



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

ON THE FOLLOWING MEASURE:

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

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)

Chair Keohokalole and Members of the Committee:

The Department of the Attorney General offers the following comments.

This measure 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 9-14); (2) section 329D-3, HRS, to remove the prohibition against selling or transferring a dispensary license (page 4, lines 13-14); (3) section 329D-7, HRS, to direct the Department of Health to establish rules regarding security in restricted access areas, and to eliminate the prohibition against individuals with a felony conviction from working in dispensaries (page 7, line 12; page 9, line 1); (4) section 329D-15, HRS, to clarify that no person may enter or remain within the restricted access areas or areas of a retail dispensing location, unless the individual meets the requirements of 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 12, lines 16-17; page 13, lines 13-15); (5) 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 15, lines 3-5); and (6) section 329D-22, HRS, to remove the definition of "public housing project or complex" (page 15, lines 15-18).

The measure's wording with respect to creating a definition for a "restricted access area" (page 2, lines 9-14) may create confusion, because the proposed definition appears to describe in detail a "retail dispensing location" as defined by section 329D-1, HRS, an area to 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 is to specify that these individuals may legally access a waiting room, lobby or other such 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.

The proposed amendment to section 329D-7, HRS, (page 9, line 1) raises concerns, because it enables individuals convicted of felonies – the highest grade of offense under our penal code – to handle or sell marijuana, a controlled substance under federal law. If the Committee is inclined to move this measure forward, we recommend that the bill retain wording prohibiting individuals convicted of felonies from working within dispensaries.

Thank you for the opportunity to provide comments.

SB-629

Submitted on: 2/2/2021 11:03:54 AM

Testimony for HTH on 2/3/2021 1:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
jaclyn moore	Testifying for Big Island Grown Dispensaries	Support	No

Comments:

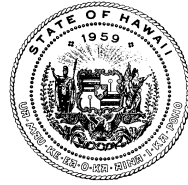
Dear Chair Keohokalole, Vice-Chair Baker, and Members of the Committee:

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 SB629** which 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.

Thank you for the opportunity to testify on this measure.

Jaclyn L. Moore, Pharm.D.

CEO Big Island Grown Dispensaries



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**Testimony in SUPPORT of S.B. 629
RELATING TO MEDICAL CANNABIS.**

SENATOR JARRETT KEOHOKALOOLE, CHAIR
SENATE COMMITTEE ON HEALTH

Hearing Date: Wednesday, February 3, 2021

Room Number:

1 **Fiscal Implications:** None identified.

2 **Department Testimony:** The Department is in SUPPORT of this measure which: (1) Aligns the
3 language in Chapter 329D, Hawaii Revised Statutes, with recent enactments that provide for the
4 transfer of a dispensary license, removes the exclusion from dispensary employment for certain
5 class C felony convictions, and repeals the public housing restriction on medical cannabis facility
6 siting; (2) Includes primary caregivers, qualifying out-of-state patients, and caregivers of a
7 qualifying out-of-state patient as individuals allowed to access medical cannabis retail locations;
8 and (3) Better serves the needs and protects the safety of qualifying patients. Defining “restricted
9 access area” will allow a family member, caregiver, or other assistant to help patients into retail
10 dispensaries while preventing unauthorized access to medical cannabis and manufactured
11 medical cannabis products. Clarifying that each day of a violation of Chapter 329D, HRS is a
12 separate offense will better protect patient safety by facilitating oversight of dispensary
13 compliance with Chapter 329D, HRS.

14 **Offered Amendments:** None.

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



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) 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 all eight of 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.