
A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1 SECTION 1. The legislature finds that Hawaii has
2 authorized the use of cannabis for certain purposes, and that
3 the United States Department of Justice and the Drug Enforcement
4 Administration have never challenged the legality of such use.

5 The legislature further finds that citizens using cannabis
6 for authorized purposes under chapter 329, Hawaii Revised
7 Statutes, are exempt from the criminal penalties associated with
8 the use of cannabis as a schedule I substance under state law.

9 The legislature additionally finds that the international
10 drug treaties to which the United States is signatory, the
11 Single Convention on Narcotic Drugs and the Convention on
12 Psychotropic Substances, both contain exemptions for the
13 authorized use of controlled substances under domestic law.

14 The legislature also finds that administrative procedures
15 already exist for obtaining a federal exemption for the state
16 authorized use of a controlled substance.



1 The legislature further finds that adults who require the
2 medicinal or therapeutic effects of cannabis are being hampered
3 in acquiring supply or traveling freely with their medicine due
4 to a lack of federal exemption.

5 Accordingly, the purpose of this Act is to require the
6 department of health to submit an application and a petition for
7 federal exemptions for the state authorized use of cannabis in
8 Hawaii from the Drug Enforcement Administration under title 21
9 Code of Federal Regulations sections 1307.03 and 1308.43.

10 SECTION 2. The department of health shall submit to the
11 administrator of the United States Department of Justice, Drug
12 Enforcement Administration, Diversion Control Division:

13 (1) An application for immediate relief pursuant to title
14 21 Code of Federal Regulations section 1307.03 to the
15 Office of Diversion Control. This application shall
16 state that part IX of chapter 329, Hawaii Revised
17 Statutes, and chapter 329D, Hawaii Revised Statutes,
18 create an exemption from federal drug laws and do not
19 create any positive conflict pursuant to title 21
20 United States Code Annotated section 903; and that the



1 federal scheduling of marijuana does not apply to the
2 state authorized use of cannabis.

3 The application shall also include a proposed
4 rule containing the following:

5 "The listing of marijuana as a controlled
6 substance does not apply to the state authorized use
7 of marijuana, and persons using marijuana in
8 compliance with state law are exempt from
9 registration"; and

10 (2) A petition for permanent relief pursuant to title 21
11 Code of Federal Regulations section 1308.43. This
12 petition shall state that part IX of chapter 329,
13 Hawaii Revised Statutes, and chapter 329D, Hawaii
14 Revised Statutes, create an exemption from federal
15 drug laws and do not create any positive conflict
16 pursuant to title 21 United States Code Annotated
17 section 903; and that the federal scheduling of
18 marijuana does not apply to the state authorized use
19 of cannabis.

20 The petition shall also include a proposed rule
21 containing the following:



H.B. NO. 867

1 "The listing of marijuana as a controlled
2 substance does not apply to the state authorized use
3 of marijuana, and persons using marijuana in
4 compliance with state law are exempt from
5 registration."

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

7

INTRODUCED BY: *Nadine K. Puckett*

JAN 25 2021



H.B. NO. 867

Report Title:

Department of Health; Drug Enforcement Administration; Cannabis; Exemption

Description:

Requires the Department of Health to submit an application and a petition for federal exemptions for the state authorized use of cannabis in Hawaii from the Drug Enforcement Administration under title 21 Code of Federal Regulations sections 1307.03 and 1308.43.

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

