

STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
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**Testimony COMMENTING on SB962_SD1_HD1
RELATING TO MEDICAL CANNABIS.**

REPRESENTATIVE MARK M. NAKASHIMA, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
Hearing Date: Tuesday, 3/21/2023 Room Number: 329

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

2 **Department Testimony:** The Department of Health (DOH) provides comments on the intent of
3 SB 962 SD1 to: (1) Defining "waiting room" within a medical cannabis retail dispensing location
4 and specifying who may have access to the waiting room; (2) Amending the medical cannabis
5 dispensary licensing fee structure; (3) Permitting the use of lettering in colors approved by the
6 Department of Health on the labels of cannabis and manufactured cannabis products; (4)
7 Establishing a Medical Cannabis Cultivation Site Registry and registration fee for the owners or
8 operators of medical cannabis cultivation sites where qualifying patients or their primary
9 caregivers are cultivating cannabis for medical use and the site is not the residence of either the
10 qualifying patient or their primary caregiver; (5) Amending the use of and sources of funding for
11 the Medical Cannabis Registry and Regulation Special Fund by: (A) Authorizing expenditures
12 from the special fund for the regulation of medical cannabis collectives and cooperatives,
13 medical cannabis dispensaries, and for the establishment and regulation of the Medical Cannabis
14 Cultivation Site Registry; (B) Authorizing the Office of Medical Cannabis Control and
15 Regulation, in addition to the Director of Health, to expend monies deposited in the special fund
16 for certain activities; (C) Authorizing the deposit of fees from the Medical Cannabis Cultivation
17 Site Registry into the special fund; and (D) Deleting the Medical Cannabis Registry Program
18 Sub-account and Medical Cannabis Dispensary Program Sub-account; (6) Prohibiting the
19 cultivation, production, manufacture, possession, distribution, handling, or dispensation of
20 medical cannabis except by qualifying patients, qualifying out-of-state patients, their authorized

1 primary caregivers, or medical cannabis dispensaries; (7) Restricting the number of qualifying
2 patients who may use a grow site to twenty, unless an exemption is obtained from the
3 Department of Health and authorizing the Department to conduct inspections of grow sites to
4 verify compliance; (8) Prohibiting the use or receipt of cannabis as compensation for acting as a
5 primary caregiver to a qualifying patient; (9) Changing the effective date to June 30, 3000, to
6 encourage further discussion; and (10) Making technical, nonsubstantive amendments for the
7 purposes of clarity, consistency, and style. DOH opposes the amendments in Section 5 revising
8 the fee structure and requiring the fee structure to be set by rules adopted pursuant to chapter 91.

9 DOH appreciates the amendment in Section 3 to add a definition for “waiting room” and
10 clarifying analogous statutory language which will better serve the needs of qualifying patients
11 by allowing caregivers to assist patients into retail dispensary locations.

12 DOH opposes the amendments in Section 5 to require the fee structure to be set by rules
13 adopted pursuant to chapter 91 and to revise the fee structure for license renewals that was just
14 implemented by the 2022 Legislature. DOH requested the fee structure currently in place to
15 ensure adequate funding to maintain existing personnel and the operational cost of licensing,
16 inspecting, and regulating the dispensary industry. DOH objects to the rulemaking by chapter 91
17 process because this will result in loss of the current interim rulemaking authority which is
18 necessary to timely and efficiently respond to this still evolving industry to support patient
19 safety.

20 DOH opposes the amendment in Section 7 to allow the addition of colors to the labeling of
21 medical cannabis packaging. Dispensary products are medical products and do not need the
22 addition of colors to help advertise or sell the products. The addition of colors to package labels
23 has been shown to entice children and minors.

24 DOH appreciates and supports part III of this bill which strengthens the integrity of the program
25 by amending various sections of the medical cannabis law by allowing the department to access
26 and consolidate the medical cannabis registry and regulation special fund, provides clear
27 parameters regarding the medical use of cannabis for qualifying patients, primary caregivers,

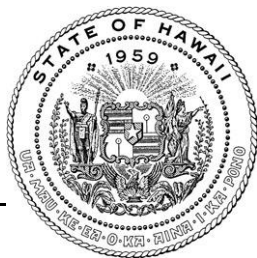
1 qualifying out-of-state patients, caregivers of qualifying out-of-state patients, and incorporates
2 cooperatives or collectives into the system to operate under a regulatory framework.

3 The DOH appreciates and supports the amendment in Section 19, increasing the number of
4 patients that can register a single location from five to 20 and provides a process for patients to
5 obtain a written exemption from the DOH to exceed the limitation. According to the patient
6 registry data, as of December 2022, there were a total of 88 large collectives (6 or more
7 registered patients registered to a single location) with the largest being on Oahu (total of 1049
8 registered patients). An increase to allow 20 patients to register to a single location would
9 accommodate all but seven (5 Oahu, 2 Hawaii) established cooperatives.

10 The DOH supports part IV of this bill establishing annual reporting requirements for the DOH
11 regarding the medical cannabis patient registry program.

12 Thank you for the opportunity to testify.

13 **Offered Amendments:** The DOH supports caregiver's being able to grow for their patients and
14 offers an amendment in section 21, page 44, lines 9 and 10 to, "After December 31, 2024,
15 ~~[no]~~only a qualifying patient, or their designated primary caregiver shall be authorized to
16 cultivate cannabis ~~[for any qualifying patient]."~~



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**
KA 'OIHANA HO'OMOHALA PĀ'OIHANA, 'IMI WAIWAI
A HO'OMĀKA'IKĀ'I

JOSH GREEN, M.D.
GOVERNOR

CHRIS J. SADAYASU
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Statement of
CHRIS J. SADAYASU
Director
Department of Business, Economic Development, and Tourism
before the
SENATE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Tuesday, March 21, 2023
2:00 PM
State Capitol, Conference Room 329

In consideration of
SB962, SD1, HD1
RELATING TO MEDICAL CANNABIS.

Chair Nakashima, Vice Chair Sayama and members of the Committee.

The Department of Business, Economic Development and Tourism (DBEDT) supports the intent and offers comments regarding Part V of SB962, SD1, HD1, that establishes annual reporting requirements for Department of Health (DOH) and requires a report from DBEDT.

The Part V of the bill requires DBEDT to prepare a report for the legislature. In order to provide the analysis requested in the bill and §201-13.9, specific economic data such as annual investment by category, employment, annual payroll would need to be collected from the businesses. These data are not specified in the bill and, thus, would need to be provided by DOH to DBEDT. DBEDT would require the related data in order to submit the report within the specified deadline.

Thank you for the opportunity to testify.

SB-962-HD-1

Submitted on: 3/19/2023 10:20:59 AM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Karl Michael Kvalvik	329 Cannabis Patient	Oppose	Written Testimony Only

Comments:

Greetings Chair, Vice Chair, and members of this council.

I strongly oppose SB962.

This bill represents the "Turf War" initiated by the Hawaii Cannabis Institution against the Oahu Cannabis Farms Alliance.

If SB962, or any other Bill that would limit Medical Cannabis Farms to 5 patients, passes into law we would see the Cannabis Market taken away from the people and placed firmly in the hands of the Business.

It remains clear to me the difference between Medical Cannabis Markets, and Recreational markets: They are not the same and both must be allowed room for commerce.

Please do not give Hawaii's Cannabis Market into the hands of a single group/organization/person to be monopolized.

Please Vote NO on SB962.



Akamai Cannabis Consulting

3615 Harding Ave, Suite 304

Honolulu, HI 96816

TESTIMONY ON SENATE BILL 962 SD1 HD1
RELATING TO MEDICAL CANNABIS

By

Clifton Otto, MD

House Committee on Consumer Protection & Commerce
Representative Mark M. Nakashima, Chair
Representative Jackson D. Sayama, Vice Chair

Tuesday, March 21, 2023; 2:00 PM
State Capitol, Room 329 & Videoconference

Thank you for the opportunity to offer COMMENTS on this measure:

SMOKING

Patients should not be encouraged to [smoke](#), anything. Marijuana Cigarettes or “Pre-rolls” are intended to be smoked. If the department is concerned about manual dexterity issues, then it should promote the sale of pre-ground cannabis flower and herbal vaporizers by dispensaries and provide public education on herbal vaporizers as a safer way to inhale cannabis.

