



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
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Testimony in SUPPORT of HB1082
RELATING TO CANNABIS

REP DELLA AU BELATTI, CHAIR
HOUSE COMMITTEE ON HEALTH & HOMELESSNESS

Hearing Date: 02-04-23

Room Number: 329

1 **Fiscal Implications:** N/A.

2 **Department Testimony:** The Department of Health (DOH) Office of Medical Cannabis
3 Control and Regulation (OMCCR) strongly supports HB1082 which proposes to amend chapter
4 329D, HRS, by adding a new definition for “waiting room,” removing the requirement for
5 rulemaking pursuant to chapter 91 for dispensary-to-dispensary sales and clarifying that each day
6 of a violation of chapter 329D, HRS, or chapter 11-850, HAR, is a separate violation. Addition
7 of a definition for “waiting room” will better serve the needs of qualifying patients by allowing
8 caregivers to assist patients into retail dispensary locations. Removing the requirement that rules
9 for dispensary-to-dispensary sales be adopted pursuant to chapter 91 will allow OMCCR to
10 maintain interim rule-making authority, which remains critical for timely response to public
11 health and safety concerns. Clarifying that each day of a violation of chapter 329D, HRS, or
12 chapter 11-850, HAR, is a separate violation will better protect patient and public safety by
13 facilitating enforcement of dispensary compliance. Together, these amendments will enhance
14 the efficiency of DOH in regulating the licensed dispensaries while improving patient and public
15 safety.

16 Thank you for the opportunity to testify.

17 **Offered Amendments:** N/A.

18



To: Representative Della Au Belatti, Chair
Representative Jenna Takenouchi, Vice Chair
Members of the House Committee on Health and Homelessness

Fr: Randy Gonce, Executive Director of the Hawaii Cannabis Industry Association

Re: **Testimony In Support of House Bill (HB) 1082 with Amendments**

RELATING TO MEDICAL CANNABIS.

Defines "waiting room" within a medical cannabis retail dispensary and allows primary caregivers, qualifying out-of-state patients, and caregivers of a qualifying out-of-state patient to access the waiting room; clarifies that each day of a violation of chapter 329D, is a separate violation; and amends the rule-making authority for dispensary-to-dispensary sales.

Dear Chair, Vice-Chair and Members of the Committee:

The Hawai'i Cannabis Industry Association is the trade association for the state's licensed medical cannabis dispensaries. HICIA **supports HB1082 with Amendments** as it expands necessary access to the most vulnerable patients and their caregivers.

The industry does have concern with language in this measure amending Section 5 (b) that states: "Any person who violates any of the provisions of this 6 chapter or the rules adopted pursuant thereto shall be fined not 7 less than \$100 nor more than \$1,000 for each ~~[violation.]~~ separate violation. Each day on which a violation occurs or 9 continues shall be counted as a separate violation."

This change making each day a separate violation would be an undue hardship on industry licensees as the enforcement of violations have been inconsistent. On many occasions licensees are not informed of the violation until days or weeks after a violation was found and recorded. This could cause discrepancies due to procedure.

HICIA would appreciate the language staying as is.

Thank you for the opportunity to testify.

HB-1082

Submitted on: 2/1/2023 9:26:51 PM

Testimony for HLT on 2/4/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Tai Cheng	Aloha Green Holdings Inc.	Support	Remotely Via Zoom

Comments:

Aloha Green Apothecary supports the intent of this bill to allow public (including support individuals for elderly and handicap patients) into the waiting room (or lobbies) of medical cannabis dispensaries.



To: Representative Della Au Belatti, Chair
Representative Jenna Takenouchi, Vice Chair
Members of the House Committee on Health and Homelessness

Fr: Casey Rothatein, CEO, Green Aloha Ltd.

Re: **Testimony In Support of House Bill (HB) 1082 with Amendments**

RELATING TO MEDICAL CANNABIS.

Defines "waiting room" within a medical cannabis retail dispensary and allows primary caregivers, qualifying out-of-state patients, and caregivers of a qualifying out-of-state patient to access the waiting room; clarifies that each day of a violation of chapter 329D, is a separate violation; and amends the rule-making authority for dispensary-to-dispensary sales.

