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STATE OF HAWAII | KA MOKU'ĀINA O HAWAII  
**DEPARTMENT OF LAW ENFORCEMENT**

*Ka 'Oihana Ho'okō Kānāwai*

715 South King Street  
Honolulu, Hawaii 96813

TESTIMONY ON HOUSE BILL 70, HOUSE DRAFT 2  
RELATING TO CONTROLLED SUBSTANCES

Before the Senate Committee on  
Health and Human Services

Friday, February 2, 2024; 1:00 p.m.

State Capitol Conference Room 225, Via Videoconference

Testifier: Jared Redulla

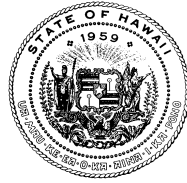
Chair San Buenaventura, Vice Chair Aquino, and members of the Committee:

The Department of Law Enforcement (DLE) supports House Bill (HB) 70 which proposes to: 1) Prohibit the sale or holding, offering, and distribution of hemp products that contain cannabinoids created through isomerization, 2) Exempt medical cannabis dispensaries from the prohibition, and 3) Insert the alternative name for Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers into the list of schedule I controlled substances. The DLE supports this measure for two reasons.

This bill would prohibit the sale or holding, offering, and distribution of hemp products that contain cannabinoids created through isomerization. Simply explained, isomerization is the process by which CBD, made from non-psychoactive hemp, is exposed to other easily obtained substances, to create a different now-psychoactive (intoxicating) cannabinoid. The DLE's concern is that CBD derived from hemp is both seemingly less regulated and extremely abundant in the community. As a result, a person with some know-how of isomerization can manufacture an intoxicating substance, and market it to others by obtaining hemp-derived CBD and exposing that CBD to an isomerization process. As this bill would prohibit the holding and distribution of hemp products created through isomerization and thereby limit the black market for these products, DLE supports HB 70, HD 2.

Additionally, this bill would insert the alternative name for Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers into the list of schedule I controlled substances. The DLE supports this portion of HB 70, HD 2, because this change would assist the public by clearly listing that both “Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers” and “Delta 8 cis or trans tetrahydrocannabinol, and their optical isomers” are synonyms and “other names” for each other. This change would assist the public by providing clear notice of what controlled substances are regulated in Hawaii.

Thank you for the opportunity to testify in support of this bill.



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
KA 'OIHANA OLAKINO  
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**Testimony COMMENTING on HB0070 HD 2  
RELATING TO CONTROLLED SUBSTANCES**

SENATOR JOY A. SAN BUENAVENTURA, CHAIR  
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

Hearing Date: 2/2/2024

Room Number: 225

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

2 **Department Testimony:** The Department of Health (department) appreciates the opportunity to  
3 offer comments on section 1 of HB70 HD2, which seeks to amend section 328G-3, Hawaii  
4 Revised Statutes (HRS), by prohibiting use of cannabinoids created through isomerization (a  
5 chemical process) in hemp products. The department defers to Department of Law Enforcement  
6 on section 2 of the measure.

7 Act 263, Session Laws of Hawaii 2023, effectively achieved this when sections 328G-3(g) – (i)  
8 were amended to prohibit the use of a “artificially derived cannabinoid” – which are defined in  
9 law as any cannabinoid that has had its molecular structure changed via a chemical reaction.

10 Additionally, the department would like to note that proposed language in section 1, page 1, line  
11 11-17, seeking to provide assurances to licensed medical cannabis dispensaries that naturally  
12 occurring Delta 8 tetrahydrocannabinol can be used in medical cannabis products, is unnecessary  
13 and potentially confusing.

14 Medical cannabis dispensaries and the products they dispense are not regulated under 328G,  
15 HRS, rather they are licensed under chapter 329D, HRS, and must adhere to rules found in  
16 chapter 11-850, Hawaii Administrative Rules (HAR). While the rules do prohibit the use of a  
17 “artificially derived cannabinoid” in a manufactured cannabis product, they do not prohibit the

- 1 use of naturally occurring cannabinoids, including naturally occurring Delta 8
- 2 tetrahydrocannabinol, in the products they are allowed to manufacture and dispense to patients.
- 3 The department respectfully requests that the proposed amendments in section 1 be removed as
- 4 the concerns they seek to address have been adequately addressed in statute and department rule.
- 5 Thank you for the opportunity to testify.
- 6 **Offered Amendments:** None.
- 7

POLICE DEPARTMENT  
KA 'OIHANA MĀKA'I O HONOLULU  
**CITY AND COUNTY OF HONOLULU**

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**LATE**

RICK BLANGIARDI  
MAYOR  
MEIA



ARTHUR J. LOGAN  
CHIEF  
KAHU MĀKA'I

KEITH K. HORIKAWA  
RADE K. VANIC  
DEPUTY CHIEFS  
HOPE LUNA NUI MĀKA'I

OUR REFERENCE **ML-HR**

February 2, 2024

The Honorable Joy A. San Buenaventura, Chair  
and Members  
Committee on Health and Human Services  
State Senate  
415 South Beretania Street, Room 225  
Honolulu, Hawaii 96813

Dear Chair San Buenaventura and Members:

SUBJECT: House Bill No. 70, H.D. 2, Relating to Controlled Substances

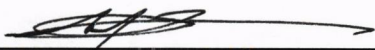
I am Mike Lambert, Major of the Narcotics/Vice Division of the Honolulu Police Department (HPD), City and County of Honolulu.


The HPD supports House Bill No. 70, H.D. 2, Relating to Controlled Substances.

Delta-8 tetrahydrocannabinol has not been evaluated or approved by the United States Food and Drug Administration (FDA). The FDA reports that products containing Delta-8 tetrahydrocannabinol are marketed in ways that put the public's health at risk. When ingested, Delta-8 tetrahydrocannabinol has been known to cause vomiting, hallucinations, difficulty breathing, loss of consciousness, and even coma. The FDA and poison control centers have reported an uptick in adverse events related to products containing Delta-8 tetrahydrocannabinol.

The HPD urges you to support House Bill No. 70, H.D. 2, Relating to Controlled Substances. Thank you for the opportunity to testify.

APPROVED:

  
\_\_\_\_\_  
Arthur J. Logan  
Chief of Police

Sincerely,  
  
Mike Lambert, Major  
Narcotics/Vice Division

**HB-70-HD-2**

Submitted on: 1/30/2024 12:23:37 PM

Testimony for HHS on 2/2/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kerestin Walker	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

I am writing to express my strong opposition to HB70 HD2, a bill that seeks to prohibit the sale or distribution of hemp products containing cannabinoids created through isomerization and categorize certain substances as Schedule I controlled substances. While I understand the intent behind this legislation, I firmly believe that it is misguided and could have harmful consequences for individuals and communities in Hawaii.

First and foremost, categorizing certain cannabinoids as Schedule I controlled substances, alongside substances like heroin and methamphetamine, is disproportionate and unjustified. This classification implies that these substances have a high potential for abuse and no accepted medical use, which is not supported by scientific evidence. By equating these cannabinoids with highly addictive and dangerous drugs, HB70 HD2 perpetuates the failed "war on drugs" approach that has disproportionately impacted marginalized communities and resulted in mass incarceration rather than addressing underlying issues of substance abuse and addiction.

Moreover, prohibiting the sale or distribution of hemp products containing certain cannabinoids created through isomerization could have unintended consequences for individuals who rely on these products for medicinal or therapeutic purposes. Many individuals use hemp-derived products for managing chronic pain, anxiety, and other health conditions, and restricting access to these products could deprive them of a safe and effective alternative to traditional pharmaceuticals.

Furthermore, HB70 HD2 exempts medical cannabis dispensaries from the prohibition, creating disparities in access to cannabinoid products based on medical necessity. This exemption underscores the discriminatory nature of the legislation, as it effectively penalizes individuals who use hemp-derived products for medicinal purposes outside of the medical cannabis program.

In conclusion, HB70 HD2 represents a step backward in the effort to reform drug policy and address issues of substance abuse and addiction in Hawaii. Rather than resorting to punitive measures and prohibitions, I urge the committee to consider evidence-based approaches that prioritize harm reduction, public health, and social justice.

Thank you for considering my testimony in opposition to HB70 HD2.

Sincerely,  
Kerestin Walker