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DEPARTMENT OF HEALTH
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In reply, please refer to:
File:

**Testimony in SUPPORT of HB0070 HD1
RELATING TO CONTROLLED SUBSTANCES**

REPRESENTATIVE DAVID A. TARNAS, CHAIR
SENATE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Hearing Date: 3/1/2023 Room Number: CR 325

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 supports this measure since this prohibition
5 mirrors Section 11-37-3(h)(12), Hawaii Administrative Rules, which the department adopted
6 pursuant to its interim rulemaking authority. The Department bans hemp products containing
7 cannabinoids created through isomerization, including Delta-8 tetrahydrocannabinol (THC),
8 which have not been approved by the U.S. Food and Drug Administration (FDA) for safe use in
9 any context. Delta-8 THC is a psychoactive substance found in the *Cannabis sativa* plant and is
10 one of over 100 cannabinoids produced naturally by the cannabis plant but is not found in
11 significant amounts in the cannabis plant.

12 On May 4, 2022, FDA updated their Consumer Update "5 Things to Know about Delta-8
13 Tetrahydrocannabinol – Delta-8 THC" to inform consumers that:

- 14 1. Delta-8 THC products have not been evaluated or approved by the FDA for
15 safe use and may be marketed in ways that put public health at risk. Some
16 concerns include variability in product formulations and product labeling, other
17 cannabinoid and terpene content, and variable delta-8 THC concentrations.
18
- 19 2. FDA received 104 reports of adverse events in patients who consumed delta-8 THC
20 products between December 1, 2020, and February 28, 2022. 66% described adverse
21 events after ingestion of delta-8 THC-containing food products (e.g., brownies,
22 gummies). Adverse events included but were not limited to hallucinations, vomiting,

1 tremor, anxiety, dizziness, confusion, and loss of consciousness.

- 2
- 3 3. Delta-8 THC has psychoactive and intoxicating effects, similar to delta-9 THC (i.e.,
- 4 the component responsible for the “high” people may experience from using
- 5 cannabis). FDA is concerned that these products likely expose consumers to much
- 6 higher levels of the substance than are naturally occurring in hemp cannabis raw
- 7 extracts.
- 8
- 9 4. Delta-8 THC products often involve the use of potentially harmful chemicals to
- 10 create the concentrations of delta-8 THC claimed in the marketplace.
- 11 Manufacturing delta-8 THC products may occur in uncontrolled or unsanitary
- 12 settings, which may lead to unsafe contaminants or other potentially harmful
- 13 substances.
- 14
- 15 5. Delta-8 THC products should be kept out of the reach of children and pets. In
- 16 2021, the American Association of Poison Control Centers (AAPCC)
- 17 introduced a product code specific to delta-8 THC into the National Poison
- 18 Data System (NPSD) and received 2,362 exposure cases of delta-8 THC products
- 19 between January 1, 2021, and February 28, 2022. The Hawaii Poison Control Center
- 20 received two exposure cases within the same timeframe. Additionally, animal poison
- 21 control centers have indicated a sharp overall increase in accidental exposure of pets
- 22 to these products.

23 On September 21, 2021, the Department issued “CDC Health Alert Network Health Advisory

24 451: Increases in Availability of Cannabis Products Containing Delta-8 THC and Reported

25 Cases of Adverse Events” to Emergency Departments and Primary Care providers statewide of

26 the increased availability of cannabis products containing delta-8 THC and the potential for

27 adverse events due to insufficient labeling of products containing THC and cannabidiol (CBD).

28

29 **Offered Amendments:** None

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

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HB-70-HD-1

Submitted on: 2/28/2023 3:02:42 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Minister, Hector Hoyos (aka) SisterFace	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE!

I Have huge concerns on placing anything marijuana on (scheduled 1) around the continued criminalization of cannabis use. I'll mirror others who oppose, That in the Hawaii Controlled Substances Act. Additionally, in 2019, the Hawaii legislature passed HCR89 which called on the United States Congress to remove cannabis from the Controlled Substance Act. So Approving HB 70 would be VERY inconsistent with HCR89. While Delta 8 tetrahydrocannabinol is not approved by the Food Drug and Administration, neither is Delta 9 (a more potent tetrahydrocannabinol found in medical cannabis) despite it being authorized for lawful use since 2000 in Hawaii. Some medical cannabis patients use Delta 8 to treat their conditions. A complete ban of Delta 8 products by hemp producers could prohibit 329 patients from accessing a product. This all comes down to proper law requiring labeling and further keeping out of the hands of children unless prescribed by MJ doctor or registered authority. It's opposite of anything that you all are trying to do with marijuana legalization in the near future and right this very moment this session, I do believe that you should further protections from kids. I think you should strengthen labeling and you know the in-state testing of crops, products, med dispensary & hemp legit stores, you, you cannot pass a bill like this or even give it proper consideration when you all are trying to do full marijuana legalization, so it is in my opinion that there is a special interest involved in this particular piece of legislation if it's just protecting children, and or labeling, the proper affects of then I see no need for this bill except for language, but not to ever place anything that comes from marijuana plant and what it naturally produces should never be scheduled one and you very well can't be going for legalization and asking the federal government the state of Hawaii itself, asking the federal government repeatedly to take off scheduled one, so there's a special interested play here if it's just kids, then let's protect the kids always if it's just warning labels then let's get the warning labels on the products, but this is useless and the other organizations that are submitting testimony and support obviously get the funding and permissions from you all the legislative body so they won't speak against it. Mahalo for your time