

JAN 19 2017

A BILL FOR AN ACT

RELATING TO THE SCHEDULING OF MARIJUANA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the use of marijuana
2 for medical purposes has been permitted in the State since 2000,
3 when Hawaii became the first in the nation to authorize such use
4 through the legislative process. However, marijuana remains
5 classified under state law as a schedule I drug, which is the
6 classification for substances with the "highest degree of danger
7 or probable danger" and for which virtually no lawful use is
8 permitted. There exists a clear, facial contradiction between
9 marijuana's classification as a schedule I drug and its
10 allowable use by qualifying patients for safe and effective
11 relief of debilitating medical conditions pursuant to a licensed
12 medical provider's written certification.

13 For the purposes of Hawaii state law, the department of
14 public safety determines a drug's degree of danger and
15 classifies it within the schedule system under the Uniform
16 Controlled Substances Act, chapter 329, Hawaii Revised Statutes.
17 The department's authority includes adding, deleting, and



1 rescheduling drugs. The legislature finds that the time is ripe
2 for the department to reassess marijuana's classification as a
3 schedule I drug. The legislature notes that at least one other
4 state, Oregon, has already reclassified marijuana as a schedule
5 II drug under its own state law, consistent with that state's
6 allowable medical marijuana use.

7 The purpose of this Act is to require the department of
8 public safety to reassess the classification of marijuana under
9 Hawaii state law and to report its findings to the legislature.

10 SECTION 2. (a) The department of public safety shall
11 reassess the classification of marijuana as a schedule I drug
12 pursuant to the criteria set forth in section 329-11, Hawaii
13 Revised Statutes, including the degree of danger or probable
14 danger present in the medical use of marijuana and its currently
15 accepted medical use in the State, and shall make a
16 determination as to its appropriate schedule classification.
17 The assessment and determination shall include:

- 18 (1) A detailed analysis of the statutory criteria for drug
19 scheduling included in the State's Uniform Controlled
20 Substances Act, chapter 329, Hawaii Revised Statutes,
21 as applied to marijuana;



1 (2) Discussion of any contradiction inherent in
2 classification of marijuana as a schedule I drug in
3 context of its actual, current, allowable medical use
4 pursuant to a medical practitioner's written
5 certification that such use is safe and effective to
6 alleviate the symptoms or effects of a qualifying
7 patient's debilitating medical condition; and

8 (3) A detailed explanation of any conclusions or
9 recommendations regarding the classification of
10 marijuana under chapter 329, Hawaii Revised Statutes,
11 and the reasoning behind those conclusions and
12 recommendations.

13 (b) The department of public safety shall submit a written
14 report of its assessment and determination as specified by
15 subsection (a) to the legislature no later than twenty days
16 prior to the convening of the regular session of 2018.

17 (c) For purposes of this Act, the terms "debilitating
18 medical condition", "marijuana", "medical use", "qualifying
19 patient", and "written certification" shall have the same
20 meaning as in section 329-121, Hawaii Revised Statutes.

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1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

Kal Rhoads



S.B. NO. 120

Report Title:

Marijuana; Uniform Controlled Substances Act; Schedule I Drugs

Description:

Requires the Department of Public Safety to reassess the classification of marijuana as a Schedule I drug under state law and to report its findings to the Legislature.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

