

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony in OPPOSITION to HB 2261  
(RELATING TO CANNABIS)**

REPRESENTATIVE RYAN YAMANE, CHAIR  
HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS  
Hearing Date: 2/8/2022 Room Number: 329

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department **STRONGLY OPPOSES** this measure which would  
3 allow non-registered qualifying patients immediate access to medical cannabis dispensaries to  
4 purchase and possess medical cannabis without completing the patient registration process and  
5 obtaining a Department-issued patient registration card. This proposed measure would also  
6 expose persons to law enforcement action since law enforcement would be unable to validate the  
7 person as a qualified patient to possess or grow medical cannabis. This puts patients at risk  
8 unnecessarily.

9 During 2021, the average turnaround time for in-state patient applications for medical  
10 cannabis patient registration cards was 4.5 days, and applications for minors or patients  
11 diagnosed with cancer were processed in an average of 1.6 days. Instead, the proposed measure  
12 would add work for the Department which would take away valuable time to process patient  
13 applications. This would have the exact opposite effect of the intent of the bill. The process  
14 suggested in this measure undermines the requirements imposed by Part IX, chapter 329, HRS.

15 This measure attempts to solve a problem which doesn't exist and places patients at risk.

16 Thank you for the opportunity to testify in **STRONG OPPOSITION** on this measure.



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

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 2261, RELATING TO CANNABIS.

**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

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Chair Yamane and Members of the Committee:

The Department of the Attorney General (Department) offers the following comments.

This measure seeks to allow any individual to purchase, grow, and possess medical cannabis, for a period of one year immediately upon the issuance of an appropriately issued medical certificate, without having been registered with the Department of Health (DOH) as long as the individual: (1) has a qualifying note from their authorized medical provider; (2) fills out waiver forms that hold the State and any dispensary harmless; (3) fills out consent forms that allow the State and any dispensary access to the individual's health information; and (4) does not possess more than two ounces of cannabis and five cannabis plants.

The Department is concerned that without also requiring some sort of tracking number to be assigned to an unregistered cannabis user, sales of medical cannabis to such users would present a logistical problem for dispensary operators who are required to have a software system that tracks all cannabis from seed to sale. See section 329D-6(k), Hawaii Revised Statutes (HRS). Currently, individual sales are tracked using a number assigned to each registered patient. The system is required to determine how much cannabis a registered patient has purchased from other dispensaries and enables a dispensary to disallow any sale that would put a registered

patient over that patients' legal limit of cannabis. *Id.* Unless an unregistered individual is entered into the system, there would be no way for a dispensary to know if that individual is within their legal limits. This could potentially expose an unregistered individual to criminal consequences for possession of a prohibited amount of cannabis. A dispensary could also be fined or have its license revoked, because selling over an individual's limit violates the medical cannabis laws.

Similarly, the measure presents an enforcement problem regarding growing cannabis. As part of the registration process, patients identify where they will be growing cannabis and must individually identify the plants while they are growing. Without registration, there is no record of where a person will grow cannabis and there is no identification with which to tag the plants. This could lead to a person growing plants in several locations, and enforcing the five-plant limit would become difficult, or even impossible.

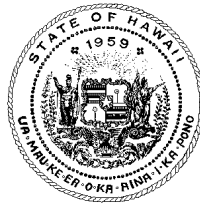
Additionally, the bill appears to remove any requirement that an individual apply to be registered with the DOH, and as a result, dismantles any mechanism for the DOH to determine the validity of a doctor's certification and, if necessary, deny registration to an individual who does not qualify as a patient. Any person could go to a dispensary, show a doctor's certification, and be allowed to purchase cannabis. Without the registration requirement, there are presently no steps for a dispensary to determine whether the certification is valid, whether the medical provider is authorized to certify a patient, and whether the patient has a valid debilitating condition that allows the patient to use medical cannabis. If the dispensary does not accurately make these determinations, the dispensary could sell cannabis to an unauthorized person and risk violating the law and having its license revoked.

