



Akamai Cannabis Clinic

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TESTIMONY ON SENATE BILL 241
RELATING TO MEDICAL CANNABIS

By
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Senate Committee on Health
Senator Jarrett Keohokalole, Chair
Senator Rosalyn H. Baker, Vice Chair

Senate Committee on Transportation
Senator Chris Lee, Chair
Senator Lorraine R. Inouye, Vice Chair

Wednesday, February 3, 2021; 1:00 PM
State Capitol, Videoconference

Thank you for the opportunity to provide testimony on this measure.

[SB241](#) addresses the need of patients to travel between islands with their state authorized cannabis medicine.

Those who are familiar with the process that patients go through to arrive at a form of medical cannabis that works best in their individual case know that patients cannot be expected to go to a dispensary on some other island and be able to find a medical cannabis product that will be effective for them. This is especially true for patients who produce their own cannabis medicine, which is a growing number of patients due to high dispensary prices, constantly changing product selection, and questionable safety.

The Legislature addressed this issue during the 2019 Regular Session when it transmitted [HB290 CD1](#) to the Governor's desk, only to receive a veto with the reasoning that the inter-island transport of medical cannabis by patients violates federal law. This was a perplexing decision given that state law already authorizes dispensaries to transport cannabis samples between islands for testing purposes, and that [14 CFR 91.19](#) exempts the carriage of cannabis aboard aircraft from federal transport restrictions if authorized under state law.

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Some would also argue that the current wording of [HRS 329-122\(f\)](#) already authorizes patients to transport medical cannabis between islands as long as it is not for the purpose of transferring to another patient.

In addition, even if this bill makes it all the way to the Governor's desk, and somehow becomes law this time around, there is still the danger that TSA and local airport law enforcement will be unwilling to cooperate as long as the conflict with the federal regulation of marijuana remains.

We are seeing the same problem right now with the inter-island transport of locally produced hemp for testing purposes, even though hemp has been removed from the federal Controlled Substances Act. This is due to confusion over distinguishing hemp from cannabis, and the misconception that Hawaii's Medical Cannabis Program violates federal law.

Clearly something needs to be done about the current conflict with the federal regulation of marijuana. The State needs to come up with a solution that it can act upon, such as the solution proposed by [SB147](#) and [SB669](#). Waiting for the federal government to fix a problem that the state created when it authorized the use of cannabis for medical purposes in Hawaii will only weaken the State's authority in the future to decide how controlled substances are used within the state.

I support this bill and recommend that the matter of resolving the current federal conflict be addressed at the same time.

Aloha.