

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov



**Testimony COMMENTING on HB836  
RELATING TO MEDICAL MARIJUANA**

REPRESENTATIVE DELLA AU BELATTI, CHAIR  
HOUSE COMMITTEE ON HEALTH

Hearing Date: February 7, 2017      Room Number: 329

1    **Fiscal Implications:** None

2    **Department Comments:**

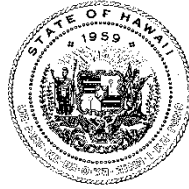
3    The purpose of this bill is to authorize the interisland transportation of marijuana by medicinal  
4    marijuana patients and primary caregivers, to authorize certified laboratories to test marijuana  
5    received from patients and primary caregivers and to require DOT to adopt rules regarding  
6    interisland transportation of marijuana. The department generally OPPOSES the passage of new  
7    laws related to marijuana until the medical marijuana dispensaries open and the department has  
8    the chance to gauge the impact upon the State, particularly as it relates to authorized access to  
9    MMJ facilities. Notwithstanding the department's opposition, the Legislature may wish to  
10    consider a provision for certified laboratories to test samples of marijuana submitted directly by  
11    registered patients or caregivers. From a public health perspective, registered patients could  
12    benefit by having access to as much accurate information as possible to protect their health and  
13    safety. Approximately 84% of all registered patients (12,831) currently grow their own medical  
14    marijuana. Even after dispensaries open there will likely remain a very significant number of  
15    home growers. Currently, registered home growers do not have the ability to test their medicine.

1 Dispensaries are required to test each batch of marijuana for its chemical profile and  
2 contaminants as specified in HAR 11-850-85 and labs are required to issue a certificate of  
3 analysis for each batch tested. Registered patients would benefit from this same information and  
4 allow them to make informed potentially safer decisions on the consumption of their medication.

5 Should the laboratories be allowed to conduct the same tests for patients currently authorized and  
6 required for dispensaries, DOH recommends that visual verification of patient registration be  
7 achieved by requiring the patient or caregiver to present both their valid 329 card and their valid  
8 state issued identification.

9

10 Thank you for the opportunity to comment.



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

February 7, 2017  
8:35 a.m.  
State Capitol, Room 329

**H.B. 836**  
**RELATING TO MEDICAL MARIJUANA**

House Committee on Health

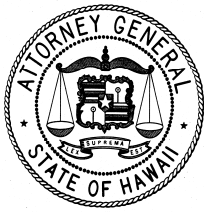
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The Department of Transportation (DOT) **opposes** H.B. 836 which requires DOT to adopt rules regarding interisland transportation of marijuana.

Although marijuana laws and regulations have changed in some U.S. States, they have not changed at the Federal level, and Federal law governs what happens on board an airliner in the US. Those Federal laws and regulations are summarized below:

- Secure areas of the airport (the area beyond TSA screeners) are under Federal control and the responsibility of enforcement.
- Marijuana is not allowed in the secure areas of the airport.
- The US Federal Government does not allow marijuana on airliners, either in carry-on bags, checked luggage, or cargo.
- Passengers are not allowed to carry marijuana and related products into, within or out of the US.
- Marijuana that is prescribed for medical conditions (Medical Marijuana) has the same federal restrictions as marijuana purchased for recreational use (Recreational Marijuana).
- The Federal government regulates drugs through the Controlled Substances Act (CSA) (21 U.S.C. § 811), which does not recognize the difference between medical and recreational use of cannabis. These laws are generally applied only against persons who possess, cultivate, or distribute large quantities of cannabis.

Thank you for the opportunity to provide testimony.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-NINTH LEGISLATURE, 2017**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 836, RELATING TO MARIJUANA.

**BEFORE THE:**

HOUSE COMMITTEE ON HEALTH

**DATE:** Tuesday, February 7, 2017

**TIME:** 8:30 a.m.

**LOCATION:** State Capitol, Room 329

**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
Jill T. Nagamine, Deputy Attorney General

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Chair Belatti and Members of the Committee:

The Department of the Attorney General provides the following comments.

This bill would (1) attempt to legalize interisland transportation of marijuana and manufactured marijuana products by qualifying patients and their primary caregivers, (2) allow certified laboratories to test samples of marijuana and manufactured marijuana products received directly from qualifying patients or primary caregivers, and (3) require the Department of Transportation to adopt rules pursuant to chapter 91, Hawaii Revised Statutes (HRS), regarding the interisland transportation of marijuana, usable marijuana, and manufactured marijuana products.

We generally oppose the passage of new laws related to marijuana until the medical marijuana dispensaries open and the State has the opportunity to gauge their impact.

