

**Testimony of the
Board of Naturopathic Medicine**

**Before the
House Committee on Consumer Protection and Commerce
Thursday, February 6, 2020
2:00 p.m.
State Capitol, Conference Room 329**

**On the following measure:
H.B. 1797, H.D. 1, RELATING TO HEALTH**

Chair Takumi and Members of the Committee:

My name is Relley Araceley, and I am the Acting Executive Officer of the Board of Naturopathic Medicine (Board). The Board supports this bill.

The purpose of this bill is to authorize naturopathic physicians to provide written certification to qualifying patients for medical cannabis use.

The Board reviewed this bill at its publicly noticed meeting on January 31, 2020, and noted that certifying patients for the use of medical cannabis falls within the scope of practice, education, and training of a naturopathic physician. To provide background and clarity for the Committee, at its meeting on May 10, 2019, the Board amended its naturopathic formulary by removing exclusionary language; however, the Board specifically noted that the removal of this language would not provide naturopathic physicians the authority to prescribe controlled substances pursuant to Hawaii Revised Statutes (HRS) chapter 329.

The Board further noted that HRS chapter 455 provides it with the authority and discretion to amend its naturopathic formulary. As page 2, lines 8 to 12 and page 9, lines 18 to 20 of the bill restrict the Board from amending its naturopathic formulary, the Board respectfully requests deleting the following language from H.D. 1:

- Page 2, lines 8 to 12: “provided that this section shall not be construed to authorize any naturopathic physician to manufacture, distribute, prescribe, dispense, or conduct reverse distribution with any controlled substance within this State.”
- Page 9, lines 18 to 20: “provided that the naturopathic formulary shall not include any narcotic drugs or other controlled substances, as defined in section 329-1.”

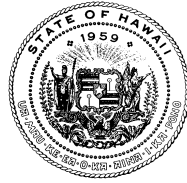
Testimony of Board of Naturopathic Medicine

H.B. 1797, H.D. 1

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By removing this language, the Board will have full discretion to amend its naturopathic formulary and to provide written certification for the medical use of cannabis, while keeping the prescriptive authority of “narcotic drugs or other controlled substances” in the appropriate sections of HRS chapter 329.

Thank you for the opportunity to testify on this bill.



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

WRITTEN ONLY

**Testimony COMMENTING on HB 1797 HD1
RELATING TO HEALTH**

REPRESENTATIVE ROY TAKUMI, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

REPRESENTATIVE LINDA ICHIYAMA, VICE-CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

Hearing Date: 02/06/2020

Room Number: 329

1 **Fiscal Implications:** None

2 **Department Testimony:** The department would like to provide comments on this measure.

3 The purpose of this bill is to increase patient access to medical cannabis by authorizing
4 naturopathic physicians to provide written certification for medical cannabis use for qualifying
5 patients. This measure seeks to amend 329-121, Hawaii Revised Statutes to do so. This
6 amendment would be predicated on proposed changes to Chapter 455 Hawaii Revised Statutes to
7 permit naturopathic physicians to obtain a controlled substance registration from the Department
8 of Public Safety. This registration for naturopathic physicians would be applicable only for the
9 certification of patients for medical cannabis.

10 The department supports efforts to increase patient access to medical cannabis which is limited
11 by the number of physicians and APRNs actively certifying qualified patients, but has concerns
12 that a treatable condition or disease process might be missed if the individual's sole provider is a
13 naturopathic physician. The Department defers to the Department of Public Safety for

- 1 amendments to Chapter 329, HRS and the Department of Commerce and Consumer Affairs on
- 2 any amendments related to Chapter 455, HRS in the bill.
- 3 Thank you for the opportunity to testify.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515

DWIGHT K. NADAMOTO
ACTING PROSECUTING ATTORNEY



LYNN B.K. COSTALES
ACTING FIRST DEPUTY
PROSECUTING ATTORNEY

THE HONORABLE ROY M. TAKUMI, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Thirtieth State Legislature
Regular Session of 2020
State of Hawai'i

February 6, 2020

RE: H.B. 1797, H.D. 1; RELATING TO HEALTH.

Chair Takumi, Vice-Chair Ichiyama, members of the House Committee on Consumer Protection & Commerce, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in opposition to House Bill 1797, House Draft 1. The purpose of H.B. 1797, H.D. 1, is to allow naturopathic physicians to issue written certifications for medical cannabis, in addition to physicians and advanced practice registered nurses.

Since 2015, Hawaii has drastically expanded the list of people who are authorized to issue written certifications for medical cannabis, from approximately 1,600 active primary care physicians, to now over 5,100 active physicians and advanced practice registered nurses (“APRN”) statewide. Prior to 2015, only primary care physicians could issue written certifications for medical cannabis, and there were approximately 1,600 active primary care physicians in Hawaii.¹ In 2015, this privilege was extended to all physicians with a “bona fide physician-patient relationship” [see Act 241 (2015), Section 8], doubling the number to approximately 3,600 individuals.² In 2016, this was further expanded to allow all APRN’s to issue certifications [see Act 230 (2016), Section 9], which added approximately 1,300 APRN’s statewide.³ While APRN’s are not medical doctors, they reportedly receive comparable medical

¹ See 2014 Hawaii Physician Workforce Profile, showing 1,603 primary care physicians statewide; available online at aamc.org/system/files/2019-07/hawaiiprofile.pdf; last accessed January 27, 2020. Also see 2016 Hawaii Physician Workforce Profile, showing 1,660 primary care physicians statewide; available online at aamc.org/system/files/2019-08/hawaii2017.pdf; last accessed January 27, 2020.

