

MAR 07 2014

SENATE CONCURRENT RESOLUTION

REQUESTING THE DRUG ENFORCEMENT ADMINISTRATION TO REMOVE
MARIJUANA FROM SCHEDULE I OF THE FEDERAL CONTROLLED
SUBSTANCES ACT IN RECOGNITION THAT MARIJUANA DOES NOT MEET
THE CRITERIA OF A FEDERAL SCHEDULE I CONTROLLED SUBSTANCE,
AS A CURRENTLY ACCEPTED MEDICAL USE OF MARIJUANA IN
TREATMENT EXISTS IN THE UNITED STATES, INCLUDING HAWAII.

1 WHEREAS, the structure of our government allows for the
2 distribution of power between the states and the federal
3 government; and

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5 WHEREAS, a power that remains with the states is the
6 authority to accept the medical use of controlled substances;
7 and

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9 WHEREAS, Congress enacted the federal Controlled Substances
10 Act with the clear intent of allowing for changes in the
11 scheduling of controlled substances based on changes in state
12 medical use; and

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14 WHEREAS, Hawaii lawfully exercised its authority to accept
15 the medical use of controlled substances in 2000, when it
16 created the State's medical marijuana program and accepted the
17 medical use of marijuana in treatment; and

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19 WHEREAS, under the federal Controlled Substances Act,
20 scheduling under schedule I requires several findings, one of
21 which is that the drug or controlled substance has no currently
22 accepted medical use in treatment in the United States; and

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24 WHEREAS, marijuana does not satisfy that finding to be
25 scheduled as a schedule I controlled substance, as medical use
26 of marijuana in treatment currently exists and is accepted in
27 Hawaii and the United States; and

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1 WHEREAS, the Drug Enforcement Administration, the agency
 2 that administers the federal regulation of controlled
 3 substances, may not deny a State's authority to change the
 4 status of a controlled substance that has a currently accepted
 5 medical use in treatment; and

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 7 WHEREAS, Hawaii is lawfully entitled to create a state
 8 regulated distribution system that will allow patients to
 9 purchase marijuana for medical use; and

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 11 WHEREAS, the Drug Enforcement Administration, by enforcing
 12 an obsolete regulation that classifies marijuana as a federal
 13 schedule I controlled substance and ignoring the currently
 14 accepted medical use of marijuana in treatment that exists in
 15 Hawaii and the United States, is preventing Hawaii from creating
 16 a state regulated distribution system that complies with federal
 17 law; now, therefore,

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 19 BE IT RESOLVED by the Senate of the Twenty-seventh
 20 Legislature of the State of Hawaii, Regular Session of 2014, the
 21 House of Representatives concurring, that the Drug Enforcement
 22 Administration is requested to follow the federal Controlled
 23 Substances Act and remove marijuana from federal schedule I, in
 24 recognition of the currently accepted medical use of marijuana
 25 in treatment that exists in Hawaii and the United States; and

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 27 BE IT FURTHER RESOLVED that certified copies of this
 28 Concurrent Resolution be transmitted to the Attorney General of
 29 the United States, Administrator of the Drug Enforcement
 30 Administration, Secretary of Health and Human Services,
 31 Governor, Director of Health, Director of Public Safety, and
 32 State Attorney General.

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