We provide the following specific comments:

(1) **Concerns with inter-island travel:**

Proposed new section 329-A, HRS, at page 2, lines 10-20, would purport to allow qualifying patients and primary caregivers to transport marijuana or manufactured marijuana products between the islands in a manner and an amount prescribed by rules adopted by the Department of Health (DOH) pursuant to "this chapter" and by the Department of Transportation (DOT) pursuant to the new section in chapter 261, HRS, proposed at page 2, lines 1-6 of this bill. (Note: chapter 329, HRS, provides no express

authority for the DOH to adopt rules for interisland transport of marijuana, so this bill would need to authorize rulemaking for this topic.)

Requiring state agencies to adopt rules to allow interisland transport of marijuana essentially mandates a state agency to "permit" the violation of a federal law ranging from simple possession (21 U.S.C. § 844(a)) to possession on board vessels (21 U.S.C. § 955). While certain protections and defenses may be available on land and within the boundaries of Hawaiian waters, neither chapter 261, HRS, nor chapter 329, HRS, would be able to protect against federal laws within an exclusive federal or international jurisdiction.

If this Committee decides to pass this bill, including the provision to allow interisland transport of marijuana and manufactured marijuana products, we strongly recommend that the effective date of section 329-A, HRS, be postponed to take effect only upon the effective dates of the administrative rules required for both the DOH and the DOT, but the rulemaking authority itself would have to take effect prior.

**(2) Concerns with laboratory testing of marijuana and manufactured marijuana products received directly from qualifying patients or primary caregivers:**

While we do not oppose a means of allowing qualifying patients and primary caregivers to obtain independent testing of either the marijuana products they obtain from dispensaries or which they grow themselves, we have a serious legal concern about amending section 329-122(d)(3), HRS, to allow unlimited transport of marijuana, usable marijuana, or manufactured marijuana products by qualifying patients and primary caregivers.

Currently, section 329-122(d), HRS, allows transport only between (1) qualifying patients and their primary caregivers, (2) production centers and retail dispensing locations under a dispensary licensee's license, and (3) production centers and retail dispensing locations and certified laboratories for testing. With over 15,000 qualifying patients in the State, allowing qualifying patients and primary caregivers to transport marijuana and its products to and from laboratories offers too many opportunities for marijuana to be out in public and would increase the risk that some patients and

caregivers would transport marijuana or marijuana products for purposes of diversion rather than for laboratory testing.

The proposed amendment at page 3, lines 15-16, would diminish the State's authority to keep marijuana and its products from being diverted away from qualifying patients, because, without a limitation, any qualifying patient or primary caregiver, if questioned by law enforcement about being in possession of marijuana, could claim to be transporting it to a laboratory for testing, and use the proposed amendment as a legal defense to otherwise illegal activity.

If this Committee decides to pass this bill, we strongly recommend that wording be inserted to allow transport of marijuana or its products by qualifying patients or primary caregivers to a certified laboratory only if the qualifying patient or primary caregiver (1) secures an appointment with a certified laboratory, (2) obtains a written confirmation from the laboratory of the exact date and time of the appointment, including a detailed description of the products and the exact amount that will be transported to the laboratory; (3) carries the written confirmation attached to the marijuana or manufactured marijuana products during transport, and (4) transports the marijuana or marijuana products directly to the certified laboratory at the appointed time. All of the marijuana or manufactured marijuana products transported directly to certified laboratories by qualifying patients or primary caregivers would be retained by the certified laboratory for testing and subsequent disposal, with none being returned to the qualifying patient or primary caregiver.

We respectfully ask the Committee to make the recommended amendments if it passes this bill.



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

TO: House Committee on Health  
FROM: Carl Bergquist, Executive Director  
HEARING DATE: 7 February 2017, 8:30AM  
RE: HB836, Relating to Medical Marijuana, **STRONG SUPPORT**

Dear Chair Belatti, Vice Chair Kobayashi, Committee Members:

The Drug Policy Forum of Hawai'i (DPFHI) **strongly supports** this measure to authorize the interisland transportation of medical cannabis by registered patients and caregivers as well as to allow certified laboratories to test medical cannabis provided by these patients and caregivers. These changes are essential to end the legal discrimination of those who happen chose this medicine instead of e.g. prescription painkillers. Saying to these patients that they cannot find out if their medicine is as effective as a medicine produced by a dispensary or that they cannot travel with it when visiting friends/family or conducting business is needlessly cruel. Regarding transportation, this bill will further bring our statutes in line with the spirit of the Hawai'i Supreme Court's ruling in State v. Woodhall (2013).

Given the delays in the opening of even a single dispensary to date, **we need to secure and enhance the rights of the patients and caregivers who have sustained the medical cannabis program since its inception in 2000**. Being able to test a medicine at a certified laboratory and being able to travel with it to a neighbor island are simple fixes that will improve the lives of the suffering patients of Hawai'i.

Mahalo for the opportunity to testify.

