

December 1, 2012

The Honorable Neil Abercrombie
Governor, State of Hawaii
Executive Chambers, State Capitol
Honolulu, Hawaii 96813

Dear Governor Abercrombie,

As you may have already heard, Senator Espero and I recently met with representatives from the Department of Health (DOH) and the Attorney General's office to discuss the current obstacles to adding new debilitating conditions to Hawaii's Medical Marijuana Program.

What we realized from the very beginning of this meeting is that DOH's policy towards Medical Marijuana is at the heart of why this State agency is hesitant to have anything to do with Hawaii's program. One can begin to understand why DOH is refusing to follow the statute and create administrative rules for adding new debilitating conditions or consider becoming the administrator for this program when one realizes that the Department itself does not even recognize that Cannabis already has Medical Use in Hawaii and the United States.

As you well know, States hold the authority to decide the medical use of controlled substances. This is why the State of Hawaii was able to create its Medical Marijuana Program in the first place, and this is why you are able to support the Rhode Island-Washington Cannabis Rescheduling Petition that is requesting that the Federal Government recognize the Medical Use of Cannabis and remove it from Schedule I.

However, what does not make any sense is why DOH is being allowed to follow a policy that Marijuana has no Medical Use when State Law says that it does. Especially when we know that there are two ways to create medical use for a controlled substance; one by means of the FDA-approval process, and the other by State Law.

Whatever the reason for DOH's refusal to recognize the Medical Use of Cannabis, either because of their own policy towards Marijuana that is being followed without your knowledge, or because of following a policy that is based on your instruction, this is a direct violation of State Law and must be changed immediately.

Would you please tell me what steps you are taking to correct this unacceptable situation.

Sincerely,



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CC: Senator Will Espero, Jack Schweigert, Esq., Debbie Shimizu