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TESTIMONY ON SB241

Dear Blake,

I was very happy to see your [SB241](#) written testimony on behalf of [HICIA](#). And thrilled that you referenced [14 CFR 91.19](#), which should already provide a federally legal means for patients, dispensaries, and accredited labs to transport cannabis between islands under existing state authorization.

The problem is that even if SB241 makes it through Conference and is allowed to become law by the Governor this time around, the agencies that control interisland transport, such as TSA, local airport law enforcement, and local air cargo companies, are still going to say that such transport violates federal law.

This is one of the reasons why I believe that we need to address the current conflict with the federal regulation of marijuana at the same time. The fact that these agencies are not recognizing that the state authorized use of cannabis for medical purposes in Hawaii is already exempt from federal regulation tells us that formal recognition of this exemption from the Drug Enforcement Administration (DEA) is necessary.

This is also why the federal exemption bills that were introduced this Session, [SB147](#), [SB669](#), and [HB668](#), are so vitally important. My concern is that if we wait for the federal government to fix a conflict that the State created twenty years ago, then Hawaii's authority to decide how controlled substances are used within the state will be further compromised, and the opportunity to protect the purely intra-state production of cannabis in Hawaii from outside regulation and taxation will be lost.

I hope that a federal exemption bill is also something that HICIA can support.

Aloha,

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To: Senator Jarrett Keohokalole, Chair
Senator Rosalyn Baker, Vice-Chair
Senator Chris Lee, Chair
Senator Lorraine Inouye, Vice-Chair
Member of the Joint Committee on Health and Transportation

Fr: Blake Oshiro, Esq. on behalf of the HICIA Hawai`i Cannabis Industry Association

Re: Testimony in **Support of Senate Bill (SB) 241**
RELATING TO MEDICAL CANNABIS
Authorizes qualifying patients and qualifying out-of-state patients to transport cannabis between islands of the State for personal medical use.

Dear Chairs Keohokalole and Lee, Vice-Chairs Baker and Inouye, Members of the Joint Committee:

The Hawai`i Cannabis Industry Association, formerly known as the Hawai`i Educational Association for Therapeutic Health, represents all eight of the state's licensed medical cannabis dispensaries. HICIA **supports** HB836 which would authorize interisland transport of medical cannabis by patients and out-of-state patients.

We recognize that most such transport would be regulated under federal law and so to the extent that this governs, we understand that this bill would have limited effect.

However, our research has indicated that the federal law on whether transport can occur **INTRA**-state appears to be uncertain. See the following article in the Boston Globe. <https://www.bostonglobe.com/business/2017/10/25/state-eyes-flight-rule-ship-marijuana-islands/WDMRa9NnyyIZ5Z301Oc0AK/story.html>

We believe that there remains a legal basis that MAY permit transport and there is also some indication that a state law authorizing such transport is necessary in order for this permitted transportation to occur. The 1972 Federal Aviation Administration (FAA) rule that bans pilots from operating aircraft with illegal substances on board specifies that it "does not apply to any . . . marihuana, . . . authorized by or under any Federal or State statute or by any Federal or State agency."¹

¹ Title 14: Aeronautics and Space
PART 91—GENERAL OPERATING AND FLIGHT RULES
Subpart A—General



Thus, the adoption of this language into law would provide some necessary protection and clarification on the state's position, and some further support for dispensaries to be able to transport medical cannabis under these limited circumstances.

Therefore, we support this bill.

§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.