# HAWAII EDUCATIONAL ASSOCIATION FOR LICENSED THERAPEUTIC HEALTHCARE

To: Representative Della Au Belatti, Chair Health Committee  
Representative Bertrand Kobayashi, Vice-Chair Health Committee  
Members of the House Health Committee

Fr: Blake Oshiro, Esq. on behalf of the HEALTH Assn.

Re: Testimony in **Support of House Bill (HB) 836**

RELATING TO MARIJUANA.

Authorizes the interisland transportation of marijuana by medicinal marijuana patients and primary caregivers. Authorizes certified laboratories to test marijuana received from patients and primary caregivers. Requires DOT to adopt rules regarding interisland transportation of marijuana. Effective 7/1/2017.

Dear Chair Belatti, Vice-Chair Kobayashi, Members of the Committee:

HEALTH is a recently formed trade association made up of the eight (8) licensed medical marijuana dispensaries under Haw. Rev. Stat. (HRS) Chapter 329D. HEALTH's members are all committed to ensuring the goals of patient safety, product safety and public safety.

HEALTH **supports** HB836 which would authorize interisland transport of medical marijuana by patients and caregivers and authorize laboratories to test products received from such persons.

We recognize that most such transport would be regulated under federal law and so to the extent that this governs, we understand that this bill would have limited effect.

However, we do believe that having an allowance under state law and ensuring that such transport is not prohibited under state law or found to be a violation under state law could provide some limited benefits to the patients, the primary caregivers and even to the laboratories conducting the testing.

Therefore, we support this bill.



From: mailinglist@capitol.hawaii.gov  
Sent: Monday, February 6, 2017 9:45 AM  
To: HLTtestimony  
Cc: intrepid.goddess@gmail.com  
Subject: Submitted testimony for HB836 on Feb 7, 2017 08:30AM  
Attachments: 2017\_HB836 RevisionImage.pdf

**HB836**

Submitted on: 2/6/2017

Testimony for HLT on Feb 7, 2017 08:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Tippens	Hawaii Veteran's Cannabis Alliance	Comments Only	Yes

Comments: Aloha members of the Health Committee. My name is Michelle Tippens, I am the founder and Executive Director of the Hawaii Veteran’s Cannabis Alliance and Legislative Liaison for the Libertarian Party of Hawaii. These comments are regarding measure HB836, heard February 7, 2017 at 830am. As an expert in the field of Criminal Justice (I hold both a BA and MS in the field), specializing in vice and drug crimes, I have a well-documented academic background and demonstrated aptitude in all aspects of the Crime and Justice field, including an extensive knowledge regarding the development of American drug law. Along with this, I am a veteran of the US Army, single mother of 4 and medical marijuana patient. Although I look “healthy” to most people, I not only suffer from PTSD, I also have fibromyalgia, prosthetic neck implants, 5 fractured thoracic vertebrae and several other injuries. I am able to manage all of these conditions with cannabis therapy and was able to discontinue use of a pulmonary walker in 2012, less than two years after beginning cannabis therapy. Regarding HB836, I believe the intent of this bill can be accomplished without creating another set of regulations, without involving another department within the state, without requiring additional man hours and without costing the state additional funds. This legislation declares that “compassionate and reasonable regulation of medical marijuana is necessary to ensure that people with debilitating medical conditions have access to and are able to test their marijuana.” (Page 1, Lines 11-14) HB836 also recognizes that “current laws do not fully protect the rights of medical marijuana patients and their primary caregivers” by failing to ensure both are able to test and transport medical marijuana. HB836 proposes to correct this deficiency by requiring the Department of Transportation to adopt rules for interisland transportation (Page 2, Lines 1-6), likely creating a narrow and specific circumstance for which patients are protected by the law and outside of which they would again be subject to criminal prosecution prescribed in HRS 712. This is not in the best interest of the very people this bill intends to protect, and is not likely the intent of the author; however, the Department of Transportation is far more likely to create rules based on antiquated stereotypes than current scientific knowledge. Both the additional statute proposed for HRS 261 referenced above and HRS 329 referenced on page 2 of the bill from lines 10-20 can be accomplished with minor edits in the existing statute. This would afford patients and their caregivers the protection this bill intends regarding interisland transportation of a patient’s cannabis without requiring the Department of Transportation to dedicate time, and thereby funds, to create unnecessary and arbitrary rules. By further amending the statute already referenced in Section 4 of

HB836, the interisland transportation of medical cannabis will be facilitated for patients and their caregivers. On page 3, line 19 the words “does not” may be stricken and the word “include” edited for grammar to “includes”. Line 21, the word “except” and the preceding comma may be replaced with a semi-colon. On page 4 from line 1 to line 4, one could strike the section references and replace them with “or for the patient’s personal use”. On page 3, lines 1-5 satisfy the stated intent of the law regarding patient and caregiver access to laboratory testing without creating a requisite participation for another department within the state or the need to dedicate additional time and funds. The proposed edits I mention above would require a minor edit to line one, changing “329-B” to 329-A”. I have edited the legislation and attached it to demonstrate the changes I mention and hope you take the opportunity to read it and find if the intent of the law is still satisfied in your eyes while eliminating unnecessary work which must be paid from an already overburdened state budget, alleviating any concerns the FIN committee may have for enacting this bill.

