



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

H.B. NO. 2053, RELATING TO CANNABIS FOR MEDICAL USE.

BEFORE THE:

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES, AND HOMELESSNESS

DATE: Tuesday, February 8, 2022 **TIME:** 9:00 a.m.

LOCATION: State Capitol, Room 329, Via Videoconference

TESTIFIER(S): Holly T. Shikada, Attorney General, or
Andrew Goff, Deputy Attorney General

Chair Yamane and Members of the Committee:

The Department of the Attorney General offers the following comments.

This measure would amend section 329D-1, Hawaii Revised Statutes (HRS), to add two new definitions, "cutting" and "propagule," and amend the existing definition for "cannabis" (page 3, lines 6-13). The bill would also amend section 329D-13, HRS, to: (1) set dispensing limits for propagules and cuttings for qualifying patients and primary caregivers; and (2) prohibit a qualifying out-of-state patient and a caregiver for a qualifying out-of-state patient from purchasing propagules and cuttings (page 3, lines 16, through page 5, line 8).

The measure's wording with respect to dispensing limits (page 4, lines 3-10) raises concerns because it allows a qualifying patient or primary caregiver to purchase "no more than five propagules or cuttings within a consecutive period of fifteen days, or no more than ten propagules or cuttings within a consecutive period of thirty days." It is unclear how these limits would work in conjunction with the definition of "adequate supply" in section 329-121, HRS, which permits no more than ten cannabis plants, whether immature or mature. Whether the intent is to expand the allowable supply of cannabis or to include cuttings and propagules within the current definition of "adequate supply," we believe it would help regulators, dispensaries, and certificate holders if this were clarified with amendments consistent between section 329-121, HRS, and section 329D-13, HRS.

Thank you for the opportunity to provide comments.



February 7, 2022

To: Representative Ryan I. Yamane, Chair
Representative Adrian K. Tam, Vice Chair
Members of the House Committee on Health, Human Services, & Homelessness

From: Chris Cole, Director of Product Development, Maui Grown Therapies

Re: TESTIMONY IN SUPPORT OF HOUSE BILL 2053

Maui Grown Therapies (MGT) is licensed by the Department of Health pursuant to HRS 329D to cultivate, manufacture and dispense medical cannabis products and services to registered patients. In 2021, MGT served 5,238 unique patients on Maui.

House Bill 2053 recognizes the right of registered patients to cultivate medical cannabis plants for their personal use in accordance with existing law. In fact, the medical dispensary system created by the legislature in 2015 did not intend to sunset the ability for qualified patients to cultivate a limited number of cannabis plants for their personal use* -- although the legislature established sunset provisions for caregivers with the expectation that the state's medical cannabis dispensary network would ultimately meet the needs of qualified patients for safe, laboratory tested products.

Indeed, HB 2053 anticipates patients' needs for safe, quality controlled, and affordable plant material ahead of the caregiver sunset in 2023.

Before the 2020 legislative session was suspended, MGT supported a similar "propagules" measure that cleared four House committees before crossing over to the Senate as HB2633 HD2:

https://www.capitol.hawaii.gov/Archives/measure_indiv_Archives.aspx?billtype=HB&billnumber=2633&year=2020

* Act 241 SLH 2015:

"SECTION 1. The legislature finds that Hawaii's medical use of marijuana law was enacted on June 14, 2000, as Act 228, Session Laws of Hawaii 2000, to provide medical relief for seriously ill individuals in the State. While the current law recognizes the beneficial use of marijuana in treating or alleviating pain or other symptoms associated with certain debilitating illnesses, it is silent on how patients can obtain medical marijuana if they or their caregivers are unable to grow their own supply of medical marijuana. The legislature further finds that many of the State's nearly thirteen thousand qualifying patients lack the ability to grow their own supply of medical marijuana due to a number of factors, including disability and limited space to grow medical marijuana. As a result, a regulated statewide dispensary system for medical marijuana is urgently needed by qualifying patients in the State." (*emphasis added*)

Maui Grown Therapies
44 Pa'a St., Kahului, HI 96732
(808) 866 7576



The Judiciary and Consumer Protection & Commerce Committees clearly recognized the need for propagules when they included the following language in their joint report:

"Your Committees find that patients and primary caregivers cultivating medical cannabis at a registered grow site under the State's medical cannabis registry program have no legal means of obtaining safe, laboratory-tested genetic material from which to propagate their plants. In other words, patients have no means to legally buy the material to grow cannabis. Existing law often requires patients or their primary caregivers to obtain propagules, cuttings, or other cannabis genetic material from the illicit market. Amending the State's medical cannabis dispensary system law will allow qualifying patients to access safe and quality-assured medical cannabis and medical cannabis products." *{Emphasis added}*

By amending Chapter 329D to allow propagative material to be sold to registered medical cannabis patients by licensed dispensaries, patients would gain a transparent and reliable means for securing controlled plant materials.

