

Honolulu, Hawaii

FEB 14 2019

RE: S.B. No. 1524
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committees on Labor, Culture and the Arts and Commerce, Consumer Protection, and Health, to which was referred S.B. No. 1524 entitled:

"A BILL FOR AN ACT RELATING TO THE MEDICAL USE OF CANNABIS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit an employer from discriminating against an employee based on the employee's status as a qualifying patient;
- (2) Prohibit an employer from taking action against an employee based solely on the employee's status as a qualifying patient or if the results of the employee's drug test are positive for cannabis; and
- (3) Specify permissible and impermissible actions by employers and employees.

Your Committees received testimony in support of this measure from the Hawaii Government Employees Association, The Drug Policy Forum of Hawai'i, Community Alliance on Prisons, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two individuals. Your Committees received testimony in opposition to this measure from one individual. Your



Committees received comments on this measure from the Department of Public Safety, Hawai'i Civil Rights Commission, Department of Labor and Industrial Relations, Department of the Attorney General, and City and County of Honolulu Department of Human Resources.

Your Committees find that thirty-one states allow for the medical use of cannabis by qualifying patients, with a growing number of states establishing employment protections for qualifying medical cannabis patients. Your Committees further find that the medical use of cannabis by a qualifying patient to alleviate the symptoms or effects of the qualifying patient's debilitating medical condition is permitted under existing state law. However, there are no corresponding employment protections for qualifying patients. A qualifying patient can be discriminated against in the hiring process, merely because of the patient's status as a qualifying patient, or fired at an employer's discretion for failing a drug test, even if the qualifying patient is not exhibiting any symptoms of being impaired. This measure therefore prohibits employers from discriminating against an employee based on the employee's status as a qualifying patient. This will allow qualifying patients to use their medication without fear of being disciplined.

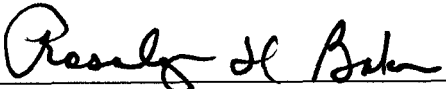
Your Committees have amended this measure by:

- (1) Incorporating amendments suggested by the Department of Public Safety to exempt law enforcement officers and correctional facility employees; and
- (2) Inserting an effective date of January 1, 2051, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1524, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1524, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committees on Labor, Culture
and the Arts and Commerce,
Consumer Protection, and
Health,



ROSALYN H. BAKER, Chair




BRIAN T. TANIGUCHI, Chair



The Senate
Thirtieth Legislature
State of Hawai'i


Record of Votes
Committee on Labor, Culture and the Arts
LCA

Bill / Resolution No.:* SB 1524	Committee Referral: LCA/CPH, JDC	Date: 2-6-19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
IHARA, Jr., Les (VC)	✓			
CHANG, Stanley	✓			
GABBARD, Mike				✓
FEVELLA, Kurt	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1524	LCA/CPH, JDC	2/6/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
CHANG, Stanley (VC)	✓			
KEOHOKALOLE, Jarrett	✓			
NISHIHARA, Clarence K.				✓
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.		✓		
FEVELLA, Kurt	✓			
TOTAL	5	1		1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

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