
HOUSE CONCURRENT RESOLUTION

URGING THE FEDERAL AGENCIES INVOLVED IN CLASSIFYING CONTROLLED
SUBSTANCES TO CONSIDER RECLASSIFYING MARIJUANA AS A
SCHEDULE III SUBSTANCE.

1 WHEREAS, by prohibiting seriously ill persons from using
2 cannabis in states that have approved such use, the Controlled
3 Substances Act, Title II of the Comprehensive Drug Abuse
4 Prevention and Control Act of 1970, interferes with the rights
5 reserved to the states by the Ninth Amendment of the United
6 States Constitution to enact and implement laws protecting the
7 health, safety, and welfare of their citizens; and

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9 WHEREAS, since 1996, twelve states have enacted laws that
10 authorize the use of medical marijuana only but that do not
11 otherwise legalize the use of marijuana; and

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13 WHEREAS, much time has passed since 1970 when the
14 Controlled Substances Act first classified marijuana as a
15 Schedule I drug, including the emergence of the AIDS epidemic
16 and the accumulation of solid scientific evidence that marijuana
17 can relieve the suffering of those afflicted by certain types of
18 illness, including glaucoma, multiple sclerosis, spasticity,
19 severe pain, and nausea induced by the drugs used in
20 chemotherapy and in the treatment of AIDS; and

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22 WHEREAS, Schedule I drugs include opiates and opium
23 derivatives such as heroin and morphine and hallucinogenic
24 substances such as lysergic acid diethylamide, commonly known as
25 LSD; and

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27 WHEREAS, pursuant to the State's Uniform Controlled
28 Substances Act, in making a determination regarding the
29 classification of a substance, the Department of Public Safety
30 is required to assess the degree of danger or probable danger of
31 the substance by considering:



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- (1) The actual or probable abuse of the substance;
- (2) The biomedical hazard of the substance;
- (3) A judgment of the probable physical and social impact of widespread abuse of the substance;
- (4) Whether the substance is an immediate precursor of a substance already controlled under the law; and
- (5) The current state of scientific knowledge regarding the substance; and

WHEREAS, with regard to all five criteria listed, it is apparent that marijuana should not be classified as a Schedule I substance; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2008, the Senate concurring, that the federal agencies involved in classifying controlled substances are urged to consider reclassifying marijuana as a Schedule III substance; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the United States Secretary of Health and Human Services, the United States Attorney General, the Commissioner of the United States Food and Drug Administration, the Administrator of the United States Drug Enforcement Administration, and the members of Hawaii's congressional delegation.

OFFERED BY:



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