
A BILL FOR AN ACT

RELATING TO MEDICAL CANNABIS.

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

1 SECTION 1. The legislature finds that the authority to
2 accept the medical use of controlled substances rests with the
3 states, which is why the State of Hawaii was able to accept the
4 medical use of cannabis in 2000 and create a state regulated
5 medical use of cannabis program.

6 However, some issues related to the medical use of cannabis
7 remain unresolved, such as the implications of state and federal
8 scheduling of cannabis as a schedule I controlled substance and
9 the interaction of conflicting state and federal law regarding
10 cannabis and its derivative products. These unresolved issues
11 affect the State's ability to regulate certain aspects of the
12 medical use of cannabis in context of uncertain federal
13 enforcement policies.

14 The purpose of this Act is to convene the medical cannabis
15 study group to examine the complexities surrounding the topic of
16 the legality of medical cannabis.



1 SECTION 2. (a) There is established the medical cannabis
2 study group to examine the complexities surrounding the topic of
3 the legality of medical cannabis, including:

4 (1) The United States Attorney General's January 4, 2018
5 Memorandum For All United States Attorneys titled
6 "Marijuana Enforcement";

7 (2) Article VI, clause 2 of the United States
8 Constitution;

9 (3) The United States Constitution Amendment II;

10 (4) The United States Constitution Amendment X; and

11 (5) Additional resources pertaining to states' rights.

12 (b) The study group shall consist of the following
13 members:

14 (1) Two members of the house of representatives, one of
15 whom shall be selected by the speaker of the house of
16 representatives and one of whom shall be selected by
17 the minority leader of the house of representatives;

18 (2) Two members of the senate who are selected by the
19 president of the senate;

20 (3) A medical doctor with expertise in medical cannabis
21 and both state and federal rights and authority as



1 they relate to the prescription of drugs to be
2 selected jointly by the speaker of the house of
3 representatives and the president of the senate;
4 (4) The attorney general; and
5 (5) A representative from the Hawaii Rifle Association.
6 (c) The members of the medical cannabis study group shall
7 select a chair from among the members of the study group.
8 (d) The study group may request assistance and feedback
9 from subject matter experts, as needed, to enable the study
10 group to carry out its work.
11 (e) The study group shall submit a report of its findings
12 and recommendations, including any proposed legislation, to the
13 legislature no later than twenty days prior to the convening of
14 the regular session of 2019.

15 SECTION 3. This Act shall take effect on July 1, 3000.



Report Title:

Medical Use of Cannabis; Medical Cannabis Study Group

Description:

Establishes the Medical Cannabis Study Group to examine the legal issues regarding Hawaii's medical use of cannabis law.
(SB2407 HD1)

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





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

TO: House Committee on Consumer Protection and Commerce
FROM: Carl Bergquist, Executive Director
HEARING DATE: 28 March 2018, 2PM
RE: SB2407 SD1 HD1, RELATING TO MEDICAL CANNABIS; COMMENTS

Dear Chair Takumi, Vice Chair Ichiyama, Committee Members:

The Drug Policy Forum of Hawai'i (DPFHI) the following **comments** on this measure. The content of the HD2 version of this bill are unrelated to the original purpose of this bill to use medical cannabis to help mitigate the impact of the opioid epidemic. Instead, this gut and replace version marks the second time this session that the Committee on Health and Human Services has used another bill to propose a study group to look at the complexities surrounding state vs. federal law in the realm of cannabis. While this is an interesting topic, we believe that a solution was already proposed in the original language of [HB2572](#), the other bill that morphed into a this kind of study group. That bill stated the rationale for why medical cannabis does not fall under state or federal scheduling, and made the necessary amendments to state law to reflect this. **We suggest that your committee re-adopt that language from HB2572 as its own.**

Moreover, **we suggest that the original purpose of this bill also be incorporated, i.e. the addition of “opioid use and substance use disorders, or withdrawal symptoms resulting from the treatment of these conditions” to the HRS 329-121 definition of “debilitating medical conditions” for the purposes of certifying a patient for the use of medical cannabis.** This is in line with the majority's recommendation by the Act 230 Legislative Oversight Working Group in December 2017 to add “opioid use disorder” (OUD) and “substance use disorder” (SUD) to this definition. While medical cannabis has long been considered as an alternative pain medication in certain circumstances, its applicability when a patient an opioid or other substance use disorder is less well known. Late last year, [the New Mexico Medical Cannabis Advisory Board, made up entirely of physicians, unanimously voted to add both OUD & SUD to that state's list of](#)

