

MAR 16 2026

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE GOVERNOR TO OBTAIN A CONTROLLED SUBSTANCE  
EXEMPTION FROM THE DRUG ENFORCEMENT ADMINISTRATION FOR  
REGISTERED MEDICAL CANNABIS PATIENTS AND REGISTRATION  
WAIVERS FOR STATE-LICENSED DISPENSARIES.

1           WHEREAS, under federal law, cannabis is currently  
2 classified as a Schedule I controlled substance, meaning it is  
3 illegal to possess, produce, and distribute without Drug  
4 Enforcement Administration Schedule I registration for limited  
5 research; and

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7           WHEREAS, in 2000 with the enactment of Act 228, Hawaii was  
8 one of the first states to accept the medical use of cannabis  
9 and create a state medical cannabis program under the State's  
10 constitutional authority over the intrastate practice of  
11 medicine; and

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13           WHEREAS, the resulting legal disharmony between the state  
14 and federal regulation of cannabis created a layered legal and  
15 economic gray area, in which patients and dispensaries must  
16 violate federal law to participate, with prosecution protection  
17 entirely dependent upon the non-enforcement of federal law; and

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19           WHEREAS, the legal disparities between the state and  
20 federal regulation of cannabis threaten employment, firearms  
21 registration, interisland transport, housing, hospice care, and  
22 safe and affordable access for tens of thousands of Hawaii's  
23 medical cannabis patients; and

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25           WHEREAS, these legal disparities also discourage hundreds  
26 of thousands of potential medical cannabis patients from  
27 enrolling in Hawaii's Medical Cannabis Program for fear of  
28 federal repercussions; and

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30           WHEREAS, legal differences prevent state-licensed  
31 dispensaries from utilizing regular banking services and



1 deducting standard business expenses from their federal tax  
2 returns, which amplifies costs, raises retail prices, and pushes  
3 patients into the illicit market; and

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5 WHEREAS, continued activities amid such discrepancies give  
6 residents and businesses the false impression that federal law  
7 doesn't matter, which undermines respect for the rule of law and  
8 encourages criminal activity; and

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10 WHEREAS, in order to truly protect medical cannabis  
11 patients, Hawaii could apply for a federal controlled substance  
12 exemption through the Drug Enforcement Administration so that  
13 registered patients could participate in Hawaii's Medical  
14 Cannabis Program without being exposed to federal prosecution or  
15 discrimination; and

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17 WHEREAS, to protect state-licensed dispensaries, Hawaii  
18 could apply for a federal registration waiver from the Drug  
19 Enforcement Administration, so that dispensaries could  
20 commercially produce and distribute intrastate medical cannabis  
21 in compliance with state and federal law; and

22  
23 WHEREAS, the Hawaii State Legislature addressed this issue  
24 by adopting House Concurrent Resolution 132, Regular Session of  
25 2021, requesting the State Department of Health to apply for  
26 controlled substance exemption for registered patients from the  
27 Drug Enforcement Administration and request formal written  
28 acknowledgement that the listing of marihuana, marihuana  
29 extract, and tetrahydrocannabinols as controlled substances in  
30 Federal Schedule I does not apply to the protected activities in  
31 Hawaii Revised Statutes; and

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33 WHEREAS, despite this clear legislative stance, the  
34 Department of Health, along with the Governor and Attorney  
35 General who also have the discretion to apply for the exemption,  
36 have yet to take any action; and

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38 WHEREAS, the recent Executive Order from the Trump  
39 Administration to expedite the federal rescheduling of cannabis  
40 to Schedule III requires prompt action to protect Hawaii's  
41 medical cannabis program and the state's authority over the  
42 intrastate medical use of cannabis; now, therefore,



# S.C.R. NO. 150

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BE IT RESOLVED by the Senate of the Thirty-third Legislature of the State of Hawaii, Regular Session of 2026, the House of Representatives concurring, that the Governor is respectfully requested to act on House Concurrent Resolution 132, Regular Session of 2021 and pursue with the Drug Enforcement Administration an exemption from federal controlled substance regulation for registered medical cannabis patients in Hawaii; and

BE IT FURTHER RESOLVED that it is also requested that registration waivers from the Drug Enforcement Administration for state-licensed dispensaries under Chapter 21 United States Code, section 822(d) are pursued for the intrastate production and distribution of medical cannabis; and

BE IT FURTHER RESOLVED that the Department of Health is requested to provide updates to the Legislature as they become available; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to members of Hawaii's Congressional delegation, the Governor of the State of Hawaii, the Attorney General, and the Director of the Hawaii State Department of Health.

OFFERED BY:



By Request

