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TESTIMONY ON SENATE BILL 1139 SENATE DRAFT 1
RELATING TO THE OFFICE OF MEDICAL CANNABIS CONTROL AND
REGULATION

By
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Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Friday, February 26, 2021; 9:30 AM
State Capitol, Videoconference

Thank you for the opportunity to provide the following COMMENTS on this measure.

The Office of Medical Cannabis Control and Regulation (OMCCR) has already demonstrated that it is unable to adequately regulate the dispensary program. It does not make sense to now give the department complete control over determining registration fees. OMCCR must first disclose to the public how it has been using annual revenue of over \$1M from registration fees for the past two years before it should be allowed to approach the Legislature for a change in how these fees are determined.

Therefore, please strike these changes from this SD1, and re-consider next Session:

SECTION 2. Section 329-123, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Qualifying patients shall register with the department of health. The registration shall be effective until the expiration of the certificate issued by the department of health and signed by the physician or advanced practice registered nurse. Every qualifying patient shall provide sufficient identifying information to establish the personal identities of

the qualifying patient and the primary caregiver. Qualifying patients shall report changes in information within ten working days. Every qualifying patient shall have only one primary caregiver at any given time. The department of health shall issue to the qualifying patient a registration certificate, [~~and is authorized to establish fees by administrative rules~~] and shall charge \$35 per year. [~~as determined by the department~~]."

SECTION 3. Section 329-123.5, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) Each qualifying out-of-state patient shall pay a fee of \$45 [~~in an amount determined by the department~~] for each registration and renewal."

Second, 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

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

And lastly, 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]~~.

Thank you for considering these important changes.

Aloha.