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## HOUSE CONCURRENT RESOLUTION

DECLARING THAT THE LAWFULLY ENACTED STATE SOCIAL POLICIES OF THE TWELVE STATES THAT HAVE ENACTED STATE LAWS TO AUTHORIZE THE MEDICAL USE OF MARIJUANA, AND THE ACTIONS OF THOSE LAWFULLY CONFORMING TO THOSE STATE LAWS BY THE USE OF MEDICAL MARIJUANA SHALL NOT BE ENJOINED.

1           WHEREAS, by prohibiting seriously ill persons from using  
2 cannabis in states that have approved such use, the Controlled  
3 Substances Act, Title II of the Comprehensive Drug Abuse  
4 Prevention and Control Act of 1970, interferes with the rights  
5 reserved to the states by the Ninth Amendment of the United  
6 States Constitution to enact and implement laws protecting the  
7 health, safety, and welfare of their citizens; and

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9           WHEREAS, the Controlled Substances Act also violates  
10 traditional notions of state sovereignty protected by the Tenth  
11 Amendment of the United States Constitution; and

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13           WHEREAS, much time has passed since 1970 when the  
14 Controlled Substances Act first classified marijuana as a  
15 Schedule I drug, including the emergence of the AIDS epidemic  
16 and the accumulation of solid scientific evidence that marijuana  
17 can relieve the suffering of those afflicted by certain types of  
18 illness, including glaucoma, multiple sclerosis, spasticity,  
19 severe pain, and nausea induced by the drugs used in  
20 chemotherapy and in the treatment of AIDS; and

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22           WHEREAS, since 1996, twelve states have enacted laws to  
23 authorize the use of medical marijuana only for medical  
24 purposes; these states do not legalize the general use of  
25 marijuana; and

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27           WHEREAS, the controversy surrounding state-authorized  
28 medical use of marijuana has nothing to do with the war on  
29 drugs, but is a fundamental concept in a state's right to enact



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1 regulations for the health and welfare of its citizens; now,  
2 therefore,

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4 BE IT RESOLVED by the House of Representatives of the  
5 Twenty-fourth Legislature of the State of Hawaii, Regular  
6 Session of 2008, the Senate concurring, that the Legislature  
7 declares that the lawfully enacted state social policies of the  
8 twelve states that have enacted state laws to authorize the  
9 medical use of marijuana, and the actions of those individuals  
10 who lawfully conform to those state laws in their use of medical  
11 marijuana, shall not be enjoined; and

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13 BE IT FURTHER RESOLVED that certified copies of this  
14 Concurrent Resolution be transmitted to the Governor, the  
15 Governors of the states of Alaska, California, Colorado, Maine,  
16 Montana, Nevada, New Mexico, Oregon, Rhode Island, Vermont, and  
17 Washington, and members of Hawaii's congressional delegation.

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OFFERED BY: \_\_\_\_\_



MAR 1 1 2008

