

October 31, 2018

Dockets Management Staff (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852

Re: Docket No. FDA-2018-N-3685 for International Drug Scheduling; Convention on Psychotropic Substances; Single Convention on Narcotic Drugs; ADB-FUBINACA; FUB-AMB(MMB-FUBINACA_ AMB-FUBINACA); ADB-CHMINACA; CUMYL-4CN-BINACA; Cyclopropyl Fentanyl; Methoxyacetyl Fentanyl; *Ortho*-Fluorofentanyl; *Para*-Fluoro Butyrfentanyl; *Para*-Methoxybutyrfentanyl; *N*-Ethylnorpentylone; Tramadol; Pregabalin; Cannabis Plant and Resin; Extracts and Tinctures of Cannabis; Delta-9-Tetrahydrocannabinol; Stereoisomers of Tetrahydrocannabinol; Request for Comments.

Thank you for this opportunity to provide comments on the international scheduling of cannabis and its chemical constituents.

Because the Hawaii Department of Health (DOH), the state agency responsible for administering our [Medical Use of Cannabis Program](#), does not appear interested in submitting comments about the scheduling of cannabis at this time, I have decided to submit my own comments as a resident of Hawaii and a licensed medical doctor with an interest in re-harmonizing the state, federal, and international regulation of cannabis.

As a result of Federalism and the authority to accept the medical use of controlled substances that has been retained by the states, Hawaii was able to accept the medical use of cannabis in 2000 and create a state-regulated medical use of cannabis program by means of a [constitutionally enacted domestic law](#) that has never been challenged by our federal government.

And although the Food and Drug Administration (FDA) and the Drug Enforcement Administration (DEA) have refrained from notifying the World Health Organization (WHO) or the Expert Committee on Drug Dependence (ECDD) about the changes to state drug laws that have been occurring in the United States, the fact remains that Hawaii's constitutionally enacted medical use of cannabis laws are in accordance with all three of the international drug control treaties that the United States has joined:

Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol, May 25, 1967, 18 U.S.T. 1407, 30 T.I.A.S. No. 6298, 520 U.N.T.S. 151:

Article 36(2) "Subject to the constitutional limitations of a Party, its legal system and domestic law, ..."

Convention on Psychotropic Substances, 1971, February 21, 1971, 32 U.S.T. 543, 1019 U.N.T.S. 175:

Article 22(2) "Subject to the constitutional limitations of a Party, its legal system and domestic law, ..."

United Nations Convention on Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, December 20, 1988, 28 I.L.M. 493, 1582 U.N.T.S 95:

Article 3(1)(c) "Subject to its constitutional principles and the basic concepts of its legal system:"

Article 3(2) "Subject to its constitutional principles and the basic concepts of its legal system, ..."

Because of the finding that Hawaii's medical use of cannabis laws do not violate our international drug treaty obligations, it would seem only appropriate for the DEA to notify the WHO and the ECDD of these changes, especially given the current discussions regarding the international scheduling of cannabis.

Thank you for considering these comments.

Sincerely,



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