Recommend removal of the provisions to add pre-rolls to the list of allowed manufactured products.

Page 3, Line 5:

““Manufactured cannabis product” means any capsule, lozenge, oil or oil extract, tincture, ointment or skin lotion, pill, transdermal patch, or pre-filled and sealed container used to aerosolize and deliver cannabis orally [-] or by inhalation, such as an inhaler [øf], nebulizer, or device that provides safe pulmonary administration, that has been manufactured using cannabis, edible cannabis products, [~~pre-rolled cannabis flower products~~], or any other products as specified by the department pursuant to section 329D-10(a)(11).”

Page 17, Line 1:

[~~(9) Pre-rolled cannabis flower products, as specified by the department;~~]

Instead, allow dispensaries to sell herbal vaporizers:

§329D-10 Types of manufactured cannabis products.

(e) Dispensaries shall be allowed to sell third-party commercially available herbal vaporizers that allow for the use of ground cannabis flower; provided that such devices shall have a means of controlling temperature to prevent combustion.

EDUCATION

Page 27, Line 19:

The program shall include, at minimum, education and outreach regarding:

(4) best practices for certification evaluations and ongoing medical follow-up required of certifying providers under chapter 329.

(5) biannual accredited Continuing Medical Education (CME) on Cannabinoid Medicine for physicians and APRNs.

(6) benefits of vaporizing herbal cannabis compared with smoking.

CULTIVATION SITES

Page 39, Line 3:

For the purposes of “medical use”, the term “distribution” is limited to the transfer of cannabis and paraphernalia [-] from the qualifying patient’s registered primary caregiver to the qualifying patient or between patients and primary caregivers registered to the same medical cannabis cultivation site.”

Page 41, Line 1:

(4) The cultivation, handling, or possession of a qualifying patient’s cannabis for medical use, unless the person is the qualifying patient or the qualifying patient’s registered primary caregiver, or a patient or primary caregiver registered to the same medical cannabis cultivation site.”

Line 41, Line 20:

No more than twenty qualifying patients may use any particular location to cultivate cannabis; provided that this limitation shall not apply to qualifying patients who obtain a written exemption from the department of health; and provided further that the department shall adopt rules pursuant to chapter 91 for the purposes of this section.

Page 43, Line 13:

To the extent the department is authorized by this chapter, the department may conduct inspections of grow sites to verify a person’s compliance with this chapter; provided that such inspections shall be voluntary and shall not include local, state, or federal law enforcement.

SB-962-HD-1

Submitted on: 3/20/2023 10:05:09 AM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
TY Cheng	Aloha Green Holdings Inc.	Support	Written Testimony Only

Comments:

We support the intent of this bill to make the medical cannabis program better and more efficient for patients.

Aloha Legislators.

Jason Hanley
Care Waialua

I oppose SB962 SD1 HD2. The original intent of this bill was aimed at improving medical dispensary retail regulation, but was quickly turned into a tool to address medical cannabis grow sites and patients. The original bill language can be found in HB1217. Although we are looking for answers to build and protect the medical program, rushing into it with these type of amended rules in the wrong bill is a catastrophe. I have put forth recommendation that I believe can start to strengthen the medical patient program, but in large this bill has many pitfalls that need to be addressed and cannot support this bill. I do think the best recommendation provided is to extend the sunrise date to **December 31, 2027** to take time to regulate a complex medical cannabis system. I have over one thousand patients on my patient farm that are relying on the legislature to protect them and not pass bills that will endanger them. If this bill was passed as is, over 1000 patients would be forced off their grow site and be without medicine. Care Waialua's patients needs legislature oversight help. Mahalo

SECTION 2. The purpose of this part is to:

(1) Define "waiting room" within a medical cannabis **retail dispensary** ~~dispensing~~ location and specify who may have access to the waiting room;

PART III

SECTION 13. The purpose of this part is to:

(5) For a medical cannabis cultivation site that obtains an exemption from the department of health to exceed twenty qualifying patients, the size of the flowering canopy space at such site shall not exceed 5,000 square feet;

"§329- Medical cannabis cultivation site registry; fees; penalties. (a) All persons owning or operating a medical cannabis cultivation site shall register with the department of health. The department of health shall issue each owner or operator of a medical cannabis cultivation site a registration certificate, which shall be valid for twelve months from the date of approval and shall charge a fee of no greater than two thousand five hundred dollars (\$2,500.00) for the certificate. The registration shall be effective until the expiration of the certificate issued by the department of health.

SECTION 18. Section 329-122, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

~~(4) The cultivation, handling, or possession of a qualifying patient's cannabis for medical use, unless the person is the qualifying patient or the qualifying patient's registered primary caregiver."~~

SECTION 19. Section 329-123, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) Physicians or advanced practice registered nurses who issue written certifications shall provide, in each written certification, the name, address, patient identification number, and other identifying information of the qualifying patient. The department of health shall require, in rules adopted pursuant to chapter 91, that all written certifications comply with a designated form completed by or on behalf of a qualifying patient. The form shall require information from the applicant, primary caregiver, and physician or advanced practice registered nurse as specifically required or permitted by this chapter. The form shall require the address of the location where the cannabis is grown and shall appear on the registry card issued by the department of health. No more than twenty qualifying patients may use any particular location to cultivate cannabis after December 31, 2027; provided that this limitation shall not apply to existing grow sites with qualifying patients that have registered with these grow sites as of December 31, 2027. Effective January 1, 2028, any further expansion of grow sites with qualifying patients that existed prior to this effective date shall require a written exemption from the department of health. The department of health shall adopt rules pursuant to

chapter 91 that details the application and decision-making process for obtaining a grow site exemption.

SECTION 20. Section 329-125, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Any qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient not complying with the permitted scope of the medical use of cannabis shall not be afforded the protections against searches and seizures pertaining to the misapplication of the medical use of cannabis. To the extent the department is authorized by this chapter, the department may conduct ~~pre-scheduled~~ inspections of grow sites ~~without the presence of law enforcement~~ to verify a person's compliance with this chapter. The department shall give the grow sites reasonable notice of such inspections which shall be no less than five (5) business days in advance of these inspections. Prior to scheduling such inspections, the department of health shall develop protocols that detail the scope of work for such inspections to ensure compliance with this chapter. The department shall provide these protocols to the grow sites no less than five (5) business days in advance of these inspections. "

SECTION 21. Section 329-130, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) After December 31, 2027, a qualifying patient shall obtain medical cannabis or manufactured cannabis products only:

(1) From a dispensary licensed pursuant to chapter 329D provided that the cannabis shall be purchased and paid for at the time of purchase ~~or from a medical cannabis cultivation site licensed pursuant to §329-___; 329-122; provided that each location used to cultivate cannabis shall be used by no more than five qualifying patients.~~

~~After December 31, 2024, no primary caregiver shall be authorized to cultivate cannabis for any qualifying patient."~~

