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## HOUSE RESOLUTION

REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO ASSESS MARIJUANA  
TO DETERMINE WHETHER IT MAY BE RECLASSIFIED IN THE SCHEDULE  
OF CONTROLLED SUBSTANCES.

1           WHEREAS, Act 228, Session Laws of 2000, amended state law  
2 to allow qualifying patients to use marijuana for medical  
3 purposes when the patient's treating physician provides a  
4 professional opinion that the benefits of the medical use of  
5 marijuana would likely outweigh the health risks for the  
6 qualifying patient; and  
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8           WHEREAS, in enacting Act 228, the Legislature found that  
9 modern medical research has discovered a beneficial use for  
10 marijuana in treating or alleviating the pain or other symptoms  
11 associated with certain debilitating illnesses, and that there  
12 is sufficient medical and anecdotal evidence to support the  
13 proposition that these diseases and conditions may respond  
14 favorably to a medically controlled use of marijuana; and  
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16           WHEREAS, the legislative intent of Act 228 is to ensure  
17 that seriously ill people are not penalized by the State for the  
18 use of marijuana for strictly medical purposes, when it is used  
19 in accordance with state law; and  
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21           WHEREAS, despite the Legislature's recognition of the  
22 possible medical benefits of marijuana, it continues to be  
23 designated as a substance that has the highest degree of danger  
24 or probable danger, as it is listed as a Schedule I drug in  
25 section 329-14, Hawaii Revised Statutes; and  
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27           WHEREAS, the Department of Public Safety is authorized to  
28 make determinations regarding the proper classification of a  
29 substance by assessing the degree of danger or probable danger  
30 of the substance by considering factors enumerated in section  
31 329-11(a), Hawaii Revised Statutes; and  
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33           WHEREAS, after considering the factors enumerated in  
34 section 329-11(b), Hawaii Revised Statutes, the Department of



1 Public Safety makes recommendations to the Legislature,  
 2 specifying to what schedule the substance should be added,  
 3 deleted, or rescheduled, if it finds the substance has a degree  
 4 of danger or probable danger; now, therefore,  
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6 BE IT RESOLVED by the House of Representatives of the  
 7 Twenty-fifth Legislature of the State of Hawaii, Regular Session  
 8 of 2009, that the Department of Public Safety is requested to  
 9 assess the degree of danger or probable danger of marijuana, in  
 10 accordance with section 329-11(a), Hawaii Revised Statutes; and  
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12 BE IT FURTHER RESOLVED that the Department of Public Safety  
 13 is requested to make a recommendation in accordance with its  
 14 assessment and obligations pursuant to section 329-11(b), Hawaii  
 15 Revised Statutes; and  
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17 BE IT FURTHER RESOLVED that certified copies of this  
 18 Resolution be transmitted to the Governor and the Director of  
 19 Public Safety.  
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OFFERED BY: \_\_\_\_\_

*JST*  
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*John M. Nago*  
*Gynthia Nielsen*  
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*AWO*  
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MAR 11 2009

