
**** BILL PROPOSAL ****

RELATING TO CONTROLLED SUBSTANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature recognizes that Hawaii has authorized the use of cannabis, and the U.S. Department of Justice and the Drug Enforcement Administration (DEA) have never challenged the constitutionality of such use.

The legislature also recognizes that citizens using cannabis for authorized purposes under Hawaii Revised Statutes at part IX, Chapter 329, are exempt from the criminal penalties associated with the illegal use of cannabis as a state Schedule I controlled substance.

The legislature also recognizes that the international drug treaties to which the United States is signatory, the Single Convention on Narcotic Drugs and the Convention on Psychotropic Substances, both contain exemptions for the authorized use of controlled substances under domestic law.

The legislature also recognizes that administrative procedures already exist for obtaining a federal exemption for the state authorized use of a controlled substance.

The purpose of this act is to require the department of health to obtain federal exemptions for the state authorized use of cannabis in Hawaii from the DEA under title 21 C.F.R. sections 1307.03 and 1308.43.

SECTION 2. Hawaii Revised Statutes, part IX. Medical Use of Cannabis, Chapter 329, is amended by adding the section to read as follows:

“§329-132 State Authorization.

The department of health shall submit an application for immediate relief pursuant to title 21 C.F.R. section 1307.03, and a petition for permanent relief pursuant to title 21 C.F.R. section 1308.43, to the Office of Diversion Control and the Administrator of the Drug Enforcement Administration (DEA), respectively, upon the enactment of this section. Both submissions shall state that Hawaii Revised Statutes at part IX, Chapter 329, and Hawaii Revised Statutes at Chapter 329D, create an exemption from federal drug laws and do not create any positive conflict consistent with title 21 U.S.C. section 903. The federal scheduling of marihuana does not apply to the state authorized use of cannabis. Both submissions shall also include the following proposed rule:

§1307.32 State Authorization

The listing of marihuana as a controlled substance does not apply to the state authorized use of marihuana, and persons using marihuana in compliance with state law are exempt from registration."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: _____