

From: webmaster@hawaii.gov
To: [DOH.OMCCR](#)
Subject: WRITTEN TESTIMONY
Date: Wednesday, October 26, 2022 5:13:11 AM

Email

[REDACTED]

Name

Denise Boisvert

Please enter your phone number

[REDACTED]

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

October 31, 2022

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

- Agenda Item #3
- Agenda Item #5

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

Aloha, I am submitting written testimony for the 10/31/22 meeting, (agenda items #3 and 5E: Public Health and Safety).

Although I am not against dual use or a person's right to use cannabis, I would like to defend the rights of persons who do not want the residual effects of a drug forced into their noses, mouths, and lungs. My concern is about the equity of rights for those persons who do not use it and do not want their apartments or houses engulfed by the intensely strong smoke and smell of non-edible usage.

This has happened so many times to my apartment over the years by different neighbors who move in and out around me. Many times the smell was so incredibly strong that it caused me to wake up from a sound sleep in the middle of the night. It takes hours for the smell to diminish and it gives me headaches. I know it has upset many other neighbors with little children as well.

I also know people who have lived next to a house where many plants were grown. The thick resinous smell, especially on hot days, was so strong that it went into their house and overwhelmed their children. Please include in the legislation some protection for neighbors who, although understanding of both types of use, do not want to be forced to smell it in their personal residences; and should not have to constantly keep their doors and windows closed.

One person's enjoyment or medical treatment should not infringe on the health and well-being of another person, and the results of any usage should be contained within the user's own space. The rights should be equitable.

Thank you for your kind understanding and consideration.



MICHAEL P. VICTORINO
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411



JOHN PELLETIER
CHIEF OF POLICE

CHARLES L. HANK III
DEPUTY CHIEF OF POLICE

October 27, 2022

Ms. Michele Nakata
Chair, State of Hawaii Dual Use Cannabis Task Force
Hawaii Department of Health
Office of Medical Cannabis Control & Regulation
4348 Waiale Ave., #648
Honolulu, HI 96815

VIA EMAIL: omccr@doh.hawaii.gov and michele.nakata@doh.hawaii.gov

RE: Public Health & Safety Working Group Recommendations

Aloha Chair Nakata and members of the Dual Use of Cannabis Task Force,

As Chief of Police for the Maui County Police Department, public safety considerations connected to the recreational use of cannabis are very important to me. Please allow me to confirm, I support the medical use of cannabis under the Department of Health's Medical Cannabis Dispensary Program. However, before the State of Hawaii embarks on an adult recreational use program, I would like to share some of my experiences while I served as the Commander of the Narcotics Division in the Las Vegas Metropolitan Police Department prior to my relocation to Maui in late 2021.

Nevada did a good job of establishing their adult recreational use program with respect to establishing strict criteria for its licensing process at the beginning. The criteria were not unlike those required of applicants for a gaming license, including very strict security requirements. However, despite the many safeguards that were put in place, Nevada experienced some of the negative outcomes seen in other jurisdictions like Colorado. (In fact, in my office, no state has gotten this correct as of yet).

Because of its Federal Status as a Schedule 1 drug, cannabis sales are almost exclusively conducted with cash. In Las Vegas, we experienced major issues with organized crime entering into the adult recreational market because of the anonymous nature of cash transactions. We witnessed alarming increases in money laundering, illicit activity outside of the regulated system, and substantial tax evasion. The State of Nevada never got its fair share of revenue from cannabis sales.

Ms. Michele Nakata
Chair, State of Hawaii Dual Use Cannabis Task Force
Hawaii Department of Health
October 27, 2022
Page 2

Similar to what occurred in Denver, Las Vegas watched Black Market operators move into the area seeking new opportunity. These individuals would typically lease large homes in residential neighborhoods, pay a year's rent in cash, and convert the home into an illicit marijuana cultivation location. This activity inflated rents and displaced working residents from these communities.

Similar to Hawaii, Southern Nevada is short on housing supply causing very high rents. An unanticipated consequence of legalizing recreational marijuana use was the high number of people who moved to Las Vegas from states like Colorado, California and others with legal adult-use marijuana programs.

Let me be clear, I am not implying that legal cannabis usage leads to homelessness. Rather, we found that many of those who moved to the Las Vegas area shortly after legalization, were seeking a warmer climate where they could profit by working illicit "side hustles" in a newly legalized market.

My recommendation to the Task Force is to postpone plans to legalize adult recreational use in Hawaii until the Federal Government de-schedules or legalizes adult use of cannabis to legislate and regulate the industry in a safe, fair and consistent manner.

Mahalo for the opportunity to submit this testimony.

Respectfully submitted,



JOHN PELLETIER
Chief of Police
Maui County Police Department

From: [REDACTED]
To: [DOH.OMCCR](#)
Subject: [EXTERNAL] "Testimony" for Cannabis task force meeting
Date: Friday, October 28, 2022 10:58:27 AM

Dear task force members

I spend some time in California and witnessed some of the destructive effects of cannabis cultivation. The following open letter is not written by me but it explains common issues with Marijuana cultivation.

Please take care of our Hawaii. Don't let this happen here!!!

:

Living near marijuana grow can be unhealthy experience

By Richard Sedlock, Jerry Settlemeyer

Posted Nov 3, 2017 at 12:01 AM

Are the neighbors of large cannabis operations just collateral damage? Here's what it's like to live next to the industrial-scale marijuana operation on Cedar Park Road, our mostly residential street just outside Cottage Grove.

Classified by the state as an "agricultural" crop, cannabis can be grown and processed in Lane County on lots surrounded by rural residential properties -- with many undesirable but not really unexpected effects. Our neighborhood's core concern is not the legalization of recreational marijuana, but rather the permitted size and proximity to residential neighborhoods of large-scale grows and processing facilities.

Traffic and noise: We have experienced a huge (six to 10 times) increase in traffic, notably heavy vehicle traffic. Many residents have abandoned their daily walks on this once-safe dead-end street. The facility emits a constant rattle of commercial-scale diesel generators running all day, every day.

The stench: We have experienced an incredible olfactory assault that shocks even those among us who have lived amid smaller-scale marijuana grows in northern California.

For months, the intense, skunk-like, eye-watering stench prevented us from opening our windows and doors to cool our houses on summer nights, raising nighttime temperatures to unhealthy levels and causing sleep deprivation and anxiety.

Involuntary exposure to the concentrated chemicals emitted by the cannabis operations triggered severe headaches, asthma episodes and other respiratory problems in several households on our street. We are greatly concerned about the effects of such chemicals on

infants and people with weakened immune systems -- and, frankly, on all of us; we feel like subjects in an ill-conceived experiment on the downwind effects of large-scale marijuana operations.

For months, the stench forced us to involuntarily limit our outdoor time, for both work (in gardens and orchards, with animals, on various outdoor projects) and play (patios, porches, outdoor dinners, swimming pools, etc.).

Water: Cannabis requires irrigation water. State law prohibits pumping groundwater for irrigating recreational marijuana unless the property has irrigation water rights. Nevertheless, groundwater gets pumped for large-scale marijuana irrigation without such water rights, drawing down the local water table and affecting water levels in surrounding wells.

Physical safety: Cannabis may be classified as an agricultural crop, but the security concerns attached to it produce a cartel-like atmosphere with drones, security cameras and armed guards with high-powered rifles with ranges of more than two miles. What the heck is this kind of facility doing in a residential area? Hundreds of people live within two miles of it.

Intimidation: In addition to these impacts, which are likely to be experienced by neighbors of any large-scale marijuana operation, our neighborhood has been subjected to intimidation, threatened violence, profanity and arrogant bullying.

Examples include sexual threats to young women; drone flights over neighbors, including children and an 80-year-old stroke victim mowing his lawn; frequent discharge of firearms, typically after a confrontation with a neighbor; neighbors stalked by employees with sidearms strapped to their waist; explosive outbursts of profanity; and verbal demands to get off of our own street.

While this may not be typical of large-scale marijuana operations, the current Wild West-like atmosphere of light state and local regulation and insufficient staffing in regulatory agencies invites exploitation by greedy opportunists.

Our neighborhood's cannabis/hemp presence has forced itself to the forefront of our everyday lives and introduced a persistent fear for our health and sanity.. Many neighbors are so distraught and intimidated that they are planning to move away, leaving behind invested time and resources, memories and plans, and their attachment to a place -- to their homes -- with the dimly perceived goal of somehow starting all over in a place like our street used to be.

Several actions could be taken at the county and state levels to limit the impacts of large-

scale cannabis operations on adjacent neighborhoods.

Significantly reduce the permitted size of individual grows near residences.

Limit large-scale operations to sites distant from residences.

Significantly increase the required setback from property lines.

Reclassify cannabis as something other than an "agricultural" crop.

Enforce the water laws.

We believe that such measures could help protect residential neighborhoods from the impacts we've described, would minimize local water-supply issues arising from surreptitious pumping of groundwater, and would slow the influx of exploitative industrial-scale operations.

Kp

Mahalo for your time

M.Wong
Hilo, Hawaii



Akamai Cannabis Consulting

3615 Harding Ave, Suite 304

Honolulu, HI 96816

DUAL USE OF CANNABIS TASK FORCE

MEETING 9: October 31, 2022

TESTIMONY ON AGENDA ITEMS III, IV, and V

Clifton Otto, MD



Thank you for the opportunity to provide testimony on the following agenda items:

III. Discussion of Public Health and Safety Working Group Report:

The White House has finally [admitted](#) that federal Schedule I is a failed approach to marijuana and needs to change.

“Too many lives have been upended because of our failed approach to marijuana. It’s time that we right these wrongs.”

HHS Secretary Becerra [said](#) there is no new science, because there is still not an FDA-approved drug product made from the cannabis plant that has THC as the active pharmaceutical ingredient, so they will be focusing on state data.

“It’s not new science, but there’s lot of information to gather because in many states marijuana has been legalized for either medical purposes or recreational purposes.”

This is the first time that the FDA will be performing a scheduling review for marijuana that will be based upon state data and not “accepted medical use”.

>>> Potential for abuse (degree of danger) of cannabis in Hawaii?

IV. Presentation on the importance of product testing.

Current interim dispensary [rulemaking](#) prevents patients and medical professionals from providing public input on changes to testing rules.

>>> Topics of interest:

Standardized methods for cannabinoid analysis
Reference methodology at DOH State Lab
Period Round Robin testing
Recent changes to mold testing
Interisland transport

V. Decision-making on Working Group recommendations:

B. Social Equity Working Group recommendations:

Cannabis Justice Reform

1. Cannabis should be completely legalized and de-scheduled subject to the civil licensing restrictions for cultivation, production, sell, transport, consumption, and other plant-touching activities as recommended here-in and enforced by an independent regulatory authority.

6. The State should comprehensively legalize and de-schedule cannabis as a first step towards preventing further abuses of the civil asset forfeiture system and fund direct grants; educational scholarships; job training and placement; and/or low interest home, vehicle, and business loans directly to the individuals and their families whose property was subject to civil asset forfeiture.

>>> De-schedule based upon what?

[21 USC 811:](#)

(c) FACTORS DETERMINATIVE OF CONTROL OR REMOVAL FROM SCHEDULES

In making any finding under subsection (a) of this section or under subsection (b) of section 812 of this title, the Attorney General shall consider the following factors with respect to each drug or other substance proposed to be controlled or removed from the schedules:

- (1) Its actual or relative potential for abuse.
- (2) Scientific evidence of its pharmacological effect, if known.
- (3) The state of current scientific knowledge regarding the drug or other substance.
- (4) Its history and current pattern of abuse.
- (5) The scope, duration, and significance of abuse.
- (6) What, if any, risk there is to the public health.
- (7) Its psychic or physiological dependence liability.
- (8) Whether the substance is an immediate precursor of a substance already controlled under this subchapter.

