
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.

1 WHEREAS, when Act 228, Session Laws of Hawaii 2000
2 (Act 228), was enacted, Hawaii became the first state to
3 authorize the use of medical marijuana to treat debilitating
4 medical conditions including cancer, glaucoma, human
5 immunodeficiency virus, acquired immune deficiency syndrome, and
6 other chronic or debilitating diseases; and

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8 WHEREAS, at the time Act 228 was enacted there was ample
9 evidence to show that medical marijuana helps to alleviate pain
10 and has other benefits for severely ill patients; and

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12 WHEREAS, federal law expressly prohibits the use of
13 marijuana, despite the evidence of the benefits of using medical
14 cannabis; and

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16 WHEREAS, this lack of clarity between state and federal
17 marijuana laws has repercussions for medical cannabis patients
18 and the State's medical cannabis dispensaries, including loss of
19 employment and discrimination in child custody hearings,
20 federally subsidized housing, and applications for federal
21 firearms permits, life insurance, and disability insurance for
22 patients who use medical cannabis in compliance with state law;
23 and

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25 WHEREAS, Title 21 Code of Federal Regulations
26 section 1307.03 allows the Administrator of the Drug Enforcement



1 Administration to grant exceptions to certain federal
2 regulations; and

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4 WHEREAS, obtaining an exception from the federal Controlled
5 Substances Act for the state-authorized use of medical cannabis
6 would benefit the State's residents who use medical cannabis and
7 the State's medical cannabis dispensaries; now, therefore,

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9 BE IT RESOLVED by the House of Representatives of the
10 Thirty-first Legislature of the State of Hawaii, Regular Session
11 of 2021, the Senate concurring, that the Department of Health is
12 requested to submit a request to the Drug Enforcement
13 Administration for an exception to regulations and a petition to
14 initiate proceedings for federal rulemaking to clarify that the
15 state-authorized use of medical cannabis does not violate the
16 federal Controlled Substances Act; and

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18 BE IT FURTHER RESOLVED that when making the request for an
19 exception to regulations, the Department of Health is urged to
20 argue that Hawaii's medical cannabis laws do not create any
21 positive conflict with state or federal drug laws and to request
22 a written acknowledgement from the Drug Enforcement
23 Administration that the listing of marijuana as a controlled
24 substance in Schedule I of the federal Controlled Substances Act
25 does not apply to the non-prescription use of cannabis under
26 Hawaii's medical cannabis registry and medical cannabis
27 dispensary programs; and

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29 BE IT FURTHER RESOLVED that when making a petition for
30 federal rule making in accordance with Title 21 Code of Federal
31 Regulations section 1308.43, the Department of Health is urged
32 to offer the following proposed language: "\$1307. State
33 Authorization. The listing of marijuana as a controlled
34 substance in Schedule I does not apply to the state-authorized
35 use of marijuana, and persons using marijuana in compliance with
36 state law are exempt from registration."; and

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38 BE IT FURTHER RESOLVED that certified copies of this
39 Concurrent Resolution be transmitted to the members of Hawaii's
40 Congressional Delegation, Governor, Attorney General, and
41 Director of Health.

