



DEPARTMENT OF THE ATTORNEY GENERAL

**News Release**

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**Attorney General's Statement Regarding Medical Use of Marijuana**

HONOLULU – Attorney General Mark Bennett has issued the attached statement regarding medical use of marijuana.

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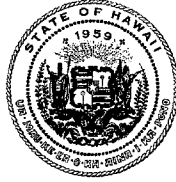
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June 15, 2005

Statement of Attorney General Mark Bennett  
Regarding Medical Use of Marijuana

The United States Supreme Court recently ruled that the federal government may criminally prosecute individuals for the possession, distribution, or use of marijuana, even if a state has legalized such possession, distribution, or use for medical purposes. Gonzales v. Raich, 125 S.Ct. 2195 (2005). This ruling does not overturn Hawaii's law regarding medical use of marijuana. The State of Hawaii will continue its medical marijuana program.

Qualifying patients and their primary caregivers who engage in medical use of marijuana in compliance with Chapter 329, Part IX of the Hawaii Revised Statutes will not be prosecuted for such use under state law. Physicians who provide written certification for the medical use of marijuana for qualifying patients in compliance with Chapter 329, Part IX of the Hawaii Revised Statutes will not be prosecuted for doing so under state law. Medical marijuana users, caregivers, and physicians are responsible for making certain they know and strictly comply with state law.

An act that is criminalized under federal law is not necessarily a criminal act under state law, and vice versa. The federal government decides what acts are criminal in the federal system, and each state decides what acts are criminal in each state system. Thus, individuals who comply with Hawaii's law regarding medical use of marijuana law may nevertheless be violating federal law.

As noted, the State will continue its medical marijuana program. The State may review this decision in the future if a material change in federal law or policy so requires.