Moreover, protection from other laws that prohibit cannabis, such as the penal code and Controlled Substances Act, are only afforded to a patient that strictly complies with the medical cannabis law. See section 329-125, HRS. If an unregistered person has a doctor's certification but does not qualify for the medical use of cannabis, the person would be subject to criminal penalties. Strict compliance subjects a person to criminal penalties even if they believed they were fully compliant with the law.

If the Committee wants to move this bill forward, one solution to these issues would be to require an individual to apply for registration and be assigned a temporary tracking number while the DOH determines eligibility. We are available to assist the Committee with the wording of any desired amendments to the bill.

Thank you for the opportunity to provide comments.

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 2261  
RELATING TO CANNABIS.

By  
Max N. Otani, Director

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

Tuesday, February 8, 2022; 9:00 a.m.  
Via Teleconference

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

The Department of Public Safety (PSD) opposes House Bill (HB) 2261, which 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.

HB 2261 requires that certain forms be completed to support a non-registered qualifying patient to engage in the medical use of cannabis. However, PSD is concerned that without being issued a registry card and being placed on the Department of Health's Medical Cannabis Patient Registry, law enforcement would not be able to verify whether a non-registered patient was authorized to use medical cannabis. Presently, state and local law enforcement can access the patient registry to determine if a person is authorized to use medical cannabis. If a person is unable to prove that they are authorized to use medical cannabis, a false arrest might occur. Even more serious, a use of force could happen if a subject becomes resistant and that may lead to an even worse situation. For that reason, PSD opposes HB 2261.

Thank you for the opportunity to provide testimony.



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

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

Re: **Testimony In Support on House Bill (HB) 2261**

RELATING TO CANNABIS

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:

The Hawai'i Cannabis Industry Association is the trade association for the state's licensed medical cannabis dispensaries. HICIA **supports HB2261** which will provide qualified patients the opportunity to have immediate access to the treatment recommended by their physician and treat cannabis as medicine.

Unfortunately, the current registration system has sometimes experienced delays in processing the 329 cards, leaving some patients having to wait for weeks without access to a treatment that was recommended by their physician. This creates an under hardship for patients and interferes with the relationship between a medical professional and patient, especially when it comes to access to medicine. When patients have a hard time accessing medicine that their physicians recommend, it increases the likelihood that patients will fall back on opioids for relief and/or look to the illicit market where medicine is untested and unregulated.

However, because there are needs to ensure a patient does not abuse this access, the bill allows a patient to only purchase half (1/2) the allowable limit of medical cannabis as a registered patient medical cannabis.

This would then allow Hawaii patients to have the same access to medical cannabis as in California, where medical cannabis registration is optional. California patients may use a physician's letter to purchase under the medical program or to further register with the State.

Thank you for the opportunity to testify.

Hawai'i Cannabis Industry Association (HICIA)  
220 S King St #1600, Honolulu, HI 96813  
[www.808hicia.com](http://www.808hicia.com)



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 2261** RELATING TO MEDICAL CANNABIS. 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.

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 2261**.

Currently, it is still easier for a patient to access an opiate prescription than medical cannabis. This bill is a step in the right direction and would enable a patient to access medical cannabis more immediately via a medical provider's certification letter. Other states such as California have a similar option which allows patients to use a physician letter to purchase under the medical program with medical cannabis registration being optional. We have seen delays with the registration system in processing 329 cards leaving patients waiting weeks. Patients with terminal or debilitating conditions seeking immediate relief with medical cannabis are most affected during this lapse in time. The time waiting to be acknowledged as a patient by the State registry program is a luxury some patients just don't have.

Thank you for the opportunity to testify on this measure.