21 USC 812(b):

(1) SCHEDULE I.—

- (A)** The drug or other substance has a high potential for abuse.
- (B)** The drug or other substance has no currently accepted medical use in treatment in the United States.
- (C)** There is a lack of accepted safety for use of the drug or other substance under medical supervision.

HRS 329-11(a) - Authority to schedule controlled substances.

In making a determination regarding a substance, the department of public safety shall assess the degree of danger or probable danger of the substance by considering the following:

- (1) The actual or probable abuse of the substance including:
 - (A) Its history and current pattern of abuse;
 - (B) The scope, duration, and significance of abuse; and
 - (C) A judgment of the degree of actual or probable detriment that may result from the abuse of the substance;
- (2) The biomedical hazard of the substance including:
 - (A) Its pharmacology: the effects and modifiers of effects of the substance;
 - (B) Its toxicology: the acute and chronic toxicity, interaction with other substances whether controlled or not, and liability to psychic or physiological dependence;
 - (C) Risk to public health and particular susceptibility of segments of the population; and
 - (D) Existence of therapeutic alternatives for substances that are or may be used for medical purposes;
- (3) A judgment of the probable physical and social impact of widespread abuse of the substance;
- (4) Whether the substance is an immediate precursor of a substance already controlled under this part; and
- (5) The current state of scientific knowledge regarding the substance.

D. Medical Use Working Group recommendations:

Medical Considerations

1. Legislation should require healthcare facilities to allow the use of medical cannabis on their premises for terminally ill patients with a valid medical cannabis card or/ recommendation from their physician.

Patient Protections

1. Legislation should provide employment protections for registered medical use patients covering hiring, discipline, and termination. A positive test for cannabis metabolites shall not be proof of impairment on the job, and employers and insurance companies must be prohibited from medical discrimination.

2. Legislation should prohibit law enforcement agencies from denying or revoking the right to own permitted firearms, solely due to a person's status as a registered medical use patient.

3. Legislation should permit registered medical use patients to possess medical cannabis and cannabis products for personal use when traveling between counties within the State.

4. Legislation should provide patient reimbursement for approved medical cannabis products by state-regulated insurers.

5 - The State should take immediate action to stop federal Schedule I from being applied to Hawaii's medical cannabis patients and dispensaries.

From: [REDACTED]
To: DOH.OMCCR
Subject: [EXTERNAL] Testimony for section 5 , removal of 500ft bufferzone
Date: Friday, October 28, 2022 9:55:45 AM

Aloha Task force committee members

I would like to submit testimony in regards to the intent to eliminate growing distance to preexisting residences:

As one for the first people in Hawaii that had the unfortunate experience to live next to a commercial cannabis hemp farm,
I believe I need to let you know how it has impacted us!

It all started in February of 2020. The closest greenhouse of the neighboring hemp operation is approximately 30 feet from our house. One day 2 huge industrial fans started up next door with a roar that has been compared by visitors as sounding like a helicopter, to me it feels like living in the engine compartment of a cruiseship with an added nonstop hum.

The vibrations and noise of the fans were so disturbing, coming through the floor and walls, that in desperation I built a carport shed at the furthest away corner of my property to sleep in.

Those fans ran for over 2 years , Christmas eve, Easter sunday...every day !

A noise assessment done by Prof.Levenhall (internationally recognized noise specialist) revealed that the low frequency noise was exceeding world health organizations limits 4 times!

Due to our livestock operation I was unable to vacate the property like some of the other neighbors.

In addition the intense nightlights and the horrendous stench of cannabis robbed us of our sleep for months. Every room in the house smelled like it.

My tenants in the cottage were horrified as they noticed that their childrens clothing started to smell like cannabis and they had to wear it to school. They moved out shortly after, as my property became unsuitable for living with and for raising their children.

As if this wasn't enough, at the beginning of 2022 the hemp operation added a large diesel generator which emitted toxic clouds of black smoke. I believe the department of health eventually stopped that, but the generator was started up and polluted the neighborhood daily for several months.

I am happy to provide you with photo and video evidence of our experience, please contact me.

The conclusion that can be made from our experience is that Cannabis cultivation is a totally different form of industrialized agriculture, with nonstop electrical noise, nightlights and the intense odor.

Therefore I urge you to designate special areas for cultivation and keep the buffer zone of 500 feet for any size cannabis operation to residences, as even a smaller size operation with the industrialized form of cultivation can present a disaster for neighbors.

Families and children should not be harmed by such heavily industrialized cultivation of a crop that is still federally illegal.

Please also think about enforcement of the laws that you are making.

Are there going to be penal codes for offenses? Without penal codes prosecution will be more difficult.

If the laws are to be enforced by the department of health will they be able to properly prosecute for offenses as otherwise the incentive to disregard the laws will be huge and could impose an avalanche of issues for the governing party.

If the penalties are only minor, growers will push to do what they want as it has been seen in California.

Several states have already seen its share of problems with legalized cultivation and use of Marijuana.

PLEASE protect the people of Hawaii, you have the opportunity NOW to prevent problems.

sincerely

Jutta Mueller
Plumeria Plantation Ag Enterprise LLC
266 Piliwale Rd .
Kula

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: DOH.OMCCR
Subject: [EXTERNAL] Dual Use of Cannabis Task Force Meeting - October 31, 2022
Date: Friday, October 28, 2022 8:55:01 AM
Attachments: [248PilialeComplaint.pdf](#)

Dear Panel Members,

Thank you for your time.

We have had first hand experience with the horrors of cannabis grow site which was installed in 2020 under the hemp pilot program. Attached you will find my original letter to councilmember Yukilei Sugimura.

Since February of 2020 it had become increasingly difficult for us to live here. The neighbor located next door 248 Piliwale Road obviously started a cannabis operation and since Feb 15, 2020 our lives have been drastically impacted by constant, uninterrupted excessive industrial noise from his property. Apparently, the source are two or more industrial turbines close to the property boundary and to the house, each approximately 6ft in diameter, emanating a constant, unbearable noise and hum, the ground is literally vibrating on our property as is the house. We expected this to be only temporary due to ongoing construction, but learned quick that it is a permanent installation. We are in shock. As a family with two little kids who need their sleep, we are unable to live under these circumstances. We immediatly saw adverse health effects not only to ourselves, but more prominent in our children as a result of sleep deprivation and constant noise exposure. The turbines also blow the pungent smell of marijuana into our house. It is unacceptable that children have to grow up being familiar with the smell of drugs as it could lower their threshold for using. We realized this when our by then 7 year old son the other day at the beach, where people were smoking drugs, said " it smells like at home "...

Families and children whether in agricultural area or residential areas should not be forced to exposure of the smell and the health destroying cultivation practices of cannabis.

It is your duty to protect the people of Hawaii with adequate laws!
Please keep a distance of at least 500 feet to any existing residences.

Mahalo

Ralf Simon

Ralf Simon

Wire
Skype

RSimon
simonralf



Ralf Simon

**Commercial Pilot
Flight instructor
Helicopter & Airplanes
266 Piliwale Road
Kula / Maui, HI 96790**

Phone: +1 808 445 9694
eMail: ralf.simon@takeoff.aero

TO

Councilmember Yukilei Sugimura
Fax: (808) 270-7127

CC:Department of Health, Maui County

RE: Excessive industrial noise emanating 248 Piliwale Road

Wednesday, April 22, 2020

Dear Yukilei Sugimura,

We are writing to you in regards to our situation in Lower Kula. I have been a tenant on Piliwale Road for 19 years. Since 2 months it has become increasingly difficult for us to live here.

The neighbor located 248 Piliwale Road obviously started a marijuana operation and since Feb 15, 2020 our lives have been drastically impacted by constant, uninterrupted excessive industrial noise from his property.

Apparently, the source are two or more industrial turbines close to the property boundary and to the house, each approximately 6ft in diameter, emanating a constant, unbearable noise and hum, the ground is literally vibrating on our property as is the house.

We expected this to be only temporary due to ongoing construction, but learned now that it is a permanent installation. We are in shock.

As a family with two little kids who need their sleep, we are unable to live under these circumstances. We already see adverse health effects not only to ourselves, but more prominent in our children as a result of sleep deprivation and constant noise exposure.

The turbines also blow the pungent smell of marijuana into our house. It is unacceptable that children have to grow up being familiar with the smell of drugs as it could lower their threshold for using. We realized this when our 7 year old son the other day at the beach, where people were smoking drugs, said " it smells like at home "...

We complained to our landlord looking for a solution, however she said she is unable to do anything about it.

It is hard to believe such disrespectful conduct could be even remotely within legal limits in the close neighborhood of Kula. It causes so much harm to the health of all neighbors I talked to and is such a loss for our upcountry community that we kindly ask you to look into this problem.

With best regards

A handwritten signature in black ink, appearing to read 'Ralf Simon', written in a cursive style.

Ralf Simon

From: [REDACTED]
To: DOH.OMCCR
Subject: WRITTEN TESTIMONY
Date: Friday, October 28, 2022 7:31:54 AM

Email

[REDACTED]

Name

Adrian Rocha

Please enter your phone number

[REDACTED]

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

October 31, 2022

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

- Agenda Item #5

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

Greetings Task Force Members,

I am submitting written testimony for the 10/31/2022 meeting, agenda item #5, B.

My name is Adrian Rocha, and I am a Senior Policy Associate with the Last Prisoner Project, a non-profit organization that works at the intersection of cannabis and criminal justice. LPP believes implementing a commercial market for cannabis is only part of legalization. True legalization must undo the harms of prohibition. LPP's Legal and Reentry Teams provide direct support to our constituents who are incarcerated or reentering communities across the country.

Our ultimate goal, however, is policy change, so that people do not continue to be criminalized for cannabis activity. To that end, LPP's Policy Team provides nonpartisan, evidence-based technical assistance to jurisdictions working to advance state-initiated resentencing and automatic record clearance for individuals with convictions for cannabis activities.

LPP had the honor of working with the Social Equity Permitted Interaction Group to provide recommendations as part of the group's report to the Dual Use of Cannabis Task Force. Our recommendations, which were included in the Social Equity Working Group's report, outlined the importance of providing retroactive relief through state-initiated resentencing and automatic record clearance for individuals with cannabis-related offenses. To that end, LPP strongly recommends that the Social Equity Working Group's Cannabis Justice Reform item number 2, as included in Agenda item V, be adopted and incorporated in the Task Force's Final Report which will be sent to the legislature.

We look forward to supporting you in ensuring Hawaii is a model for the nation on moving away from cannabis prohibition and towards justice. Thank you for your consideration of this urgent matter.

Adrian Rocha
Senior Policy Associate
Last Prisoner Project

From: [REDACTED]
To: DOH.OMCCR
Subject: WRITTEN TESTIMONY
Date: Friday, October 28, 2022 7:05:20 AM

Email

[REDACTED]

Name

RYAN WONG

Please enter your phone number

[REDACTED]

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

October 31, 2022

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

- Agenda Item #1

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

I am submitting written testimony for the 10/31/2022 meeting, agenda item A "Tax working group recommendations, item #4 number of licenses."

I am a Hawai'i resident who operates legal cannabis organizations primarily through the Western United States and we support the limiting of producer / manufacturer licenses as long as the requirements to obtain such licenses are a fair and disclosed process.

Having applied for multiple cannabis type licenses over multiple municipalities, we contend that requirements and regulation of the cannabis industry are not consistent, and does not always create a fair playing field for all. This limits grey market producers and outside producers who desire to enter new markets.

