

THE PROBLEM

The ongoing conflict between the federal regulation of marijuana and the medical use of cannabis in Hawaii.

ONE SOLUTION

Obtain a [waiver](#) from the DEA for the state authorized use of cannabis in Hawaii.

Our State Legislature is trying to do just this, but the Hawaii Dept. of Health still hasn't taken action.

Check out these measures at:
<https://www.capitol.hawaii.gov/>

From the 2021 Session Archives:
[HCR132](#)

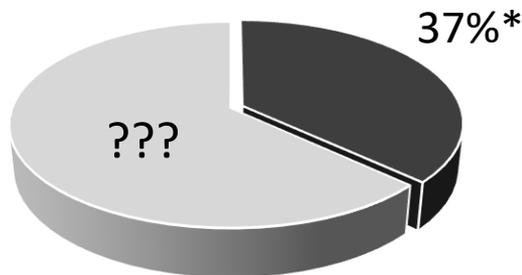
Carried over from 2021:
[HB668](#), [SB669](#), [HB867](#), and [SB147](#)

Introduced during 2022 Session:
[HCR147](#), [SCR69](#)
[SCR51](#)

Your state lawmakers need to [hear from you](#) about this issue.

PATIENT ACCESS

Percent using Dispensaries



*One or more purchases, DOH data Jan-2022

OTHER STATES

IOWA:

House File [2589](#) (2020)
[SCR 101](#) (2022)

MINNESOTA:

House File [3639](#) (2020)
Senate File [3685](#) (2022)
House File [3964](#) (2022)

For more information:



Akamai Cannabis Consulting
808-233-8267
akamaicannabisconsulting.com

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ATTENTION 329 Cardholders

| State of Hawaii 329 Medical Cannabis | |
|--------------------------------------|---|
| Registration Number: |  |
| Start Date: | Expiration Date: |
| Patient Last Name: Mouse | |
| First, Middle, Suffix: Mickey | |
| Date of Birth: November 18, 1928 | |
| Caregiver Last Name: | |
| First, Middle, Suffix: | |
| Date of Birth: | |
| Physician/APRN Name: | |

Here are
a few things
you need to
know about
being a
Medical
Cannabis
Patient



BACKGROUND

When the State of Hawaii [authorized](#) the medical use of cannabis nearly twenty-two years ago, it did so based upon the authority reserved to the states under the U.S. Constitution to decide how cannabis is used within the state. That's why you don't see the U.S. Department of Justice (DOJ) trying to shut down Hawaii's Medical Cannabis Program.

Unfortunately, Hawaii never went back to the DOJ or the Drug Enforcement Administration (DEA) to prevent the resulting conflict between the state authorized medical use of cannabis in Hawaii and federal drug law. The Hawaii Governor at the time figured the DEA would probably just say NO, so didn't even bother notifying them.

As a result, the simple possession of marijuana still violates federal drug law ([21 USC 844](#)), which means that all patients must violate federal law to participate in the program and can face severe consequences despite protections provided by annual renewal of the [Rohrabacher-Farr Amendment](#).



DISPENSARIES

And dispensaries are in the same boat, except for them it's even worse. Technically dispensaries are [Continuing Criminal Enterprises](#) in the eyes of the IRS, which means that dispensaries can't use regular banking services and cannot deduct standard business expenses from their federal tax returns.

As a result, the dispensaries are paying about a 70% tax burden on all their revenue, which would be impossible for any legitimate business to sustain. So, what the dispensaries must do is pass this expense on to patients, which is part of the reason why dispensary products are so expensive.

One would think that the dispensaries would be screaming [bloody murder](#) about the ongoing federal conflict. However, it is very difficult for the dispensaries to speak up about violating federal law when they are already doing so themselves. Violating federal law is the only way that dispensaries and patients can participate in Hawaii's Medical Cannabis Program.



CONSEQUENCES

Can't travel to other islands with your medicine.

Can't pass a pre-employment drug screening test.

Could lose your job if you work for a zero-tolerance employer.

Can't apply for federally subsidized public housing.

Can't grow on Hawaiian Home Lands without violating federal law.

Can't get a local firearms permit.

Could lose custody of your child during divorce proceedings.

May not be able to get medical, life, or temporary disability insurance.

Can't medicate on school grounds.

Can't use cannabis in Hospice or Long-Term Care Facilities.

Can't be a CDL driver for HDOT.

Can't conduct local research at UH.

