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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO SUBMIT A REQUEST TO THE  
DRUG ENFORCEMENT ADMINISTRATION FOR AN EXCEPTION TO  
REGULATIONS AND A PETITION TO INITIATE PROCEEDINGS FOR  
FEDERAL RULEMAKING TO CLARIFY THAT THE STATE-AUTHORIZED USE  
OF MEDICAL CANNABIS DOES NOT VIOLATE THE FEDERAL CONTROLLED  
SUBSTANCES ACT.

1           WHEREAS, Act 228, Session Laws of Hawaii 2000 (Act 228),  
2 was enacted, making Hawaii the first state to authorize the use  
3 of medical marijuana to treat debilitating medical conditions  
4 including cancer, glaucoma, human immunodeficiency virus,  
5 acquired immune deficiency syndrome, and other chronic or  
6 debilitating diseases; and

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8           WHEREAS, at the time Act 228 was enacted there was ample  
9 evidence to show that medical marijuana helps to alleviate pain  
10 and has other benefits for severely ill patients; and

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12           WHEREAS, federal law expressly prohibits the use of  
13 marijuana, despite the evidence of the benefits of using medical  
14 cannabis; and

15  
16           WHEREAS, this lack of clarity between state and federal  
17 marijuana laws has repercussions for medical cannabis patients  
18 and the State's medical cannabis dispensaries, including loss of  
19 employment and discrimination in child custody hearings,  
20 federally subsidized housing, and applications for federal  
21 firearms permits, life insurance, and disability insurance for  
22 patients who use medical cannabis in compliance with state law;  
23 and



# H.C.R. NO. 132

1           WHEREAS, Title 21 Code of Federal Regulations section  
2 1307.03 allows the Administrator of the Drug Enforcement  
3 Administration to grant exceptions to certain federal  
4 regulations; and  
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6           WHEREAS, obtaining an exception from the federal Controlled  
7 Substances Act for the state-authorized use of medical cannabis  
8 would benefit the State's residents who use medical cannabis and  
9 the State's medical cannabis dispensaries; now, therefore,  
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11           BE IT RESOLVED by the House of Representatives of the  
12 Thirty-first Legislature of the State of Hawaii, Regular Session  
13 of 2021, the Senate concurring, that the Department of Health is  
14 requested to submit a request to the Drug Enforcement  
15 Administration for an exception to regulations and a petition to  
16 initiate proceedings for federal rulemaking to clarify that the  
17 state-authorized use of medical cannabis does not violate the  
18 federal Controlled Substances Act; and  
19

20           BE IT FURTHER RESOLVED that when making the request for an  
21 exception to regulations, the Department of Health is urged to  
22 argue that Hawaii's medical cannabis laws do not create any  
23 positive conflict with state or federal drug laws and to request  
24 a written acknowledgement from the Drug Enforcement  
25 Administration that the listing of marijuana as a controlled  
26 substance in Schedule I of the federal Controlled Substances Act  
27 does not apply to the non-prescription use of cannabis under  
28 Hawaii's medical cannabis registry and medical cannabis  
29 dispensary programs; and  
30

31           BE IT FURTHER RESOLVED that when making a petition for  
32 federal rule making in accordance with Title 21 Code of Federal  
33 Regulations section 1308.43, the Department of Health is urged  
34 to offer the following proposed language: "\$1307. State  
35 Authorization. The listing of marijuana as a controlled  
36 substance in Schedule I does not apply to the state-authorized  
37 use of marijuana, and persons using marijuana in compliance with  
38 state law are exempt from registration."; and



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1 BE IT FURTHER RESOLVED that a certified copy of this  
2 Concurrent Resolution be transmitted to the Director of Health.

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OFFERED BY:

  
MAR 12 2021

