

# SCR74/SR45

**Measure Title:** URGING THE LEGISLATURE TO CONVENE A WORKING GROUP TO RESEARCH, DISCUSS, AND MAKE RECOMMENDATIONS REGARDING EDIBLE MEDICAL MARIJUANA PRODUCTS.

**Report Title:** Medical Marijuana; Working Group; Edibles

**Description:**

**Companion:**

**Package:** None

**Current Referral:** CPH, WAM

**Introducer(s):** ESPERO, RUDERMAN, Baker, Ihara, Keith-Agaran, Kidani, Nishihara

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Acting Director

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LEGISLATIVE REFERENCE BUREAU  
State of Hawaii  
State Capitol, Room 446  
415 S. Beretania Street  
Honolulu, Hawaii 96813

## Written Testimony

# **SCR74 URGING THE LEGISLATURE TO CONVENE A WORKING GROUP TO RESEARCH, DISCUSS, AND MAKE RECOMMENDATIONS REGARDING EDIBLE MEDICAL MARIJUANA PRODUCTS**

Testimony by the Legislative Reference Bureau  
Charlotte A. Carter-Yamauchi, Acting Director

Presented to the Senate Committee on Commerce, Consumer Protection, and Health

Wednesday, March 23, 2016, 9:30 a.m.  
Conference Room 229

Chair Baker and Members of the Committee:

Good morning Chair Baker and members of the Committee, my name is Charlotte Carter-Yamauchi and I am the Acting Director of the Legislative Reference Bureau. Thank you for providing the opportunity to submit written comments on S.C.R. No. 74, Urging the Legislature to Convene a Working Group to Research, Discuss, and Make Recommendations Regarding Edible Medical Marijuana Products.

The purpose of this measure is to:

- (1) Urge the Legislature to convene a working group to research, discuss, and make recommendations for legislation regarding edible medical marijuana products;
- (2) Request that the working group meet a minimum of four times before January 1, 2017, to discuss:
  - (A) New medical marijuana edible products, including drinks, for patients;
  - (B) Packaging for medical marijuana edible products;
  - (C) Best practices in other states;
  - (D) Quality control and potency of medical marijuana edible products; and
  - (E) Any other pertinent issue relating to medical marijuana products that may be sold at medical marijuana dispensaries;

- (3) Request that the working group meetings be open to the public and include a segment for public comment;
- (4) Request the Legislative Reference Bureau to assist the working group with research, notetaking at meetings, provide minutes of meetings, and prepare the working group's final report; and
- (5) Request that the working group report its findings and recommendations, including any proposed legislation, to the Legislature no later than January 1, 2017;

While the Legislative Reference Bureau takes no position on the measure, we submit the following comments for your consideration.

With the enactment of the medical marijuana dispensary law just last year and the actual operation of such dispensaries still months away, it seems premature at this time to delve into expanding the scope of medical marijuana products that may be dispensed even before the actual dispensing of medical marijuana has commenced. It may be more prudent to either: delay expansion discussions until Hawaii's medical marijuana dispensing system has been operating for six months or more, to allow for the collection of actual data and information therefrom; or statutorily provide the Department of Health with rulemaking authority to expand the medical marijuana products that may be dispensed, after a series of public hearings.

In addition, with regard to the request that the Bureau assist the working group with research, take notes at meetings, provide minutes of meetings, and prepare the working group's final report, we note that, for 2014 medical marijuana dispensary task force, the nature of assistance requested of the Bureau appropriately involved only research, report writing, and bill drafting services. We further note that the complex nature, broad scope, and contentious debate on this issue in the past necessitated the assignment of two Bureau Research Attorneys to handle that heavy workload. If the Legislature deems it appropriate to require that the Bureau be responsible for these other ministerial tasks associated with this working group, the assumption of these responsibilities will most likely adversely impact the Bureau's ability to conduct other research activities for the Legislature and its members during the interim.

Thank you again for your consideration.



