

MAR 07 2014

SENATE CONCURRENT RESOLUTION

REQUESTING THE DRUG ENFORCEMENT ADMINISTRATION TO ACKNOWLEDGE
THE CURRENTLY ACCEPTED MEDICAL USE OF MARIJUANA IN
TREATMENT THAT EXISTS IN HAWAII AND THE UNITED STATES AND
REMOVE MARIJUANA FROM CLASSIFICATION AS A FEDERAL SCHEDULE
I CONTROLLED SUBSTANCE.

1 WHEREAS, our structure of government, known as federalism,
2 allows for the distribution of power between the states and the
3 federal government; and
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5 WHEREAS, one of the powers that remains with the states is
6 the authority to accept the medical use of controlled
7 substances; and
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9 WHEREAS, the United States Congress designed the Federal
10 Controlled Substances Act with the clear intent of allowing for
11 changes in the scheduling of controlled substances based on
12 changes in state medical use; and
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14 WHEREAS, Hawaii lawfully exercised its authority to accept
15 the medical use of controlled substances when the Legislature
16 passed Act 228, Session Laws of Hawaii 2000, accepting the
17 medical use of marijuana in treatment; and
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19 WHEREAS, classification as a federal schedule I substance
20 requires that the substance have no currently accepted medical
21 use in treatment in the United States; and
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23 WHEREAS, marijuana does not satisfy the criteria for
24 scheduling as a federal schedule I controlled substance due to
25 the currently accepted medical use of marijuana in treatment
26 that exists in Hawaii and the United States; and
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28 WHEREAS, the Drug Enforcement Administration, the
29 government agency that administers the regulation of controlled
30 substances at the federal level, does not have the power to deny



1 the authority of state law, especially when state law changes
2 the status of the currently accepted medical use in treatment of
3 a controlled substance; and
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5 WHEREAS, Hawaii is lawfully entitled to create a state-
6 regulated distribution system that will allow patients to
7 purchase marijuana for medical use; and
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9 WHEREAS, the Drug Enforcement Administration, by failing to
10 acknowledge the currently accepted medical use of marijuana in
11 treatment that exists in Hawaii and the United States, is
12 unlawfully enforcing marijuana as a schedule I controlled
13 substance and preventing Hawaii from creating a state-regulated
14 distribution system that can comply with federal law; now,
15 therefore,
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17 BE IT RESOLVED by the Senate of the Twenty-seventh
18 Legislature of the State of Hawaii, Regular Session of 2014, the
19 House of Representatives concurring, that the Drug Enforcement
20 Administration is requested to acknowledge the currently
21 accepted medical use of marijuana in treatment that exists in
22 Hawaii and the United States and remove marijuana from
23 classification as a federal schedule I controlled substance; and
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25 BE IT FURTHER RESOLVED that a certified copy of this
26 Concurrent Resolution be transmitted to the Administrator of the
27 United States Drug Enforcement Administration.
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OFFERED BY:

Shianne Chun Oakland

