTENT OF THE FEDERAL CONTROLLED
SUBSTANCES ACT IS NOT TO PROHIBIT THE PRODUCTION OF INDUSTRIAL
HEMP.” We support these resolutions.

We understand that industrial hemp is one of the more versatile and useful fiber
plants that can be utilized in the manufacturing of several different construction and
building related products. With the fiber of industrial hemp used to make carpeting and
upholstery, its woody stalk can be manufactured into various construction materials
such as lumber, fiberglass, and plastics. In addition, industrial hemp seeds have been
utilized to make other industrial products such as paints and varnishes. In that the
production of industrial hemp in Hawaii may provide a stimulus for the local production
of various building and construction materials, we support these resolutions. Thank you
for the opportunity to testify.

February 5, 2013

Testimony of Vote Hemp for HR 6 and HCR 3
Hemp in Hawaii
Testimony of Tom Murphy
Vote Hemp National Outreach Coordinator
in support of HR 6 and HCR 3

Representative Angus McKelvey, Chair
Consumer Protection & Commerce Committee
Hawaii State Legislature
House of Representatives

Vote Hemp recommends that the Committee vote to pass HR 6 and HCR 3, encouraging Congress and the President to re-state that the Congressional intent of the federal Controlled Substances Act is not to prohibit the production of industrial hemp.

- Industrial hemp is an agricultural crop.
- Industrial hemp is varieties of *Cannabis* that are low in THC and high in CBD.
- Oilseed and fiber varieties of *Cannabis* are also known as industrial hemp.
- You can not get drugs from oilseed or fiber varieties of *Cannabis*.
- Oilseed, fiber, and drug varieties of *Cannabis* are grown at different densities.
- Drug varieties of *Cannabis* can not be grown with oilseed or fiber varieties without being easily spotted.
- Drug varieties are grown much like a Christmas tree farm, with its spacing, pruning and early harvest, whereas the oilseed and fiber varieties are grown more like pulp wood trees.
- Drug varieties grown in the middle of a fiber hemp crop would become seeded. A fiber crop is harvested when the males shed their pollen, so the pot grower would be left with a seeded buds (the female flowers) in the middle of a field of stubble.
- Drug varieties grown in the middle of an oilseed hemp crop would become seeded as well. The female help plants would become pollinated, along with the pot, and the male hemp plants would die. As the seeds ripen in the hemp the pot would become more obvious because it's still green and a much lower density.

So far in this legislative season seven states - Hawaii, Indiana, Kentucky, New Hampshire, New Jersey, Vermont, Washington - have introduced hemp legislation. Maine is expected to introduce legislation within the next month. Bills are also expected to be introduced in California and Colorado later this year. You can keep track of all state hemp legislation on Vote Hemp's State Hemp Legislation Page:

<http://www.votehemp.com/state.html>

The Industrial Hemp Farming Act is scheduled to be introduced in both the U.S. House and Senate later this week.

In late 2012 the Hemp Industries Association (HIA), a non-profit trade association consisting of hundreds of hemp businesses, released final estimates of the size of the U.S. retail market for hemp products in 2011. Data supporting the estimates shows that retail sales of hemp food and body care products in the United States continued to set records in 2011, reaching \$43.5 million. Sales of popular hemp items like non-dairy milk, shelled hemp seed, soaps and lotions have occurred against the backdrop of increasing grassroots pressure to allow hemp to be grown domestically once again for U.S. processors and manufacturers. Sales in conventional retailers in particular are estimated to have grown by 11% in 2011.

The sales data, collected by the market research firm SPINS, was obtained from natural and conventional food retailers, excluding Whole Foods Market and certain other establishments, who do not provide sales data — and thus underestimates actual sales by a factor of at least three. According to the SPINS data, combined U.S. hemp food and body care sales grew in the sampled stores by 7.3%, or \$2.98 million, over the previous year ending December 26, 2011 to a total of \$43.5 million.

Due to significant sales excluded from the SPINS data, such as The Body Shop, Whole Foods Market and restaurants, as well as the fact that many unreported leading mass-market brands of suntan lotion and sunscreen products include hemp oil, the HIA estimates the total retail value of hemp food, supplement and body care sales in the U.S. to be in the range of \$130-152 million for 2011.

The HIA is confident that the total U.S. hemp food and body care market over the last year, 2011, accounted for at least \$130 million in retail sales. According to data released by the Canadian government, hemp production in Canada almost doubled in 2011, with total acreage growing to 38,828 acres. In 2012 about 52,650 acres of hemp were licensed in Canada. The HIA estimates the total retail value of hemp products sold in the U.S. at \$452 million, when including clothing, auto parts, building materials and various other products. Steady growth in hemp product sales, combined with a substantial increase in acreage in Canadian hemp fields, further validates U.S. farmers' concerns that they are being shut out of the lucrative hemp market that Canadian farmers have cashed in on for over a decade now.

Industrial hemp would make a great addition to Hawaii's rural economy.

There is an international exemption for industrial hemp:

The United Nations Single Convention on Narcotic Drugs, 1961 as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961 states in Article 28:

"2. This Convention shall not apply to the cultivation of the cannabis plant exclusively for industrial purposes (fibre and seed) or horticultural purposes."

The United States is a party to the Single Convention.

There are exemptions for hemp products in the U.S as well:

In the Controlled Substances Act, 21 USC Section 802 - Definition (16) states:

"The term "marihuana" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. Such term does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination."

In writing the Controlled Substances Act, and its predecessor the Marihuana Tax Act, it was the clear intent of Congress to exempt the products stated. It was also the intention of Congress that hemp would continue to be grown in the U.S.

Hemp was grown in the United States until 1957, with the last crop being grown in Wisconsin for the Matt Rens Hemp Company as documented in Dennis Rens' self published book "America's Hemp King."

In December 1999 the first hemp seeds were planted in the Hawaii Industrial Hemp Project managed by Dr. Dave West of GamETec. Hemp was grown on a research basis in this project until 2003.

The National Farmers Union (NFU) passed a resolution in 2010 urging "the President, Attorney General and Congress to direct the U.S. Drug Enforcement Agency (DEA) to differentiate between industrial hemp and marijuana and adopt policy to allow American farmers to grow industrial hemp under state law without requiring DEA licenses."

The National Association of State Departments of Agriculture (NASDA) passed a resolution in 2003 urging the U.S. Department of Agriculture, the Drug Enforcement Administration and the White House Office of National Drug Control Policy (ONDCP or Drug Czar's office) to collaboratively develop and adopt an official definition of industrial hemp, and urged Congress to statutorily distinguish between industrial hemp and marijuana and to adopt policies which would allow U.S. farmers to grow industrial hemp.

The National Conference of State Legislatures (NCSL) adopted a resolution in 2000 strongly urging the U.S. Department of Agriculture, the Drug Enforcement Administration and the Office of National Drug Control Policy (Drug Czar's office) to collaboratively develop and adopt an official definition of industrial hemp. This is a strong statement for common sense as the NCSL is widely respected and regarded for its conservative and prudent approach on a variety of issues.

Hawaii should be a leader in the research and development of industrial hemp. I hope that this legislation is passed for the good of all people in the state of Hawaii and to help bring back hemp farming to the U.S.

Vote Hemp recommends that the Committee vote to pass HR 6 and HCR 3.

Thank you very much for the opportunity to present my testimony to the Committee. If I can provide and other information to help in the passage of this bill please feel free to contact me and I will do what I can to help.

Sincerely,

Tom Murphy
National Outreach Coordinator
Vote Hemp
<http://www.votehemp.com/>
tom@votehemp.com
207-542-4998 cellular
207-236-3137 office

Additional resources:

Vote Hemp <http://www.votehemp.com>
Download Center http://www.votehemp.com/download_center.html
State Hemp Legislation <http://www.votehemp.com/state.html>
Hawaii State Page <http://www.votehemp.com/state/hawaii.html>
Resolutions Page <http://www.votehemp.com/resolution.html>
Canadian Federal Regulation & Legislation Information
<http://www.votehemp.com/canada.html>

Hemp Industries Association
<http://thehia.org/>

TestPledge
<http://www.testpledge.com/>

Canadian Industrial Hemp regulations
<http://laws-lois.justice.gc.ca/eng/regulations/SOR-98-156/FullText.html>

