

STAND. COM. REP. NO.

1289

Honolulu, Hawaii

MAR 24 , 2021

RE: H.C.R. No. 132  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Health, Human Services, & Homelessness, to which was referred H.C.R. No. 132 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO SUBMIT A REQUEST TO THE DRUG ENFORCEMENT ADMINISTRATION FOR AN EXCEPTION TO REGULATIONS AND A PETITION TO INITIATE PROCEEDINGS FOR FEDERAL RULEMAKING TO CLARIFY THAT THE STATE-AUTHORIZED USE OF MEDICAL CANNABIS DOES NOT VIOLATE THE FEDERAL CONTROLLED SUBSTANCES ACT,"

begs leave to report as follows:

The purpose of this measure is to request that the Department of Health submit a request to the Drug Enforcement Administration for an exception to federal drug laws for state-authorized use of medical cannabis, and to petition to initiate proceedings for federal rulemaking to clarify that the state-authorized use of medical cannabis does not violate the federal Controlled Substances Act.

Your Committee received testimony in support of this measure from Akamai Cannabis Clinic, Big Island Grown, Hawaii Patients Union, and one individual. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that because federal law prohibits the use of cannabis, including the use of medical cannabis, there is a

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lack of clarity between State and federal cannabis laws that has significant repercussions for medical cannabis patients and the State's medical cannabis dispensaries. Obtaining an exception from the federal Controlled Substances Act would be of great benefit to those patients and dispensaries.

Your Committee has amended this measure by:

- (1) Requiring certified copies of this measure to be sent to the Governor, Attorney General, and Hawaii's Congressional Delegation; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health, Human Services, & Homelessness that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 132, as amended herein, and recommends that it be referred to your Committee on Judiciary & Hawaiian Affairs in the form attached hereto as H.C.R. No. 132, H.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committee on Health, Human  
Services, & Homelessness,



RYAN I. YAMANE, Chair



**Record of Votes of the Committee on Health, Human Services, & Homelessness**

<b>Bill/Resolution No.:</b> <b>HCR132</b>	<b>Committee Referral:</b> <b>HHH JHA</b>	<b>Date:</b> <b>3/23/2021</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
<b>HHH Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
1. YAMANE, Ryan I. (C)	/			
2. TAM, Adrian K. (VC)	/			
3. GATES, Cedric Asuega	/			
4. HAR, Sharon E.	/			
5. KAPELA, Jeanne	/			
6. LoPRESTI, Matthew S.				/
7. NISHIMOTO, Scott Y.	/			
8. WARD, Gene	/			
<b>TOTAL (8)</b>	<b>7</b>			<b>1</b>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b> _____				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				