
A BILL FOR AN ACT

RELATING TO EMPLOYMENT.

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

1 SECTION 1. Section 378-32, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) It shall be unlawful for any employer to suspend,
4 discharge, or discriminate against any of the employer's
5 employees:

6 (1) Solely because the employer was summoned as a
7 garnishee in a cause where the employee is the debtor
8 or because the employee has filed a petition in
9 proceedings for a wage earner plan under chapter XIII
10 of the Bankruptcy Act;

11 (2) Solely because the employee has suffered a work injury
12 which arose out of and in the course of the employee's
13 employment with the employer and which is compensable
14 under chapter 386 unless the employee is no longer
15 capable of performing the employee's work as a result
16 of the work injury and the employer has no other
17 available work which the employee is capable of



1 performing. Any employee who is discharged because of
2 the work injury shall be given first preference of
3 reemployment by the employer in any position which the
4 employee is capable of performing and which becomes
5 available after the discharge and during the period
6 thereafter until the employee secures new employment.
7 This paragraph shall not apply to any employer in
8 whose employment there are less than three employees
9 at the time of the work injury or who is a party to a
10 collective bargaining agreement which prevents the
11 continued employment or reemployment of the injured
12 employee;

13 (3) Because the employee testified or was subpoenaed to
14 testify in a proceeding under this part; [~~or~~]

15 (4) Because an employee tested positive for the presence
16 of drugs, alcohol, or the metabolites of drugs in a
17 substance abuse on-site screening test conducted in
18 accordance with section 329B-5.5; provided that this
19 provision shall not apply to an employee who fails or
20 refuses to report to a laboratory for a substance
21 abuse test pursuant to section 329B-5.5 [~~-~~]; or



1 (5) If the suspension, discharge, or discrimination is
2 based on either:
3 (A) The employee's status as a registered qualifying
4 patient; or
5 (B) An employee's positive drug test for marijuana
6 components or metabolites if the employee is a
7 registered qualifying patient, unless the
8 employee used, possessed, or was impaired by
9 marijuana on the premises of the place of
10 employment or during the hours of employment,
11 unless the failure to suspend, discharge, or
12 discriminate against the employee would violate
13 federal law or regulations or cause the employer to
14 lose a monetary or licensing-related benefit under
15 federal law or regulations. As used in this
16 paragraph, "registered qualifying patient" means a
17 person who has been diagnosed by a physician as having
18 a debilitating medical condition and is registered
19 with the department of health pursuant to section 329-
20 123."



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

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H.B. NO. 1010

Report Title:

Employment; Discriminatory Practice; Medical Marijuana

Description:

Makes it unlawful for any employer to suspend, discharge, or discriminate against any of the employer's employees based on the individual's status as a registered qualifying patient under the Medical Use of Marijuana Law or an employee's positive drug test for marijuana components or metabolites if the employee is a registered qualifying patient under certain conditions.

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