

State's medical cannabis users are not violating federal law

By Clifton Otto, M.D.

Most folks probably don't realize that 19 years ago Friday, on June 14, the state of Hawaii accepted the medical use of cannabis. Unfortunately, our local media cannot use the phrase "accepted the medical use of cannabis" because it's not in the Associated Press' Stylebook. And our state government cannot talk about the state-accepted medical use of cannabis in Hawaii because of a subtle brainwashing that has left just about everyone believing that nothing can be done until there is a change in federal law.

However, it is important that the truth be told about the medical use of cannabis, because of the direct impact that such medical use has upon federal law and the state and federal regulation of cannabis in Hawaii.

On June 14, 2000, Gov. Ben Cayetano signed Senate Bill 862 (Act 228) into law, which amended Hawaii's Uniform Controlled Substances Act (UCSA) by adding Section IX: "Medical Use of Marijuana." As a result, Hawaii became the first state in the country to create a state-regulated medical use of cannabis program via the legislative process that allowed for the personal production of cannabis for medical use under the supervision of a physician.

THE SIGNIFICANCE of this day cannot be overstated. Here is a perfect example of a state exercising its constitutionally protected au-

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thority under federalism to accept the medical use of a Schedule I controlled substance.

This is significant because the federal Controlled Substances Act (CSA) says that a substance cannot be in federal Schedule I if it has accepted medical use, which means that the federal regulation that has marijuana listed as a Schedule I controlled substance does not apply to the medical use

of cannabis in Hawaii.

And yet, for the past 19 years, tens of thousands of patients in Hawaii have been forced to suffer under the false assumption that they are violating federal law because our state won't go back to the U.S. Department of Justice and

tell it that the medical use of cannabis in Hawaii is "currently accepted medical use in treatment in the United States."

It makes no sense to think that Congress should fix a problem that our own state helped to create.

It is up to the state to stand up for the medical use of cannabis in Hawaii, and it is up to the people of Hawaii to make sure that our state government listens when we say that we have had enough of living under the misconception that our patients and our dispensaries are violating federal law.

THE SOLUTION is simple: Recognize that the federal regulation that has marijuana listed as a Schedule I controlled substance does not apply to the medical use of cannabis in Hawaii, just as it was recognized decades ago that the religious use of peyote by the

Native American Church is exempt from federal Schedule I.

But time is running out.

If we wait for Congress to put another Band-Aid on the current conflict with the federal regulation of cannabis, or think that recreational legalization will somehow solve all of our problems, then we will miss the opportunity to protect the intra-state production of cannabis for medical use, and lose the chance to incorporate such medical use into a locally sustainable health care system that could benefit the entire state.

It's time to honor the original intent of our Medical Use of Cannabis Act, which was to promote Hawaii as being an international center for medical cannabis treatment and research.

Please join us in recognizing the medical use of cannabis in Hawaii. Happy Medical Cannabis Day!