

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

**SYLVIA LUKE**  
Lt. Governor



**SHARON HURD**  
Chairperson, Board of Agriculture

**MORRIS M. ATTA**  
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 SENATE  
COMMITTEE ON AGRICULTURE AND ENVIRONMENT  
AND  
COMMITTEE ON COMMERCE AND CONSUMER PROTECTION**

**FRIDAY, MARCH 17, 2023  
10:00 AM  
CONFERENCE ROOM 229 AND VIDEOCONFERENCE**

**HOUSE BILL NO. 1359 HD2  
RELATING TO HEMP**

Chairpersons Gabbard and Keohokalole and Members of the Committees:

Thank you for the opportunity to testify on House Bill 1359 HD2. This measure repeals redundant regulations on hemp production, which will reduce costs for the State and Hawaii farmers. Amends the hemp law in a manner that recognizes the unique constraints of Hawaii farmers, while protecting human health. Allows licensed hemp producers to sell hemp biomass. Requires and appropriates moneys for the Department of Health to hire or consult a toxicologist or consultant familiar with hemp industry standards for the purpose of setting defined action limits or exposure levels for different types of hemp products. Extends the State's hemp processor law through 7/1/2027. Repeals on 7/1/2027. The Department of Agriculture (DOA) offers the following comments.

DOA strongly supports the Hawaii hemp industry but respectfully does not agree with the statement regarding "overregulation of production" on page 2, lines 1 and 2. DOA does not regulate farming of hemp within the state. The USDA regulates the entire



production such as growing, harvesting and other on-farm operations including licensing of Hawaii hemp growers. Monitoring transport of hemp materials (flowers, leaves, viable seeds) and buffer zone restrictions are not part of USDA regulatory function. These are responsibilities assigned to DOA under Act 14, SLH 2020 as amended by Act 137, SLH 2020, that are necessary to ensure such nonfarming intrastate activities are conducted in a safe, healthy, and appropriate manner.

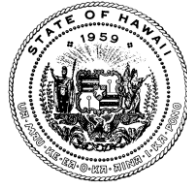
As part of repealing redundant regulations, DOA strongly recommends deleting the language on page 8 lines 16 to 21 of this bill pertaining to nuisance issues. DOA does not find it necessary or appropriate to create additional rules to address nuisance issues, including smell, noise, and excessive lighting arising out of the activities of hemp growers. Pre-existing regulations and authority under the Department of Health and county land use ordinances already address (and are the appropriate method of addressing) the areas of nuisance referenced. DOA has serious concerns regarding the creation of a duplicative enforcement framework that may result in confusion and challenge due to incompatible oversight and conflicting actions and decisions.

Hemp geographic origin labeling provides transparency and encourages fair advertising practices for hemp products that are being promoted for sale. The DOA supports the labeling requirement to ensure that hemp produced in the State is labeled as Hawaii produced and that hemp produced outside the State is labeled with the appropriate origin. The DOA notes, however that enforcement of the requirement may be challenging because it is difficult to determine the authenticity of the origin of the product.

DOA is concerned with the wording in the revision of HRS 141-42(g); “The State shall not require other inspections or sampling...” and “The State shall not issue notices of violations or impose penalties upon any hemp producer...”. Due to the open nature of those statements the bill may imply that hemp producers are free from all inspection or sampling types, and notices of violations or imposed penalties. This may put the DOA’s Performance Partnership (Pesticides) Grant with the U.S. EPA in jeopardy due to the

inability to inspect, sample, issue notices of violations, and impose penalties for violating State and Federal pesticide laws or other laws not related to USDA hemp production.

Thank you for the opportunity to testify on this measure.



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
KA 'OIHANA OLAKINO  
P. O. BOX 3378  
HONOLULU, HI 96801-3378  
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In reply, please refer to:  
File:

**Testimony COMMENTING on HB1359 HD2  
RELATING TO HEMP**

SENATOR JARRETT KEAHOKALOOLE, CHAIR  
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

SENATOR MIKE GABBARD, CHAIR  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Hearing Date: 3/17/2023

Room Number: CR 229

1 **Fiscal Implications:** This measure will impact the priorities identified in the Governor's  
2 Executive Budget Request for the Department of Health's (Department) appropriations and  
3 personnel priorities.

4 **Department Testimony:** The Department offers comments on sections 4, 5, 6, and 7 of this bill  
5 and supports section 9 extending the sunset date for chapter 328G, Hawaii Revised Statutes  
6 (HRS). This bill adds to the complexity and the proliferation of intoxicating hemp products  
7 without imposing an age restriction, thus making way for potentially impairing amounts of delta-  
8 9 tetrahydrocannabinol (THC) in food and beverages sold outside of a licensed medical  
9 dispensary. We respectfully offer amendments in section 4 to fully realize the legislature's intent  
10 to allow the development of a legal and regulated hemp industry in Hawaii.

11  
12 **SECTION 4:** The Department opposes "hemp" in food, or beverage products since the primary  
13 psychoactive cannabinoid in hemp, delta-9 tetrahydrocannabinol (THC), would be limited only  
14 by a percent of the product's content, currently set at 0.3%. Using this calculation, a  
15 manufacturer could add 150 milligrams of hemp derived delta-9 THC to a single serving 50  
16 gram chocolate bar or 60 milligrams of delta-9 THC to a "snack size" pack of fruits snacks (20  
17 grams) and still be considered compliant with the 0.3% THC limit. By comparison, edible  
18 cannabis products, available to qualifying patients in Hawaii through our medical cannabis

1 dispensary system, are limited to a maximum of 10 milligrams of THC per serving. Mass  
2 matters and intentionally misapplying the 0.3% THC limit, intended for dried hemp plant  
3 material, to considerably heavier foods and beverages will result in hemp products that can  
4 contain intoxicating amounts of THC making them indistinguishable from products allowed in  
5 adult use cannabis states and considerably more potent than edible cannabis products currently  
6 allowed under our medical cannabis dispensary system in Hawaii. We are also concerned about  
7 cannabinoid-containing products in forms that are appealing to children, such as gummies, hard  
8 candies, and cookies. The U.S. Food and Drug Administration (FDA) is aware of multiple  
9 media reports describing children and adults who accidentally consumed copycat edible products  
10 containing THC and experienced adverse events. Additionally, from January 1, 2021, through  
11 May 31, 2022, the FDA received over 125 adverse event reports related to children and adults  
12 who consumed edible products containing THC. Also, national poison control centers received  
13 10,448 single substance exposure cases involving only edible products containing THC between  
14 January 1, 2021, and May 31, 2022. Of these cases, 77% involved patients 19 years of age or  
15 younger.

16  
17 **SECTION 5:** The Department recommends maintaining the United States Department of  
18 Agriculture (USDA) hemp producer's license as a requirement for hemp processors to ensure  
19 processing begins with compliant hemp and not marijuana.

