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## HOUSE 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, 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 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  
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25           WHEREAS, Title 21 Code of Federal Regulations  
26 section 1307.03 allows the Administrator of the Drug Enforcement  
27 Administration to grant exceptions to certain federal  
28 regulations; and



1 WHEREAS, obtaining an exception from the federal Controlled  
2 Substances Act for the state-authorized use of medical cannabis  
3 would benefit the State's residents who use medical cannabis and  
4 the State's medical cannabis dispensaries; now, therefore,  
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6 BE IT RESOLVED by the House of Representatives of the  
7 Thirty-first Legislature of the State of Hawaii, Regular Session  
8 of 2021, that the Department of Health is requested to submit a  
9 request to the Drug Enforcement Administration for an exception  
10 to regulations and a petition to initiate proceedings for  
11 federal rulemaking to clarify that the state-authorized use of  
12 medical cannabis does not violate the federal Controlled  
13 Substances Act; and  
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15 BE IT FURTHER RESOLVED that when making the request for an  
16 exception to regulations, the Department of Health is urged to  
17 argue that Hawaii's medical cannabis laws do not create any  
18 positive conflict with state or federal drug laws and to request  
19 a written acknowledgement from the Drug Enforcement  
20 Administration that the listing of marijuana as a controlled  
21 substance in Schedule I of the federal Controlled Substances Act  
22 does not apply to the non-prescription use of cannabis under  
23 Hawaii's medical cannabis registry and medical cannabis  
24 dispensary programs; and  
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26 BE IT FURTHER RESOLVED that when making a petition for  
27 federal rule making in accordance with Title 21 Code of Federal  
28 Regulations section 1308.43, the Department of Health is urged  
29 to offer the following proposed language: "\$1307. State  
30 Authorization. The listing of marijuana as a controlled  
31 substance in Schedule I does not apply to the state-authorized  
32 use of marijuana, and persons using marijuana in compliance with  
33 state law are exempt from registration."; and  
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35 BE IT FURTHER RESOLVED that certified copies of this  
36 Resolution be transmitted to the members of Hawaii's  
37 Congressional Delegation, Governor, Attorney General, and  
38 Director of Health.