With the tax and revenue opportunities available, it is imperative that a fair and balanced market be established going forward and we strongly recommend a fair and disclosed process be implemented as plans and regulations are developed and released.

Thank you

From: webmaster@hawaii.gov
To: DOH.OMCCR
Subject: WRITTEN TESTIMONY
Date: Thursday, October 27, 2022 9:27:29 PM

Email

[REDACTED]

Name

Sean Lester

Please enter your phone number

[REDACTED]

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

October 31, 2022

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

- Agenda Item #1
- Agenda Item #2
- Agenda Item #3
- Agenda Item #4
- Agenda Item #5
- Agenda Item #6
- Agenda Item #7
- Agenda Item #8
- Agenda Item #9
- Agenda Item #10

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

Testimony for:

Dual Use of Cannabis Task Force

October 31, 2022

12:00 p.m. – 1:30 p.m.

Physical Meeting Location: Hawaii State Art Museum - Multipurpose Room, 1st Floor

No. 1 Capitol District Building, 250 South Hotel Street Honolulu, Hawaii

Aloha Task Force Members,

My name is Sean Lester and I am a holder of a medical marijuana card here in Hawaii for 3 years and a resident for 32 years. I am also a service-connected disabled veteran and understand the need for medical marijuana here in Hawaii. I have read your recommendations and have one specific area of deep concern.

My main concern with your recommendations of no buffer zone is the impact of growing marijuana close to in-place housing, churches, schools, and children's playgrounds. Churches, children's playgrounds, schools, and existing housing must be seen as having inherent rights regarding the impacts on their lives regarding growing marijuana plants close enough to have an overpowering smell and availability to children among other things. ANY commercial grower, which it seems is beyond the 20 plant number you are recommending for personal use, must have a buffer. You have experts in California on your task force and they are well aware of the well-known problems of smell and other adverse effects of large-scale growers on communities. Nothing in these recommendations addresses this.

Page 5 under Service Equity number 5. - With the wide-ranging and comprehensive changes this Task Force is recommending, it is IMPERATIVE that these changes NOT adversely impact in-place neighborhoods. Although you have deeply studied the sweeping reforms here, if you simply release marijuana into all neighborhoods and locations it has the capacity to cause tremendous stress in the lives of Hawaii citizens who do not want this near their children and do not want to be impacted by the overpowering smell of growing marijuana while in their places of worship, while their children are in school or on a playground, or at home. They have an inherent right not to be adversely impacted by your decisions regarding commercial growing.

For many marijuana odor is nauseating and can be the cause of psychological stress. I must believe your task force sees this and will keep the 500-foot buffer for commercial growers in place. Personally, I would like to see 1000 feet minimum for commercial growers.

Keeping a 500-foot buffer for commercial growers is a small compromise to ensure you don't give away all inherent rights for the health and safety of existing homeowners and other institutions. Without this, you are guaranteed to have lawsuits against the validity of your findings, the Department of Health, and commercial growers. You will add additional stress on already stressed neighborhoods, and tarnish what you are attempting to do with this task force.

Please keep the buffers. Please ensure anyone receiving commercial licenses has a system in place to ensure their placements are acceptable to the neighborhoods where they are putting their grow and sales areas, such as how we do with permitting for vacation rental processes.

Sean Lester
Maui, Hawaii

From: [REDACTED]
To: [DOH.OMCCR](#)
Subject: [EXTERNAL] TESTIMONY Dual Use of Cannabis Task Force Meeting - October 31, 2022
Date: Thursday, October 27, 2022 7:31:51 PM

Aloha Task Force members,

My name is Elisabeth Bluml; I am a farmer and direct neighbor of a hemp farm in Kula on Maui, and I am a member of the Omaopio Piliwale Ohana which is a group of 40+ individuals.

When the hemp farm started operating under the Hemp Pilot Program in early 2020 they caused immediate problems for our neighborhood including 24/7 noise, health damaging low frequency vibrations, grow lights lighting up the neighborhood all night long, and the stench of hundreds of hemp plants (that are indistinguishable in look and smell from marijuana) invading every room in our houses like a fog. As a result of all the testimony submitted by our group and many other concerned citizens, the legislature included in ACT 14 signed by the Governor in August 2020, the following language -

Hemp shall not be grown within 500 feet of any pre-existing house, dwelling unit, residential apartment, or other residential structure that is not owned or controlled by the license holder.

This effectively protected neighborhoods around the state from the type of destruction caused to our neighborhood by any new hemp farms. But it did not solve our neighborhood's problem because all the hemp farms operating under the Hemp Pilot Program were grandfathered in and not subject to the 500' 'buffer zone.'

The Agenda for your 10/31 meeting includes:

The state should remove restrictions that prevent small growers from using their land for cannabis cultivation, including, but not limited to, the restriction that all cultivation must take place at least 500 feet from a residence on agricultural land.

If the 500' buffer zone is removed from the final cannabis legislation/rules, and cannabis cultivation is allowed as close as the grower wants to their neighbors, it will cause unbelievable damage to residents across the state.

In our situation, the hemp farm grows less than 50' from the closest neighbor's front door. She had to move out of her house and sleeps since then in a shed at the farthest away portion of her property. I have experienced where I have had to move away from my own farm and home and rent a room miles away for myself and my daughter to sleep. I don't want others to have to go through this hell. We have had Maui County Council members visit our neighborhood to see the mess created by our hemp farm neighbor firsthand. One council member became physically ill after just being there for 15 minutes and had to leave the property. In our experience a 500' buffer is barely enough. A one-mile buffer zone would make much more sense. The two legal marijuana farms on Maui intentionally placed their operations in remote areas nowhere near surrounding residences and so have caused no problems for their neighbors nor themselves. Our neighborhood is a clear example right here on Maui of what happens when a Non-Pono cannabis operator is allowed to grow without a buffer zone.

If you look to California where marijuana farms have been legalized for years you can see overwhelming evidence of the disasters that occur to the surrounding neighborhoods.

Here's a link to just one story.

<https://www.latimes.com/california/story/2022-09-08/reality-of-legal-weed-in-california-illegal-grows-deaths>

Please help protect Hawaii's residents from this pending disaster by keeping at least a 500' buffer zone between any cannabis operation growing more than 20 plants and their nearest residences.

Mahalo,

Elisabeth Bluml,
owner Khandro Farm

From:

Subject:

Date:

[EXTERNAL] TESTIMONY - Dual Use of Cannabis Task Force Meeting - October 31, 2022

Thursday, October 27, 2022 2:58:28 PM

TESTIMONY Dual Use of Cannabis Task Force Meeting - October 31, 2022

Aloha Task Force members,

I'm the spokesman for the Omaopio Piliwale Ohana which is a group of 40+ individuals living in 15 residences on 12 different parcels that surround a hemp farm in Kula on Maui. When the hemp farm started operating under the Hemp Pilot Program in early 2020 they caused immediate problems for our neighborhood including 24/7 noise, health damaging low frequency vibrations, grow lights lighting up the neighborhood all night long, and the stench of hundreds of hemp plants (that are indistinguishable in look and smell from marijuana) invading every room in our houses like a fog. As a result of all the testimony submitted by our group and many other concerned citizens, the legislature saw fit to include in ACT 14 signed by the Governor in August, 2020, the following language -

Hemp shall not be grown within 500 feet of any pre-existing house, dwelling unit, residential apartment, or other residential structure that is not owned or controlled by the license holder.

This effectively protected neighborhoods around the state from the type of destruction caused to our neighborhood by any new hemp farms. But it did not solve our neighborhood's problem because all the hemp farms operating under the Hemp Pilot Program were grandfathered in and not subject to the 500' 'buffer zone.'

The Agenda for your 10/31 meeting includes the following recommendation on page 5), item 50, second paragraph -

The State should keep, but modify, its current restrictions on the locations of retail, manufacturing, and grow locations to also include new license types and protect children but provide accessible locations for all license types

across the islands. The state should remove restrictions that prevent small growers from using their land for cannabis cultivation, including, but not limited to, the restriction that all cultivation must take place at least 500 feet from a residence on agricultural land.

If the 500' buffer zone is removed from the final cannabis legislation/rules, and cannabis cultivation is allowed as close as the grower wants to their neighbors, it will cause unbelievable damage to residents across the state. In our situation, the hemp farm grows less than 50' from the closest neighbor's front door. She has had to move out of her house and sleeps since then in a shed at the farthest away portion of her property. Another neighbor has had to rent an apartment miles away from her house since she can no longer sleep in her own house next to the hemp farm. We have had Maui County Council members visit our neighborhood to see the mess created by our hemp farm neighbor first hand. One council member became physically ill after just being there for 15 minutes and had to leave the property. In our experience a 500' buffer is barely enough. A 2500' or a mile buffer zone would make much more sense. The two legal marijuana farms on Maui intentionally placed their operations in remote areas nowhere near surrounding residences and so have caused no problems for their neighbors nor themselves. Our neighborhood is a clear example right here on Maui of what happens when a non-pono cannabis operator is allowed to grow without a buffer zone. If you look outside the state to California where marijuana farms have been legalized for years you can see overwhelming evidence of the disasters that occur to the surrounding neighborhoods. Here's a link to just one story.

<https://www.latimes.com/california/story/2022-09-08/reality-of-legal-weed-in-california-illegal-grows-deaths>

Please help protect Hawaii's residents from this pending disaster by keeping at least a 500' buffer zone between any cannabis operation growing more than 20 plants and their nearest residences.

Mahalo,

Peter Fay

Omaopio Piliwale Ohana



October 27, 2022

President

Dr. Rachel Klein, ND, DC,
DACNB, FIBFN-CNDH

Vice President

Dr. Cheri Wood, ND,
IFMCP

Secretary

Dr. Bonnie Marsh, ND

Treasurer

Dr. Corinne M. De Soto,
ND, MS

Executive Director

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CAE

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Aloha e members of the Dual Use of Cannabis Task Force,

The Hawaii Society of Naturopathic Physicians respectfully requests that the Medical Use Working Group recommendations should include a provision to add licensed naturopathic physicians to the list of providers eligible to certify patients for medical cannabis.

In addition to their expertise in botanical medicine, naturopathic physicians are primary care providers and manage prescription medications and other concerns for many patients. There are approximately 135 naturopathic physicians with active licenses in Hawai'i.

Current Hawai'i law allows a state-licensed Medical Doctor, Doctor of Osteopathy, or Advanced Practice Registered Nurse to certify a patient for the Medical Cannabis Program. We request that the medical work group recommendations include the addition of Naturopathic Physicians to the allowed provider types who may certify a patient for the Medical Cannabis Program and to amend the law to authorize naturopathic physicians to obtain a Drug Enforcement Agency (DEA) number and a Hawai'i Controlled Substance License.

Providing DEA numbers to naturopathic physicians so that they can certify patients does not expand their prescribing capabilities, as the Hawai'i State Board of Naturopathic Medicine maintains an inclusionary formulary which does not include other controlled substances. The State Board of Naturopathic Medicine has previously stated that medical cannabis does fall within the inclusionary formulary list.



Previously proposed legislation, SB2476, had aimed at making this change and passed Third Reading unanimously on March 3, 2020, with 25 Ayes. This bill was received from the Senate in amended form (SD 1), and passed First Reading in the House on March 5, 2020. The consequences of COVID pandemic then derailed this legislation from progressing further.

President
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The Hawai'i State Board of Naturopathic Medicine is in support of the amendments as suggested above. The Department of Public Safety has testified in previous sessions of the legislature that it is supportive of registering naturopathic physicians for Controlled Substance License.

Tamara Whitney, Program Coordinator for the DOH Medical Cannabis Registry Program, has expressed support for including naturopathic physicians in the program and has stated that this change would have no financial impact on the program.

Based on data provided by DOH, there are fewer than 200 physicians and APRNs who have certified the 27,000 patients in Hawai'i for the Medical Cannabis Program. Adding naturopathic physicians to the provider types eligible to certify patients for the Hawai'i Medical Cannabis program would significantly increase access to healthcare and benefit the eligible patients in Hawai'i for whom medical cannabis may be a good therapeutic option.

Thank you for your careful consideration of this suggestion.

Sincerely,

Rachel M. Klein, ND, DC, DACNB, FIBFN-CNDH

President

Hawai'i Society of Naturopathic Physicians

From: [REDACTED]
To: DOH.OMCCR
Subject: [EXTERNAL] Testimony for upcoming meeting of Dual Use of Cannabis Task Force
Date: Monday, October 24, 2022 3:49:29 PM

I respectfully submit that the Medical Use Working Group recommendations should include a provision to add licensed naturopathic physicians to the list of providers eligible to certify patients for medical cannabis.

Legislative history:

In 2020 SB2097 was introduced to amend chapter 329D HRS to clarify legislative intent, ensure smooth administration of the medical cannabis dispensary law, allow for adequate patient access, and resolve other issues that have arisen under the existing law.

Current Hawaii law states allows a Hawaii-licensed Medical Doctor, Doctor of Osteopathy, or Advanced Practice Registered Nurse to certify a patient for the Medical Cannabis Program.

We request that you consider amending SB2097 to allow naturopathic physicians to certify a patient for the Medical Cannabis Program and to amend the law to authorize naturopathic physicians to obtain a Drug Enforcement Agency (DEA) number and a Hawaii Controlled Substance License, as stipulated in SB2476, which passed Third Reading unanimously on March 3, 2020, with 25 Ayes. This bill was received from the Senate in amended form (SD 1), and passed First Reading in the House on March 5, 2020. The COVID outbreak then derailed this legislation,

In November 2019, in anticipation of successful passage of legislation as we suggest here, the Board of Naturopathic Medicine (BNM) removed the prohibition of controlled substances from the naturopathic formulary.

- SB2476SD1, in its current form, states on p.2 “that this shall not be construed to authorize any naturopathic physician to manufacture, distribute, prescribe, dispense, or conduct reverse distribution with any controlled substance within this State”

And on p.10 “the naturopathic formulary shall not include any narcotic drugs or other controlled substances, as defined in section 329-1,” which conflicts with the BNM’s recent decision to remove the prohibition of controlled substances from the naturopathic formulary.

- We respectfully request that these two sections of SB2476SD1 be deleted, so that no conflict exists between the BNM’s authority with respect to controlled substances. As stated in the preamble of SB2476SD1 “The legislature further finds that, as determined by the state board of naturopathic medicine, it is within the scope of naturopathic practice that medical cannabis can be prescribed by naturopathic physicians.”

- The BNM, has, for the past 13 years, been clear in its position to not include narcotic drugs in the naturopathic formulary, while at the same time has supported legislation that would allow the inclusion of testosterone (a controlled substance).

- The BNM is in support of the amendments as suggested above.
- The Department of Public Safety has testified in previous sessions of this legislature in favor of adding testosterone to the naturopathic formulary and is supportive of registering naturopathic physicians for controlled substances.
- Tamara Whitney, Program Coordinator for the DOH Medical Cannabis Registry Program, is supportive of including naturopathic physicians in the program and has stated that passage of this bill will have no financial impact on the program.
- In addition to their expertise in botanical medicine, naturopathic physicians are primary care physicians and manage prescriptions for many of their patients. There are approximately 135 naturopathic physicians with active licenses in Hawaii. There are fewer than 200 physicians and APRNs who have certified the 27,000 patients in Hawaii for the Medical Cannabis Program (data provided by DOH). Adding naturopathic physicians to the provider types eligible to certify patients for the Hawaii Medical Cannabis program would significantly increase access to healthcare and benefit the people of Hawaii for whom medical cannabis may be a good therapeutic option.

Thank you for your careful consideration of this suggestion. Unfortunately, I will be unable to attend the upcoming meeting due to air travel plans that conflict with the meeting time.

Sincerely,

Michael Traub ND

From: [REDACTED]
To: DOH.OMCCR
Subject: [EXTERNAL] Fwd: Written Testimony Dual Use of Cannabis Task Force Meeting - October 31, 2022
Date: Monday, October 24, 2022 1:35:32 PM

Dear Task Force,

please strongly consider requiring all state approved vendors to post the terpene profiles for all cannabis products.

For cancer patients like myself, the terpene profile is more important than the THC content.

When vendors advertise a product as Sativa or Indica it is often times misleading and subject to their opinion.

Only the exact terpene profile will let customers know what they are buying. Please add a Medical Doctor to the Task Force. Medical Doctors will be able to educate the Task Force on the benefits of terpenes, and why it is important for patients to know exactly what they are putting in their bodies.

Please take the opportunity for forward thinking on behalf of patients.

Aloha,
Kent
808-517-9620

----- Forwarded message -----

From: Medical Cannabis Registry
Program<medicalcannabis@doh.hawaii.gov>
Date: On Mon, Oct 24, 2022 at 09:41
Subject: Fwd: Dual Use of Cannabis Task Force Meeting - October 31, 2022
To: [REDACTED]
Cc:

Aloha,

The Office of Medical Cannabis Control & Regulation has convened a task force to explore the development of a dual system program (medical cannabis use and adult cannabis use) including the impacts of the legalization of cannabis on qualifying patients pursuant to [SLH, 2021, Act 169](#).

The meeting is scheduled for MONDAY, October 31, 2022, from 12:00 - 1:30 p.m. (HST).

The Task Force members will be meeting remotely using zoom and we will provide a physical location for the public to participate in and view the meeting.

