From: DOH.medicalcannabis
To: Whitney, Tamara S; Esteves, Teresa M
Subject: FW: [EXTERNAL] Testimony for August 2, 2022 Dual Use of Cannabis Task Force Meeting
Date: Monday, August 1, 2022 2:03:47 PM

Not sure who to file this with…

From: Laurie Keyhani [redacted]
Sent: Monday, August 1, 2022 2:00 PM
To: DOH.medicalcannabis <DOH.medicalcannabis@doh.hawaii.gov>
Subject: [EXTERNAL] Testimony for August 2, 2022 Dual Use of Cannabis Task Force Meeting

Aloha,

I have two experiences I would like to share with the committee, as briefly as possible.

1) My kids hanai uncle has stage 4 metastatic lung cancer and is on 10 mg of hydrocodone every six hours. As the cancer progressed and his pain worsened, we thought the only option was to increase his hydrocodone, which we didn't want. We found an anti hallucinogenic thc capsule called Delta 8 at Maui Grown Therapies, and one of the things it does for him is help his hydrocodone work better. He doesn't need to increase his dose, at this point, as long as he takes a Delta 8 twice a day. However, Maui Grown was recently out of the Delta 8 and we were told that the state may not allow them to produce Delta 8 in that format (capsule), which would only leave him with the vape. As a lung cancer patient, he doesn't want to vape, but will if he has to. All I can tell you is that this product has worked so well for him, and if it's not available his pain is substantially worse without it. He actually feels like he is dying from the cancer, versus living with it. It's truly important to have the products available consistently, without interruption.

2) My son was recently hospitalized again for Cannabis Induced Psychosis. The good news is that he actually asked to go to the hospital because he wanted help and meds. It was amazing. Here's what happened...my DNA shows that I have the most susceptibility for Cannabis Induce Psychosis, while my son has a mid level susceptibility and is suffering from psychosis and addiction. But when I smoked pakalolo in high school with my friends I didn't experience psychosis, neither did anyone I knew, and when we graduated we put it down and walked away and never looked back. On a hunch I applied for the ability to grow plants for him that were more like what we smoked in high school, so I could see if I could dial down the psychosis. Because it takes so long to grow and produce, I reached out to a friend who is a legal grower and asked if he could help with a cleaner, organic, more 'old style' marijuana like we smoked 35 years ago. Within a week of smoking that strain my son was more coherent and connected, and much more engaged with us. It was stunning. Within 3 weeks of smoking that strain, he asked to go to the hospital so he could get meds to help the hallucinations to stop.

I was really amazed at the difference between a clean, organic, grown outdoors, lower thc strain that was like the old days, and the medical grade strains that are way too potent, grown with fertilizers and additives like terpenes, indoors under lights. Every time my son smokes medical grade marijuana he immediately becomes disengaged, and his hallucinations become worse. This has been

a long battle for him, and our family, and we are trying to work our way out of this nightmare. Medical marijuana has a very detrimental and addictive effect on him, and global studies show that 3 out of 10 people that use medical grade marijuana without having a serious illness such as cancer, are suffering psychosis and addiction. See KITV story aired July 25, 2022, originally from CNN:

https://www.kitv.com/news/national/highly-potent-weed-creating-marijuana-addicts-worldwide-study-says/article_2c766f8d-0d9b-5e17-a535-1aa6be5e85ea.html

Both these stories show the very good and the very ugly side of medical marijuana use. I firmly believe we need to legalize marijuana for recreational and medical use, *however,* the state needs to establish access levels for recreational and medical marijuana. There is no way that every person should have access to medical grade marijuana, and the qualifications for medical grade need to be tightened. For example, someone who has anxiety shouldn't be on medical grade marijuana, and anyone who experiences psychosis should have immediate access to medical health care. The sooner you catch it, the easier it is to treat as an outpatient. Recreational marijuana should be clean, no additives, and completely organic, with lower levels of thc.

This is our experience as a family. I am sharing this because I don't want cannabis induced psychosis to become an epidemic in Hawaii if we legalize recreational use without strict guidelines. I have tried to share as openly as possible, while still protecting my son's privacy. I hope you as a committee take our experience to heart and give my recommendations consideration.

