
HOUSE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE ISSUE
OF ESTABLISHING A STATE FACILITY TO GROW AND DISTRIBUTE
MARIJUANA FOR MEDICAL USE IN HAWAII.

1 WHEREAS, in 2000, the Legislature found that modern medical
2 research had established a beneficial use for marijuana in
3 treating or alleviating the pain or other symptoms associated
4 with certain debilitating illnesses; and

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6 WHEREAS, however, to protect the health and welfare of
7 individuals, the Legislature also recognized the need to
8 regulate medical use of marijuana; and

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10 WHEREAS, as a result, regulation of the medical use of
11 marijuana was enacted into law in 2000 by Act 228, Session Laws
12 of Hawaii 2000, and codified in chapter 329, part IX, Hawaii
13 Revised Statutes; and

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15 WHEREAS, in 2004, the Legislative Reference Bureau issued
16 Report No. 4, entitled *In Search of a Viable Distribution System*
17 *for Hawaii's Medical Marijuana Program*, that concluded that
18 Hawaii's law, as it then existed, did not authorize
19 establishment of a system to distribute marijuana for medical
20 use; and

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22 WHEREAS, substantial obstacles continue to prevent the
23 establishment of a system to distribute marijuana for medical
24 use in Hawaii, not the least of which is the ruling of the
25 United States Supreme Court on June 6, 2005, in *Gonzalez v.*
26 *Raich* 545 U.S. 1 (2005), that upheld the validity of the
27 Controlled Substances Act as a permissible exercise of federal
28 power and affirmed that Congress may ban the use of marijuana
29 even where states approve its use for medicinal purposes; and
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1 WHEREAS, a persistent criticism of Hawaii's medical
2 marijuana law is that patients who are authorized to use
3 marijuana for medical purposes but are unable to grow their own
4 supply are forced to acquire a supply on the "black market";
5 now, therefore,
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7 BE IT RESOLVED by the House of Representatives of the
8 Twenty-fifth Legislature of the State of Hawaii, Regular Session
9 of 2009, the Senate concurring, that the Legislative Reference
10 Bureau is requested to study the issue of establishing a state
11 facility to grow and distribute marijuana for medical use in
12 Hawaii; and
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14 BE IT FURTHER RESOLVED that the Legislative Reference
15 Bureau is requested to include an examination of the financial
16 risks and benefits of establishing such a state facility; and
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18 BE IT FURTHER RESOLVED that certified copies of this
19 Concurrent Resolution be transmitted to the Director of the
20 Legislative Reference Bureau, the Director of Public Safety, the
21 Director of Health, and the Comptroller.
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OFFERED BY:



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