



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

**Testimony COMMENTING on SB1104_SD1
RELATING TO CANNABIS FOR MEDICAL USE.**

SENATOR JARRETT KEOHOKALOOLE, CHAIR
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
Hearing Date: Wed, Feb. 22, 2023 Room Number: 229

1 **Fiscal Implications:** N/A.

2 **Department Testimony:** The Department of Health (DOH) recognizes the intent of this
3 measure to provide qualifying patients with a legal source of plant material for personal
4 cultivation (i.e., “home grow”). However, DOH is concerned about the potential risk of diversion
5 from the dispensary system and of patients exceeding their allowed plant count limit.

6 Dispensary licensees are required to use an electronic seed-to-sale tracking system to maintain
7 accountability of all cannabis within their possession from cultivation through production,
8 manufacturing, and retail sale or destruction. Section 2 proposes to amend the definition of
9 “cannabis” to include “cannabis propagules, cannabis cuttings, and cannabis seeds.” To clarify
10 that all cannabis, including propagules, cuttings, and seeds, within each licensee operation is
11 required to be tracked and accounted for to help mitigate the risk of diversion, DOH offers
12 amendments to section 329D-6(k).

13 Section 329-121 defines "adequate supply" as "an amount of medical cannabis jointly possessed
14 between the qualifying patient and the primary caregiver” which “shall not exceed: ten cannabis
15 plants, whether immature or mature...” However, Section 3 proposes to exclude cannabis
16 propagules, cannabis cuttings, and cannabis seeds from patient and caregiver purchase limits and
17 authorizes the purchase of up to ten (10) propagules, cuttings, or seeds within a thirty (30) day
18 period. This would allow patients and caregivers to continuously acquire propagules, cuttings,
19 and seeds at a risk of exceeding legal possession limits and, because DOH lacks the appropriate

1 resources to monitor patient compliance, creates a risk for diversion of cannabis outside the legal
2 medical use system. DOH offers amendments to reduce the amount and frequency of purchases
3 of cannabis propagules, cuttings, and seeds to help mitigate this risk.

4 Additionally, as written, the language in Section 3 is confusing as to whether qualifying out-of-
5 state patients or caregivers of qualifying out-of-state patients may or may not purchase cannabis
6 propagules, cuttings, or seeds.

7 Thank you for the opportunity to testify.

8 **Offered Amendments:**

9 DOH respectfully requests the following:

- 10 • Amend page 4, lines 2-10 to read: “**§329D-13 Dispensing of cannabis; propagative**
11 **material; quantity limits[-]; quality restrictions; rules.** (a) A qualifying patient,
12 primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state
13 patient shall be allowed to purchase [~~no~~] not more than four ounces of cannabis within a
14 consecutive period of fifteen days, or [~~no~~] not more than eight ounces of cannabis within
15 a consecutive period of thirty days.
- 16 • Amend page 4, lines 11-20 to read: “(b) A qualifying patient [~~, primary caregiver,~~
17 ~~qualifying out-of-state patient or caregiver of a qualifying out-of-state patient may~~
18 ~~purchase cannabis]~~ or primary caregiver who is authorized to cultivate cannabis pursuant
19 to sections 329-122 and 329-130(a) shall be allowed to purchase a total of not more than
20 ten cannabis propagules, cannabis cuttings, or cannabis seeds within a consecutive period
21 of sixty days; provided that:”
- 22 • Amend page 5, lines 1-4 to read: “(l) The amount of cannabis, cannabis propagules,
23 cannabis cuttings, and cannabis seeds, jointly possessed between the qualifying patient
24 and the primary caregiver at any time shall not exceed the amount allowed under section
25 329—122;”

- 1 • Amend section 329D-6(k)(2) to read “Allow each licensed dispensary’s production center
2 to submit to the department in real time, by automatic identification and data capture, all
3 cannabis, cannabis propagules, cannabis cuttings, and cannabis seeds, cannabis plants,
4 and manufactured cannabis product inventory in possession of that dispensary from either
5 seed or immature plant state, including all plants that are derived from cuttings or
6 cloning, until the cannabis or manufactured cannabis product is sold or destroyed
7 pursuant to section 329D-7;”
- 8 • Amend section 329D-6(k)(3) to read “Allow the licensed dispensary's retail dispensing
9 location to submit to the department in real time for the total amount of cannabis,
10 cannabis propagules, cannabis cuttings, and cannabis seeds, and manufactured cannabis
11 product purchased by a qualifying patient, primary caregiver, qualifying out-of-state
12 patient, and caregiver of a qualifying out-of-state patient from the dispensary's retail
13 dispensing locations in the State in any fifteen day period; provided that the software
14 tracking system shall impose an automatic stopper in real time, which cannot be
15 overridden, on any further purchases of cannabis or manufactured cannabis products, if
16 the maximum allowable amount of cannabis has already been purchased for the
17 applicable fifteen day period; provided further that additional purchases shall not be
18 permitted until the next applicable period; and”



February 21, 2023

To: Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair
Members of the Senate Committee on Commerce & Consumer Affairs

From: David C. Cole, General Manager

Re: TESTIMONY in Support of Senate Bill 1104 SD1

Maui Grown Therapies (MGT) is licensed by the Department of Health pursuant to HRS 329D to cultivate, manufacture and dispense medical cannabis and medical cannabis manufactured products to registered patients. In calendar year 2022 MGT served 5,364 unique patients on Maui.

Although Hawai'i law allows certified medical cannabis patients to cultivate a limited number of plants at a location the patient owns or controls, the law is silent on how patients can acquire propagative material. SB 1104 SD1 provides a legal means for patients to access propagative material from licensed dispensaries for safe and reliable home cultivation.

The right of registered patients to cultivate medical cannabis plants is enshrined in Hawai'i law. Indeed, the medical dispensary system created by the legislature in 2015 did not intend to sunset the ability for qualified patients to cultivate a limited number of cannabis plants for their personal use.¹

Patients frequently ask if they can purchase cuttings, seeds or other propagative material from MGT. Unfortunately, because propagative material is not included on the list of products licensed dispensaries may manufacture and distribute, we are unable to meet their needs – leaving patients with no alternative other than to turn to the illicit market to obtain questionable and often mislabeled genetics to propagate their gardens.

¹ Act 241 SLH 2015:

"SECTION 1. The legislature finds that Hawaii's medical use of marijuana law was enacted on June 14, 2000, as Act 228, Session Laws of Hawaii 2000, to provide medical relief for seriously ill individuals in the State. While the current law recognizes the beneficial use of marijuana in treating or alleviating pain or other symptoms associated with certain debilitating illnesses, it is silent on how patients can obtain medical marijuana if they or their caregivers are unable to grow their own supply of medical marijuana. The legislature further finds that many of the State's nearly thirteen thousand qualifying patients lack the ability to grow their own supply of medical marijuana due to a number of factors, including disability and limited space to grow medical marijuana. As a result, a regulated statewide dispensary system for medical marijuana is urgently needed by qualifying patients in the State." (*emphasis added*)

Maui Grown Therapies
44 Pa'a St., Kahului, HI 96732
(808) 866 7576



By allowing dispensaries licensed under HRS 329D to dispense cuttings and other propagative material to registered medical cannabis patients, SB1104 SD1 would establish a legal, transparent channel for the distribution of such products. Moreover, because propagative material dispensed by licensed dispensaries would be subject to mandatory testing by an independent laboratory for the presence of contaminants, this measure ensures 329 cardholders who wish to cultivate their medical cannabis at home have a source of safe, quality-assured plant material.

Mahalo for your consideration.

Maui Grown Therapies
44 Pa'a St., Kahului, HI 96732
(808) 866 7576

SB-1104-SD-1

Submitted on: 2/18/2023 1:39:10 PM

Testimony for CPN on 2/22/2023 9:35:00 AM

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

Comments:

I Support This Bill & Anything that makes a system better for our patients.

HRH-SF

SB-1104-SD-1

Submitted on: 2/20/2023 10:47:23 AM

Testimony for CPN on 2/22/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

I strongly support SB1104 SD1. Mahalo.