



Akamai Cannabis Clinic

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TESTIMONY ON SENATE BILL 2462
RELATING TO CONTROLLED SUBSTANCES

By
Clifton Otto, MD

Senate Committee on Commerce, Consumer Protection, and Health
Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

Friday, January 31, 2020; 9:30 AM
State Capitol, Conference Room 229

STRONG SUPPORT

Thank you for the opportunity to provide testimony on this measure. Please consider the following comments related to this bill:

It is very encouraging to see Senator Ruderman's federal exemption bill come before your committee. Our patients and dispensaries have been suffering for far too long under the misapplication of the federal Schedule I regulation of the non-medical use of marijuana to our medical cannabis program.

Forcing our patients and dispensaries to operate under the assumption that they are violating federal law in order to engage in the state-authorized medical use of cannabis in Hawaii is causing numerous harmful consequences.

These injuries include **patients** not being able to obtain employment because of a positive cannabis drug screening test, being terminated from employment because of failing a cannabis urine drug test that is not designed to test for impairment in the workplace, being evicted from federally subsidized housing, not being able to obtain life insurance, not being able to enjoy the protections of the Americans with Disabilities Act, being discriminated against in child custody hearings, not being able to travel to other islands with their medicine, not being able to obtain firearms for home protection and hunting.

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In addition, our **dispensaries** are suffering from not being able to carry on normal banking activity, having to conduct a majority of their transactions in cash, not being able to enjoy standard business expense deductions which is creating a 70%+ tax burden that only raises product costs for patients, and not being able to conduct medical research with the University of Hawaii System.

Our patients and dispensaries should not be required to operate under the false assumption that they are violating federal law in order to engage in the medical use of cannabis in Hawaii.

The State of Hawaii created this situation when it lawfully decided that cannabis has medical use in Hawaii, which means that the State cannot simply wait for Congress to fix a problem that it created. We can no longer stand for the federal regulation that has the non-medical use of marijuana on the Schedule I list being unconstitutionally applied to our medical cannabis program.

The amendment contained in this bill offers a simple but powerful means for correcting the misconception that our patients and dispensaries are violating federal law, using an established DEA administrative process, with an existing precedent of a very similar federal Schedule I exemption that was recognized decades ago for members of the Native American Church in order to prevent the very injuries that our medical cannabis patients and dispensaries are experiencing today.

At the very least, our state needs to take action on this issue in order to demonstrate a willingness to prevent any further harm, and to open the door to the kind of regulatory oversight and medical research that can only occur once the criminal perception of our program is removed.

Thank you for considering this very necessary amendment.

Aloha.