Most importantly, because propagative material dispensed by licensed dispensaries would be precisely identified and subject to mandatory testing for the presence of contaminants, registered patients choosing to grow at home could rest assured their plants are accurately characterized and safe.

Mahalo for your consideration.

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To: Representative Ryan Yamane, Chair
Representative Adrian Tam, Vice-Chair
Members of the House Health, Human Services and Homelessness Committee

From: Randy Gonce, Executive Director of Hawaii Cannabis Industry Association

Re: Testimony **In Strong Support** on **House Bill (HB) 2053**

RELATING TO CANNABIS FOR MEDICAL USE

Authorizes medical cannabis dispensaries to distribute cannabis propagules and cuttings to individuals authorized to cultivate cannabis plants for medical use, subject to quantity limits and quality requirements.

Dear Chair Yamane, Vice-Chair Tam, 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** HB2053 which authorizes the dispensaries to distribute cannabis propagules and cuttings to qualifying patients.

HICIA supports a patient's right to grow their medicine for themselves. HICIA believes patients should have access to clean, safe, tested and proven genetics if they wish to grow their medicine at home. This enables patients to obtain the appropriate medicine that has the properties for which they are seeking while minimizing the risk of unwanted pests and pathogens, such as powdery mildew, from being introduced into a homegrown environment.

Thank you for the opportunity to testify.

HB-2053

Submitted on: 2/7/2022 8:50:11 AM

Testimony for HHH on 2/8/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Tai Cheng	Aloha Green Holdings Inc.	Support	No

Comments:

To: Representative Ryan Yamane, Chair
Representative Adrian Tam, Vice-Chair
Members of the House Health, Human Services and Homelessness Committee

From: Tai Cheng, President of Aloha Green Holdings Inc.
Re: Testimony In Strong Support on House Bill (HB) 2053

RELATING TO CANNABIS FOR MEDICAL USE

Authorizes medical cannabis dispensaries to distribute cannabis propagules and cuttings to individuals authorized to cultivate cannabis plants for medical use, subject to quantity limits and quality requirements.

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

Aloha Green Apothecary is one of the licensed medical cannabis dispensaries on Oahu. Aloha Green supports HB2053 which authorizes the dispensaries to distribute cannabis propagules and cuttings patients. Aloha Green supports a patient’s right to grow their medicine for themselves. Aloha Green believes patients should have access to clean, safe, tested and proven genetics if they wish to grow their medicine at home. This enables patients to obtain the appropriate medicine that has the properties for which they are seeking while minimizing the risk of unwanted pests and pathogens, such as powdery mildew, from being introduced into a homegrown environment.

Aloha Green is prepared to immediately offer cannabis propogules and cuttings for sale once approved by legislators and regulators.



To: Representative Ryan Yamane, Chair

Representative Adrian Tam, Vice-Chair

Members of the House Health, Human Services and Homelessness Committee

Fr: Jaclyn L. Moore, Pharm D., CEO Big Island Grown Dispensaries

Re: TESTIMONY **IN SUPPORT OF HB 2053** RELATING TO MEDICAL CANNABIS. Authorizes medical cannabis dispensaries to distribute cannabis propagules and cuttings to individuals authorized to cultivate cannabis plants for medical use.

Big Island Grown Dispensaries is one of eight dispensary licensees in the State. We operate a production facility and 3 retail locations on the Big Island of Hawaii. We submit testimony today **in support of HB 2053** which authorizes the dispensaries to distribute cannabis propagules and cuttings patients.

Big Island Grown Dispensaries respects a patient's right to grow for themselves. The passage of this bill helps patients that will ultimately choose to grow for themselves because of a number of reasons including geographical distance, financial, or cultural. We seek the ability to provide safe and proven genetics to this group of 329 cardholders by dispensing proven phenotyped clones that are clean and tested. This enables a patient to obtain strains with the medicinal properties for which they are seeking while minimizing the risk of unwanted pests and pathogens, such as powdery mildew, from being introduced into a home grow environment.

Thank you for the opportunity to testify on this measure.

Aloha,

Jaclyn L. Moore, Pharm.D.
CEO Big Island Grown Dispensaries



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

TESTIMONY ON HOUSE BILL 2053
RELATING TO CANNABIS FOR MEDICAL USE
By
Clifton Otto, MD

House Committee on Health, Human Services, & Homelessness
Representative Ryan I. Yamane, Chair
Representative Adrian K. Tam, Vice Chair

Tuesday, February 8, 2022; 9:00 PM
State Capitol, Room 329 & Videoconference

Offering **COMMENTS**: Thank you for the unanimous support of [HCR132](#) last Session. Unfortunately, DOH did not comply with this request, which means that further legislative action is required.

