
A BILL FOR AN ACT

RELATING TO MEDICAL MARIJUANA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that support for the
2 medical use of marijuana in the State is strong and that the
3 experience of the State with the medical use of marijuana has
4 been favorable, but that existing protections for patients are
5 very weak regarding civil penalties. Patients within the
6 medical marijuana program should not be less secure in their
7 housing, school enrollment, or supplemental medical care than
8 patients who have made different private decisions with their
9 doctors concerning medication or treatment.

10 The legislature is mindful of the difficult position of
11 medical marijuana patients under federal law and seeks to ensure
12 that the rights of patients are protected, while at the same
13 time respecting the needs of institutions and individuals to
14 protect themselves from federal penalties. For this reason, the
15 rights afforded under this Act are limited to those situations
16 in which a school or landlord would not lose a monetary or
17 licensing-related benefit for compliance with state law, and to



1 those situations in which patients and caregivers are in strict
2 compliance with the State's medical marijuana law.

3 SECTION 2. Chapter 329, Hawaii Revised Statutes, is
4 amended by adding a new section to part IX to be appropriately
5 designated and to read as follows:

6 **"§329- Medical marijuana patient and caregiver**
7 **protections.** (a) No school shall refuse to enroll or otherwise
8 penalize, and no landlord shall refuse to lease property to or
9 otherwise penalize, a person solely for the person's status as a
10 qualifying patient or primary caregiver in the medical marijuana
11 program under this part, unless failing to do so would cause the
12 school or landlord to lose a monetary or licensing-related
13 benefit under federal law or regulation; provided that the
14 qualifying patient or primary caregiver strictly complied with
15 the requirements of this part; provided further that the
16 qualifying patient or primary caregiver shall present a medical
17 marijuana registry card or certificate and photo identification,
18 to ensure that the qualifying patient or primary caregiver is
19 validly registered with the department of health pursuant to
20 section 329-123.



1 (b) For the purposes of medical care, including organ
2 transplants, a registered qualifying patient's use of marijuana
3 in compliance with this part shall be considered the equivalent
4 of the use of any other medication under the direction of a
5 physician and shall not constitute the use of an illicit
6 substance or otherwise disqualify a registered qualifying
7 patient from medical care.

8 (c) No qualifying patient or primary caregiver under this
9 part shall be denied custody of, visitation with, or parenting
10 time with a minor, and there shall be no presumption of neglect
11 or child endangerment, for conduct allowed under this part;
12 provided that this subsection shall not apply if the qualifying
13 patient's or primary caregiver's conduct created a danger to the
14 safety of the minor, as established by a preponderance of the
15 evidence."

16 SECTION 3. Chapter 421J, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§421J- **Medical marijuana; discrimination.** A provision
20 in any association document allowing for any of the
21 discriminatory practices listed in paragraphs (1) to (7) of



1 section 515-3 against a person residing in a unit who has a
2 valid certificate for the medical use of marijuana as provided
3 in section 329-123 in any form is void, unless the association
4 document prohibits the smoking of tobacco and the medical
5 marijuana is used by means of smoking. Nothing herein shall be
6 construed to diminish the obligation of a planned community
7 association to provide reasonable accommodations for persons
8 with disabilities pursuant to section 515-3(9)."

9 SECTION 4. Chapter 514A, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 **"§514A- Medical marijuana; discrimination.** A provision
13 in any articles of incorporation, declaration, bylaws,
14 administrative rules, house rules, association documents, or a
15 similar document of a condominium property regime allowing for
16 any of the discriminatory practices listed in paragraphs (1) to
17 (7) of section 515-3 against a person residing in an apartment
18 who has a valid certificate for the medical use of marijuana as
19 provided in section 329-123 in any form is void, unless the
20 document prohibits the smoking of tobacco and the medical
21 marijuana is used by means of smoking. Nothing herein shall be



1 construed to diminish the obligation of a condominium property
2 regime to provide reasonable accommodations for persons with
3 disabilities pursuant to section 515-3(9)."

4 SECTION 5. Chapter 514B, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§514B- Medical marijuana; discrimination. A provision
8 in any articles of incorporation, declaration, bylaws,
9 administrative rules, house rules, or association documents of a
10 condominium allowing for any of the discriminatory practices
11 listed in paragraphs (1) to (7) of section 515-3 against a
12 person residing in a unit who has a valid certificate for the
13 medical use of marijuana as provided in section 329-123 in any
14 form is void, unless the documents prohibit the smoking of
15 tobacco and the medical marijuana is used by means of smoking.
16 Nothing herein shall be construed to diminish the obligation of
17 a condominium association to provide reasonable accommodations
18 for persons with disabilities pursuant to section 515-3(9)."

19 SECTION 6. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



- 1 SECTION 7. New statutory material is underscored.
- 2 SECTION 8. This Act shall take effect upon its approval.
- 3



Report Title:

Medical Marijuana; Protections; Reasonable Accommodations

Description:

Prohibits discrimination against medical marijuana patients and their caregivers by schools, landlords, courts with regard to medical care or parental rights, planned community associations, condominium property regimes, or condominiums. (CD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

