

MAR 12 2021

SENATE CONCURRENT RESOLUTION

REQUESTING THE GOVERNOR TO PURSUE IMMEDIATE AND PERMANENT RELIEF
FROM THE DRUG ENFORCEMENT ADMINISTRATION FOR THE STATE
AUTHORIZED USE OF CANNABIS IN HAWAII.

1 WHEREAS, the State of Hawaii has authorized the use of
2 cannabis, and the United States Department of Justice and the
3 Drug Enforcement Administration (DEA) have never challenged the
4 constitutionality of such use; and

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6 WHEREAS, citizens using cannabis for authorized purposes
7 under Hawaii Revised Statutes at part IX, chapter 329, are
8 exempt from the criminal penalties associated with the illegal
9 use of cannabis as a state Schedule I controlled substance; and

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11 WHEREAS, the international drug treaties to which the
12 United States is signatory, the Single Convention on Narcotic
13 Drugs and the Convention on Psychotropic Substances, both
14 contain exemptions for the authorized use of controlled
15 substances under domestic law; and

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17 WHEREAS, administrative procedures already exist for
18 obtaining federal exemptions for the state authorized use of a
19 controlled substance; now, therefore,

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21 BE IT RESOLVED by the Senate of the Thirty-first
22 Legislature of the State of Hawaii, Regular Session of 2021, the
23 House of Representatives concurring, that the Governor is hereby
24 requested to submit to the Administrator of the United States
25 Department of Justice, Drug Enforcement Administration,
26 Diversion Control Division, an application for immediate relief
27 pursuant to title 21 Code of Federal Regulations section 1307.03
28 and a petition for permanent relief pursuant to title 21 Code of
29 Federal Regulations section 1308.43, stating that part IX of
30 chapter 329, Hawaii Revised Statutes, and chapter 329D, Hawaii
31 Revised Statutes, create an exemption from federal drug laws and
32 do not create any positive conflict pursuant to title 21 United



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1 States Code Annotated section 903; and that the federal
2 scheduling of marijuana does not apply to the state authorized
3 use of cannabis; and

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5 BE IT FURTHER RESOLVED that certified copies of this
6 Concurrent Resolution be transmitted to the Office of the
7 Governor, Office of the Lieutenant Governor, Office of the
8 Attorney General, Department of Health, Department of Public
9 Safety, Department of Transportation, Department of Education,
10 Department of Labor and Industrial Relations, and President of
11 the University of Hawaii System.

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OFFERED BY: _____

A handwritten signature in black ink, appearing to be 'JBL', is written over a horizontal line.