



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

**Testimony in SUPPORT of SB1589
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 SB1589. 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. 1589
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 1589. 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.

DOA notes that this measure establishes a hemp task force in the hemp statute (HRS 141-42). Instead of including the task force in the statute which may not be necessary, DOA respectfully recommends using a version similar to other task force bills such as SB 964 and HB 1270. Also, the Ramseyer formatting needs to be corrected because the last part of the added statutory language is not underlined (see page 7, lines 15 to 20 and page 8, lines 1 to 2).

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

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
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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. 1589
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**, which is only **part I** of chapter 92.

The bill adds a new subsection (f) to section 141-42, HRS, which would create the new Hemp Task Force and exempt it from the Sunshine Law. (Note: Although part of the proposed new subsection (f) is not underlined, a comparison with the current law shows that all of subsection (f) is in fact new language.) The bill does not explain why this 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

Senate Committees on Agriculture and Environment and on Energy,
Economic Development, and Tourism
February 15, 2023
Page 2 of 2

requirements, **OIP recommends that the exemption at page 8, lines 1-2, 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 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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February 15, 2023

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

TESTIMONY ON SB 1589
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 1589, 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-1589

Submitted on: 2/10/2023 7:46:15 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-1589

Submitted on: 2/13/2023 12:48:42 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-1589

Submitted on: 2/14/2023 9:06:44 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-1589

Submitted on: 2/14/2023 9:50:19 AM

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

Submitted By	Organization	Testifier Position	Testify
Lisa Parker	Individual	Support	Written Testimony Only

Comments:

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 several 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.

Mahalo

SB-1589

Submitted on: 2/14/2023 11:27:27 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 1589. 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.

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 1548)

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
PO Box 901353
Kula, HI 96790
1-808-298-9228
Robert@HawaiiSustainable.com

SB-1589

Submitted on: 2/14/2023 1:22:03 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 SB1589. A well funded and run task force will expedite the planting and processing of hemp in the Hawaiian islands. The economics of this will need to be studied so the most efficient systems and laws can be implemented. Hemp production cannot be over regulated. Time to get caught up with other hemp producing areas of the world. Please pass SB1589.

Mahalo,

Mahalo,

SB-1589

Submitted on: 2/14/2023 9:12:53 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 sb1589