STAND. COM. REP. NO. 1789

Honolulu, Hawaii

APR 1 9 2021

RE: H.C.R. No. 132 H.D. 1 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.C.R. No. 132, H.D. 1, S.D. 1, entitled:

"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,"

begs leave to report as follows:

The purpose and intent of this measure is to request 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 acknowledgement that the listing of marihuana, marihuana extract, and tetrahydrocannabinols as controlled substances in Federal Schedule I does not apply to the protected activities in the Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from Akamai Cannabis Clinic and one individual. Your Committee received testimony in opposition to this measure from one individual.



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Your Committee finds that Act 228, Session Laws of Hawaii 2000, authorizes the use of medical cannabis to treat debilitating medical conditions, including cancer, glaucoma, human immunodeficiency virus, acquired immune deficiency syndrome, and other chronic or debilitating diseases. Your Committee further finds that because federal law prohibits the use of cannabis, including the use of medical cannabis, there is a lack of clarity between State and federal cannabis laws that has significant repercussions for medical cannabis patients and the State's medical cannabis dispensaries. Title 21 Code of Federal Regulations section 1307.03 allows the Administrator of the Drug Enforcement Administration to grant exceptions to certain federal regulations. This measure requests the Department of Health to submit a request to the Drug Enforcement Administration for an exception to marihuana regulations pursuant to Title 21 Code of Federal Regulations section 1307.03.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 132, H.D. 1, S.D. 1, and recommends its adoption.

> Respectfully submitted on behalf of the members of the Committee on Judiciary,

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KARL RHOADS, Chair



The Senate Thirty-First Legislature State of Hawaiʻi

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral:			Date:	
HCR 132, HD1, SD1	CR132, HD1, SD1 HTH, JDC			4/16/2021	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WF	R) Nay	Excused
RHOADS, Karl (C)		V			
KEOHOKALOLE, Jarrett (VC)		J			
ACASIO, Laura					
GABBARD, Mike					\checkmark
KIM, Donna Mercado		V			
LEE, Chris		~			
FEVELLA, Kurt		\checkmark			
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TOTAL		6	0	0	1
Recommendation: Not Adopted Not Adopted					
Chair's or Designee's Signature: Kal Mood					
Distribution: Original File with Committee Re	Yellow port Clerk's Office		Pink Goldenrod Drafting Agency Committee File Copy		

*Only <u>one</u> measure per Record of Votes