

STATE OF HAWAII
DEPARTMENT OF HEALTH
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WRITTEN TESTIMONY ONLY

**Testimony in OPPOSITION to S.B. 305
RELATING TO MEDICAL MARIJUANA DISPENSARIES**

SENATOR GILBERT S.C. KEITH-AGARAN, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR

Hearing Date: Wednesday, February 22, 2017 Room Number: 016

1 **Fiscal Implications:** Potential to add up to \$25,000 in expenditures to cover the added costs of
2 increased neighbor island travel and Oahu mileage to inspect production centers and retail
3 dispensary locations more frequently.

4 **Department Testimony:** The Department OPPOSES the passage of new laws related to
5 marijuana until the medical marijuana dispensaries open and the Department has the chance to
6 gauge the impact upon the State.

7 This bill proposes to amend Section 329D-7 HRS to reduce the video security recording
8 storage requirement on medical marijuana licensees as contained in the medical marijuana
9 dispensary administrative rules (Chapter 850 Hawaii Administrative Rules) from one (1) year to
10 forty five (45) days. Currently, the statute is silent on the length of retention. The Department
11 has the ability to change this retention period in rules but does not wish for statutory changes at
12 this time in order to ensure the state retains a robust regulatory system and until the Department
13 knows whether this will indeed be more costly to the dispensary licensees.

14 The Department intends to use video recordings as an inspection tool. Video recordings
15 will be used to verify a dispensary's written records especially if fraud, theft, diversion, or other
16 irregularities become known only after a period of time. The recordings can be used to protect

1 employees or as proof of regulatory noncompliance or criminal activity by others. The
2 recordings could be used in criminal cases by law enforcement.

3 Thank you for the opportunity to testify in OPPOSITION to this bill.

4 **Offered Amendments:** None.



TESTIMONY ON SENATE BILL 305
RELATING TO MEDICAL MARIJUANA DISPENSARIES

by
Keith Kamita
Chief Compliance Officer
Cure Oahu

COMMITTEE ON JUDICIARY AND LABOR
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair

Wednesday, February 22, 2017, 09:15 AM
State Capitol, Conference Room 016

Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committee:

Cure Oahu strongly supports Senate Bill 305 that amends Hawaii Revised Statutes **§329D-7 Medical marijuana dispensary rules**, by adding language to specify that video surveillance monitoring and recording data of the medical marijuana dispensary and production center premises shall be retained for a period of forty-five days. Presently §329D Hawaii Revised Statutes relating to Hawaii's Medical Marijuana Dispensary Program does not specifically address security video data storage retention requirements it defers to Department of Health (DOH) rules 11-850-41 requiring dispensary licensees to retain a minimum of one year of video surveillance recordings, this requirement is overly excessive and burdensome for dispensary licensees. Presently banks are retaining video surveillance data for only 30-90 days and pharmacies that are also registered by the State under Section 329 HRS to be able to store, administer and dispense controlled substance do not have any video surveillance retention requirements in statute. Below are other state medical marijuana dispensary video data retention requirements compared to the State of Hawaii:

Hawaii	1 year (365 days)
Illinois	180 days (90 on site and 90 off site)
Washington	45 days
Colorado	40 days
Alaska	40 days
Oregon	initially 90 days then reduced to 30 days
New York	initially 90 days then reduced to 30 days
Nevada	30 days
Guam	30 days
Arizona	30 days
Maine	14 days
Michigan (Lancing)	14 days
California (Palm springs)	240 hours (10 days) Note: CA retention limits differ by city 14-60 days
Delaware	no set video retention limit
Massachusetts	no video retention requirement just ability to take stills from 24/7 video

Due to the one-year video surveillance data retention requirement imposed by §11-850-41 HAR which depending on the number of cameras utilized at facilities could be as much 965 terabyte (TB) of data for 30 cameras utilizing a frame capture rate of 30 per second or 482 TB for a frame capture rate of 15 per second.

Presently commercial high quality video surveillance equipment on the market come with 24 to 32 TB of built in data storage capability. The storage limitation of most digital recording devices at the dispensaries and production center licensees will require licensees to have to decrease the amount of surveillance cameras, add



additional external storage equipment or utilize a secure cloud storage service that is very expensive and sometimes not compatible with the proprietary video surveillance software making it unable to instantly recall the video surveillance data when required to do so by regulators at the dispensary or production center.

If a licensee is required to store one year of video surveillance data in compliance with 11-850-51 and 11-850-52 HAR on his/her high end digital surveillance recording equipment that is equipped with 32 TB of storage capacity and 30 cameras the licensee would have to drop the frame capture rate of the recorder to 1 frame per second to fit, all the data onto the digital video storage equipment's hard drive. The reduction in frame capture rate will compromise clarity and the amount of identifiable video frames that can be utilized by regulators or law enforcement to identify criminal or administrative violations and therefore defeat the purpose of having state of the art video monitoring equipment in the facilities.

The amendments being proposed by SB305 to set the video surveillance data retention at 45 days will allow licensees to utilize a larger number of surveillance cameras, increase the digital video surveillance recorder's capture frame rates which will safeguard the public and the licensees.

Thank you for this opportunity to testify on this important bill.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: *Submitted testimony for SB305 on Feb 22, 2017 09:15AM*
Date: Monday, February 20, 2017 10:17:25 PM

SB305

Submitted on: 2/20/2017

Testimony for JDL on Feb 22, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Carl Bergquist	Drug Policy Forum of Hawaii	Support	No

Comments:

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HAWAII EDUCATIONAL ASSOCIATION FOR LICENSED THERAPEUTIC HEALTHCARE

To: Senator Gilbert Keith-Agaran, Chair Judiciary and Labor
Senator Karl Rhoads, Vice-Chair Judiciary and Labor
Members of the Senate Judiciary and Labor Committee

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

Re: Testimony in **Support of Senate Bill (SB) 305**
RELATING TO MEDICAL MARIJUANA DISPENSARIES.
Specifies that video monitoring and recording of medical marijuana dispensary and production center premises shall be retained for a period of forty-five days.

Dear Chair Keith-Agaran, Vice-Chair Rhoads, and 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. We **strongly support** SB 305 since the current administrative rules on the requirements for video storage are extremely large, and it is our understanding that 365 days is over and beyond the requirements of any other jurisdiction which more commonly are at 30-45 days.

Attached, is a chart that shows the current requirements in AZ, NV, OR, CO, AK, WA, NY, IL, and Hawaii.

The current 365-day requirement of stored video data, will not only likely affect the resolution quality of the video capable of being stored, more importantly, it will lead likely to significant infrastructure and administrative expenses increasing production costs and therefore, affecting patients' affordability.

Under the Department of Health's *Interim* Administrative Rules, Section 11-850-41(b): "[a] dispensary licensee shall retain for a minimum of one year all security recordings."

The rules spell out the requirements for such security recordings under Section 11-850-51, including:

- Professionally installation
- 24-hour continuous video monitoring and recoding of all dispensary facilities

