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## HOUSE 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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33           (1) The actual or probable abuse of the substance;



- 1 (2) The biomedical hazard of the substance;
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- 3 (3) A judgment of the probable physical and social impact
- 4 of widespread abuse of the substance;
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- 6 (4) Whether the substance is an immediate precursor of a
- 7 substance already controlled under the law; and
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- 9 (5) The current state of scientific knowledge regarding
- 10 the substance; and
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12 WHEREAS, with regard to all five criteria listed, it is  
 13 apparent that marijuana should not be classified as a Schedule I  
 14 substance; now, therefore,

15  
 16 BE IT RESOLVED by the House of Representatives of the  
 17 Twenty-fourth Legislature of the State of Hawaii, Regular  
 18 Session of 2008, that the federal agencies involved in  
 19 classifying controlled substances are urged to consider  
 20 reclassifying marijuana as a Schedule III substance; and

21  
 22 BE IT FURTHER RESOLVED that certified copies of this  
 23 Resolution be transmitted to the United States Secretary of  
 24 Health and Human Services, the United States Attorney General,  
 25 the Commissioner of the United States Food and Drug  
 26 Administration, the Administrator of the United States Drug  
 27 Enforcement Administration, and the members of Hawaii's  
 28 congressional delegation.

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OFFERED BY:  \_\_\_\_\_

MAR 12 2008

