



**MEDICAL MARIJUANA LEGISLATIVE OVERSIGHT WORKING GROUP**  
**ACT 230, HB 2707, SESSION LAWS OF HAWAII 2016**

Meeting Minutes

DATE: Wednesday, April 12, 2017  
TIME: 12:30 - 2.30 pm  
PLACE: Conference Room 229  
State Capitol  
415 South Beretania Street

**Working Group Members & Presenters in Attendance:**

Senator Rosalyn Baker, Co-Chair  
Representative Della Au Belatti, Co-Chair  
Representative Joy San Buenaventura  
Professor Susan Chandler, Facilitator, UH-Manoa Public Policy Center  
Carl Bergquist, Drug Policy Forum of Hawai'i  
John-Paul Bingham, University of Hawai'i, College of Tropical Agriculture  
Christopher Garth, Executive Director, Hawai'i Dispensary Alliance  
Wendy Gibson, Drug Policy Forum of Hawai'i/Medical Cannabis Coalition of Hawai'i (alt.)  
Richard Ha, Lau Ola, Dispensary Industry Representative (Hawai'i County)  
Stacy Kracher, APRN/RX  
Rob Lee, Department of Transportation, Airports Division  
Keith Ridley, Hawai'i DOH, Office of Healthcare Assurance  
Scottina Ruis, Hawai'i DOH, Medical Marijuana Registry Program Coordinator  
Michael Takano, Pono Life Sciences, Dispensary Industry Representative (Maui County)  
Thomas Wills, University of Hawai'i Cancer Center  
Thayne Taylor, Hawai'i Dispensary Alliance  
Karen Kahikina, Department of Transportation, Highway Safety (alt.)  
Jari Sugano, Parent of Qualifying Patient Under the Age of 10

**Working Group Members & Presenters Participating via Teleconference:**

Patricia Wilson, Honolulu Police Department  
Michael Contrades, Kauai Police Department

**Introduction of Members**

Welcoming remarks made by Susan Chandler followed by brief introductions of Working Group members present in person and by phone.

**I. Review of Agenda & 3/1/2017 Meeting Minutes**

Noted mistake on 4/12/2017 meeting notice that March 8, 2017, should be corrected to reflect March 1, 2017 date of last working group meeting. Noting this correction, the 4/12/2017 agenda was approved.

Working group approved 3/1/2017 minutes with one clarifying discussion among members. Working group member asked what a “budtender” is as referred to in Mr. Britt’s Q&A portion of the 3/1/2017 meeting. Mr. Takano explained that instead of the term “budtender,” another term being used in the industry is “dispensary product specialist.”

## **II. Dispensary Presentation: Pono Life Maui**

Michael Takano (CEO of Pono Life Maui) provided a presentation on the status of Pono Life Maui, timeline, milestones, community engagement, and industry challenges. The presentation slides are available at [http://www.publicpolicycenter.hawaii.edu/projects-programs/act230/2017-april/FINAL\\_PLM\\_LOWG\\_04.12.2017.pdf](http://www.publicpolicycenter.hawaii.edu/projects-programs/act230/2017-april/FINAL_PLM_LOWG_04.12.2017.pdf)

Following Pono Life Maui’s presentation, Working Group members engaged in the following question and answer session with Mr. Takano:

Q: Can you comment on access to the public?

A: We are dedicating space and opportunity for meeting with community stakeholders. With respect to the existing law we will determine the best way to involve the community.

Q: Can you describe the problem or challenges working with multiple agencies? Is it better to have them come together?

A: Individually, everyone has been great at communicating. But there is not shared communication among all stakeholders, which results in inconsistencies.

Q: What has been your interaction with county stakeholders?

A: Fantastic and solution oriented. But there are discrepancies between the NED and county requirements. The NED was amenable in finding a solution.

Q: Is it correct that you are having to personally finance this longer than you thought you would have to?

A: Yes. It is more than double. And the bigger question is can we provide the product to the patients? The barrier to entry to get in has been incredible.

