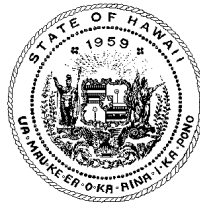


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No. _____

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

By
Max N. Otani, Director

House Committee on Judiciary and Hawaiian Affairs
Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair

Tuesday, March 2, 2021; 2:00 p.m.
Via Videoconference

The Department of Public Safety (PSD) **supports** House Bill (HB) 1032, 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, provides 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 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 to avoid nullification of the controlled substances that were temporarily designated in 2020.

The Department notes that HB 1032 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.



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

House Committee on Judiciary & Hawaiian Affairs
Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair

Tuesday, March 2, 2021; 2:00 PM
State Capitol, Videoconference

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

[HB1032](#) illustrates the critical importance of maintaining consistency between the state and federal regulation of controlled substances.

Unfortunately, such regulatory consistency has not existed with the state authorized use of cannabis in Hawaii for over twenty years. Therefore, steps must be taken to re-harmonize the state and federal regulation of cannabis.

To this end, I respectfully recommend the following amendment to this bill:

SECTION 7b. 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:

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"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.