

STAND. COM. REP. NO. 1717

Honolulu, Hawaii

APR 13 2021

RE: H.C.R. No. 132
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.C.R.
No. 132, H.D. 1, entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF
HEALTH TO SUBMIT A REQUEST TO THE DRUG ENFORCEMENT
ADMINISTRATION FOR AN EXCEPTION TO REGULATIONS AND A PETITION
TO INITIATE PROCEEDINGS FOR FEDERAL RULEMAKING TO CLARIFY
THAT THE STATE-AUTHORIZED USE OF MEDICAL CANNABIS DOES NOT
VIOLATE THE FEDERAL CONTROLLED SUBSTANCES ACT,"

begs leave to report as follows:

The purpose and intent of this measure is to request the
Department of Health to submit a request to the Drug Enforcement
Administration for an exception to regulations and a petition to
initiate proceedings for federal rulemaking to clarify that the
state-authorized use of medical cannabis does not violate the
federal Controlled Substances Act.

Your Committee received testimony in support of this measure
from two individuals. Your Committee received comments on this
measure from the Department of Health.

Your Committee finds that Act 228, Session Laws of Hawaii
2000, authorizes the use of medical marijuana to treat
debilitating medical conditions, including cancer, glaucoma, human
immunodeficiency virus, acquired immune deficiency syndrome, and



other chronic or debilitating diseases. However, federal law expressly prohibits the use of marijuana, despite the evidence of the benefits of using medical cannabis. Your Committee finds that this lack of uniformity between state and federal laws has repercussions for medical cannabis patients and the State's medical cannabis dispensaries, including loss of employment, discrimination in child custody hearings, eligibility for federally subsidized housing, and others. This measure requests the Department of Health to submit a request to the Drug Enforcement Administration for an exception to marijuana regulations.

Your Committee finds that the intent of the measure would be better served by incorporating a broader request. Therefore, your Committee has amended this measure by:

- (1) Removing each provision that:
 - (A) Requests a written acknowledgement from the Drug Enforcement Agency that the inclusion of marijuana as a controlled substance in Schedule I of the federal Controlled Substances Act does not apply to the non-prescription use of cannabis under Hawaii's medical cannabis registry and medical cannabis dispensary programs; and
 - (B) Offers proposed language for adoption into Title 21 Code of Federal Regulations;
- (2) Replacing the request for the Department of Health to submit a request for an exception to regulations and a petition to initiate proceedings for federal rulemaking, with a request that the Department of Health apply to the Drug Enforcement Administration's Office of Diversion Control for an exception under Title 21 Code of Federal Regulations section 1307.03, and request formal written acknowledgment that the listing of marihuana, marihuana extract, and tetrahydrocannabinols as controlled substances in federal Schedule I does not apply to the protected activities in the Hawaii Revised Statutes;
- (3) Amending the title to reflect its amended purpose; and



- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 132, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Judiciary, in the form attached hereto as H.C.R. No. 132, H.D. 1, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Health,



JARRETT KEOHOKALOLE, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* HCR 132 HD1	Committee Referral: HTH, JDC	Date: 4-9-2021		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOPE, Jarrett (C)	✓			
BAKER, Rosalyn (VC)	✓			
MORIWAKI, Sharon Y.		✓		
SAN BUENAVENTURA, Joy A.	✓			
FEVELLA, Kurt	✓			
TOTAL	4	1	—	—
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Rosalyn H Baker</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes