



**WRITTEN TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTY-FIRST LEGISLATURE, 2021**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 145, RELATING TO MEDICAL CANNABIS PRODUCTS.

**BEFORE THE:**

SENATE COMMITTEE ON HEALTH

**DATE:** Wednesday, February 3, 2021 **TIME:** 1:05 p.m.

**LOCATION:** State Capitol, Via Videoconference

**TESTIFIER(S):** **WRITTEN TESTIMONY ONLY.**  
(For more information, contact Tara K.C.S. Molnar,  
Deputy Attorney General, at 587-3050)

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Chair Keohokalole and Members of the Committee:

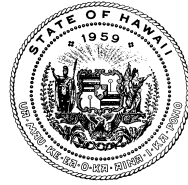
The Department of the Attorney General offers the following comments on this bill.

This measure would amend the definition of "manufactured cannabis products" in section 329D-1, Hawaii Revised Statutes (HRS), to include two new products, "cannabis seeds" and "cannabis clones" (page 2, line 4; page 4, lines 8-9). The bill would also amend section 329D-10, HRS, to include definitions for "cannabis seeds" and "cannabis clones" (page 5, lines 7-13).

The measure's wording with respect to cannabis seeds and cannabis clones (page 2, line 4; page 4, lines 8-9) raises a concern because it does not establish dispensing limits for seeds or clones as set forth in section 329D-13, HRS. The lack of dispensing limits may result in: (1) a qualified patient or a primary caregiver being able to purchase cannabis seeds or cannabis clones in excess of ten plants, in violation of section 329-122(a)(3), HRS; and (2) a qualifying out-of-state patient or a caregiver of a qualifying out-of-state patient being allowed to purchase cannabis seeds or cannabis clones in violation of section 329-122(c)(7), HRS. Currently, a qualifying out-of-state patient may not possess live plants pursuant to section 329-121, HRS. If the Committee is inclined to move this measure forward, we recommend that the bill include the following: (1) wording limiting purchases of cannabis seeds or cannabis clones by a

qualifying patient or primary caregiver to no more than ten seeds or clones; and (2) wording prohibiting purchases of cannabis seeds or cannabis clones by a qualifying out-of-state patient or a caregiver of a qualifying out-of-state patient.

Thank you for the opportunity to provide comments.



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
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**Testimony in OPPOSITION to SB145**  
**RELATING TO MEDICAL CANNABIS PRODUCTS.**

SENATOR JARRETT KEOHOKALOOLE, CHAIR  
SENATE COMMITTEE ON HEALTH

Hearing Date: Wednesday, February 3, 2021

Room Number:

1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's  
2 Executive Budget Request for the Department of Health's (DOH) appropriations and personnel  
3 priorities. Additional personnel resources will be needed to ensure that patients remain within  
4 their statutory limits and to prevent diversion of cannabis to the illegal market.

5 **Department Testimony:** The Department of Health (DOH) appreciates the intent of this  
6 measure to improve patient access by allowing licensed dispensaries to distribute cannabis seeds  
7 and cannabis clones, however, DOH OPPOSES SB145 for the following reasons:

8 (1) **Does not comport with the Legislature's intent in establishing the regulated**  
9 **statewide dispensary system.** In 2015, the Hawaii Legislature established a statewide  
10 dispensary system to ensure safe and legal access to medical cannabis for qualifying  
11 patients. Authorizing the licensed dispensaries to distribute cannabis seeds and clones  
12 appears to be a departure from the Legislature's intent.

13 (2) **Allows the purchase of unlimited numbers of cannabis seeds and clones.** Section  
14 329D-13, HRS, limits patient and caregiver purchases to "no more than four ounces of  
15 cannabis within a consecutive period of fifteen days, or no more than eight ounces of

1 cannabis within a consecutive period of thirty days." However, as written, SB145 would  
2 allow purchase of an unlimited amount of cannabis seeds and clones.

3 **(3) Great potential for patients to exceed their statutory limit of medical cannabis.**

4 "Adequate supply" is defined in section 329-121, HRS, as an amount not to exceed "ten  
5 cannabis plants, whether immature or mature...at any given time." Although patients and  
6 caregivers are required to tag each plant and remain within this ten plant limit, home  
7 grow plants are not tracked within the state's electronic seed-to-sale tracking system.  
8 SB145 would allow a patient to acquire an unlimited number of cannabis clones as well  
9 as an unlimited amount of seeds from which an unlimited number of plants could be  
10 grown. This creates a great potential for patients to exceed their statutory plant count  
11 limits.