[approved qualifying conditions](#). A final decision by the New Mexico Secretary of Health is expected this spring.¹

While some of the withdrawal symptoms from substance use could fall under the current HRS 329-121 (2) (B) & (C) definition of a “debilitating disease” with resulting “severe pain” or “severe nausea”, this bill’s specific listing of these disorders and their symptoms sends the proper signal to health care professionals, prospective patients and the public that medical cannabis constitutes a possible treatment option. The scientific research on this is ample and highlighted in the attached 2017 fact sheet from the office of U.S. Representative Earl Blumenauer (OR- 3rd District). Moreover, according to a recent federally funded study published in the Journal of Health Economics: “Dispensaries – retail outlets that sell marijuana to qualified patients – contribute to the decline in opioid overdose death rates.”²

Further, this bill dovetails with the state’s own preemptive focus on the opioid epidemic and the recommendations as adopted in the Hawai’i Opioid Initiative released in December 2017. Medical cannabis was not mentioned in that plan, and this bill makes up for that surprising omission.

An alternative approach to turning more patients away from addictive painkillers, and onto medical cannabis, would be to add “chronic pain” as a qualifying condition. Several states from New York to California and Maryland have done this. The Minnesota Department of Health recently released a report highlighting that hundreds of patients reported clinically significant reductions in chronic pain after switching to medical cannabis.³

Thank you for the opportunity to testify.

¹ For a powerful op-ed by two members of the New Mexico legislature, see <https://www.abqjournal.com/1144626/include-cannabis-in-opioid-treatments.html>

² Journal of Health Economics, Volume 58, March 2018, pp. 29-42, <https://www.sciencedirect.com/science/article/abs/pii/S0167629617311852>

³ Minnesota Department of Health report: medical marijuana helps with chronic pain, Minnesota Post, 1 March 2018, <https://www.minnpost.com/glean/2018/03/minnesota-department-health-report-medical-marijuana-helps-chronic-pain>

SB-2407-HD-1

Submitted on: 3/27/2018 4:26:29 PM

Testimony for CPC on 3/28/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:

To the Honorable Roy M. Takumi, Chair; the Honorable Linda Ichiyama, Vice-Chair, and Members of the Committee on Consumer Protection & Commerce:

Good afternoon, my name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **SB2407 SD1 HD1** relating to Medical Use of Cannabis; and Medical Cannabis Study Group.

The OCC Legislative Priorities Committee is in favor of **SB2407 SD1 HD1** and supports its passage.

SB2407 SD1 HD1 Is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it establishes the Medical Cannabis Study Group to examine the legal issues regarding Hawaii's medical use of cannabis law.

The DPH Platform states that "[w]e support fair and equitable access to medical marijuana to be administered by the Hawaii of Hawaii's Department of Health. (Platform of the DPH, P. 7, Lines 386-387 (2016)).

We support legalization and regulation of marijuana and other cannabis derivatives. (Platform of the DPH, P. 8, Line 395 (2016)).

Given that **SB2407 SD1 HD1** establishes the Medical Cannabis Study Group to examine the legal issues regarding Hawaii's medical use of cannabis law. (SB2407 HD1), it is the position of the OCC on Legislative Priorities to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC on Legislative Priorities

Email: legislativepriorities@gmail.com, Text/Tel.: (808) 258-8889

SB-2407-HD-1

Submitted on: 3/24/2018 1:35:25 PM

Testimony for CPC on 3/28/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
kami carter	Individual	Support	No

Comments:

Please support sb2407, as a long term chronic pain patient I am very familiar with the difficulties of managing pain medication and side effects and have had many scary life threatening incidents involving these highly addictive and dangerous medications. I owe my life to cannabis as I was

able to slowly replace almost all of my narcotics such as fentanyl and OxyContin. If I had even better access to cannabis other than what I can make out of my own kitchen, I would be completely narcotic free and able to manage my chronic pain holistically through a simple plant. There are thousands of patients who deserve better and the science in legal places highlights how important this plant is.