Mahalo,

Laurie Keyhani-Moore
[redacted]

From: Laurie Keyhani
To: Whitney, Tamara S
Subject: [EXTERNAL] Fwd: Testimony for August 2, 2022 Dual Use of Cannabis Task Force Meeting
Date: Monday, August 1, 2022 2:23:16 PM

Second forwarded email for testimony…

Sent from my iPhone

Begin forwarded message:

> **From:** Laurie Keyhani [redacted]
> **Date:** August 1, 2022 at 2:17:49 PM HST
> **To:** "DOH.medicalcannabis" <DOH.medicalcannabis@doh.hawaii.gov>
> **Subject: Re: Testimony for August 2, 2022 Dual Use of Cannabis Task Force Meeting**
>
> I have one more thing to add…I asked the psychiatrist that treated my son in the hospital for two days, Dr. Wilkinson, if he thought my son has schizophrenia and his answer was ***he thinks it's just the marijuana***. Marijuana use can trigger schizophrenia, and if my son has it, fine. But every doctor who's treated him has declined to diagnosis him with it, because they are pretty sure it's really just the medical grade marijuana.
>
> I think it's important to know this. Marijuana addiction and psychosis with these highly potent strains is very, very real.
>
> Mahalo again,
>
> Laurie
>
> Sent from my iPhone
>
>> On Aug 1, 2022, at 1:59 PM, Laurie Keyhani <Laura.keyhani@gmail.com> wrote:
>>
>> Aloha,
>>
>> I have two experiences I would like to share with the committee, as briefly as possible.
>>
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things it does for him is help his hydrocodone work better. He doesn't need to increase his dose, at this point, as long as he takes a Delta 8 twice a day. However, Maui Grown was recently out of the Delta 8 and we were told that the state may not allow them to produce Delta 8 in that format (capsule), which would only leave him with the vape. As a lung cancer patient, he doesn't want to vape, but will if he has to. All I can tell you is that this product has worked so well for him, and if it's not available his pain is substantially worse without it. He actually feels like he is dying from the cancer, versus living with it. It's truly important to have the products available consistently, without interruption.

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Mahalo,

Laurie Keyhani-Moore
[redacted]

From: webmaster@hawaii.gov
To: DOH.OMCCR
Subject: WRITTEN TESTIMONY
Date: Tuesday, August 2, 2022 11:45:39 AM

Email

[redacted]

Name

James Anthony

Please enter your phone number

[redacted]

Please select the meeting date that you are submitting written testimony for.

August 2, 2022

Please select the agenda items numbers you are submitting written testimony for.

- Agenda Item #2
- Agenda Item #3

Please indicate the agenda item numbers you are submitting testimony for and enter your written testimony below:

NOT ALL LEGALIZATION IS GOOD LEGALIZATION. Forbes Magazine says today that the it has been botched--badly.

Please see this Forbes article from today:
https://www.forbes.com/sites/willyakowicz/2022/08/02/how-america-botched-legalizing-cannabis-berner-cookies-kim-rivers-trulieve-steve-deangelo/?sh=408d13ee4489

WEED VS. GREED: HOW AMERICA BOTCHED LEGALIZING POT
Pot
Will Yakowicz
Forbes Staff
Aug 2, 2022,06:30am EDT
Thanks to overregulation and overtaxation, the U.S. government has blown the easiest revenue opportunity ever—legalized drugs. But it's not too late to save the $72 billion cannabis industry from the perils of prohibition.

Five hours north on Route 101 from San Francisco to Humboldt County, through a few cool redwood groves, Johnny Casali turns on a wood chipper and empties 55 pounds of pot into the chute. Casali grew cannabis illegally under the California sun for four decades. Now a state-licensed grower, he's destroying what used to be his cash crop.
"It doesn't matter how good your product is; there's so much supply in California that it's a race to the bottom," says Casali, founder of the Garberville-based Huckleberry Hill Farms, which produces about 500 pounds of craft cannabis a year from the two small greenhouses in his backyard in America's weed country. "It feels like I'm a lettuce farmer right now—I'm working on the smallest of small margins."
Green Acreage: Glass House Brands' 1.5-million-square-foot greenhouse in Camarillo, California, will eventually bring 200,000 pounds of pot to market, enough to influence the wholesale price of bud.
Cannabis legalization was supposed to make a slew of entrepreneurs rich—including "legacy" operators, a coy euphemism for what used to be called drug traffickers, dealers and illegal growers. It was supposed to take something used widely and erase the criminal element from it. But of course, America's politicians are blowing it. Thanks to overregulation, overtaxation and state-by-state inconsistencies, the

biggest no-brainer in the history of capitalism—legalizing the world's most popular illicit drug—is turning into a massive market failure.

