

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii
Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 1333, S.D. 2, H.D. 1, entitled:
"A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT,"
begs leave to report as follows:

The purpose of this measure is to conform the Uniform Controlled Substances Act with amendments in the federal controlled substances law by:

(1) Exempting hemp and any material, compound, mixture, or preparation that falls within the definition of hemp from the Uniform Controlled Substances Act; and

(2) Removing the prescription drug Epidiolex and approved generic versions of that drug that contain cannabidiol derived from cannabis and no more than 0.1 percent (w/w) residual tetrahydrocannabinols from Schedule V of the Uniform Controlled Substances Act and certain provisions of the Hawaii Penal Code.

Your Committee received testimony in support of this measure from Greenwich Biosciences and one individual. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that the Agriculture Improvement Act of 2018 (Public Law 115-334) modified the regulatory controls over cannabis, tetrahydrocannabinols, and other cannabis-related constituents in the federal Controlled Substances Act by removing hemp from the definition of marihuana under the Act. Your Committee further finds that in April 2020, the United States Drug Enforcement Agency notified the manufacturer of Epidiolex, a drug used to treat two forms of childhood-onset epilepsy, of its removal from the federal Schedule V and, in August 2020, officially removed Epidiolex's designation in the federal Schedule V through an interim final rule. This measure conforms the Uniform Controlled Substances Act with the federal treatment of hemp and Epidiolex and its approved generic versions.

Your Committee notes that the Department of the Attorney General submitted written testimony to your Committee raising concerns that some provisions of this measure may exceed the bounds of the one subject expressed in this measure's title. Specifically, the Department of the Attorney General states that the provisions in this measure amending the Hawaii Penal Code are outside the scope of the title, "Relating to the Uniform Controlled Substances Act." This concern should be given further consideration as this measure advances into Conference.

Your Committee has amended this measure by:

(1) Changing the effective date to January 1, 2050, to encourage further discussion; and

(2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1333, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1333, S.D. 2, H.D. 2.

Respectfully submitted on behalf of the members of the Committee on
Consumer Protection & Commerce,

AARON LING JOHANSON, Chair