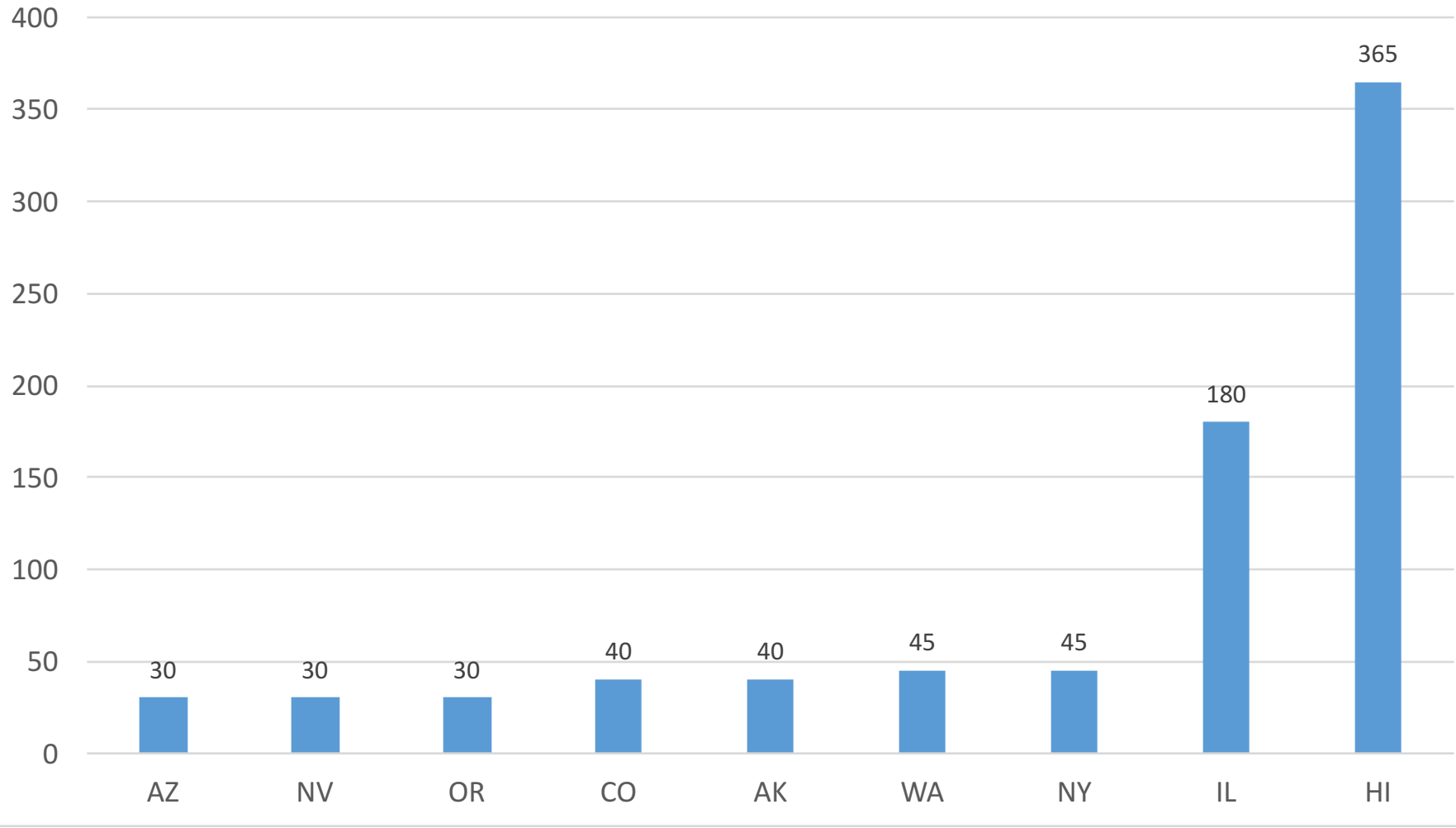
- back-up capability
- clearly displayed with time/date
- internet protocol compatible
- minimum resolution for a clear and certain identification of persons to include any area where products are produced, moved, stored, sold, packed/unpacked into containers for transport, surveillance storage areas, exists/entrances to indoor and outdoor locations
- secured in a lockbox, cabinet or closet to minimize access to tampering or theft

HEALTH recognizes and its members intend to conform to all of these requirements recognizing that these video surveillance requirements enhance and promote security and safety. However, the requirement to store **all of that data** for one year, creates an exorbitant infrastructure burden and a significant cost.

The required computerized tracking system in the law and rules will already ensure that marijuana and marijuana products are detailed and monitored from every seed to sale, or even possible disposal. Together with the video surveillance system referenced above, these safeguards will provide much needed security and safety at the dispensary facilities.

Therefore, we support changing the requirement for the duration of storage to 45 days since that mirrors that of other jurisdictions, and we are unaware of any issues or concerns arising out of this more common video storage duration requirement.

