
SENATE RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY HOW SOCIAL EQUITY HAS BEEN IMPLEMENTED IN THE CANNABIS INDUSTRY AROUND THE NATION AND WAYS SOCIAL EQUITY COULD BE IMPLEMENTED IN THE STATE OF HAWAII TO BENEFIT NATIVE HAWAIIANS AND OTHER VICTIMS OF THE WAR ON DRUGS, AND DIRECTING THE DEPARTMENT OF HEALTH'S OFFICE OF MEDICAL CANNABIS CONTROL AND REGULATION TO STUDY HOW TO INCLUDE THE EXISTING LEGAL GROWERS AND HEMP LICENSEES, INCLUDING NATIVE HAWAIIANS AND THOSE ON HAWAIIAN HOME LANDS, TO BE ELIGIBLE TO TEST AND SELL CANNABIS AND HEMP DIRECTLY TO OTHER PATIENTS, AND TO LICENSED DISPENSARIES.

1 WHEREAS, the current Hawaii medical cannabis dispensary
2 program system fails to provide a social equity framework,
3 through no fault of the current operators who are operating
4 under current rules designed in a previous era of cannabis law
5 and policy; and
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7 WHEREAS, the war on drugs has been acknowledged throughout
8 the United States (see Michelle Alexander's seminal historical
9 analysis in her award-winning treatise, "The New Jim Crow"
10 republished 2020) and in Hawaii (see the 2010 Office of Hawaiian
11 Affairs report on "The Disparate Treatment of Native Hawaiians
12 in the Criminal Justice System") to have been and to still be a
13 racist campaign devastating and destroying immigrant,
14 indigenous, and low-income individuals, families, and
15 communities; and
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17 WHEREAS, the mass incarceration that began with the war on
18 drugs, and includes cannabis prohibition, continues to
19 destabilize immigrant, indigenous, and low-income individuals,
20 families, and communities; and
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22 WHEREAS, cannabis prohibition has deprived impacted
23 individuals' access to higher education, housing, and
24 employment, and of liberty, property, and the right to vote; and
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1 WHEREAS, to counter the effects on individuals, families,
2 and communities, almost all state adult use and medical cannabis
3 legalization programs now contain or are built around social
4 equity considerations, including without limit, exclusive
5 licensing, technical assistance, and capital investment in
6 businesses owned by social equity qualified individuals; and
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8 WHEREAS, while the term "social equity" in the cannabis
9 industry most often refers to the efforts to create an equitable
10 industry, social equity programs should encompass all pillars of
11 equity to ensure the efforts to redress the harms of cannabis
12 prohibition are as broad as the harms; now, therefore,
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14 BE IT RESOLVED by the Senate of the Thirty-first
15 Legislature of the State of Hawaii, Regular Session of 2022,
16 that the Legislative Reference Bureau is requested to prepare,
17 by November 1, 2022, a comprehensive report on social equity
18 programs in the context of regulated adult use cannabis programs
19 in various U.S. state and local governments, including critiques
20 of these programs such as that of the Minority Cannabis Business
21 Association (MCBA) titled, "National Cannabis Equity Report
22 2022"; and
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24 BE IT FURTHER RESOLVED that the report is requested to
25 include consideration of exclusive licensing, technical
26 assistance, and capital investment in businesses owned by social
27 equity qualified individuals, and other elements of existing
28 social equity programs; producer/consumer cooperative models;
29 and automatic criminal record expungement for cannabis related
30 crimes in crafting an adult use regulated cannabis legalization
31 program within the larger context of adhering the benefits of
32 this new industry to Native Hawaiians and other victims of the
33 war on drugs, and potentially by requiring such businesses to
34 operate in the form of Sustainable Business Corporations with
35 specified public benefit goals and purposes and annual public
36 reporting requirements benchmarked to meeting minimal levels of
37 public benefit including social equity as a condition of
38 licensing; and
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40 BE IT FURTHER RESOLVED that the Department of Health's
41 Office of Medical Cannabis Control and Regulation (OMCCR) is
42 requested to prepare, by November 1, 2022, a comprehensive



1 report on how to include the existing legal growers and hemp
2 licensees, under chapter 329, Hawaii Revised Statutes, including
3 Kanaka Maoli and those on Hawaiian Home Lands, as eligible to
4 test and sell cannabis and hemp directly to other patients, or
5 to licensed dispensaries; and

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7 BE IT FURTHER RESOLVED that certified copies of this
8 Resolution be transmitted to the Governor, Attorney General,
9 Director of Health, Deputy Director of Health Resources
10 Administration, Chair of the Board of Trustees of the Office of
11 Hawaiian Affairs, and representatives of the medical cannabis
12 dispensaries.

