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TESTIMONY ON SENATE BILL 1333 SENATE DRAFT 1
RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT
By
Clifton Otto, MD

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

Wednesday, February 17, 2021; 10:00 AM
State Capitol, Videoconference

SUPPORT WITH CHANGES

Thank you for the opportunity to provide written testimony on this measure.

[SB1333 SD1](#) would bring Hawaii's Uniform Controlled Substances Act in line with changes to the federal Controlled Substances Act that have occurred over the past year related to FDA-approved cannabidiol drug products, which highlights the importance of maintaining harmony between the state and federal regulation of controlled substances.

The same harmony desperately needs to be established between the federal regulation of marijuana and the state authorized use of cannabis for medical purposes in Hawaii.

To this end, I respectfully recommend the following amendment to this bill:

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

"§329-5 Recognizing the state authorized use 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:

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"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."

Please consider delaying decision making on this measure so that a Proposed SD2 that contains this substantive change can be issued and re-scheduled for a public hearing.

Aloha.