12 **(4) Allows out-of-state patients to purchase cannabis clones in violation state law.**

13 Adequate supply for a qualifying out-of-state patient prohibits the possession of live  
14 plants. As written, SB145 does not prohibit an out-of-state patient from purchasing  
15 cannabis clones and therefore would allow an out-of-state patient to violate section 329-  
16 121, HRS.

17 **(5) Inadequate ability to enforce plant limits impacts individuals' enjoyment of**

18 **property and risks encouraging the illegal cannabis market.** The potential for  
19 patients to grow more than their statutory limit combined with the inability to adequately  
20 enforce plant limits impacts the community and tempts the diversion to other than  
21 registered patients. DOH and law enforcement routinely receive complaints regarding  
22 cannabis plant odor, however, DOH lacks the personnel to enforce plant limits and law

1 enforcement must have probable cause or permission to enter a property. As a result,  
2 there is little that can be done to assist these individuals whose enjoyment of their  
3 properties is often impacted and the potential for patients to exceed their statutory limits  
4 is unchecked. In addition, because one location can be registered as a grow site for an  
5 unlimited number of patients, the risk of illegal growing operations under the guise of  
6 home grows is exacerbated by this inability to adequately enforce plant limits. There is at  
7 least one grow site registered to almost 400 cardholders. SB145 risks further  
8 compounding this situation and significantly jeopardizing patient and public health and  
9 safety.

10 Thank you for the opportunity to testify on this measure.



To: Senator Jarrett Keohokalole, Chair  
Senator Rosalyn H. Baker, Vice Chair  
Members of the Committee on Health

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

TESTIMONY IN SUPPORT OF SB145

RELATING TO MEDICAL CANNABIS.

Authorizes the manufacture and distribution of cannabis seeds and cannabis clones by medical cannabis dispensary licensees.

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 SB145** which provides a legal channel for patients to obtain clean, lab tested clones through a licensed dispensary.

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.

Jaclyn L. Moore, Pharm.D.

CEO Big Island Grown Dispensaries



**Akamai Cannabis Clinic**

3615 Harding Ave, Suite 304  
Honolulu, HI 96816

TESTIMONY ON SENATE BILL 145  
RELATING TO MEDICAL CANNABIS PRODUCTS

By  
Clifton Otto, MD

Senate Committee on Health  
Senator Jarrett Keohokalole, Chair  
Senator Rosalyn H. Baker, Vice Chair

Wednesday, February 3, 2021; 1:05 PM  
State Capitol, Videoconference

Thank you for the opportunity to provide testimony on this measure.

[SB145](#) addresses the need of patients to legally obtain seeds and clones so that they can engage in the state authorized personal production of cannabis medicine.

Please consider the following comments for changes to this bill:

Allow patients to sell locally acclimated cannabis seeds to dispensaries.

Prohibit dispensaries from intentionally violating federal law by importing cannabis seeds from out of state.

Change the definition of a clone to exclude clones from being counted as part of a patient's allowable ten plants.

Change the definition of lozenge to make it a "small hard tablet", thereby distinguishing a lozenge from an edible. There is no such thing as a "soft lozenge".

Aloha.



**LATE**

To: Senator Jarrett Keohokalole, Chair  
Senator Rosalyn Baker, Vice-Chair  
Member of the Committee on Health

Fr: Randy Gonce - Executive Director of the Hawai'i Cannabis Industry Association

Re: Testimony in **Support of Senate Bill (SB) 145**  
RELATING TO MEDICAL CANNABIS PRODUCTS  
Authorizes the manufacture and distribution of cannabis seeds and cannabis clones by medical cannabis dispensary licensees.

Dear Chair Keohokalole, Vice-Chairs Baker, Members of the Committee:

The Hawai'i Cannabis Industry Association, formerly known as the Hawai'i Educational Association for Therapeutic Health, represents all eight of the state's licensed medical cannabis dispensaries. HICIA **supports** SB145 authorizes the dispensaries to sell cannabis seeds and plant clones to 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.