

Honolulu, Hawaii

March 27, 2015

RE: S.B. No. 1291  
S.D. 2  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 1291, S.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this measure is to prohibit discrimination against medical marijuana patients and primary caregivers by schools, landlords, the courts, and others with regard to medical care and parental rights.

More specifically, this measure:

- (1) Prohibits discrimination by schools and landlords against qualifying patients who use medical marijuana and their primary caregivers who are in strict compliance with the State's medical marijuana laws, except if the school or landlord would lose a monetary or licensing-related benefit under federal law;
- (2) Protects registered qualifying medical marijuana patients from discrimination related to receiving medical care; and



- (3) Protects qualifying patients or their primary caregivers who are parents from discrimination related to child custody or visitation issues.

Your Committee received testimony in support of this measure from the Hawaii Civil Rights Commission, American Civil Liberties Union of Hawaii, Community Alliance on Prisons, Drug Policy Forum of Hawaii, Drug Policy Action Group, Green Futures, and six individuals. Your Committee received comments on this measure from the Judiciary, Department of Health, and Department of the Attorney General.

Your Committee finds that medical marijuana patients have limited protections against discrimination. Your Committee believes that medical marijuana patients should not be subject to discrimination due to the use of medical marijuana to treat a medical condition. Your Committee finds that this measure will ensure basic protections for the civil liberties of medical marijuana patients, particularly in the areas of housing, school enrollment, medical care, and parental rights.

Your Committee finds that existing privacy laws may prevent schools and landlords from ascertaining whether medical marijuana patients or caregivers are in compliance with the State's medical marijuana laws. Your Committee further finds that the present parental rights language regarding the standard of proof may inadvertently extend greater protections to parents using medical marijuana than other parents at the expense of vulnerable children. Accordingly, your Committee has amended the measure by:


- (1) Allowing schools and landlords limited access to the Department of Health's medical marijuana registry, as determined to be necessary by the Department of Health, to ensure that qualifying patients or primary caregivers are validly registered with the Department of Health;
- (2) Harmonizing the new section in chapter 329, Hawaii Revised Statutes, with chapter 587A, Hawaii Revised Statutes, by deleting reference to "unreasonable" danger and changing the evidentiary standard for determining danger to the safety of a minor from "clear and convincing" to a "preponderance of the evidence";



- (3) Changing the effective date to January 7, 2112, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive amendments for the purpose of style, 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, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1291, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

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

  
\_\_\_\_\_  
DELLA AU BELATTI, Chair



State of Hawaii  
House of Representatives  
The Twenty-eighth Legislature

HSCR 1272

**Record of Votes of the Committee on Health**

Bill/Resolution No.: SB1291 SD2	Committee Referral: HLT, JUD	Date: 03/25/2015		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD)   <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. BELATTI, Della Au (C)	✓			
2. CREAGAN, Richard P. (VC)	✓			
3. HASHEM, Mark J.	✓			
4. JORDAN, Jo		✓		
5. KOBAYASHI, Bertrand	✓			
6. MORIKAWA, Dee	✓			
7. OSHIRO, Marcus R.		✓		
8. FUKUMOTO CHANG, Beth	✓			
9. TUPOLA, Andria P.L.				✓
<b>TOTAL (9)</b>	6	2		1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ <div style="text-align: center; font-size: 1.5em; font-weight: bold;">R. M. L.</div>				
Distribution: Original (White) – Committee            Duplicate (Yellow) – Chief Clerk's Office            Duplicate (Pink) – HMSO				