



HAWAI'I STATE LEGISLATURE
Ka 'Aha 'ōlelo Moku 'āina 'Ō Hawai'i

STATE CAPITOL
415 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96813

TO: Attorney General Anne Lopez
Hale Auhau, 425 Queen Street
Honolulu, HI 96813

RE: HCR132 (2021) Medical Cannabis

Dear Madam Attorney General,

During the 2021 Regular Session, the Legislature unanimously adopted HCR132, which asks the Hawaii Department of Health (DOH) to apply for an exemption from the Drug Enforcement Administration (DEA) that would recognize the lawful medical use of cannabis in Hawaii under state and federal law.

Unfortunately, this resolution remains dormant, and it appears that DOH is using attorney-client privilege with your office as reason not to discuss this request.

Not only must registered patients and licensed dispensaries violate federal law to participate in Hawaii's Medical Cannabis Program under the current federal Schedule I status of cannabis, but impending federal rescheduling could mean that patients and dispensaries will still face discrimination for being involved with an illegally produced controlled substance, even if cannabis is moved to federal Schedule III.

With Congressional action to nationalize cannabis highly uncertain, we believe that the State has a moral and constitutional obligation to act on its own, especially since this is a situation that the State created nearly twenty-four years ago.

To help move this issue forward, we would like to get your advice on steps that the State can take to protect patients and dispensaries from having to engage in the use of an illegally produced controlled substance, to include solutions that could also protect the intrastate medical use of cannabis from a national interstate market.

HCR132 is an attractive solution because it does not require any changes to state or federal law, it encourages a re-harmonization of state and federal regulation that respects the State's authority over the intrastate medical use of cannabis without requiring the State to override federal law or attempt to control federal law-enforcement activities, and it involves a regulatory framework that has federal precedent. However, we are also open to other possible solutions that the State can act upon.

Thank you for taking the time to address this request. We look forward to your timely response.

Sincerely,

Senator Maile Shimabukuro, Chair
Senate Committee on Hawaiian Affairs

Representative Mark Nakashima, Chair
House Committee on Consumer Protection & Commerce