² See page 3, Hawaii Physician Workforce Assessment Project, Report to the 2016 Legislature, dated October 2015; showing 3,596 active physicians practicing in non-military settings; available online at <https://www.ahcc.hawaii.edu/download/13686/>; last accessed January 27, 2020.

³ See available online at <https://www.ahcc.hawaii.edu/download/13961/>; last accessed January 27, 2020. Geographic Report dated August 15, 2016, issued by State of Hawaii, Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division; showing 1,360 active APRN’s statewide; available online at cca.hawaii.gov/pvl/files/2013/06/WebGeo_081516.pdf; last accessed January 27, 2020.

training, maintain comparable standards of medical certainty, and are already legally authorized to prescribe most controlled substances within their specialty.

Today, there are approximately 3,500 active physicians and 1,600 active APRN's, all of whom are authorized to issue these certifications, for a total of approximately 5,100 individuals statewide.⁴ Moreover, the requisite "bona fide relationship" between patient and physician, or patient and APRN, can now be maintained via telehealth—after an initial in-person meeting—which provides regular access to a physician or APRN for patients living in remote or underserved areas. Thus, if a patient in Hawaii feels they are in need a certification for medical cannabis, there are already ample individuals who could provide it for them, and the restrictions have already been loosened to the point where it need not even be their primary care provider, nor do they need to have more than one in-person visit with the provider.

While we understand (from the prior hearing on H.B. 1797) that only a fraction of the authorized physicians and APRN's are currently registered with the Department of Health ("DOH") to certify medical cannabis, we do believe that the medical cannabis industry in Hawaii is proactive about referring anyone in need of a certification to those who are already able and willing to do so. Moreover, it appears the medical cannabis industry is making concerted efforts to provide outreach and educational opportunities for physicians and APRN's, such that more will be willing to certify medical have cannabis in the future; and that is particularly true as legislative efforts continue to move forward to decriminalize cannabis overall, provide greater immunities and so forth.

With approximately 27,000 patients in Hawaii already certified to use medical cannabis—and rising every year—the Department strongly believes that there are already ample points of access to get certifications, and those points of access likely also increase every year, with more and more physicians and APRN's getting licensed and/or getting educated on appropriate applications for medical cannabis. Without a written certification for medical use, cannabis continues to be a Schedule 1 drug—both on the State and Federal schedules—and the Department is deeply concerned that loosening the standards beyond medical doctors and APRN's (5,100 of them, as of 2019), would go too far. It is the Department's understanding that "naturopathic physicians" do not maintain the same medical standards, nor receive the same level of medical training, as physicians or APRN's in Hawaii, and they are not currently authorized to prescribe any controlled substances, unlike physicians and APRN's.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly believes that reasonable controls must be maintained on issuance of these certifications, and opposes the passage of H.B. 1797, H.D. 1. Thank you for the opportunity to testify on this matter.

⁴ See Geographic Report dated October 17, 2019, issued by State of Hawaii, Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division; showing 1,61 active APRN's statewide; available online at cca.hawaii.gov/pvl/files/2019/10/WebGeo_101719.pdf; last accessed January 27, 2020.

**To: Chair Roy M. Takumi
Vice Chair Linda Ichiyama
Members of the House Committee on Consumer Protection and Commerce**

**From: Michael Traub ND
Legislative Committee Chair
Hawaii Society of Naturopathic Physicians**

**Re: HB1797HD1, Relating to Health
February 6, 2020. 2:00 pm, Conference Room 329**

Position: IN SUPPORT

Current Hawaii law states allows a Hawaii-licensed Medical Doctor, Doctor of Osteopathy, or Advanced Practice Registered Nurse to certify a patient for the Medical Cannabis Program.

As of January 28, 2020, 278 physicians and APRNs had signed up with the Hawaii Medical Cannabis Program. Of those 278 providers, 173 have filed certificates for medical cannabis. There are 27,000 medical cannabis card carriers. These numbers are evidence that there is a need for greater access to providers who are authorized to certify patients for the Medical Cannabis Program.

The proposed legislation would allow naturopathic physicians to certify a patient for the Medical Cannabis Program by amending the law to authorize naturopathic physicians to obtain a Drug Enforcement Agency (DEA) number and a Hawaii Controlled Substance License.

