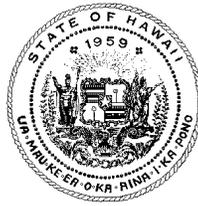


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

NOLAN P. ESPINDA
DIRECTOR

Maria C. Cook
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Administration

Jodie F. Maesaka-Hirata
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Corrections

Renee R. Sonobe Hong
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 290
RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

By
Nolan P. Espinda, Director

House Committee on Judiciary
Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair

Thursday, February 7, 2019; 2:05 p.m.
State Capitol, Conference Room 325

Chair Lee, Vice Chair San Buenaventura, and Members of the Committee:

The Department of Public Safety (PSD) opposes House Bill (HB) 290, based on its technical construction as currently proposed. PSD instead supports administration bill HB 1040. Both HB 290 and HB 1040 propose to permanently authorize a new controlled substance, known by the brand name "Epidiolex", as a schedule V controlled substance, which will allow for public marketing in Hawaii. HB 290, however, includes an additional amendment that creates an exception for Epidiolex in schedule I of chapter 329, HRS which may cause confusion and have unintended consequences. As such, PSD opposes HB 290 for two reasons.

First, Epidiolex has been added to schedule V of the federal drug schedules, but there is no exception for Epidiolex, as proposed in HB 290, in schedule I of the federal drug schedules. PSD would urge this committee to support HB 1040 because it amends chapter 329, HRS, to mirror the recent change to the federal Controlled Substances Act for Epidiolex, eliminating differences between federal and state law.

Second, HB 290 adds Epidiolex in Schedule V in chapter 329, HRS, but further makes an exception for Epidiolex in the tetrahydrocannabinol restrictions of Schedule I in chapter 329, HRS. This exception in Schedule I is unnecessary and causes confusion. There are many tetrahydrocannabinol containing products labeled as "CBD" or hemp, whose regulation is subject to debate. Pursuant to federal law, Epidiolex currently, and in the future any approved generic form of Epidiolex, is the only cannabidiol drug derived from cannabis which contains a very small amount of tetrahydrocannabinol that may be legally used in the United States pursuant to federal law. The proposed Schedule I exception in HB 290 and may cause some to believe that *all* CBD products are legal, not just Epidiolex. This confusion may lead to arrest or even prosecution.

Thank you for the opportunity to testify on this measure.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. MCCARTHY
JONATHON GREMS
DEPUTY CHIEFS

OUR REFERENCE CT-TA

February 7, 2019

The Honorable Chris Lee, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

SUBJECT: House Bill No. 290, Relating to the Uniform Controlled Substances Act

I am Major Calvin Tong of the Narcotics/Vice Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 290, Relating to the Uniform Controlled Substances Act.

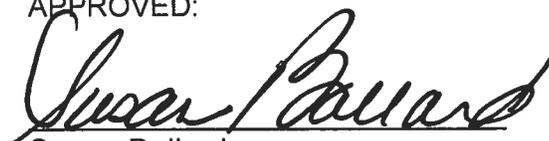
This bill seeks to update the Uniform Controlled Substances Act to make it consistent with the amendments in the federal controlled substance law as required under the authority to scheduled controlled substances.

It indicates that the controlled substance, "Approved cannabidiol drugs," falls under Schedule V and are an exception under Tetrahydrocannabinols in Schedule I. These approved cannabidiol drugs are approved by the United States Food and Drug Administration.

The HPD asks you to support House Bill No. 290, Relating to the Uniform Controlled Substances Act.

Thank you for the opportunity to testify.

