



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

Meeting Minutes

DATE: Wednesday, March 1, 2017
TIME: 12:30 PM – 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
Bill Jarvis, Qualifying Patient over the age of 18
Karen Kahikina, Department of Transportation, Highway Safety (alt.)
Stacy Kracher, APRN/RX
Rob Lee, Department of Transportation, Airports Division (alt.)
Jari Sugano, Parent of Qualifying Patient under the age of 10
Keith Ridley, Hawai'i DOH, Office of Healthcare Assurance
Michael Takano, Pono Life Sciences, Dispensary Industry Representative (Maui County)
Scottina Ruis, Hawai'i DOH, Medical Marijuana Registry Program Coordinator (presenter)
Greg Yim, MD
Patricia Wilson, Honolulu Police Department (alt.)

Working Group Members Present by Phone:

Richard Ha, Lau Ola, Dispensary Industry Representative (Hawai'i County)

I. Review of 1/25/2017 Meeting Minutes

Welcoming remarks made by Representative Belatti followed by brief introductions of Working Group members present in person and by phone. Susan Chandler presented an overview of the agenda and reviewed the January minutes for approval. Working group approved the March 1, 2017 agenda and the January 25, 2017 minutes.

II. Dispensary Presentation: Green Aloha (Kaua'i)

Justin Britt(CEO) of Green Aloha provided a presentation on the status of their company, the timeline, milestones, community engagement, and industry challenges. The presentation slides are available at <http://www.publicpolicycenter.hawaii.edu/projects- programs/act230.html>

Following the Green Aloha presentation, Working Group members engaged in the following question and answer session with Mr. Britt:

Q: Are you concerned about the number of pesticides being tested?

A: There are thousands of pesticides, but it is very expensive to test for everything. There should be an established list of acceptable pesticides and microbial limits. I propose looking to Oregon as an example.

Q: People have already looked at this issue in Oregon. Do you feel this is a reasonable policy to follow?

A: Yes, along with the tolerable levels.

Q: What type of contact do you have with prospective customers and what are they interested in using?

A: Yes, we are in contact with patients and patient advocate groups such as the Veterans' group. We have also reached out to caregivers of children to identify the level of CBD to THC they want. Those types of products are more difficult – they are requesting nasal spray. It is more expensive to make and it's a new product, developed within the last 6 months. We would need new laws to address this.

Q: Have you looked into nebulizers?

A: Yes, we have looked into that. It will take some time to develop.

Q: What about education?

A: We have not created materials yet. It will come along with retail. We will have information available online. We plan to have a pharmacist come in to help develop curriculum.

Q: Any indication of a lab on Kaua'i?

A: No.

Q: Can you address training for employees?

A: Our retail partners, Have a Heart, have six locations in Washington. They have an established training program and knowledgeable Budtenders.

C: Many patients have little to no knowledge about medical marijuana. It is good to have information on-site.

A: We plan to offer one-on-one information sessions to our patients with the budtender and pharmacist to discuss interaction with current medications.

Q: As the sole licensee on Kaua'i, have you assessed the patient need?

A: We have a transitional facility for now that will produce 30-40 lbs of product per month. Once it is open, we will develop the larger facility to service the patient demand. We are hoping to open the larger facility within 8-12 months from receiving the final permits.

Q: Will you be doing solvent extraction?

A: No, we are a solvent free, organic company.

Q: Have you worked out the procedures with labs for sampling?

A: Yes, there is a working relationship with multiple labs where we have discussed protocols. We have concerns about contamination during sampling. We want to be able to seal the samples on-site.

Q: With regard to nasal spray, have you looked at the process to urge DOH to consider new products?

A: Nasal sprays are a new product that came to our attention. It may fit within the current law's nebulizer wording. We will address this in our next phase.

Q: Dispensaries need to hire employees, we are concerned about importing employees. We would like to push for local jobs. What is the push to get local people hired?

A: We hire local people.

III. DOH Monthly Update

DOH representatives (Keith Ridley & Scotti Ruis) presented an update of the two parts of the DOH Medical Marijuana Program: (1) the Medical Marijuana Patient Registry Program; and (2) the Dispensary Program.

DOH Patient Registry Program

- On February 28, 2017, there were 15,708 registered patients.
- We are in the process of filling one open position.
- We noticed a trend in the January count going down in 2016 and 2017.

Dispensary Licensing Program

- Medical marijuana update newsletter
 - Available online at the DOH website
 - Provides updates on the seed to sale tracking system, labs, and retail next steps
- Status of BioTrack contract
 - State-wide software tracking system in-place
 - Dispensaries are able to access it
- Testing labs
 - 4 labs expressed interest
 - Reviewing testing capacity – iterative process to ensure they have the capacity to provide testing (1-Maui, 3-Oahu)
- Interface tracking and registry
 - Contract with HIC pending signature

Q: Is the tracking system interface in place?

A: No, not yet. The contract was sent to HIC today. Once they sign it, we can work on the interface. According to the contract, they have 8-weeks to make it work. We don't anticipate it going beyond that, but if it does we would have to review the master agreement.

Q: Of the 8 licensees, how many have been granted the authority to proceed?

A: Four have been given the notice to proceed. The others are gearing up to ensure they are ready for inspection.

Q: Who sets the standards for lab testing DOH or the labs?

A: We are looking at the procedures in other jurisdictions including Oregon and pulling information together to ensure our standards are in place. When labs state they are ready to proceed, they provide DOH with what they will be testing for and how.

Comments by Ms. Wanda Chang of DOH Laboratory:

- DOH is using Oregon as the start point
- American Public Health Labs – has a medical marijuana working group for labs
- Conditional approval for labs based on pass/fail for contaminants – this will change in the future with actual contaminant levels listed
- Approved pesticides are organic ones (25B) such as citrus oils
- Sampling – labs won't go into the growing areas
 - Each finished lot must be sampled by an independent person not the dispensary
 - Lab will randomly sample pre-packaged products
- Currently there is no lab on Kaua'i

Q: Will there be consistent methods standards across labs?

A: No standard methods. It will be based on published peer reviewed methods. Labs must validate their methods.

Q: Is there going to be cross talk between labs regarding standards?

A: That's hard to answer. They must conduct performance evaluation testing.

Q: How is a 'lot' being defined?

A: DOH is not defining it. It must be a statistically significant sample.

Q: Is it possible dispensaries could be testing different size lots?

A: Yes, but why risk larger lots. If lots are contaminated, dispensary have to destroy the entire lot.

Q: What is the process for adding products?

A: We haven't formulated the process yet. We are willing to discuss new products and happy to look at information on products and efficacy. The statute doesn't require a process. If another jurisdiction has accepted a product, it would be useful to look at that.

Q: Pass fail vs Tolerance – are we testing for approved or non-approved products?

A: The state has adopted the Oregon list – analyze for Oregon list because those are the more common compounds used for cannabis. We don't want labs to analyze for the 600 compounds out there. It's too expensive. We analyze for items on the list, but if something else is present the lab will identify it and the level.

Comment: I would like to see zero tolerance for not approved chemicals and a set tolerance for exempt products.

A: DOH has set a flat number – 1ppm for all pesticides.

Comment: There should be different allowable levels dependent on the pesticide.

Q: Do labs test for solvents?

A: Solvents will be tested as part of the contaminants.

Comment: This is a lot to test for. Labs will be burdened.

A: The commercial labs on the mainland say they test for 200 items at a decent price and turnaround time.

Q: Is the starting point for testing a moving target?

A: It's the recommended starting point. The tolerance levels are set in the administrative rules.

Q: Is DOH hiring an education person? Education for who?

A: The education component is not one person. It's part of the staff's job description. All staff are available to provide education. To date, education has been to the law enforcement and medical community. There will be an education session for business this month and next month.

Q: What happens if a test fails?

A: The lot is segregated and pulled from the shelves. There is a potential to re-test. It can't be sold if it's not cleared.

Labs identify the samples from the lots to be tested. The lab tests the samples and provide results to both the dispensary and DOH.

IV. 2017 Legislation Overview

Representative Belatti explained there were 30 medical marijuana bills introduced this session (List available online at <http://www.publicpolicycenter.hawaii.edu/projects- programs/act230.html>)

There are also 19 bills concerned with just marijuana.

V. Subcommittee Reports

Representative Belatti explained there has been a question about the working group being subject to the Sunshine Law. The group has been operating as if it is. Subcommittee meetings can also be held as public meetings. An information sheet on Permitted Interaction Groups is available online at <http://www.publicpolicycenter.hawaii.edu/projects- programs/act230.html>

Lab Subcommittee

- Next meeting – Wed. March 8, 2017, 10:30 am-Noon, Capitol CR 329
- Meeting will discuss best practices, answer questions, and look at what other states are doing.

Patient Issues Subcommittee

- Will meet again before the April Working Group meeting

Patient Education Subcommittee

- Will meet again before the April Working Group meeting

Products Subcommittee

- Will meet again before the April Working Group meeting

VI. Questions and Comments from Public

Comment: Interested in research on the medical side (UH Cancer Center) and concerned about different strains and THC levels.

VII. Next Steps & Announcements

Announcement

- A publication focused on education on Hawai‘i medical marijuana laws was created. The target audience is patients and the medical community.
- Two education conferences were held last week to provide information to Physicians and APRNs

VIII. Adjournment

**The next Task Force Meeting is Wednesday, April 12, 2017
at the State Capitol, Room 229, 12:30-2:30pm.**