HSNP supports this bill for the following reasons (with suggested amendments below):

- The fact that medical cannabis is a botanical medicine demands a sophisticated understanding of *Cannabis* species and the variety of preparations in which it is available.
- Naturopathic physicians are experts in botanical medicine and medicinal plant chemistry, safety and efficacy.
- Botanical medicines comprise the bulk of prescriptions made by naturopathic physicians from the naturopathic formulary as determined by the Hawaii Board of Naturopathic Medicine (BNM).
- **In November 2019, in anticipation of successful passage of legislation expected as with this bill, the BNM removed the prohibition of controlled substances from the naturopathic formulary.**
- **HB1797HD1, in its current form, states on p.2 “that this shall not be construed to authorize any naturopathic physician to manufacture, distribute, prescribe, dispense, or conduct reverse distribution with any controlled substance within this State”**
And on p.9 “the naturopathic formulary shall not include any narcotic drugs or other controlled substances, as defined in section 329-1,” which conflicts with the BNM’s recent decision to remove the prohibition of controlled substances from the naturopathic formulary.
- **We respectfully request that these two sections of HB1797 be deleted, so that no conflict exists between the BNM’s authority with respect to controlled substances. As stated in the preamble of HB1797HD1 “The legislature further finds that, as determined by the state board of naturopathic medicine, it is within the scope of naturopathic practice that medical cannabis can be prescribed by naturopathic physicians.”**

- **The BNM, has, for the past 10 years, been clear in its position to not include narcotic drugs in the naturopathic formulary, while at the same time has supported legislation that would allow the inclusion of testosterone (a controlled substance).**
- **The BNM is in support of the amendments as suggested above.**
- **The Department of Public Safety has testified in previous sessions of this legislature in favor of adding testosterone to the naturopathic formulary, is supportive of registering naturopathic physicians for controlled substances, and this Committee on CPH has also voted in favor of previous bills in this regard. For some unknown reason/s, however, the bills have not successfully navigated the full committee process for approval by the Legislature.**
- In addition to their expertise in botanical medicine, naturopathic physicians are primary care physicians and manage prescriptions for many of their patients. There are approximately 135 naturopathic physicians with active licenses in Hawaii. Adding naturopathic physicians to the provider types eligible to certify patients for the Hawaii Medical Cannabis program would significantly increase access to healthcare and benefit the people of Hawaii for whom medical cannabis may be a good therapeutic option.

HB-1797-HD-1

Submitted on: 2/4/2020 4:35:09 PM

Testimony for CPC on 2/6/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bonnie Marsh	UpCountry Doctor	Support	No

Comments:

As a Naturopathic Physician I ask for your support in being able to evaluate and prescribe this herb for the benefit of suffering Hawaiian citizens.

Mahalo,

Dr. Bonnie Marsh

HB-1797-HD-1

Submitted on: 2/4/2020 4:05:13 PM

Testimony for CPC on 2/6/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Allison Gandre	Individual	Support	No

Comments:

To: Chair Roy M. Takumi

Vice Chair Linda Ichiyama

Members of the House Committee on Consumer Protection and Commerce

From: Dr. Allison Gandre

HI Natural Healing

415 A Uluniu St

Kailua, HI 96734

Re: HB1797HD1, Relating to Health

February 6, 2020 at 2:00 pm, Conference Room 329

Position: IN SUPPORT

Current Hawaii law states allows a Hawaii-licensed Medical Doctor, Doctor of Osteopathy, or Advanced Practice Registered Nurse to certify a patient for the Medical Cannabis Program.

As of January 28, 2020, 278 physicians and APRNs had signed up with the Hawaii Medical Cannabis Program. Of those 278 providers, 173 have filed certificates for medical cannabis. There are 27,000 medical cannabis card carriers. These numbers

are evidence that there is a need for greater access to providers who are authorized to certify patients for the Medical Cannabis Program.

The proposed legislation would allow naturopathic physicians to certify a patient for the Medical Cannabis Program by amending the law to authorize naturopathic physicians to obtain a Drug Enforcement Agency (DEA) number and a Hawaii Controlled Substance License.

HSNP supports this bill for the following reasons (with suggested amendments below):

- The fact that medical cannabis is a botanical medicine demands a sophisticated understanding of *Cannabis* species and the variety of preparations in which it is available.
 - Naturopathic physicians are experts in botanical medicine and medicinal plant chemistry, safety and efficacy.
 - Botanical medicines comprise the bulk of prescriptions made by naturopathic physicians from the naturopathic formulary as determined by the Hawaii Board of Naturopathic Medicine (BNM).
 - **In November 2019, in anticipation of successful passage of legislation expected as with this bill, the BNM removed the prohibition of controlled substances from the naturopathic formulary.**
 - **HB1797HD1, in its current form, states on p.2 “that this shall not be construed to authorize any naturopathic physician to manufacture, distribute, prescribe, dispense, or conduct reverse distribution with any controlled substance within this State”**
- And on p.9 “the naturopathic formulary shall not include any narcotic drugs or other controlled substances, as defined in section 329-1,” which conflicts with the**

BNM's recent decision to remove the prohibition of controlled substances from the naturopathic formulary.

- **We respectfully request that these two sections of HB1797 be deleted, so that no conflict exists between the BNM's authority with respect to controlled substances. As stated in the preamble of HB1797HD1 "The legislature further finds that, as determined by the state board of naturopathic medicine, it is within the scope of naturopathic practice that medical cannabis can be prescribed by naturopathic physicians."**

- **The BNM, has, for the past 10 years, been clear in its position to not include narcotic drugs in the naturopathic formulary, while at the same time has supported legislation that would allow the inclusion of testosterone (a controlled substance).**

- **The BNM is in support of the amendments as suggested above.**

- **The Department of Public Safety has testified in previous sessions of this legislature in favor of adding testosterone to the naturopathic formulary, is supportive of registering naturopathic physicians for controlled substances, and this Committee on CPH has also voted in favor of previous bills in this regard. For some unknown reason/s, however, the bills have not successfully navigated the full committee process for approval by the Legislature.**

- **In addition to their expertise in botanical medicine, naturopathic physicians are primary care physicians and manage prescriptions for many of their patients. There are approximately 135 naturopathic physicians with active licenses in Hawaii. Adding naturopathic physicians to the provider types eligible to certify patients for the Hawaii Medical Cannabis program would significantly increase access to healthcare and benefit the people of Hawaii for whom medical cannabis may be a good therapeutic option.**

HB-1797-HD-1

Submitted on: 2/4/2020 7:52:16 PM

Testimony for CPC on 2/6/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Corinne Maul De Soto	Individual	Support	No

Comments:

In support of allowing naturopathic physicians to certify a patient for medical cannabis.

Sections on the current bill on p2 and p9 conflict with the BOard of naturopathic medicine's recent decision to remove the prohibition of controlled substances from the naturopathic formulary.

- We respectfully request that these two sections of HB1797 be deleted, so that no conflict exists between the BNM's authority with respect to controlled substances. As stated in the preamble of HB1797HD1 "The legislature further finds that, as determined by the state board of naturopathic medicine, it is within the scope of naturopathic practice that medical cannabis can be prescribed by naturopathic physicians."
- The BNM, has, for the past 10 years, been clear in its position to not include narcotic drugs in the naturopathic formulary, while at the same time has supported legislation that would allow the inclusion of testosterone (a controlled substance).
- The BNM is in support of the amendments as suggested above.

Naturopathic physicians are perfectly positioned to meet a very important need for their patients to have access to a pain control alternative that does not confer the same addictive potential as narcotics. As a primary care physician, I personally have dozens of patients that meet the guidelines for medical cannabis use and these patients deserve the right to access this important medication. Naturopathic physicians are the most well trained of all physicians in botanical medicine use, safety and efficacy, and as such are the experts in this field.

Thank you for this consideration.

HB-1797-HD-1

Submitted on: 2/4/2020 9:18:19 PM

Testimony for CPC on 2/6/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
steven Dubey	Individual	Support	No

Comments:

Dear Honorable members of House Committee on Consumer Protection and Commerce

I am Dr Steve Dubey, Naturopathic Physician.

I have been practicing in Lihue on Kauai for the last 38 years. My practice completes approximately 240 patient visits per month, serving Hawaii's people from newborn babies to elderly seniors and everyone in between. I support passage of HB1797 to allow Hawaii Naturopathic Physicians to certify specific patients for Medical Cannabis, when it may be indicated. Naturopathic Doctors are well trained in Botanical Medicine, the medicinal use of plants. The fact that Cannabis , in its THC containing form, is a controlled substance has limited its availability for Naturopathic patients, and placed its prescribing in the hands of MDS, and DOs, who may be less qualified to prescribe plant medicines. Offering Cannabis to become part of modern Naturopathic practice is an important step in Hawaii NDs being able to be less hindered as the comprehensive primary care practitioners we are for Hawaii.

Thank you for Passing HB1797

Sincerely

Steven Dubey ND LAc

3093 Akahi St

Lihue HI 96766

808 245-2277

www.nhckauai.com

Karen Tan, ND, MAcOM, LAc
320 Ward Ave, Suite 105
Honolulu, HI 96814
808-591-8778

To: Chair Rep Roy Takumi
Vice Chair Rep Linda Ichiyama
Committee on Consumer Protection & Commerce

From: Karen Tan, ND, MAcOM, LAc
Honolulu, HI

Re: HB1797, Relating to Medical Cannabis
Feb 6, 2020, at 2 pm Conferenc Room 329

Position: STRONG SUPPORT

Current Hawaii law states allows a Hawaii-licensed Medical Doctor, Doctor of Osteopathy, or Advanced Practice Registered Nurse to certify a patient for the Medical Cannabis Program.

The proposed legislation would allow Naturopathic Physicians to certify a patient for the Medical Cannabis Program by amending the law to authorize Naturopathic Physicians to obtain a Drug Enforcement Agency (DEA) number and a Hawaii Controlled Substance License.

How and Why do Naturopathic Doctors Use Botanical Medicine?¹

Botanical medicine, also known as herbal medicine, is the science and practice of using medicinal plants and extracts to improve overall health, support wellness, and treat acute and chronic disease. Many conventional pharmaceutical drugs are derived from plants. Modern botanical medicine combines evidence-based science along with centuries-old experience to provide safe and effective treatments that support the body's ability to heal.

