

HCR48 Dispensary Task Force
Federal Interface Subcommittee Update
September 9, 2014

Update on original subcommittee questions created at last Task Force Meeting:

Q1. How do we (as a Task Force) protect state licensed dispensaries from potential federal interference, and enlist the support of local/state law enforcement ?

First need to understand the climate of cooperation that is preventing local/state law enforcement from recognizing the medical use of Marijuana that exists in Hawaii. Existing Memorandums of Understanding (MOUs) are key to understanding the current relationships with federal agencies such as the DEA, and Hawaii HIDTA.

Example: Hawaii HIDTA is funded by the ONDCP, not the DOJ. The Oregon HIDTA 2013 Drug Market Analysis Report noted that state Medical Marijuana Law “presents a major barrier to effective enforcement and prosecution efforts and conflicts with the national safety regulations and requirements for medicines established by the Food and Drug Administration (FDA).”

Plan: request copies of MOUs from Hawaii HIDTA, and other state law enforcement agencies.

Q2. Are there steps that the State can take to prevent potential federal interference ?

Steps our State has already taken to address the federal mis-classification of Marijuana:

Letter from Governor Abercrombie to DEA on February 10, 2012 (Attached).

Senate Resolution 37 adopted by Hawaii State Senate on April 3, 2014 (Attached).

Q2-1. Does SR37 provide the State with protection from federal interference ?

Plan: Request advice from the Hawaii AG, and research other steps the State can take.

Q2-2. How many potential patients are choosing not to become certified and continue to suffer because they don't want to violate the federal regulation of Marijuana ?

Q3. How do we allow for intra-state transportation by patients and producers ?

Case History: State v. Woodhall, 129 Hawaii 397, 301 P.3d 607 (2013). Hawaii Supreme court found in favor of the defendant, but irreconcilable inconsistencies in the law remain.

Plan: Research options that would enable the inter-island transportation of Medical Marijuana.

Alameda County Sheriff's Office policy on Medical Marijuana at Oakland Airport, enacted 2008.

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