REQUESTING THE DRUG ENFORCEMENT ADMINISTRATION TO REMOVE MARIJUANA FROM SCHEDULE I OF THE FEDERAL CONTROLLED SUBSTANCES ACT IN RECOGNITION THAT MARIJUANA DOES NOT MEET THE CRITERIA OF A FEDERAL SCHEDULE I CONTROLLED SUBSTANCE, AS A CURRENTLY ACCEPTED MEDICAL USE OF MARIJUANA IN TREATMENT EXISTS IN THE UNITED STATES, INCLUDING HAWAII.

WHEREAS, the structure of our government allows for the distribution of power between the states and the federal government; and

WHEREAS, a power that remains with the states is the authority to accept the medical use of controlled substances; and

WHEREAS, Congress enacted the federal Controlled Substances Act with the clear intent of allowing for changes in the scheduling of controlled substances based on changes in state medical use; and

WHEREAS, Hawaii lawfully exercised its authority to accept the medical use of controlled substances in 2000, when it created the State's medical marijuana program and accepted the medical use of marijuana in treatment; and

WHEREAS, under the federal Controlled Substances Act, scheduling under schedule I requires several findings, one of which is that the drug or controlled substance has no currently accepted medical use in treatment in the United States; and

WHEREAS, marijuana does not satisfy that finding to be scheduled as a schedule I controlled substance, as medical use of marijuana in treatment currently exists and is accepted in Hawaii and the United States; and

WHEREAS, the Drug Enforcement Administration, the agency that administers the federal regulation of controlled substances, may not deny a State's authority to change the
status of a controlled substance that has a currently accepted medical use in treatment; and

WHEREAS, Hawaii is lawfully entitled to create a state regulated distribution system that will allow patients to purchase marijuana for medical use; and

WHEREAS, the Drug Enforcement Administration, by enforcing an obsolete regulation that classifies marijuana as a federal schedule I controlled substance and ignoring the currently accepted medical use of marijuana in treatment that exists in Hawaii and the United States, is preventing Hawaii from creating a state regulated distribution system that complies with federal law; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-seventh Legislature of the State of Hawaii, Regular Session of 2014, that the Drug Enforcement Administration is requested to follow the federal Controlled Substances Act and remove marijuana from federal schedule I, in recognition of the currently accepted medical use of marijuana in treatment that exists in Hawaii and the United States; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Attorney General of the United States, Administrator of the Drug Enforcement Administration, Secretary of Health and Human Services, Governor, Director of Health, Director of Public Safety, and State Attorney General.

OFFERED BY:  

[Signatures]

I hereby certify that this is a full, true, and correct copy of the original filed in this office.

Dated: APR 03 2014

[Signature]  
Assistant Clerk of the Senate  
State of Hawai'i