
HOUSE RESOLUTION

URGING THE GOVERNOR TO REHARMONIZE THE FEDERAL AND STATE
REGULATION OF CANNABIS IN HAWAII BY OBTAINING A CONTROLLED
SUBSTANCE EXCEPTION FOR REGISTERED MEDICAL CANNABIS
PATIENTS AND REGISTRATION WAIVERS FOR STATE-LICENSED
MEDICAL CANNABIS DISPENSARIES FROM THE DRUG ENFORCEMENT
ADMINISTRATION.

1 WHEREAS, Hawaii became the first state to exercise its
2 constitutional authority over the intrastate practice of
3 medicine and create a state-regulated medical cannabis program
4 via the legislative process by passing Act 228, Session Laws of
5 Hawaii 2000 (Act 228); and

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7 WHEREAS, as a result of Act 228, Hawaii's regulation of
8 cannabis has been out of step with federal regulation of
9 cannabis; and

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11 WHEREAS, this lack of uniformity between federal and state
12 cannabis laws can have severe repercussions for medical cannabis
13 patients and the State's licensed medical cannabis dispensaries,
14 including loss of employment and discrimination in child custody
15 hearings, eligibility for federally subsidized housing, and
16 applications for federal firearms permits, life insurance, and
17 disability insurance for patients who use medical cannabis in
18 compliance with state law; and

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20 WHEREAS, in 2021 the Legislature adopted House Concurrent
21 Resolution 132 (HCR132), which requested the Department of
22 Health to apply to the Drug Enforcement Administration's Office
23 of Diversion Control for an exception under title 21 Code of
24 Federal Regulations section 1307.03 and request written
25 acknowledgement that the listing of marijuana and certain
26 related substances as controlled substance in federal Schedule I
27 does not apply to activities protected by state law; and
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1 WHEREAS, despite this body's stated desire to reharmonize
2 federal and state regulation of cannabis, the Department of
3 Health has not carried out the purpose of HCR132; and
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5 WHEREAS, on December 18, 2025, President Trump signed
6 Executive Order 14370 directing the United States Attorney
7 General to expedite the federal rescheduling of marijuana to a
8 Schedule III drug; and
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10 WHEREAS, the rescheduling of marijuana to a Schedule III
11 drug requires prompt action to protect Hawaii's medical cannabis
12 program and the State's authority over the intrastate use of
13 medical cannabis; now, therefore,
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15 BE IT RESOLVED by the House of Representatives of the
16 Thirty-third Legislature of the State of Hawaii, Regular Session
17 of 2026, that the Governor is urged to reharmonize the federal
18 and state regulation of cannabis in Hawaii by obtaining a
19 controlled substance exception for registered medical cannabis
20 patients and registration waivers for state-licensed medical
21 cannabis dispensaries from the Drug Enforcement Administration;
22 and
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24 BE IT FURTHER RESOLVED that the Governor is requested to
25 pursue an exception from the Drug Enforcement Administration for
26 Hawaii's medical cannabis program under title 21 Code of Federal
27 Regulations section 1307.03; and
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29 BE IT FURTHER RESOLVED that the Governor is requested to
30 pursue a registration waiver for state-licensed medical cannabis
31 dispensaries under title 21 United States Code section 822(d)
32 for the intrastate production and distribution of medical
33 cannabis pursuant to state law; and
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35 BE IT FURTHER RESOLVED that the Governor is requested to
36 submit a report of the Governor's progress to the Legislature on
37 a quarterly basis and as updates become available; and
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39 BE IT FURTHER RESOLVED that certified copies of this
40 Resolution be transmitted to the members of Hawaii's
41 congressional delegation, Governor, Attorney General, and
42 Director of Health.



H.R. NO. 160

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OFFERED BY:

Allen A. Burch

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