<u>First Name</u>	<u>Last Name</u>
Merlin	Abraham
Kimberley	Adams
William	Adams
Robert	Adams III
Aaron	Adamson
Derek	Agaran
Rocky	Agcalon
Tovio	Ah cheung
Ryan	Ah Nee
Mary (TONA)	Ah Quin
Daniel-Reid K	Aikau
Noel	Aipa
Chirale	Akina
Rita	Alana
Phillip	Allen
Charles Carroll	Allen
Shawnnell	Alonso
William	Anderson
Keenan	Anderson
Erika	Anderson
Cierra	Arakaki
Robbi A	Aranita
Valerie	Armenta
Jasmine	Arsisto
Lance	Asagi
Jalen Kaena	Asberry
Louis Bobby	Asia
Paul	Asuncion
Isaac	Avilla-Kauwalu
Curtis j	Bailey
Timothy	Bailey
Kenison	Bajo
Tatiana	Balubar
Alrose	Baptista
Austin	Barber
Robert	Barber
Amber lynee	Barlow
Stephen III	Barnett
Heather Marie	Bates
Leslie	Baunach
Rovella	Beasley
Raymond Harvey	Beatty
Denise	Bender
Michael	Benicta
Landon Levi	Bennett
Boyd	Benson

Jason	Bestamente
Edna	Beza Cay
Pablo	Bezares
Michael	Billaber
Wendy Ann	Billbrey
Luciana	Bishay
James Michael	Bissell
Jessica	Bisson
Laura	Blue
Alika	Boglioli
Yvonne	Boissoneau
Gerard	Boissoneau
Robin Campbell	Bond
Luis	Bonilla
Christopher	Bonner
Karl	Book
Debralenne	Boots
Christopher	Boulware
Bridget	Bourdeau
Christina	Braddock
Johnathan	Braley
Jana	Branham
George	Bratakos
James	Breeden
Erica Leialoha	Brenner
Serge	Bretous
Elizabeth	Briles
William	Brittain
Donna Jean	Brooks
Tina Louise	Brooks
David Patrick	Brost
Matthew Heath	Brown
Donna Denise	Brown
Benjamin	Brown
Cecil	Brown
Joshua	Brown
Koree	Bruce
Brooke	Bruffy
Robert	Buckley
Christopher	Bucknell
Nicholas Gerard	Buechel
Timothy	Burns
Germaine	Bush
Brandi	Bussell
Jesse	Butler
Darren & caregiver Al	Byrd
Dorian	Cabanting

Kaleoalohakalani	Cabral
Curtis	Camacho
Gerilyn	Cambonga
Eugene (Todd)	Cambonga
Kuipo-Kawailehua Pu	Cambonga-Hao Chinen
Montrice	Canada
Adam Scott	Capps
Loren Loan Phuong	Capps
Angie	Cardenas
Danielle Dasha Elliot	Carmichael
Celina ann	Carpio
Suwai	Carreon
Christopher	Carroll
Brandon Ikaika	Carvalho
Anthony	Casciano
Kathleen	Cashman
Elizabeth	Castaneda
Wayne	Caudill
Jennifer	Cazares
Brittany & Charles ca	Ceno
Nicole	Cerna
Barry	Chambers
Ramon	Chamness
Blake	Cherry
Millexis	Christensen
Brandon	Clark
Mary Louise	Clark
Helen Marie	Clark
Kimberly	Clark
Jasper	Clarke-Agosto
Chanei	Cleveland
Chico	Cleveland
Michal	Cohen
Deborah Jean	Colburn
Elizabeth	Cole
Daniel	Cooper
Charmaine	Cooper
Mildred	Cooper
Isabelle	Corcoran
Donna Carolyn	Corley
Ashley-Marie	Cornelio
Loren Leo	Corpuz
Charles	Coursey
Dakotah	Courtney
Chris	Courtois
Crawford	Cox
Teressa	Craffs

Marina	Crawford
Abigayle Kate	Creagan
Cathleen	Crews
Julia	Cristobal
Sarah	Crowder
Sebastian	Cuevas
Jiana	Cummings Torene
Deanna	Cunningham
Ella Magnolia	Daly
Terry	Daniel
Johnny	Daniels
Fredrick	Davis
Kayla Lynn	Davis
Richard Michael Jr.	De Lara
Shaianne	De Rego
Georgianna M	DeCosta
Chelsie (lifted auras)	Deering
Bernard Jr	Dela cruz-johnson
Kimberly Lynn	Demetreu
Soloman	Dennis
Amy	Denzer
Deborah	DePalma
Kalenaonalani Kam La	Derit
Loverra	Di Giustino
Tyrone	Digman
Anita Butay & caregiv	Diniega
Nick	Dionisios
Penelope & Fiona	Dodson
David	Dolan
Deborah	Dominici
Aimee Joy	Donzis
Jermaine	Doublin
Dorine	Drake
Kayla	Dubois
Mark	Dunn
Roger	Dunnigton
Robert Scott	Dunten
Ashlee Marie	Dunten
Sally	Dupre
Ann	Ebata
Janel	Echiberi
Michael	Eddy
Ryan	Edwards
Bradley Matthew	Eickstead
David	Elgas
Willie	Elliott
Michael	Elwood

Steve	Emery
Alexander	Eslinger
Donald	Esperas
Leandro	Estrada
Anthony	Ettleman
Edith	Eusebio
Porteia Beatrice	Falls
Allison	Farrell
Angela	Felstead
Conrad	Fenton
Anthony	Ferree
Christopher	Ferry
Olelomoana A	Fielding-Cockett
Alexis	Fields McMillen
Daryl	Figueroa
Heather (Akasha)	Fischer
Traci	Fischer
Robert Carlton III	Flanders
Keith	Fletcher
Peter	Fletter
Juanita	Flynn
Mariah	Ford
John	Fox
Nicholas	Frazier
Randi	Freitas
Linda	Fried
Guadalupe	Fulcher
Anna Paige	Funk
Whitney	Gagne
Tieaasha & Gordon	Gaines
Patricia	Gainor
Shanna Blossom	Galacgac
Joshua	Galanti
Jana	Galapia
Tracy	Galjour
Veronica	Garcia
Jasmine	Garcia
John	Garrido
Roman Charles	Gaspar
Wayne	Gaspar
Thomas & Maile	Gatti
Anna (Napua)	Germano
Brian Dolan	Gesulga
Kevin	Gilliam
Erin G Rae	Goldbeck
Paula	Gombio
Tanequa & Jose	Gomez

Angelo Benjamin	Gonzalez-Collazo
Yavier	Gonzalez-Martinez
Wendy	Gorka
Paul	Gothberg
Mariah	Gouveia
Erin Nicole	Grandy
Christen	Graves
Pauline	Gray
Quentin Zayne Harris	Gray
Frank	Grayson Collins
Hanna	Greenwell
Todd	Grigg
Briana	Grilho
Warren	Gualdarama
Charles	Gwin
Kawehi	Hagi
Amber	Haines
Jessica M	Hakel
Rod W	Hamel
Jason	Hanley
Maria	Harbert
Frederick	Hardy
Jephthan	Harris
Seth	Harris
Nicholas	Hatt
Dylan Scott	Haughton
Robert Nelson	Hayes
Mark	Hayhurst
Danyea E.M.	Hays
Christopher	Heglund
Tyler	Heidt
Gary	Heisel
James Dean	Helton
Justin	Henderson
Raynette	Henry
Kaleolani Julio	Hernandes
Shanelle	Hernando
Charles	Herrmann
Erin	Hewitt
Derek	Hiapo
Sariah A	Hicks
Danielle & caregiver	Hilbmann
Glenn Yoshikuni	Himuro
Harrison Wo hoy	Ho
Brandon	Hopfe
Jonathan	Hosokawa
Cory	House

Joslyn	Howanyk
Yohl Phillipe	Howe
Lauren	Hribek
Carl & Pamela	Hubbell
Jeremy	Huebner
Tess Regan	Hunter
Kaila	Hymes
Carly	Imaino
Pearl	Ingalls
Alexis	Inso
Ashley	Isei
Kevin	Ito
Angela	Jackson
Hailey	Jackson
Robert	Jackson
Tyronese Dorine	Jackson
James h JR.	Jackson
Brian	Jahn
Cherahn	Jeremiah
Tiffany	Johns
Keith	Johnson
Ahi	Johnson
Stacey D	Johnson
Shinobu	Johnson
Jason	Johnson
Davante Anthony	Johnson
Shykettia	Johnson
Korey Lynn	Johnson
La Tara Tankersley	Jones
Anthony	Jones
Deanna	Jones
Matthew	Jones
Clanykia	Jones
Joel Abes	Juan
Keoni	Jury
Robert Webber	Justice
Summer	Kaapuni
Christopher	Kaauwai
Wayne	Kagawa
Jody	Kahiapo
Samuel Fujio	Kaholokula
Solomon Kaili	Kaimimoku
Angela	Kaiwi
Mary Frances	Kalapua Jackson
Kari A K B	Kalima
Brandi Marie	Kaluhiwa Cabral
Myah	Kamani