Q: What are the latest obstacles?

A: We are not ready to sell. There are many obstacles. Software for the registry is no longer an issue. The policy part is so dynamic, and is making it very difficult for everyone.

Q: What kind of training are the dispensary workers going to get?

A: Extensive. Over 60% are already licensed professionals. Not just trained, certified.

## **III. Department of Health Update**

DOH representatives (Keith Ridley, Scotti Ruis, & Peggy Leong) presented an update on multiple aspects of the DOH Medical Marijuana Program, followed by questions and answers with Working Group members.

### DOH Patient Registry Program

- 16,275 patients registered, as of March 31<sup>st</sup>.
- 11 days for processing new applications on average.
- 100 applications per business day.
- Announcing petition process in the newsletter which will go out to physicians, APRNs, patients.
- Staffing: anticipating another person who will help go up with the backlog.
- BioTrack and patient registry have improved cohesion, with the expectation that at 8 weeks the integration will be completed. Anticipated integration of patient registry by early May.

Q: Are you still seeing stacking of patients at the same grow site?

A: We are still seeing some stacking. People will register multiple cards to the same grow site. Short of having manpower to go out and investigate sites, we will not know if this is correct or not.

Q: What is impacting turnaround for applications?

A: How quickly physicians respond.

Q: Do you have an internal forecast on demand once we start selling?

A: We were expecting 50-100% increase based on other states.

Q: Since we expect that this increase will happen outside of the legislative session, are you preparing for that in terms of staffing or internal capacity?

A: We are looking for two additional positions to be funded, currently doing overtime and expecting to have an increase during the summer. We have not had any increase in staffing although the number of applications has gone up.

Q: Is there an expedited process for some individuals?

A: We are considering an expedited process based on cancer or being minors, but there are some people who are near end of life that don't need it immediately, and those that don't meet either criteria that have immediate needs.

Q: Are you considering doing satisfaction surveys?

A: We have talked about this but we lack the staff and funding at this time.

Q: The renewal process is almost as complicated and difficult as getting the initial certification. Why is it necessary to be renewed annually?

A: The law requires annual renewal.

Q: I had my applications returned multiple times and had supplemental forms. The hand signature makes it difficult.

A: It is more complicated for people who have caregivers, and minors have additional forms and supplements. We do not have the funds to build the data infrastructure to make this a better process. Minors make up a small percentage

### Dispensary Licensing Program Update

- 4 of the 8 licensees have been issued notices to proceed. DOH is awaiting word from the final four licensees that they are ready.
- At least 2 licensees are working on their second production centers.

- DOH has conducted 3 unannounced inspections to make sure they are compliant with the law.
- DOH has conducted zoning inspections on proposed retail locations.
- Dispensary license renewal is approaching and licensees are being asked to renew their licenses within 60 days of the date their licenses are about to expire.
- DOH newsletter will be available on DOH website.
- DOH has been invited to participate in a community meeting on May 30, 2017, in Kapolei.

#### Laboratory Certification Update

- DOH is working with 3 private labs on the certification process.
- NED license is important on moving forward on this.
- The list of pesticides adopted by Oregon was deemed the best fit for Hawaii, and was adopted.
- DOH anticipates one certified laboratory in operation before summer.

Q: How close is the State to having labs in each county where there is a dispensary?

A: DOH is optimistic that one lab will be open. Dispensaries will be able to transport samples to the open lab.

Q: How many samples can these labs handle?

A: DOH does not know.

Q: Currently licensees have to pay their renewal fee? Why? Since there is no product that has come out and dispensaries are putting out all of this money while the state has not been ready, why should dispensaries have to pay a renewal fee?

A: The law requires renewal fees by licensed dispensaries.

Q: What is staffing of DOH and will DOH put staff on other islands?

A: DOH does not have staff on other islands for medical marijuana program.

Q: Where will DOH post the dates for the trainings that are open to the community?

A: DOH can post training dates on DOH website.

