



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

**Testimony in SUPPORT of SB0964
RELATING TO THE ESTABLISHMENT OF A HEMP TASK FORCE**

SENATOR GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

SENATOR LYNN DECOITE, CHAIR
SENATE COMMITTEE ON ENERGY, ECONOMIC DEVELOPMENT, AND TOURISM

Hearing Date: 2/15/2023

Room Number: CR 224

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 and offers the following
5 comments on SB0964. The Department welcomes the opportunity to participate on a task force
6 with hemp industry stakeholders, and the Department of Agriculture, to gather data and
7 information to respond to a rapidly changing hemp environment.

8 The Department does not agree that hemp processors are overregulated by Chapter
9 328G, Hawaii Revised Statutes, and Chapter 11-37 Hawaii Administrative Rules. These
10 are the only regulations that allow hemp processors to legally process hemp into hemp
11 products that are compliant with contaminant testing and safe for consumer consumption.
12 Additionally, on January 26, 2023, the U.S. Food and Drug Administration (FDA) said that
13 cannabidiol (CBD) products will require a new regulatory pathway and cannot be
14 considered dietary supplements or food additives. FDA highlights potential risks and
15 safety concerns around harm to the liver, interactions with certain medications, and effects
16 on the male reproductive system, as well as exposure among children and pregnant people.

1 While FDA works with Congress to develop a strategy, hemp processors and hemp
2 products will continue to be subject to the Department's regulatory authority.

3

4 Thank you for the opportunity to testify.

5

6 **Offered Amendments:** None.

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 ENERGY, ECONOMIC DEVELOPMENT, AND TOURISM

WEDNESDAY, FEBRUARY 15, 2023
1:00 PM
CONFERENCE ROOM 224 & VIDEOCONFERENCE

SENATE BILL NO. 964
RELATING TO THE ESTABLISHMENT OF A HEMP TASK FORCE

Chairpersons Gabbard and DeCoite and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill 964. This measure establishes a Hawaii Hemp Task Force to inform public policy and identify methods and actions to best support Hawaii agriculture and build a hemp industry to support rural economic development. The Department of Agriculture (DOA) supports this bill and offers comments.

DOA strongly supports Hawaii agriculture and the hemp industry but respectfully does not agree with the statements regarding "overregulation of farming, production," on page 1, lines 15 and 16, and that "Hawaii is the only state in the union where hemp production and farming is heavily regulated at both the state and federal levels," on page 2, lines 2 to 4. 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. The Department looks forward to working with the hemp farmers as they create a vibrant industry for Hawaii.

The establishment of a hemp industry task force has merit. The inclusion of hemp farmers and producers from each island that includes representatives from the industrial, cannabinoid and food sectors will be important to have input from the hemp industry stakeholders.

The Department looks forward to working with the task force and defers further comment to the Department of Health.

Thank you for the opportunity to testify on this measure.



www.hawaiihempfarmersassociation.org

February 12, 2023

RE: Strongly Support SB 964 and SB 1589 Hemp Task Force

Aloha Chair Gabbard and Members of the Senate Committee on Agriculture and Environment,

The Hawaii Hemp Farmers Association strongly supports HB 1270 for the reasons stated in the bill. 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 likely 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.

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 1270

Hemp Task Force

SB-964

Submitted on: 2/13/2023 9:09:25 PM

Testimony for AEN on 2/15/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jutta Mueller	Testifying for Plumeria Plantation Ag Enterprise LLC	Oppose	Remotely Via Zoom

Comments:

Aloha

Dear committe.

As a farmer and neighbor to an existing grandfathered in hemp grower facility in Kula , i would like to ask you to consider equal treatment and ruling to all hempfarms and no exceptions for grandfathered in operations.

We are going on 3 YEARS!!! this month that our neighborhood has changed from a farming community with Aloha to an area with industrial electrical noise & vibrations 24 hours a day. Nightlights and huge aeration fans destroyed our rural way of living and have caused hardship on families and children.

Please keep buffer zones of at least 500 feet to existing homes and please treat everyone equally with no exceptions for grandfathered in operations.

Do what is right...and protect our Hawaii and preserve it for future generations!

Mahalo Jutta Mueller

Plumeria Plantation Ag Enterprise LLC

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
TELEPHONE: 808-586-1400 FAX: 808-586-1412
EMAIL: oip@hawaii.gov

To: Senate Committees on Agriculture and Environment and on
Energy, Economic Development, and Tourism

From: Cheryl Kakazu Park, Director

Date: February 15, 2023, 1:00 p.m.
State Capitol, Conference Room 224

Re: Testimony on S.B. No. 964
Relating to the Establishment of a Hemp Task Force

Thank you for the opportunity to submit testimony on this bill, which would establish a Hawaii Hemp Task Force. The Office of Information Practices (OIP) takes no position on the substance of this bill, but **questions the complete exemption of the Hemp Task Force from the Sunshine Law, part I of chapter 92.**

The bill does not explain why the complete exemption of the Hemp Task Force from the Sunshine Law is necessary. The issues addressed by the group appear to be of interest to not only hemp producers and farmers but also to those interested in the local hemp industry in general, and it does not appear that the task force will be routinely working with confidential or individually identifiable information. In the absence of any justification for exempting this group from the Sunshine Law's requirements, **OIP recommends that the exemption at page 4, lines 6-7, be deleted from this bill.** However, if there are reasons not explained in the bill why full compliance with the Sunshine Law would be problematic for this group, **OIP would be happy to work with interested parties on a permitted**

Senate Committees on Agriculture and Environment and on Energy, Economic
Development, and Tourism

February 15, 2023

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interaction or other partial exception to the Sunshine Law's usual requirements. OIP also notes that the Sunshine Law is only part I of chapter 92, and the rest of the chapter includes provisions addressing an assortment of topics including quorum, authorized copy charges for government records, and neighborhood boards, so **as a technical matter an exemption from the Sunshine Law should be an exemption from part I of chapter 92 rather than from chapter 92 as a whole.**

Thank you for considering OIP's testimony.



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e-mail info@hfbf.org; www.hfbf.org

February 15, 2023

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
and
SENATE COMMITTEE ON ENERGY, ECONOMIC DEVELOPMENT, AND TOURISM

TESTIMONY ON SB 964
RELATING TO THE ESTABLISHMENT OF A HEMP TASK FORCE

Conference Room 224 & Videoconference
1:00 PM

Aloha Chairs Gabbard and DeCoite, Vice-Chairs Richards and Wakai, and Members of the Committees:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports SB 964, which establishes a Hawai'i Hemp Task Force to inform public policy and identify methods and actions to best support Hawai'i agriculture and build a hemp industry to support rural economic development.

Hemp continues to provide an opportunity for our farmers to diversify and expand agriculture production into new areas. Hemp is a very versatile agricultural product that is used to make a variety of products including clothing, food, animal feed, paper, biofuels, construction material, medicinal products, and various non-medicinal products.

This measure will continue to support and grow Hawai'i's hemp industry.

Thank you for this opportunity to testify in support of this measure.

SB-964

Submitted on: 2/10/2023 7:45:56 PM

Testimony for AEN on 2/15/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrew Crossland	Individual	Support	Written Testimony Only

Comments:

I support this Bill.

SB-964

Submitted on: 2/13/2023 6:17:27 AM

Testimony for AEN on 2/15/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dwamato	Individual	Support	Written Testimony Only

Comments:

I support SB964.

SB-964

Submitted on: 2/13/2023 12:45:15 PM

Testimony for AEN on 2/15/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

support

SB-964

Submitted on: 2/13/2023 10:25:04 PM

Testimony for AEN on 2/15/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elisabeth Bluml	Individual	Comments	Written Testimony Only

Comments:

Aloha Senator Gabbard and Committee Members,

I need to stress that we need at least a 500 feet buffer zone between a hemp operation and existing neighboring homes, churches, playgrounds, etc. Please think about the sanctity of a person's home and help protect our lives and the lives of our kupuna and children from the impact (vibrations from huge fans, stench, lights, diesel generator) of a commercial hemp growing operation.

I also need to ask you to Drop the Exemptions for the 'grandfathered' growers. The laws Must apply to everyone! What is happening with SMG (South Maui Gardens) in Kula and the way they are flaunting every level of decency with their massive fans, running at anytime 24/7 within 32 feet of a home that was built long before the commercial CBD license was given, and an illegal diesel generator is not morally right. Over 40 people, including kupuna and children are impacted by this operation. This is a prime example as to why these growers can Not be grandfathered, and it is up to the legislators to make All of the growers follow the same laws!

Mahalo and please do the right thing.