Branden	Kamealoha
Barbara	Kamono
Justin	Kaneakua
Margaret (Peggy)	Karwiel
Kenneth	Kasik
Jessica	Kataura
Bryan	Kau
Juline	Kauluwehi
Kevin	Kauwelo
Roy	Kawamoto
Frances	Kealoha
Mizuki	Kearney
Jessica Hauoli	Keawe-Reuter
Temarii	Kenessey
Shelby	Keohohina
Dwayne	Keomaka
Ryan	Keomaka
Terri	Keppinger
Joseph	Kernan
Layton	Kim
Beom Hee	Kim
La'rue Alton	King
Seth Robert	Kirchbaum
Laurence	Kiyohiro
Shayne Lee	Kiyoshi
Kristiann	Kline
Barbara Ann Briggs	Kobayashi
Carolina	Kodama
Clarence	Kon
Leah Marie	Koonce-Fleming
Frank	Kottler
Victoria Irene	Kreiselmeier
Jeff	Kremer
Kainan	Kuewa
Nicholas	Kujawa
Steven	Kukui
Clayton	Kumuhone
Matix and Andrienna	Kurusu
Garrett	Kuwada
Karl Michael	Kvalvik
Vitolio (Leo)	Laban
Kelly	Lamug
Angelic	Lane
Carla	Lapinad
Jeffrey	Lasack
Zorn Pi'ali'I	Lawson
Ikaika Lucky	Lawson

Valerie	Lawson
Susan	Layton-Small
Edwin	Laza
Chris	Le
Pierre George	LeDoux
Makeba	Lee
Samuel	Lee Hargrove
Hope	Lehuanani Black
Mokiao	Leland Hardy Kealoha
Anthony	Leon
Leslie	Lessin
Jessica	Levine
Richard (smooth)	Lewis
Miko	Liem
Johnathan	Ligsaw
Jonah Kaulana	Ligsaw
Ian Jacob	Lindsey = Aliifua
Frank	Lober
Carly Ann	Lobitos
Rory	Lono
Cheryl	Lono
Frank	Lopez
Jennifer	Lopez
Dayna & Ray	Loudermilk Kan
Aisea T Jr.	Loumoli
Cynthia	Love
Ambica Marie	Lowery
Athena	Lowing
Paul	Lowndes
Steven	Lozano
Ashley	Lucas
Debby	Luna
Brock	Lyle
Daniel Webster	Lyman
Anthony	Lynch
James Jacob	Lynch
Tramaine	Lyons Hillard
Ali	Madrigal
Anthony	Maestas
Ricky Lee Jr.	Magill
Thomas	Maher
Kelsey	Maikui Ah Mook Sang
Sepasi	Maile
Fabian	Mailou
Kennedy	Maioho
Phillip	Malasig
Arianna Makala	Mancari

Tiani Chantel	Mangca
Alyssa	Mangeri
Nicholas Lee	Manges
Natalie Star	Mansfield
Nelson	Manzanillo
Daniel G	Marini
Kyle Armonde	Marion
Baleen	Markwort
Gabriel Elias	Marlow
Winona Annette	Martin
Lorraine	Martinez
Dolores	Martinez
Jorge	Martinez
Carly	Martinez
Clyde	Marzan
Rosalba Ivette	Mathis
Marissa	Matsusaka
Tracie Lyn Kehaulani	Matteson
John	Matthews
Kuuleinani	Maunupau
Courtney	McDonough
Michael	McEwan
Jordan	McGowan
Therese Annabel	McKeever
Stacee	McMillan
Helene & caregiver N	McTavish
Roland	Medeiros
Melissa Valerio	Meek
Diego Caldeira	Mendes
Angela	Mendiola
Jennifer Lynae	Menke
Tyzelle	Mericle
Wesley	Mericle
Trenton	Mericle
Melcolm	Merit
Mical	Mesot
Kaylene Ann	Meyer-moniz
Noel	Meyers
John	Migliaro
Majesty K	Miller
Jude Bernard	Milton
Catherine	Minich
Aaron	Mintz
Shannon	Mitchell
Aaron P	Mitchell
Christine	Miyahira
Jonathan	Miyahira

Craig	Miyamoto
Hannah	Mizuno
Robert	Molyneux
Seth A	Mona
Rodman	Moniz
Carlos	Montoya Beraun
Reggie & Emily	Moore
Nicholas John	Morley
Kaylyn	Morris
Rictavius	Moss
Adam E	Muller
Hailey	Murray
Jane	Musselman
Collin Hideo	Muta
Carly	Naganuma
Brenan	Nakamoto
Bryan Etsuo	Nakamura
Cyrus & caregiver Nai	Nakata
Gerald	Nakatani
Lisa	Nay
Derrick	Nekota
Erika	Nelson
Leilani Marie	Nevarez
Keith	Newton
Thomas	Nicholson
Matthew	Noe
Malala	Noraddin
Scott	North
Jeremy	Norton
Sean	Odonnell
Vertrisa	Oglesby
Rachel	Ohara
Parsha	Oliva
Carla may	Oliveira
Alexander	Olomua
Jennie (Jay)	Olson
Crystal Lee	Omine
Joseph patrick	Oneill
Chloe Louise	Onken
Dennis	Orian
Celia	Ormsby
Lovey Uluwehi	Ortega-Sanchez
Withelma TiOra	Ortiz Walker Pettigrew
Jemma	Osborne
Donny	Otake
Levi	Otholt
Krystal	Otholt

Marlin	Ouerson
Janice	Owens
Wendell (Gecko)	Pacheco
Michael	Paige
Rodney Allen Jr.	Paiva-Sanchez
Harold (Prince)	Palafu
Christopher	Palenske
Kevin	Pang
Ginette	Paonessa Persin
Marcello	Parisi
Lori Ann	Parizal
Alyssa Keona	Parizal
Robert	Parker
Marian Paige	Parrott
Ariel	Pascal
Jonathan	Pascua
Terri	Pascua
Izaiah	Pascua
Janet	Pasua
Min Soo	Pata
Danae	Pearl
Lesina	Peato
Rafael	Peixoto
Makusi	Penitani
Thomas	Penn
Allison Marie	Perez
Shon	Perez
Hale H. K.	Perez Wasson
Craig	Petronik
Vladimir	Pichugin
Zelig (Rasta)	Pickering
Cedric	Pila
Desire	Pilago
Dustin Kaipo	Pilialoha
Kelly	Pinzak Chong
Franklin	Pitman
Darlene	Popoalii
Heather	Poss
Justin	Potter
Dave	Primicias
Manuel Jr.	Prince
Robert	Pruner Slick
Andre	Pulido
Raymond	Quel
Sean	Quigley
Rita Chang	Quinlan
Kristin	Qureshi