Aloha,

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

**HB-2261**

Submitted on: 2/7/2022 8:41:10 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Tai Cheng	Aloha Green Holdings Inc.	Support	Yes

Comments:

To: Representative Ryan Yamane, Chair  
Representative Adrian Tam, Vice-Chair

Members of the House Health, Human Services and Homelessness Committee

Fr: Tai Cheng, President of Aloha Green Apothecary

Re: Testimony In Support on House Bill (HB) 2261

**RELATING TO CANNABIS**

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:

Aloha Green Apothecary is one of the licensed medical cannabis dispensaries located on Oahu. Aloha Green supports HB2261 which will provide qualified patients the opportunity to have immediate access to the treatment recommended by their physician and treat cannabis as medicine. Unfortunately, the current registration system has sometimes experienced delays in processing the 329 cards, leaving some patients having to wait for weeks without access to a treatment that was recommended by their physician. Though there are times when the registry program is able to process registrations in a timely manner less than 3 business days, but for the majority of the time the processing times can at least one week. This creates an undue hardship for patients and interferes with the relationship between a medical professional and patient, especially when it comes to access to medicine. When patients have a hard time accessing medicine that their physicians recommend, it increases the likelihood that patients will fall back on opioids for relief and/or look to the illicit market where medicine is untested and unregulated.

However, because there are needs to ensure a patient does not abuse this access, the bill allows a patient to only purchase half (1/2) the allowable limit of medical cannabis as a registered patient medical cannabis. Recent and future decriminalization efforts will further reduce law enforcement's concern about small amount possession of cannabis.

This bill will allow Hawaii patients to have the same access to medical cannabis as in California, where medical cannabis registration is optional. California patients may



use a physician's letter to purchase under the medical program or to further register with the State.

Thank you for the opportunity to testify.



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

TESTIMONY ON HOUSE BILL 2261  
RELATING TO CANNABIS

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**: I agree with the intent of this bill but creating a third category of medical cannabis patients who will not require registration to gain dispensary access will only cause confusion and unnecessary work for the Registry Program.

Since [Certification](#) is what authorizes the medical use of cannabis under state law, it makes more sense to have Registration Cards issued electronically the instant that certification and registration occur. That way a patient could go directly from their certifying provider's office to a dispensary. Any changes that need to be made to the registration card, like adding a suffix or correcting a residential address, could always be done electronically afterwards. The patient would be registered, and dispensaries would be able to verify registration immediately in the Registry database.

To this end, please replace the substance of this bill with the following amendment:

**§329-123 Registration requirements; qualifying patients; primary**

**caregivers.** (a) Physicians or advanced practice registered nurses who issue written certifications shall provide, in each written certification, the name, address, patient identification number, and other identifying information of the qualifying patient. The department of health shall require, in rules adopted pursuant to chapter 91, that all written certifications comply with a designated form completed by or on behalf of a

qualifying patient. The form shall require information from the applicant, primary caregiver, and physician or advanced practice registered nurse as specifically required or permitted by this chapter. The form shall require the address of the location where the cannabis is grown and shall appear on the registry card issued by the department of health. The certifying physician or advanced practice registered nurse shall be required to have a bona fide physician-patient relationship or bona fide advanced practice registered nurse-patient relationship, as applicable, with the qualifying patient. All current active medical cannabis permits shall be honored through their expiration date.

(b) Qualifying patients shall register with the department of health at the time of certification and the certifying provider shall provide the qualifying patient with a copy of their Written Certification at the same time. The registration shall be effective until the expiration of the certificate issued by the department of health and signed by the physician or advanced practice registered nurse. Every qualifying patient shall provide sufficient identifying information to establish the personal identities of the qualifying patient and the primary caregiver. Qualifying patients shall report changes in information within ten working days. Every qualifying patient shall have only one primary caregiver at any given time. The department of health shall automatically issue to the qualifying patient and the certifying provider an electronic registration certificate at the time of registration submission and may charge a fee for the certificate in an amount adopted by rules pursuant to chapter 91.

