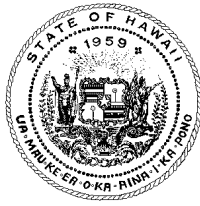


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



MIKE LAMBERT
DIRECTOR

ERNEST ROBELLO
Deputy Director
Administration

KEITH A. REGAN
ACTING LT GOVERNOR
KA HOPE KIA'ĀINA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT

Ka 'Oihana Ho'okō Kānāwai

715 South King Street
Honolulu, Hawaii'i 96813

JARED K. REDULLA
Deputy Director
Law Enforcement

No. **POSTED 05/27/26**

May 15, 2026

NOTICE OF FEDERAL SCHEDULING ACTIONS

Section 329-11(d) of the Hawaii Revised Statutes ("HRS") states that if a substance is added, deleted or rescheduled under federal law and notice of the designation is given to the Department of Law Enforcement, then the Department of Law Enforcement shall recommend to the legislature that a corresponding change in Hawaii law be made. The Department of Law Enforcement shall similarly designate the substance as added, deleted, or rescheduled under this chapter, after the expiration of thirty days from publication in the Federal Register of a final order, and this change shall have the effect of law. If a substance is added, deleted, or rescheduled under this subsection, the control shall be temporary and, if the next regular session of the state legislature has not made the corresponding changes in this chapter, the temporary designation of the added, deleted, or rescheduled substance shall be nullified.

The Department of Law Enforcement was given notice via publication in the Federal Register of a final order¹ that the following substances, were placed into the federal controlled substances schedule III by the United States Drug Enforcement Administration ("DEA"). Consequently, the Department of Law Enforcement is making the following temporary designations:

Schedule III

Additions to Section 329-18 subsection (h) hallucinogens

(1) Marijuana², as defined in 21 U.S.C. 802(16), in a U.S. Food and Drug Administration approved product or subject to a state medical cannabis license

(2) Marijuana extract, as defined in 21 CFR 1308.11(d)(58), in a U.S. Food and Drug Administration approved product or subject to a state medical cannabis license

¹ Federal Register 91 FR 22714 published on April 28, 2026. The effective date of the order is also April 28, 2026.

² The terms "marijuana" or "marihuana" is used in the context of federal law while the term "medical cannabis" is used in Hawaii law in the context of "marijuana" that is fully compliant with Hawaii's medical cannabis laws.

(3) Naturally derived delta-9-tetrahydrocannabinols in a U.S. Food and Drug Administration approved product or in marijuana subject to a state medical cannabis license

- (i) Naturally derived delta-9-tetrahydrocannabinols means those delta-9-tetrahydrocannabinols, except as in paragraphs (h), (2) and (3) of this section, that are naturally contained in a plant of the genus Cannabis (cannabis plant).
- (ii) Naturally derived delta-9-tetrahydrocannabinols do not include any material, compound, mixture, or preparation that falls within the definition of hemp set forth in 7 U.S.C. 16390 or section 329-1, HRS.
- (iii) Naturally derived delta-9-tetrahydrocannabinols do not include any delta-9-tetrahydrocannabinols contained in substances excluded from the definition of marijuana as set forth in 21 U.S.C. 802(16)(B)(ii) or section 329-1, HRS.

Explanation of Temporary State Scheduling:

These federal scheduling actions impose the regulatory controls and the administrative, civil, and criminal sanctions applicable to schedule III controlled substances on persons who handle (manufacture, distribute, dispense, import, export, engage in research, conduct instructional activities with, or possess) or propose to handle the drug products listed in this notice. The DEA issued an effective date of their order as April 28, 2026.

In accordance with Section 329-11(d) of the HRS, the Department of Law Enforcement is temporarily adding the aforementioned substances listed in this notice into Schedule III, in chapter 329-18 of the HRS. This temporary addition imposes the regulatory controls and the administrative, civil, and criminal sanctions applicable to schedule III controlled substances on persons who handle (manufacture, distribute, dispense, import, export, engage in research, conduct instructional activities with, or possess) or propose to handle the aforementioned substances listed in this notice in the State of Hawaii.

It is important to note that this temporary State scheduling action does not “legalize” the use of marijuana in Hawaii. Rather, this scheduling action is intended to mirror recent changes to federal law that change the schedule of United States Food and Drug Administration (FDA) approved products that contain marijuana (i.e., approved drugs gained by a prescription issued by an authorized prescriber such as a physician and dispensed out of a pharmacy), as well as “medical marijuana” or medical cannabis products that is cultivated, manufactured, distributed, or sold within Hawaii’s State-licensed legalized medical cannabis dispensary system.