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kobayashi1- Oshiro

**LATE**

From: mailinglist@capitol.hawaii.gov  
Sent: Monday, February 6, 2017 4:08 PM  
To: HLTtestimony  
Cc: NuWayveUnl@gmail.com  
Subject: \*Submitted testimony for HB836 on Feb 7, 2017 08:30AM\*

**HB836**

Submitted on: 2/6/2017

Testimony for HLT on Feb 7, 2017 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
James Trice	NuWayve Unlimited	Support	No

Comments:

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**LATE**

kobayashi2 - Jessi

From: mailinglist@capitol.hawaii.gov  
Sent: Monday, February 6, 2017 11:22 PM  
To: HLTtestimony  
Cc: pamelalichty@gmail.com  
Subject: Submitted testimony for HB836 on Feb 7, 2017 08:30AM

**HB836**

Submitted on: 2/6/2017

Testimony for HLT on Feb 7, 2017 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pamela Lichty	Drug Policy Action Group	Support	No

Comments: This bill would clarify transportation rules vis a vis medical cannabis that have long been unclear. It is an excellent idea to permit patients to have their medicine tested by a lab so that they know its composition and whether it is uncontaminated, so they can better determine if it's appropriate for them and for their condition.

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**LATE**

**ON THE FOLLOWING MEASURE:**  
HB836, RELATING TO MEDICAL MARIJUANA

BEFORE THE:

HOUSE COMMITTEE ON HEALTH

DATE: Tuesday, February 7, 2017

TIME: 8:30 a.m.

LOCATION: State Capitol, Conference Room 329

TESTIFIER: Christopher Garth, Executive Director

Honorable Chair Belatti and Members of the Committee:

The Hawai'i Dispensary Alliance submits the following testimony in **STRONG SUPPORT of HB836 RELATING TO MEDICAL MARIJUANA**, which authorizes the interisland transportation of marijuana by medicinal marijuana patients and primary caregivers; authorizes certified laboratories to test marijuana received from patients and primary caregivers; requires DOT to adopt rules regarding interisland transportation of marijuana.

The Hawaii Dispensary Alliance is a patient centric organization that aims to appropriately introduce a legitimate cannabis industry to the state of Hawaii. Our membership is drawn from patients and caregivers, ancillary businesses related to and involved in the physical and intellectual cannabis space, and those who generally support the value of a legal right to cannabis-based medicine. The Alliance has established itself as a consistent voice in the conversation for greater patient access to safe and quality cannabis resources; it is from this perspective that we provide **STRONG SUPPORT** for **HB836**.

The amendments proposed in HB836 aim to improve Hawaii's nascent dispensary program by placing practical patient issues at the forefront of discussion. The considerations mentioned in this measure are normal functions of daily life for the most people; yet specific attention to these common occurrences must be addressed via statutory reform due for medical cannabis patients due to the sensitive and stigmatized nature of these medicinal practices.

Medical cannabis patients and primary caregivers are not afforded the luxury nor the right to travel with their medicine without scrutiny or fear of fine or incarceration. The current law requires this population to go without access to their medicine for an extended amount of time. An additional potential reality is that these individuals would be required to purchase their medicine two, three, or even four times in a single trip. The hyperbole of this statement is recognized, yet the reality rests in the fact that repeat purchases not only impose a significant financial burden; but they count against the individuals monthly/semi-monthly purchasing allotment as well.

For purpose of this testimony, let's compare the realities of two patients with the same qualifying conditions:

Patient 1 has a prescription for OxyContin for her chronic pain. Provisions have been made at the state level to recognize the legal status of her prescribed drug. Additional provisions have been made that allow her to fly throughout the state of Hawaii with her OxyContin without question or hassle from law enforcement. Her prescription does not allow for refills, yet her insurer covers the cost. Patient 1 has enough medicine to last her the duration of her 7-day trip to Hawaii, Honolulu, and Kauai Counties, until she returns home to Maui County.

Patient 2 has a medical recommendation for cannabis use to address her chronic pain. Provisions have been made at the state level to recognize the legal status of her medicine. NO ADDITIONAL provisions have been made that allow her to fly throughout the state of Hawaii with her medicine. Upon arriving in Hawaii County, Patient 2 must find a dispensary and purchase medicine that is, hopefully, similar to the strain and form that most effectively addresses her condition. This purchase will count against the 15 or 30-day allotment that she is afforded. It will cost money out of her own pocket and will not be covered by her insurance provider. Two days later Patient 2 travels to Kauai. She must first legally destroy and dispose of any remaining medicine before boarding a flight. Upon arriving on Kauai her schedule is too hurried and she does not have time to visit one of the two dispensary locations in the county. The next 48 hours are agony for Patient 2, until she arrives in Honolulu County. The next 24 hours are spent trying to determine, again, which dispensary has medicine that most closely resembles that which she uses at home in Maui County. After securing an appropriate amount of medicine in Honolulu County, Patient 2 must again pay for her medicine and destroy and discard any remaining medicine before boarding a flight home.