20  
21 **SECTION 6:** The Department opposes the sale of any hemp leaf, hemp floral material, and  
22 cannabinoid product to anyone, regardless of age, to aerosolize for respiratory delivery routes  
23 intended to be smoked or inhaled. A recent study showed that vaping cannabinoid induces more  
24 potent inflammatory responses in the lung, greater oxidative stress, and leads to augmented  
25 pathological changes associated with lung injury than vaping nicotine.<sup>1</sup> Hemp leaf and hemp  
26 floral material could be spiked with synthetic cannabinoids and the effects are often  
27 unpredictable, and, in some cases, more dangerous or even life-threatening. Although hemp

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<sup>1</sup> Bhat TA, Kalathil SG, Goniewicz ML, *et al.* Not all vaping is the same: differential pulmonary effects of vaping cannabidiol versus nicotine. *Thorax* Published Online First: 23 February 2023. doi: 10.1136/thorax-2022-218743

1 does not contain an intoxicating level of THC, smoked leaf and floral material contain many of  
2 the same toxins and carcinogens found in tobacco smoke.<sup>2</sup> Hemp flower is visually  
3 indistinguishable from the cannabis flower and allowing the sale of hemp flower will make it  
4 virtually impossible to prevent illicit cannabis sales. Also, the Department is uncertain how to  
5 enforce any hemp product with an attractive label to underage persons.

6  
7 **SECTION 7:** It is unclear why a toxicologist or consultant is needed to define the action limits  
8 or exposure levels of hemp products since chapter 11-37, Hawaii Administrative Rules (HAR)  
9 specifies the contaminant limits for heavy metals, pesticides, solvents, and microbes of hemp  
10 products.

11  
12 **Offered Amendments:** The Department recommends the following amendments to fully realize  
13 the legislature's intent to allow the development of a legal and regulated hemp industry in  
14 Hawaii.

15  
16 Delete the two new definitions, "Finished hemp product", page 9, lines 5 to 21, and  
17 "Intermediate hemp product", page 10, lines 1 to 6. Insert "hemp product" definition to read  
18 "means [a product that...for use.] any processed hemp being held, offered, or distributed for sale  
19 and intended for human or animal ingestion, inhalation, or consumption.", page 10, line 12, to  
20 page 11, line 13.

21  
22 Amend existing definitions, "Hemp processor", to read "means a person [processing hemp to  
23 manufacture a hemp product.] or business processing hemp into a hemp product," page 10, lines  
24 8 to 10, and the "Processing" definition to read "means making a transformative change to the  
25 hemp plant following harvest by converting an agricultural commodity into a hemp product,  
26 including but not limited to compounding, blending, extracting, and infusing, but does not

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<sup>2</sup> Moir D, Rickert WS, Levasseur G, et al. A comparison of mainstream and sidestream marijuana and tobacco cigarette smoke produced under two machine smoking conditions. *Chemical Research in Toxicology*. 2008;21(2):494-502.

1 include planting, growing, harvesting, drying, curing, grading, trimming a hemp plant or part of a  
2 hemp plant.”, page 12, lines 2 to 5.

3

4 Delete the proposed definition of “manufacture”, page 11, lines 14 to 21, and the existing  
5 “manufacture” definition in section 328G-1.

6

7 Thank you for the opportunity to testify on this measure

8



**Officers**

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State President

Anabella Bruch  
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Waimanalo, O'ahu

Vincent Kimura  
Honolulu, O'ahu

Ray Maki  
Kauai

Aloha Chairs Keohokalole & Gabbard, Vice Chairs Fukunaga & Richards, and Members of the Senate Commerce and Consumer Protection & Agriculture and Environment Committees,

The Hawaii Farmers Union United (HFUU) is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFUU supports and seeks to amend HB1359.**

HFUU has adopted hemp policies that support origin labeling for hemp, as well as on-farm processing and hemp processing in food hubs or agricultural parks. Towards those ends HFUU seeks the following amendments:

- 1) Origin labeling consistent with HB1424 and SB516
- 2) Allowances for processing in food hubs, agricultural parks, as well as agriculturally exempt farm buildings from permits per HRS 68-88. Without this amendment, many hemp farmers can't process their hemp crops. HFUU supports SB 637 that provides this allowance and suggests the wording from this bill be used in HB 1359.

This bill will allow hemp producers to streamline their production process, reduce costs, and adhere to industry-specific constraints that are pertinent to Hawaii's unique agricultural environment. Furthermore, it will ensure the availability of transparency in labeling, clarifying the percentage of hemp grown in Hawaii. In addition, appropriating money for the Department of Health to hire or consult with a toxicologist or consultant is a great step forward and will allow farmers to confidently participate in hemp growth. We urge you to vote in favor of this bill, as it will help Hawaii farmers remain sustainable and thrive in both the hemp and agricultural markets.

Mahalo for the opportunity to testify.

Kaipo Kekona, President HFUU/HFUF



**HB-1359-HD-2**

Submitted on: 3/15/2023 11:13:56 AM

Testimony for AEN on 3/17/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Maile Walters	Testifying for Kauai Hemp Co.	Support	Written Testimony Only

Comments:

**Bill #HB 1359 Relating to Hemp**

**Testimony from Maile Walters**

**Dear Committee chairs and members,**

**Thank you so much for allowing me to testify in support of this bill.**

**My name is Maile Walters and I am Compliance Director at Kauai Hemp Co. I've been in this position for 2 years and have worked diligently to support our company in creating wonderful CBD products.**

**I support this bill but request the following changes be made:**

- 1. Addressing the Department of Health's concerns related to hemp food products, please separate and define the difference between a finished hemp product and a finished hemp food product. Keep finished hemp products at the USDA THC threshold of 0.3% which is the current allowable limit under Hawaii law. The Department of Health cited that The National Institute on Drug Abuse established a "standard dose" of THC as 5 milligrams. To address the Department of Health's above concerns, all serving sizes of hemp food products will have less than one "standard dose" of THC. Please include language that reads:**

**“finished hemp food products shall allow 0.3% and shall be packaged so that one dose, serving, or single wrapped item contains less than five milligrams of tetrahydrocannabinol; provided that no manufactured finished hemp food product that is sold in a pack of multiple doses, servings, or single wrapped items, shall contain more than a total of one hundred milligrams of tetrahydrocannabinol per pack or container.”**

- 1. Prohibit finished hemp food products being advertised or sold to any one under the age of 21.**
- 2. Amend wording to align with SB 637 that would allow hemp farmers to process in an enclosed indoor facility that is a permit-exempt agriculture structure pursuant to section 46-88 or is an enclosed building in a food hub or agricultural park.**
- 3. Defining and protecting Hawaii CBD products allows consumers to “buy local” and supports our island industry.**

**This bill with the above changes will allow Hawaii’s hemp industry to stay alive and will be its best chance to grow and flourish.**

**Please support HB1359!**

**Thank you so much for the opportunity to testify.**

**HB-1359-HD-2**

Submitted on: 3/15/2023 11:23:20 AM

Testimony for AEN on 3/17/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Peter Fay	Testifying for Omaopio Piliwale Ohana	Oppose	Remotely Via Zoom

Comments:

Aloha members of the Senate Committee on Commerce and Consumer Protection, and members of the Senate Committee on Agriculture and Environment

I am testifying on behalf of the Omaopio Piliwale Ohana, a group of 40+ individuals who live in 15 houses on 12 parcels surrounding a hemp farm in Kula, Maui. We are testifying AGAINST one portion of HB 1359 regarding changing the ‘buffer zones’ between hemp being grown next to “pre-existing house, dwelling unit, residential apartment, or other residential structure...” from 500 feet down to just 100 feet. In 2020 our group submitted letters to the Department of Agriculture, and written and oral testimony to the Senate Ag Committee regarding the damage being caused to our neighborhood by our hemp farm neighbor operating at that time under the Hemp Pilot Program. Due (at least in part) to the amount of testimony submitted and evidence shown of the damage that was occurring to our neighborhood and it's residents by this hemp farm, Committee Chair Senator Mike Gabbard and the members of the Senate Committee on Agriculture and Environment saw fit to include those 500 foot buffer zones in the final Hemp bill.

We do NOT support changing the 500 foot buffer zone to a mere 100 feet because that would essentially remove any protection that citizens in neighborhoods across the State would have from future hemp growing facilities. The same factors that existed in 2020 that made inclusion of the 500 foot buffer zones a wise decision then still exist today. The same protection is needed today that was needed in 2020.

ACT 14 as currently written correctly protects our keiki from neighboring hemp farms with a 500 buffer zone when they are at a playground, child-care facility, or school. But this new proposed language lowering the buffer zone from 500 feet to just 100 feet from pre-existing homes, etc, removes that protection when our keiki leave school and return home. If anything, our homes deserve MORE protection than playgrounds, child-care facilities, and schools because we spend far less time there than in our homes and because we can choose to avoid hemp farms surrounding playgrounds, child-care facilities, and schools by leaving those areas but we can't avoid hemp farms by leaving our homes. This buffer zone reduction for houses makes no sense at all.

We ask that you please leave all the 500 foot buffer zones in the current law the same as they are now and ask that you do NOT carve out this exception for homes, etc. You are removing the only protection neighborhoods and residents across that State now have from the type of damage being done to our neighborhood from the disgusting smell and noise and on all night grow lights, etc, that hemp farms impose upon their neighbors.

Mahalo,

Peter Fay, Omaopio Piliwale Ohana



# Environmental Caucus of The Democratic Party of Hawai‘i

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CPN-AEN\_03-17-23 SB1359 Hemp

TO: THE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Jarrett Keohokalole, Chair

Senator Carol Fukunaga, Vice Chair

and

THE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Mike Gabbard, Chair

Senator Herbert M. "Tim" Richards, III, Vice Chair

CONCERNING: SB 1359 SD2 (HSCR862) RELATING TO HEMP

POSITION: STRONG SUPPORT

ALOHA Chairs Keohokalole and Gabbard and Vice Chairs Fukunaga and Richards

The Environmental Caucus of the Democratic Party of Hawaii strongly supports this bill and encourages you to vote for it.

It is about time that the full value of industrial grade hemp to Hawaiian agribusiness and diversity is acknowledged and supported. Industrial Hemp is NOT THE SAME as marijuana and by now educated legislators should know that. It is an incredibly versatile plant, and can be used as animal fodder and for environmentally friendly fabrics which would be a big bonus to the local fashion industry. It can also be used for food, oil for medicinal uses and fuel options, building material ("green" cement), and a form of safe environmentally friendly plastic just to name a few things. Industrial hemp is also a desirable export which our agribusiness desperately needs.

Hemp grows easily in our state, so it is time to remove the stigma attached to the name of the plant and move forward to create a new and productive agricultural crop for the future.

Martha E Randolph

Environmental Caucus SCC Representative

on behalf of the Environmental Caucus of the Democratic Party of Hawaii

Bill #HB 1359 Relating to Hemp

Testimony from Judiah McRoberts

Dear Committee chairs and members,

Thank you so much for allowing me to testify in support of this bill.

My name is Judiah McRoberts and I am the President at Kauai Hemp Co. I've been involved in the Hawaii Hemp Industry since 2019. I support this bill but request the following changes be made:

1. Addressing the Department of Health's concerns related to hemp food products, please separate and define the difference between a finished hemp product and a finished hemp food product. Keep finished hemp products at the USDA THC threshold of 0.3% which is the current allowable limit under Hawaii law. The Department of Health cited that The National Institute on Drug Abuse established a "standard dose" of THC as 5 milligrams. To address the Department of Health's above concerns, all serving sizes of hemp food products will have less than one "standard dose" of THC. Please include language that reads:

*"finished hemp food products shall allow 0.3% and shall be packaged so that one dose, serving, or single wrapped item contains less than five milligrams of tetrahydrocannabinol; provided that no manufactured finished hemp food product that is sold in a pack of multiple doses, servings, or single wrapped items, shall contain more than a total of one hundred milligrams of tetrahydrocannabinol per pack or container."*

2. Prohibit finished hemp food products being advertised or sold to any one under the age of 21.
3. Amend wording to align with SB 637 that would allow hemp farmers to process in an enclosed indoor facility that is a permit-exempt agriculture structure pursuant to section 46-88 or is an enclosed building in a food hub or agricultural park.
4. Defining and protecting Hawaii CBD products allows consumers to "buy local" and supports our island industry.

This bill with the above changes will allow Hawaii's hemp industry to stay alive and will be its best chance to grow and flourish.

Please support HB1359!

Thank you so much for the opportunity to testify.

TO: Hawai'i House Committee on Agriculture and Environment/Commerce and Consumer Protection

FROM: Hawai'i Sustainable Farms

RE: Strong Support for HB1359 HD2 RELATING TO HEMP and Offer Amendments

DATE: 3/16/23

Aloha Chair Gabbard, Chair Keohokalole and AEN/CPC Committee Members,

Writing in strong support of HB 1359 HD2 relating to hemp and offering the following amendment to:

SECTION 2. Section 141-42, Hawaii Revised Statutes, is amended to read as follows:."

"~~[[§141-42]]~~ Commercial hemp production. (a) ...

~~[(4)] (2)~~ Hemp shall not be grown within ~~[500]~~ one hundred feet of any pre-existing house, ~~dwelling unit residential neighborhood~~, residential apartment, or other residential structure that is not owned or controlled by the license holder; provided that this restriction shall not apply to an individual or entity licensed to grow hemp in those areas under the ~~[State]~~ state industrial hemp pilot program ~~[prior to]~~ before August 27, 2020; and.."

**Or better yet just the official removal of the hemp growing buffer zone entirely as it has been confirmed to be currently in violation of the supremacy clause:**

~~"[(4)] (2)~~ Hemp shall not be grown within ~~[500]~~ one hundred feet of any pre-existing house, dwelling unit, residential apartment, or other residential structure that is not owned or controlled by the license holder; provided that this restriction shall not apply to an individual or entity licensed to grow hemp in those areas under the ~~[State]~~ state industrial hemp pilot program ~~[prior to]~~ before August 27, 2020; and"

I grew up farming here, after graduating from UH Mānoa with a BBA, returned to Kula to farm full time. Diversified organic farming since and implemented a USDA Natural Resource Conservation Services, (NRCS) Environmental Quality Incentives Program,(EQIP) contract that brought federal funding to help improve the agriculture and environment on the family farm.

After being diagnosed with a previously undiscovered random birth defect, that caused a stroke followed by brain surgery that led to learning to walk and talk again, developed conditions that I treat with hemp. I am licensed to grow hemp by the USDA AMA rules on my farm which was purchased with a loan from USDA FSA. Farming hemp has been a major life goal since returning to farming full-time with a severe disability and the first farm bill.

Plan to include hemp with the farm's agroforestry conservation plan as part of alley cropping and multistory planting practices with ultra high density planting of several different trees including grafted avocados and mango. Rotational grazing and no-till cover crop rotations of sunn hemp rolled and crimped followed by hemp making it a great companion plant for the no-till rotations that can be done from tractor allowing more production despite the disability.

The benefits of hemp as a food and a myriad of other uses from soil remediation to advanced nano particles of hemp graphene superconductors from animal bedding to housing from fresh juice to solventless extracts to seed breeding and microgreens... the market potential and environmental benefit list would go on for countless pages. Hawai'i farmers shouldn't be left behind any longer. The grown in Hawai'i label is important.

Hawaii hemp farmers have been the most regulated hemp farmers in the country and these regulations have made us non-competitive allowing for unscrupulous processors to use foreign imports to supply the local and export markets with sub par and potentially synthetic quality that will be the final nail in the coffin for the state industry must be known for the quality only Hawai'i can produce.

Greatly appreciate your hearing this bill, strongly support HB 1359 HD2.

Mahalo

Robert Bence  
Farmer  
Hawai'i Sustainable Farms





[www.hawaiihempfarmersassociation.org](http://www.hawaiihempfarmersassociation.org)

February 9, 2023

RE: Support HB 1359 and SB 1548 **with Amendments for Processing and Labeling**

Aloha Chair Gabbard and the Senate Committee on Agriculture,

Thank you for your continued support of Hawaii Hemp farmers. The Hawaii Hemp Farmers Association, which is composed of Hawaii hemp farmers, processors, and manufacturers, is in support of HB 1359 provided **the following amendments are added to the bill to create a hemp task force and allow the Department of Agriculture to hire a consultant to work with farmers and Hawaii hemp sector representatives and experts to identify the infrastructure needs of the Hawaii hemp industry to facilitate public-private partnerships and farmers accessing capital to remain competitive and support sector development (food, fuel, fiber) and create jobs.**

The hemp industry has quickly evolved in the last four years and greater communication and sharing of data between the state and hemp farmers and industry members will facilitate the following outcomes:

- ! Save agencies time and resources by identifying data that will facilitate the implementation of supportive agricultural policy that protects consumers and the environment;
- ! Create more viable opportunities for Hawaii farmers through policy that recognizes the unique needs of farming in Hawaii;
- ! Support greater food security by identifying the paths forward for great hemp seed production; a very nutritious source of plant protein with numerous vitamins and mineral and essential fatty acids; and,
- ! Create rural economic development opportunities by identifying infrastructure and next steps forward to support a vibrant hemp industry across all sectors, fiber, fuel, CBD, and food.

Suggested amendment to page 8, after line 11 of HB 1359 HD2:

SECTION 2. Section 141-42, Hawaii Revised Statutes,

(i) A Hawaii hemp task force shall be jointly convened by the department of agriculture and the department of health to gather data and information to understand industry needs and inform strategies and

actions that support Hawaii agriculture and a robust hemp industry in Hawaii. The task force:

(1) Shall include hemp producers from each island proportionate to the total number of United States Department of Agriculture hemp licenses in the State and a representative from each of the fuel, building, general fiber, cannabinoid, and grain food sectors;

(2) May ask for data and information from additional sources, including but not limited to hemp economists, regulators in other states, retailers, farmers, and hemp industry groups outside of Hawaii;

(3) Shall jointly develop an outline of farmer and industry needs and the strategies and actions that can help inform public policy concerning the development of a hemp industry in the State that also supports rural agricultural development in the State;

(4) Shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2024;

(5) Shall appropriate \$50,000 in funds to the Department of Agriculture to coordinate the task force.

(6) Shall cease to exist on August 30, 2024.

(j) There is appropriated out of the general fund of the State of Hawaii \$50,000 or so as much thereof may be necessary for fiscal year 2023 - 2024 for the Dept of Agriculture to hire a consultant to work with Hawaii hemp farmers on each island proportionate to the number of USDA production licenses to identify the infrastructure needs of Hawaii's hemp farmers and the hemp industry, considering the unique needs and geographic spread of Hawaii's licensed hemp farmers and the various hemp sector needs. The consultant shall submit their findings via a concise outline of recommended infrastructure by island no later than the first day of July 2024. The outline shall include schematics showing the various processing steps and infrastructure needed from harvest to product for various sectors with approximate costs per infrastructure component, sizing and capacity options (mobile vs fixed and volume/mass per day), and approximate square footage required per component.

Mahalo for your time and consideration. Respectfully,!

*Gail Byrne Baber*

Gail Byrne Baber

President and Farmer

*Ray Maki*

Ray Maki

Co-Vice President and Farmer

*Brittany Neal*

Brittany Neal

Co-Vice President and Farmer !

**HB-1359-HD-2**

Submitted on: 3/13/2023 10:14:28 PM

Testimony for AEN on 3/17/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Traci	Individual	Comments	Written Testimony Only

Comments:

Senator Gabbard and the Ag committee recognized the damage a hemp farm can do to its neighbors and they wisely put a 500 foot buffer in the final Hemp bill, 2020 ACT 14. To replace that buffer zone with a 100' zone just for residences while leaving all the other conditions with the 500' buffer is undoing the progress that was made. Playgrounds and schools and state parks and daycare areas are active from a few hours per day to most of the daylight hours. But residences are occupied by citizens 24 hours a day/7 days per week. Residences are the ones most in need of a 500 foot buffer. For all of our sakes, please preserve the 500 foot buffer zone for existing residences.

**HB-1359-HD-2**

Submitted on: 3/14/2023 8:13:38 AM

Testimony for AEN on 3/17/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ralf Simon	Individual	Oppose	Written Testimony Only

Comments:

Thank you for giving me the opportunity to give testimony in this for our family and community very important matter.

I hereby ask you to please keep the 500' buffer zones in the bill without (!) any exemption.

