

MAR 12 2021

SENATE RESOLUTION

REQUESTING THE GOVERNOR TO PURSUE IMMEDIATE AND PERMANENT RELIEF
FROM THE DRUG ENFORCEMENT ADMINISTRATION FOR THE STATE
AUTHORIZED USE OF CANNABIS IN HAWAII.

1 WHEREAS, the State of Hawaii has authorized the use of
2 cannabis, and the United States Department of Justice and the
3 Drug Enforcement Administration (DEA) have never challenged the
4 constitutionality of such use; and

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6 WHEREAS, citizens using cannabis for authorized purposes
7 under Hawaii Revised Statutes at part IX, chapter 329, are
8 exempt from the criminal penalties associated with the illegal
9 use of cannabis as a state Schedule I controlled substance; and

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11 WHEREAS, the international drug treaties to which the
12 United States is signatory, the Single Convention on Narcotic
13 Drugs and the Convention on Psychotropic Substances, both
14 contain exemptions for the authorized use of controlled
15 substances under domestic law; and

16
17 WHEREAS, administrative procedures already exist for
18 obtaining federal exemptions for the state authorized use of a
19 controlled substance; now, therefore,

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21 BE IT RESOLVED by the Senate of the Thirty-first
22 Legislature of the State of Hawaii, Regular Session of 2021,
23 that the Governor is hereby requested to submit to the
24 Administrator of the United States Department of Justice, Drug
25 Enforcement Administration, Diversion Control Division, an
26 application for immediate relief pursuant to title 21 Code of
27 Federal Regulations section 1307.03 and a petition for permanent
28 relief pursuant to title 21 Code of Federal Regulations section
29 1308.43, stating that part IX of chapter 329, Hawaii Revised
30 Statutes, and chapter 329D, Hawaii Revised Statutes, create an
31 exemption from federal drug laws and do not create any positive
32 conflict pursuant to title 21 United States Code Annotated
33 section 903; and that the federal scheduling of marijuana does
34 not apply to the state authorized use of cannabis; and

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1 BE IT FURTHER RESOLVED that certified copies of this
2 Resolution be transmitted to the Office of the Governor, Office
3 of the Lieutenant Governor, Office of the Attorney General,
4 Department of Health, Department of Public Safety, Department of
5 Transportation, Department of Education, Department of Labor and
6 Industrial Relations, and President of the University of Hawaii
7 System.

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OFFERED BY: _____

A handwritten signature in black ink, appearing to be 'R. A. E.', written over a horizontal line.