*Dedicated to safe, responsible, humane and effective drug policies since 1993*

TO: Senate Committee on Commerce, Consumer Protection and Health  
FROM: Carl Bergquist, Executive Director  
HEARING DATE: 23 March 2016, 9:30AM  
RE: SCR74, Report Title: “Medical Marijuana; Working Group; Edibles”  
**IN STRONG SUPPORT**

Dear Chair Baker, Vice Chair Kidani and Committee Members:

The Drug Policy Forum of Hawai'i (DPFHI) **strongly supports** this resolution urging the legislature to convene a working group to research, discuss and make recommendations regarding edible medical cannabis products. HRS 329D-10(7) would allow the Department of Health to permit additional types of manufactured products, but they chose not to do so when they issued their interim administrative rules in late 2015. Indeed, it fell upon the legislature to propose the addition of three new important products (“transdermal patches, marijuana cigarettes and prefilled containers” for inhaling) via HB2707 HD1 SD1, legislation that recently passed out of this committee. Accordingly, we find it more likely that the needed edibles would be added via statute, and that the proposed working group in this bill could guide the way forward.

Edibles provide long-lasting relief and are often the only alternative for those who cannot smoke or inhale their medicine. Unfortunately, there is a lot of misinformation available about medical cannabis edibles out there. The media has been quick to sell copy with [stories of Halloween cannabis candies and more, yet these have all been debunked](#). Rather than be guided by fear, we need to recognize that [this product is potent and needs safe handling](#). Simultaneously, it also demonstrably helps the very patients that the legislature targeted when it first created medical cannabis registry in 2000, and then again last year when it followed up with the medical cannabis dispensary system. As with all medication, safety goes hand in hand with regulation.

We would be honored to be part of this working group, but humbly suggest the addition of the Hawai'i Dispensary Alliance (a trade association) and the Medical Cannabis Coalition of Hawai'i (a patient support network).

Mahalo for the opportunity to testify.



**ON THE FOLLOWING MEASURE:**

S.C.R. 74 Medical Marijuana; Working Group; Edibles

BEFORE THE:

SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

DATE: Wednesday, March 23, 2016                      TIME: 9:30 a.m.

LOCATION: State Capitol, Conference Room 229

TESTIFIER: Christopher Garth, Executive Director

Honorable Chair Baker, Vice-Chair Kidani, and Members of the Committee:

The Hawai'i Dispensary Alliance stands in **STRONG SUPPORT (with comments)** of the initiative proposed in **S.C.R. 74**. Our membership supports this Concurrent Resolution because it offers a common sense approach to expanding the list of acceptable medical marijuana agents and products. The findings of this working group will allow better access to necessary medicine that would significantly improve the lives of Hawai'i's medical marijuana patients. Additionally, this working group could contribute to the development of a new sector of Hawai'i's economy.

It is our opinion that a thoughtful approach to ensure safer access to better medicine, while boosting the local economy with career opportunities and new jobs is a triple win for your constituency and the legacy that you leave.

Our only comment comes as a humble request that your committee will consider adding a delegate of the Hawai'i Dispensary Alliance to the proposed list of working group members. With that, the Hawai'i Dispensary Alliance strongly supports S.C.R. 74 to be moved forward for further discussion.

Thank you very much for the opportunity to provide testimony on this measure.

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**SCR74**

Submitted on: 3/19/2016

Testimony for CPH on Mar 23, 2016 09:30AM in Conference Room 229

| <b>Submitted By</b> | <b>Organization</b>                  | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|--------------------------------------|---------------------------|---------------------------|
| Wailua Brandman     | Hawaii Assoc. of Professional Nurses | Support                   | No                        |

Comments:

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**Date:** Monday, March 21, 2016 6:30:08 PM

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**SCR74**

Submitted on: 3/21/2016

Testimony for CPH on Mar 23, 2016 09:30AM in Conference Room 229

| <b>Submitted By</b>     | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|-------------------------|---------------------|---------------------------|---------------------------|
| De MONT R. D.<br>CONNER | Ho'omana Pono, LLC. | Support                   | Yes                       |

Comments: Ok. We support this bill. We'd gladly volunteer to be apart of the working group to do the "research". LOL!

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TO: Senate Committee on Commerce, Consumer Protection and Health  
FROM: Kush Bottles Hawai'i, Miles W. Tuttle, Owner  
HEARING DATE: 23 March 2016, 9:30am  
RE: SCR 74, Relating to medical marijuana, **STRONG SUPPORT**

Dear Chair Baker, Vice Chair Kidani and Committee Members:

Kush Bottles Hawai'i (KBH) **strongly supports** this measure (SCR 74) to urge the legislature to convene a working group to research, discuss, and make recommendations regarding edible medical marijuana products.

As the consumption of edible products surpasses the smoking of dried flowers as a preferred or healthier method of medication, dispensaries in other states are accommodating these patient demands. This working group will research and discuss the following:

**1. List of medical marijuana edible products, including drinks, for patients:**

Rice Crispy Treats, Lollipops, Hubby Bars (Chocolate and Hash Oil), Caramels, Fudge, Butter, Lemonade, Peanut Butter, Chocolate Bars, Chocolate-Covered Pretzels, Brownies, Chocolate Truffles, Cinnamon-Blueberry Muffins, Peanuts, Agave Nectar, Sugar-Free Hard Candy, Lozenges, Coffee, Oatmeal Raisin Cookies, Taffy, Hard Candy, Vegan Peanut Butter Cups, Ice Cream, Olive Oil, 'Bop Bop' Ice Cream Sandwiches, Bacon Cheddar Biscuit, Savory Pretzels, Chocolate-Hazelnut Spread, and many more...

**2. Packaging for medical marijuana edible products:**

“Colorado’s Packaging and Labeling Requirements for Retail Marijuana for Consumer Protection and Child Safety”

Colorado has regulations for medical marijuana and now for retail marijuana. Colorado’s new Retail Marijuana Code covers three types of products: Marijuana, marijuana products including edible products, and marijuana concentrates. Before sale to a consumer, a retail marijuana store must place any of these products in a container that is child-resistant or place the container in an “exit package” that is child resistant. “Child resistant” packaging must conform to federal consumer product safety regulations and an ASTM standard; be opaque so the product cannot be seen; be closable if not intended for single use; and be properly labeled pursuant to the Retail Code. Proper labeling includes specific warning statements for each of



the three product types; Colorado's Universal Symbol indicating the container holds marijuana; a list of all nonorganic pesticides, fungicides and herbicides used to produce the marijuana; and a list of solvents and chemicals used to produce marijuana concentrate. Use of certain pesticides and chemicals is prohibited. Containers for edible marijuana products must be labeled with all ingredients, if refrigeration is required, standard serving limit and expiration date. Other statements are required if testing was performed for potency or contaminants. Find more information at Colorado Department of Revenue, Marijuana Enforcement Division, [www.colorado.gov/revenue](http://www.colorado.gov/revenue).

Keep all marijuana products away from children, especially if they are edible and look like candy or snacks!!

### **3. Best practices in other states:**

As a comparative policy analysis in reference to the twenty-three states (and the District of Columbia) that currently allow access to medical marijuana (Alaska, Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington), selected specific language is available pertaining to edible/manufactured products, packaging/labeling, and quality control/potency.

### **4. Quality control and potency of medical marijuana products:**

Based on this current vertically integrated market, various solutions exist to create oversight that can virtually guarantee superior quality and potency of medical marijuana products. These solutions can be discussed and researched within this working group.

### **5. Any other pertinent issues relating to medical marijuana products that may be sold at medical marijuana dispensaries:**

As technology and patient preferences shift toward personal electronic vaporizing devices, the medical cannabis industry will face similar packaging and safety issues concerning the electronic cigarette industry.

“Kush Bottles Becomes First in Nation to Offer CPSC Certified Packaging for the Electronic Cigarette Industry”

President Obama recently signed into law new regulations that require child-proof packaging for e-cigs. Manufacturers and sellers of electronic cigarettes will be required to use child-resistant packaging for liquid nicotine containers.

The Child Nicotine Poisoning Prevention Act, which was sponsored by Sen. Bill Nelson (D-Fla.), requires that liquid nicotine must be sold in child-proof bottles. The Act expands a patchwork of laws in an effort to protect children from this serious poisoning threat.

"A few drops of this stuff can cause a child to become extremely ill," said Sen. Nelson. "Requiring child-proof caps on these bottles is just common sense."

The number of child poisonings from nicotine has climbed dramatically in recent years, from 271 cases in 2011, to 3,783 cases in 2014, according to the American Association of Poison Control Centers.

Kush Bottles is one of the only companies that has a ready supply of approved packaging options for e-cigarettes. "Any time that congress takes steps to protect children, it is a step in the right direction," said Nicholas Kovacevich, Co-Founder and CEO of Kush Bottles, Inc. "As the nation's premier supplier of certified child safe containers to the cannabis industry, we stayed involved with the regulatory process and stood ready with a line of e-cig containers that already meet the high standards set by the Consumer Product Safety Commission."

-No current dispensaries exist in Hawai'i, yet medical cannabis is being grown. **The quality of this product may be questionable.**

-If dispensaries do not sell medical cannabis cigarettes, medical cannabis cigarettes will still be produced. **The quality of this product may be questionable.**

-If dispensaries do not sell medical cannabis edibles, medical cannabis edibles will still be produced. **The quality of this product may be questionable, and may cause serious illness.**

Thank you for the opportunity to testify.

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**SR45**

Submitted on: 3/20/2016

Testimony for CPH on Mar 23, 2016 09:30AM in Conference Room 229

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Alan Yoshimoto      | Individual          | Support                   | No                        |

Comments: As a patient who has a medical marijuana card in Hawaii, I support this measure to advance the selling of edibles in dispensaries. Edibles are the optimum way to ingest this medicine for me and many other patients. Personally, it is due to a compromised respiration system that is sensitive to inhalants. Thank you.

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**SCR74**

Submitted on: 3/19/2016

Testimony for CPH on Mar 23, 2016 09:30AM in Conference Room 229

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
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| Bonnie Marsh        | Individual          | Support                   | No                        |

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**ON THE FOLLOWING MEASURE:**

S.R. 45 Medical Marijuana; Working Group; Edibles

BEFORE THE:

SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND  
HEALTH

DATE: Wednesday, March 23, 2016      TIME: 9:30 a.m.

LOCATION: State Capitol, Conference Room 229

TESTIFIER: Cris Clatte

POSITION: **SUPPORT**

Honorable Chair Baker, Vice-Chair Kidani, and Members of the Committee:

As stakeholder in the medical marijuana industry I am writing in **STRONG SUPPORT** of the initiative proposed in **S.R. 45**. I support this concurrent resolution because it offers a common sense approach to expanding the list of acceptable medical marijuana agents and products. The findings of this working group could allow better access to necessary medicine that would significantly improve the lives of Hawai'i's medical marijuana patients. Additionally, this working group could contribute to the development of a new sector of Hawai'i's economy.

It is my opinion that a thoughtful approach to ensure safer access to better medicine, while boosting the local economy with career opportunities and new jobs is a triple win for your constituency and the legacy that you leave.

I would like to recommend that S.R. 45 be moved forward for further discussion. Thank you very much for the opportunity to provide testimony on this measure.

Respectfully,



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## **SCR74**

Submitted on: 3/22/2016

Testimony for CPH on Mar 23, 2016 09:30AM in Conference Room 229

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Georgina Mckinley   | Individual          | Support                   | No                        |

Comments: After sixteen years of opposition, fear-mongering, and delay, it's beginning to seem more likely that safe access to medical marijuana may finally become a reality for patients in Hawaii. Forty states across the country now allow some form of legal marijuana, so it's about time! Considering the state's unreasonably slow and overly cautious approach, it wasn't a surprise to learn that the scope of products permitted in Hawaii's medical marijuana dispensaries, when they eventually begin operating, is extremely limited. A good dispensary should provide a wide variety and good selection of medicine ... for smoking, vaporizing, topical application, and ingesting. Each product has its own specific advantages. Edible marijuana products may be a healthier alternative to inhaling smoke. For some patients, such as those using supplemental oxygen, smoking is not an option. For others, the fast-acting effects of smoking or vaporizing (which is absorbed directly into the bloodstream via the lungs) may wear off too quickly and they might need repeated doses to manage symptoms, while an edible product (processed via the digestive system) can provide more gradual onset but longer-lasting relief. The state should not dictate how a patient takes their medicine. I strongly support SCR 74 / SR 45 - the Senate Resolution urging the Legislature to convene a working group to research, discuss, and make recommendations regarding edible medical marijuana products.