(c) Primary caregivers shall register with the department of health at the time of qualifying patient registration. Every

primary caregiver shall be responsible for the care of only one qualifying patient at any given time, unless the primary caregiver is the parent, guardian, or person having legal custody of more than one minor qualifying patient, in which case the primary caregiver may be responsible for the care of more than one minor qualifying patient at any given time; provided that the primary caregiver is the parent, guardian, or person having legal custody of all of the primary caregiver's qualifying patients. The department of health may permit registration of up to two primary caregivers for a minor qualifying patient; provided that both primary caregivers are the parent, guardian, or person having legal custody of the minor qualifying patient.

**HB-2261**

Submitted on: 2/4/2022 8:47:44 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Mike Golojuch, Sr.	Individual	Support	No

Comments:

I support HB2261.

Mike Golojuch, Sr.

**HB-2261**

Submitted on: 2/6/2022 10:15:16 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
DeVaughn	Individual	Support	Yes

Comments:

ear Chair Yamane, Vice Chair Tam & Health, Human Services and Homelessness Committee members:

My name is DeVaughn Ward, and I am the senior legislative counsel at the Marijuana Policy Project, the largest marijuana policy reform organization in the United States. MPP has been working to improve marijuana policy for more than 20 years.

MPP supports HB2261. HB2261 would provide increased access for medical cannabis patients by speeding up the timeline by which patients are able to legally possess and access their medicine. Eliminating the wait times to access medicine is critically important for medical patients.

We urge the committee to support this measure.

Sincerely,

DeVaughn L. Ward, Esq. (he/him)

Senior Legislative Counsel

Marijuana Policy Project

Honolulu, HI

(808) 445-6229

[dward@mpp.org](mailto:dward@mpp.org)



Saturday, February 5, 2022

## Testimony in Support of HB2261 - Allowing a Letter from a Physician to Give Patients Access to Purchase Medical Cannabis

**Name** Loriann Tavares

**Email** tlori880@gmail.com

**Write your testimony here. It can be as simple as "I support this bill" or as personal as you would like**

The long wait for obtaining my card was horrible. I could have been relieved from the pain earlier but with the doctors and state red tape...it made that period of waiting and searching unnecessary



Saturday, February 5, 2022

## Testimony in Support of HB2261 - Allowing a Letter from a Physician to Give Patients Access to Purchase Medical Cannabis

**Name**

Christopher Tilghman

**Email**

christophertilghman@gmail.com

**Write your testimony here. It can be as simple as "I support this bill" or as personal as you would like**

I support this bill





Saturday, February 5, 2022

## Testimony in Support of HB2261 - Allowing a Letter from a Physician to Give Patients Access to Purchase Medical Cannabis

**Name** Dana Nottage

**Email** danan@hawaii.rr.com

**Write your testimony here. It can be as simple as "I support this bill" or as personal as you would like**

I support legislation to allow physicians to more easily prescribe medical marijuana to their patients. It was ridiculously difficult to locate physicians able to prescribe medical marijuana for pain in a time of opioid addiction nation-wide. That is indicative of the power of "Big Pharma" over our political representatives and restricting doctors. This is preventing the use of marijuana for pain management as an alternative to opioid drugs which are widely prescribed.



Saturday, February 5, 2022

## Testimony in Support of HB2261 - Allowing a Letter from a Physician to Give Patients Access to Purchase Medical Cannabis

**Name** Danielle LaBelle

**Email** dlabelle1@gmail.com

**Write your testimony here. It can be as simple as "I support this bill" or as personal as you would like**

I think this is such a great bill to pass. It'll help more people and more types of people access to this medicine. Plus, more and more medical professionals will know how to prescribe and talk to their patients on how to tweak to their needs. People will also be more comfortable talking to their doctor instead of someone they don't know that well and have to pay a pretty big fee to get the card.



