

THE SENATE  
HOUSE OF REPRESENTATIVES  
THE THIRTIETH LEGISLATURE  
INTERIM OF 2019

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

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NOTICE OF MEETING

DATE: Thursday, September 12, 2019  
TIME: 9:30 a.m.  
PLACE: Conference Room 329  
State Capitol  
415 South Beretania Street

A G E N D A

**MEDICAL USE OF CANNABIS IN HAWAII & HEMP-DERIVED CANNABIDIOL**

The purpose of this briefing is to review Hawaii's policy on Medical Cannabis and improve the safety of integrative healthcare options for Hawai'i's people based upon recent scientific research and best practices in other jurisdictions.

In 2000, Hawai'i became the first state to sanction a medical cannabis program by legislative initiative. The Medical Cannabis Registry Program was created by Act 228 (Session Laws of Hawai'i 2000), and is codified in the Hawaii Revised Statutes at part IX, Chapter 329, HRS.

Fifteen years later, the Medical Cannabis Dispensary Program was created by Act 241 (Session Laws of Hawaii 2015), and is codified in the Hawai'i Revised Statutes (HRS) at Chapter 329D, HRS. The Hawai'i State Department of Health oversees this program, having developed rigorous regulations to ensure "Patient Safety, Product Safety and Public Safety." The program features some of the most stringent lab testing standards in the nation; and requires every cannabinoid-containing product to pass testing by a third party lab prior to sale.

International research into the medical use of cannabis has been robust in recent years and the pace of research continues to escalate especially with regard to cannabidiol (CBD). Hemp-derived CBD has quickly grown into multibillion dollar business in the United States with no regulatory framework.

The Agriculture Improvement Act of 2018 (better known as the Farm Bill) removed low-THC cannabis and its derivatives from the Controlled Substances Act. The law also charged the FDA with regulating CBD safety, manufacturing, product quality, marketing, labeling and sales. The FDA has stated its commitment to evaluating the regulatory frameworks for non-drug uses, including products marketed as foods and dietary supplements. The FDA currently prohibits CBD-infused food, drinks, or dietary supplements to be sold and has yet to establish regulations for the sale of other hemp-derived CBD products intended for human consumption.

The risks associated with unregulated CBD products come from unknown composition and quality of the products offered, including the presence of contaminants and incorrect or misleading labels for cannabinoid content. Research concluded that the majority of CBD products sold online are mislabeled. Of tested products, 26% contained less CBD than labeled and THC was detected in 18 of the 84 samples tested. THC content observed may be sufficient to produce intoxication or impairment, especially among children. These findings highlight the need for manufacturing and testing standards, and regulatory oversight of hemp-derived CBD products.

Today Hawai'i is faced with potential public health risks arising from consumption of unregulated sales of products reportedly containing CBD on the internet and through so-called CBD dispensaries, spas, gyms, health food stores, convenience stores, and even gas stations.

Finally, during previous legislative sessions Hawai'i lawmakers have considered bills to legalize and tax adult recreational use of cannabis. While cannabis remains illegal at the federal level, 33 states and the District of Columbia have legalized cannabis for recreational and/or medical purposes. Hawai'i can gain valuable insight by analyzing the experience of other jurisdictions, including cost-benefit analyses to determine both the social and economic costs of such changes.

This briefing will seek to accomplish these four goals:

- Examine the benefits of Medical Cannabis therapy including as a safe alternative to prescription opioids for pain relief
- Understand the risks associated with human consumption of unregulated hemp-derived CBD; review state hemp cultivation and manufacturing policies and CBD regulations in other jurisdictions
- Review other jurisdictions who provide for rational protections for employees registered in the state's Medical Cannabis Registry program.
- Begin a discussion about Hawai'i's need for a well-considered, thoughtful transition to a "dual use" program that allows both medical and adult social use of cannabis.

Karmen Hanson is a Health Program Director for the National Conference of State Legislatures (NCSL), a bipartisan non-governmental organization established in 1975 to serve the members and staff of all state legislature of the United States (states, commonwealths, and territories). NCSL has three objectives: to improve the quality and effectiveness of state legislatures; to promote policy innovation and communication among state legislatures; and to ensure state legislatures a strong, cohesive voice in the federal system. All state legislators and staff members are members of NCSL.

## **BRIEFING SCHEDULE**

- 9:30 am-9:40 am: **Welcome & Introductory Remarks** (*Sen. Roz Baker & Rep. John Mizuno*)
- 9:40 am - 10:00 am: **A National Overview of Cannabis Policy** presentation by the National Conference of State Legislatures Health Program Director Karmen Hanson

- 10:00 am - 10:15 am: **Brief Remarks** (*Director of Health Bruce Anderson*) **and Recognition of Key Leaders in Audience**
- 10:15 am - 10:45 am: **Health Risks of Unregulated Hemp-Derived CBD** (*Dr. Jaclyn Moore, Pharm. D, Michael Backe, researcher*)
- 10:45 am - 10:55 am: **Overview: Employment Protections for Registered Cannabis Patients in Other Jurisdictions** (*Karmen Hanson, NCSL*)
- 10:55 am - 11:05 am: **Review of Intrastate Transport of Medical Cannabis – State & Federal Laws** (*Karmen Hanson, NCSL*)
- 11:05 am-11:20 am: **Policy Overview: Hemp-Derived CBD Policy: FDA & Best Practices from Other Jurisdictions** (*Karmen Hanson, NCSL*)
- 11:20 am -11:40 am: **Benefits of Medical Cannabis Therapy in Opiate Dependency** (*Me Fuimaono-Poe, APRN and Michael Backes*)
- 11:40 - 11:55 am: **Policy Overview: Examples of Dual Use Jurisdictions** (*Karmen Hanson, NCSL, and Michael Backes*)
- 11:55 am - 12:10 pm: **Potential Policy from the Legislative Briefing** (*Presenters, Karmen Hanson, NCSL and Sen. Baker and Rep. Mizuno will summarize potential future policy related to Medical Cannabis*)

At the conclusion of the presentations the Committees will reserve the final 15 minutes to highlight the top priorities relating to use of medical cannabis in Hawai'i. A Plan of Action may contain bill proposals for the 2020 Legislative session, administrative action, and/or memorandum of agreements between departments to ensure consumer protection and fairness relating to access to healthcare.

The Committees would like to thank the presenters who are experts in their respective fields, for their contributions to this briefing.

**No public testimony will be accepted.**

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If you require auxiliary aids or services to participate in the public hearing process (i.e., interpretive services (oral or written), ASL interpreter, or wheelchair accessibility), please contact the committee clerk at least 24 hours prior to the hearing so that arrangements can be made.

For further information, please call the Committee Clerk at 586-6050.

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Rep. John M. Mizuno  
Chair

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Rep. Scott K. Saiki  
Speaker of the House

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Senator Rosalyn H. Baker  
Chair

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Senator Ronald D. Kouchi  
President of the Senate