



Senate Committee on Commerce, Consumer Protection, and Health
Sen. Rosalyn Baker (Chair), Sen. Stanley Chang (Co-chair)

Testimony for SB527 – Relating to Cannabis for Medical Use
Clifton Otto, MD - Comments
Public Hearing - Wed, Feb 6, 2019, 9:30 AM, Room 229

Thank you for considering the following comments regarding this bill:

1 – Happy to see that this bill contains a section that encourages the Department of Health to fulfill its obligation to provide education to patients and the community on the safe medical use of cannabis. Unfortunately, dispensary staff continue to provide medical advice to customers regarding how much and how often a particular product should be used for the treatment of a particular medical condition. Only the certifying provider can provide this kind of medical advice. Dispensaries do not have a medical license. Such educational information should also be made available to certifying providers, and should not be limited to first time users. Therefore, please make the following changes to this section:

Page 17, Line 20:

(b) The department shall establish a mandatory standard pre-purchasing education protocol to take place at the point of sale to all qualifying patients or qualifying out-of-state patients [~~who have not previously consumed edible cannabis products~~], or their caregivers, to reduce the risk of inadvertent overconsumption and accidental intoxication, with the understanding that such education shall not include information on product selection for particular medical conditions or information on dosing amounts or dosing intervals. This education protocol shall also be made available to all certifying providers in electronic form.

2 - A controlled substance with accepted medical use cannot have the highest degree of danger. The following amendment needs to be added in order to clarify that the medical use of cannabis in Hawaii is exempt from the State's restrictions for a Schedule I controlled substance:

Section 329-14, Hawaii Revised Statutes, is amended by adding the following subsection:

(f) The enumeration of cannabis, tetrahydrocannabinols or chemical derivatives of these as Schedule I controlled substances does not apply to the medical use of cannabis pursuant to Section 329, Part IX, and Section 329D, Hawaii Revised Statutes.

3 – Expanding the range of products that will be available to patients should come along with a protection of the right of patients to travel to other islands with their medicine. Patients continue to be restricted from the inter-island transportation of Medical Use Cannabis by local law enforcement officers at our state-owned airports because of an unauthorized enforcement of federal law, even when federal regulation specifically exempts the carriage of cannabis aboard aircraft if authorized by state law or state agency. To clarify the right of patients to engage in the inter-island transport of cannabis for personal medical use, the following amendment needs to be made to HRS 329-122(f):

“For purposes of interisland transportation, “transport” of cannabis, usable cannabis, or any manufactured cannabis product, by any means is allowable only by a qualifying patient or qualifying out-of-state patient for their personal medical use, or between a production center or retail dispensing location and a certified laboratory for the sole purpose of laboratory testing pursuant to section 329D-8, as permitted under section 329D-6(m) and subject to section 329D-6(j), and with the understanding that state law and its protections do not apply outside of the jurisdictional limits of the State.

[14 CFR 91.19 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.](#)

4 – Having Commerce and Health combined in the same committee is a direct conflict of interests. Please separate Health into its own committee, as it was before the original Dispensary Bill was adopted.

5 - Hawaii’s Dispensary System is fundamentally flawed because the Legislature ignored the recommendation of the Dispensary Task Force to create a horizontally integrated production system, rather than the current vertical monopoly. This error needs to be corrected if Hawaii’s Medical Use of Cannabis Program is to be successful.

Clifton Otto, MD

3615 Harding Avenue #304, Honolulu, HI 96816

T: 808-233-8267 F: 808-395-4720