SB-2407-HD-1

Submitted on: 3/24/2018 1:52:39 PM

Testimony for CPC on 3/28/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Marion McHenry	Individual	Support	No

Comments:

I strongly support this bill.

Mahalo,

Marion McHenry

Princeville, Kauai

SB-2407-HD-1

Submitted on: 3/24/2018 3:06:39 PM

Testimony for CPC on 3/28/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Whispering Wind	Individual	Support	No

Comments:

Aloha lawmakers,

I SUPPORT SB2407, with amendments to LEGALIZE CANNABIS.

I SUPPORT the use of medical cannabis to treat opioid, and other addictions. As a volunteer for PATIENTS WITHOUT TIME, I have seen medical cannabis used very successfully to reduce or eliminate opioid use.

However, the marijuana prohibition is PREJUDICIAL and blatant DISCRIMINATION against cannabis consumers. PLEASE, AMEND THIS BILL AGAIN TO LEGALIZE CANNABIS.

Hawaii's housing crisis makes it difficult for working parents to pay all the bills, so tens of thousands of Hawaii residents fund varying portions of their housing cost by growing cannabis, and selling it on the "green" (cash only) market. When folks can grow \$400 DOLLARS A MONTH in their hall closet, it's hard to resist selling it, albeit illegal sales. They are NOT criminals.

Hawaii's cannabis industry also has thousands of part-time workers (trimmers, packagers, processors, and distributors), who work for cash. These workers show no taxable income, so they qualify for Hawaii State services, which adds costs to the State, and cuts down on funds that would be available for housing, and other much needed projects.

If Hawaii's cannabis industries were legal, and paying their fair share, it could substantially increase funding for housing, while embracing Hawaii's large population of cannabis consumers, instead of criminalizing them.

I've never found any studies by the State of Hawaii to determine the effects, OR THE LEGALITY, of the federally IMPOSED marijuana prohibition. Consuming cannabis is far safer than consuming alcohol, so there is no reason for cannabis to be illegal.

The marijuana prohibition is blatantly prejudice, and we all know by now, it was inspired by greedy corporations to control paper, hemp, and "darkies," and not to protect the

health and safety of the people. Hawaii Act 170 even admits the racially prejudice origins of the marijuana prohibition.

How many MILLIONS OF DOLLARS of illegal cannabis sales occur in Hawaii every year? My guess is that a BILLION DOLLARS A YEAR is a conservative estimate. This places an extremely heavy burden on the State of Hawaii, which provides infrastructure and services for free to the CANNABIS INDUSTRIES, which in return do NOT contribute taxes, or fees of any kind.

Instead of causing huge costs to taxpayers, Hawaii's cannabis industries could be contributing to the economic growth of Hawaii.

The Honolulu Police Department has a long history of criticism of any lessening of the strict marijuana prohibition. The HPD public lobbying efforts, and prolific testimonies to the Hawaii Legislature makes their position against all marijuana use glaringly obvious, despite Hawaii state laws supporting the medical use of cannabis.

The STATE OF HAWAII also has a long history of supporting, both politically and financially, the PREJUDICE OF THE MARIJUANA PROHIBITION. The human costs are a continuing tragedy.

It is not justice, or equality, to criminalize cannabis producers, when they could be successful businesses, in a like matter to Hawaii's internationally honored alcohol breweries.

Hawaii's citizen's are suffering without housing; living in tents, lawn sheds, and vehicles all across Hawaii, while the State continues to wasting millions of dollars "failing" to eradicate one of the largest industries in the State!

The time is far overdue, for Hawaii lawmakers to stand up to protect the most vulnerable of it's citizens, and for (*those little things like*) the principles of JUSTICE, FREEDOM, and EQUALITY; and LEGALIZE CANNABIS in Hawaii; and file a lawsuit against the Federal government for imposing unjustified laws, excessive costs, and demanding enforcement of the racially prejudice marijuana prohibition.

Hawaii's world-famous cannabis strains, raised by growers who could finally stop being criminals, and transform into thousands of cannabis entrepreneurs, growing the economy so we all can afford a place to live, ... even if it is in a tiny house.

