

**HCR 48 Task Force Meeting #6**  
**Tuesday, November 18, 2014 9:00-2:00pm**  
**Hawai'i State Capitol, Room 325**

**Task Force Members Present:**

Jill Nagamine, Attorney General's Office  
Peter Whitar, Department of Health  
Shawn Tsuha (alternate for Ted Sakai, Director Department of Public Safety)  
Jonathan White, Department of Taxation  
Lee Ann Teshima, Department of Commerce and Consumer Affairs  
Susan Chandler, University of Hawaii Public Policy Center  
Jon Riki Karamatsu, Department of the Prosecuting Attorney  
Harry Kubojiri, Law Enforcement Coalition  
Fele Tau (alternat for Sen. Josh Green, Senate Committee on Health )  
Representative Della Au Belatti, House Committee on Health  
Senator Rosalyn Baker  
Karen Kawamoto (alternate for Representative Gregg Takayama)  
Jensen Yoshihide Uyeda, University of Hawaii Tropical Agriculture and Human Resources  
Rafael Kennedy, Drug Policy Forum  
Dr. Clif Otto, A physician participating in Hawaii's Medical Marijuana Program  
Karl Malivuk, A patient who is over the age of 18 and is a participant in Hawaii's Medical Marijuana Program  
Jari S. K. Sugano, A guardian of a patient who is under the age of 10 and is a participant in Hawaii's Medical Marijuana Program  
Dana Ciccone, A caregiver participating in Hawaii's Medical Marijuana Program  
Dan Gluck, American Civil Liberties Union of Hawai'i

**TF Members Absent:**

Dr. Christopher Flanders, Hawaii Medical Association  
Alan Shinn, Coalition for a Drug Free Hawai'i

**Other Legislators in Attendance**

Representative Richard Creagan

**Introductions**

Roundtable introductions of participants

**Review of ground rules**

Timeline – Report Draft Complete (TBD)

- The goal is to have a draft of the recommendations to the LRB following this meeting
- The LRB will use this to draft legislation

### **Approval of October 14th Minutes**

\* Approved

### **Updates and Follow-ups**

Federal Interface SC Update

- Nothing to present at this time – the update will be posted to the website

### **Small Group Breakout Session**

Process – small group breakout groups will be formed to discuss major policy topics and develop recommendations

- An overview of the 5 groups and group leaders was introduced
- Members will provide specific recommendations by the end of breakout session
- TF members agreed to the process and leads accepted roles

#### **Group 1**

Lead – Mr. Gluck

- Appropriate Number of Dispensaries/Cultivation Sites
- Appropriate Location of Dispensaries/Cultivation Sites

#### **Group 2**

Lead – Mr. Kennedy

- Cultivation/Production/Manufacturing Issues
- Range and Types of Product

#### **Group 3**

Leads – Rep. Belatti & Mr. White

- Administrative/Regulatory Structure
- Taxes and Fees Structure

#### **Group 4**

Leads – Ch. Kubojiri & Dr. Otto

- Methods of ensuring public safety and security of supply
- Federal Interface

#### **Group 5**

Leads – Mr. Whitarcar & Ms Teshima

- Business Requirements for Licensed Dispensaries
- Education, Training, and Public Health Issues
- Quality Control of the Supply and Lab Testing

### **Public Input (15 mins)**

The public commenters decided to defer comments to the end of the meeting following the overview of the recommendations from each group. They were invited to attend and observe the small group discussion.

- The recommendations will be presented during the afternoon session after the presentations to the Task Force

### **Small Group Presentations**

If TF Members have a major issue with the recommendation it will be noted (based on time constraints)

- Any other concerns or wish to elaborate, please email it to the PPC to document it

#### Group 1

Set a bottom limit for the number of dispensaries but not a maximum in general

- Interested in feedback on requiring the department of health to issue more licenses to keep the patient-dispensary ratio low

- Should there be a limit on the maximum amount of plants for producers?

- Recognize federal sanction increases after 100 plants

- How to handle two tiers of licenses (dispenser and producer)?

- Equivalence - tobacco products: producer license, dispenser license (to grow plants ; dispensaries would need both licenses)

- The program needs to be self-sufficient -- through licensing fees

- Feedback needed on the transportation between islands for how this will actually happen (i.e. Maui county with three separate islands)

- Issue is may not illegal under state laws, but not immune or exempt from prosecution under federal law?