The **AGENDA** for the October 31, 2022 meeting can be found [HERE](#)

We hope you will be able to attend, and we invite you to join us in the following ways:

Online

Join Zoom Meeting: <https://zoom.us/j/98417315934?pwd=MG1pQUhyNzBRNVBWdCtVRHY3cmhkZz09>

Meeting ID: 984 1731 5934

Passcode: 165660

By Phone

Zoom Call-In: +1 253 215 8782

Meeting ID: 984 1731 5934

Passcode: 165660

In-person

Hawaii State Art Museum - Multipurpose Room, 1st

Floor No. 1

Capitol District Building

250 South Hotel Street, Honolulu, Hawaii

Interested persons can submit written testimony in advance of the meeting, which will be distributed to Task Force members prior to the meeting. Written testimony should be submitted no later than 24 hours prior to the meeting to ensure time for members to review it. Submit written testimony to:

omccr@doh.hawaii.gov or by postal mail to: Office of

Medical Cannabis Control and Regulation, 4348
Waiialae Avenue #648, Honolulu, HI 96816 or by using
the online form at:

<https://health.hawaii.gov/medicalcannabis/dual-use/testimony>. Please include the word “testimony”
and indicate the agenda item that your testimony
relates to.

INTERNET ACCESS: To view the meeting and provide
live oral testimony, please use the link at the top of the
agenda. Your microphone will be automatically muted.
When the Chairperson asks for public testimony, you
may click the "Raise Hand" button found on your Zoom
screen to indicate that you wish to testify about that
agenda item. The Chairperson will individually enable
each testifier to unmute their microphone. When
recognized by the Chairperson, please unmute your
microphone before speaking and mute your
microphone after you finish speaking.

PHONE ACCESS: If you cannot get internet access,
you may get audio-only access by calling the Zoom
Phone Number listed at the top of the agenda. Upon
dialing the number, you will be prompted to enter the
Meeting ID and Passcode, which are also listed at the
top of the agenda. When the Chairperson asks for
public testimony, you may indicate you want to testify
by entering “*” and then “9” on your phone’s keypad.
After entering “*” and then “9”, a voice prompt will let
you know that the host of the meeting has been
notified. When recognized by the Chairperson, you
may unmute yourself by pressing “*” and then “6” on
your phone. A voice prompt will let you know that you
are unmuted. Once you are finished speaking, please
enter “*” and then “6” again to mute yourself. When
testifying, you will be asked to identify yourself and the
organization, if any, that you represent.

Each testifier will be limited to **two minutes** of testimony. Instructions to attend State of Hawaii virtual board meetings may be found online at <https://cca.hawaii.gov/pvl/files/2020/08/State-of-Hawaii-Virtual-Board-Attendee-Instructions.pdf>.

Please visit our webpage at <https://health.hawaii.gov/medicalcannabis/dual-use/> for more information about the Dual Use of Cannabis Task Force.

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From: webmaster@hawaii.gov
To: DOH.OMCCR
Subject: WRITTEN TESTIMONY
Date: Monday, October 24, 2022 12:07:28 PM

Email

[REDACTED]

Name

Sheryl Rawson

Please enter your phone number

[REDACTED]

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

October 31, 2022

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

- Agenda Item #5

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

I am submitting written testimony for the 10/31/22 meeting agenda item V. B. I believe cannabis use by adults should be legalized in Hawaii as it has been in many other states. Those other states have not shown major detrimental impact as far as is publicized nationally. In fact regulating sale of marijuana has provided additional tax income for the states and reduced the illegal production. The original scheduling of Marijuana in the same category as heroin or other hard drugs was a political act of the Nixon administration. It was racist as well as an attempt to disrupt families and individuals that the government found offensive at that time. As President Biden has decriminalized and forgiven those arrested on the Federal level, so should Hawaii. Police have better things to do than to arrest people getting high. Use and possession of marijuana should be legal for adults just as use and possession of alcohol is legal. Alcohol has much more negative impacts on society.

Respectfully submitted
S. Rawson, Hilo, Hawaii

From: webmaster@hawaii.gov
To: DOH.OMCCR
Subject: WRITTEN TESTIMONY
Date: Saturday, October 29, 2022 9:25:56 AM

Email

[REDACTED]

Name

Debora Kaai

Please enter your phone number

[REDACTED]

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

October 31, 2022

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

- Agenda Item #1

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

I have been a resident of Oahu for almost 30 years. I fully support the dispensaries and want them to be able to stay open and profitable. I believe that the state could benefit from the taxes charged for non-medical Cannabis users. I don't feel that it would overwhelm the system but I do believe that the State of Hawaii could open up more opportunities for other dispensaries in locations where the access is limited.

Debora L Ka'ai

Sent from the all new AOL app for iOS

From:

Subject:

Date:

[REDACTED]
[EXTERNAL] Testimony for Cannabis Task Force Meeting 10/31/22

Saturday, October 29, 2022 9:23:51 AM

I was recently made aware that the state is considering removing restrictions that prevent small growers from using their land for cannabis cultivation, including the restriction that all cultivation must take place at least 500 feet from a residence on agricultural land.

I strongly urge the task force to reconsider this position. This is one of the only protections we have as residents in a neighborhood with such a farm. My family lives on Maui near a hemp farm. That hemp farm poses serious noise disturbances and hazards to our health and wellbeing by running loud industrial fans 24/7 that create inappropriate vibrations into neighboring houses and farms, emitting dark smoke from their machines and operations into the environment, and creating allergy and sickening illness-inducing smell from the plants that make it hard for us - and our kupuna and keiki - to breathe the natural air around us.

The 500 feet rule was created for a reason, to protect those who have already been here living in agricultural lands for generations, from the nuisances of cannabis/hemp farms. The least the state regulations can do is require these farms to set up operations in a more isolated location. 500 feet doesn't seem like a lot to ask, but it makes a huge difference in the neighborhood and in our lives.

Traci Silva & Ohana