To reduce the residential buffer zone to 100' while maintaining a 500' buffer zone to state parks and schools, makes no sense to me. While parks and schools are being protected with a '500 ft buffer, residents who live at their place 24/7 are not ? No, this is not right, residents and families should be protected just as well, if not more.

It is from our own experience, as a family of four with little children, of utmost importance to protect the health and well-being of residents adjacent to hemp operations.

The effect of hemp operations on existing neighborhoods is devastating if in close proximity. Constant noise and vibrations comparable to airport or industrial operations, pungent smell of drugs, 24/7 bright emitting lighting and security concerns make hemp operations absolutely incompatible with any residential life, including in AG zones.

I am asking you kindly again to keep the 500 foot buffer zones between Hemp Growing and Processing operations from "existing playground, child care facility, school, state park, state recreation area, residential neighborhood, hospital, daycare, any existing house, dwelling unit, residential apartment, or other residential structure that is not owned or controlled by the license holder."

Leaving these buffer zones of 500' (or even more) in the bill would protect hundreds of thousands of Hawaii's citizens who live on or near Ag zoned properties from the possibility of going through the disaster our neighborhood is suffering through.

Our children, 10 yrs and 4yrs now, suffered several years from sleep deprivation due to excessive ventilation noise and 24/7 greenhouse lighting from the adjacent hemp operation. Apart from getting used to the smell of drugs ( Marijuana ). How to explain that to your kids ? I have no answer, we had to move.

Please help us, the families and the communities of Hawai'i and protect us from hemp operations, who operate disrespectfully and ruthlessly in too close proximity to housing. With

NO exemptions. Please.

Mahalo from Kula

Ralf Simon

266 Piliale Road  
Kula, HI 96790

808 - 445-9694

**HB-1359-HD-2**

Submitted on: 3/15/2023 11:37:01 AM

Testimony for AEN on 3/17/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Emma Fay	Individual	Oppose	Written Testimony Only

Comments:

Aloha members of the Senate Committee on Commerce and Consumer Protection, and members of the Senate Committee on Agriculture and Environment

I OPPOSE the portion of HB 1359 that changes the 500 foot protective buffer zone separating hemp farms from pre-existing homes, residential areas, apartments, etc, down to a tiny 100 foot buffer zone while leaving the current 500 foot protective buffer zone for schools, playgrounds, and child-care facilities. This makes no sense at all. Why is it OK to protect us from disgusting hemp farms when we're at school and playgrounds yet get rid of that protection when we are at home? Lowering those buffer zones will leave citizens across the State side open to being abused as my husband and I have been for the past 3 years by our neighboring hemp farm.

Can you picture you and your family sitting around the dinner table while the disgusting stink and noise and lights from a hemp farm just 100 feet away pervades your home? A basketball court is just short of 100 feet. Do you think that distance is enough to prevent the stink of hundreds of flowering cannabis plants from making your home smell like a Saturday night frat house party for weeks on end?

Please leave the 500 buffer zones now in the Hemp Law and do NOT reduce any of them below the current 500 feet.

Mahalo

Emma Fay

Kula, Maui

**HB-1359-HD-2**

Submitted on: 3/15/2023 12:07:08 PM

Testimony for AEN on 3/17/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Elisabeth Bluml	Individual	Oppose	Written Testimony Only

Comments:

Aloha Senator Gabbard and committee members,

As someone living next to a hemp growing facility, there must be a 500-foot buffer zone between **existing housing**, schools, churches, playgrounds.

The 500-foot buffer is even more important to existing housing as it is our home where we live with our elders and children.

Our neighborhood (over 40 people) is an example for the whole State, as seen in 2020 when the Ag committee wrote into law the 500-foot buffer zone.

We must keep the 500-foot buffer zone!

I also urge you to take out the "grandfathering" for any hemp grower.

Thank you for your time.

Mahalo,

Elisabeth Bluml

owner, Khandro Farm



**HB-1359-HD-2**

Submitted on: 3/15/2023 12:30:46 PM

Testimony for AEN on 3/17/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Norine Kalaiwaa	Individual	Oppose	Written Testimony Only

Comments:

Aloha members of the Senate Committee on Commerce and Consumer Protection, and members of the Senate Committee on Agriculture and Environment

I am testifying AGAINST one portion of HB 1359 regarding changing the ‘buffer zones’ between hemp being grown next to “pre-existing house, dwelling unit, residential apartment, or other residential structure...” from 500 feet down to just 100 feet. I have watched as a friend and his wife and their entire neighborhood have suffered through three years of living next to a terribly unethical hemp farm that somehow has been able to continue to operate despite their being only 100 or so feet from the front door of my friend’s house. It’s absolutely disgusting what they have to live with. I would never wish that situation upon anyone else in Hawaii.

I support leaving the various 500’ buffer zones as written in the current law alone. Please do NOT change any of these zones to less than 500 feet. In reality they should be increased to a lot more than 500’ which is barely enough to provide some distance away from the horrible stink and noise of that crappy hemp farm.

Mahalo,

Norine Kalaiwaa

**HB-1359-HD-2**

Submitted on: 3/15/2023 12:32:27 PM

Testimony for AEN on 3/17/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Erik Wong	Individual	Oppose	Written Testimony Only

Comments:

Aloha members of the Senate Committee on Commerce and Consumer Protection, and members of the Senate Committee on Agriculture and Environment

I am testifying AGAINST one portion of HB 1359 regarding changing the ‘buffer zones’ between hemp being grown next to “pre-existing house, dwelling unit, residential apartment, or other residential structure...” from 500 feet down to just 100 feet. I have watched as my boss and his wife and their entire neighborhood have suffered through three years of living next to a terribly unethical hemp farm that somehow has been able to continue to operate despite their being only 100 or so feet from the front door of my friend’s house. It’s absolutely disgusting what they have to live with. I would never wish that situation upon anyone else in Hawaii.

I support leaving the various 500’ buffer zones as written in the current law alone. Please do NOT change any of these zones to less than 500 feet. In reality they should be increased to a lot more than 500’ which is barely enough to provide some distance away from the horrible stink and noise of that crappy hemp farm.

Mahalo,

Erik Wong

**HB-1359-HD-2**

Submitted on: 3/15/2023 2:03:01 PM

Testimony for AEN on 3/17/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
John Lester	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha Chair and members.

It is vitally important to keep a 500-foot buffer for people's homes from any commercial hemp-growing facility.

You are looking at 500 feet for a church, which is used a few hours a week, yet are changing this to only 100 feet for people's homes, which are where we raise our children, take care of our elderly and expect some level of protection from commercial hemp and marijuana growing facilities.

Please give our homes the same protection that a church or school will get - the kids come home to our homes - and we come back from our churches to our homes. Our world is so stressful now - please protect us from yet another level of having to deal with a commercial hemp facility's smell, etc.

How do I explain to my kids why they have to be overwhelmed with the massive marihuana odor all day, along with other challenges?