Q: Has additional staffing been included that in DOH's budget?

A: No additional staffing has been included in the DOH budget yet. We do not see the need for additional staffing immediately.

Q: Is the Oregon list firm, and is it one part per million?

A: The use of the Oregon list is not absolutely firm. DOH is looking at the Oregon list which has been updated. DOH is looking at Hawaii's list as a list of compounds but not tolerances. DOH is hoping the list will be out in May. We want to consult with Department of Agriculture and see if there are any pesticides that are unique to Hawaii we should check for.

Comment from J.P.Bingham: There is one compound that should be removed from that list. Will follow up with name of that compound.

Comment from Senator Baker: We need to move quickly on the laboratory.

#### **IV. 2017 Legislation Overview**

Update provided by Representative Belatti on bills still being considered by the Legislature including HB 1488, the omnibus Medical Marijuana bill.

Q: What happened with the tax on medical marijuana? Did this proposal die?

A: This bill is not being heard as it is not timely.

#### **V. Subcommittee Reports**

##### **A. Education Subcommittee:** (Stacy Kracher)

- Trying to figure out what people know and don't know. Subcommittee has identified key stakeholders and are dividing into subgroups. Subcommittee is going to try and survey them, and are putting that together right now.
- With training from Wendy Gibson of the Drug Policy Forum, the subcommittee was able to teleconference the training with neighbor islands and had greater participation.
- Other key topics include stigma, expecting mothers, additional training sites and establishing benchmarks.
- Drug Policy Forum has an informational booklet that is available electronically, and you can request a copy in print as well.
- Working with John Burns School of Medicine for a CME on Medical Marijuana.

##### **B. Products Subcommittee:** (Mike Takano)

- First project is to look at what all states are offering.
- There is greater benefit in dispensaries creating their own product rather than people going home and making edibles themselves.

##### **C. Patient Issues Subcommittee:** (Carl Bergquist)

- Establishing subcommittees for a variety of issues. Some will require statutory changes we might recommend.
- Subcommittee looking at best practices from other states.

##### **D. Lab practices and Testing Subcommittee:** (Representative Belatti)

- The subcommittee has representatives from 3 labs. Discussions about potency, pesticides, challenges with the certification process.
- There was consensus around recommending the Oregon list of pesticides.

#### **VI. Consideration of Act 230 Interim Report**

Q: Is it the Chairs' intention to add recommendations from the subcommittees for the final report?

A: Yes, we will invite the subcommittee to recommendations. We do not have a date yet. Final report due 2018. This summer we will be working on the recommendations for 2018.

Comment: It may be helpful to add Department of Agriculture to the working group.

A: We cannot simply "add" departments to the Working Group as the departments participating are designated by statute.

## **VII. Questions and Comments from Public**

Comment: There is a discrepancy in report requirement in Act 230. Act 230 suggests that the final report will happen before the committee is final.

Discussion: Working group does not formally conclude when the report is presented and can continue after presentation of the final report.

Comment: As a representative of a lab hoping to be certified, I absolutely disagree that labs will be ready by summertime. We have been working on our application for over a year and still have a long way to go. There are topics that have not been discussed or finalized that are necessary, integration of labs into BioTrack has not been worked on. Testing requirements have not been specified. NED licensing does not allow us to have flower. We cannot approve our standards with flower. I would like to see NED, DOH and labs sitting down together to work things out.

Comment: As a consultant for potential dispensary licensees, I recommend that additional licenses are able to added in October. There will be a rapid increase in licensees that want to be added. When I work with licensees I give them a much longer timeline than you are suggesting. I encourage you to look at New Mexico that do staggered lab openings. There are several states where products are not tested. If patients are not immune compromised and know what they are getting, I do not think that labs should prevent product coming to market. June 2016 was unrealistic and it always was.

## **VIII. Announcements**

Co-chairs will circulate dates within the group with the intention of convening again in June.

## **IX. Adjournment**

**The next Task Force Meeting is TBD.**