

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

ON THE FOLLOWING MEASURE:

S.B. NO. 629, S.D. 1, RELATING TO MEDICAL CANNABIS.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Thursday, January 27, 2021 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Via Videoconference

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

Chair Keohokalole and Members of the Committee:

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

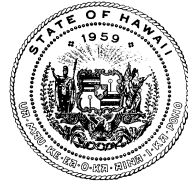
This measure, among other things, amends the restrictions to medical cannabis retail dispensary locations by allowing the general public to access certain unrestricted areas of retail stores. Specifically, it would amend various sections of chapter 329D, Hawaii Revised Statutes (HRS), as follows: (1) section 329D-1, HRS, to include a new definition for a "restricted access area" (page 2, lines 4-9); (2) section 329D-7, HRS, to direct the Department of Health to establish rules regarding security in restricted access areas, (page 5, line 5); (3) section 329D-15, HRS, to clarify that no person may enter or remain within the restricted access area or areas of a retail dispensing location, unless the individual is a covered individual under section 329D-15(a), HRS, and that providers of paratransit or other assistive services required by a primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient may access a restricted access area or areas of a retail dispensing location (page 10, lines 6-9; page 11, lines 3-5); and (4) section 329D-21, HRS, to specify that each day of each violation of any provision of chapter 329D, HRS, or rules adopted thereto constitute a separate offense (page 12, lines 14-16).

The measure's wording with respect to creating a definition for a "restricted access area" (page 2, lines 4-9) may create confusion, because the proposed definition is substantially similar to the definition of a "retail dispensing location" as defined by

section 329D-1, HRS, in which a qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient already has access. If the intent of this bill is to specify that these individuals may legally access a waiting room, lobby or other such specific area within a retail dispensing location, then that should be clearly outlined in the proposed definition of "restricted access area," so as to prevent any confusion. Deleting the word "premises" at page 10, line 7, and replacing it with "restricted access area or areas" may inadvertently grant individuals access to other areas of retail dispensing locations where cannabis and manufactured cannabis products may be present.

The Department also notes that if the intent of the bill is to allow the general public access to dispensary retail facilities but prohibit unauthorized access to "restricted access areas," we recommend the wording of section 329D-15, as well as necessary wording throughout chapter 329D, be amended to consistently accomplish this and avoid confusion. If that is the intent, we would be happy to provide the committee with a list of suggested amendments.

Thank you for the opportunity to provide comments.



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

**Testimony in SUPPORT of SB 0629 SD1
RELATING TO MEDICAL CANNABIS**

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date: Thursday, January 27, 2022

Room Number: Video Conf.

1 **Fiscal Implications:** None identified.

2 **Department Testimony:** The Department is in SUPPORT of this measure which: (1) Defines
3 “restricted access area” to allow a family member, caregiver, or other assistant to help patients
4 into retail dispensaries while preventing unauthorized access to medical cannabis and
5 manufactured medical cannabis products; (2) Clarifies that primary caregivers, qualifying out-of-
6 state patients, and caregivers of a qualifying out-of-state patient are allowed to access medical
7 cannabis retail locations; and (3) Facilitates the oversight of dispensary compliance with Chapter
8 329D, HRS, to better protect the safety of qualifying patients by providing that each day of a
9 violation of Chapter 329D, HRS is a separate offense.

10 **Offered Amendments:** None.

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

SB-629-SD-1

Submitted on: 1/21/2022 5:49:08 PM

Testimony for JDC on 1/27/2022 9:30:00 AM

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

Comments:

Although I support SB629, it wouldn't be necessary if we just made cannabis available for all through the so-called "recreational cannabis."

Mike Golojuch, Sr.



To: Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice-Chair
Members of the Senate Judiciary Committee

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

Re: Testimony in **Support of Senate Bill (SB) 629**
RELATING TO MEDICAL CANNABIS

Allows primary caregivers, qualifying out-of-state patients, and caregivers of a qualifying out-of-state patient to access the restricted access area within a medical cannabis retail dispensary. Clarifies violations related to medical cannabis dispensaries.

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 the state's licensed medical cannabis dispensaries. HICIA **supports** SB629 which would allow caregivers of medical cannabis patients access to the otherwise restricted retail areas in medical dispensaries. After four years of operation, HICIA has found that many patients heavily rely on their caregiver for support given their unique medical situations. Compounded by the COVID-19 pandemic, our sensitive patients such as those who are immunocompromised and/or at high risk, need their caregiver support and access. If passed all dispensaries are prepared to ensure the protocols in this provision are strictly adhered to and only authorized individuals are allowed access to restricted areas.

LATE

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515

STEVEN S. ALM
PROSECUTING ATTORNEY

THOMAS J. BRADY
FIRST DEPUTY
PROSECUTING ATTORNEY



THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirty-first State Legislature
Regular Session of 2022
State of Hawai'i

January 27, 2022

RE: S.B. 629, S.D. 1, RELATING TO MEDICAL CANNABIS.

Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimong, with **express concerns** regarding S.B. 629, S.D. 1.

This measure would drastically decrease the Department of Health’s (“DOH”) oversight of medical cannabis retail dispensing locations, by limiting its rulemaking powers only to “restricted access areas,” rather than the entire premises (see page page 5, line 5). In precluding DOH’s regulation of unrestricted areas, this would also open the doors—literally—for the general public to enter retail dispensing locations (see page 10, lines 7-8), which could then theoretically sell souvenirs, t-shirts, or other non-cannabis items to anyone who walks in the door. This is not in keeping with the carefully regulated, “medical-only” system that the State has tried to develop, since medical cannabis dispensaries were first established in Hawaii.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu **express concerns** regarding S.B. 629, S.D. 1. Thank you for the opportunity to testify on this matter.