MMD Days Video Storage Required



IL - 90 days onsite and 90 days off-site

PATIENTS WITHOUT TIME



TO: HAWAII STATE LEGISLATURE
TESTIMONY

Aloha Legislators,

Please, LEGALIZE MARIJUANA NOW!

The marijuana prohibition is founded on paranoia incited by corporate greed. The CDC reports that 90,000 Americans die from alcohol every year, while marijuana kills ZERO Americans. How can Hawaii justify celebrating the success of Hawaii's wineries and microbreweries, allowing tourists to visit tasting rooms for alcohol products, while cannabis grow centers are required to be concealed from the public, and kept under 24/7 video surveillance.

In 2000, Hawaii rejected the federal prohibition on marijuana by establishing medical marijuana laws. Since then, Hawaii has protected registered patients from prosecution (because marijuana is medicine), while sending other citizens to jail for "marijuana" crimes (because marijuana has no medical value). There exists a clear, facial contradiction between marijuana's classification as a schedule I drug and its allowable use by qualifying patients for medical conditions. Hawaii is practicing SELECTIVE PROSECUTION against marijuana consumers.

The only just solution is to legalize marijuana. Tax and regulate Hawaii's estimated billion-dollar-a-year recreational marijuana industry, and raise over 100 million dollars every year in revenue. Legalization of cannabis will also decrease expenses incurred in fighting the failed prohibition, clear court dockets, save families broken by incarceration, and create thousands of new legal jobs and business. WIN- WIN -WIN

Mahalo for your kind consideration,

PATIENTS WITHOUT TIME
Maui, HI Brian Murphy, Director

From: mailinglist@capitol.hawaii.gov
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Subject: Submitted testimony for SB305 on Feb 22, 2017 09:15AM
Date: Sunday, February 19, 2017 12:46:12 PM

SB305

Submitted on: 2/19/2017

Testimony for JDL on Feb 22, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Geoffrey Lasr	Individual	Comments Only	No

Comments: PLEASE CHANGE THIS BILL TO LEGALIZATION OF MARIJUANA
STOP BEING PARTISAN AND STUPID TAX IT BALANCE THE BUDGET AMEND
THIS BILL THANK YOU GEOFFREY LAST

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Subject: *Submitted testimony for SB305 on Feb 22, 2017 09:15AM*
Date: Saturday, February 18, 2017 10:49:36 AM

SB305

Submitted on: 2/18/2017

Testimony for JDL on Feb 22, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Georgina Mckinley	Individual	Support	No

Comments:

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SB305

Submitted on: 2/18/2017

Testimony for JDL on Feb 22, 2017 09:15AM in Conference Room 016

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

Comments:

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SB305

Submitted on: 2/18/2017

Testimony for JDL on Feb 22, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
LJ Bates III	Individual	Support	No

Comments: It is absurd to limit the use of marijuana in any way, given what we know about the benefits of this plant and it suppressed use for so many decades. Make Marijuana LEGAL in every way!

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SB305

Submitted on: 2/18/2017

Testimony for JDL on Feb 22, 2017 09:15AM in Conference Room 016

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

Comments: "Aloha Senators, Please, amend this bill to legalize marijuana. Hawaii rejected the federal prohibition on marijuana in 2000, when the Hawaii legislature passed land mark legislation to legalize medical marijuana. Back then, Hawaii lead the nation in marijuana reform. Now, Hawaii lags far behind, still sending good citizens to jail, on the excuse that marijuana is NOT medicine. SELECTIVE PROSECUTION is illegal. Please, consider that, there is no good reason for marijuana to be illegal, when highly addictive, and deadly alcohol, is legal. It makes no sense. 90,000 Americans die every year form alcohol, while marijuana has killed zero Americans, according to CDC stats. Please, reconsider your hard stance against legal marijuana. A majority of Hawaii's citizens want marijuana legalized. Please, listen to the voice of the people. "

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SB305

Submitted on: 2/18/2017

Testimony for JDL on Feb 22, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Vickery	Individual	Support	No

Comments:

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SB305

Submitted on: 2/18/2017

Testimony for JDL on Feb 22, 2017 09:15AM in Conference Room 016

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

Comments:

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