Alberta Agriculture and Rural Development - Industrial Hemp Production in Canada
[http://www1.agric.gov.ab.ca/\\$department/deptdocs.nsf/all/econ9631](http://www1.agric.gov.ab.ca/$department/deptdocs.nsf/all/econ9631)

Alberta Agriculture and Rural Development - Alberta Hemp Cost of Production and Market Assessment - Final Report

[http://www1.agric.gov.ab.ca/\\$department/deptdocs.nsf/all/econ14086](http://www1.agric.gov.ab.ca/$department/deptdocs.nsf/all/econ14086)

Health Canada

List of Approved Cultivars for the 2012 Growing Season

http://www.hc-sc.gc.ca/hc-ps/pubs/precurs/list_cultivars-liste2012/index-eng.php

Hemp as an Agricultural Commodity

by Renée Johnson

Congressional Research Service (CRS)

order code RL32725

December 18, 2012

(PDF file 483k)

<http://www.nationalaglawcenter.org/assets/crs/RL32725.pdf>

America's Hemp King

by Dennis Rens, Grandson of Matt Rens

1995

(PDF file 631k)

http://votehemp.com/PDF/Americas_Hemp_King.pdf

kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 04, 2013 12:43 PM
To: CPCtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HR6 on Feb 6, 2013 15:55PM*

HR6

Submitted on: 2/4/2013

Testimony for CPC on Feb 6, 2013 15:55PM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------------|---------------------|---------------------------|---------------------------|
| Javier Mendez-Alvarez | Individual | Support | No |

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 05, 2013 12:09 PM
To: CPCtestimony
Cc: david.l.piller@gmail.com
Subject: Submitted testimony for HR6 on Feb 6, 2013 15:55PM

HR6

Submitted on: 2/5/2013

Testimony for CPC on Feb 6, 2013 15:55PM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| David Piller | Individual | Support | No |

Comments: I am writing to urge this committee to vote for HR 6 and HCR 3 which urges the state Congressional Delegation to support the Industrial Hemp Farming Act in the U.S. House and Senate. Industrial hemp does not meet any of the criteria to be scheduled at all in the Controlled Substances Act (CSA), and its long overdue for Congress to remove this barrier to a market with over \$452 million in estimated annual U.S. retail sales. Currently, American hemp companies have no choice but to import their raw materials, while American farmers continue to face the threat of prosecution and forfeiture of their farms, due to the Federal Governments misguided and misinformed policy which confuses non-drug industrial hemp with drug varieties of Cannabis. I believe that importing hemp from Canada, China, the EU, or anywhere else in the world makes absolutely no sense when American farmers could be growing it right here. Please vote for HR 6 and HCR 3 and pave the way for the US hemp industry to create countless jobs and for farmers to once again grow this versatile, beneficial, and profitable crop. Thank you.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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kawakami2 - Rise

From: Wendee Wilson on behalf of Rep. Angus McKelvey
Sent: Tuesday, February 05, 2013 9:25 PM
To: kawakami2 - Rise
Subject: FW: Testimony, HR6 and HCR3

Please add to testimony.

Mahalo

Wendee J. Wilson
Office Manager
Representative Angus L. K. McKelvey
District 10: West Maui, Maalaea, North Kihei
State Capitol, Rm. 427
Ph: (808) 586-6160
Fax: (808) 586-6161
Email: w.wilson@capitol.hawaii.gov

From: st. smith [mailto:sarahkauai@yahoo.com]
Sent: Tuesday, February 05, 2013 9:10 PM
To: Rep. Angus McKelvey
Subject: Testimony, HR6 and HCR3

Please vote for HR 6 and HCR 3

Encourage the state Congressional Delegation to support the Industrial Hemp Farming Act in the U.S. House and Senate,

We need to allow states to regulate hemp farming. Industrial hemp does not meet any of the criteria to be scheduled at all in the Controlled Substances Act (CSA).

It's a crime that American companies making hemp products have no choice but to import their raw materials, with over \$452 million in estimated annual U.S. retail sales.

American farmers continue to face prosecution and forfeiture of their farms for growing industrial hemp. The laws are outdated, confusing non-drug industrial hemp with drug varieties of Cannabis. This arbitrary policy off shores jobs and increases our trade deficit.

Please vote for HR 6 and HCR 3. Thank you.

Sarah Smith
Princeville, HI