



DEPARTMENT OF HAWAIIAN HOME LANDS

DHHL Public Information on Medical Cannabis

1. Do Hawai‘i’s medical cannabis laws apply to DHHL homestead lands?

Yes. DHHL are lands of the State of Hawai‘i, and state laws apply.

Hawai‘i’s medical cannabis laws are codified under Hawai‘i Revised Statutes. Under these laws, qualifying patients diagnosed by a physician or advanced practice registered nurse are authorized to use and/or cultivate medical cannabis.

There are no prohibitions in Hawai‘i’s medical cannabis laws preventing the use or cultivation of medical cannabis on DHHL homestead lands.

Homestead lessees who are also qualifying patients under Hawai‘i’s medical cannabis laws may cultivate and use medical cannabis so long as they are in compliance with state law.

As long as a lessee is in compliance with Hawai‘i’s medical cannabis laws, cultivation would not be considered a lease violation.

2. Are there federal prohibitions preventing the application of Hawai‘i’s medical cannabis laws on DHHL homestead lands?

No. There are no federal prohibitions preventing Hawai‘i’s medical cannabis laws from applying to DHHL homestead lands.

However, even if a homestead lessee strictly adheres to the requirements of Hawai‘i’s medical cannabis laws, he or she may nonetheless risk federal prosecution. Although the medical use of cannabis is authorized by state law, federal laws prohibiting the cultivation, possession, use, or distribution of cannabis are still enforceable. For example, under federal law, the cultivation of fewer than 50 cannabis plants can result in up to five years imprisonment and a \$250,000 fine.

36 states, 4 territories, and the District of Columbia have legalized the use of medical cannabis. Additionally, 18 states, 2 territories, and the District of Columbia have enacted legislation to regulate the nonmedical use of cannabis.

Despite the proliferation of both medical and nonmedical cannabis legalization among the states and territories, federal law enforcement authorities still retain the discretion to enforce federal laws against medical cannabis patients who are otherwise complying with state law.