

STAND. COM. REP. NO. **2998**

Honolulu, Hawaii

FEB 27 2020

RE: S.B. No. 2543
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committees on Commerce, Consumer Protection, and Health and Judiciary, to which was referred S.B. No. 2543, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit an employer from discriminating against a person in hiring, termination, or condition of employment based on the person's status as a medical cannabis cardholder, under certain conditions; and
- (2) Specify that an employer may use a fit for duty test as a tool for medical cannabis users in potentially dangerous occupations.

Your Committees received testimony in support of this measure from the Hawai'i Cannabis Industry Association; Aloha Green Holdings Inc.; Community Alliance on Prisons; American Academy of Pediatrics, Hawaii Chapter; LGBT Caucus of the Democratic Party of Hawaii; Kush Hawai'i; The Drug Policy Forum of Hawai'i; and four individuals. Your Committees received testimony in opposition to this measure from the Department of Public Safety; Department of Human Resources of the City and County of Honolulu; Maui Police Department; Honolulu Police Department; Honolulu Emergency



Services Department; Hawaii Food Industry Association; Hawaiian Electric Company, Inc.; Matson; Maui Chamber of Commerce; and Building Industry Association of Hawaii. Your Committees received comments on this measure from the Department of the Attorney General, Hawai'i Civil Rights Commission, Akamai Cannabis Clinic, and Chamber of Commerce Hawaii.

Your Committees find that several states have given people suffering from illness and disability access to medical cannabis. However, some medical cannabis users risk their jobs if they use it, even if that use is off-site and does not affect the workplace. The conflict between state and federal medical cannabis laws causes confusion for employers, who are unsure whether state medical cannabis laws supersede their power to enforce drug-free workplace policies against employees. Therefore, this measure clearly addresses the scope of accommodation that employers must provide to medical cannabis users.

Your Committees have amended this measure by:

- (1) Inserting language that exempts various categories of employment from the protections of this measure that prohibit an employer from discriminating against a person in hiring, termination, or condition of employment based on the person's status as a medical cannabis cardholder;
- (2) Inserting an effective date of January 2, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2543, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2543, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committees on Commerce,
Consumer Protection, and Health
and Judiciary,

Karl Rhoads

KARL RHOADS, Chair

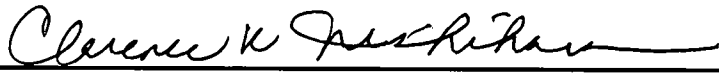
Rosalyn H. Baker

ROSALYN H. BAKER, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:* SB 2543 SDI	Committee Referral: LCA, CPH / JDC	Date: 2/21/20		
<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
BAKER, Rosalyn H. (C)	x			
CHANG, Stanley (VC)				x
NISHIHARA, Clarence K.	x			
RUDERMAN, Russell E.				x
THIELEN, Laura H.				x
WAKAI, Glenn	x			
FEVELLA, Kurt	x			
TOTAL	4			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 2543 SD1	Committee Referral: LCA, CPA/JDC	Date: 2/21/2020		
<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
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike				/
KIM, Donna Mercado				/
FEVELLA, Kurt	/			
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

***Only one measure per Record of Votes**