APPROVED:


Susan Ballard
Chief of Police

Sincerely,


Calvin Tong, Major
Narcotics/Vice Division



Akamai Cannabis Clinic

3615 Harding Ave, Suite 304
Honolulu, HI 96816

TESTIMONY ON HOUSE BILL 290
RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT

By
Clifton Otto, MD

House Committee on Judiciary
Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair

Thursday, February 7, 2019; 2:05 pm
State Capitol, Conference Room 325

Thank you for the opportunity to provide testimony on this measure. Please consider the following comments related to this bill:

1 - If the reason for annually updating Hawaii's Uniform Controlled Substances Act is to harmonize the state and federal regulation of controlled substances, then the Drug Enforcement Administration (DEA) Marijuana Extract rule needs to be considered:

<https://www.federalregister.gov/documents/2016/12/14/2016-29941/establishment-of-a-new-drug-code-for-marihuana-extract>

[21 CFR 1308.11\(d\)](#)
(58) Marihuana Extract - 7350

“Meaning an extract containing one or more cannabinoids that has been derived from any plant of the genus Cannabis, other than the separated resin (whether crude or purified) obtained from the plant.”

https://www.deaiversion.usdoj.gov/schedules/marijuana/m_extract_7350.html

2 - A controlled substance with accepted medical use cannot have the highest degree of danger. The following amendment needs to be made to Hawaii's Uniform Controlled Substances Act in order to harmonize the accepted medical use of cannabis in Hawaii with state scheduling regulations:

“An Accepted Medical Use Supporter”

Section 329-14, Hawaii Revised Statutes, is amended by adding the following subsection:

(f) The enumeration of cannabis, tetrahydrocannabinols or chemical derivatives of these as Schedule I controlled substances does not apply to the medical use of cannabis pursuant to Section 329, Part IX, and Section 329D, Hawaii Revised Statutes.

3 – If FDA-approved Cannabidiol (CBD) needs to be placed into a state controlled substance schedule that is similar to the federal schedule adopted by the DEA, then what does this tell us about the current scheduling of non-FDA-approved CBD ? Hawaii is being inundated with imported and locally formulated CBD products without any regulation to insure consumer safety or compliance with state and federal controlled substance regulation. Before allowing this bill to pass through your committee, please address the scheduling status of non-FDA-approved CBD by answering the following question:

Is CBD a tetrahydrocannabinol or a derivative of a tetrahydrocannabinol ?

[HRS 329-14. Schedule I.](#) (a) The controlled substances listed in this section are included in Schedule I.

(g) Any of the following cannabinoids, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Tetrahydrocannabinols; meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. or synthetic substances, **derivatives**, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers; Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers; and Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions, are covered);

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6154432/pdf/can.2018.0030.pdf>

Delta-8-THC (Delta-6-THC):

<https://pubchem.ncbi.nlm.nih.gov/compound/2977#section=Top>

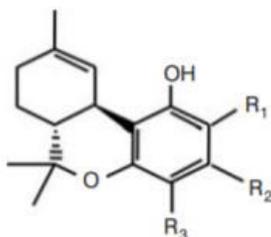
Delta-9 THC (Delta-1-THC):

<https://pubchem.ncbi.nlm.nih.gov/compound/Dronabinol#section=Top>

TABLE 1. Cannabinoids of the Δ^9 -*trans*-tetrahydrocannabinol Type (Turner et al. 1980)

Cannabinoid	Abbreviation	R ₁	R ₂	R ₃
Δ^9 - <i>trans</i> -tetrahydrocannabinolic acid A	Δ^9 -THCA	COOH	C ₅ H ₁₁	H
Δ^9 - <i>trans</i> -tetrahydrocannabinolic acid B	Δ^9 -THCA	H	C ₅ H ₁₁	COOH
Δ^9 - <i>trans</i> -tetrahydrocannabinol	Δ^9 -THC	H	C ₅ H ₁₁	H
Δ^9 - <i>trans</i> -tetrahydrocannabinolic acid-C ₄		COOH or H	C ₄ H ₉	H or COOH
Δ^9 - <i>trans</i> -tetrahydrocannabinol-C ₄	Δ^9 -THC-C ₄	H	C ₄ H ₉	H
Δ^9 - <i>trans</i> -tetrahydrocannabivarinic acid		COOH	C ₃ H ₇	H
Δ^9 - <i>trans</i> -tetrahydrocannabivarin	Δ^9 -THCV	H	C ₃ H ₇	H
Δ^9 - <i>trans</i> -tetrahydrocannabiorcolic acid		COOH or H	CH ₃	H or COOH
Δ^9 - <i>trans</i> -tetrahydrocannabiorcol	Δ^9 -THC-C ₁	H	CH ₃	H

FIGURE 3. Cannabinoids of the Δ^9 -THC type. The most widespread cannabinoids are the phenolic Δ^9 -THC with 21 carbon atoms and a C₅ side chain (R₂ = C₅H₁₁) and its two corresponding carboxylic acids A and B (see Table 1).