Dear Chair, Vice-Chair and Members of the Committee:

Green Aloha, the Kauai Medical Cannabis License, is in **support of HB1082 with Amendments** as it expands necessary access to the most vulnerable patients and their caregivers.

Green Aloha does have concern with language in this measure amending Section 5 (b) that states: "Any person who violates any of the provisions of this 6 chapter or the rules adopted pursuant thereto shall be fined not 7 less than \$100 nor more than \$1,000 for each ~~[violation.]~~ separate violation. Each day on which a violation occurs or continues shall be counted as a separate violation."

This change making each day a separate violation would be an undue hardship on industry licensees as the enforcement of violations have been inconsistent. In the past the Department of Health has been very slow to notify the licensee of a violation. In one case we were not notified that we had been in violation until 49 days after it allegedly occurred. This change in the language is unnecessarily punitive and could lead to even more inconsistency in enforcement of violations.

Green Aloha would appreciate the language staying as is.

Thank you for the opportunity to testify.



To: Representative Della Au Belatti, Chair
Representative Jenna Takenouchi, Vice Chair
Members of the House Committee on Health and Homelessness

Fr: Bill Jarvis, Chief Executive Officer of Noa Botanicals

Re: **Testimony in Support of House Bill (HB) 1082 with Amendments**
RELATING TO MEDICAL CANNABIS.
Defines "waiting room" within a medical cannabis retail dispensary and allows primary caregivers, qualifying out-of-state patients, and caregivers of a qualifying out-of-state patient to access the waiting room; clarifies that each day of a violation of chapter 329D, is a separate violation; and amends the rule-making authority for dispensary-to-dispensary sales.

Dear Chair, Vice-Chair and Members of the Committee:

Noa Botanicals is one of the three licensed medical cannabis dispensaries on Oahu, and we **support HB1082 with Amendments** as it expands necessary access to the most vulnerable patients and their caregivers.

We have concern with language in this measure amending section 5 (b) that states: "Any person who violates any of the provisions of this 6 chapter or the rules adopted pursuant thereto shall be fined not 7 less than \$100 nor more than \$1,000 for each ~~[violation.]~~ separate violation. Each day on which a violation occurs or 9 continues shall be counted as a separate violation."

This change making each day a separate violation would be an undue hardship on industry licensees as the enforcement of violations have been inconsistent. On many occasions licensees are not informed of the violation until days or weeks after a violation was found and recorded. This could cause discrepancies due to procedure.

We would appreciate the language staying as is.

Thank you for the opportunity to testify.

Best,

Bill Jarvis
CEO
Noa Botanicals



DATE: February 2, 2023

TO: Representative Della Au Belatti
Chair, Committee on Health and Homelessness

FROM: Mihoko Ito

RE: **Request for hearing:
H.B. 1082 Relating to Medical Cannabis
Hearing Date: Saturday, February 4, 2023 at 9:30 a.m.
Conference Room: 329**

Dear Chair Belatti, Vice Chair Takenouchi, and members of the Committee on Health and Homelessness:

We submit this testimony on behalf of Cure Oahu in **support** of H.B. 1082. Cure Oahu is a vertically integrated licensed dispensary that has been operating in the State of Hawaii since 2018, with two retail locations in the Kapahulu and Kapolei areas.

Cure Oahu supports H.B. 1082, which clarifies violations of chapter 329D, amends the rule-making authority for dispensary-to-dispensary sales, defines “waiting room” within a medical cannabis retail dispensary and allows primary caregivers, qualifying out-of-state patients, and caregivers of a qualifying out-of-state patient to access dispensary waiting rooms.

Among the other provisions in this bill, we support amending the wholesale transactions language of Act 309 SLH 2022, which would allow the department to do rulemaking relating to wholesale transactions on an expedited basis. Implementing these wholesale rules is important so as not to further delay implementation of the law, and to ensure continued access to cannabis for medical use.

Finally, we understand the significant role caregivers play in assisting patients with managing their well-being and support the proposal in this bill to allow caregivers in dispensary waiting rooms. This will make dispensary visits more convenient and comfortable for patients and caregivers alike.

Thank you for the opportunity to submit testimony in support of this bill.