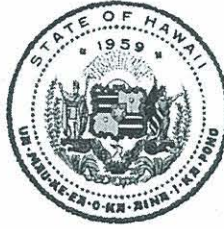


# SB695

Allows private funded industrial hemp research to be conducted under certain conditions; requires monitoring by the DPS; requires reporting to the respective county law enforcement; exempts agronomic data derived from research from public records disclosure; confers immunity from criminal prosecution for the research.

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Blvd. 4<sup>th</sup> Floor  
Honolulu, Hawaii 96813

TED SAKAI  
INTERIM DIRECTOR

MARTHA TORNEY  
Deputy Director  
Administration

Deputy Director  
Corrections

KEITH KAMITA  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 695  
A BILL FOR AN ACT RELATING TO INDUSTRIAL HEMP RESEARCH

By  
Ted Sakai, Interim Director  
Department of Public Safety

Senate Committee on Economic Development, Government Operations and Housing  
Senator Donovan M. Dela Cruz, Chair  
Senator Sam Slom, Vice Chair

Senate Committee on Public Safety, Intergovernmental and Military Affairs  
Senator Will Espero, Chair  
Senator Rosalyn H. Baker, Vice Chair

Monday, February 4, 2013, 2:45 PM  
State Capitol, Conference Room 016

Chairs Dela Cruz and Espero, Vice Chairs Slom and Baker, and  
Members of the Committee:

The Department of Public Safety (PSD) **does not support Senate Bill 695 as written**. This bill would amend the definition of marijuana in the Uniform Controlled Substance Act Chapter 329 HRS and Hawaii's penal code. Senate Bill 695 would exclude "hemp" that contains .3% or less of tetrahydrocannabinol that is used in privately funded industrial hemp research and hemp products from being a Schedule I controlled substance.

The Department feels that Senate Bill 695 is not needed to conduct research on hemp/marijuana. Presently, under State and Federal law, anyone

seeking to do research with marijuana/cannabis hemp must apply for a controlled substance registration with both the State's Narcotics Enforcement Division and the Federal Drug Enforcement Administration as a "researcher." A person registered to conduct research with a basic class of controlled substances listed in Schedule I shall be authorized to manufacture or import such class if, and to the extent that such manufacture or importation is set forth in the research protocol submitted at the time of registration.

The term "manufacturer" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual's own use or the preparation, compounding, packaging, or labeling of a controlled substance:

- (1) By a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice, or
- (2) By a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

In order to complete the process of registration as a researcher of controlled substances, the DEA and State considers certain criteria. These criteria include:

- (1) Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;
- (2) Compliance with applicable state and local law;
- (3) Any convictions of the applicant under any federal and state laws relating to any controlled substance;
- (4) Past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion;
- (5) Furnishing by the applicant of false or fraudulent material in any application filed under this chapter;
- (6) Suspension or revocation of the applicant's federal registration to manufacture, distribute, prescribe or dispense controlled substances as authorized by federal law; and
- (7) Any other factor relevant to and consistent with the public health and safety.

Controlled substance registration under Federal and State law does not entitle a registrant to manufacture, dispense, prescribe, and distribute controlled substances in Schedule I or II other than those specified in the registration.

A controlled substance registration is necessary due to the fact that under Chapter 329-1 of the Hawaii Revised Statutes there is no distinction made between the plant genus Cannabis which both hemp and Marijuana are part of. State law defines "Marijuana" as all parts of the plant (genus) Cannabis whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant that is incapable of germination. The law focuses on the THC content of the plant genus Cannabis with a level over 0%.

The proposed hemp research project being described in Senate Bill 695 as written would not pass controlled substance protocol review by the Department or the DEA due to the language in Sections 2 through 4 relating to amending the definition of "marijuana" and the new definition of "industrial hemp" that conflicts with existing State and Federal law. For this proposed hemp research project protocol to pass, Section 2, Section 3, and Section 4 (page 3, lines 10 through 19) must be deleted from Senate Bill 695.

Under present federal and state law, any cannabis plant with a tetrahydrocannabinol level over zero percent is considered marijuana a

hallucinogenic Schedule I controlled substance and cannot be manufactured for sale to the public.

Thank you for the opportunity to testify on this matter.

POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



KIRK W. CALDWELL  
MAYOR

LOUIS M. KEALOHA  
CHIEF

DAVE M. KAJIHIRO  
MARIE A. McCAULEY  
DEPUTY CHIEFS

OUR REFERENCE **JI-TA**

February 4, 2013

The Honorable Donovan M. Dela Cruz, Chair  
and Members  
Committee on Economic Development,  
Government Operations and Housing  
The Honorable Will Espero, Chair  
and Members  
Committee on Public Safety,  
Intergovernmental and Military Affairs  
State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chairs Dela Cruz and Espero and Members:

Subject: Senate Bill No. 695, Relating to Industrial Hemp Research

I am Jerry Inouye, Captain of the Narcotics/Vice Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department **opposes** Senate Bill No. 695, Relating to Industrial Hemp Research.

This bill seeks to enact a hemp research law to allow privately funded industrial hemp research to be conducted in Hawaii. The industrial hemp research would involve the use of the marijuana plant which contains Tetrahydrocannabinol (THC), classified as a Schedule I controlled substance under the Controlled Substances Act of 1970. Allowing the cultivation of marijuana for the purpose of conducting research about industrial hemp will increase the number of persons who may undermine the efforts to regulate marijuana. This would increase the burden on the criminal justice system.

The Honorable Donovan M. Dela Cruz, Chair  
and Members

The Honorable Will Espero, Chair  
and Members

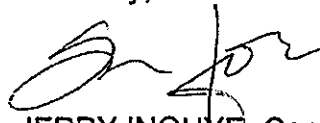
Page 2

February 4, 2013

The Honolulu Police Department urges you to oppose Senate Bill No. 695,  
Relating to Industrial Hemp Research.

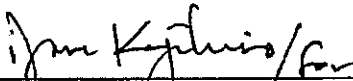
Thank you for the opportunity to testify.

Sincerely,



JERRY INOUE, Captain  
Narcotics/Vice Division

APPROVED:



LOUIS M. KEALOHA  
Chief of Police





ALAN M. ARAKAWA  
MAYOR

OUR REFERENCE

YOUR REFERENCE

# POLICE DEPARTMENT

## COUNTY OF MAUI

55 MAHALANI STREET  
WAILUKU, HAWAII 96793  
(808) 244-6400  
FAX (808) 244-6411



GARY A. YABUTA  
CHIEF OF POLICE

CLAYTON N.Y.W. TOM  
DEPUTY CHIEF OF POLICE

February 1, 2013

The Honorable Donovan M. Dela Cruz, Chair  
And Members of the Committee on Economic Development,  
Government Operations and Housing  
The Senate  
Hawaii State Capitol  
Honolulu, HI 96813

The Honorable Will Espero, Chair  
And Members of the Committee on Public Safety,  
Intergovernmental and Military Affairs  
The Senate  
Hawaii State Capitol  
Honolulu, HI 96813

Re: Senate Bill No. 695, RELATING TO INDUSTRIAL HEMP RESEARCH

Dear Chairs Dela Cruz and Espero, and Members of the Committees:

The Maui Police Department **opposes** the passage of S.B. No. 695, Relating to Industrial Hemp Research. This proposed bill allowing privately funded industrial hemp research to be conducted in Hawaii under certain conditions; requiring monitoring by the department of public safety, requiring reporting to county law enforcement; exempting agronomic data derived from research from public records disclosure; conferring immunity for criminal prosecution for the research, has several problematic issues that the Maui Police Department is opposed to.

The first issue regarding the growing of industrial hemp is the problem law enforcement faces when trying to determine the difference of industrial hemp and marijuana while enforcing existing marijuana laws. Though industrial hemp may have less THC (Tetrahydrocannabinol) than "street" marijuana in its dried form, industrial hemp is almost indistinguishable from dried "street" marijuana unless there is additional costly laboratory testing for the total THC content to tell the difference. This type of testing is time consuming and not readily available to officers on the street while they are busy enforcing laws and protecting the public.

The Honorable Donovan M. Dela Cruz, Chair  
Committee on Economic Development,  
Government Operations and Housing

The Honorable Will Espero, Chair  
Committee on Public Safety, Intergovernmental  
Military Affairs  
February 1, 2013  
Page 2

The next issue is the prohibitive costs in resources and manpower attached with this bill. In order to adhere to the proposed section of the bill that would have county law enforcement keep track of these privately owned facilities, we would need to expend resources and manpower to protect these facilities, respond to emergencies, and assign personnel to keep track of data, all for a "private" entity. With resources and manpower for almost all county law enforcement agencies in our state stretched thin in a slow economy, an additional task like this would divert from the communities we serve and would be undesirable.

The final issue of note is that these facilities, at this present time, would be against federal law without a permit. The DEA (Drug Enforcement Agency) must issue a permit for a facility to operate in the United States. The current regulations to issue a permit requires several factors to be met before a permit can be issued. As these regulations are very strict, there appears to be no current issued DEA permits for these types of facilities in the United States that we are aware of.

The Maui Police Department asks for your opposition for S.B. No. 695.

Thank you for the opportunity to testify.

Sincerely,



GARY A. YABUTA *rvs*  
Chief of Police

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
No. 1 CAPITOL DISTRICT BUILDING  
250 SOUTH HOTEL STREET, SUITE 107  
HONOLULU, HAWAII 96813  
TELEPHONE: 808-586-1400 FAX: 808-586-1412  
EMAIL: oip@hawaii.gov

To: Senate Committees on Economic Development and Technology and on  
Public Safety, Government Operations, and Military Affairs

From: Cheryl Kakazu Park, Director

Date: February 4, 2013, 2:45 p.m.  
State Capitol, Conference Room 016

Re: Testimony on S.B. No. 695  
Relating to Industrial Hemp Research

---

Thank you for the opportunity to submit testimony on this bill. The Office of Information Practices (“OIP”) takes no position on the substance of this bill, which would allow privately funded industrial hemp research in Hawaii under set conditions. OIP is testifying to request clarification and amendment of a confidentiality provision within the bill.

Bill section 4(e) provides that agronomic data “shall not be subject to disclosure under chapter 92F, Hawaii Revised Statutes; provided that the data is proprietary in nature and disclosure would frustrate a legitimate government or law enforcement function.” It is not clear whether the “provided that” clause is a limitation, or an addition, to the agronomic data’s non-disclosability. In other words, it is unclear whether the bill makes agronomic data non-disclosable only if it is proprietary in nature and its disclosure would frustrate a legitimate government function, or whether the bill makes all agronomic data non-disclosable and also declares that all agronomic data is proprietary and would frustrate a legitimate government function.

Senate Committees on Economic Development and Technology and on  
Public Safety, Government Operations, and Military Affairs  
February 4, 2013  
Page 2 of 2

**If this Committee intends the agronomic data to be non-disclosable only to the extent that it is proprietary and would frustrate a legitimate government function, OIP recommends amending the provision to state that agronomic data “shall be kept confidential if it falls under an exception to public disclosure under chapter 92F, Hawaii Revised Statutes.”**

**If this Committee intends the agronomic data to be entirely confidential, OIP recommends amending the provision to simply state that agronomic data “shall be confidential.”**

Thank you for the opportunity to testify.





· P.O. Box 240323· Honolulu, HI 96824 ~ *phone*: 808 469-5249  
*email*: [pamelalichty@gmail.com](mailto:pamelalichty@gmail.com) ~ *website*: [www.dpfhi.org](http://www.dpfhi.org)

TO: SENATE COMMITTEE ON ECONOMIC DEVELOPMENT,  
GOVERNMENT OPERATIONS, & HOUSING AND COMMITTEE ON PUBLIC  
SAFETY, INTERGOVERNMENTAL & MILITARY AFFAIRS

FROM: PAMELA LICHTY, M.P.H., PRESIDENT

DATE: FEBRUARY 4, 2013, ROOM 016229

RE: S.B. 695 RELATING TO INDUSTRIAL HEMP RESEARCH – IN  
**STRONG SUPPORT**

Good afternoon, Chairs Dela Cruz, Espero and members of the Committee. My name is Pam Lichty and I'm President of the Drug Policy Action Group (DPAG), the government affairs arm of the Drug Policy Forum of Hawaii.

Let me begin by thanking you for hearing this important bill today. Dozens of nations all over the world are growing industrial hemp and benefitting from the myriad products that can be produced from it. The Hawaii State Legislature was forward thinking when you enacted the original hemp research law in 1999 and I regretted to see that it was allowed to sunset in 2005.

The rationale for producing hemp in Hawaii is as strong and valid now as it was in 1999 and if anything the market for such environmental friendly products as increased. The fears that growing industrial hemp would disguise adjacent marijuana fields with higher levels of THC have been effectively debunked. And the necessary security safeguards are built into this measure.

We urge the committee to approve this sensible and economically beneficial measure and send it out to the next committee with a strong recommendation for passage. Again thank you for hearing this measure today and for giving us the opportunity to testify.

*The Drug Policy Action Group, founded in 2004, is a sister organization to the 20 year old Drug Policy Forum of Hawaii. Its mission is to advocate for effective, non-punitive drug policies that minimize economic, social and human costs and to encourage pragmatic approaches based on science and concern for human dignity.*



**Dane Wicker**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 03, 2013 2:04 PM  
**To:** EGHTestimony  
**Cc:** suzanne@punapono.com  
**Subject:** \*Submitted testimony for SB695 on Feb 4, 2013 14:45PM\*

**SB695**

Submitted on: 2/3/2013

Testimony for EGH/PSM on Feb 4, 2013 14:45PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Suzanne Wakelin	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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)