Some 95% of California cannabis cultivators operated at a loss last year, according to Jonathan Rubin, CEO of New Leaf Data Services, an institutional-grade wholesale price tracker. With the wholesale price of pot per pound in California down 52% since 2017, the year before legal recreational sales started in the state, squeezing out a profit is nearly impossible. The trouble boils down to simple supply and demand. It's easy enough to get a permit to grow marijuana, a crop that proliferates abundantly if you know what you're doing. Many farmers therefore began growing it in search of green riches. But gaining approval to sell it is complicated for retail outlets. First, there's Nimby-ism: Even in weed-friendly California, nearly two thirds of municipalities have refused to allow legal dispensaries within their borders. Second is regulation: Many states make dealing with weed more complex than handling weapons-grade plutonium. Third is the continued federal ban on marijuana, which makes building a business extremely difficult and limits access to the mainstream banking system. As such, most dispensaries are cash-only—a dangerous absurdity in an increasingly cashless world.

One result is that California is home to just 1,000 dispensaries—one for every 40,000 residents. With so much pot chasing so few retail outlets, a lot of the extra weed funnels into the black market, which was supposedly going to be eradicated when marijuana went legit. Thus, legal prices are plummeting—by 35% in California in the second quarter alone compared with the year before. In the United States' largest cannabis market, consumers spent $5.1 billion on legal weed last year—and an estimated $15 billion on illegal bud. The numbers nationally are similarly tilted toward the black market, with $25 billion worth of pot sold legally last year and almost twice that much moved the old-fashioned way, according to research from investment bank Cowen Inc.

Despite the fact that 60% of Americans support legalization for recreational use and 91% for medicinal purposes, the Drug Enforcement Administration recorded 6,606 marijuana arrests in 2021, a 25% increase over the prior year, with Black and brown people making up a majority of those arrested. So much for "legalization."

Amid collapsing prices, the legal weed industry shoulders a tremendous tax burden that its illicit competitors don't. State taxes on retail sales are as high as 37%. And although marijuana remains illegal under federal law, Uncle Sam still holds out his hand for a big cut; pot companies are not allowed to take most normal business deductions, leaving them with an effective tax rate of 60% or more.

STREET VALUES

Despite legal and regulated markets in 38 jurisdictions, the illicit cannabis business still dwarfs legal sales.

Illinois, for example, brought in $467 million in tax revenue from marijuana in the fiscal year ended this past June, compared to just $320 million from liquor—yet the stock prices of publicly listed cannabis companies have crashed between 50% and 70% over the last year. Now that's reefer madness.

Nonetheless, 43-year-old Jason Gellman stands in one of his six light-deprivation greenhouses in his backyard in Humboldt, surrounded by elbow-high purple pot plants. He's been growing weed and running from helicopters in the hills since he was 16. He says that going legal—he incorporated as Ridgeline Farms—was the only path toward a future that didn't involve scheduling visits with his wife and kids from inside a penitentiary. But he adds that he would have cleared almost $1 million from his crop in the days before legalization—today he makes about $100,000 before costs, and he's barely in the black, much less making a living income. "This whole thing is a fucking scam," Gellman says. "It's set up for us to fail."

Smiling Through: "What is legalization doing to small business owners like myself?" asks Amber Senter, CEO of MAKR. "It's killing us."

If you want to get a look at the current state of the legal marijuana industry, come to the 1,200-square-foot commercial kitchen of Oakland-based MAKR House, which produces pot-infused edibles and other offerings. More than a dozen mandated cameras record high-definition video of the production line. Because cannabis businesses can open only in designated "green zones," rent is far higher than what a different commercial entity would pay, says Amber Senter, CEO of MAKR. To top it off, the operation has been broken into twice this year.

"What is legalization doing to small business owners like myself? It's killing us," Senter says. "It's crushing us." By "legalization," of course, she means regulation. Everyone loves the idea of a fair, transparent market. It's the mandates and fiats that are killing legal weed—more specifically, the balkanized nature of those regulations. Without federal legalization, anyone trying to create a marijuana business at scale has to ponder 38 sets of rules, reporting standards and tax regimes.

Things are so bad that even Steve DeAngelo, the "father of the legal cannabis industry" (as former San Francisco Mayor Willie Brown once dubbed him), calls the whole effort a "failure." DeAngelo, a former dealer turned dispensary owner, was the driving force behind Proposition 64, which legalized recreational cannabis in California in 2016, unleashing a state-by-state legalization gold rush. Recreational pot is now legal in 19 states; it's permitted for medical use in another 18 plus the District of Columbia.
Cannabis Godfather: Having championed legalization in California, Steve DeAngelo now admits it has failed the Golden State, as legal weed flows freely into the illicit market so companies can stay in business.
"We legacy folks, over the course of 50 years, built a market which was fair, which was resilient and which served everybody in the market very well," says DeAngelo, who founded Oakland-based Harborside Health Center, one of the country's first licensed cannabis dispensaries. "And now we've had this hand of government intervention completely disrupt it."
Compare the difficulty of working within a state, across multiple states and amid a thicket of tax regimes with the established black market, which has to deal with none of that, and you can see why the typical person smoking a joint probably obtained it illegally. "There's an economic disincentive to participate in the legal market," says Emily Paxhia, who cofounded Poseidon, a San Francisco cannabis investment firm with $200 million in assets under management.
In the middle of this mess, the lines blur. Many companies in the legal industry regularly divert product into the black market, and vice versa. "There is cannabis flowing in both directions all the time," says Rubin, the industry tracker at New Leaf.

Working with the illicit market, many cannabis entrepreneurs say, is the key to staying afloat right now. Jonathan Elfand of Empire Cannabis Club says, "Every single company has a back door."

Working with the illicit market, many cannabis entrepreneurs say, is the key to staying afloat right now. Jonathan Elfand has been growing and selling marijuana since he was 17 and has the rap sheet to prove it. He and his father were arrested in 1998 and convicted of running a large pot grow house in Brooklyn, a crime for which the younger Elfand was sentenced to ten years.
Today he runs Empire Cannabis Club, one of New York City's many gray-market adult-use dispensaries that operate openly, thanks to a legal loophole that state legislators accidentally created. Elfand's shelves in New York are filled with products from California and other states in which cannabis is legal. "Every single company has a back door," he says.
Big High Country: "This is part of history," says Berner, CEO and cofounder of the Cookies cannabis brand, at his Montana vacation home. "I can die saying I helped kick the doors down."
In the Maywood neighborhood of Los Angeles, at the Cookies-branded dispensary, the laws of supply and demand seem to be working surprisingly well. On March 16, three days before Cookies dropped its newest strain of designer weed, a 41-year-old who goes by the nom de cannabis Smokey Vanilla parked his Toyota Camry in the Cookies dispensary parking lot and set up camp. For the next 72 hours, Smokey slept in his car, the way a sneakerhead might for a Yeezy shoe drop or a Baby Boomer might have decades ago for Rolling Stones tickets—all so he could be one of the first to get his hands on a half-ounce of Céreal à la Mode. The potent strain took Cookies two years to develop.
"There's nothing like Cookies and their flower," says Smokey, who has made a pastime of traveling to store openings and strain drops. "I felt like, what's a couple days outside?" Others agreed: Hundreds of people showed up early, settling into a line that snaked around the block.
Within hours of the release, Cookies' inventory was sold out. "I know the power of good weed," says the company's cofounder, a prolific 38-year-old rapper known as Berner (né Gilbert Milam Jr.). For Berner, the lines and empty shelves are all by design—he's found a way to sidestep the insane economics wrecking the rest of the industry. "It's like Steve Jobs revealing a new product, but with the Supreme crowd," he says from the deck of his $2.7 million Montana vacation home, taking a drag on a joint as thick as his index finger at 10 a.m.
Berner, like the farmers in Humboldt, comes from the illicit market. In the early aughts, the San Francisco native met underground cannabis cultivator Jai Chang, who was known for producing an immaculate version of a strain known as OG Kush in his Sunset District garage. Chang had also developed a hybrid that he thought tasted like Thin Mints, so he dubbed it "Girl Scout Cookies." Berner sold the pot to his friends, including hip-hop artist Wiz Khalifa, and Girl Scout Cookies became a sensation. After the Girl Scouts of America reportedly sent cease-and-desist letters to medical dispensaries that stocked Chang's creation, the duo launched their brand in 2011 as simply Cookies, which included a cult street-wear line

in addition to cannabis strains. “You can go to Japan, you can go to Dubai, you can go to Mexico,” Berner says. “Everyone knows the word ‘cookies.’ ”

“There is no legalization,” says Kim Rivers, CEO of Trulieve. “We’re taxed the same as if we sold heroin.”

Today, Cookies has 51 licensing deals with branded retail shops across the world—from Los Angeles and Las Vegas to Worcester, Massachusetts, and Be’er Sheva, Israel. It plans to open one of Thailand’s first branded legal dispensaries in August. With an estimated $400 million in gross merchandise sold last year, Forbes figures that Cookies generates around $50 million in annual revenue, and with high margins, is conservatively worth $150 million. Along with its shrewd knowledge of how branding can sidestep the marijuana industry’s terrible economics, the Cookies team also understands licensing. They don’t actually grow cannabis—they just take up to a 20% cut from the farmers who use their seeds. Nor do they sell it—they garnish another 5% to 15% of gross revenue from every branded dispensary, knowing that they have the name customers will camp out in their cars to buy. They have the prices to match, too—an eighth of an ounce of BernieHana Butter costs $60, perhaps 50% more than a generic strain, while a Cookies hoodie will run you $100. In an industry dysfunctional at both ends of the supply chain, they are the low-risk middleman. “This is survival of the fittest,” Berner says.

Purple Kush: Kim Rivers, CEO of Florida-based Trulieve, doesn’t see legalization as a red state or blue state issue. “Our target customer aligns with who goes to CVS,” she says. “Everyone.”

Ask Kim Rivers if legalization in America is a failure, and she laughs. “There is no legalization,” she says, explaining that under federal law the whole industry is technically a vast but visible criminal enterprise. That’s quite a statement from one of the most powerful people in pot. Rivers is the CEO of Tallahassee, Florida-based Trulieve, a $2.5 billion (market cap) company with 173 dispensaries and 17 cultivation facilities across 11 states. According to Rivers, scale isn’t about growth, but rather a matter of survival. “We’re taxed the same as if we sold heroin,” she says. Ironically, while the federal government outlaws weed, it still wants a taste: Businesses that touch the plant are taxed under 280E, a section of the tax code created to prevent drug traffickers from taking normal deductions besides the cost of goods sold. This means cannabis companies are taxed on their gross profit, resulting in an effective tax rate of 60% or more. According to Rivers, whose company did $938 million in sales last year, Trulieve paid $85 million more in taxes than if it had sold, say, furniture.

Long Beach, California-based Glass House Brands similarly focuses on scale and driving down the cost of goods sold. Its largest cannabis facility grows 400,000 plants across 1.5 million square feet of greenhouse space. Launched by Sonos founding team member Graham Farrar and former police officer turned real estate entrepreneur Kyle Kazan, it reaped its first harvest in June, with a cost of goods around $189 per pound. Farrar plans to push the company’s costs down to $100 per pound soon. Glass House, which is publicly listed on Canada’s Neo Exchange, generated $69 million in revenue in 2021 but reported a $44 million loss.

Ultimately, Farrar says, the massive operation is a “call option” on federal legalization, at which point he expects to be allowed to sell some of his giant harvest across state lines, like California wine.

Federal decriminalization—removing cannabis from the list of controlled substances—is, by all accounts, the magic bullet. It would remove the 280E tax penalty, allow normal access to banks and facilitate more interstate sales.

“When those walls come down, this greenhouse is not going to feel big anymore,” Farrar says. “One greenhouse will be for Florida, another will be for New York and one of them will be for Texas. It’s going to be California cannabis on the shelves of all the dispensaries across the rest of the country.”

In late July, Senate Majority Leader Chuck Schumer (D-N.Y.) and Senators Cory Booker (D.-N.J.) and Ron Wyden (D-Ore.) introduced a bill to end federal cannabis prohibition. If passed, it would remove marijuana from its Schedule I status under the Controlled Substances Act and regulate it like alcohol and tobacco. Freshman Rep. Nancy Mace (R.-S.C.) has a competing bill with a lower federal excise tax, while the Charles Koch-founded group Americans for Prosperity has been lobbying hard to legalize cannabis at the federal level.

Until Congress acts, there will be carnage. In July, California, belatedly recognizing the mess its politicians created, repealed a tax on cultivators. But it’s too late to save Golden State producers from shredding their product in the wood chipper rather than selling it at a loss.

Berner, for one, is not optimistic that Congress can get much of anything done right now, much less legalize cannabis nationally. But having recently beaten colon cancer, he sees the world through rosier

lenses. “This is part of history—I can die saying I helped kick the doors down,” he says. “Being a Latino kid who had been selling weed since I was 12, it’s working. Legalization is just getting started.”

While sitting on his dock, floating on the marine-green water, surrounded by the Mission Mountains and smoking another two-gram joint, Berner is focusing on his next big acts: opening Cookies dispensaries in Thailand and Miami this summer, then a Cookies clothing store with a lounge and a “Cookies University” near Macy’s in Manhattan. Eventually, he hopes to transform the New York store into a licensed dispensary, which would give him a cannabis empire that stretches from Melrose to Broadway.

“It’s going to play out like alcohol played out—there’s only going to be a few players,” Berner says.

History concurs. Prohibition ushered forth a decade of crime and dysfunction, while repeal led to the emergence of great, profitable American industries and brands. Congress, are you listening?