It is also important to understand that this notice does not change the schedule of any “marijuana” or “marijuana” products that is cultivated, manufactured, distributed, possessed, sold, or used by persons who are not covered under Hawaii’s medical

cannabis laws. “Medical cannabis” and/or “marijuana” that is not strictly compliant with Hawaii’s laws is subject to criminal penalties. Moreover, medical cannabis and medical cannabis products that are “homegrown” or “homemade” by an authorized patient or caregiver within Hawaii’s legalized medical cannabis system remains in schedule I and are not placed into schedule III under this notice³.

In the federal notice that initiated these changes, the DEA is requiring Hawaii medical cannabis dispensary licensees to obtain “practitioner” controlled substances registrations from the DEA. Similarly, to support both that new federal DEA registration requirement, and to comply with existing Hawaii law related to the registration of businesses that work with schedule III controlled substances⁴, Hawaii licensed medical cannabis dispensary licensees should contact the Department of Law Enforcement’s Narcotics Enforcement Division (NED) in writing with a request to add the authority to work with schedule III medical cannabis substances to their existing Hawaii controlled substances registrations⁵.

The Department of Law Enforcement is also advising the public that state law has not changed with respect to the prohibited medical use of cannabis that:

- (1) Endangers the health or well-being of another person; or the prohibited use of medical cannabis in places such as:
 - (A) In a school bus, public bus, or any moving vehicle;
 - (B) In the workplace of one's employment;
 - (C) On any school grounds;

³ The federal notice only applies to US FDA approved products or marijuana, marijuana extracts, or naturally derived delta-9-tetrahydrocannabinols that are “subject to a state medical marijuana (cannabis) license” (i.e., a Hawaii medical cannabis dispensary license). “Homegrown” or “homemade” medical cannabis products are not FDA approved and are not subject to a state medical marijuana (cannabis) license. Therefore, “homegrown” or “homemade” medical cannabis products are not covered by either the federal notice or this State notice. Consequently, “homegrown” or “homemade” products remain in schedule I.

⁴ Section 329-32, Hawaii Revised Statutes that, “ Every person who:

- (1) Manufactures, distributes, prescribes, dispenses, or conducts reverse distribution with any controlled substance within this State;
 - (2) Proposes to engage in the manufacture, distribution, prescription, dispensing, or reverse distribution of any controlled substance within this State; or
 - (3) Dispenses or proposes to dispense any controlled substance for use in this State by shipping, mailing, or otherwise delivering the controlled substance from a location outside this State;
- shall obtain a registration issued by the department of law enforcement in accordance with the department's rules.

⁵ Section 11-850-22 of the Hawaii Department of Health Administrative Rules provides, “Upon award of a license pursuant to section 11-850-21, a dispensary licensee shall apply to the department of public safety narcotics enforcement division (NED) and obtain a certificate to possess and handle cannabis and manufactured cannabis products. Additionally, “the dispensary licensee shall maintain the certificate throughout the licensing period, and shall notify the department (of health) if the NED certificate is suspended or revoked. Pursuant to Act 278 of the 2022 Session of the Legislature, the department of public safety NED became the department of law enforcement (NED). The NED business address is NED, 3375 Koapaka Street, D-100, Honolulu, Hawaii 96819.

- (D) At any public park, public beach, public recreation center, recreation or youth center; or
- (E) At any other place open to the public; provided that a qualifying patient, primary caregiver, qualifying out-of-state patient, caregiver of a qualifying out-of-state patient, or an owner or employee of a medical cannabis dispensary licensed under chapter 329D shall not be prohibited from transporting cannabis or any manufactured cannabis product, as that term is defined in section 329D-1, in any public place; provided further that the cannabis or manufactured cannabis product shall be transported in a sealed container, not be visible to the public, and shall not be removed from its sealed container or consumed or used in any way while it is in the public place.

Additionally, the Department of Law Enforcement is urging those who may be affected by this notice to use caution when engaging in the use of medical cannabis in places such as federal buildings, federal properties, federal bases, federal forts, federal enclaves, and airports in Hawaii. The changes to federal law published in the Federal Register have only occurred recently. Consequently, it is possible that specific guidance about the new changes has not reached every potential government agency that may have jurisdiction within those previously listed federal places, or airports, and the use of medical cannabis within those places could result in seizure or detention while those agencies obtain their own guidance resulting from the changes in federal law made under this notice.

The temporary changes to Hawaii law made under this notice shall be effective on May 27, 2026.