

MAR 16 2026

SENATE 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
32 deducting standard business expenses from their federal tax



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1 returns, which amplifies costs, raises retail prices, and pushes
2 patients into the illicit market; and

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

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

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

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

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

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

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1 BE IT RESOLVED by the Senate of the Thirty-third
2 Legislature of the State of Hawaii, Regular Session of 2026,
3 that the Governor is respectfully requested to act on House
4 Concurrent Resolution 132, Regular Session of 2021 and pursue
5 with the Drug Enforcement Administration an exemption from
6 federal controlled substance regulation for registered medical
7 cannabis patients in Hawaii; and
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9 BE IT FURTHER RESOLVED that it is also requested that
10 registration waivers from the Drug Enforcement Administration
11 for state-licensed dispensaries under Chapter 21 United States
12 Code, section 822(d) are pursued for the intrastate production
13 and distribution of medical cannabis; and
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15 BE IT FURTHER RESOLVED that the Department of Health is
16 requested to provide updates to the Legislature as they become
17 available; and
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19 BE IT FURTHER RESOLVED that certified copies of this
20 Resolution be transmitted to members of Hawaii's Congressional
21 delegation, the Governor of the State of Hawaii, the Attorney
22 General, and the Director of the Hawaii State Department of
23 Health.
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OFFERED BY: 

By Request

