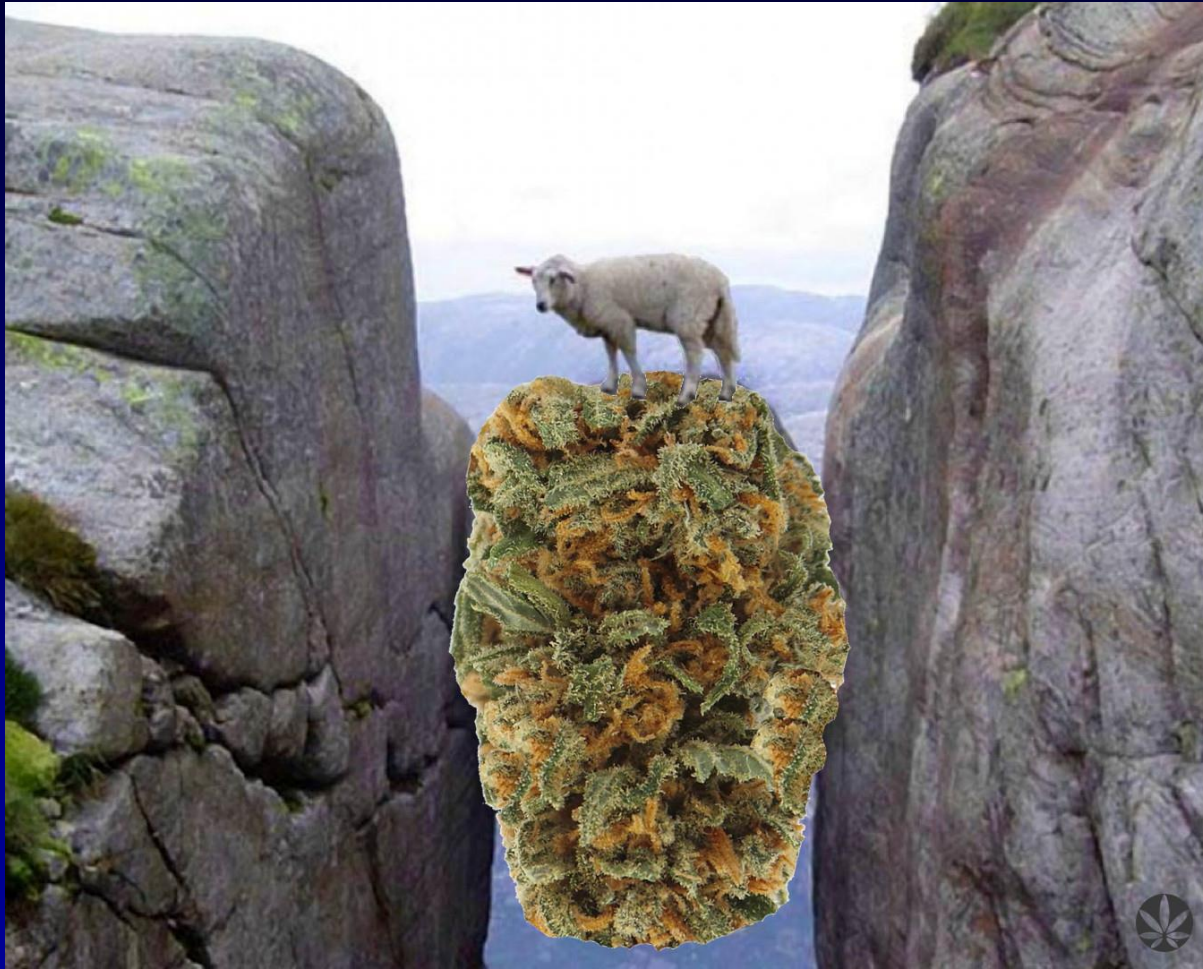


Hawaii's Cannabis Conflict



Clifton Otto, MD
June 18, 2022

Disclosures

Cannabinoid Medicine Specialist and
Certifying Physician for Hawaii's
Medical Cannabis Program.

