

Honolulu, Hawaii

FEB 20 2015

RE: S.B. No. 1291

S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Health, to which was referred S.B. No. 1291
entitled:

"A BILL FOR AN ACT RELATING TO MEDICAL MARIJUANA,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit an
employer from disciplining, suspending, discharging, or
discriminating against an employee who is a patient qualified to
use medical marijuana solely because the employee tested positive
for marijuana use in a substance abuse test.

Your Committee received testimony in support of this measure
from the Hawaii Civil Rights Commission; Drug Policy Forum of
Hawaii; Drug Policy Action Group; Alternative Pain Management
Pu'uhonua, LLC; Hawaii Cannabis Care; Green Futures; NuWayve
Unlimited; and twenty-three individuals. Your Committee received
testimony in opposition to this measure from the City and County
of Honolulu Department of Human Resources, Honolulu Police
Department, County of Hawaii Police Department, Chamber of
Commerce Hawaii, Society for Human Resource Management Hawaii,
Hawaiian Electric Company, and one individual. Your Committee
received comments on this measure from the Department of Health,
Department of the Attorney General, Hawaii Family Forum, Hawaii
Catholic Conference, and one individual.

Your Committee finds that some civil protections are
necessary to protect registered medical marijuana patients from
employment ramifications based solely upon a positive test for



marijuana use. Because the State has endorsed marijuana as a legitimate medical treatment, it follows that the State would also provide protection for those who require such treatment, not only from criminal consequences, but from civil consequences as well. This measure does not prohibit an employer from taking disciplinary action against an employee who is a registered medical marijuana patient and whose work suffers, who is intoxicated on the job, or who fails to fulfill employment duties.

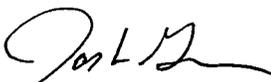
Your Committee further finds that there are concerns regarding registered medical marijuana patients who are federal employees or are working on federal contracts with drug-free workplace policies. The obvious conflict between the federal law's strict prohibitions against marijuana and Hawaii's law authorizing the use of medical marijuana, as enhanced by this measure, may leave federal employees who are registered medical marijuana patients in a precarious situation.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1291, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1291, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Health,

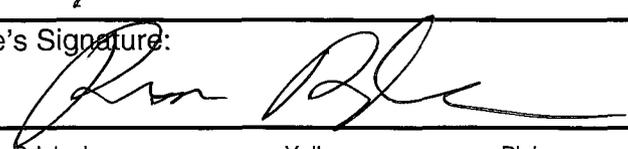


JOSH GREEN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1291	HTH, JDL	2/18/15		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GREEN, Josh (C)	X			
WAKAI, Glenn (VC)				X
BAKER, Rosalyn H.		X		
GABBARD, Mike				X
RIVIERE, Gil	X			
RUDERMAN, Russell E.	X			
SLOM, Sam			X	
TOTAL	3	1	1	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes