

MAR 09 2018

S.R. NO. III

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## SENATE RESOLUTION

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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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32 WHEREAS, under the Obama Administration, in August 2013,  
33 the Department of Justice issued a statement, referred to as the  
34 Cole Memorandum, indicating that while marijuana remains  
35 federally illegal, the Department expects states to create



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1 strong, state-based enforcement efforts and reserves the right  
2 to challenge states' legalization laws; the Cole Memorandum also  
3 indicated that the Department of Justice will focus its  
4 enforcement efforts on eight specified priorities relating to  
5 marijuana; and

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9 Enforcement Memorandum that rescinded the Cole Memorandum and  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

12  
13 WHEREAS, there is a significant lack of research on  
14 cannabis by industries, universities, and research institutions,  
15 in part because of cannabis's classification as a schedule I  
16 drug; and

17  
18 WHEREAS, Hawaii's classification of cannabis as a schedule  
19 I drug is inconsistent with state policy and may have unintended  
20 negative consequences; and

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

26  
27 BE IT RESOLVED by the Senate of the Twenty-ninth  
28 Legislature of the State of Hawaii, Regular Session of 2018,  
29 that the Departments of Health and Public Safety are requested  
30 to evaluate the appropriateness and likely effects of  
31 reclassifying cannabis at the state level as a schedule III  
32 drug; and

33  
34 BE IT FURTHER RESOLVED that the Departments of Health and  
35 Public Safety are requested to report their findings to the  
36 Legislature no later than December 31, 2018; and



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BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Director of Health and Director of Public Safety.

OFFERED BY:

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Will Eger