



Akamai Cannabis Clinic

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TESTIMONY ON SENATE BILL 541
RELATING TO MEDICAL CANNABIS PRODUCTS

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

Wednesday, February 20, 2019; 9:15 AM
State Capitol, Conference Room 229

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

1 - If the Legislature is going to consider expanding the types of manufactured medical use cannabis products that are available to patients, then it also needs to consider the right of patients to transport such products to other islands.

The inter-island transportation of cannabis for personal medical use continues to be an issue that is requiring significant amounts of law enforcement time at our airports due to the processing of patients who have been referred by TSA for cannabis possession. Such activity is taking away from the other critical duties of our local law enforcement officers and threatening the safety of our airports.

Local law enforcement officers are also telling patients that they cannot travel with their medicine to other islands because it is against federal law, which is beyond the authority of a state law enforcement agency, and not entirely true because of the federal aviation regulation that specifically exempts the carriage of cannabis aboard aircraft if authorized by state law or state agency.

“An Accepted Medical Use Supporter”

Therefore, in order to clarify the existing provisions for inter-island transport within Hawaii's Medical Use of Cannabis Act and to protect the right of patients to transport legal amounts of cannabis for personal medical use to other islands under state law and the Americans with Disabilities Act, the following amendment needs to be made to the Medical Use of Cannabis section of Hawaii's Uniform Controlled Substances Act:

[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. The Department of Transportation and the Department of Public Safety shall adopt rules to provide compliance with this section.

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

(a) Except as provided in paragraph (b) of this section, no person may operate a civil aircraft within the United States with knowledge that narcotic drugs, marihuana, and depressant or stimulant drugs or substances as defined in Federal or State statutes are carried in the aircraft.

(b) Paragraph (a) of this section **does not apply** to any carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances **authorized by** or under any Federal or **State statute** or by any Federal or **State agency**.