NOT a member or consultant for any
dispensary.

No other financial disclosures.

Medical Use of Cannabis Act



Governor Ben
Cayetano

[Senate Bill 862](#)

Act 228

HRS 329, Part IX

Signed into law:
June 14, 2000

Went into effect:
December 28, 2000

Medical Use of Cannabis Act

Uniform Controlled Substances Act

Chapter 329

Part IX

Medical Use of Cannabis

Medical Use of Cannabis Act



Never consulting with DOJ/DEA about creating a state authorized medical cannabis program.

Figured the DEA would say no so why bother asking (personal communication).

Maybe thought that lack of legal action from DOJ meant tacit approval.

Medical Cannabis Program

Grow Your Own model.

No provisions for seeds or cuttings.

7 plants: 3 flowering, 4 immature.

3 ounces of usable material.



Administered by Narcotics Enforcement Division
Release of confidential patient database
Presentations against certifying providers

Medical Cannabis Program

2013: [SB642](#)

4 ounces

7 plants any maturity

[HB668](#)

Move from NED to DOH

Effective Jan 1, 2015



2015: [HB321](#)

State-licensed dispensary program

Vertical monopoly model based on diversion

8 licensees

Medical Cannabis Program

2022: Still just 8 licensees across four islands
Continuing Criminal Enterprises
No regular banking services
Unable to deduct business expense
70% tax burden

34K+ registered patients ([DOH – May 2022](#))
Must violate federal law to participate
Slew of negative consequences
Not prevented by Rohrabacher-Farr rider



Legislative Action

HCR132 (SLH 2021)

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.

