

**HOUSE OF REPRESENTATIVES**

STATE OF HAWAII  
STATE CAPITOL  
HONOLULU, HAWAII 96813

May 4, 2021

Dr. Clifton Otto  
3615 Harding Avenue, Suite 304  
Honolulu, HI 96816

Dear Dr. Otto:

I transmit herewith a copy of House Concurrent Resolution No. 132, H.D. 1, S.D. 1, which was adopted by both the Senate and the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.

Sincerely,

Brian L. Takeshita  
Chief Clerk  
House of Representatives

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# 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.

1 WHEREAS, when Act 228, Session Laws of Hawaii 2000  
2 (Act 228), was enacted, Hawaii became the first state to  
3 authorize the use of medical marijuana to treat debilitating  
4 medical conditions including cancer, glaucoma, human  
5 immunodeficiency virus, acquired immune deficiency syndrome, and  
6 other chronic or debilitating diseases; and

7  
8 WHEREAS, at the time Act 228 was enacted there was ample  
9 evidence to show that medical marijuana helps to alleviate pain  
10 and has other benefits for severely ill patients; and

11  
12 WHEREAS, federal law expressly prohibits the use of  
13 marijuana, despite the evidence of the benefits of using medical  
14 cannabis; and


15  
16 WHEREAS, this lack of uniformity between state and federal  
17 marijuana laws has repercussions for medical cannabis patients  
18 and the State's medical cannabis dispensaries, including loss of  
19 employment and discrimination in child custody hearings,  
20 eligibility for federally subsidized housing, and applications  
21 for federal firearms permits, life insurance, and disability  
22 insurance for patients who use medical cannabis in compliance  
23 with state law; and

24  
25 WHEREAS, Title 21 Code of Federal Regulations  
26 section 1307.03 allows the Administrator of the Drug Enforcement

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I do hereby certify that the within document  
is a full, true and correct copy of the original  
on file in this office.

  
Chief Clerk  
House of Representatives  
State of Hawaii

1 Administration to grant exceptions to certain federal  
2 regulations; and

3

4 WHEREAS, obtaining an exception from the federal Controlled  
5 Substances Act for the state-authorized use of medical cannabis  
6 would benefit the State's residents who use medical cannabis and  
7 the State's medical cannabis dispensaries; now, therefore,

8

9 BE IT RESOLVED by the House of Representatives of the  
10 Thirty-first Legislature of the State of Hawaii, Regular Session  
11 of 2021, the Senate concurring, that the Department of Health is  
12 requested to apply to the Drug Enforcement Administration's  
13 Office of Diversion Control for an exception under Title 21 Code  
14 of Federal Regulations, section 1307.03 and request formal  
15 written acknowledgment that the listing of marihuana, marihuana  
16 extract, and tetrahydrocannabinols as controlled substances in  
17 federal Schedule I does not apply to the protected activities in  
18 the Hawaii Revised Statutes; and

19

20 BE IT FURTHER RESOLVED that certified copies of this  
21 Concurrent Resolution be transmitted to the members of Hawaii's  
22 Congressional Delegation, Governor, Attorney General, and  
23 Director of Health.