Why should the standards for these two scenarios be any different? At some point the medicine that Patient 1 depends on required a statutory provision to allow for the lawful transport between counties across the state of Hawaii. This is the opportunity for our legislative body to act in the affirmative for the medicine that provides Patient 2 with relief.

The Alliance acknowledges the grief that affronts our patient population and for these reasons we stand in full **support of** language requiring the Department of Transportation (DOT) to adopt rules “regarding the interisland transportation of marijuana, useable marijuana, or any manufactured marijuana product.” The Alliance would further suggest that instead of merely permitting DOT to make rules “regarding” the transportation of marijuana, that the language of these rules instead be patient-forward in the sense that they should also require that DOT’s rules actively permit a patient or caregiver’s right to interisland transportation of marijuana, useable marijuana, or any manufactured marijuana product. This language will need to serve as a proactive agent in combating any absent or contradictory language that may be presented via the suggested amendment to §261-\_\_\_ and in combating any contrary attitudes within DOT itself. An example of this patient-forward rulemaking can be seen in the attached pdfs from Oregon which outline an appropriate in-state patient transportation policy – including airline access. In concurring spirit, the Alliance stands in further support of the establishment of “§329-A Interisland transportation of marijuana by a qualified patient or primary caregiver.”

Finally, The Alliance finds that the statutory inclusion to grant qualified patients and primary caregivers access to certified laboratories for personal samples of their own purchased or self cultivated medicine is a necessary component to assuring patient access to safe and affordable medicine

For all of the foregoing reasons, the Hawai'i Dispensary Alliance strongly **SUPPORTS** (the language of this measure and recommends that **HB836**, which authorizes the interisland transportation of marijuana by medicinal marijuana patients and primary caregivers; authorizes certified laboratories to test

marijuana received from patients and primary caregivers; requires DOT to adopt rules regarding interisland transportation of marijuana.

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

## CAN I TRAVEL WITH RECREATIONAL MARIJUANA? ✕

You can't buy marijuana in another state and bring it into Oregon, nor can you take it from Oregon across state lines. That includes to and from Washington and California where recreational marijuana is also legal. Taking marijuana across state lines is a federal offense.

### Driving within the state of Oregon:

If you are 21 or older, you may drive with marijuana in your vehicle within the legal possession limits.

### Flying within the state of Oregon:

The Portland International Airport does allow airline passengers flying within the state to board with the legal public possession amount (1 ounce) of marijuana on them. However, smoking marijuana onboard the plane is strictly prohibited.

If the Transportation Security Administration (TSA) finds marijuana on a passenger, they'll notify airport police, who will confirm that the passenger is not exceeding the 1 ounce legal limit for public possession, the passenger's age, and the boarding pass destination to make sure they are flying to a destination within the state. Travelers who are traveling outside of the state will be asked to dispose of the marijuana before being allowed to carry on with their travel plans.

### Still illegal on federal land:

The use, growing, transportation and possession of marijuana on federal property (including Forest Service, Bureau of Land Management and National Park Service land) is prohibited.

### Tribal land is sovereign and rules may be different:

Federally recognized Indian Reservations also possess the right to grow and sell marijuana on their reservations, but they may also disallow possession and use on their sovereign land. Be sure to check local restrictions before traveling to or through Tribal land with marijuana.

Please [share](#) this information with someone you know. Some aspects of the law are still being determined. To stay up to date, sign up for our [e-newsletter](#) or find us online.

[www.facebook.com/whatslegalOR](https://www.facebook.com/whatslegalOR) | [@whatslegalOR](https://twitter.com/whatslegalOR)

If you have a question that's not answered here, take a look at the full list of [FAQs](#) or [contact](#) OLCC staff. We'll do our best to get you the information you need based on what we know now. Additional information is available at [marijuana.oregon.gov](https://marijuana.oregon.gov).



# Educate Before You Recreate

In Oregon, it's legal for adults 21 and older to purchase, possess and use recreational marijuana...but there are limits.\*

## 21+

You can possess, use and buy recreational marijuana if you are 21 and older. If you are younger, it's illegal.



OLCC-licensed retail stores may sell limited amounts of marijuana to recreational users 21 and older or OMMP registered patients. You may also grow your own or receive it as a gift.



There are limits to how much recreational marijuana you may possess, both in public or in private.



You can grow up to 4 plants per residence, out of public view.



Driving under the influence of marijuana remains illegal. Please be responsible.



