



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

Written Only

**Testimony in SUPPORT of SB 2772**  
**RELATING TO MEDICAL CANNABIS**

SENATOR ROSALYN H. BAKER, CHAIR  
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND HEALTH  
Hearing Date: January 31, 2020 Room Number: 229

- 1 **Fiscal Implications: None**
- 2 **Department Testimony:** The department supports this measure that ensures the accuracy of
- 3 Section 329-121, Hawaii Revised Statutes by substituting “usable cannabis” as belonging to the
- 4 plant genus Cannabis rather than the plant family Moraceae.
- 5 The proposed amendment corrects a technical error caused by recent changes in plant taxonomy
- 6 (from Family Moraceae to Cannabaceae) and substitutes the genus “Cannabis” to avoid
- 7 confusion caused by these changes.
- 8 Thank you for the opportunity to testify.



**Akamai Cannabis Clinic**

3615 Harding Ave, Suite 304  
Honolulu, HI 96816

TESTIMONY ON SENATE BILL 2772  
RELATING TO MEDICAL CANNABIS

By  
Clifton Otto, MD

Senate Committee on Commerce, Consumer Protection, and Health  
Senator Rosalyn H. Baker, Chair  
Senator Stanley Chang, Vice Chair

Friday, January 31, 2020; 9:30 AM  
State Capitol, Conference Room 229

Thank you for the opportunity to provide testimony on this measure. Please consider the following comments related to this bill:

The purpose of this bill seems to be to make a technical correction to the statutory reference that incorrectly lists cannabis in the Moraceae family.

However, this bill also raises important questions about what constitutes “usable cannabis” for our medical cannabis patients.

It appears that the need for this term originates from the definition of “adequate supply”:

“[§329-121 Definitions](#). As used in this part:

"Adequate supply" means an amount of medical cannabis jointly possessed between the qualifying patient and the primary caregiver that is not more than is reasonably necessary to ensure the uninterrupted availability of cannabis for the purpose of alleviating the symptoms or effects of a qualifying patient's debilitating medical condition; provided that an "adequate supply" shall not exceed: ten cannabis plants, whether immature or mature, and four ounces of usable cannabis at any given time."

“An Accepted Medical Use Supporter”

Unfortunately, the current and proposed definitions of “usable cannabis” include an inclusive list of materials (leaves, flowers, mixtures and preparations) that might not actually be what patients are using as their preferred form of cannabis medicine, and therefore should not be counted towards the four ounces of medical cannabis that patients are allowed to possess.

It should be up to patients to decide what constitutes their four ounces of usable material. Therefore, a better amendment to the current definition of “usable cannabis” would be the following:

“Usable cannabis” means the dried leaves and flowers of a plant from the genus Cannabis, and any mixture or preparation thereof, that the patient has designated as the necessary form of cannabis for medical use. “Usable cannabis” does not include the seeds, stalks, and roots of the plant.”

In addition, it should be up to the certifying provider to decide what constitutes the appropriate medical use of cannabis. The following amendments would allow for certifying physicians and APRNs to decide what is the most appropriate application of the medical use of cannabis for a patient’s medical condition, as they do with all other forms of medical treatment:

Section 329-121, Hawaii Revised Statutes:

~~["Debilitating medical condition" means:~~

~~(1) Cancer, glaucoma, lupus, epilepsy, multiple sclerosis, rheumatoid arthritis, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, or the treatment of these conditions;~~

~~(2) A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following:~~

~~(A) Cachexia or wasting syndrome;~~

~~(B) Severe pain;~~

~~(C) Severe nausea;~~

~~(D) Seizures, including those characteristic of epilepsy;~~

~~(E) Severe and persistent muscle spasms, including those characteristic of multiple sclerosis or Crohn's disease; or~~

~~(F) Post-traumatic stress disorder; or~~

“An Accepted Medical Use Supporter”

~~(3) Any other medical condition approved by the department of health pursuant to administrative rules in response to a request from a physician or advanced practice registered nurse or potentially qualifying patient.]~~

"Medical use" means the acquisition, possession, cultivation, use, distribution, or transportation of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate [the symptoms or effects of a qualifying patient's debilitating medical condition] a qualifying patient's medical diagnosis or symptoms for which the certifying physician or APRN has provided the qualifying patient a written certification under this chapter. For the purposes of "medical use", the term distribution is limited to the transfer of cannabis and paraphernalia.

Thank you for considering these important changes.

Aloha.

**SB-2772**

Submitted on: 1/30/2020 7:28:55 AM

Testimony for CPH on 1/31/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Miles W. Tuttle	Testifying for Kush Hawaii	Support	No

Comments:

**SB-2772**

Submitted on: 1/29/2020 3:41:26 PM

Testimony for CPH on 1/31/2020 9:30:00 AM

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

Comments:

**SB-2772**

Submitted on: 1/29/2020 4:37:01 PM

Testimony for CPH on 1/31/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Anne Wheelock	Individual	Support	No

Comments:

Honorable Senators Rosalyn Baker, Chair, and Stanley Chang, Vice Chair,

Please support SB2772 relating to medical cannabis.

Thank you very much.

Sincerely,

Anne Wheelock, R.Ph, M.S.

**SB-2772**

Submitted on: 1/29/2020 12:38:03 AM

Testimony for CPH on 1/31/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gerard Silva	Individual	Oppose	No

Comments:



**SB-2772**

Submitted on: 1/29/2020 5:37:09 PM

Testimony for CPH on 1/31/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elizabeth Winternitz	Individual	Support	No

Comments:

As a senior citizen and lifelong Hawai'i resident-- and a medical cannabis user -- I support this bill.

**SB-2772**

Submitted on: 1/28/2020 4:20:17 PM

Testimony for CPH on 1/31/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rodney Evans	Individual	Support	No

Comments:

Cannabis is a long used money saving natural remedy for many ailments and was even used in USA until (1837-1937) is was deceptively made illegal by racists and a newspaper owner paper manufacturer so his paper business would not be threatened. I support removing all restrictions on this product and bringing it back to its rightful legal status to use.

**SB-2772**

Submitted on: 1/30/2020 11:06:41 AM

Testimony for CPH on 1/31/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joseph Kohn MD	Testifying for We Are One, Inc. - www.WeAreOne.cc - WAO	Support	No

Comments:

Support SB 2772

[www.WeAreOne.cc](http://www.WeAreOne.cc)