Also, please take out the grandfathering clause.

Everyone needs to follow the same laws - the experimental nature of the original grows should not cause pain and suffering for neighborhoods due to their being exempt from the laws you are making. This a prime example of the horrors of having 'grandfathered' commercial enterprises that do not have to follow the iterative process of regulation you are now crafting.

**PLEASE TAKE OUT THE GRANDFATHER CLAUSE.**

Mahalo

**HB-1359-HD-2**

Submitted on: 3/15/2023 3:35:56 PM

Testimony for AEN on 3/17/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

Support

**HB-1359-HD-2**

Submitted on: 3/15/2023 9:03:14 PM

Testimony for AEN on 3/17/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dolly Fontanilla	Individual	Oppose	Written Testimony Only

Comments:

Aloha members of the Senate Committee on Commerce and Consumer Protection, and members of the Senate Committee on Agriculture and Environment

I am testifying AGAINST one portion of HB 1359 regarding changing the ‘buffer zones’ between hemp being grown next to “pre-existing house, dwelling unit, residential apartment, or other residential structure...” from 500 feet down to just 100 feet. I have watched as a friend and his wife and their entire neighborhood have suffered through three years of living next to a terribly unethical hemp farm that somehow has been able to continue to operate despite their being only 100 or so feet from the front door of my friend’s house. It’s absolutely disgusting what they have to live with. I would never wish that situation upon anyone else in Hawaii.

I support leaving the various 500’ buffer zones as written in the current law alone. Please do NOT change any of these zones to less than 500 feet. In reality they should be increased to a lot more than 500’ which is barely enough to provide some distance away from the horrible stink and noise of that crappy hemp farm.

Mahalo,

Dolly Fontanilla

Makawao, Maui

**HB-1359-HD-2**

Submitted on: 3/15/2023 9:04:29 PM

Testimony for AEN on 3/17/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lisha Martelles	Individual	Oppose	Written Testimony Only

Comments:

Aloha members of the Senate Committee on Commerce and Consumer Protection, and members of the Senate Committee on Agriculture and Environment

I am testifying AGAINST one portion of HB 1359 regarding changing the ‘buffer zones’ between hemp being grown next to “pre-existing house, dwelling unit, residential apartment, or other residential structure...” from 500 feet down to just 100 feet. I have watched as a friend and his wife and their entire neighborhood have suffered through three years of living next to a terribly unethical hemp farm that somehow has been able to continue to operate despite their being only 100 or so feet from the front door of my friend’s house. It’s absolutely disgusting what they have to live with. I would never wish that situation upon anyone else in Hawaii.

I support leaving the various 500’ buffer zones as written in the current law alone. Please do NOT change any of these zones to less than 500 feet. In reality they should be increased to a lot more than 500’ which is barely enough to provide some distance away from the horrible stink and noise of that crappy hemp farm.

Mahalo,

Lisha Martelles

**HB-1359-HD-2**

Submitted on: 3/16/2023 5:12:25 AM

Testimony for AEN on 3/17/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Charles Fay	Individual	Oppose	Written Testimony Only

Comments:

Aloha members of the Senate Committee on Commerce and Consumer Protection, and members of the Senate Committee on Agriculture and Environment

I ask that you please leave all the 500 foot buffer zones in the current law the same as they are now and ask that you do NOT carve out this exception for homes, etc. You are removing the only protection neighborhoods and residents across that State now have from the type of damage being done to our neighborhood from the disgusting smell and noise and on all night grow lights, etc, that hemp farms impose upon their neighbors. I invite you to witness the situation right here at my family's home in Kula. You'd be appalled.

Mahalo,

Charles Fay

312 Piliwale Rd.

Kula, HI 96790

**HB-1359-HD-2**

Submitted on: 3/16/2023 6:36:12 AM

Testimony for AEN on 3/17/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jutta Mueller	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha commitee

As a long time Maui small fruitfarmer/rancher i would like to voice my concern in regards to the proposed measures of lowering the bufferzone for hemp/ cannabis below 500ft to existing homes. Hemp looks the same and smells the same as marijuana , and unless tested for THC it might be the same.

I don't know where you live, but i DO KNOW that we are living directly next to a commercial hempfarm which was grandfathered in and we are living this nightmare for just over 3 years now!

We feel like subjects in an ill perceived experiment.

The daily exposure of the intese noise/vibrations and extreme smell has been a huge concern especially for kupuna and children in our community. People that are unable to leave their home are exposed to this 24/7 365 days a year!

Lowering the bufferzone from 500 ft to only 100 feet could expose our Hawaiian communities to the same fate we are living through daily.

The huge exhaust fans installed by our neighbor for their greenhouse production force massive amounts of air to expell the strong cannabis odor into our community WAY further than even 500 feet. 100 feet is a unliveable. I invite you to see for yourself.

My tenant stated their childrens clothing smelled like cannabis as did every room in the cottage.They have since moved out.

How can we allow people with diabilities, elderly and young children that are bound to their home to be exposed to this?

No profit should justify this.

Please keep a 500 ft buffer zone for cannabis & hemp.



Please protect Hawaii's future

& Veto the reduction of the buffer zone below 500 ft to existing homes for any and all hemp/cannabis grows

(We have hemp 35 feet from our house..a councilmember came up to our property and couldn't handle the horrible cannabis smell after 10 min! .and we are forced to live in it 24/7 .

Please no grandfathering in! Why should we still endure this ?

To prevent this from happening to other Agricultural communities in Hawaii

please keep a buffer zone of at least 500feet to homes!!!)

Mahalo for your service & time

Jutta Mueller

266 Piliwale Rd

Kula

808-276-7716



[Sent from Yahoo Mail on Android](#)

**HB-1359-HD-2**

Submitted on: 3/16/2023 7:42:32 AM

Testimony for AEN on 3/17/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Rusty Tapp	Individual	Support	Written Testimony Only

Comments:

Aloha Chairperson Yamashita and Members of the Committee:

To grow a sustainable hemp industry in Hawaii, lawmakers should not limit local producers from making and selling products that are currently being imported. Please support this bill! Federal law defines hemp as "any part of" the cannabis plant including "all derivatives extracts and cannibanoids" that contains less than 0.3% delta-9 by weight.

Thank you for your consideration,

Rusty Tapp

**HB-1359-HD-2**

Submitted on: 3/16/2023 7:44:20 AM

Testimony for AEN on 3/17/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
celia tapp	Individual	Support	Written Testimony Only

Comments:

Aloha Chairperson Yamashita and Members of the Committee:

To grow a sustainable hemp industry in Hawaii, lawmakers should not limit local producers from making and selling products that are currently being imported. Please support this bill! Federal law defines hemp as "any part of" the cannabis plant including "all derivatives extracts and cannibanoids" that contains less than 0.3% delta-9 by weight.

