
HOUSE RESOLUTION

DECLARING THAT THE LAWFULLY ENACTED STATE SOCIAL POLICIES OF THE TWELVE STATES THAT HAVE ENACTED STATE LAWS TO AUTHORIZE THE MEDICAL USE OF MARIJUANA, AND THE ACTIONS OF THOSE LAWFULLY CONFORMING TO THOSE STATE LAWS BY THE USE OF MEDICAL MARIJUANA SHALL NOT BE ENJOINED.

1 WHEREAS, by prohibiting seriously ill persons from using
2 cannabis in states that have approved such use, the Controlled
3 Substances Act, Title II of the Comprehensive Drug Abuse
4 Prevention and Control Act of 1970, interferes with the rights
5 reserved to the states by the Ninth Amendment of the United
6 States Constitution to enact and implement laws protecting the
7 health, safety, and welfare of their citizens; and

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9 WHEREAS, the Controlled Substances Act also violates
10 traditional notions of state sovereignty protected by the Tenth
11 Amendment of the United States Constitution; and

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13 WHEREAS, much time has passed since 1970 when the
14 Controlled Substances Act first classified marijuana as a
15 Schedule I drug, including the emergence of the AIDS epidemic
16 and the accumulation of solid scientific evidence that marijuana
17 can relieve the suffering of those afflicted by certain types of
18 illness, including glaucoma, multiple sclerosis, spasticity,
19 severe pain, and nausea induced by the drugs used in
20 chemotherapy and in the treatment of AIDS; and

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22 WHEREAS, since 1996, twelve states have enacted laws to
23 authorize the use of medical marijuana only for medical
24 purposes; these states do not legalize the general use of
25 marijuana; and

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27 WHEREAS, the controversy surrounding state-authorized
28 medical use of marijuana has nothing to do with the war on
29 drugs, but is a fundamental concept in a state's right to enact
30 regulations for the health and welfare of its citizens; now,
31 therefore,
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H.R. NO. 199

1 BE IT RESOLVED by the House of Representatives of the
2 Twenty-fourth Legislature of the State of Hawaii, Regular
3 Session of 2008, that this body declares that the lawfully
4 enacted state social policies of the twelve states that have
5 enacted state laws to authorize the medical use of marijuana,
6 and the actions of those individuals who lawfully conform to
7 those state laws in their use of medical marijuana, shall not be
8 enjoined; and
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10 BE IT FURTHER RESOLVED that certified copies of this
11 Resolution be transmitted to the Governor, the Governors of the
12 states of Alaska, California, Colorado, Maine, Montana, Nevada,
13 New Mexico, Oregon, Rhode Island, Vermont, and Washington, and
14 members of Hawaii's congressional delegation.
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OFFERED BY: _____



MAR 1 1 2008