Botanical medicines are complex substances that differ in many ways from pharmaceutical drugs. There may be multiple active constituents, some that may have potential for dose-dependent toxicity. Botanical medicine may be contaminated in the growing or harvesting or manufacturing processes. They may be adulterated. They may interact with prescription drugs in positive or negative ways.

Naturopathic physicians are experts in botanical medicine and understand these complexities and how to use medicinal plants safely.

Cannabis is a perfect example of a complex plant that requires a different understanding than that required for a pharmaceutical cannabis-derived drug. In many other states, naturopathic physicians are authorized to prescribe cannabis and certify patients for medicinal cannabis. This authority comes with the responsibility of knowing what conditions may benefit from cannabis products, as well as conditions for which cannabis may be of no use.

Botanical medicine expands treatment options for patients. Alone or in combination with other naturopathic treatments, botanical medicines can be a safe, appropriate, and effective choice for addressing numerous health concerns ranging from frequent illness to gastrointestinal discomfort to depression, and more. During medical school, NDs complete an average of 130 classroom hours of botanical medicine education.

¹ Patricia Gaines, ND, and Sheila Kingsbury, ND, *How and Why do Naturopathic Doctors Use Botanical Medicine?* (American Association of Naturopathic Physicians and the Institute for Natural Medicine, FAQs)

A cornerstone of naturopathic medicine, botanical medicine is one of the most effective therapies that licensed naturopathic doctors (NDs) use to gently and safely treat illness while minimizing the risk of harmful side effects

Botanical medicine is taught in a series of courses that build upon each other through an ND's four-year, science-based medical education. Naturopathic medical schools are accredited and are recognized by the United States Department of Education. In addition to classroom study, naturopathic medical students refine and apply learnings in various settings, including over 1,200 hours of clinical rotations with patients.

Naturopathic Botanical Medicine Curriculum

Through this rigorous curriculum, naturopathic doctors learn how to choose and effectively prescribe herbal medicines to treat the underlying cause(s) of illness, minimize side effects and drug interactions, and individualize doses and formulations for the maximum therapeutic benefit. Core areas of focus in naturopathic botanical medicine curriculum include:

- History and current use of Western herbal medicine
- Herbal properties and actions of plants
- Herbal constituents (compounds that have medicinal properties), medicinal actions (function in the body), and indications
- Critical evaluation of literature and research in regard to both efficacy and interactions/contraindications of botanical medicines
- Optimal extraction and delivery for a variety of plants
- Botanical prescription writing
 - Organ systems-based botanical medicine formulation and topical application, including gastrointestinal, respiratory, immune, cardiovascular, ears/eyes/nose/throat, reproductive, urinary, endocrine, musculoskeletal, and nervous systems
- Choosing, assessing and preparing herbal medicine in various forms including aqueous extracts, tinctures, herbal oils and salves, syrups, capsules, oxymels, poultices, and compresses. This includes evaluating comparable advantages and disadvantages of each type of preparation
- Dose ranges, contraindications, toxicity, side effects, and interactions
- Sustainability of herbal medications
- Effective creation of individualized formulas for patients
- Translation of labels to determine the purpose and application of over-the-counter herbal products

This comprehensive training combined with a focus on treating the whole person—mind, body, and spirit—enables naturopathic doctors to utilize botanical medicine when best suited to effectively treat the patient based on their diagnosis and presentation. By spending extra time to evaluate and diagnose patients and then drawing on a spectrum of therapies including botanical medicine, clinical nutrition, and behavioral and lifestyle medicine, naturopathic doctors tailor comprehensive treatment to each patient, with a close eye on safety.

In addition to being experts in botanical medicine, naturopathic physicians are primary physicians and manage prescriptions for many of their patients. Adding naturopathic physicians to the provider types eligible to certify patients for the Hawaii Medical Cannabis program would increase access to healthcare and benefit the people of Hawaii for whom medical cannabis may be a good therapeutic option.

Sincerely,

Dr Karen Tan



Steelsmith Natural Health Center

438 Hobron Lane, Suite 314, Honolulu, Hawaii 96815

www.SteelsmithHealth.com

(808)943-0330

To: Chair Roy M. Takumi
Vice Chair Linda Ichiyama
Members of the House Committee on Consumer Protection and Commerce

From: Kristen Coles, ND, Lac
Steelsmith Natural Health Center

Re: HB1797HD1, Relating to Health
February 6, 2020 at 2:00 pm, Conference Room 329

Position: IN SUPPORT

Dear Chairman Takumi and Members of the Committee on Consumer Protection and Commerce –

I am a practicing naturopathic physician in Honolulu and support HB1797. As a naturopathic physician our training is on par with other healthcare providers who currently have the ability to certify patients for the Hawaii Medical Cannabis program. Additionally, I would point out that naturopathic physicians are the leading experts trained in herbal medicine, which medical cannabis is an herbal derived product. Please consider passing this bill as I believe the inclusion of naturopathic physicians to the providers that are eligible to certify patients for medical cannabis will be beneficial to the people of Hawaii.

