

**WRITTEN TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTY-FIRST LEGISLATURE, 2021**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 254, RELATING TO CANNABIS FOR MEDICAL USE.

**BEFORE THE:**

SENATE COMMITTEE ON HEALTH

**DATE:** Wednesday, February 3, 2021 **TIME:** 1:05 p.m.

**LOCATION:** State Capitol, Via Videoconference

**TESTIFIER(S):** **WRITTEN TESTIMONY ONLY.**  
(For more information, contact Tara K.C.S. Molnar,  
Deputy Attorney General, at 587-3050)

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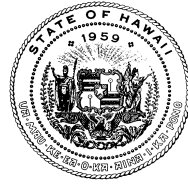
Chair Keohokalole and Members of the Committee:

The Department of the Attorney General offers the following comments.

This measure would amend section 329D-1, Hawaii Revised Statutes (HRS), to add two new definitions, "cutting" and "propagule," and amend the existing definition for "cannabis" (page 3, lines 6-13). The bill would also amend section 329D-13, HRS, to: (1) set dispensing limits for propagules and cuttings for qualifying patients and primary caregivers; and (2) prohibit a qualifying out-of-state patient and a caregiver for a qualifying out-of-state patient from purchasing propagules and cuttings (page 3, lines 19-21, through page 5, line 7).

The measure's wording with respect to dispensing limits (page 4, lines 3-8) raises concerns because it allows a qualifying patient or primary caregiver to purchase "no more than five propagules or cuttings within a consecutive period of fifteen days, or no more than ten propagules or cuttings within a consecutive period of thirty days." This limit may lead to conflicts with section 329-122(a)(3), HRS, which permits no more than ten cannabis plants. If the Committee is inclined to move this measure forward, we recommend that the bill include wording limiting purchases of propagules or cuttings to no more than ten propagules or cuttings to ensure that the amount of cannabis possessed by a qualifying patient does not exceed an adequate supply.

Thank you for the opportunity to provide comments.



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**Testimony in OPPOSITION to SB254  
RELATING TO CANNABIS FOR MEDICAL USE.**

SENATOR JARRETT KEOHOKALOLE, CHAIR  
SENATE COMMITTEE ON HEALTH

Hearing Date: Wednesday, February 3, 2021

Room Number:

1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor’s  
2 Executive Budget Request for the Department of Health’s appropriations and personnel  
3 priorities. Additional personnel resources will be needed to ensure that patients remain within  
4 their statutory limits and to prevent diversion of cannabis to the illegal market.

5 **Department Testimony:** The Department of Health (DOH) appreciates the intent of this  
6 measure to improve patient access by allowing licensed dispensaries to distribute cannabis  
7 propagules and cutting, however, DOH OPPOSES SB254 for the following reasons:

8 (1) **Does not comport with the Legislature’s intent in establishing the regulated**  
9 **statewide dispensary system.** In 2015, the Hawaii Legislature established a statewide  
10 dispensary system to ensure safe and legal access to medical cannabis for qualifying  
11 patients. Authorizing the licensed dispensaries to distribute cannabis seeds and clones  
12 appears to be a departure from the Legislature’s intent.

13 (2) **Great potential for patients to exceed their statutory limit of medical cannabis.**  
14 “Adequate supply” is defined in section 329-121, HRS, as an amount not to exceed “ten  
15 cannabis plants, whether immature or mature...at any given time.” Although patients and

1 caregivers are required to tag each plant and remain within this ten plant limit, home  
2 grow plants are not tracked within the state's electronic seed-to-sale tracking system.  
3 SB254 would allow a patient to acquire up to ten propagules or cuttings each month.  
4 Since plants take between 2-3 months to reach harvest age, one patient could accumulate  
5 up to 30 plants before their first month's purchase is ready to harvest. This creates a  
6 great potential for patients to exceed their statutory plant count limits.

7 (3) **Inadequate ability to enforce plant limits impacts individuals' enjoyment of**  
8 **property and risks encouraging the illegal cannabis market.** The potential for  
9 patients to grow more than their statutory limit combined with the inability to adequately  
10 enforce plant limits impacts the community and tempts the diversion to other than  
11 registered patients. DOH and law enforcement routinely receive complaints regarding  
12 cannabis plant odor, however, DOH lacks the personnel to enforce plant limits and law  
13 enforcement must have probable cause or permission to enter a property. As a result,  
14 there is little that can be done to assist these individuals whose enjoyment of their  
15 properties is often impacted and the potential for patients to exceed their statutory limits  
16 is unchecked. In addition, because one location can be registered as a grow site for an  
17 unlimited number of patients, the risk of illegal growing operations under the guise of  
18 home grows is exacerbated by this inability to adequately enforce plant limits. There is at  
19 least one grow site registered to almost 400 cardholders. SB254 risks further  
20 compounding this situation and significantly jeopardizing patient and public health and  
21 safety.

22 **Offered Amendments:** None

23 Thank you for the opportunity to testify on this measure.



To: Senator Jarrett Keohokalole, Chair  
Senator Rosalyn H. Baker, Vice Chair  
Members of the Committee on Health

Fr: Jaclyn L. Moore, Pharm D., CEO Big Island Grown Dispensaries

TESTIMONY IN SUPPORT OF SB254

RELATING TO MEDICAL CANNABIS.

Authorizes the manufacture and distribution of cannabis seeds and cannabis clones by medical cannabis dispensary licensees.

Dear Chair Keohokalole, Vice-Chair Baker, and Members of the Committee:

Big Island Grown Dispensaries is one of eight dispensary licensees in the State. We operate a production facility and 3 retail locations on the Big Island of Hawaii. We submit testimony today **in support of SB254** which authorizes medical cannabis dispensaries to distribute cannabis propagules and cuttings to individuals authorized to cultivate cannabis plants for medical use, subject to quantity limits and quality requirements.

Big Island Grown respects a patient's right to grow for themselves. The passage of this bill helps patients that will ultimately choose to grow for themselves because of a number of reasons including geographical distance, financial, or cultural. We seek the ability to provide safe and proven genetics to this group of 329 cardholders by dispensing proven phenotyped clones that are clean and tested. This enables a patient to obtain strains with the medicinal properties for which they are seeking while minimizing the risk of unwanted pests and pathogens, such as powdery mildew, from being introduced into a home grow environment.

Thank you for the opportunity to testify on this measure.

Jaclyn L. Moore, Pharm.D.

CEO Big Island Grown Dispensaries