Zahid a	Qureshi
Zahid	Qureshi
Marieh Gracielle	Qureshi
Darasay	Raksinh
Sally	Ramirez
Jordan-Jayce Kamaka	Ramirez
Raistlin	Ramos
Ray C	Raymond
Christopher	Regland
Richard	Rehkemper
Philip d	Reinhardt
Peggy Ann	Reising
Jeremy	Reisinger
Max L	Reyes
Joseph	Reyes
Hewitt	Reynolds
Safire	Rhoades
Melissa	Riccardi
Clyde Andrew	Richard
Dewayne	Richardson
Nina	Ricketts
Limaris	Rivera
Jose Alberto	Rivera
Cynthia	Rivera
Blake Everett	Rivers
Todd	Roberts
Torren (TJ)	Roberts
Amy	Robertson Nielsen
Malia Noelani	Robinson
Kimkoa	Robinson
Angelina Summer	Robinson
Jennifer & Ronnie	Roddy
Jobey	Rodrigues
Thomas	Rodrigues
Leanne	Rodriguez
Jean Carlo	Rodriguez Nunez
Kaila	Rodriquez
Gustavan	Rogers
Teddi Jo Ann	Rogers
Christina & caregiver	Rogers
Kern	Rogerson
Todd	Rohm
Cristabel	Rojas
Anthony	Roman
Joseph thomas	Romero
Nathan Steven	Routt
Kumairy	Rubeang

Tommy Louis Jr	Ruelas
Kristina britt	Rutkowski
Jeremiah & Pernille	Ryan
Andrew Jeffrey	Ryan
Suzanne	Sachdeva
Jerome	Sakuma
Naomi Puanani	Salaveria
Albertine Lani	Samarripa
Natalie	Sanchez
Carlos	Sanchez
Iris	Sanchez
Ashly Monique	Sanchez-Sagucio
Salina	Santiago
Romy	Santos
Francisco Jr	Santos
Julianne	Sarocam
Marisa	Sato
Kanoa	Saunoa
Joe	Savoy
Edward	Schaefer
Joseph	Schraner
Rebekah Lynne	Schumacher
Sheffield	Schwartz
Phoenix	Scott
Dion Tyrone	Scott
Jonnita Fatimah	Scott
Stephanie	Seber
Justin	Sedeno
Ambar	Segura
Shari	Seibel
Jeffrey	Seitel
Lamekh	Seput
Suzanne	Seymour
Shan	Shamim
Mary Ann	Sheek
John Craig	Shelton
Jordan	Sherrier
Kenshin	Shima
Kanoa	Shimizu
Patricia B	Shine
Virgil	Shinnery
Sophie	Shitanishi
Kelly	Shogren
Tricia	Siletti
Emily	Silge
Debora Ann & Blaine	Silk
Luis	Silva

Johnnie	Silva
Walfredo	Silveira
Derick	Simon
Janai	Simpson
Kassius	Singh Ravindiran
Michael	Singleton
Dawnetta Dawn	Sinkule
Aden Jeremy	Smathers
Rodney	Smith
Quintin & Lorna	Smith
Cornelius	Smith
Ladonte	Smith
Anthony	Smith
Shannon	Smith
Shaun	Smith
Patrick	Smoak
Lorie	Soderholm
Lahaina	Solatorio
Sheleigh	Solis
Charles John	Souza
Mark	Spencer
Melanie	Spurgeon
Elizabeth	Stacy
Dustin Russell	Stacy
Caroline	Stancil
Louis Jr.	Staunton
Margueirte	Steele
James	Stelpstra
Eric	Stiller
Kalanu Robert	Stockes
Brian	Stockes
Theresa Marie	Stohl
John	Stohl
Aubrey	Stuart
Jessica	Sturgis
Obed	Sullivan
Mike	Sunahara
Stewart	Sutton
Lena	Suzuki
Matthew Howard	Sylvain
Noah	Tadena
Las Masa JR	Takeuchi
Peter	Takushi
Dexter	Tamayo
Prema	Tanaka
Cacia Rose	Tanchico
Carlos	Tapia

Michael Thomas & ca	Tate
Marcus Henry	Tauvela
Charissa	Taylor
Alexander	Theodise, Tal
Jeffrey	Thomas
Romelia	Thorne
Mitchell	Thorne
Riina	Timon
Brandon	Tojo
Ikoke	Toomata
Julie	Topinio
Kristina	Torres
Frank	Tramontano
Kody	Travaso
Brian	Tudor
Jael Esther	Tunick
Patrick	Tuputala
Steve Anthony	Twidwell
Daniel	Twiggs
Peter	Ulu-Fano
Elvis	Ulufanua
Jocelyn & SON (Kyle)	Unciano
Faith	Underwood
Isaac	Urrieta
Clifford	Uyeda
Talimalo	Vaivai
Marion (MIKE)	Valle
Karen	Vallefuoco
Nick	Van Nugent
Lauren	Vanderwest
Sierra	Vann
Erica Joyce	Venancio
Jan Marie	Ventura
Monica	Vidal
Tasha	Vierra
Teresa	Vigneri-Berthiaume
Pio	Vili
Terrence & Jade	Vincent
Michael	Viscovich
Edna	Vision
Matthew Thomas	Voyce
Kathleen Anne (Kate)	Wagner
George & Caregiver	Waialae
Brooke	Walker
Caitelynn	Walker
DeVaughn	Ward
Tyshon	Ward

Megan & karen	Ward
David A	Washington
Delwyn	Weekes
Sheena	Weekes
Theodore (Peter)	Weidanz
Stacey & Ivan	Wentland
Wayne Ivan	Wentland
Kenya	White
Danilo	Whitmer
Benjamin Michael	Wilcox
Autumn	Wiley
Kari Michelle & David	Wilkinson
Kimberly	Wilkinson
Bruce Geoffrey	Wilkinson
Celeste	Williams
Jon	Williams
Sarah	Williams
Joshua	Williams
Genae rashad	Williams
Michael	Williams
James or Nadine care	Wilson
Ricky	Wilson
Katrina	Wilson
Jessica	Windham
Ryan	Winslow
Trevor Patrick	Wiseman
Lynn Edward Jr.	Withrow
Brandon David	Wolfinger
Tiana	Wong
Katherine	Wong
Phredric	Wood
Bruce (Woody)	Wood
Hannah	Wyatt
Ashley	Xaypanya
Gavin	Yamane
Eric	Youn
Dawn-Sheree	Young
Gabriella Donaleche	Young
Srenenity-Rose & car	Young
Michael	Young
Heacock	Yu Kei Lam
Kailen Masake Alan S	Yuh
Yasmin	Yusif
Dexter	Zane
Deira Marie	Zayas
Sean	Zimmerman



SanHi

GOVERNMENT STRATEGIES
A LIMITED LIABILITY LAW PARTNERSHIP

DATE: March 20, 2023

TO: Representative Mark Nakashima
Chair, Committee on Consumer Protection and Commerce

FROM: Mihoko Ito

RE: **S.B. 962, SD 1 HD 1 – Relating to Medical Cannabis**
Hearing Date: Tuesday, March 21, 2023 at 2:00 p.m.
Conference Room: 329 & Videoconference

Chair Nakashima, Vice Chair Sayama, and members of the Committee on Consumer Protection and Commerce:

We submit this testimony on behalf of Cure Oahu in **support** of S.B. 962, SD 1 HD 1. Cure Oahu is a vertically integrated licensed dispensary that has been operating in the State of Hawaii since 2018, with two retail locations in the Kapahulu and Kapolei areas.

S.B. 962, SD 1 HD 1, Relating to Medical Cannabis updates the medical cannabis dispensary program by: (1) clarifying public access to the waiting rooms of dispensaries; (2) clarifying requirements related to signage, permitted types of manufactured cannabis products, supervision of certain personnel while at retail dispensing locations or production centers (3) adding fee structure, annual reporting, education and training program requirements (4) establishing the medical cannabis cultivation site registry (5) amending the uses of the medical cannabis registry and regulation special fund; (6) prohibiting the cultivation, production, manufacture, possession, distribution, handling, or dispensation of medical cannabis except by specific persons or entities; (7) restricting the number of qualifying patients who may use a grow site to twenty, unless an exemption is obtained; (7) prohibiting the use or receipt of cannabis as compensation for acting as a primary caregiver to a qualifying patient; and (8) requiring a report from DBEDT.

We support this bill and believe that it will assist the medical cannabis dispensaries overall with streamlining operations and resources and simply remaining operational. In addition to structural issues already impacting the cannabis industry nationwide, the medical cannabis market has, like many other industries, been subject to the recent impacts of inflation and labor shortage issues, both within business operations and with its vendors.

We summarize our support for the following provisions in the bill:

- **Fee Structure:** We appreciate the amendments made by the prior committee to address the dispensary fee structure. In November 2022, the medical cannabis dispensary program issued interim rules that dramatically changed the fee structure without opportunity for stakeholders to anticipate or provide input on potential impacts. This change in turn significantly impacted the budgeting process of the dispensaries due to sudden overall fee increases ranging from 200-400%. While we understand the need for increasing regulatory resources and support a way to achieve that, fees need to be predictable and budgeted for. More importantly, we believe it is important for stakeholders to have a voice when there are dramatic financial impacts to operations. We would ask for reasonable fees to be set that will provide stability in the medical cannabis market.
- **Use of colors:** We appreciate that the HD1 allows for the use of colored lettering on labels. Visual cues are important in distinguishing a variety of product categories that currently have limited packaging options and hope the limited scope addresses previous concerns expressed by the Department of the Attorney General.
- **Pre-rolled cannabis product:** We also note our support for other provisions that remain in the bill, including the allowance of pre-rolled cannabis product, which eliminates the need for patients to purchase and invest in cannabis accessories such as rolling paper, grinders, bowls, pipes and other paraphernalia. It also helps new patients who purchase and use flower but are unfamiliar with how to roll the product avoid wasting medicine if they were to learn to roll themselves. Pre-rolls are sold in many other states across the country, and we believe there is merit to adding them as allowable product for patients.
- **Reporting and education requirements:** Finally, we note our support for the provisions in this measure that add reporting requirements for the medical cannabis dispensary program under Chapter 329D and the individual medical use of medical cannabis under HRS Chapter 329. This will help the Legislature and other stakeholders understand the overall focus of the regulatory agencies in their oversight of the medical cannabis program. For dispensaries, understanding the priorities of the regulatory agencies involved will help them align expectations and allocate their resources accordingly.
- **Other regulations:** We also support the added provisions to clarify what is permitted by law so discussions can continue on the issue. Clarity is fundamental to any legal, regulated system. It is important for the agencies that regulate cannabis to have the tools they need to perform compliance and oversight responsibilities as necessary and according to law. It is equally important for dispensaries and medical cannabis patients to have clarity so there is no confusion in the marketplace and community as to what is permissible under the law.

We would respectfully request that the Committee pass this measure to allow for discussions to continue on these issues. Thank you for the opportunity to submit testimony in support of this bill.

SB-962-HD-1

Submitted on: 3/20/2023 2:37:45 PM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alex Wong	Kauai Farm Planning	Oppose	Written Testimony Only

Comments:

Aloha e Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

No law should limit how much food and medicine you can legally grow for your own community.

PLEASE READ THE FOLLOWING CAREFULLY:

RE: STRONG OPPOSITION to SB962

What is the legal reason and justification for limiting registered medical cannabis grow sites to only twenty (20) qualifying patients? Access to a secure, discreet, privately owned property on an island is very difficult, especially in dense urban development areas such as nearly all of Oahu and all the residential zoned areas on Kauai, Maui, and Hawaii. This limit does not take into account agricultural areas where farming and plant cultivation should occur, and rural neighbor islands where patients and caregivers cultivate their own medicine and dispensaries are not available. Agriculture should especially be encouraged by the State of Hawaii in these locations, and medical cannabis cultivation IS agriculture.

Why is the State of Hawaii and Department Of Health attempting to levy fees on MEDICAL cannabis grow sites? Farming in Hawaii is already difficult enough. Now you want to punish and discourage property owners who are open and supportive of medical cannabis cultivation in order to discourage them from utilizing their agriculture zoned property for agriculture uses. This does not make sense and is clearly motivated by a certain representative, on this committee, who has financial ties to the current dispensary licensees.

If agriculture zoned land is available to provide the space, infrastructure, privacy, remoteness, and cooperative community-based cultivation and shared responsibility of medical self-determination, why would the State of Hawaii make it illegal for more than twenty (20) qualifying patients from growing, propagating, and flowing their medical plants together? Many hands make light work, and division of labor is a fundamental economic principle of efficiency and minimizing labor costs. Costs that are important to consider when access to affordable medical cannabis in Hawaii is an ethical concern with regards to the not so affordable alternatives (i.e. dispensaries).

Intentional disregard of financial and social equity is the essential problem here. The right for a community to grow its own medicine shall not be infringed upon. Under HRS-329, each qualified medical patient has the right to cultivate, or have a caregiver cultivate, 10 plants registered to their 329 card. It does not matter if those plants are grown alone in the backyard, or grown next to 3,000 other plants (in other words, 300 other medical patients). 10 plants per patient equals 10 plants per patient. Keep in mind, not all cannabis plants counted will be in the flowering phase. Many of the counted plants will be in other various phases of the growth cycle (cutting, seedling, and vegetative state).

The DOH should provide a clear pathway to build positive relationships with medical patients and caregivers at registered grow sites, with the goal to educate and support their efforts to remain in compliance with HRS-329. All of the inspections should be voluntary, and the DOH should be required to contact the patients and caregivers associated with each registered grow site prior to a scheduled visitation.

And who exactly is going to be the authority on executing enforcement for penalties and violations? Who will hold the individuals executing searches and seizures accountable throughout this process? The Department of Health? The Police? Who is going to fund this extra work to be required from the Department of Health and/or local law enforcement? Hawaii's tax paying residents? The dispensaries? The 329 medical patients themselves? This is not a rhetorical question.

"No person shall mischaracterize or disguise transactions arising out of the production, manufacture, sale, or distribution of cannabis intended for medical use as another type of compensation or expense." Medical cannabis cultivation (indoor and outdoor) in Hawaii is farming. It requires physical labor, the ability to lift over 50 lbs, stand and sit for long periods of time, and the physical and mental capacity to regularly and consistently keep living plants alive. The expectation that the Department of Health expects medical patients with chronic or terminal illness, or debilitating conditions to successfully cultivate and process their own medicine over the span of 6 to 9 months is both ridiculous and callous. The expectation that these medical patients can afford to just go to the dispensary and pay \$400 to \$500 per ounce of flower is equally ridiculous and callous. Please consider creating a bill to protect patients and caregivers rights to medical cannabis cultivation and access. Under current law the caregiver program sunsets on 12/31/2024. The prohibition on medical caregivers and growers in Hawaii needs to be stopped, and caregivers should be allowed to continue in perpetuity.

Medical cannabis cultivation, like all agriculture in Hawaii, has a high cost upfront and a very slow ROI (Return On Investment). Expenses include but are not limited to: the lease agreement for land and space to register the controlled grow site, electricity, water, infrastructure such as irrigation, greenhouse or tent canopy, soil, compost, fertilizer, pots/grow bags, raised beds, IPM (Integrated Pest Management), seeds, clones, time, and gas/transportation. To expect a caregiver to continuously do all of the work AND pay for the entire cost of all these inputs, and then turn around and give the final product to the patient for FREE is absurd. Especially while the dispensaries are charging \$400 to \$500 per ounce of flower. This is not equal and fair access to affordable medicine.

The State of Hawaii and the Department of Health have no business micromanaging the private arrangements medical patients and caregivers have regarding covering the expenses of their registered grow site and production of their medicine. Unless this committee can provide a valid legal reason for this amendment, we must conclude that the only motive for prohibiting reimbursement or compensation of medical cannabis cultivation outside of the dispensaries is to discourage and dismantle medical caregivers and growers from the 329 law, thereby leaving no other alternative for medical patients, who cannot grow their own medicine, but to buy from the dispensary. This is unethical and an infringement on the right of medical self-determination.

“No person shall produce, manufacture, or dispense cannabis or manufactured cannabis products without a dispensary license.” Does this committee understand that not every patient can or wants to consume medical cannabis via smoking cannabis flower? Historically, cannabis extraction and infusion has been a widespread cultural and medical practice that many people from all around the world have adopted and developed over many generations. Criminalizing medical patients and caregivers for processing, or “manufacturing”, cannabis “products” (i.e. FECO, RSO, concentrates, oils, edibles, topicals, etc.) for their own medical use is an infringement on equal and fair access to cannabis medicine. The fact that this bill only allows licensed dispensaries to SELL manufactured medical cannabis products to MEDICAL PATIENTS is unethical and frankly, very suspicious. Why would the State of Hawaii allow the dispensaries a legal monopoly over “manufactured” cannabis products AND criminalize anyone else producing other forms of cannabis medicine? This is not a rhetorical question.

SB962 is clearly aiming to take away medical patients’ rights to grow and produce medicine at any reasonable capacity. It is a blatant attack on all medical cannabis cultivation and relationships that are outside of the dispensaries. The intention and motivation is obvious, the dispensaries want more customers (i.e. medical patients) and are willing to go as far as to change the law to forcibly push more medical patients into their retail stores.

This bill is clearly pushing an agenda for corporate cannabis dispensaries to profit off of more medical patients, and is absolutely forcing more medical patients to buy from the dispensaries by limiting their abilities to cultivate their own plants.

SB962 bill is fundamentally unethical, clearly written with animus towards medical growers and caregivers, and rotten with corporate and political greed at the root. It needs to be killed, NOT amended, KILLED.

WHERE IS YOUR ALOHA? Respectfully.

DO THE RIGHT THING. Respectfully.

Mahalo nui loa,

Alex Wong



Malie Cannabis Clinic 1050 Queen St. #100 Honolulu, HI 96813

SB 962

Aloha Chair Nakashima and Vice Chair Sayama,

Thank you for hearing testimony on this important bill. SB 962 is being billed as a patient protection bill. And while it has language that adds a waiting room for people who escort patients, beyond that this bill is truly a dispensary profit protection bill and will not only strengthen the monopoly of eight people in the state, the language saying cannabis vaporizers is safe is not only incorrect but not based in research, it will also create a huge violation in privacy for cannabis patients.

This bill has been thrown together with little thought of the execution and the real-life consequences. I want to start by saying the first part of the bill is great, I fully support allowing support staff for patients who are disabled and may need help with transportation and mobility. However, that's where the support stops.

I have a strong objection to calling cannabis vaporizers safe there's a ton of data that show cannabis vaporizers can cause health issues including Psychosis, EVALI, and Cannabis hyper emesis syndrome 1. (Chadi et al., 2020). Please consider removing safe from any further language.

Medical Cannabis Dispensary rules: There is no evidence that limiting licenses in states is effective or warranted. In a 2020 study of cannabis policy and the effects of public health evidence shows that when cannabis policy is created solely for profit (in this case our 8 dispensaries). When cannabis policies focus on the patients and access there are less public health issues and disparities. When patients are allowed to grow for themselves in in collectives 2. (Hall, 2020).

Part three section three. Medical cannabis cultivation site registry fee's: This information is already available within the DOH's registry. What is the advantage of creating and funding an entire new registry?

Part IV Medical use of cannabis reports, section 5 this is a huge violation of patient privacy and could lead to future legal issues. Why does the governor and legislature need to know the LOCATION of each grow site that has more than five patients, the number of patients at this location and the ten most frequently used sites. This is a huge violation of patient privacy and should be taken out completely.



Malie Cannabis Clinic 1050 Queen St. #100 Honolulu, Hi 96813

In conclusion this bill will be expensive and hard to enforce, and the enforcement of this bill only increases power and profit of our dispensaries and not the actual well-being of our citizens.

References

1. Chadi, N., Minato, C., & Stanwick, R. (2020). Cannabis vaping: Understanding the health risks of a rapidly emerging trend. *Paediatrics & Child Health*, 25(Supplement_1). <https://doi.org/10.1093/pch/pxaa016>
2. Hall, W. (2020). The costs and benefits of cannabis control policies. *Dialogues in Clinical Neuroscience*, 22(3), 281–287. <https://doi.org/10.31887/dcns.2020.22.3/whall>
- 3.

SB-962-HD-1

Submitted on: 3/20/2023 2:04:33 PM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Wendy Gibson-Viviani	Individual	Comments	Remotely Via Zoom

Comments:

TO: COMMITTEE ON CONSUMER PROTECTION & COMMERCE

FROM: Wendy Gibson-Viviani RN/BSN

RE: SB962 – Providing Comments in OPPOSITION to the restrictions on patient grow sites

Hearing: March 21, 2023 at 2:00 pm

Dear Rep. Mark M. Nakashima, Chair, Jackson D. Sayama, Vice Chair and Members of the Committee,

My name is Wendy Gibson-Viviani. I am a Cannabis Nurse (BSN/RN) who has been a resident of Oahu for 30 years and a medical cannabis patient advocate for 8 years.

In 2014 I participated in the HCR48 Task Force - to Develop Recommendations for The Establishment of a Regulated Statewide Dispensary System for Medical Marijuana. The rationale used to establish the need for dispensaries included the fact that many patients lack the ability to grow their own supply, partly because of limited space to grow it. So, Dispensaries were established to provide medicine for those who cannot grow their own—NOT to replace patient grow sites.

Although SB962 has some good features that improve the medical cannabis program, it also has some features that I see as potentially devastating for the thousands of patients who rely upon small farms or caregiver growers for their medicine(s). These are the sections that I find the most disturbing:

- Prohibits the cultivation, production, manufacture, possession, distribution, handling, or dispensation of medical cannabis except by specific persons or entities.
- Restricts the number of qualifying patients who may use a grow site to **twenty**, unless an exemption is obtained from DOH.

- Prohibits the use or receipt of cannabis as compensation for acting as a primary caregiver to a qualifying patient.

For nearly 23 years now, our patients (and/or caregivers) have been allowed to grow (and manufacture) their own medicine(s). They have been left to their own devices to find seeds, cuttings or plants and a space to grow them. Patients had to become creative to be able to grow outdoors, in groups that support each other as a community. This law will destroy these communities and potentially turn **MOST of our patients who grow into criminals.**

When we passed the dispensary bill in 2015 the intent was to allow for a dispensary system in ADDITION to the patient growers, not as a replacement.

Creating a prohibition on an ARBITRARY number of patients who can grow per site needs to be reexamined. Currently there is no limit on the number of cards that can be “stacked” and perhaps there should be. But doing so is going to deprive thousands of patients access to their medicines.

Who is going to be responsible for deciding which 20 patients get to have medicine?

Who is going to be legally responsible for the harms caused to the patients who no longer have access to medicines that they know are both safe and effective? Remember, that turning to the black market is less safe than growing on an organic farm.

Maybe we need to have a balance between the patient's right to grow and the highly regulated dispensary produced products –but attempts to shut down what has been allowed for 23 years is going to come with extreme consequences to patients. They will need help finding new places to grow or financial support if they are forced to buy from a dispensary.

I ask that you remove any language from this bill that will affect a patient or caregivers rights to grow their 10 plants—whether on one property or in a collective.

One solution might be to create an oversight commission that could be instrumental in gathering the concerns of the DOH, the Dispensary Licensees, the patients, caregivers, farmers and Law Enforcement agencies, to work out the details on rulemaking and consequences.

Perhaps this will also help keep our patients and the farmers from being treated as criminals when compliance checks are done. Currently, some patients are dealing with law enforcement showing up –SWAT team style --to do plant compliance checks. Patients are frightened. We need to fix these types of problems before thinking about imposing more restrictions and penalties on patients. If the DOH finds counting a thousand plants overwhelming, let’s not give the job to Law Enforcement. Let’s find a way to work out these problems first.