Elisabeth Bluml, Khandro Farm

SB-964

Submitted on: 2/14/2023 9:06:10 AM

Testimony for AEN on 2/15/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tamara Swift	Individual	Support	Written Testimony Only

Comments:

Although hemp is a high-value crop that has the potential to bring significant and diverse revenues to Hawaii, the industry has been stymied because of factors including limited market access and overregulation of production and processing, which have driven Hawaii hemp farmers out of business, made Hawaii hemp farmers noncompetitive, and created challenges for hemp building, housing, and biofuel projects. Hawaii is the only state in the country that regulates hemp farming at the state level but also asked for regulation by the United States Department of Agriculture.

SB-964

Submitted on: 2/14/2023 11:26:48 AM

Testimony for AEN on 2/15/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
MICHELE WEINHOUSE	Individual	Support	Written Testimony Only

Comments:

As a farmer on Lāna‘i, I support SB 964. Establishing a task force, with farmers from every island, who will gather data and information and make recommendations to the legislature on strategies and actions to support a vibrant hemp industry will ensure that all voices are heard and make decisions based upon data.

SB-964

Submitted on: 2/14/2023 12:12:14 PM

Testimony for AEN on 2/15/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carolyn Witcover	Individual	Support	Written Testimony Only

Comments:

I strongly support SN964. I am a farmer in Captain Cook who grows coffee and macadamia nuts. Both are under intense issues due to pests and age related death. We deperately need new crops to consider and this is a viable option for our elevation.

Although hemp is a high-value crop that has the potential to bring significant and diverse revenues to Hawaii, the industry has been stymied because of factors including limited market access and overregulation of production and processing, which have driven Hawaii hemp farmers out of business, made Hawaii hemp farmers noncompetitive, and created challenges for hemp building, housing, and biofuel projects. Hawaii is the only state in the country that regulates hemp farming at the state level but also asked for regulation by the United States Department of Agriculture. The Departments of health and agriculture have worked to be responsive to changing federal and state hemp regulations. Creation of a task force will provide a forum for regular interactions among the Hawaii hemp industry and experts to help to identify data that will facilitate the implementation of policy and save agency time and resources.

TO: Chair Gabbard, Vice Chair, and members

FROM: Robert Bence Hawai'i Sustainable Farms

DATE: 2/12/2023

RE: HEMP: SUGGEST AMENDING TO INCLUDE MICROGREENS AND TERPENES AS TASK FORCE MEMBER CATEGORIES AND SUPPORT (SB 964)

I am a local, disabled, diversified farmer growing on family lands, in Kula, purchased with help from a USDA direct farm mortgage and in Waimanalo as part of a partnership on state lease land. Farming full-time since graduation of UH Mānoa with BBA. I am passionate about growing food and hemp is a superfood especially as a microgreen.

As a licensed hemp grower under USDA, I have been told by the contact person at the USDA AMS that our farm can develop a plan with USDA to grow and sell microgreens as other states do (without testing as the production factors don't allow for the time required to form significant cannabinoids and/or the time required to test so rather a system is designed and followed to ensure successful production.)

Offer Amend Section 2 (1) "Shall include hemp producers and farmers 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, "microgreen" and grain food sectors;"

Could other bills clarify that micro greens can be sold in Hawai'i before this Taskforce is convened? Could a micro greens grower be added to the task force?

Also told by USDA AMS that the state doesn't control growing so the buffer zone aspects of the current law seem to violate both the USDA jurisdiction over growing and the state's Right to Farm Act so although not in this measure. Is there anything to eliminate that buffer provision of the current bill on ag lands? It would increase production and allow for more sustainable crop rotation.

The Taskforce may require odd numbers and the cannabinoid member could be complemented with a terpene member as they are often a similar market that is heavily regulated.

The state movement rules seem confusing in this area of selling the microgreens in the state so believe amending the task force to include a member as microgreens sector as well as any other relief the legislature can offer to clarify legality of instate movement and sales of hemp microgreens would be very helpful. I can provide more information and links to Universities in other states about hemp microgreens. Appreciate your help.

Mahalo

Robert Bence
Hawai'i Sustainable Farms
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Kula, HI 96790
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Robert@HawaiiSustainable.com

SB-964

Submitted on: 2/14/2023 1:10:01 PM

Testimony for AEN on 2/15/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara Barry	Individual	Support	Written Testimony Only

Comments:

Aloha,

I strongly support SB 964. Let's make laws that support the cultivation and production of this vibrant agricultural crop here in our islands.

The time is right for this task force to be developed and supported so we aren't lagging behind in an lucrative farming industry that we should be leading in.

Mahalo,

SB-964

Submitted on: 2/14/2023 9:12:06 PM

Testimony for AEN on 2/15/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Raphiell Nolin	Individual	Support	Written Testimony Only

Comments:

I strongly support sb964