Thank you for your consideration,

Celia Tapp

Senator Jarrett Keohokalole, Chair

Senator Carol Fukunaga, Vice Chair

Committee on Commerce and Consumer Protection

Senator Mike Gabbard, Chair

Senator Herbert M. "Tim" Richards, III, Vice Chair

Committee on Agriculture and Environment

Lina Grimsby

Friday, March 17, 2023

Support of HB 1359 HD2, Relating to Hemp

I am a resident of Hawai'i and live in Waikiki. As an advocate for sustainability and the environment, I am here today to express my support in favor of HB-1359, Relating to Hemp.

To start off, hemp works as a natural purifier by capturing carbon dioxide from the atmosphere and cleaning our air. For every tonne of hemp produced, 1.63 tonnes of carbon is removed from the air, much more effective than trees. Secondly, hemp farming is great for water conservation, allowing farmers to spend less money on irrigation. Hemp has a much more sustainable water usage than other plants such as cotton. It takes less than 700 gallons to produce 2.2 pounds of hemp compared to 5,000 gallons to produce the same amount of cotton. Furthermore, hemp biomass is one of the cheapest types of hemp products to cultivate, and an excellent source of fibers that can be used for a variety of purposes, including textiles, paper, insulation, building materials and more. Hemp material is stronger, lighter, and more durable than wood, and its fiber is 10 times stronger than cotton, making it last much longer. Additionally, hemp seed oil can be used to make biodiesel and is potentially a major source of renewable fuel. Hemp production does not only help reduce costs for the State and Hawai'i farmers, it can also direct us towards a future where we utilize more sustainable resources.

In closing, hemp production could have both economical and environmental benefits. Therefore, I urge the committee to pass HB-1359. Thank you for this opportunity to testify.

Bullet Points for hearing:

- Natural purifier
- Water conservation
- Hemp biomass is affordable
- Used for textiles, paper, insulation, building materials etc.
- Hemp > wood, 10x stronger than cotton
- Biodiesel
- Sustainable future
- Closing statement

**HB-1359-HD-2**

Submitted on: 3/16/2023 1:50:11 PM

Testimony for AEN on 3/17/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carolyn Witcover	Individual	Support	Written Testimony Only

Comments:

I support any legislation that will allow Hawaii famers to grow this harmless yet economically beneficial plant. The benefits to our state could be huge in terms of the viability of farms, additional jobs, product growth, increased economic output, good envormental stewardship, and tax revenues. Please move this legislation forward.

**HB-1359-HD-2**

Submitted on: 3/16/2023 1:59:19 PM

Testimony for AEN on 3/17/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Thomas Brandt	Individual	Support	Written Testimony Only

Comments:

strong support!

**HB-1359-HD-2**

Submitted on: 3/16/2023 2:02:18 PM

Testimony for AEN on 3/17/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Raphiell Nolin	Individual	Support	Written Testimony Only

Comments:

I am in strong support of HB1359



**HB-1359-HD-2**

Submitted on: 3/16/2023 2:11:09 PM

Testimony for AEN on 3/17/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Barbara Barry	Individual	Support	Written Testimony Only

Comments:

Aloha,

I strongly support this important Bill.  
Mahalo,

Dr. Myron Berney, ND, LAc  
2352 Komo Mai Drive  
Pearl City, HI 96782

## HB1359 HD2

### SUPPORT

IN SUPPORT of the intention of the bill to improve the agricultural production of HEMP

However, Hawaii's hemp industry remains in a nascent stage, largely due to overregulation, which has stifled the State's hemp industry.

Hemp growing is still overregulated on a federal level which forces the state to have similar overregulation.

It is generally accepted that cannabis in all forms is not toxic. hemp is considered to be non-toxic. Other than an allergic reaction, serious reactions to hemp exposure are unknown.

I wouldn't expect that we need on Page 3 a long term expert on the job. **An appropriate Google Search can set the criteria for these standards in less than a few hours. The language below requires certain limits.**

Require and appropriate funds for the department of health to hire or consult a toxicologist or consultant familiar with hemp industry standards for the purpose of setting defined action limits or exposure levels for different types of hemp products.

**HB-1359-HD-2**

Submitted on: 3/16/2023 2:34:09 PM

Testimony for AEN on 3/17/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Soo Sun Choe	Individual	Support	Written Testimony Only

Comments:

In strong support of HB 1359

**HB-1359-HD-2**

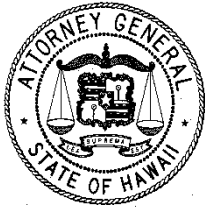
Submitted on: 3/16/2023 2:40:23 PM

Testimony for AEN on 3/17/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
robin knox	Individual	Support	Written Testimony Only

Comments:

I support this bill



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2023**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1359, H.D. 2, RELATING TO HEMP.

**BEFORE THE:**

SENATE COMMITTEES ON AGRICULTURE AND ENVIRONMENT AND ON  
COMMERCE AND CONSUMER PROTECTION

**DATE:** Friday, March 17, 2023

**TIME:** 10:00 a.m.

**LOCATION:** State Capitol, Room 229

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Jodi K. Yi or Bryan C. Yee, Deputy Attorneys General

---

Chairs Gabbard and Keohokalole and Members of the Committees:

The Department of the Attorney General opposes the portions of this bill that seek to diminish the State's ability to regulate hemp.

The bill's purpose is to reform state laws regarding hemp by repealing redundant regulations, amending hemp laws to remove constraints on hemp farmers, allowing hemp producers to sell hemp biomass, requiring transparency in labeling, appropriating funds for the Department of Health, and extending the hemp-processor law through July 1, 2027. See section 1 on page 2, line 19, to page 3, line 14, of the bill. However, not all of the regulations that would be repealed are redundant and we have concerns where the bill eliminates certain regulations of hemp production by prohibiting the State from requiring inspections, sampling, or the issuing of penalties against hemp producers; relaxes conditions imposed on the transportation of hemp within the State; allows producers to sell hemp biomass; and revises definitional terms.

The deregulation described above would significantly hinder the State's ability to ensure that the production of hemp does not inadvertently enable the production (and distribution) of illegal marijuana. Law enforcement is unable to readily distinguish hemp flower, leaves, and seeds from the same components of illegal marijuana. Maintenance of the existing regulations affords some support to our law enforcement's ability to police suspected illegal activity. Existing regulations serve to protect consumers from exceedingly

potent products. Should an issue arise where an exceedingly potent or dangerous product was detected within our community, existing regulations permit inspection and penalties.

Section 141-42, Hawaii Revised Statutes (HRS), currently allows hemp to be grown under regulations enforced by the United States Department of Agriculture (USDA). Additionally, the section allows for a licensed hemp producer to transport hemp that has passed USDA testing from a farm to a hemp processing facility. The Department of Agriculture (DOA) must authorize the transportation and has the authority to inspect or test a shipment to ensure that it is hemp and not marijuana.

