

Honolulu, Hawaii

FEB 16 2017

RE: S.B. No. 173

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committees on Commerce, Consumer Protection, and Health and Public Safety, Intergovernmental, and Military Affairs, to which was referred S.B. No. 173 entitled:

"A BILL FOR AN ACT RELATING TO MEDICAL MARIJUANA,"

beg leave to report as follows:

The purpose and intent of this measure is to amend the law pertaining to medical marijuana by:

- (1) Clarifying that the definition of "adequate supply" of marijuana includes seven marijuana plants that are at least twelve inches in height or width and seven marijuana seedlings that are less than twelve inches in height and width;
- (2) Authorizing primary caregivers to continue cultivating marijuana for qualifying patients after December 31, 2018;
- (3) Allowing an individual to work in the medical marijuana industry or be a licensee if the individual has not served time in prison for a felony conviction in the five years immediately preceding the employment or application, whichever is applicable; and
- (4) Defining edible cannabis products and authorizing licensed medical marijuana dispensaries to manufacture



and distribute edible cannabis products beginning July 1, 2018.

Your Committees received testimony in support of this measure from the Hawai'i Dispensary Alliance, Drug Policy Forum of Hawai'i, Drug Policy Action Group, Pakalōlō Suite, Custom Tattooing LLC, and twenty-one individuals. Your Committees received testimony in opposition to this measure from the Department of Public Safety, Department of Transportation, and one individual. Your Committees received comments on this measure from the Department of the Attorney General and one individual.

Your Committees find that chapter 329D, Hawaii Revised Statutes, was enacted pursuant to Act 241, Session Laws of Hawaii 2015, to establish medical marijuana dispensaries. As Hawaii expands its medical marijuana program through dispensaries, it is important that discussions continue to ensure that patients have adequate access to medical marijuana. Your Committees received testimony that the existing allowance of seven plants is not sufficient for some medical marijuana patients, and that being able to grow seven seedlings at the same time as the maturing plants helps ensure that there is a constant supply of medicine for the qualifying patient. Your Committees additionally find that allowing manufactured marijuana products such as edibles provides qualified patients with more choices in their treatment due to the slow release and long duration of efficacy that are unique to edible cannabis products.

Your Committees have amended this measure by:

- (1) Making the authority of primary caregivers to cultivate marijuana for qualifying patients terminate on December 31, 2020, rather than making the authority permanent;
- (2) Removing the provisions that permit a felon to work in the medical marijuana industry and be a licensee if the individual has not served time in prison for a felony conviction in the five years immediately preceding the employment;
- (3) Adding language to the definition of "edible cannabis products" to:




- (A) Require the products be manufactured in a certified kitchen within a production center using marijuana grown in a production center;
 - (B) Require the products to be tested and specifically labeled for each product's dosage and strength;
 - (C) Prohibit gummies, brightly colored candies, and other products that may attract children or bear resemblance to other commercially available products; and
 - (D) Allow liquid products that contain no more than ten milligrams of activated tetrahydrocannabinol per serving;
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 173, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 173, S.D. 1, and be referred to your Committees on Judiciary and Labor and Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Commerce,
Consumer Protection, and Health
and Public Safety,
Intergovernmental, and Military
Affairs,

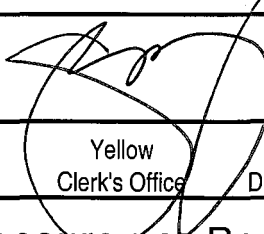

CLARENCE K. NISHIHARA, Chair


ROSALYN H. BAKER, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:* SB 173	Committee Referral: CPH/PSM, JDL/WAM	Date: 2/9/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
IHARA, Jr., Les				✓
THIELEN, Laura H.	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes