



Akamai Cannabis Clinic
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October 3, 2020

The Honorable J. Kalani English
Hawaii State Capitol, Room 205
415 S. Beretania, Street
Honolulu, HI 96813

Dear Senator English,

I wanted to comment on the remarks you made about legalizing recreational marijuana in Hawaii during HNN's recent broadcast on the subject:

<https://www.hawaiinewsnow.com/2020/10/02/lawmakers-expect-big-push-legalizing-recreational-marijuana/>

I must agree with Speaker Saiki's position on this issue: that financial gain is not proper motivation for pursuing recreational legalization.

I have seen how revenue greed in other states has led to recreational use programs that are so over-regulated and over-taxed that consumers and producers are simply driven back to a flourishing black market.

In addition, Hawaii has no business establishing a recreational use program when it cannot even properly regulate our existing Medical Cannabis Program.

For the past two years, the Department of Health (DOH) has been allowing dispensaries to take moldy cannabis flowers that cannot pass the required mold and fungi testing and turn them into secondary manufactured products that can be sold to patients without any statutory authority or administrative rules.

This gross negligence has resulted in patients being exposed to e-cig vape cartridges that are hazardous because they contain amounts of Ethanol that are 8-10 times the allowable levels in Colorado.

<https://www.hawaiinewsnow.com/2020/06/03/state-regulated-marijuana-vape-cartridges-arent-safe-doctor-whistleblower-say/>

"An Accepted Medical Use Supporter"

One problem is that Hawaii does not require dispensaries to test for Ethanol, or Isopropyl alcohol (rubbing alcohol), another common extraction solvent, in their products. I have been asking DOH to add these two chemicals to the list of residual solvent testing for the past two years with no action from the department.

This is because the Legislature included a provision in Hawaii's Dispensary Act ([329D-27, HRS](#)) that allows the department to operate under interim rules, with the suspension of our administrative procedures act, Chapter 91, until July 1, 2025, or until DOH adopts final dispensary rules of its own accord.

Without Chapter 91 in force, stakeholders and medical professionals in the general public have no way of petitioning the department for formal changes to dispensary rules. This is a huge issue given the pending additions of regulated remediation, new edible formulations, and dispensary sponsored medical education events that the department is facing because of the recent enactment of [HB2097 HD2 SD2](#) (Act 038, 2020).

In addition, the department has not one medical cannabis expert on staff, and there isn't even a Medical Cannabis Advisory Board, which is common practice in other medical cannabis states, to provide expert medical cannabis advice that could inform the various decisions that the department is about to address.

Hawaii is unlike any other state, which is why we cannot rely on what regulators in other states are doing to solve our own problems. We need expert advice from local medical cannabis healthcare providers to inform the department's dispensary decisions in a manner that ensures that the needs and safety of our patients is of primary concern.

And worst of all, DOH is doing nothing to address the current unnecessary conflict that exists between the federal regulation of the non-medical use of marijuana and the state-authorized medical use of cannabis in Hawaii, which is a direct violation of the department's mission to protect the health and welfare of our 30K+ medical cannabis patients, and only serves to perpetuate numerous forms of discrimination that our patients and dispensaries are enduring every day.

Libby Char, MD, the new Director of DOH, said in her first [public appearance](#) during her first day as Director that "we need to make sure that we're paying attention to our health beyond COVID". And yet I am not seeing any indication that things will change for the better with our Medical Cannabis Program under Dr. Char's leadership.

Instead of jumping over a broken medical cannabis program towards recreational legalization, I respectfully propose that the Legislature delay such a campaign for at least one more year, until we can address this conflict with the federal regulation of the non-medical use of marijuana, and fix the bureaucratic roadblocks at DOH that are threatening the health and safety of our patients.

I believe that part of this adjustment requires splitting the Senate's Committee on Commerce, Consumer Protection, and Health ([CPH](#)) back into separate Commerce and Health committees, as it was [before](#) the adoption of Hawaii's original [Dispensary Act](#) back in 2015, so that the current conflict of interests between commerce and health can be eliminated, and the patient-centric issues that need to be taken up by the Legislature can be properly heard by a resurrected Senate committee that focuses only on health.

Saying that there are not any qualified Senators who can take on the responsibilities of a Senate Health Committee is only an excuse to continue the current dysfunctional status quo, especially when there will likely be bright new minds joining your team after the November elections.

Thank you for considering these pressing issues. I look forward to your reply.

Aloha,



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