Thank you,

Dr. Kristen Coles

Dr Myron Berney, ND, LAc
Naturopathic Physician
Licensed Acupuncturist

IN SUPPORT HB 1797, HD1

We agree with the Purpose and Intent of this Bill which is to provide improved and greater medical access to necessary, appropriate, reasonable health care services and essential medicine. The legislature finds that although the State has taken many important steps to make medical cannabis available, further action is needed to ensure access.

The sole intent of this bill is to provide necessary, appropriate and reasonable access to essential medicine for benefit of the Public Health.

The purpose of this Act is to improve patient access to medical cannabis by authorizing Naturopathic Physicians to provide written certification for medical cannabis use to qualifying patients.

The Hawaii State Board of Naturopathic Medicine has determined that it is within the Scope of Practice of Naturopathic Medicine and that medical cannabis can be prescribed by Naturopathic Physicians.

Accordingly, the purpose of this Act is to improve patient access to medical cannabis by authorizing Naturopathic Physicians to provide written certification for medical cannabis use to qualifying patients.

Historically, the Traditional Use, Religious Use and Medical Use of Cannabis began in prehistoric times and has continued throughout recorded history. Prior to the Prohibition of Cannabis in 1939, Cannabis was listed in the US Pharmacopeia as an Official Medicine. The prohibition of Marijuana was strongly opposed by the AMA in 1939. Prohibition of USP Cannabis was accomplished by “fake news” and Hollywood movies that misrepresented Cannabis as having drug effects that are actually attributed to alcohol and cocaine.

We now know that Cannabis prevents and treats Drug Abuse specifically in treating both Alcohol abuse and Opioid Addiction. Cannabis, THC, prevents opioid dependency reducing or eliminating the risk of overdose and death while increasing the therapeutic action synergistically.

Currently, the medical use of Cannabis is fully accepted by Law Enforcement and the majority of Physicians locally and nationally. Nationally and specifically here in Hawaii the majority of voters support Legalization and Regulation of Marijuana.

Some Christians have a Religious Belief that opposes marijuana as a “Devil Weed”. Orthodox Jewish Rabbis declare that marijuana is Kosher. Some Hindu, Buddhist, Christians and Jews hold to the Spiritual use of Cannabis.

In State and Provinces that have legalized OTC Recreational Marijuana the Violent Crime Rate has dropped by 25%, Alcohol Abuse dropped about 45% and Opioid prescription use was down over 50%. Marijuana is good for both the Public Health and Public Safety. When law enforcement recognizes the benefit of a 25% drop in violent crimes, they will be “All in!”

The Hawaii State Board of Naturopathic Medicine has determined that it is within the Scope of Practice of Naturopathic Medicine and that medical cannabis can be prescribed by Naturopathic Physicians.

The sole intent of this bill is to provide necessary, appropriate and reasonable access to essential medicine for benefit of the Public Health.

In Addition, and perhaps more importantly, [on page 6] The certifying physician, 7 naturopathic physician, or advanced practice registered nurse 8 shall be required to have a bona fide physician-patient 9 relationship, bona fide naturopathic physician-patient 10 relationship, or bona fide advanced practice registered nurse 11 patient relationship, as applicable, with the qualifying 12 patient.

The Purpose of this language requiring a bona fide relationship, In My Humble Opinion, is to ensure appropriate medical care and to eliminate the out-of-State-fly-by-night Prescription mills that have been invading the State prior to this necessary, reasonable and appropriate language that is required to assure high quality health care delivery.

If Cannabis was Scheduled Medically instead of Politically, Cannabis would not be a controlled substance. Cannabis would be Over the Counter [OTC], also known as Recreational, worldwide.

Thank you for your ongoing support of Health Care and the Public Health.

Sincerely,

Dr. Myron Berney, N.D., L.Ac.

HB-1797-HD-1

Submitted on: 2/5/2020 12:58:12 PM

Testimony for CPC on 2/6/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carrie Brennan, N.D.	Individual	Support	No

Comments:

I support this bill.

HB-1797-HD-1

Submitted on: 2/5/2020 1:01:17 PM

Testimony for CPC on 2/6/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Maxwell Crispo	Individual	Support	No

Comments:

To: Chair Roy M. Takumi

Vice Chair Linda Ichiyama

Members of the House Committee on Consumer Protection and Commerce

From: Dr. Maxwell Crispo, ND; Lokahi Health Center, Kailua-Kona

Re: HB1797HD1, Relating to Health

February 6, 2020 at 2:00 pm, Conference Room 329

Position: IN SUPPORT

Aloha,

I would like to provide the following testimony and comments regarding HB1797:

Naturopathic physicians are recognized as primary care physicians in the state of Hawaii and manage prescription medications for many patients. Naturopathic physicians often see patients with chronic illnesses or pain, for which medical cannabis may be indicated, but under the current system, must refer them to another provider to certify for medical cannabis. In theory, medical cannabis should be being certified to patients by a provider who has a bonafied relationship with them, ideally their primary care physician. However, under this current system, this has many patients having to be sent to or seek out a "marijuana doctor" who sees them for only one visit with little known about their previous medical history, which raises several ethical issues. Including naturopathic doctors to certify for medical cannabis would allow them to

stream-line their care for their patients, ultimately saving time, energy and money for patients, providers and even the state.

There are less than 200 actively participating providers in the Hawaii Medical Cannabis Program currently, but over 27,000 Medical Cannabis card carriers. Clearly there is an issue with accessing this medication, and this can be addressed by including the type of providers that can certify for its use.

Currently, MDs, DOs and APRNs are the only providers that can certify medical cannabis in this state. These providers have no formal educational training in botanical medicine (and specifically, medical cannabis) and yet are the ones put in charge of overseeing this system. Naturopathic doctors have a comparable level of conventional medical education and training (or higher) as these other providers, but also have the knowledge and expertise in the prescribing and use of evidence-based botanical medicines that these other providers do not have. As such, including naturopathic doctors as certifiers of medical cannabis ensures not only better access to this medicine for patients, but more responsible and informed prescribing by providers who have the appropriate knowledge base to do so.

Lastly, the current wording in this bill regarding restrictions on naturopathic formulary from prescribing controlled substances (on pages 2 and 9) is incorrect and should be removed; the naturopathic formulary currently does not carry restrictive language with regards to controlled substances. As stated in the beginning of the bill, “The legislature further finds that, as determined by the state board of naturopathic medicine, **it is within the scope of naturopathic practice that medical cannabis can be prescribed by naturopathic physicians.**” The statements on page 2 and 9 are false and directly contradict this opinion of the legislature and will only promote confusion if they are to remain included.

Many thanks and kind regards.



KLEIN NATURAL

HEALTH AND WELLNESS CENTER

To: Representative Roy M. Takumi, Chair
Representative Linda Ichiyama, Vice Chair
Members of the House Committee on Consumer Protection & Commerce

From: Rachel M. Klein, ND, DC, DACNB, FIBFN-CNDH
Klein Natural Health and Wellness Center
2070 Kilauea Ave., Hilo, Hawai'i

Re: HB1797 HD1, Relating to Health
February 6, 2020, at 2:00 pm, Conference Room 329

Position: **SUPPORT**

I strongly support the proposed legislation that would allow Naturopathic Physicians to certify a qualifying patient for the Medical Cannabis Program by amending the law to authorize Naturopathic Physicians to obtain a Drug Enforcement Agency (DEA) number and a Hawaii Controlled Substance License.

Naturopathic Physicians are experts in the use of botanical medicines, and in their interactions with other medications and nutraceuticals. In Hawai'i, there are many patients for whom their primary care provider is a Naturopathic Physician. For these patients, having one provider managing their prescriptions and their cannabis certification would reduce possible problems.

I would, however, like to respectfully request and support consideration of an amendment to remove the following language from the noted sections:

Section 2 – “provided that this section shall not be construed to authorize any naturopathic physician to manufacture, distribute, prescribe, dispense, or conduct reverse distribution with any controlled substance within this State.”

Section 9 – “provided that the naturopathic formulary shall not include any narcotic drugs or other controlled substances, as defined in section 329-1.”

The reason for this, is that I am concerned that with its existing language, this bill would be in conflict with the current way the Naturopathic formulary is managed in the state of Hawai'i, which is under the purview of our State Board of Naturopathic Medicine. I strongly support the removal of this language as I fear leaving it in could call the Board's authority into question in the future.

Overall, allowing Naturopathic Physicians to certify patients for Medical Cannabis use is safe and would increase access for qualifying patients and decrease the burden on the existing certifiers.

For these reasons I ask that you pass this measure with the amendments requested above. Thank you for your time and attention to this matter,

Dr. Rachel M. Klein

HB-1797-HD-1

Submitted on: 2/5/2020 12:41:06 PM

Testimony for CPC on 2/6/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Katherine Pomeroy	Individual	Support	No

Comments:

To: Chair John M. Mizuno Vice Chair Bertrand Kobayashi Members of the Committee on Health

Please support HB1797, and also carefully consider the line of reasoning in testimony you read against HB1797. I would like to address three of the arguments already proposed as testimony that do not support HB1797:

1. There are already ample providers for acquiring medical cannabis.

That there are ample providers to prescribe medical cannabis is not a valid reason to bar NDs from also prescribing. Furthermore, even with telehealth options, in 2019 the state of Hawaii was short on 300 primary care physicians (a 23% shortage). (See available online at <https://www.ahec.hawaii.edu/download/13961/>; last accessed February 5, 2020.) These figures don't include NDs as primary care, although NDs are licensed by the state as primary care doctors.

2. A patient's primary care provider or a provider who has a regular relationship with the patient is the best provider to prescribe.

It is common sense that a primary care provider or a provider who has a regular relationship with the patient is the best provider to prescribe anything, not just cannabis. NDs are no different than any other primary care provider on this point. In fact, to date the only practices in Hawaii based solely on medical marijuana prescriptions are not ND practices. Furthermore, given the right parameters, such a practice can be conducted responsibly.

3. Naturopathic physicians do not maintain the same medical standards or receive the same level of medical training as physicians or APRN's.

Naturopathic doctors have a different knowledge base than MDs or APRNs. It includes the conventional western medical training, especially for diagnosis, then goes beyond that in a number of therapeutic areas, including botanical (herbal) medicine as a strong core therapeutic focus. NDs are therefore more qualified than MDs and APRNs to prescribe botanical medicines, i.e. plants in their whole form and extracts of plants.

Thank you for your time and attention. In considering testimony that does not support HB 1797, I trust you will make sure that claims and assumptions made about the naturopathic profession as it pertains to HB1797 are valid and substantiated.

Sincerely,

Katherine Pomeroy, N.D.

HB-1797-HD-1

Submitted on: 2/5/2020 7:38:31 PM

Testimony for CPC on 2/6/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Kevin R. Gibson	Individual	Support	No

Comments:

Patients who are in need of medical marijuana are often delayed in gaining access. This needlessly prolongs suffering. Naturopathic primary care physicians can help to expedite a pateints access safely.

Thank you for considering your **support** of this measure.

Kevin R. Gibson ND, LAc, MS

HB-1797-HD-1

Submitted on: 2/5/2020 2:33:27 PM

Testimony for CPC on 2/6/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
amber iwaoka	Individual	Support	No

Comments:

I work at an ND office & know that herbal medicine is a daily knowledge utilized as the norm. I can't imagine a more specialized - qualified service provider with this kind of expanded knowledge. Any other decisions than to qualify ND's the right to provide a license for cannabis would be ridiculous as that is an herb like many others that they already work with and to exclude 1 herb out from other germs is a form of prejudice. Make the decision to stop prejudice by starting here.

HB-1797-HD-1

Submitted on: 2/5/2020 10:35:10 PM

Testimony for CPC on 2/6/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alex Steelsmith	Individual	Support	No

Comments:

February 5, 2020

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

**Re: HB 1797, HD1 Relating to Health
(Hearing on February 6, 2020 at 2:00 pm, in Conference Room 329)**

Position: SUPPORT

I am writing to urge your support for HB1797 HD1. There is a clear and demonstrable need for greater access to health care providers in Hawaii who are authorized to certify patients for the Medical Cannabis Program. Our current law allows Medical Doctors, Doctors of Osteopathy, and Advanced Practice Registered Nurses to certify patients for this program. The proposed legislation would allow Naturopathic Physicians to certify patients accordingly by amending the law to authorize them to obtain Drug Enforcement Agency numbers and Hawaii Controlled Substance Licenses.

It is highly appropriate to amend the law to authorize Naturopathic Physicians to share this responsibility. As primary care physicians and our most highly qualified experts in botanical medicine, Naturopathic Physicians are particularly well equipped to understand the complexities of prescribing medicinal plants safely and effectively. During their federally-accredited medical training, they complete an average of 130 classroom hours of botanical medicine education through several years of rigorous scientific study. Because of this, the training of Naturopathic Physicians in the U.S. is widely considered to be among the world's best medical education in this area of medicine. This is why many other states already authorize Naturopathic Physicians to prescribe cannabis and certify patients for medicinal cannabis.

Expanding our law on this issue to include Naturopathic Physicians will increase access to health care and benefit the people of Hawaii for whom medical cannabis may be an appropriate therapeutic option.

Thank you,
Alex Steelsmith

HB-1797-HD-1

Submitted on: 2/5/2020 11:39:08 PM

Testimony for CPC on 2/6/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Steelsmith	Individual	Support	No

Comments:

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

Re: HB1797, Relating to Health (Hearing scheduled for February 6, 2020 at 2:00 pm in Conference Room 329)

Position: Strong Support

February 5, 2020

Dear Chair Takumi, Vice Chair Ichiyama, and Members of the Committee,

Please support the passage of HB1797, expanding Hawaii's law to allow Naturopathic Physicians to certify patients for medical cannabis use. Current Hawaii law gives this responsibility to Medical Doctors, Doctors of Osteopathy, and Advanced Practice Registered Nurses, but excludes Naturopathic Physicians for no apparent reason. It is highly appropriate to amend the law to include Naturopathic Physicians in this process, and there is clearly a need for greater access to health care providers in Hawaii who are authorized to certify patients for the Medical Cannabis Program. HB1797 would play an important role by amending the law to authorize Naturopathic Physicians to obtain Drug Enforcement Agency numbers and Hawaii Controlled Substance Licenses for the purpose of certifying patients for this program.

Naturopathic Physicians are the most highly qualified experts in botanical medicine, and understand the complexities of prescribing medicinal plants safely. In Naturopathic Medical School, we complete an average of 130 classroom hours of botanical medicine education. Because of this, the training of Naturopathic Physicians in the U.S. is widely considered the world's best medical education in this area of medicine, and many other states already authorize Naturopathic Physicians to prescribe cannabis and certify patients for medicinal cannabis.

Expanding our current law on this issue to include Naturopathic Physicians will increase access to health care and benefit the people of Hawaii for whom medical cannabis may be an appropriate therapeutic option.

Thank you,
Dr. Laurie Steelsmith N.D., L.Ac.
www.DrSteelsmith.com