



Akamai Cannabis Clinic
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Honolulu, HI 96816

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1390 Miller Street
Honolulu, HI 96813

SUPPORTING STATE AUTHORIZED USE

Dear Russell,

Thank you for responding on behalf of Superintendent Kishimoto to my letter of December 7, 2020 regarding the medical use of cannabis at school.

Perhaps a more accurate way to describe the current situation is to say that the conflict with the federal regulation of marijuana needs to end so that the Department of Education (DOE) can formulate policy that would allow the state authorized use of cannabis for medical purposes to occur on school grounds under supervised administration without the risk of losing federal funding.

Unfortunately, we have a twenty-year history of believing that the state authorized use of a Schedule I controlled substance violates federal law, and that there is nothing the State can do about it. Luckily for our patients, this could not be further from the truth.

It is a common misconception that the state authorized use of cannabis for medical purposes violates federal law. The current conflict is in fact created by a federal regulation governing the illegal non-medical use of marijuana that is being unconstitutionally applied to our state medical cannabis program. Even if the federal government decides to reschedule marijuana to a less restrictive category, this change will not directly apply to the state authorized use of cannabis for medical purposes in Hawaii because cannabis produced for strictly intra-state distribution under state authorization falls outside of FDA regulation.

I understand that DOE is constrained by the opinion of an Office of the Attorney General that is reluctant to protect the State's sovereign authority to decide how controlled substances are used within the State. However, this does not mean we should conclude that pursuing a federal exemption is futile, especially when such an approach is supported by a federal administrative process and a special use exemption that already exist.

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At the very least, pursuing a federal exemption would show that the State is doing all it can to resolve a conflict that is injuring our medical cannabis patients every day, instead of just sitting back and waiting for the federal government to fix a problem that the State created in the first place when it authorized the use of cannabis for medical purposes in Hawaii over twenty years ago.

A federal exemption, which requires no change to federal law, would re-harmonize the state and federal regulation of marijuana, which would enhance regulatory and enforcement capabilities at both the state and federal level, rather than require the federal government to ignore its own laws and regulations as you suggest.

Unfortunately, I am unable to explore this issue directly with the Office of the Attorney General because of the attorney-client privilege that this office shares with our elected officials.

I look forward to the day when DOE will be able to advocate for students who require the use of their state authorized cannabis medicine at school. In the meantime, I will continue pursuing this issue with our state lawmakers.

Thank you for taking the time to consider this matter.

Aloha,



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