Saturday, February 5, 2022

## Testimony in Support of HB2261 - Allowing a Letter from a Physician to Give Patients Access to Purchase Medical Cannabis

**Name** Krystan Kaneda

**Email** krystankaneda@gmail.com

**Write your testimony here. It can be as simple as "I support this bill" or as personal as you would like**

I support this bill



Saturday, February 5, 2022

## Testimony in Support of HB2261 - Allowing a Letter from a Physician to Give Patients Access to Purchase Medical Cannabis

**Name** Nathan Oguma

**Email** Gamechanger357@gmail.com

**Write your testimony here. It can be as simple as "I support this bill" or as personal as you would like**

i support this bill



Saturday, February 5, 2022

## Testimony in Support of HB2261 - Allowing a Letter from a Physician to Give Patients Access to Purchase Medical Cannabis

**Name** Robert Pagliai

**Email** pagliaihawaii@gmail.com

**Write your testimony here. It can be as simple as "I support this bill" or as personal as you would like**

I support this bill. I would like to see the federal recognition of medical marijuana and allow healthcare providers to have medical marijuana as an option when it comes to prescribing drugs under the Medicare Prescription Drug Benefit.



Saturday, February 5, 2022

## Testimony in Support of HB2261 - Allowing a Letter from a Physician to Give Patients Access to Purchase Medical Cannabis

**Name**

Sy kaai

**Email**

sypaka420@gmail.com

**Write your testimony here. It can be as simple as "I support this bill" or as personal as you would like**

"I support this bill"



# 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) 2261**  
**RELATING TO CANNABIS**

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 HB2261** which will provide qualified patients immediate access to medicines recommended by their Physicians and/or APRNs. New patients typically see applications processed within 4-5 business days, which can potentially lead to patients waiting over a week to access their medicine. This waiting period only hinders the physician patient relationship by lengthening the time-to-treatment period. This lack of patient access to their Physician recommended medicine also increases the likelihood of patients turning to the illicit markets for their medicine. With the opioid epidemic still raging and over 80% of qualifying medical cannabis conditions being for Severe Pain, hindering patient access to their pain medication can be very dangerous.

Thank you for the opportunity to testify.

Noah Phillips

**HB-2261**

Submitted on: 2/7/2022 7:13:26 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Me	Malie Cannabis Clinic	Support	Yes

Comments:

Malie Cannabis Clinic

1314 South King Street

Suite 1663

Honolulu, Hi. 96814

Aloha, Committee on Health and Human Services and Homelessness,

Thank you for hearing bill 2261. My name is Me Fuimaono – Poe I am a Family Nurse Practitioner and I certify patients for medical cannabis use in the state of Hawaii. Allowing immediate access to qualifying patients is critical. Every day I see patients who use cannabis for a multitude of reasons. Mainly pain, if you have ever experienced pain, you can understand that finding and maintaining relief is important. Imagine you have been using a low dose lozenge for your low back pain from a high school football injury. It’s been working and you go to pick up more and your card has expired. You are turned away and make an appointment at your local clinic apply with the state, attend your visit then you are told you have to wait. Anywhere from 1- 2 weeks. This might sound like a minor inconvenience, but have you ever been up for 3 days because you are in pain? If not, feel thankful, this is not the experience of the people I work with.

I could go and work with my colleagues in any pain clinic in our state I could write a prescription for hydrocodone or any other opiate. My patient could then take it to the pharmacy and fill that prescription and walk out with medication, on the same day.



The fact that cannabis patients face inequitable access is something that this bill addresses. Creating immediate access helps to create a more equitable medical cannabis program in our state.

The framework already exists to create this program and should be very low cost to implement on the side of health care providers. Because we apply with the DOH at the time of the visit, we generate a unique number when we submit the application. I imagine this unique number could be used to identify qualified patients so they would be able to purchase at the dispensaries.

Access to cannabis is a pillar of our medical cannabis program. Passing this bill is critical to completing the intent of 329 legislative intent and our Medical Cannabis Program.

Thank you for your time,

Me Fuimaono-Poe FNP-BC