

---

---

## A BILL FOR AN ACT

RELATING TO WORKPLACE SAFETY.

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

1           SECTION 1. The legislature finds that the safety and  
2 health of Hawaii workers is of paramount importance. Therefore,  
3 employers should know and be able to limit the employment of  
4 employees using substances, including medical marijuana, that  
5 could impair the ability of employees to safely perform their  
6 work related duties. Accordingly, medical review officers  
7 performing substance abuse testing in accordance with Hawaii law  
8 may report the use of medical marijuana to employers.

9           SECTION 2. Chapter 329, Hawaii Revised Statutes, is  
10 amended by adding a new section to be appropriately designated  
11 and to read as follows:

12           "§329-           Inapplicability of chapter 329B. Nothing in  
13 chapter 329B, on substance abuse testing, shall be construed to:

14           (1) Require an employer to:

15                   (A) Accommodate the medical use of marijuana in any  
16                   workplace regardless of where the use occurs;



1            (B) Allow an employee or independent contractor to  
2            possess, consume, or be impaired by the use of  
3            marijuana during working hours; or

4            (C) Allow any person who is impaired by the use of  
5            marijuana to remain in the workplace;

6            (2) Preclude or restrict an employer from establishing or  
7            enforcing a policy to achieve or maintain a drug-free  
8            workforce; or

9            (3) Preclude or restrict a medical review officer from  
10           disclosing a positive test result for marijuana to an  
11           employer."

12           SECTION 3. New statutory material is underscored.

13           SECTION 4. This Act shall take effect on January 1, 2010.

14

INTRODUCED BY: *J. Michael Laramie*

JAN 27 2010



**Report Title:**

Substance Abuse Testing

**Description:**

Expands ability of employer to protect employees and prohibit the use of medical marijuana in the workplace.

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

