



Maui Hotel & Lodging

ASSOCIATION

Testimony of

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STATE OF HAWAII DEPARTMENT OF HEALTH OFFICE OF MEDICAL CANNABIS CONTROL & REGULATION

4348 WAIALAE AVE #648 HONOLULU, HAWAII 96815

Dual Use of Cannabis Task Force

October 31, 2022, 12:00 pm

The Maui Hotel & Lodging Association is the legislative arm of the visitor industry for Maui County. We represent over 180 property and allied business members and over 22,000 rooms. **We would like to provide comments on the Working Group recommendations for possible inclusion in the final report to the State legislature.**

“Smoking rooms” in hotels

Some hotels continue to have smoking rooms, so if recreational marijuana is legal or a guest legally possesses medicinal marijuana, smoking may be permitted in such rooms. However, hotels should be free to enact policies that protect the health and safety of their guests. Accordingly, many hotels have enacted “no smoking” policies that apply to the entire hotel, including guest rooms, and cover both tobacco and marijuana smoking. Marriott and IHG are two brands that have a no-smoking policy for all hotels in the United States, although outside designated smoking areas may be available. But individual hotel owners should also be free to institute such policies independent of brand considerations which can be based on issues unrelated to health and safety, such as the threat of property damage (from the odor of smoke) or the increased labor costs to clean a room that smells like smoke. No smoking policies should not have to make an exception for the medicinal use of marijuana.

Employee marijuana use

Because marijuana is still illegal under federal law, there are no protections available for recreational use, and the Americans with Disabilities Act and the Family Medical Leave Act do not apply to medicinal use. Currently, there are only two states (Nevada and New Jersey) that have enacted laws prohibiting employment discrimination based on recreational use with certain limited exceptions. Several states have laws prohibiting employment discrimination based upon medicinal use, but only one (Nevada) requires any type of accommodation. We would ask that Hawaii has employment laws with clear policies in place that inform employers and employees what is and is not permissible. And what is permissible may take into account the current labor market and the ability to hire employees if a zero-tolerance policy is in place.

Thank you for the opportunity to provide these comments.



Testimony on ALL AGENDA ITEMS

Oct 31st, 2022

Dear Honorable Task Force Members,

Thank you again for your diligence throughout the process of exploring Dual Use and Adult-Use in Hawai'i.

As the working group testimony is being finalized and submitted, it is important to look at this from the 30k ft view. (Regarding the priority topics covered over the last several months). It is easy for the process of legalization to overwhelm. However, it is very important not to overlook the things that can come back to bite a state in the backside if they are not meaningfully addressed. No matter the pace at which solutions are being implemented, they cannot be ignored.

In today's world of increasing access to information, and the demand for transparency and accountability - It is only a matter of time before the actions of each State are seen on a global scale and this presents an opportunity for the state of Hawaii to really shine. Our Kanaka and the Cannabis Hui have referenced the extractive plantation-style industrial booms that have taken place on this sacred land. Cannabis and Hemp are crops that can reverse the negative effects of these other plantation-style agricultural practices on the islands of Hawai'i. But only if they are formed in an intentional manner. It is time to do better, it is time to move intentionally and equitably. Understanding that this takes time and is a significant undertaking, there are mechanisms that can be put in place to help Adult-Use form in an equitable and data-driven manner. Please listen to your constituents, the Cannabis community, and Public Health & Safety experts to determine what meaningful legalization really looks like.

Highlighting other states and accountability: If you look into the multitude of LA Times articles that have recently been released in California, with more on their way, you will see what happens when poor decisions are made by policymakers. You will see what happens when stakeholders are left out and compromises are made during the introduction of legalization.

Below I will attempt to highlight some big-picture and low-lift solutions that can be implemented in any legalization process that is introduced.