Adults 21 and older can use recreational marijuana at home or on private property. You can't use recreational marijuana in public places.



You cannot take marijuana in or out of the state, even to other states where it is legal.



You can make edible products at home or receive them as a gift, and can only use them in private places.

**PLEASE SHARE THIS INFORMATION WITH PEOPLE YOU KNOW**

Some aspects of the law are still being determined. To stay up to date, sign up for our [e-newsletter](#) or connect with us.

kobayashi1- Oshiro

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From: mailinglist@capitol.hawaii.gov  
Sent: Friday, February 3, 2017 3:32 PM  
To: HLTtestimony  
Cc: mendezj@hawaii.edu  
Subject: \*Submitted testimony for HB836 on Feb 7, 2017 08:30AM\*

**HB836**

Submitted on: 2/3/2017

Testimony for HLT on Feb 7, 2017 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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kobayashi2 - Jessi

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From: mailinglist@capitol.hawaii.gov  
Sent: Sunday, February 5, 2017 11:52 PM  
To: HLTtestimony  
Cc: j.bobich@tcu.edu  
Subject: \*Submitted testimony for HB836 on Feb 7, 2017 08:30AM\*

**HB836**

Submitted on: 2/5/2017

Testimony for HLT on Feb 7, 2017 08:30AM in Conference Room 329

<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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kobayashi2 - Jessi

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From: mailinglist@capitol.hawaii.gov  
Sent: Sunday, February 5, 2017 6:48 PM  
To: HLTtestimony  
Cc: lady.flach@gmail.com  
Subject: \*Submitted testimony for HB836 on Feb 7, 2017 08:30AM\*

**HB836**

Submitted on: 2/5/2017

Testimony for HLT on Feb 7, 2017 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teri Heede	Individual	Support	No

Comments:

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Testimony on House Bill No. 836

Relating to Medical Marijuana

Hearing: February 07, 2017 at 8:30 am

To the Honorable Rosalyn H. Baker, Chair, and Members of the Committee:

My name is Deashia Yadao and I am a student at the University of Hawaii at Manoa's Myron B. Thompson School of Social Work. The measure that I am testifying on is HB 836 to establish transportation for medical marijuana within the islands of Hawai'i. I am testifying in favor of HB 836 to grant access for interisland transportation of medical marijuana.

Medical marijuana is not used for recreation, but used to help medicate many people. The medicinal ingredient in marijuana is called, "Cannabidiol", or better known as CBD<sup>1</sup>. CBD's medical use has been proven to help patients who suffer from diabetes, cancer, cardiovascular disease, and even epilepsy. The CBD in marijuana can be extracted from the THC in marijuana and does not give patients the feeling of being "stoned" or "high", and it can also counteract the THC in marijuana. Medical marijuana patients use the product to be able to enjoy their lives, and sometimes is the only option for them. Marijuana that is used for medicinal purposes is important to help many people medicate throughout the day. The same goes for a person who has diabetes and needs their insulin for when they have low blood sugar. If transportation of that person's insulin was restricted, it could have great negative results.

In the case of Maile Kaneshiro, who suffers from epilepsy, has benefitted from the use of cannabis oil. Thinking about Maile Kaneshiro and all the hardships that she has encountered makes me feel that medical marijuana should be viewed as a medicine rather than a recreational drug. Maile Kaneshiro relies on her medical marijuana to lessen her chances of having seizures. If Maile Kaneshiro were to be traveling one day and was not able to bring her medical marijuana with her to a different island, she could suffer from more seizures and not have anything to reduce those symptoms.

My aunty who lives in Oregon has benefitted from the dispensaries since their state made it legal and is able to transport her medicine while she travels. Prior to this, I witnessed my aunty suffer from chronic migraines which caused her to make the decision to leave her job because the pain was so bad throughout the day. Prescription medicine made her feel nauseous and she did not respond to the prescription well. The only medicine that would help my aunty was marijuana. Now that the dispensaries have been opened, my aunty is able to buy her prescription with

knowledge about what is in her medicine. Today, she is working full-time with no migraines and pain. She is also able to travel with her CBD edibles so that she does not suffer from any migraines during her travel.

As you can see, the access to transport medical marijuana within Hawai'i can help many medical marijuana patients. Why would the state allow people to hold medical marijuana cards if they are unable to transport their medicine with them? It is for the health and well-being of a person to be able to take their medicine with them as they please. Regulating the amount of medical marijuana could be a solution to track how much marijuana is being transported within the islands. Denying the transportation of medical marijuana within the states is denying a person to have their medicine and could have negative consequences.

kobayashi1- Oshiro

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, February 6, 2017 1:46 PM  
To: HLTtestimony  
Cc: ncsugano@gmail.com  
Subject: \*Submitted testimony for HB836 on Feb 7, 2017 08:30AM\*

**HB836**

Submitted on: 2/6/2017

Testimony for HLT on Feb 7, 2017 08:30AM in Conference Room 329

<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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**LATE LATE**

**From:** [Michelle Tippens](#)  
**Subject:** HB836  
**Date:** Monday, February 6, 2017 5:57:55 PM  
**Attachments:** [2017\\_HB836\\_RevisionImage.pdf](#)

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Aloha! I noticed this bill is referred to 3 committees, so with the deadline looming, I thought it a good idea to send this redraft and testimony to all of the committees. Additionally, the redraft alleviates the financial burden created by the original draft and eliminates the task burden placed upon the Department of Transportation in the first draft. The following is my testimony, mahalo for reading!

