
HOUSE CONCURRENT RESOLUTION

REQUESTING THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION TO REMOVE MARIJUANA FROM SCHEDULE I OF THE CONTROLLED SUBSTANCES ACT AND RESCHEDULE MARIJUANA TO ANY SCHEDULE OTHER THAN SCHEDULE I FOR PURPOSES OF THE MEDICALLY CONTROLLED USE OF MARIJUANA.

1 WHEREAS, for sixteen years, Act 228, Session Laws of Hawaii
2 (SLH) 2000, provided seriously ill individuals in the State of
3 Hawaii access to therapeutic benefits of medical marijuana; and
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5 WHEREAS, Act 228, SLH 2000, recognized the existence of
6 sufficient medical and anecdotal evidence to establish a record
7 that certain debilitating illnesses respond favorably to the
8 medically controlled use of marijuana; and
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10 WHEREAS, Act 241, SLH 2015, recognized that nearly thirteen
11 thousand patients in Hawaii would benefit from improved access
12 to controlled medical use of marijuana; and
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14 WHEREAS, a regulated statewide dispensary system was
15 established to ensure the safe and legal access to medical
16 marijuana for qualifying patients; and
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18 WHEREAS, the majority of states have recognized the medical
19 benefits of medical marijuana and have legalized its use; and
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21 WHEREAS, as of November 2016, Hawaii, twenty-seven states,
22 the District of Columbia, Guam, and Puerto Rico have legalized
23 medical marijuana; and
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25 WHEREAS, the medical benefit of marijuana is confirmed by
26 sixteen years of controlled use in Hawaii and the growing number
27 of jurisdictions that have legalized medical marijuana; and



1 WHEREAS, despite the proven record of beneficial use,
2 medical marijuana is still prohibited by federal law; and
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4 WHEREAS, the United States Drug Enforcement Administration
5 (DEA) classifies marijuana in Schedule I, a schedule for
6 substances with no accepted medical use, under the Federal
7 Controlled Substances Act; and
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9 WHEREAS, in October 2009, in deference to the states'
10 legalization of medical marijuana, President Barack Obama's
11 administration encouraged federal prosecutors not to prosecute
12 people who distribute marijuana for medical purposes in
13 accordance with state law; and
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15 WHEREAS, in August 2013, the United States Department of
16 Justice relaxed their marijuana enforcement policy, but they
17 complicated rather than resolved the issue; and
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19 WHEREAS, marijuana remained illegal under federal law, but
20 if the states created strong, state-based enforcement efforts,
21 the Department of Justice would defer the federal right to
22 challenge the states' legalization laws; and
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24 WHEREAS, the Department of Justice, however, threatened
25 federal prosecution and reserved the right to challenge the
26 states at any time the federal government felt it was necessary
27 to enforce the federal prohibition against marijuana; and
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29 WHEREAS, the shift in federal policy does not resolve the
30 continuing conflict between medical marijuana laws of the states
31 and the controlled substances law of the United States; and
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33 WHEREAS, doctors, patients, and marijuana dispensaries that
34 grow, sell, transport, or prescribe marijuana in compliance with
35 Hawaii law are in jeopardy of arrest and sanctions under federal
36 law; and
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38 WHEREAS, many banks and credit unions are unwilling to do
39 business with medical marijuana dispensaries since marijuana is
40 considered a controlled substance, resulting in many



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1 dispensaries becoming cash-only businesses, thus increasing the
2 risk of robbery and inhibiting the ability of states to collect
3 taxes; and

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5 WHEREAS, the U.S. Postal Service and other shippers are
6 unable to transport marijuana without violating federal law; and

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8 WHEREAS, cannabis advertisements are also prohibited and
9 considered "non-mailable" by the U.S. Postal Service because
10 marijuana is considered a controlled substance; and

11
12 WHEREAS, state universities are unable to test or conduct
13 research on marijuana without fear of losing federal funding;
14 and

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16 WHEREAS, on August 12, 2016, the Drug Enforcement
17 Administration denied two petitions to reschedule marijuana to a
18 more appropriate schedule on the Controlled Substances Act; and

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20 WHEREAS, the first petition, initiated on December 17,
21 2009, sought to remove marijuana from Schedule I and reschedule
22 it on any schedule other than Schedule I, 81 Fed. Reg. 53,767
23 (2016); and

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25 WHEREAS, the second petition, initiated on November 20,
26 2011, sought to remove marijuana from Schedule I and reschedule
27 it as medical cannabis on Schedule II, 81 Fed. Reg. 53,687
28 (2016); now, therefore,

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30 BE IT RESOLVED by the House of Representatives of the
31 Twenty-ninth Legislature of the State of Hawaii, Regular Session
32 of 2017, the Senate concurring, that this body requests that the
33 United States Drug Enforcement Administration reverse its August
34 12, 2016, denials of petitions, 81 Fed. Reg. 53,687 (2016) and
35 81 Fed. Reg. 53,767 (2016), and reschedule marijuana to any
36 schedule other than Schedule I for purposes of the medically
37 controlled use of marijuana in accordance with state law; and



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1 BE IT FURTHER RESOLVED that a certified copy of this
2 Concurrent Resolution be transmitted to the Administrator of the
3 United States Drug Enforcement Administration.
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OFFERED BY:

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FEB 07 2017