Market Structure:

A Cannabis Advisory Board is paramount: I would like to take this opportunity to emphasize the importance of stakeholder engagement and data-driven market expansion, no matter how legalization moves forward or what recommendations are adopted by the State of Hawaii. One of the most overlooked items by most states in their process of legalization is meaningful stakeholder engagement and accurate representation of the existing Cannabis market landscape. Hearing from the patients, our Kanaka, the existing operators, the legacy breeders/producers, and public health and safety is paramount going forward. There should be a diverse Cannabis Advisory Board established NO MATTER WHAT. This should include appropriate representation from Native Hawaiian and other Social Equity groups.

Defining a slow-rolling, but very intentional, Cannabis legalization process: Cannabis legalization is a significant undertaking. However, it is imperative to take a data-driven and intentional approach to legalization and license expansion.

- No matter how many solutions are being recommended and even demanded by the Hawai'i constituency. Acknowledging that there are many nuances and that all recommendations will not be adopted is critical. However, there are mechanisms, advisory boards, and review processes that absolutely MUST be implemented to show that the constituency and stakeholders are being listened to and included.
- While there is an understanding that Adult-Use legalization is not going to be fully baked out of the gate, it still needs to be it to be meaningful and inclusive. This comes over time, but cannot be ignored to allow for rampant capitalism to control the future of this market. If these very important components are overlooked it will lead to innumerable failures in Cannabis Adult-Use legalization. Not to mention plenty of negative backlashes from a press and PR standpoint.

Medical Use:

The preservation and expansion of patient rights are of the utmost importance.

- Access to clean tested Cannabis should be a priority with any form of legalization.
- The Adult-Use market should not restrict or complicate the process for patients to access their Cannabis
 - This includes rising costs that may be associated with Adult-Use
 - It also includes the eventual implementation of a Cannabis donation program (similar to other states) that allows for low-to-no-cost access to medical Cannabis.

- Home Grows is a very important right for our patients. I also think that being aware of the number of plants permitted, without a Direct to Consumer mechanism* being introduced is very important. 20 Plants being harvested up to 3 times per year is much more than one patient needs to supply their individual needs. If a legalized and compliant supply chain is the goal, it is important NOT to encourage the potential of gray market sales and untested Cannabis circulating the islands by allowing everyone to produce much more than they can consume.
 - ** Small Farming and Direct to Consumer (DTC) sales is an undertaking that I FULLY support and advocate for elsewhere, including on a national level. But it is a regulatory undertaking for a new state and is best to be introduced in an intentional and calculated way or it can quickly absorb significant amounts of regulatory bandwidth.*
- There should be very adequate representation of Medical Cannabis Patients on any Cannabis advisory board

Tax:

It is important to understand that immediately booming tax revenue generation from legalization is a pie-in-the-sky concept. The introduction of Adult-Use legalization will be the beginning of the capture of the tourism industry here in Hawai'i. It is the beginning of the market differentiation for the state of Hawai'i. This is NOT a short-term play, it is about the long game here. The state of Hawai'i is already behind the rest of the nation and even the world when it comes to Cannabis reform.

Some important things to consider when considering tax revenues:

- There is a significant tourism market to take into consideration and it is a massive revenue stream for the State of Hawai'i. Cannabis will only amplify these revenues as Hawai'i is world-renowned for its Cannabis.
- Slow-rolling tax percentages as suggested by the Tax Working Group are important for being able to compete with and stabilize amidst the gray market landscape.
- Reinvesting into the community for market stability, market expansion, and equitable access is only going to increase the long-game stability of Adult-Use Cannabis.
- Overtaxing will push consumers to the alternative market
- Only looking at tax revenues and tax percentages is a naive and eyes-closed approach to how Cannabis legalization can improve the economics in the state of Hawai'i.
 - **Very important things that should not be overlooked, such as Grants, can circulate money back into our communities as well.** (*if you have any questions about this, please reach out - my contact information is included at the bottom of this testimony*) I am working with numerous [grants in the state of California](#) that have been recently released to assist in academic research (again as an afterthought for the struggling Adult-Use market in California). This is recirculating money back into California, into the regulatory body, into institutions, and supporting academics and community-based organizations. Not to mention,

it increases the peer-reviewed studies that affect our state's constituents and the efficacy of legalization.