Aloha members of the Health, Transportation and Finance Committees. My name is Michelle Tippens, I am the founder and Executive Director of the Hawaii Veteran's Cannabis Alliance and Legislative Liaison for the Libertarian Party of Hawaii. These comments are regarding measure HB836, heard by the Health committee February 7, 2017 at 830am.

As an expert in the field of Criminal Justice (I hold both a BA and MS in the field), specializing in vice and drug crimes, I have a well-documented academic background and demonstrated aptitude in all aspects of the Crime and Justice field, including an extensive knowledge regarding the development of American drug law. Along with this, I am a veteran of the US Army, single mother of 4 and medical marijuana patient. Although I look "healthy" to most people, I not only suffer from PTSD, I also have fibromyalgia, prosthetic neck implants, 5 fractured thoracic vertebrae and several other injuries. I am able to manage all of these conditions with cannabis therapy and was able to discontinue use of a pulmonary walker in 2012, less than two years after beginning cannabis therapy.

Regarding HB836, I believe the intent of this bill can be accomplished without creating another set of regulations, without involving another department within the state, without requiring additional man hours and without costing the state additional funds. This legislation declares that "compassionate and reasonable regulation of medical marijuana is necessary to ensure that people with debilitating medical conditions have access to and are able to test their marijuana." (Page 1, Lines 11-14)

HB836 also recognizes that "current laws do not fully protect the rights of medical marijuana patients and their primary caregivers" by failing to ensure both are able to test and transport medical marijuana. HB836 proposes to correct this deficiency by requiring the Department of Transportation to adopt rules for interisland transportation (Page 2, Lines 1-6), likely creating a narrow and specific circumstance for which patients are protected by the law and outside of which they would again be subject to criminal prosecution prescribed in HRS 712.

This is not in the best interest of the very people this bill intends to protect, and is not likely the intent of the author; however, the Department of Transportation is far more likely to create rules based on antiquated stereotypes than current scientific knowledge. Both the additional statute proposed for HRS 261 referenced above and HRS 329 referenced on page 2 of the bill from lines 10-20 can be accomplished with minor edits in the existing statute. This



would afford patients and their caregivers the protection this bill intends regarding interisland transportation of a patient's cannabis without requiring the Department of Transportation to dedicate time, and thereby funds, to create unnecessary and arbitrary rules.

By further amending the statute already referenced in Section 4 of HB836, the interisland transportation of medical cannabis will be facilitated for patients and their caregivers. On page 3, line 19 the words "does not" may be stricken and the word "include" edited for grammar to "includes". Line 21, the word "except" and the preceding comma may be replaced with a semi-colon. On page 4 from line 1 to line 4, one could strike the section references and replace them with "or for the patient's personal use".

On page 3, lines 1-5 satisfy the stated intent of the law regarding patient and caregiver access to laboratory testing without creating a requisite participation for another department within the state or the need to dedicate additional time and funds. The proposed edits I mention above would require a minor edit to line one, changing "329-B" to 329-A". I have edited the legislation and attached it to demonstrate the changes I mention and hope you take the opportunity to read it and find if the intent of the law is still satisfied in your eyes while eliminating unnecessary work which must be paid from an already overburdened state budget, alleviating any concerns the FIN committee may have for enacting this bill.

Mahalo for your time, Aloha!

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## A BILL FOR AN ACT

RELATING TO MARIJUANA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1           SECTION 1. The legislature finds that current laws do not  
2           fully protect the rights of medical marijuana patients and their  
3           primary caregivers. More specifically, patients and primary  
4           caregivers who want to confirm the chemical components of their  
5           marijuana are not clearly authorized to submit marijuana for  
6           testing at state-certified laboratories. Additionally, patients  
7           and primary caregivers are prohibited from transporting  
8           marijuana between islands, although patients may need to  
9           transport marijuana between islands for testing or for medical  
10          use upon arriving on a different island.

11          The legislature further finds that compassionate and  
12          reasonable regulation of medical marijuana is necessary to  
13          ensure that people with debilitating medical conditions have  
14          access to and are able to test their marijuana.

