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## HOUSE RESOLUTION

REQUESTING THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION TO REMOVE MARIJUANA FROM SCHEDULE I OF THE CONTROLLED SUBSTANCES ACT AND RESCHEDULE MARIJUANA TO ANY SCHEDULE OTHER THAN SCHEDULE I FOR PURPOSES OF THE MEDICALLY CONTROLLED USE OF MARIJUANA.

1           WHEREAS, for sixteen years, Act 228, Session Laws of Hawaii  
2 (SLH) 2000, provided seriously ill individuals in the State of  
3 Hawaii access to therapeutic benefits of medical marijuana; and  
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5           WHEREAS, Act 228, SLH 2000, recognized the existence of  
6 sufficient medical and anecdotal evidence to establish a record  
7 that certain debilitating illnesses respond favorably to the  
8 medically controlled use of marijuana; and  
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10           WHEREAS, Act 241, SLH 2015, recognized that nearly thirteen  
11 thousand patients in Hawaii would benefit from improved access  
12 to controlled medical use of marijuana; and  
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14           WHEREAS, a regulated statewide dispensary system was  
15 established to ensure the safe and legal access to medical  
16 marijuana for qualifying patients; and  
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18           WHEREAS, the majority of states have recognized the medical  
19 benefits of medical marijuana and have legalized its use; and  
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21           WHEREAS, as of November 2016, Hawaii, twenty-seven states,  
22 the District of Columbia, Guam, and Puerto Rico have legalized  
23 medical marijuana; and  
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25           WHEREAS, the medical benefit of marijuana is confirmed by  
26 sixteen years of controlled use in Hawaii and the growing number  
27 of jurisdictions that have legalized medical marijuana; and  
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29           WHEREAS, despite the proven record of beneficial use,  
30 medical marijuana is still prohibited by federal law; and



## H.R. NO. 11

1           WHEREAS, the United States Drug Enforcement Administration  
2 (DEA) classifies marijuana in Schedule I, a schedule for  
3 substances with no accepted medical use, under the Federal  
4 Controlled Substances Act; and  
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6           WHEREAS, in October 2009, in deference to the states'  
7 legalization of medical marijuana, President Barack Obama's  
8 administration encouraged federal prosecutors not to prosecute  
9 people who distribute marijuana for medical purposes in  
10 accordance with state law; and  
11

12           WHEREAS, in August 2013, the United States Department of  
13 Justice relaxed their marijuana enforcement policy, but they  
14 complicated rather than resolved the issue; and  
15

16           WHEREAS, marijuana remained illegal under federal law, but  
17 if the states created strong, state-based enforcement efforts,  
18 the Department of Justice would defer the federal right to  
19 challenge the states' legalization laws; and  
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21           WHEREAS, the Department of Justice, however, threatened  
22 federal prosecution and reserved the right to challenge the  
23 states at any time the federal government felt it was necessary  
24 to enforce the federal prohibition against marijuana; and  
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26           WHEREAS, the shift in federal policy does not resolve the  
27 continuing conflict between medical marijuana laws of the states  
28 and the controlled substances law of the United States; and  
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30           WHEREAS, doctors, patients, and marijuana dispensaries that  
31 grow, sell, transport, or prescribe marijuana in compliance with  
32 Hawaii law are in jeopardy of arrest and sanctions under federal  
33 law; and  
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35           WHEREAS, many banks and credit unions are unwilling to do  
36 business with medical marijuana dispensaries since marijuana is  
37 considered a controlled substance, resulting in many  
38 dispensaries becoming cash-only businesses, thus increasing the  
39 risk of robbery and inhibiting the ability of states to collect  
40 taxes; and



# H.R. NO. 19

1 WHEREAS, the U.S. Postal Service and other shippers are  
2 unable to transport marijuana without violating federal law; and  
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4 WHEREAS, cannabis advertisements are also prohibited and  
5 considered "non-mailable" by the U.S. Postal Service because  
6 marijuana is considered a controlled substance; and  
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8 WHEREAS, state universities are unable to test or conduct  
9 research on marijuana without fear of losing federal funding;  
10 and  
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12 WHEREAS, on August 12, 2016, the Drug Enforcement  
13 Administration denied two petitions to reschedule marijuana to a  
14 more appropriate schedule on the Controlled Substances Act; and  
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16 WHEREAS, the first petition, initiated on December 17,  
17 2009, sought to remove marijuana from Schedule I and reschedule  
18 it on any schedule other than Schedule I, 81 Fed. Reg. 53,767  
19 (2016); and  
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21 WHEREAS, the second petition, initiated on November 20,  
22 2011, sought to remove marijuana from Schedule I and reschedule  
23 it as medical cannabis on Schedule II, 81 Fed. Reg. 53,687  
24 (2016); now, therefore,  
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26 BE IT RESOLVED by the House of Representatives of the  
27 Twenty-ninth Legislature of the State of Hawaii, Regular Session  
28 of 2017, that this body requests that the United States Drug  
29 Enforcement Administration reverse its August 12, 2016, denials  
30 of petitions, 81 Fed. Reg. 53,687 (2016) and 81 Fed. Reg. 53,767  
31 (2016), and reschedule marijuana to any schedule other than  
32 Schedule I for purposes of the medically controlled use of  
33 marijuana in accordance with state law; and  
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35 BE IT FURTHER RESOLVED that a certified copy of this  
36 Resolution be transmitted to the Administrator of the United  
37 States Drug Enforcement Administration.  
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OFFERED BY: 



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