



Akamai Cannabis Clinic
3615 Harding Ave, Suite 304
Honolulu, HI 96816

February 12, 2021

The Honorable Aaron Ling Johanson
Hawaii State Capitol, Room 436
415 S. Beretania Street
Honolulu, HI 96813

REQUEST FOR PROPOSED HD1 ON HB542

Dear Representative Johanson,

[HB542](#) would harmonize the state and federal regulation of FDA-approved Cannabidiol drug products by making Hawaii's Uniform Controlled Substances Act consistent with changes to the federal regulation of these products over the past year.

I would like to propose that the state authorized use of cannabis for medical purposes in Hawaii and the federal regulation of marijuana be similarly harmonized by pursuing a federal exemption for the state authorized use of cannabis in Hawaii by adding the following section to this bill:

SECTION 2b. The following section is added to read as follows:

**“§329-5 Harmonizing the state and federal regulation of
cannabis.**

The department of public safety shall submit to the
administrator of the United States Department of Justice, Drug
Enforcement Administration, Diversion Control Division:

(1) An application for immediate relief pursuant to title 21
Code of Federal Regulations section 1307.03 to the Office of
Diversion Control. This application shall state that part IX of
chapter 329, Hawaii Revised Statutes, and chapter 329D, Hawaii

Revised Statutes, create an exemption from federal drug laws and do not create any positive conflict pursuant to title 21 United States Code Annotated section 903; and that the federal scheduling of marijuana does not apply to the state authorized use of cannabis. The application shall also include a proposed rule containing the following: "The listing of marijuana as a controlled substance does not apply to the state authorized use of marijuana, and persons using marijuana in compliance with state law are exempt from registration"; and

(2) A petition for permanent relief pursuant to title 21 Code of Federal Regulations section 1308.43. This petition shall state that part IX of chapter 329, Hawaii Revised Statutes, and chapter 329D, Hawaii Revised Statutes, create an exemption from federal drug laws and do not create any positive conflict pursuant to title 21 United States Code Annotated section 903; and that the federal scheduling of marijuana does not apply to the state authorized use of cannabis. The petition shall also include a proposed rule containing the following:

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

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I presented [written](#) and [videoconference](#) testimony at the recent public hearing for HB542 before the House Committee on Judiciary and Hawaiian Affairs ([JHA](#)), and Chair Nakashima said that a Proposed HD1 would be necessary to properly consider such an amendment, which is why I am contacting you.

Thank you for considering this request.

Please feel free to contact me directly anytime if questions arise that I can help answer.

Aloha,

A handwritten signature in black ink, appearing to be 'Clifton Otto', with a stylized flourish at the end.

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