

**JOSH GREEN, M.D.**  
Governor

**SYLVIA LUKE**  
Lt. Governor



**SHARON HURD**  
Chairperson, Board of Agriculture

**DEXTER KISHIDA**  
Deputy to the Chairperson

State of Hawai'i  
**DEPARTMENT OF AGRICULTURE**  
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**TESTIMONY OF SHARON HURD**  
**CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS**  
**AND**  
**COMMITTEE ON AGRICULTURE & FOOD SYSTEMS**

**WEDNESDAY, JANUARY 31, 2024**  
**2:00 PM**  
**CONFERENCE ROOM 325 and VIDEOCONFERENCE**

**HOUSE BILL NO. 2444**  
**RELATING TO CRIMINAL HISTORY RECORD CHECKS**

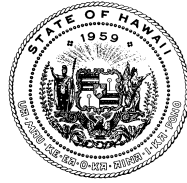
Chairs Tarnas and Gates, Vice-Chairs Takayama and Kahaloa and Members of the Committees:

Thank you for the opportunity to testify on House Bill No. 2444. The purpose of this bill is to authorize the Department of Health to conduct fingerprinting and criminal history record checks on applicants for permits to process hemp biomass or prepare manufactured hemp products. This bill will amend section 846-2.7 (b), Hawaii Revised Statutes (HRS). The Hawaii Department of Agriculture (HDOA) offers comments.

HDOA is regulating the growing buffer zones and transport of hemp in the state. However, the Hawaii Department of Health (DOH) regulates hemp products and processing of hemp within the state. HDOA defers to comments of DOH regarding the fingerprinting and criminal history record checks requirements for hemp processors.

Thank you for the opportunity to testify on this measure.





STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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**Testimony in SUPPORT of HB2444  
RELATING TO CRIMINAL HISTORY RECORD CHECKS.**

REPRESENTATIVE DAVID A. TARNAS, CHAIR  
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

REPRESENTATIVE CEDRIC ASUEGA GATES, CHAIR  
HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

Hearing Date: 01/31/2024

Room Number: 325

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

2 **Department Testimony:** The department supports this measure and in consultation with the  
3 Department of the Attorney General, respectfully offers amendments to address concerns from  
4 the Hawaii Criminal Justice Data Center (HCJDC), regarding the department's authority to  
5 conduct fingerprinting and criminal history record checks as proposed in this measure. The  
6 HCJDC is responsible for the statewide criminal history record information system (CJIS-  
7 Hawaii), and the statewide Automated Fingerprint Identification System (AFIS), and access to  
8 this system is necessary for the department to conduct fingerprinting and criminal history record  
9 checks.

10 Access is allowed only after a satisfactory review of the proposed statutory language to section  
11 846-2.7, Hawaii Revised Statutes, by the Federal Bureau of Investigations (FBI) Office of the  
12 General Counsel Criminal Justice Information Law Unit. Unfortunately, their review determined  
13 this bill, as drafted, "would not qualify for access to FBI CHRI pursuant to Pub. L. 92-544".

14 The department has requested an expedited review of the new statutory language, offered below,  
15 and is currently awaiting their response.

16 **Offered Amendments:**

1

2 (41) The department of health or its designee on [~~all~~]:

3 (A) Individual applicants or individuals acting on  
4 behalf of apply entities for hemp processor  
5 permits as provided under section 328G-2; and

6 (B) All license applicants, licensees, employees,  
7 contractors, and prospective employees of medical  
8 cannabis dispensaries, and individuals permitted  
9 to enter and remain in medical cannabis  
10 dispensary facilities as provided under sections  
11 329D-15(a) (4) and 329D-16(a) (3);

12 (42) The department of commerce and consumer affairs on  
13 applicants for nurse licensure or license renewal,  
14 reactivation, or restoration as provided by sections  
15 457-7, 457-8, 457-8.5, and 457-9;

16 (43) The county police departments on applicants for  
17 permits to acquire firearms pursuant to section 134-2,  
18 on individuals registering their firearms pursuant to  
19 section 134-3, and on applicants for new or renewed  
20 licenses to carry a pistol or revolver and ammunition  
21 pursuant to section 134-9;

22 (44) The department of commerce and consumer affairs on:

23 (A) Each of the controlling persons of the applicant  
24 for licensure as an escrow depository, and each  
25 of the officers, directors, and principals who

1           will be in charge of the escrow depository's  
2           activities upon licensure; and

3           (B) Each of the controlling persons of an applicant  
4           for proposed change in control of an escrow  
5           depository licensee, and each of the officers,  
6           directors, and principals who will be in charge  
7           of the licensee's activities upon approval of  
8           such application,

9           as provided by chapter 449;

10          (45) The department of taxation on current or prospective  
11          employees or contractors who have access to federal  
12          tax information in order to comply with requirements  
13          of federal law, regulation, or procedure, as provided  
14          by section 231-1.6;

15          (46) The department of labor and industrial relations on  
16          current or prospective employees or contractors who  
17          have access to federal tax information in order to  
18          comply with requirements of federal law, regulation,  
19          or procedure, as provided by section 383-110;

20          (47) The department of human services on current or  
21          prospective employees or contractors who have access  
22          to federal tax information in order to comply with  
23          requirements of federal law, regulation, or  
24          procedure, and on current or prospective employees,  
25          volunteers, contractors, or contractors' employees or  
26          volunteers, subcontractors, or subcontractors'  
27          employees or volunteers, whose position places or

1 would place them in close proximity to minors, young  
2 adults, or vulnerable adults, as provided by section  
3 346-2.5;

4 (48) The child support enforcement agency on current or  
5 prospective employees or contractors who have access  
6 to federal tax information in order to comply with  
7 federal law, regulation, or procedure, as provided by  
8 section 576D-11.5;

9 (49) The department of the attorney general on current or  
10 prospective employees or agents of contractors who  
11 have access to federal tax information to comply with  
12 requirements of federal law, regulation, or procedure,  
13 as provided by section 28-17;

14 (50) The department of commerce and consumer affairs on  
15 each control person, executive officer, director,  
16 general partner, and managing member of an installment  
17 loan licensee, or an applicant for an installment loan  
18 license, as provided in chapter 480J;

19 (51) The University of Hawaii on current and prospective  
20 employees and contractors whose duties include  
21 ensuring the security of campus facilities and  
22 persons; ~~{and}~~

23 ~~(52) The department of health or its designee on all~~  
24 ~~applicants for permits of hemp processors to process~~  
25 ~~hemp biomass or prepares a manufactured hemp product,~~  
26 ~~as provided under section 328G-2(c)(5); and~~

1        [52]~~(53)~~ Any other organization, entity, or the State, its  
2                    branches, political subdivisions, or agencies as may  
3                    be authorized by state law.

4            SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6            SECTION 4. This Act shall take effect upon its approval.

7

8 Thank you for the opportunity to testify.

**HB-2444**

Submitted on: 1/30/2024 5:25:29 AM

Testimony for JHA on 1/31/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lu Ann Mahiki Lankford-Faborito	Individual	Support	Written Testimony Only

Comments:

Complete support, the need to have individuals with proper checks while serving the public in the cannabis industry.