- Easiest way could be to transport via the ferry from Maui, but still have inter-island issues re: other islands

- Satellite locations - concern expressed about physical security provisions

- Issue raised with 500 patients per dispensary

- On the Big Island, majority grow their own so that rationale doesn't work

- Very few people grow from the seed - why would people pay for something they are growing already? maybe 1 dispensary per county?

- Would that provide sufficient access?

- On O'ahu, it might make sense to have more because of density/urban environment

- After the dispensary system has been established, the unevenness re: the Big Island and other islands is likely to even out

#### Group 2

- Statute should require opaque labels and windows (too detailed for legislation?)

- All types of products allowed?
  - Should there be limits placed on this?
  - Permissive language or write language saying what is possible and what is not saleable?
- Need someone to write what is permissible

### Group 3

- New Mexico rolled out licenses one year earlier for producer than dispensaries - Producer license (Jan 2017), dispensaries (Jan 2018) - gives two years to allow rules to be drafted
- The timeline is problematic - start-up for the department and allowing people to start their inventory would take at least 2 years (not 18 months)
- 2 staff at DOH is not enough to run the program -- maybe only for initial stages
- Startup budget and staffing is needed for initial phase of the program
- Consider interim program before deadlines?

### Group 4

- Cannot get around Schedule 1, federal regulations of storage of product, State models for security of product by federal code
- Explain how a Hui or collective substituting for dispensary would work
  - Big Island, prefer to grow for themselves and can pool their resources to grow exclusively for themselves, but they need to comply with dispensary/cultivation regulations
    - Describe explicitly how the "hui system" will work?
    - Caregiver, producer, and third group? Co-op/hui
      - If they step out of boundaries, the consequences can be huge
      - How would this be implemented? Would they be a legal entity?
      - It would be no different from dispensary except they cannot go outside of their system
      - Dr. Otto will write up the description

### Group 5

- Restricting to only Hawaii residents as dispenser – Is this legal?
  - Gluck will research if the restriction is possible (the intent is to grow the local economy)

### **Public Input**

Transportation concerns

- Federal agencies defer to the state when dealing with medical marijuana
- Federal law enforcement are not aggressively seeking confrontation on medical marijuana
- In Alaska they are also geographically dispersed – they use regional carriers to transport medical marijuana
- Hawai'i should also consider a delivery system

#### Limit on types of products

- Marijuana should be reclassified – it shouldn't be a schedule 1 drug

#### Timeline concerns

- Dispensary systems are needed for patients to safely obtain medicine – Currently patients are obtaining medicine from the street market

#### Issues with terminology

- Reclassification of marijuana – stop criminalizing medicine

#### Packaging

- Other substances such as alcohol are advertised and there are liquor stores near schools
- Why would marijuana be treated differently

#### Background checks

- Many people with the expertise on medical marijuana may not have clean backgrounds
- Potentially allow certain felonies with regard to employee background checks

#### There are blue cardholders already growing their medicine

- Continue to allow personal growth of medical marijuana

#### Access to safe medicine

- A patient in the audience is unable to grow his own medicine, so he is forced to purchase it illegally

#### Concerns about Hawai'i residency

- If we can restrict users to the state – we should be able to restrict producers/distributors to the state

#### Reciprocity

- Allowing for reciprocity will deter black market purchases by tourist

#### Packaging

- Label max amount of dosage on the package

#### Potential Revenue

- From Continuing Education requirement and application fees

#### **Next Steps**

Rep. Belatti – Hasn't received a response back from US Attorney's Office District of Hawai'i

#### Consolidate sub-group recommendations

- TF Members send revised drafts of recommendations to UH PPC
- If TF Members have any major issue with the recommendations discussed during this meeting send those concerns to UH PPC for consolidation

TF Members will vote on the recommendations at the next meeting

- A report will be drafted following the meeting based on recommendations and vote

Additional Information Needed – to be completed prior to next meeting

- Transportation/satellite facilities: such as Maui County – Dan Gluck

- Types/range of products as well as packaging/labeling – Bellatti, Baker, and Sugano

- Hui program – Dr. Otto and Daniel Ciccone

**The next Task Force Meeting is Tuesday, *December 16, 2014* at the State Capitol, *Room 325*  
from *9:00am – 11:00am***