

**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**  
KA 'OIHANA MAHI'AI  
1428 South King Street  
Honolulu, Hawai'i 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

**TESTIMONY OF SHARON HURD**  
**CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS**

**MONDAY, FEBRUARY 13, 2023**  
**2:20 PM**  
**CONFERENCE ROOM 312 & VIDEOCONFERENCE**

**HOUSE BILL NO. 973**  
**RELATING TO HEMP**

Chairperson Gates and Members of the Committee:

Thank you for the opportunity to testify on House Bill 973. This measure amends section 141-43 (a), Hawaii Revised Statutes to delete the requirement for additional rules by the Department of Agriculture to address nuisance issues, including smell, noise, and excessive lighting arising out of the activities of hemp growers. The Department of Agriculture (DOA) strongly supports this bill.

Under sections 141-42 and 141-43, Hawaii Revised Statutes, the DOA is tasked with monitoring the transportation of hemp within the State, enforcing restrictions regarding the impact to surrounding communities from growing hemp within the State, and adopting rules pursuant to chapter 91. This bill is to amend section 141-43(a) to delete the requirement for 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 address, and are the appropriate method of addressing, the areas of nuisance referenced. The DOA believes that where pre-existing regulatory oversight of nuisance and other issues are present, a deferral to and reliance on those regulatory



frameworks is the proper and preferred means to avoid any ambiguity that may arise from multi-jurisdictional enforcement authority that may conflict. That is especially true when conflicting standards are imposed by the DOA that lacks scientific expertise in the areas of health issues, and the necessary resources and staffing to enforce the type of standard envisioned. As such, the DOA does not find it necessary or appropriate to create additional, duplicative regulations that may increase the challenges to enforcement.

Thank you for the opportunity to testify on this measure.



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

February 12, 2023

RE: Support HB 973 Remove Duplicative Rules

Aloha Chair Gates and Members of the House Committee on Agriculture and Food Systems,

The Hawaii Hemp Farmers Association is a nonprofit organization consisting of farmers, processors, and manufacturers. We support deletion of the nuisance rules in 141-43 that singled our hemp farmers and added an extra layer of regulation to agricultural lands. Hemp farmers must still abide by health and safety regulations and existing agricultural zoning requirements. Only one incident in the state drove the creation of this extra set of rules and, to the best of our knowledge, has since been resolved.

Thank you for your continued support of Hawaii Hemp farmers.

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 973

Delete Hemp Nuisance Rules

**HB-973**

Submitted on: 2/10/2023 7:37:10 PM

Testimony for AGR on 2/13/2023 2:20:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Andrew Crossland	Individual	Support	Written Testimony Only

Comments:

I support this Bill.

**HB-973**

Submitted on: 2/12/2023 11:22:51 AM

Testimony for AGR on 2/13/2023 2:20:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

Oppose.

**HB-973**

Submitted on: 2/12/2023 1:24:44 PM

Testimony for AGR on 2/13/2023 2:20:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Robert Bence	Individual	Support	Remotely Via Zoom

Comments:

Strong support. Also believe the issues are also against the right to farm act in ag zones

Mahalo