Dual Use Task Force



Medical Cannabis Programs

AK
1998
03 NOV

ME
1999
02 NOV

WI
2014
16 APR

VT
2004
26 MAY

NH
2013
23 JUL

WA
1998
03 NOV

ID

MT
2004
02 NOV

ND
2016
08 NOV

MN
2014
29 MAY

IL
2013
01 AUG

MI
2008
04 NOV

NY
2014
05 JUL

MA
2012
06 NOV

OR
1998
03 NOV

NV
2000
07 NOV

WY
2015
02 MAR

SD
2020
03 NOV

IA
2014
30 MAY

IN
2017
26 APR

OH
2016
08 JUN

PA
2016
17 APR

NJ
2010
18 JAN

CT
2012
31 MAY

RI
2006
03 JAN

CA
1996
05 NOV

UT
2018
06 NOV

CO
2000
07 NOV

NE

MO
2018
06 NOV

KY
2014
10 APR

WV
2017
19 APR

VA
2015
26 FEB

MD
2014
14 APR

DE
2011
13 MAY

AZ
2010
02 NOV

NM
2007
13 MAR

KS
2018
14 MAY

AR
2016
08 NOV

TN
2015
04 MAY

NC
2014
03 JUL

SC
2014
02 JUN

DC
2010
21 MAY

HI
2000
14 JUN

OK
2018
26 JUN

LA
2016
19 MAY

MS
2022
02 FEB

AL
2014
02 APR

GA
2015
16 APR

GU
2014
16 FEB

TX
2015
01 JUN

Inception dates above may also be effective dates in some states

FL
2016
08 NOV

PR
2015
03 MAY

VI
2019
19 JAN



18Jun22

Federal End Game

Takeover by Uncle Sam and Big Pharma

Rescheduling

Descheduling

Expansion of the Ilicit Market

National Cannabis Tax

Over-regulation

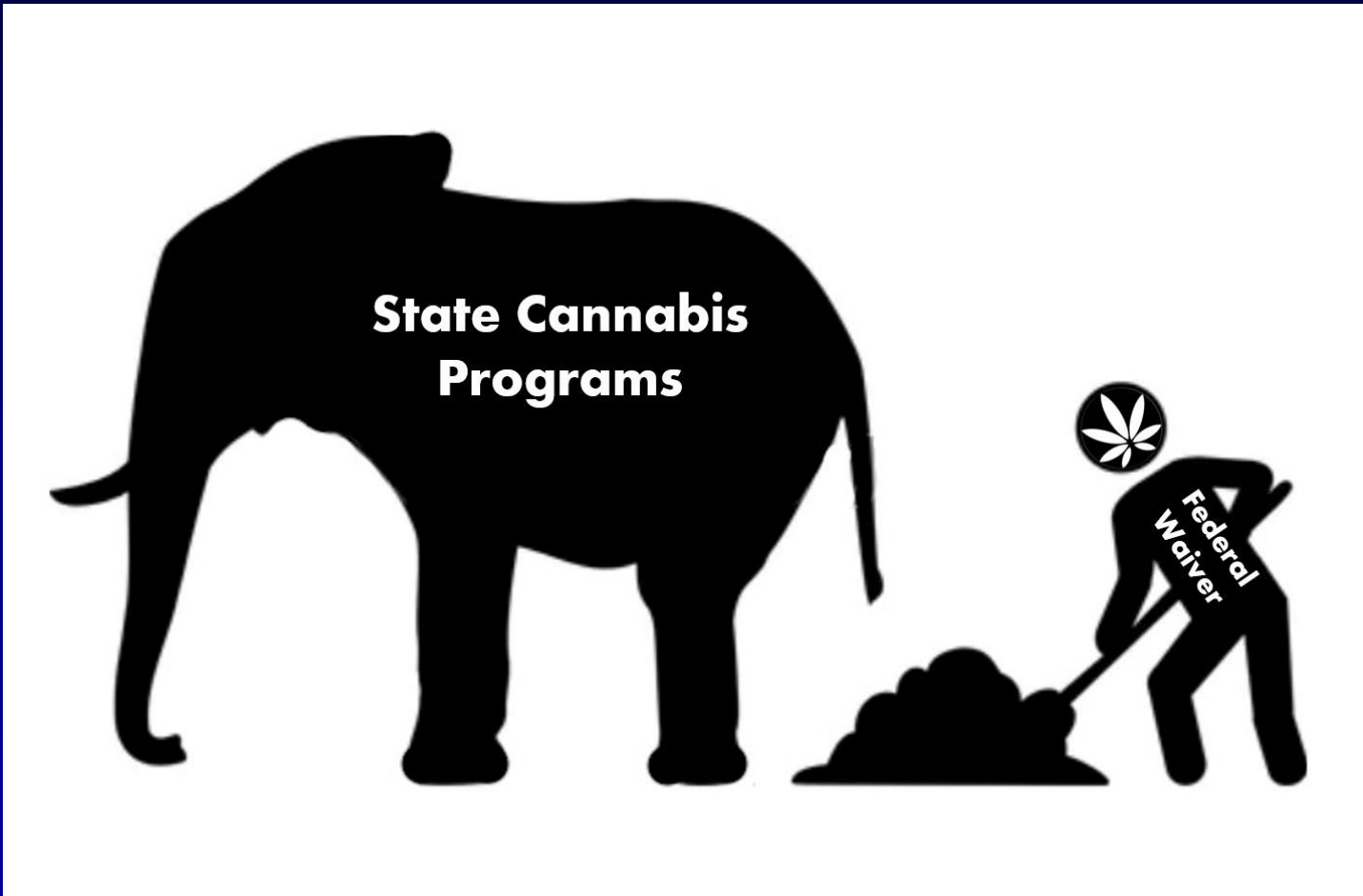
Loss of state sovereignty over intrastate use