Thank you for the opportunity to express my concerns with this bill. I oppose this bill unless the language restricting patients grows is removed.

Wendy Gibson-Viviani RN/BSN

Kailua

(808) 321-4503

SB-962-HD-1

Submitted on: 3/19/2023 10:22:03 AM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leilani Nevarez	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. I will fight for my farms rights & my rights as a cannabis patient, for the farm provides me with my medicine. I am a 329 card holder, that cannot afford medicine outside of the farm. Dispensaries are way too expensive. They do not care about the patients & their needs. They are only in for control & profit.

SB-962-HD-1

Submitted on: 3/19/2023 12:04:03 PM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Wakea Po	Individual	Oppose	Written Testimony Only

Comments:

Aloha representative,

As a medical patient I strongly am against the proposed changes, this will absolutely negatively effect my access to safe , reliable , transparent affordable medicine.

Giving more power over patient medicine and taking away our rights to , simply benefit the owners of a select few businesses is absolutely wrong and an assault on our right to medical autonomy.

The lack of transparency and lack of naturally produced safe medicine are only some of many reasons the dispensary cannot serve my unique needs as a patient .

I strongly and absolutely am against this measure

SB-962-HD-1

Submitted on: 3/19/2023 12:16:54 PM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Henry Bell	Individual	Oppose	Written Testimony Only

Comments:

Aloha I am a kanaka maoli and I oppose this bill strongly.

SB-962-HD-1

Submitted on: 3/20/2023 1:00:56 AM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jan Ventura	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose this bill. I am a medical cannabis patient and I oppose the language of this bill as it limits access to affordable, quality medicine

Thank you,

Jan Ventura

808-551-5833

ON THE FOLLOWING MEASURE: SB962 SD1, HD1, RELATING TO MEDICAL CANNABIS

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

DATE: Tuesday, March 21, 2023

TIME: 2:00 PM

TESTIFIER: Brian Goldstein

POSITION: **STRONG SUPPORT WITH COMMENTS**

Chair Nakashima, Vice Chair Sayama and Members of the Committee:

SB962 SD1, HD1 represents a critical step in reinforcing the integrity of Hawaii's medical cannabis law. The proposed bill seeks to amend various statutory provisions to curb the proliferation of unlicensed dispensaries that operate under the guise of agricultural cooperatives.

The need for such measures is particularly pressing in Oahu, where an unlicensed and unregulated company operates one of the state's largest cannabis grow sites on the North Shore of Oahu. This company masquerades as a cooperative, but in reality, it is a for-profit LLC that can grow over 10,000 cannabis plants at a single location - significantly more than the maximum allowed for licensed dispensaries.

This unregulated and unlicensed dispensary poses a serious threat to public health and safety. They sell products that are not required to be tested for prohibited chemicals, heavy metals, or pesticides, and offer highly potent products that exceed the limits allowed in licensed dispensaries. Moreover, they do not use a seed-to-sale tracking system to prevent diversion, and there are no limits on the amount of cannabis that may be purchased.

In contrast, licensed dispensaries operate within strict regulations and are required to test products for potency and contaminants, limit the amount of cannabis that can be purchased, and use seed-to-sale tracking systems.

In light of these significant risks, I urge you to support SB962 SD1, HD1 to ensure that medical cannabis is dispensed through legitimate, regulated channels that prioritize public health and safety.

SB-962-HD-1

Submitted on: 3/20/2023 9:00:16 AM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrew Simmons	Individual	Oppose	Written Testimony Only

Comments:

I am in strong opposition to any bill that aims to restrict and limit patients rights to collectively grow. SB962 has strong influence from the dispensaries who wish to further their monopoly on Medical Cannabis access in Hawaii.

Thanks for your time, Andrew Simmons

SB-962-HD-1

Submitted on: 3/20/2023 7:57:58 AM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sean Lindsey	Individual	Oppose	Written Testimony Only

Comments:

i oppose this bil.

SB-962-HD-1

Submitted on: 3/20/2023 9:41:26 AM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Martin	Individual	Oppose	Written Testimony Only

Comments:

Hello, the law mentions 3 times that persons with "any felony" should be excluded from the facilities. This is a civil rights violation, in conflict with §378-2.5, see link: https://www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0378/HRS_0378-0002_0005.htm. It is also more restrictive language than was used on the 329 bill, which only excluded certain more serious felonies.

SB-962-HD-1

Submitted on: 3/20/2023 9:55:53 AM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
donn viviani	Individual	Oppose	Written Testimony Only

Comments:

I am Donn Viviani, a Kailua resident.

I oppose SB962. For the following reasons. The focus of the legislature should be on the welfare of the people. Making sure that they receive the medicine they need in a safe and affordable way. Setting an arbitrary number of patients allowed on a grow site serves no purpose to further those aims, in fact it act in opposition to them. Rather, pass a bill with requirements for the safe growing and distribution, that would be both useful and defensible. Selecting an arbitrary restriction is not. Mahalo

Donn Viviani

SB-962-HD-1

Submitted on: 3/20/2023 9:56:23 AM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kyle Kettle	Individual	Oppose	Written Testimony Only

Comments:

This testimony is in opposition to SB962. This bill will hurt patient access to quality medicine provided by caregivers and shared growspaces. The focus of legislation should be expanding patient access and providing social equity through rules that allow for small farms to participate in the market. Limiting dispensary licenses as is has only caused medicine in these establishments to be subpar and overpriced due to a lack of competition. The highest quality medical marijuana comes from small operators which can not be scaled up. Dispensaries have proven this time and time again, do not allow them to be the driver behind legislation that benefits them only. This bill is a gross disservice to your constituents and the people of Hawaii.

SB-962-HD-1

Submitted on: 3/20/2023 12:03:07 PM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mark Tamosiunas	Individual	Oppose	Written Testimony Only

Comments:

This bill needs to be rewritten and until then I must oppose SB962 in its entirety.

SB-962-HD-1

Submitted on: 3/21/2023 7:53:59 AM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael karlovich	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I oppose the DOH and law enforcement being able to conduct compliance checks without proper protocol. I believe patients and caregivers should have every right to manufacture their medicine. Mahalo.

SB-962-HD-1

Submitted on: 3/20/2023 6:08:49 PM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Talimalo Vaivai	Individual	Oppose	Written Testimony Only

Comments:

Defining card limits at farms without data is unacceptable. Allowing DOH to conduct compliance checks without protocol is a negative. Patients and their caregivers have a right to manufacture their medicine.

SB-962-HD-1

Submitted on: 3/20/2023 6:23:30 PM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
adam	Individual	Oppose	Written Testimony Only

Comments:

I believe that this bill is not in the best interests of patients who rely on medical cannabis to manage their health conditions.

This bill seeks to restrict the number of qualifying patients who may use a grow site to five unless an exemption is obtained by the Department of Health. This provision is unreasonable and will make it difficult for patients to access medical cannabis, especially those who live in rural areas or have limited financial means. It may also result in the creation of a black market for medical cannabis, which could have negative consequences for public health and safety.

Please reconsider this bill for legislation in Hawaii, which would restrict access to medical cannabis for patients who need it. Instead, we should focus on creating a robust regulatory framework that ensures the safety and quality of medical cannabis products while also ensuring that patients have access to them. Thank you for your attention to this matter.

SB-962-HD-1

Submitted on: 3/21/2023 12:20:42 AM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Abir Amirdash	Individual	Oppose	Written Testimony Only

Comments:

I am submitting testimony in strong opposition to this bill.

I would like to bring attention to the sneaky and vindictive amendments added to this bill about limiting access to cannabis if not purchased from dispensaries and limiting # of patients at grow sites. I am disappointed in such leadership that allows monopolization of the market! SHAME ON YOU!

“Ua mau ke kea o ka `aina i ka pono”