<https://cannabis-med.org/data/pdf/2003-01-1.pdf>

4 – The inter-island transportation of cannabis for personal medical use continues to be an issue that is requiring significant amounts of local law enforcement time due to the processing of patients at our state airports who have been referred by TSA, which is threatening the safety of our airports. Local law enforcement officers are also telling patients that they cannot travel with their medicine because it is against federal law, which is beyond the authority of a state law enforcement agency, and not entirely true because of the federal aviation regulation that specifically exempts the carriage of cannabis aboard aircraft if authorized by state law or state agency.

Therefore, in order to clarify the existing provisions for inter-island transport within Hawaii's Medical Use of Cannabis Act and to protect the right of patients to transport legal amounts of cannabis for personal medical use to other islands under state law and the Americans with Disabilities Act, the following amendment needs to be made to the Medical Use of Cannabis section of Hawaii's Uniform Controlled Substances Act:

[HRS 329-122\(f\):](#)

"For purposes of interisland transportation, "transport" of cannabis, usable cannabis, or any manufactured cannabis product, by any means is allowable only by a qualifying patient or qualifying out-of-state patient for their personal medical use, or between a production center or retail dispensing location and a certified laboratory for the sole purpose of laboratory testing pursuant to section 329D-8, as permitted under section 329D-6(m) and subject to section 329D-6(j), and with the understanding that state law and its protections do not apply outside of the jurisdictional limits of the State. The Department of Transportation and the Department of Public Safety shall adopt rules to provide compliance with this section.

[14 CFR 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**.

TESTIMONY OF NAHELANI WEBSTER ON BEHALF OF
GREENWICH BIOSCIENCES IN SUPPORT OF H.B. 290

LATE

To: Chair Lee and Members of the House Judiciary Committee.

My name is Nahelani Webster and I am presenting this testimony on behalf of Greenwich Biosciences in **support** of H.B. 290 Relating to the Uniform Controlled Substances Act.

Greenwich Biosciences, along with parent company GW Pharmaceuticals plc (“GW”), is the world leader in advancing the therapeutic potential of cannabinoids, naturally occurring compounds found in the cannabis plant. Leveraging over 20 years of pioneering research, the company is the first and only one to develop an FDA-approved, plant-derived prescription cannabinoid product, EPIDIOLEX (cannabidiol or CBD) oral solution, Schedule V. This means it has met the rigorous evaluation standards of the FDA for safety and efficacy.

The purpose of this bill is to update our state statute to make it consistent with amendments in the federal controlled substances law as required under Hawaii Revised Statutes (“HRS”) section 329-11. This will allow for Epidiolex to be available to the public in the State of Hawaii.

EPIDIOLEX was approved by the U.S. Food and Drug Administration (FDA) on June 25, 2018 for the treatment of seizures associated with Lennox Gastaux syndrome (LGS) and Dravet syndrome, two rare and difficult-to-treat forms of childhood-onset epilepsy, in patients two years of age or older. Epidiolex is a Schedule V drug, the lowest DEA restriction classification, based on its low abuse potential.

By adding EPIDIOLEX to current treatment, seizures were significantly reduced in those with Dravet and LGS who were not previously helped with various epilepsy medicines. The company is always seeking solutions that will transform lives, and this is why GW continues to advance cannabinoid science and study new medications to help meet serious unmet patient and caregiver needs. For GW, EPIDIOLEX is just the first step toward transforming the treatment of epilepsy in one’s lifetime.

Thank you for the opportunity to present this testimony. Please contact me if you have any questions.