Social Equity:

This is an incredibly important subject that needs to be taken seriously. Social Equity has been one of the most discussed topics in Cannabis legalization across the US. From criminal justice reform to barriers to entry that exist for under-capitalized and victims of the war on drugs.

- Social Equity representation needs to be included in any Cannabis Advisory board, no matter how legalization is established.
- There is a demand for accountability on the state of Hawai'i's inclusion of those most disadvantaged communities and those marginalized by the war on drugs
 - Make sure that these voices have a way to be heard and are taken into consideration through ongoing public comment as legalization forms

Public Health & Safety:

It is important to look to UNBIASED research that highlight BOTH the benefits and risks associated with Adult-Use Cannabis legalization.

- Hawai'i can become a leader in Cannabis research and education with the right intentional approach to legalization. There are sure to be grant monies available for this research as well!
- Please refrain from biased and antiquated criticism of Cannabis and Cannabis consumption that is based only on prohibitionary-era research and data.
- Be leaders in the discussions, leaders in the research, and leaders in Cannabis-use education.
- There is an opportunity for both DOH and DPS/DPH to partner with our Cannabis operators around education and public safety campaigns.
 - However these campaigns need to be based on viable data that is aggregated through meaningful, well-substantiated, and unbiased research that is specific to **clean-tested Cannabis only**.

Thank you so much for your time and consideration of this written testimony. Having significant experience in the process of Adult-Use legalization and the processes of undoing the harms done by prohibition, and ongoing biases and stigmas that many states are rife with, I truly hope that you take this input very seriously into consideration.

Mahalo Nui Loa

Any Task Force Member can feel free to contact me for any further questions:

Email: Sam@greenwaveconsult.us

Calendar Link: <https://cal.mixmax.com/samdelapaz-690/intro-call>

Phone: 808-989-4454

October 31, 2022

TO: Dual Use Cannabis Force (public hearings)

RE: Legalization of Adult Recreational Cannabis

TO WHOM IT MAY CONCERN:

I would like to go on record in support of legalizing cannabis (marijuana) for full medical and recreational use as soon as possible.

Hawaii is way behind the times in our policies on this subject. Too much money and energy is being spent arresting and incarcerating people for possession and use of an herb that has been used for centuries, an herb that has never killed anyone and has been shown to be much safer than alcohol or the "hard" drugs it has mistakenly been associated with in Federal Schedule One. Local police are currently understaffed and have more important things to do like protect the public from violence.

Hawaii's outdated policies on cannabis encourage criminal "justice" problems regarding such issues as property and cash forfeiture, overcrowding in jails and prisons, and after-effects of arrest by unfairly restricting employment, housing, education and financial services for those convicted.

Over the years Hawaii residents, both native and incoming, have become increasingly favorable toward legalization, especially in light of potential revenues for merchants and the state for this popular product, if managed in a reasonable fashion. Patients have been shown to benefit, especially for appetite during cancer treatment (helping to keep them alive) and other conditions like epilepsy. And there is also the possibility of burning hemp for energy production, something that has not yet been tried here, but it seems like a better option than trees that we need to produce shade and oxygen instead.

Thus legalization benefits the state in a number of ways.

Sincerely,



(Ms.) Kerry Taggart, age 72

Honolulu resident since 1965

The impacts of the legalization on qualifying patients pursuant to SLH, 2021. Act 169

I feel that the State should not remove the restriction that all cultivation must take place at least 500 ft. from a residence on ag. land. We live on ag. land very close to growers of cannabis in large greenhouse. Our neighbors closest to this greenhouse are suffering from the intense smell and other aspects of its cultivation. We, too feel the effects of the cannabis cultivation which sometimes seems more industrial than agricultural. We are all used to cows, pigs, and other ways of making a livelihood. Cannabis needs to be even further from peoples homes.

Very truly yours,

A handwritten signature in black ink, appearing to read "Judy D. Bisgard". The signature is fluid and cursive, with "Judy" and "D." on the first line and "Bisgard" on the second line.

Judy D. Bisgard