Dependence upon FDA approved products

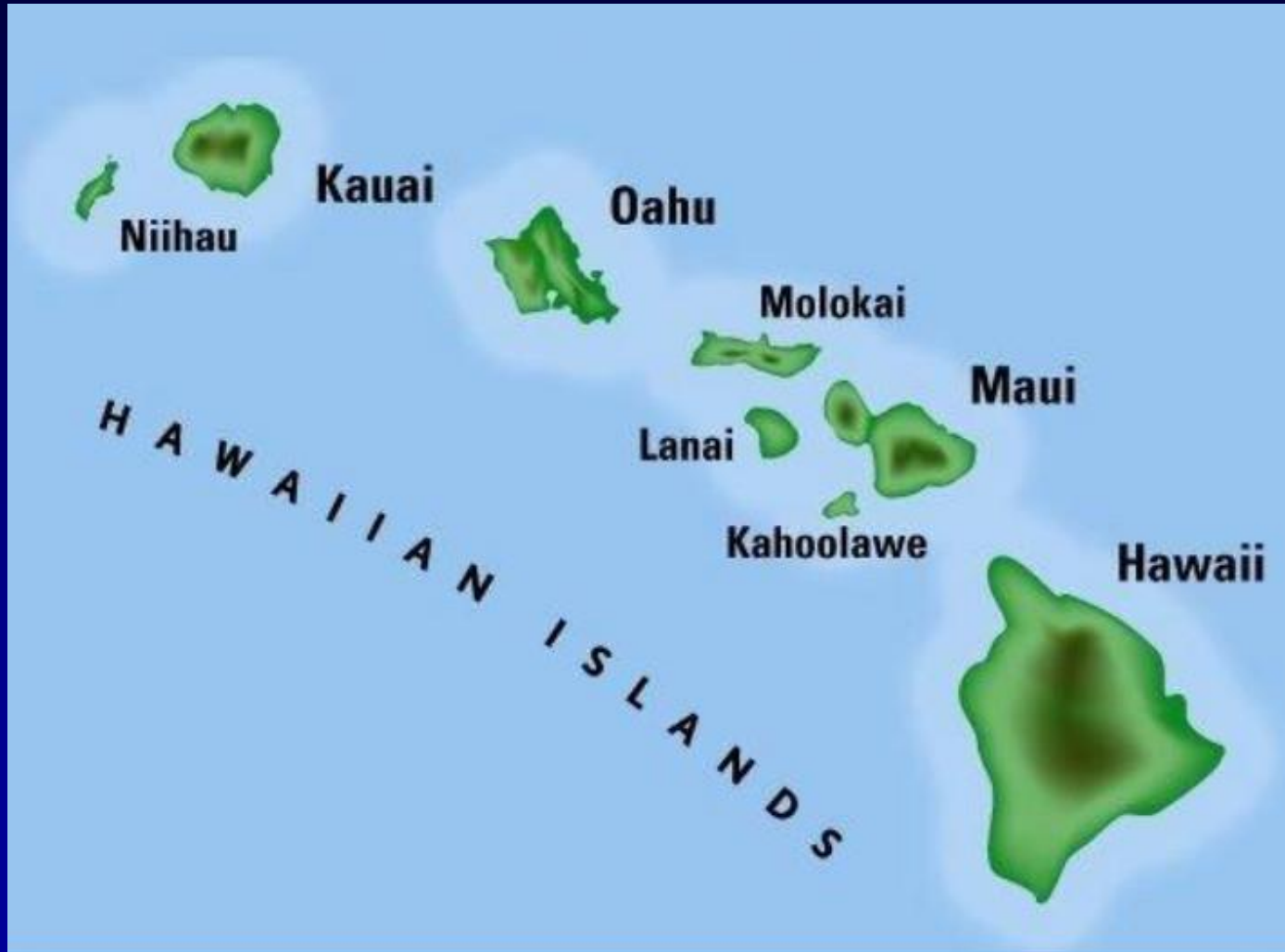
Crippled local market



States Need To Act



Unlike Any Other State



MAHALO



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