



DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

ANNE LOPEZ
ATTORNEY GENERAL
LOIO KUHINA

News Release 2024-01

**DEPARTMENT OF THE ATTORNEY GENERAL PROVIDES KEY LEGISLATORS
WITH REPORT REGARDING CANNABIS LEGALIZATION**

FOR IMMEDIATE RELEASE

January 5, 2024

HONOLULU – The Department of the Attorney General (Department) has provided a formal report to key legislators emphasizing the department’s legal concerns and the significant risks to public safety and public health that could arise if the Legislature legalized adult-use cannabis. Also included was draft legislation intended to minimize these risks and promote the public welfare to the greatest extent possible, should the Legislature choose to legalize cannabis.

The report and a 315-page draft bill entitled "Relating to Cannabis" were prepared for and submitted to Senator Joy A. San Buenaventura, chair of the Senate Committee on Health and Human Services; Senator Jarrett Keohokalole, chair of the Senate Committee on Commerce and Consumer Protection; and Representative David A. Tarnas, chair of the House Committee on Judiciary and Hawaiian Affairs.

Cannabis is a Schedule I drug under the Controlled Substances Act and is illegal under federal law. Since 2012, however, 24 states plus the District of Columbia have legalized cannabis. In 2023, the Hawai'i Senate voted in favor of a bill, SB 669, that would legalize adult-use cannabis, with only three “no” votes registered.

“The Department of the Attorney General does not support the legalization of adult-use cannabis,” said Attorney General Anne Lopez. “We acknowledge that with changing public perception in recent years, the odds that the Legislature may pass legislation legalizing adult-use cannabis have increased substantially. Given that the Legislature could theoretically pass a bill as early as this year, it is my department’s duty to warn the Legislature of the risks, while simultaneously providing a framework that includes robust public-safety and public-health safeguards.”

As described in the report, the structure of the draft bill utilizes six “pillars” designed to address issues associated with the transition to a legal market and its continued success:

- (1) The enacting of the Hawai'i Cannabis Law, which is a legal safe harbor from state criminal prosecution concerning activities relating to cannabis for those who strictly comply with its provisions;
- (2) The creation of an independent body—the Hawai'i Cannabis Authority (Authority)—with the power to regulate all aspects of the cannabis plant (whether medical cannabis, adult-use cannabis, or hemp) in accordance with the Hawai'i Cannabis Law;
- (3) The continuing role of law enforcement agencies in addressing illegal cannabis operations not acting in accordance with the Hawai'i Cannabis Law, which pose threats to public order, public health, and those business operators who choose to operate in the legal market;
- (4) A vibrant, well-funded social equity program to be implemented by the Authority with the intent to bring greater economic opportunity to disadvantaged regions of our state and to help transition formerly illicit operators into the legal market;
- (5) A delayed effective date of 18 months for the legalization of adult-use cannabis and the first legal retail sales to allow the Authority, law enforcement, licensees, and the public to prepare; and
- (6) The implementation of extensive, well-funded public health protections, including public education campaigns about the new laws and the continuing risks to public health—especially to children—posed by cannabis, and financial assistance for public health services such as addiction and substance abuse treatment.

The report further provides guidance to the Legislature regarding amendments that would be considered unacceptable to the department.

“The draft bill is not ‘the Department of the Attorney General’s cannabis bill,’” emphasized Attorney General Lopez. “The draft bill was prepared to give the Legislature a legislative option to consider—a draft with public safety and public health protections embedded into its structure. Should the Legislature decide to legalize adult-use cannabis, the draft bill represents our best judgment about how to promote a legal market, minimize risks of societal harm, mitigate damage that does come to pass, avoid liability, and provide workable tools and substantial resources for law enforcement and public-health officials to promote the public welfare.”

The Report Regarding the Final Draft Bill Entitled “Relating to Cannabis” can be found [here](#). The draft bill can be found [here](#). A table of contents for the draft bill can be found [here](#).

###

Media Contacts:

Dave Day
Special Assistant to the Attorney General
Office: 808-586-1284
Email: ATG.PIO@hawaii.gov
Web: <http://ag.hawaii.gov>

Toni Schwartz
Public Information Officer
Hawai'i Department of the Attorney General
Office: 808-586-1252
Cell: 808-379-9249
Email: Toni.E.Schwartz@hawaii.gov
Web: <http://ag.hawaii.gov>