



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of HB2449
RELATING TO MANUFACTURED HEMP PRODUCTS**

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

Hearing Date: 02/14/2024

Room Number: 325

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department of Health (department) is in strong support of this
3 measure as it will ensure the legislative intent, authorized in Act 263, Session Laws of Hawaii
4 2023, giving the department rulemaking authority, to add new hemp products to the list of
5 allowable manufactured hemp products that could legally be manufactured and sold in the state.

6 Currently, the definition of “manufactured hemp product” in section 328G-1, Hawaii Revised
7 Statutes (HRS), inadvertently restricts the department from adopting, via rules, new allowable
8 forms – like hemp gummies or hemp chocolate – that are not already in one of the currently
9 allowed ingestible forms: “tablet, capsule, powder, softgel, gelcap, or liquid”.

10 This measure relieves the department of this unintentional restriction and will allow the
11 department the ability to evaluate and consider allowing other hemp product forms, like
12 gummies and chocolate, for inclusion as a manufactured hemp product.

13 Thank you for the opportunity to testify.

14 **Offered Amendments:** None.

15

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEXTER KISHIDA
Deputy to the Chairperson

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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

WEDNESDAY, FEBRUARY 14, 2024
9:15 AM
CONFERENCE ROOM 325 and VIDEOCONFERENCE

HOUSE BILL NO. 2449
RELATING TO MANUFACTURED HEMP PRODUCTS

Chair Gates, Vice Chair Kahaloa and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 2449. This bill clarifies that the definition of "manufactured hemp products" in section 328G-1, Hawaii Revised Statutes (HRS), includes hemp products specified in rules adopted by the Department of Health (DOH) pursuant to section 328G-4, HRS.

The Hawaii Department of Agriculture (HDOA) supports the intent of this bill, however, defers to DOH and offers comments. HDOA regulates buffer zones for hemp farms and the transport of hemp materials (such as viable seeds, live hemp plants, propagative plant parts, leaves, and flowers) while DOH regulates hemp products and the processing of hemp within the state.

Thank you for the opportunity to testify on this measure.



To: Representative Cedric Asuega Gates, Chair
Representative Kirstin Kahaloa, Vice-Chair
Members of the Agriculture & Food Systems Committee

Fr: TY Cheng, Agent for Hemptuary Hawaii

Re: Testimony **with COMMENTS** for **House Bill (HB) 2449**

RELATING TO MANUFACTURED HEMP PRODUCTS.

Clarifies that the definition of "manufactured hemp products" in section 328G-1, HRS, includes hemp products specified in rules adopted by the Department of Health pursuant to section 328G-4.

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

Hemptuary Hawaii is the first state-licensed hemp processor under the new requirements set out by the Department of Health, but we are unable to produce and sell hemp-derived beverages or edible products. Hemptuary Hawaii wishes to provide **COMMENTS** as this bill may affect the development of the Hawaii hemp market.

Hemptuary Hawaii submits that the words "beverage, edible" should be inserted in the definition of "Manufactured hemp product" to clarify what products may be sold as follows:

""Manufactured hemp product" means a product created by processing, as defined in this chapter, that:

(1) Is either:

(A) Intended to be consumed orally to supplement the human or animal diet in tablet, capsule, powder, softgel, gelcap, beverage, edible, or liquid form (e.g., hemp oil);

Currently, Hawaiian companies are not allowed to produce or sell a hemp-derived edible, even though local retailers can sell mainland-produced hemp-derived CBD edibles outside the regulatory authority of The Department of Health. This is unfair competition for local hemp manufacturers which has forced some Hawaiian companies to move to the US mainland to produce hemp edible products which are then shipped back to be resold. The Department of Health is reluctant to allow the manufacture and sale of hemp-derived edibles in Hawaii even though these products are the top hemp product category.

If the State intends to develop and encourage the local hemp market, then hemp-derived edibles must be allowed. The Department of Health has the experience and ability to safely regulate hemp-derived edibles due to their experience with regulating Hawaii's medical cannabis program which allows for the sale of cannabis-derived edibles.

The Department of Health's antiquated position of CBD and hemp-derived products can be found in this Q&A document.¹ The Department of Health writes:

"6. Can CBD be added to food, beverages or cosmetics that are distributed and sold in Hawaii?"

No. Chapter 328 of the Hawaii Revised Statutes (HRS) prohibits the manufacture, distribution and sale of food products and cosmetics made with cannabis, or products intended for consumption containing CBD or use of CBD as a food additive. Neither FDA nor DOH recognize cannabis-derived products, including CBD, as safe, nor have they been approved as a food additive. Cannabis-derived products, including CBD, are considered adulterated."

Data Bridge Market Research reported in January 2023 that the CBD edibles market is poised to grow by 24.80% by 2029 making up the largest grossing product category for the hemp industry.² Hawaii farmers are again left out when mainland hemp-derived edible products are sold at local gas stations and stores.

Please don't let local hemp farmers and processors fall behind because of a regulator's reluctance.

Thank you for the opportunity to testify. I am available for any questions.

Aloha,

TY Cheng

¹ https://health.hawaii.gov/food-drug/files/2019/04/DOH_QAs-on-CBD-042619.pdf

² <https://www.prnewswire.com/news-releases/cannabidiol-cbd-edibles-market-is-poised-to-grow-at-cagr-of-24-80-by-2029--size-share-growth-opportunities-competitive-landscape-and-revenue-insights-301731224.html>

HB-2449

Submitted on: 2/12/2024 2:33:25 PM

Testimony for AGR on 2/14/2024 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Climate Protectors Hawaii	Support	Written Testimony Only

Comments:

The Climate Protectors Hawaii support facilitating hemp production for use as hempcrete, a building material that sequesters carbon. Replacing carbon-intensive cement will reduce climate warming.