15          SECTION 2. Chapter 329, Hawaii Revised Statutes, is  
16          amended by adding a new section to part IX to be appropriately  
17          designated and to read as follows:

1           "329-A Testing of marijuana received from a qualifying  
 2           patient or primary caregiver. A certified laboratory may test  
 3           samples of marijuana and manufactured marijuana products  
 4           received directly from a qualifying patient or primary  
 5           caregiver."

6           SECTION 3. Section 329-122, Hawaii Revised Statutes, is  
 7           amended by amending subsection (d) to read as follows:

8           "(d) For the purposes of this section, "transport" means  
 9           the transportation of marijuana, usable marijuana, or any  
 10          manufactured marijuana product between:

          (1) A qualifying patient and the qualifying patient's  
           primary caregiver;

          (2) The production centers and the retail dispensing  
           locations under a dispensary licensee's license; or

          (3) A production center ~~[or]~~ , retail dispensing location,  
 16          a qualifying patient, or a primary caregiver and a  
 17          certified laboratory for the purpose of laboratory  
 18          testing;

19          provided that "transport" ~~[does not]~~ includes the interisland  
 20          transportation of marijuana, usable marijuana, or any  
 21          manufactured marijuana product, ~~[except]~~ when the transportation

1 is performed for the sole purpose of laboratory testing [~~pursuant~~  
 2 ~~to section 329D-8, as permitted under section 329D-6(m) and~~  
 3 ~~subject to section 329D-6(j),~~] or for the patient's personal  
 4 medical use, and with the understanding that state law and its  
 5 protections do not apply outside of the jurisdictional limits of  
 6 the State.<sup>17</sup>

7 SECTION 4. In codifying the new sections added by section  
 8 2 of this Act, the revisor of statutes shall substitute  
 9 appropriate section numbers for the letters used in designating  
 10 the new sections in this Act.

11 SECTION 6. Statutory material to be repealed is bracketed  
 12 and stricken. New statutory material is underscored.

13 SECTION 7. This Act shall take effect on July 1, 2017.  
 14

INTRODUCED BY:

Richard Luze  
[Signature]

[Signature]  
[Signature]  
Alycia A. Pelotti  
Cindy Evans

# HB NO. 836

Report Title:

Marijuana; Certified Laboratories; Testing; DOT

Description:

Authorizes the interisland transportation of marijuana by medicinal marijuana patients and primary caregivers. Authorizes certified laboratories to test marijuana received from patients and primary caregivers. Requires DOT to adopt rules regarding interisland transportation of marijuana. Effective 7/1/2017.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

**LATE**

kobayashi2 - Jessi

From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, February 7, 2017 3:16 AM  
To: HLTtestimony  
Cc: dsusott@gmail.com  
Subject: Submitted testimony for HB836 on Feb 7, 2017 08:30AM

**HB836**

Submitted on: 2/7/2017

Testimony for HLT on Feb 7, 2017 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
daniel susott, md, mph	Individual	Support	Yes

Comments: Thank you for helping Hawaii stay on the right track with this bill.

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**LATE**

kobayashi2 - Jessi

From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, February 7, 2017 4:08 AM  
To: HLTtestimony  
Cc: mary@mauivortex.com  
Subject: Submitted testimony for HB836 on Feb 7, 2017 08:30AM

**HB836**

Submitted on: 2/7/2017

Testimony for HLT on Feb 7, 2017 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary Overbay	Individual	Support	No

Comments: Please, legalize marijuana. Alcohol kills 90,000 American every year! How can alcohol be celebrated in Hawaii as a great business model, when you send folks to jail for marijuana. How can tourist go to alcohol tasting rooms, while marijuana has to locked out of sight. It's ridiculous! Raise +100 million in revenue every year, save money on enforcing a failed prohibition. Legalize tax and regulate marijuana, which is one of the largest industries in Hawaii!

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**LATE**

kobayashi2 - Jessi

From: mailinglist@capitol.hawaii.gov  
Sent: Monday, February 6, 2017 11:47 PM  
To: HLTtestimony  
Cc: fehren.jones@gmail.com  
Subject: Submitted testimony for HB836 on Feb 7, 2017 08:30AM

**HB836**

Submitted on: 2/6/2017

Testimony for HLT on Feb 7, 2017 08:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
fehren	Individual	Support	No

Comments: Aloha, my name is Fehren Jones and I reside in the Honolulu area. I am in FULL SUPPORT for HB836 which "authorizes the interisland transportation of marijuana by MEDICINAL marijuana patients and primary caregivers. Authorizes certified laboratories to test marijuana received from patients and primary caregivers." By doing this could help those who heavily rely on the need of medical marijuana when traveling island to island.. Also, maybe some strains of marijuana grows better at different elevations/altitudes, different temperatures, etc... Along with having certified laboratories could definitely help both caregivers and patients in knowing how much CBD and THC is in many strains and how thy can perfect certain and other strains to its maximum potential. these are just a few reasons of why I am in full support if HB836. Mahalo nui for your time in reading my testimony. I hope you have a beautiful day.

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