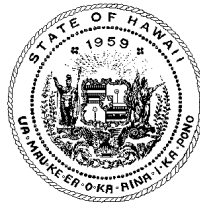


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

919 Ala Moana Boulevard, 4th Floor
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MAX N. OTANI
DIRECTOR

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Deputy Director
Administration

Tommy Johnson
Deputy Director
Corrections

Jordan Lowe
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 542, 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

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator J. Kalani English, Vice Chair

Tuesday, March 16, 2021; 1:30 p.m.
Via Teleconference

Chairs Keohokalole and Nishihara, Vice Chairs Baker and English, and
Members of the Committees:

The Department of Public Safety (PSD) supports House Bill (HB) 542, House Draft (HD) 1, which updates Chapter 329, Hawaii Revised Statutes (HRS), to incorporate an amendment made to the Federal Controlled Substances Act in 2020.

PSD notes that the proposed measure also seeks to remove certain approved cannabidiol drugs (CBD) drugs from controlled substances regulation to align State law with recent Federal action.

The Department also notes that the Committee on Health (HTH), followed by the Committee on Judiciary (JDC), has been referred HB 1032, HD 1 – Relating to the Uniform Controlled Substances Act, the Administration bill that annually updates the Hawaii controlled substances statute to make permanent PSD's recommended

Testimony on HB 542, HD 1
Senate Committee on Health and
Senate Committee on Public Safety,
Intergovernmental, and Military Affairs
March 16, 2021
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amendments, informed by changes to the Federal Controlled Substances Act in 2020, so that Hawaii law will be consistent with Federal statutes, as required in Section 329-11, Hawaii Revised Statutes. The comprehensive HB 1032, HD 1 makes the necessary amendments and also includes the amendments proposed in HB 542, HD 1. PSD respectfully requests the Senate Committee on Health hear HB 1032, HD 1 and advance the measure so that both HB 542, HD 1 and HB 1032, HD 1 may be considered in the next Committee to which they are respectively referred.

Thank you for the opportunity to testify on this measure.



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

TESTIMONY ON HOUSE BILL 542 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

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator J. Kalani English, Vice Chair

Tuesday, March 16, 2021; 1:30 PM
State Capitol, Videoconference

SUPPORT WITH CHANGES

Thank you for the opportunity to provide written testimony on this measure.

Please consider the following amendment to keep the state and federal regulation of controlled substances in agreement, which is the intent of this bill.

SECTION 2b. 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

Testimony on HB542 HD1
March 16, 2021
Page 3

using marijuana in compliance with state law are exempt from registration.""

Thank you for considering this important amendment.

Aloha.

HB-542-HD-1

Submitted on: 3/12/2021 4:45:09 PM

Testimony for HTH on 3/16/2021 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Goljuch, Sr.	Individual	Support	No

Comments:

I strongly support HB542.

HB-542-HD-1

Submitted on: 3/12/2021 3:47:34 PM

Testimony for HTH on 3/16/2021 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Yvonne Geesey	Individual	Support	No

Comments:

mahalo!