Mahalo for your kind consideration, and PLEASE, amend this bill to LEGALIZE CANNABIS.

SB-2407-HD-1

Submitted on: 3/24/2018 3:11:21 PM

Testimony for CPC on 3/28/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Murphy	Individual	Support	No

Comments:

Aloha lawmakers,

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Mahalo, for your kind consideration, and PLEASE, amend this bill to LEGALIZE CANNABIS.

SB-2407-HD-1

Submitted on: 3/24/2018 6:57:47 PM

Testimony for CPC on 3/28/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments:

Support.

Just legalize it. We are losing MILLIONS in tax dollars because legislators have been dragging their feet for 20 years. :(Creating a new ag & retail industry and tax base, would do so much for the funding we need so badly for Hawai'i.

SB-2407-HD-1

Submitted on: 3/25/2018 1:15:20 PM

Testimony for CPC on 3/28/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Barry	Individual	Support	No

Comments:

Aloha Chair and Committee Members,

I strongly support SB 2401_SD1 for passage. I believe having opioid addiction listed as a medical condition should qualify it for medical cannabis use.

Please, also introduce an amendment for legalizing cannabis use for adults like many other states.

This would create huge a cash flow to help bring our schools up to higher standards, pay our teachers a liveable wage, protect out islands precious environment and funding affordable, workforce housing.

This would also free up our maxed out police force to focus on more important crimes than adults smoking cannabis. It will also free up our courts and jails. The war on drugs needs to be focused on meth, Ice and opiods. That is what is really ruining lives and the cause of dangerous crimes in these islands.

Mahalo,

Ms. Barbara Barry

SB-2407-HD-1

Submitted on: 3/25/2018 7:57:05 PM

Testimony for CPC on 3/28/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
John Gelert	Individual	Support	No

Comments:

Cannabis is far safer than opioids for treating pain.

SB-2407-HD-1

Submitted on: 3/26/2018 11:20:33 AM

Testimony for CPC on 3/28/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Umiamaka	Individual	Support	No

Comments:

Aloha lawmakers,

I SUPPORT SB2407, with amendments to LEGALIZE CANNABIS.

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Mahalo, for your kind consideration, and PLEASE, amend this bill to LEGALIZE CANNABIS.

SB-2407-HD-1

Submitted on: 3/26/2018 3:33:10 PM

Testimony for CPC on 3/28/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tulsi Greenlee	Individual	Support	No

Comments:

Aloha,

Please support this bill

and please add an amendment to legalize cannabis. The state is missing out on a lot of money to help with schools and infrastructure by not allowing tourists to purchase recreational cannabis. The road I drove on to get my child to school in Haiku is terrible.

Thank you

Tulsi Greenlee

Haiku Hi

House Committee on Consumer Protection & Commerce
Rep. Roy Takumi (Chair), Rep. Linda Ichiyama (Vice Chair)

Re: SB2407 SD1 HD1 - Relating to Medical Cannabis

From: Clifton Otto, MD (Support)

Public Hearing: March 28, 2018, 2:00 pm, Room 329

While a study group that can investigate the impact that the state-accepted medical use of cannabis in Hawaii has upon the federal Controlled Substances Act is certainly a step in the right direction, more immediate actions are needed to protect our patients and dispensaries from the misconception that our Medical Use of Cannabis Program is violating federal law.

Towards this end, would you please consider adding the following amendment to this bill and to Hawaii's Uniform Controlled Substances Act (UCSA):

SECTION 3. In the meantime, Section 329-14, Hawaii Revised Statutes, is amended by adding the following subsection:
(h) The enumeration of cannabis, tetrahydrocannabinols or chemical derivatives of these as Schedule I controlled substances does not apply to the medical use of cannabis pursuant to Section 329, Part IX, and Section 329D, Hawaii Revised Statutes.

Please note that Guam has the same clause in their UCSA. See page 11, Section 2 of [The Joaquin Concepcion Compassionate Cannabis Use Act of 2013](#).

Thank you.

LATE

SB-2407-HD-1

Submitted on: 3/28/2018 9:50:10 AM

Testimony for CPC on 3/28/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Miles W. Tuttle	Kush Bottles Hawaii	Support	No

Comments: