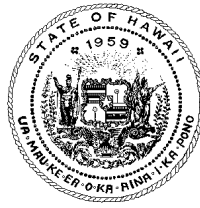


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

MAX N. OTANI
DIRECTOR

Maria C. Cook
Deputy Director
Administration

Tommy Johnson
Deputy Director
Corrections

Jordan Lowe
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 1032, HOUSE DRAFT 1
RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

By
Max N. Otani, Director

Senate Committee on Health
Senator Jarrett Keohokalole, Chair
Senator Rosalyn H. Baker, Vice Chair

Wednesday, March 24, 2021; 1:00 p.m.
Via Videoconference

The Department of Public Safety (PSD) **supports** House Bill (HB) 1032, House Draft (HD) 1, which updates Chapter 329 of the Hawaii Revised Statutes (HRS), to incorporate amendments made to the federal Controlled Substances Act that were permitted in Hawaii by the temporary designation of several new controlled substances by PSD in 2020. Under Section 329-11(d) and (e), HRS, PSD's temporary designation of new controlled substances shall be nullified if the next regular session of the State Legislature has not made the corresponding changes to state law.

Sections 329-11(d) and (e), HRS, provide that if a substance is added, deleted or rescheduled under federal law, or by an emergency scheduling action taken by PSD, then PSD shall recommend to the Legislature to make the corresponding changes in Hawaii law.

In 2020, PSD temporarily designated several substances as controlled substances and placed those substances on the schedules contained in Chapter 329, HRS. These temporary designations were made to correspond to several similar changes made to the federal controlled substances schedules by the United States Drug Enforcement Administration (DEA). This measure lists those substances and proposes to make the temporary designations permanent.

The Department supports HB 1032, HD 1 because it amends Chapter 329, HRS, to mirror recent changes to the federal Controlled Substances Act, thereby eliminating differences between federal and state law. Additionally, PSD supports the passage of HB 1032, HD 1 to avoid nullification of the controlled substances that were temporarily designated in 2020.

The Department notes that HB 1032, HD 1, also seeks to remove certain approved cannabidiol drugs (CBD) drugs from controlled substances regulation in alignment with recent federal action. Specifically, this proposal would remove the new drug Epidiolex, and any future generic equivalent of Epidiolex, from regulation as a controlled substance. Epidiolex is a drug derived from CBD (a chemical contained in cannabis) that is used to treat seizure disorders in children. By removing controlled substance regulations over Epidiolex, it would simply become a normal prescription drug that can be dispensed upon the order of a prescriber. Importantly, this proposal specifically applies to Epidiolex and any future generic equivalent. This proposal does not seek to regulate CBD products commonly found in stores, gas stations, or shopping malls.

Thank you for the opportunity to testify on this measure.

LATE



Akamai Cannabis Clinic
3615 Harding Ave, Suite 304
Honolulu, HI 96816

TESTIMONY ON HOUSE BILL 1032 HOUSE DRAFT 1
RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT
By
Clifton Otto, MD

Senate Committee on Health
Senator Jarrett Keohokalole, Chair
Senator Rosalyn H. Baker, Vice Chair

Wednesday, March 24, 2021; 1:00 PM
State Capitol, Videoconference

Thank you for the opportunity to provide testimony in **SUPPORT WITH CHANGES** on this measure.

For the sake of establishing consistency between the state and federal regulation of cannabis, please add the following amendment to this bill:

SECTION 4b. The following section is added to read as follows:

“§329-5 Recognizing the State Authorized Use of Cannabis.

The department of public safety shall submit to the administrator of the United States Department of Justice, Drug Enforcement Administration, Diversion Control Division:

[1] An application for immediate relief pursuant to title 21 Code of Federal Regulations section 1307.03 to the Office of Diversion Control. This application shall state that part IX of chapter 329, Hawaii Revised Statutes, and chapter 329D, Hawaii Revised Statutes, create an exemption from federal drug laws and

do not create any positive conflict pursuant to title 21 United States Code Annotated section 903; and that the federal scheduling of marijuana does not apply to the state authorized use of cannabis. The application shall also include a proposed rule containing the following: "The listing of marijuana as a controlled substance does not apply to the state authorized use of marijuana, and persons using marijuana in compliance with state law are exempt from registration"; and

[2] A petition for permanent relief pursuant to title 21 Code of Federal Regulations section 1308.43. This petition shall state that part IX of chapter 329, Hawaii Revised Statutes, and chapter 329D, Hawaii Revised Statutes, create an exemption from federal drug laws and do not create any positive conflict pursuant to title 21 United States Code Annotated section 903; and that the federal scheduling of marijuana does not apply to the state authorized use of cannabis. The petition shall also include a proposed rule containing the following:

"The listing of marijuana as a controlled substance does not apply to the state authorized use of marijuana, and persons using marijuana in compliance with state law are exempt from registration."

Thank you for considering this amendment proposal. Aloha.