WHEREAS, the structure of our United States government allows for the distribution of power between the states and the federal government; and

WHEREAS, a power that remains with the states is the authority to accept the medical use of controlled substances; and

WHEREAS, Congress enacted the United States Controlled Substances Act with the clear intent of allowing for changes in state medical use of certain substances; and

WHEREAS, cannabis is currently classified as a schedule I drug by the federal government and the State of Hawaii, which impedes medical and scientific research; and

WHEREAS, Hawaii, now joined by at least twenty-eight other states, Guam, Puerto Rico, and the District of Columbia, lawfully exercised its authority and authorized the medical use of cannabis; and

WHEREAS, under the federal Controlled Substances Act, inclusion of a drug in Schedule I requires three findings, one of which is that the drug has no currently accepted medical use in treatment in the United States; and

WHEREAS, cannabis does not satisfy the criteria of a schedule I controlled substance because the drug is currently accepted for medical use by Hawaii and other jurisdictions within the United States; and

WHEREAS, under the Obama Administration, in August 2013, the Department of Justice issued a statement, referred to as the Cole Memorandum, indicating that while marijuana remains federally illegal, the Department expects states to create...
strong, state-based enforcement efforts and reserves the right to challenge states' legalization laws; the Cole Memorandum also indicated that the Department of Justice will focus its enforcement efforts on eight specified priorities relating to marijuana; and

WHEREAS, however, under the Trump Administration, in January 2018, the Attorney General issued a Marijuana Enforcement Memorandum that rescinded the Cole Memorandum and allows federal prosecutors to decide how to prioritize enforcement of federal marijuana laws; and

WHEREAS, there is a significant lack of research on cannabis by industries, universities, and research institutions, in part because of cannabis's classification as a schedule I drug; and

WHEREAS, Hawaii's classification of cannabis as a schedule I drug is inconsistent with state policy and may have unintended negative consequences; and

WHEREAS, changing the State's classification of cannabis from schedule I to schedule III may make the drug more available for research and medical use, while still keeping the drug safely regulated; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2018, that the Departments of Health and Public Safety are requested to evaluate the appropriateness and likely effects of reclassifying cannabis at the state level as a schedule III drug; and

BE IT FURTHER RESOLVED that the Departments of Health and Public Safety are requested to report their findings to the Legislature no later than December 31, 2018; and
BE IT FURTHER RESOLVED that certified copies of this
Resolution be transmitted to the Director of Health and Director
of Public Safety.

OFFERED BY:

MAR 06 2018