

# Regulations must align to support use of medical pot

By Clifton Otto, M.D.

It's encouraging to see agreement on improvements to Hawaii's Medical Use of Marijuana Program this past legislative session, like adding new debilitating conditions and increasing the arbitrary number of plants a patient can possess. Thank you for the recent editorial on the tweaks to the program ("Medical pot law aided by tweaks," Our View, May 11).

However, our Legislature may have missed its last chance to stand up for the state-accepted medical use of marijuana in Hawaii and to protect our program from federal interference before Hawaii's dispensaries start selling a Schedule I controlled substance to patients.

Committee chairpersons either deferred or completely denied public hearings to several bills that could have made a difference, including:

Senate Bill 120 and House Bill 170, both of which would have required that the Department of Public Safety (PSD) provide a scheduling recommendation to the Legislature recognizing that marijuana cannot be in a state schedule that requires the "highest degree of danger"; and SB 1093, which would have provided statutory support for the fact that the state-accepted medical use of marijuana here is "currently accepted medical use in treatment in the United States."

Even the annual Uniform Controlled Substances Act update bills, SB 997 and HB 1131, which have provided PSD with the opportunity for the past 17 years to fulfill its administrative duty to fix the current state classification of marijuana, were used once again to merely rubber stamp scheduling changes at the federal level rather than to support state law.

Add to this the prevailing false belief that federal preemption somehow means that our state cannot stand up for its authority to accept the medical use of marijuana, along with the commonly held assumption that Hawaii's Medical Use of Marijuana Program violates federal law, and you have a perfect storm for suppressing a recognition of the impact that state-accepted medical use has upon federal scheduling.

Such chilling only serves to perpetuate the suffering of our patients and

puts Hawaii's dispensaries at risk of being considered "continuing criminal enterprises" in the eyes of a potentially hostile federal administration.

The way to fix this situation is to first recognize collectively that marijuana already has medical use in Hawaii, something that would probably be very difficult for many of our law enforcement officers and medical professionals to admit at this time.

States have the authority to accept the medical use of controlled substances, which is how Hawaii accepted the medical use of marijuana in 2000 and created its own state-regulated medical use of marijuana program. If Hawaii's program violated federal law, we would see the U.S. Department of Justice shutting it down, not issuing policy guidelines designed to help states that have accepted the medical use of marijuana keep such medical use well regulated



*Clifton Otto, M.D., is a retina specialist in Hawaii and a certifying physician for Hawaii's Medical Use of Marijuana Program.*

and strictly intra-state.

The problem lies with the obsolete federal regulation that still has marijuana on the federal Schedule I list, and the Drug Enforcement Agency's own outdated interpretative rule, which was adopted before any state had accepted the medical use of marijuana and which perpetuates the myth that FDA approval is the only way that a controlled substance can have accepted medical use.

It's well past time for our state lawmakers, our state executive office and our congressional representatives to step up to the plate and support the state-accepted medical use of marijuana in Hawaii, for the sake of our patients, because it's the right thing to do.

the matt



**PAUL KRUGMAN**

On Wednesday Ryan held a conference the revelation that Trump had pushed Comey to kill the tion into Michael you know, the gu appointed as nat rity adviser even team knew that F highly suspicious ties were under in tion.

Faced with que about the Flynn s the Comey firing, waved them away worry about thin outside my contr

This might sou reasonable philos less you realize th speaker of the Ho representatives, a leg body with the po subpoenas, comp mony and, yes, im president. In fact, Constitution, Ryan congressional col effectively the on a rogue chief exc

It has become clear, however, th cans have no inte exercising any real over a president viously emotiona ble, seems to hav issues and is doi good imitation of agent of a hostile power.

They may mak tures toward acc in the face of bad bers, but there is that any importa the party care en the Constitution tional interest to stand.

And the big qu should be asking happened. At this know who and w is, and have a pre idea of what he h ing. If you had tr