
HOUSE 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, Act 228, Session Laws of Hawaii 2000 (Act 228),
2 was enacted, making Hawaii the first state to authorize the use
3 of medical marijuana to treat debilitating medical conditions
4 including cancer, glaucoma, human immunodeficiency virus,
5 acquired immune deficiency syndrome, and other chronic or
6 debilitating diseases; and
7

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
24

25 WHEREAS, Title 21 Code of Federal Regulations section
26 1307.03 allows the Administrator of the Drug Enforcement
27 Administration to grant exceptions to certain federal
28 regulations; and



H.R. NO. 112

1 WHEREAS, obtaining an exception from the federal Controlled
 2 Substances Act for the state-authorized use of medical cannabis
 3 would benefit the State's residents who use medical cannabis and
 4 the State's medical cannabis dispensaries; now, therefore,
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6 BE IT RESOLVED by the House of Representatives of the
 7 Thirty-first Legislature of the State of Hawaii, Regular Session
 8 of 2021, that the Department of Health is requested to submit a
 9 request to the Drug Enforcement Administration for an exception
 10 to regulations and a petition to initiate proceedings for
 11 federal rulemaking to clarify that the state-authorized use of
 12 medical cannabis does not violate the federal Controlled
 13 Substances Act; and
 14

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

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

35 BE IT FURTHER RESOLVED that a certified copy of this
 36 Resolution be transmitted to the Director of Health.
 37
 38
 39

OFFERED BY:



 MAR 12 2021

