
A BILL FOR AN ACT

RELATING TO MEDICAL MARIJUANA.

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

1 SECTION 1. Chapter 329, Hawaii Revised Statutes, is
2 amended by adding a new section to part IX to be appropriately
3 designated and to read as follows:

4 "§329- **Protections for public employees.** (a) A
5 public employee who tests positive for marijuana shall not be
6 considered to be impaired or otherwise subject to termination or
7 reprimand, if the public employee is a qualifying patient who
8 possesses a written certification.

9 (b) No public employee shall be permitted to perform any
10 task under the influence of marijuana when doing so would
11 constitute negligence or professional malpractice.

12 (c) The presence of marijuana or marijuana metabolites in
13 the body or body fluids of a public employee as determined by a
14 substance abuse test as defined under section 329B-2 shall, by
15 itself, not be prima facie evidence that a public employee was
16 under the influence of marijuana.

17 (d) For the purposes of this section:



1 "Marijuana metabolite" means a fat soluble product of the
2 metabolic processing of marijuana in the human body which can be
3 detected in the human body through testing.

4 "Public employee" shall have the same meaning as provided
5 in section 76-11."

6 SECTION 2. New statutory material is underscored.

7 SECTION 3. This Act shall take effect upon its approval.

8

INTRODUCED BY:

Calvin K. Day

BY REQUEST

JAN 18 2008



Report Title:

Medical marijuana; drug testing

Description:

Affords drug testing protections for public employees holding medical marijuana registration certificates.

