
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO APPLY TO THE DRUG ENFORCEMENT ADMINISTRATION'S OFFICE OF DIVERSION CONTROL FOR AN EXCEPTION UNDER TITLE 21 CODE OF FEDERAL REGULATIONS SECTION 1307.03, AND REQUEST FORMAL WRITTEN ACKNOWLEDGMENT THAT THE LISTING OF MARIHUANA, MARIHUANA EXTRACT, AND TETRAHYDROCANNABINOLS AS CONTROLLED SUBSTANCES IN FEDERAL SCHEDULE I DOES NOT APPLY TO THE PROTECTED ACTIVITIES IN HAWAII REVISED STATUTES.

1 WHEREAS, when Act 228, Session Laws of Hawaii 2000
2 (Act 228), was enacted, Hawaii became the first state to
3 authorize the use of medical marijuana to treat debilitating
4 medical conditions including cancer, glaucoma, human
5 immunodeficiency virus, acquired immune deficiency syndrome, and
6 other chronic or 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
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16 WHEREAS, this lack of uniformity 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 eligibility for federally subsidized housing, and applications
21 for federal firearms permits, life insurance, and disability
22 insurance for patients who use medical cannabis in compliance
23 with state law; and
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25 WHEREAS, Title 21 Code of Federal Regulations
26 section 1307.03 allows the Administrator of the Drug Enforcement



1 Administration to grant exceptions to certain federal
2 regulations; and

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4 WHEREAS, obtaining an exception from the federal Controlled
5 Substances Act for the state-authorized use of medical cannabis
6 would benefit the State's residents who use medical cannabis and
7 the State's medical cannabis dispensaries; now, therefore,

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9 BE IT RESOLVED by the House of Representatives of the
10 Thirty-first Legislature of the State of Hawaii, Regular Session
11 of 2021, the Senate concurring, that the Department of Health is
12 requested to apply to the Drug Enforcement Administration's
13 Office of Diversion Control for an exception under Title 21 Code
14 of Federal Regulations, section 1307.03 and request formal
15 written acknowledgment that the listing of marihuana, marihuana
16 extract, and tetrahydrocannabinols as controlled substances in
17 federal Schedule I does not apply to the protected activities in
18 the Hawaii Revised Statutes; and

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20 BE IT FURTHER RESOLVED that certified copies of this
21 Concurrent Resolution be transmitted to the members of Hawaii's
22 Congressional Delegation, Governor, Attorney General, and
23 Director of Health.