Please don't make the mistake of authorizing further violation of federal drug law without taking steps to end the ongoing conflict with the federal regulation of marijuana.

Adding the following amendment would be a worthwhile progression, even if the only result is that the Legislature can say that it has done everything possible to resolve this unnecessary conflict:

SECTION 8. The following sub-section is amended to read as follows:

[§329D-25 Coordination among state and federal agencies.](#) The department shall initiate ongoing dialogue among relevant state and federal agencies to identify processes and policies that ensure the privacy of qualifying patients and qualifying out-of-state patients and the compliance of qualifying patients, primary caregivers, qualifying out-of-state patients, and caregivers of qualifying out-of-state patients and medical cannabis dispensaries with state laws and regulations related to medical cannabis; provided that the department shall also file for a federal exemption under [21 CFR 1307.03](#) and [21 CFR 1308.43](#) for the state authorized use of cannabis in Hawaii.

Aloha.



HawaiianEthos

To: Representative Ryan Yamane, Chair
Representative Adrian Tam, Vice-Chair
Members of the House Health, Human Services and Homelessness Committee

Fr: Noah Phillips – Hawaiian Ethos

Re: Testimony **In Support of House Bill (HB) 2053**

RELATING TO CANNABIS FOR MEDICAL USE

Authorizes a non-registered qualifying patient to engage in the medical use of cannabis for a period of one year from the date of the issuance of a medical provider's certification letter, subject to certain conditions.

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

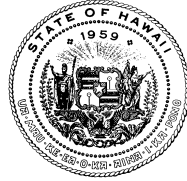
As one of Hawaii's Medical Cannabis Licensees, Hawaiian Ethos **supports HB2053** which will provide dispensaries the ability to offer cannabis propagules and cuttings to patients.

We support a patient's right to grow their own medicine. We believe that patients should have access to high quality plants and propagules that are clean, safe, tested and of proven genetics if they desire to grow their own medicine. Bringing propagules and cuttings into the legal cannabis market will greatly help those patients who choose to grow their own medicine. Patients will be able to access plants and propagules from controlled and regulated growing facilities that they may then use to grow their own medicine to their desired specifications.

Thank you for your consideration and the opportunity to testify.

Noah Phillips

DAVID Y. IGE
GOVERNOR OF HAWAII



ELIZABETH A. CHAR, MD
DIRECTOR OF HEALTH

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**Testimony in OPPOSITION to H.B. 2053
RELATING TO CANNABIS FOR MEDICAL USE.**

REPRESENTATIVE RYAN I. YAMANE, CHAIR
HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS

Hearing Date: Tuesday, February 8, 2022 Room Number: Video Conf.

1 **Fiscal Implications:** Requires a minimum of two (2) additional full-time, permanent, civil
2 service dispensary inspector positions and approximately \$275,000 in authorized expenditures
3 for salaries, fringe benefits, and operating expenses for regulatory oversight to ensure the health
4 and safety of medical cannabis patients and the public.

5 **Department Testimony:** Thank you for the opportunity to testify in OPPOSITION to this bill.

6 The intent of this bill is laudable. It would give qualifying patients a legal and safe place
7 to obtain lab-tested propagules and cuttings for cultivation in their own homes. However, it
8 doesn't comport with the Legislature's original intent of the medical cannabis dispensaries to
9 provide qualifying patients and caregivers a legal place to purchase medical cannabis products,
10 and that such products were in their finished or near-finished form for immediate use such as
11 dried flower or manufactured products. The Department believes that the legislature did not
12 intend for dispensaries to be plant nurseries to sell living plants or viable seeds, propagules, or
13 cuttings to qualifying patients or caregivers. In addition, this bill creates and does not address
14 the potential downstream consequences or enforcement requirements to ensure public health and
15 safety.

1 This bill would expand the scope of products that medical cannabis dispensaries would
2 be allowed to sell. However, it is unclear if or how the propagules and cuttings would be
3 counted in the dispensaries' inventory. For example, since propagules and cuttings are viable
4 living organic materials like plants being cultivated, would they be included in the plant count
5 limits currently imposed on dispensaries?

6 The bill also limits the number of plants a qualifying patient can purchase to no more
7 than ten propagules or cuttings within a consecutive thirty (30) day period. Each propagule or
8 cutting could become a plant and, therefore, the patient would reach their limit of ten (10) plants
9 within a short period of time. This bill would allow the same patient to continue to purchase
10 more propagules or cuttings during each subsequent thirty (30) day period without active
11 enforcement on their plant limit. This will become a recipe for diversion and a potential
12 nightmare for law enforcement and drug abuse and prevention programs.

13 Thank you for the opportunity to testify in OPPOSITION to this bill.

14 **Offered Amendments:** None.