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**SCR74**

Submitted on: 3/21/2016

Testimony for CPH on Mar 23, 2016 09:30AM in Conference Room 229

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Jari S.K. Sugano    | Individual          | Support                   | No                        |

Comments:

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**SR45**

Submitted on: 3/19/2016

Testimony for CPH on Mar 23, 2016 09:30AM in Conference Room 229

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Joseph A. Bobich    | Individual          | Support                   | No                        |

Comments:

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**SR45**

Submitted on: 3/20/2016

Testimony for CPH on Mar 23, 2016 09:30AM in Conference Room 229

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Marilyn Mick        | Individual          | Support                   | No                        |

Comments: This resolution is specific to edibles and thus highlights how important they can be for many patients. - Edibles may provide the best results for certain conditions such as chronic pain. - Many patients prefer using edible products over smoking or vaporizing. - While smoking/vaporizing cannabis is the quickest delivery system, edibles provide longer lasting medicinal effects. Patients may need both to have short-term and long-term results. - With proper education, the side-effects can be minimized and safety from diversion to children maintained.

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**SCR74**

Submitted on: 3/20/2016

Testimony for CPH on Mar 23, 2016 09:30AM in Conference Room 229

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Mark Gordon         | Individual          | Support                   | No                        |

Comments: Aloha ! Please SUPPORT a medical cannabis edibles working group. It has been found that edibles may provide the best results for certain conditions such as chronic pain. Many patients prefer using edible products over smoking or vaporizing. Smoking/vaporizing cannabis is the quickest delivery system. However, Edibles have been shown to provide longer lasting medicinal effects. Patients should have the option to purchase edibles and non edibles for short-term and long-term results. In States which now allow medical cannabis edibles, there have been very, very few incidents where edibles have been found to be easily accessible to children or where they have taken any. Please SUPPORT a medical cannabis edibles working group. Respectfully submitted, Mark Gordon Waikoloa HI

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Dr. Myron Berney, ND Lac  
908 16<sup>th</sup> Ave, Honolulu, HI 96816-4126  
808-392-3366

The following information and communication is CONFIDENTIAL  
And May not accurately reflect the opinions and statements of the author.

SCR 74/SR 45 Support

SCR 74/SR 45 please consider putting this language into HB2707 HD1.

May I also point out that HRS 329-11 requires an extensive study and review of the various controlled substances or they can just slip through the loophole of blindly following the Federal lead, Law and policies.

Hawaii took the loophole down the rabbit hole of Marijuana Prohibition but found its way in 2000.

However law enforcement took out the shot guns and is keeping healthcare and public safety trapped in the rabbit hole of their medical and legal hoax

The Obligations of the Department of Public Safety under HRS 329-11 should be handled by HB2707 instead of being ignored under DPS

These two important government functions should be included in the goals of the Advisor Committee.

The Legislative Auditor can also be used to serve many of these same informational and administrative goals.

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**SCR74**

Submitted on: 3/22/2016

Testimony for CPH on Mar 23, 2016 09:30AM in Conference Room 229

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Wendy Gibson        | Individual          | Support                   | No                        |

Comments: If we are to treat cannabis as a legitimate medication we need to provide safety measures to protect the patient as well as the public. Edible products provide a safe and effective medicine for tens of thousands of patients (of ALL AGES) and need to be used wisely to avoid unwanted side-effects. Having an Edibles Working Group would be useful in helping to establish whether or not it would be feasible and safe to allow medical cannabis dispensaries to sell edible products. I support this effort to do so with SCR74/SR45

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**SCR74**

Submitted on: 3/21/2016

Testimony for CPH on Mar 23, 2016 09:30AM in Conference Room 229

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Elijah Ariel        | Individual          | Comments Only             | No                        |

Comments: I am over 60 years old and would be a hopeless FDA approved 'JUNKIE' if it were not for my Medical Marijuana alternative. I PREFER EDIBLES TO SMOKING as smoking can be an inconvenience to others and I'm SICK TO HELL TIRED of marijuana hurting my singing voice. HOWEVER I AM TOTALLY AGAINST making edible marijuana products that children might mistake for yummy pastry or candy. I STRONGLY URGE YOU to pass legislations that PERMANENTLY BAN any edible marijuana product that taste like cookies, cake or candy. All it takes is for the kid of one idiot to end up in the hospital, because of edible marijuana, to make things bad for the rest of us. Thanks

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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