

STAND. COM. REP. NO. 1789

Honolulu, Hawaii

APR 19 2021

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

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.C.R. No. 132, H.D. 1, S.D. 1, entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO APPLY TO THE DRUG ENFORCEMENT ADMINISTRATION'S OFFICE OF DIVERSION CONTROL FOR AN EXCEPTION UNDER TITLE 21 CODE OF FEDERAL REGULATIONS SECTION 1307.03, AND REQUEST FORMAL WRITTEN ACKNOWLEDGMENT THAT THE LISTING OF MARIHUANA, MARIHUANA EXTRACT, AND TETRAHYDROCANNABINOLS AS CONTROLLED SUBSTANCES IN FEDERAL SCHEDULE I DOES NOT APPLY TO THE PROTECTED ACTIVITIES IN HAWAII REVISED STATUTES,"

begs leave to report as follows:

The purpose and intent of this measure is to request the Department of Health to apply to the Drug Enforcement Administration's Office of Diversion Control for an exception under Title 21 Code of Federal Regulations section 1307.03, and request formal written acknowledgement that the listing of marihuana, marihuana extract, and tetrahydrocannabinols as controlled substances in Federal Schedule I does not apply to the protected activities in the Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from Akamai Cannabis Clinic and one individual. Your Committee received testimony in opposition to this measure from one individual.



Your Committee finds that Act 228, Session Laws of Hawaii 2000, authorizes the use of medical cannabis to treat debilitating medical conditions, including cancer, glaucoma, human immunodeficiency virus, acquired immune deficiency syndrome, and other chronic or debilitating diseases. Your Committee further finds that because federal law prohibits the use of cannabis, including the use of medical cannabis, there is a lack of clarity between State and federal cannabis laws that has significant repercussions for medical cannabis patients and the State's medical cannabis dispensaries. Title 21 Code of Federal Regulations section 1307.03 allows the Administrator of the Drug Enforcement Administration to grant exceptions to certain federal regulations. This measure requests the Department of Health to submit a request to the Drug Enforcement Administration for an exception to marijuana regulations pursuant to Title 21 Code of Federal Regulations section 1307.03.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 132, H.D. 1, S.D. 1, and recommends its adoption.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



