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TESTIMONY ON SENATE BILL 1139 SENATE DRAFT 2
RELATING TO THE OFFICE OF MEDICAL CANNABIS CONTROL AND
REGULATION

By
Clifton Otto, MD

House Committee on Health, Human Services, & Homelessness
Representative Ryan I. Yamane, Chair
Representative Adrian K. Tam, Vice Chair

Tuesday, March 16, 2021; 9:30 AM
State Capitol, Videoconference

Thank you for the opportunity to provide COMMENTS on this measure. I hope you will seriously consider the following amendment proposals:

OMCCR does not have any cannabis experts on staff. This needs to be remedied by adding the following amendment to this bill:

SECTION 4. There is appropriated out of the medical cannabis registry and regulation special fund, established pursuant to section 321-30.1, Hawaii Revised Statutes, the sum of \$ _____ or so much thereof as may be necessary for fiscal year 2021-2022 and the same sum or so much thereof as may be necessary for fiscal year 2022-2023 for staff and operations of the office of medical cannabis control and regulation, including the establishment of three permanent full-time equivalent (3.00

FTE) positions, one of which shall be a Cannabinoid Medicine Specialist.

Second, in order for Hawaii's Medical Cannabis Program to be properly regulated, OMCCR needs to be moved from the Health Resources Administration (HRA) to the Environmental Health Administration (EHA), where the capabilities of the Food Safety Branch can be brought back online.

Therefore, please add the following statutory amendment to this bill:

"§329D-2.5 Office of medical cannabis control and regulation; established; duties. (a) There is established within the department the office of medical cannabis control and regulation, which shall report to the deputy director of environmental health administration effective September 1, 2021 [~~health resources administration~~].

And finally, medical professionals and the public need to be involved in the formation of new dispensary rules that will affect patient safety. The department needs to adopt final dispensary rules so that Chapter 91 administrative procedures can be re-instated as soon as possible.

Therefore, please add the following statutory amendment to this bill:

"§329D-27 Administrative rules. (a) The department shall adopt rules pursuant to chapter 91 to effectuate the purposes of this chapter.

(b) No later than January 4, 2016, the department shall adopt interim rules, which shall be exempt from chapter 91 and

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chapter 201M, to effectuate the purposes of this chapter;
provided that the interim rules shall remain in effect until
September 1, 2021 [~~July 1, 2025~~], or until rules are adopted
pursuant to subsection (a), whichever occurs sooner.

(c) The department may amend the interim rules, and the
amendments shall be exempt from chapters 91 and 201M, to
effectuate the purposes of this chapter; provided that any
amended interim rules shall remain in effect until September 1,
2021 [~~July 1, 2025~~], or until rules are adopted pursuant to
subsection (a), whichever occurs sooner."

Thank you for considering these important changes.

Aloha.