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TESTIMONY ON SENATE BILL 64
RELATING TO MEDICAL CANNABIS
By
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Senate Committee on Labor, Culture and the Arts
Senator Brian T. Taniguchi, Chair
Senator Les Ihara Jr., Vice Chair

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

Wednesday, February 17, 2021; 1:00 PM
State Capitol, Videoconference

Thank you for the opportunity to provide testimony in SUPPORT WITH CHANGES.

The state authorized use of cannabis does not violate federal law. It is exempt from the federal regulation of controlled substances because of the State's constitutional authority to decide how controlled substances are used within the state, and simply needs to be recognized as such.

This measure offers a perfect opportunity to declare this exemption since it relates to discrimination that medical cannabis patients are experiencing in the workplace from the ongoing conflict between the federal regulation of marijuana and the state authorized use of cannabis for medical purposes in Hawaii.

I respectfully recommend that the following changes be made to this measure, to include removing professional specific restrictions:

"§329-125.5 Medical cannabis patient and caregiver protections.

(c) An employer shall not discriminate against a person in hiring, termination, or any term or condition of employment based upon either of the following:

(1) The person's status as a registered patient; or
(2) A registered patient's positive drug test for cannabis
components or metabolites, unless the registered qualifying
patient was impaired by cannabis during the hours of
employment; provided that nothing in this subsection shall
abridge any existing right of an employer to send an employee
for medical evaluation when the employer has safety concerns
about the impairment of the employee;
and provided further that Part IX of chapter 329, Hawaii Revised
Statutes, and chapter 329D, Hawaii Revised Statutes, create an
exemption from federal drug laws and do not create any positive
conflict pursuant to title 21 United States Code Annotated
section 903; and that the federal scheduling of marijuana does
not apply to the state authorized use of cannabis."

I also recommend that the following statutory change be included in this bill to promote the development of a locally produced rapid THC test that will allow for impairment from cannabis in the workplace to be accurately assessed:

§321-30.1 Medical cannabis registry and regulation special

fund; established. (a) There is established within the state treasury the medical cannabis registry and regulation special fund. The fund shall be expended at the discretion of the director of health:

(1) To establish and regulate a system of medical cannabis dispensaries in the State;

(2) To offset the cost of the processing and issuance of patient registry identification certificates and primary caregiver registration certificates;

(3) To fund positions and operating costs authorized by the legislature;

(4) To establish and manage a secure and confidential database;

(5) To fund public education as required by section 329D-26;

(6) To fund substance abuse prevention and education programs; and

(7) For any other expenditure necessary, consistent with this chapter and chapter 329D, to implement medical cannabis registry and regulation programs.

(8) to promote the development of a locally produced rapid THC test.

Aloha.