

MAR 09 2018

SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENTS OF HEALTH AND PUBLIC SAFETY TO
EVALUATE THE APPROPRIATENESS OF RESCHEDULING CANNABIS AT
THE STATE LEVEL FROM SCHEDULE I TO SCHEDULE III.

1 WHEREAS, the structure of our United States government
2 allows for the distribution of power between the states and the
3 federal government; and
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5 WHEREAS, a power that remains with the states is the
6 authority to accept the medical use of controlled substances;
7 and
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9 WHEREAS, Congress enacted the United States Controlled
10 Substances Act with the clear intent of allowing for changes in
11 state medical use of certain substances; and
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13 WHEREAS, cannabis is currently classified as a schedule I
14 drug by the federal government and the State of Hawaii, which
15 impedes medical and scientific research; and
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17 WHEREAS, Hawaii, now joined by at least twenty-eight other
18 states, Guam, Puerto Rico, and the District of Columbia,
19 lawfully exercised its authority and authorized the medical use
20 of cannabis; and
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22 WHEREAS, under the federal Controlled Substances Act,
23 inclusion of a drug in Schedule I requires three findings, one
24 of which is that the drug has no currently accepted medical use
25 in treatment in the United States; and
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27 WHEREAS, cannabis does not satisfy the criteria of a
28 schedule I controlled substance because the drug is currently
29 accepted for medical use by Hawaii and other jurisdictions
30 within the United States; and
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S.C.R. NO. 151

1 WHEREAS, under the Obama Administration, in August 2013,
2 the Department of Justice issued a statement, referred to as the
3 Cole Memorandum, indicating that while marijuana remains
4 federally illegal, the Department expects states to create
5 strong, state-based enforcement efforts and reserves the right
6 to challenge states' legalization laws; the Cole Memorandum also
7 indicated that the Department of Justice will focus its
8 enforcement efforts on eight specified priorities relating to
9 marijuana; and

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11 WHEREAS, however, under the Trump Administration, in
12 January 2018, the Attorney General issued a Marijuana
13 Enforcement Memorandum that rescinded the Cole Memorandum and
14 allows federal prosecutors to decide how to prioritize
15 enforcement of federal marijuana laws; and

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17 WHEREAS, there is a significant lack of research on
18 cannabis by industries, universities, and research institutions,
19 in part because of cannabis's classification as a schedule I
20 drug; and

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22 WHEREAS, Hawaii's classification of cannabis as a schedule
23 I drug is inconsistent with state policy and may have unintended
24 negative consequences; and

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26 WHEREAS, changing the State's classification of cannabis
27 from schedule I to schedule III may make the drug more available
28 for research and medical use, while still keeping the drug
29 safely regulated; now, therefore,

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31 BE IT RESOLVED by the Senate of the Twenty-ninth
32 Legislature of the State of Hawaii, Regular Session of 2018, the
33 House of Representatives concurring, that the Departments of
34 Health and Public Safety are requested to evaluate the
35 appropriateness and likely effects of reclassifying cannabis at
36 the state level as a schedule III drug; and

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38 BE IT FURTHER RESOLVED that the Departments of Health and
39 Public Safety are requested to report their findings to the
40 Legislature no later than December 31, 2018; and
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BE IT FURTHER RESOLVED that certified copies of this
Concurrent Resolution be transmitted to the Director of Health
and Director of Public Safety.

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