The first concern here is that this bill would repeal section 141-42(a)(2), HRS, which mandates that "[h]emp shall not be grown outside of a state agricultural district" on page 4, lines 8-9. Enforcement will be more difficult if the growing of hemp is not limited to agricultural districts, and we recommend leaving this restriction in the statute and not deleting section 141-42(a)(2), HRS, on page 4, lines 8-9.

Second, this bill would amend section 141-42(b)(1), HRS, by deleting the requirement that hemp transported off of a farm pass USDA testing (page 5, lines 12-14). The bill would also remove the authority for DOA to inspect a shipment to ensure it is actually hemp (page 5, lines 17-18) and remove, by repeal of the existing subsection (c) and amendment of subsection (d), all penalties for noncompliance with the transportation requirements (page 6, lines 1-12). As shipments of marijuana may be disguised as hemp, we recommend keeping the existing requirements that hemp pass all USDA testing (leave in section 141-42(b)(1), HRS, on page 5, lines 12-14), DOA's authority to inspect (leave in the words "inspections, sampling, and testing" on page 5, lines 17-18), and the penalties for noncompliant transportation of hemp (leave unchanged section 141-42(c) and (d) on page 6, lines 1-12).

Third, on page 6, line 19, to page 7, line 2, the bill amends section 141-42(e) to limit judicial proceedings based on administrative penalties or a cease-and-desist order to unlicensed hemp producers. If this change is made, any administrative penalty or cease and desist order would be unenforceable on licensed producers. Therefore, we recommend leaving the wording of subsection (e) (redesignated as "(d)") unchanged without adding the qualifier "unlicensed" hemp producer on page 6, line 21.

Fourth, this bill would add a new subsection (e) to section 141-42, HRS, to allow the sale of hemp biomass at page 7, lines 10-12. Absent a laboratory analysis, there is no way

to tell the legal and illegal plants or substances apart. In addition, the proposed section 141-42(h), HRS, defines "hemp biomass" to include "other hemp plant material" on page 8, lines 9 to 11. This definition is too broad, as it would allow for flowers, leaves, and seeds to be included. Therefore, we recommend deleting the new subsections (e) and (h) from section 141-42, HRS, on page 7, lines 10-12, and page 8, lines 9-11.

Furthermore, the bill would amend section 141-42, HRS, to add a new subsection (g), which states that "[t]he State shall not issue notices of violations or impose penalties upon any hemp producer licensed by the [USDA]" and effectively prohibit all penalties except for growing hemp without a USDA license (page 7, line 20, to page 8, line 8). That prohibition is very broad and, for instance, would prohibit penalties against hemp growers for the illegal use of pesticides or the production of hemp within the buffers established by paragraphs 141-42(a)(3) and (4). We recommend that the wording on page 7, line 20 (from "The State shall not . . . "), to page 8, line 8, be deleted.

This bill adds two new definitions to chapter 328G, HRS, – "finished hemp product" and "intermediate hemp product" – and amends the definitions of "hemp product," "manufacturing," "processing," and "hemp processor." However, this creates uncertainty regarding the operation of chapter 328G. Because no distinction is made between the regulation of intermediate and finished hemp products, there is no need to make a distinction between them. Also, the term "manufacturing" is only used minimally in chapter 328G, HRS, and differs from "processing" in that it specifically includes compounding, blending, extracting, and infusing. We recommend that "processing" be re-defined more broadly so as to include compounding, blending, extracting, and infusing.

To improve the clarity of the chapter, we recommend deleting from the bill the terms "finished hemp product," "intermediate hemp product," and "manufacturing" (page 9, line 5, to page 10, line 6, and page 11, lines 14 to 21). We recommend using a single term for all finished hemp products and a single term for the process of converting hemp into a finished hemp product. An additional amendment to the term "hemp processor" could also be made for conformity with the other changes. We, therefore, respectfully suggest amending existing terms by amending the following definitions:

- (1) "Hemp processor" means a person [~~processing hemp to manufacture a hemp product.~~] or business processing hemp into a hemp product." (Page 10, lines 8-10).

- (2) "Hemp product" means ~~[a product that: . . . for use.]~~ any processed hemp being held, offered, or distributed for sale and intended for human or animal ingestion, inhalation, or consumption." (Page 10, line 12, to page 11, line 13);
- (3) "Processing" means making a transformative change to ~~[the] hemp [plant following harvest by converting an agricultural commodity into a hemp product.]~~ including but not limited to compounding, blending, extracting, and infusing, but does not include planting, growing, harvesting, drying, curing, grading, or trimming a hemp plant or part of a hemp plant." (Page 12, lines 2-5); and
- (4) Delete the definition of "manufacture." (Page 11, lines 14-21).

Thank you for the opportunity to present this testimony.



**HB-1359-HD-2**

Submitted on: 3/16/2023 8:10:02 PM

Testimony for AEN on 3/17/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Bill Vingelen	Individual	Support	Written Testimony Only

Comments:

Yes, this will help a potentially booming industry that will create jobs and sustainable hemp for many uses including fiber, medicine and hempcrete.

Bill #HB 1359 Relating to Hemp

Testimony from Isabella Sherman

Dear Committee chairs and members,

Thank you so much for allowing me to testify in support of this bill.

My name is Isabella Sherman and I am the Vice President at Kauai Hemp Co. I've been in this position for just three years and have worked diligently to support our company in complying with all state and federal rules and regulations pertaining to hemp.

I support this bill but request the following changes be made:

1. Addressing the Department of Health's concerns related to hemp food products, please separate and define the difference between a finished hemp product and a finished hemp food product. Keep finished hemp products at the USDA THC threshold of 0.3% which is the current allowable limit under Hawaii law. The Department of Health cited that The National Institute on Drug Abuse established a "standard dose" of THC as 5 milligrams. To address the Department of Health's above concerns, all serving sizes of hemp food product will have less than one "standard does" of THC. Please include language that reads:

*"finished hemp food products shall allow 0.3% and shall be packaged so that one dose, serving, or single wrapped item contains less than five milligrams of tetrahydrocannabinol; provided that no manufactured finished hemp food product that is sold in a pack of multiple doses, servings, or single wrapped items, shall contain more than a total of one hundred milligrams of tetrahydrocannabinol per pack or container."*

2. Prohibit finished hemp food products being advertised or sold to any one under the age of 21.
3. Amend wording to align with SB 637 that would allow hemp farmers to process in an enclosed indoor facility that is a permit-exempt agriculture structure pursuant to section 46-88 or is an enclosed building in a food hub or agricultural park.
4. Defining and protecting Hawaii CBD products allows consumers to "buy local" and supports our island industry.

This bill with the above changes will allow Hawaii's hemp industry to stay alive and will be its best chance to grow and flourish.

Please support HB1359!

Thank you so much for the opportunity to testify.



**HB-1359-HD-2**

Submitted on: 3/17/2023 8:06:40 AM

Testimony for AEN on 3/17/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dennis F Lokmer	Individual	Support	Written Testimony Only

Comments:

I urge strong support for this bill. DFL