

STAND. COM. REP. NO.

1657

Honolulu, Hawaii

April 10, 2015

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

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1291, S.D. 2, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to protect medical marijuana patients and caregivers from discrimination by schools, landlords, the courts, and others with regard to medical care and parental rights. Specifically, this measure:

- (1) Prohibits discrimination by schools and landlords against qualifying patients who use marijuana and their primary caregivers who are in strict compliance with the State's medical marijuana laws, unless such prohibition would cause the school or landlord to 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 a qualifying medical marijuana patient or primary caregiver who is a parent from denial of custody, visitation, or parenting time with a minor, as long as the conduct of the qualifying patient or



caregiver does not create a danger to the safety of the minor.

The Community Alliance on Prisons, American Civil Liberties Union of Hawaii, Norml Hawaii Chapter, Drug Policy Forum of Hawaii, Americans for Safe Access Big Island Chapter, Green Futures, Drug Policy Action Group, and several concerned individuals supported this measure. One concerned individual opposed this measure. The Hawaii Civil Rights Commission provided comments.

Your Committee has amended this measure by:

- (1) Removing school and landlord access to the medical marijuana registry, and instead allowing the qualifying patient or primary caregiver to provide a medical marijuana registry card or certificate plus photo identification as proof that the person is validly registered with the Department of Health;
- (2) Prohibiting an employer from taking disciplinary measures or discriminating against an employee solely on the basis of a positive test for marijuana, as long as the employee strictly complied with the requirements for the medical use of marijuana and the marijuana was not used in the workplace;
- (3) Allowing qualified medical marijuana patients with disabilities to request reasonable accommodation in employment if the person tests positive for marijuana use, except that reasonable accommodation does not include intoxication or marijuana use at work;
- (4) Prohibiting discrimination by planned community associations, condominium property regimes, and condominiums against persons who have a valid certificate for the medical use of marijuana; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1291, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1291, S.D. 2, H.D. 2.

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



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KARL RHOADS, Chair



