



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of HB325
RELATING TO MEDICAL CANNABIS**

REP. JACKSON D. SAYAMA, CHAIR
HOUSE COMMITTEE ON LABOR

Hearing Date: January 28, 2025

Room Number: 309

1 **Department Testimony:** The Department of Health (DOH) appreciates and supports the intent
2 of this bill. Hawaii, like other states, recognize medical cannabis as a legitimate treatment for
3 various debilitating medical conditions. Medical cannabis patients should not be treated
4 differently from those using other legal medications. In Hawaii, a healthcare provider must
5 determine that medical cannabis is an appropriate treatment for a patient's condition for them to
6 qualify as a medical cannabis patient. Once a medical provider has determined medical cannabis
7 is necessary for treatment, the patient should not face discrimination by employers or the threat
8 of termination due to the treatment of their medical condition. The protections afforded in
9 HB325 are carefully designed to balance the rights of employers, ensure the safety of others, and
10 safeguard the well-being of employee-patients.

11 Additionally, Act 116 (2019 Legislature) required the Department to establish a working group
12 to evaluate and make recommendations on various matters, including employment issues
13 involving employees who are registered 329 cardholders. The working group's findings and
14 recommendations were submitted in a report to the Thirteenth Legislature. The employment
15 subcommittee of the working group reached general agreement that:

- 16 1. Discrimination based solely on the status as a registered 329 cardholder should be
17 prohibited;
- 18 2. Employment protections should NOT apply to the use, possession, or impairment at
19 work;

- 1 3. Protection against termination should NOT apply to use, possession, or impairment at
2 work and exemptions from protections should be allowed for certain types of employers
3 and employees;
- 4 4. Employers who would be negatively impacted by federal laws regarding cannabis use by
5 employees and safety-sensitive occupations would be exempt;
- 6 5. Protection for 329 cardholders should be objective and based on impairment, NOT solely
7 on a positive drug test.

8 Thank you for the opportunity to testify.

9 **Offered Amendments:** None.



HB325 Employers and Medical Marijuana
COMMITTEE ON LABOR
Rep. Jackson D. Sayama, Chair
Rep. Mike Lee, Vice Chair
Tuesday, Jan 28, 2025: 9:00: Room 309 Videoconference

Hawaii Substance Abuse Coalition objects subject to amend HB325 for Substance Use Disorder treatment and prevention:

ALOHA CHAIR, VICE CHAIR, AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization for substance use disorder and co-occurring mental health disorder treatment and prevention agencies and recovery-oriented services.

Proposed Amendment:

HSAC respectfully requests an amendment to include exceptions for substance use disorder treatment for the following reasons:

1. Over 5% of the population in treatment is for a primary diagnosis of cannabis use disorder due to symptoms for addiction to marijuana.
2. Over 80% of the population in treatment are for secondary or tertiary diagnosis of problems with cannabis use after their primary diagnosis of methamphetamine, alcohol and opioids.
3. The majority of state funding for substance abuse treatment includes a portion attributable to federal matching funding, which complicates treatment's requirements between federal and state rules.

Amendment:

“~329-125.5 Medical cannabis patient and caregiver protections.

(f) 7 : Employees who work with children, the elderly, or other vulnerable populations, including substance use disorder abuse treatment and prevention;

We appreciate the opportunity to provide testimony and are available for questions.



HB 325, RELATING TO MEDICAL CANNABIS

JANUARY 28, 2025 · LAB HEARING

POSITION: Support.

RATIONALE: Imua Alliance supports HB 325, relating to medical cannabis, which prohibits an employer from discriminating against a person in hiring, termination, or any term or condition of employment based on the person's status as a medical cannabis registry card holder, under certain conditions; and authorizes an employer to use a fit-for-duty test for medical cannabis qualifying patients in potentially dangerous occupations.

Medical cannabis is a powerful tool in preserving mental and physical health, especially for trauma survivors. No one should be unduly penalized for partaking of medical cannabis, especially those who are trying to recover their lives and livelihoods. Since Hawai'i does not have a law providing employment protection for users of medical cannabis, however, employers may prohibit its use for employees, conduct drug testing, and discipline or terminate workers based on their consumption of medical cannabis products.

Imua Alliance is a victim service provider for survivors of sex trafficking. Over the past 15 years, we have provided comprehensive direct intervention (victim rescue) services to over 200 victims, successfully emancipating them from slavery and assisting in their restoration, while providing a range of targeted services to over 1,000 victims and individuals at risk of sexual exploitation. During the pandemic, demand for victim services to our organization skyrocketed by 330 percent, driven in part by a fivefold increase in direct crisis calls.

Many of the victims we have assisted have suffered from complex and overlapping trauma, including post-traumatic stress disorder, depression and anxiety, dissociation, parasuicidal behavior, and substance abuse. Trafficking-related trauma and trauma-coerced attachment can even lead to a complete loss of identity and significant memory loss. Our survivor-clients require a tremendous amount of psychological, medical, and occupational support once outside of the commercial sex industry, as they painstakingly progress toward recovery.

For some of the survivors with whom we work, medical cannabis is essential in uplifting their psychological care and alleviating lingering pain and ailments that resulted from their exploitation. Our survivors are also attempting to regain financial security as they transition away from the sex trade, for which the retention of stable employment is imperative. **As previously noted, though, our state currently allows employers to take retaliatory action against an employee for being a medical cannabis patient, despite Hawai'i having recognized the medicinal benefits of cannabis 25 years ago—we were, in fact, the first state to do so.** Allowing employers to take adverse action against a survivor of exploitation who is also a medical cannabis patient—including termination—is cruel. Such actions are devastating to individuals who are overcoming extreme abuse and attempting to regain control of their basic humanity.

This isn't just a matter of employment protections for medical cannabis patients. It's an issue of civil rights. The Hawai'i Civil Rights Commission is currently considering updates to its administrative rules (Title 12, Chapter 46) that would add language to its regulations on disability discrimination making it unlawful to deny a reasonable accommodation to an employee with a 329 card who tests positive for THC, unless they were using or under the influence on work premises or during working time.

In alignment with that effort, this bill would provide needed clarity about the rights of cannabis patients, like the trauma victim population we strive each day to help.

Contact us at imuaalliance.org/contact.

To: Representative Jackson Sayama, Chair
Representative Mike Lee, Vice-Chair
Members of the House Labor Committee

Fr: TY Cheng, Founder, on behalf of Aloha Green Apothecary.

Re: **Testimony In Support on House Bill (HB) 325**
RELATING TO MEDICAL CANNABIS

Prohibits an employer from discriminating against a person in hiring, termination, or any term or condition of employment based on the person's status as a medical cannabis registry card holder, under certain conditions. Authorizes an employer to use a fit-for-duty test for medical cannabis qualifying patients in potentially dangerous occupations. Exempts certain occupations.

Dear Chair Sayama, Vice-Chair Lee and Members of the Committee:

Aloha Green Apothecary (“Aloha”) is a state-licensed medical cannabis dispensary licensee operating on Oahu. Aloha **supports** HB325 which provides certain employment protections for qualified patients.

Without the protections set out in this bill, medical cannabis patients can be summarily terminated solely for the status of being such a patient or for testing positive on a drug test for cannabis metabolites, which may be present in the blood for up to 6 months. Presently, workers who are registered to use medical cannabis can find themselves having to choose between the job they need to support their family and continuing to take the medicine that relieves their suffering. Employers may still terminate patients who are inebriated or pose a danger to themselves or their fellow employees, but the mere fact a patient has a medical cannabis card or tests positive for cannabis should not reason for termination.

Currently, about 24 other states have explicit protections against discrimination.

By adopting this bill, Hawai'i can join the list of states that proactively does what it can to protect the rights of workers who use medical cannabis while ensuring that employers can protect their legitimate interests.

Thank you for the opportunity to testify.



**House Committee on Labor
Rep. Jackson D. Sayama, Chair
Rep. Mike Lee, Vice Chair**

January 28, 2025, at 9:00 A.M.

RE: HB 325 Relating to Medical Cannabis

Aloha Chair Sayama, Vice Chair Lee, and members of the Committee:

Society of Human Resource Management – Hawaii (“SHRM”) respectfully provides the following comments on HB 325, Relating to Medical Cannabis:

While we appreciate the legislature’s intent in preventing employers from discriminating against a person in hiring, termination, or in imposing a term or condition of employment based on the person's status as a medical cannabis registry card holder, we have serious concerns about this measure as currently drafted.

Hawai’i employers must already comply with state and local anti-discrimination laws, as well as the American with Disabilities Act and other laws applicable to persons using prescription medication. As presented, this bill may overlap and therefore be pre-empted or conflict with employers’ obligations under existing laws.

SHRM Hawaii represents nearly 600 members and employers’ statewide and human resource management is a critical component to the success and survival of the many businesses that make up our local economy. HR professionals are responsible for evaluating and balancing the needs of both the employers and employees and caring for businesses’ most valuable asset: the working people of our state. We are uniquely situated by virtue of representing the state’s largest and smallest employers, as well as every sized employer in between, while complying with the requirements to keep our workplaces safe for employees and the public.

We look forward to contributing positively to the development of sound public policy and continuing to serve as a resource to the legislature on matters related to labor and employment laws.

Mahalo for the opportunity to provide comments,

Erin Kogen and Rosanne M. Nolan
Co-chairs, SHRM Legislative Affairs Committee



SHRM Hawaii, P. O. Box 3175, Honolulu, Hawaii (808) 447-1840



To: Representative Jackson Sayama, Chair
Representative Mike Lee, Vice-Chair
Members of the House Labor Committee

Fr: Blake Oshiro on behalf of the HICIA Assn.

Re: **Testimony In Support on House Bill (HB) 325**
RELATING TO MEDICAL CANNABIS

Prohibits an employer from discriminating against a person in hiring, termination, or any term or condition of employment based on the person's status as a medical cannabis registry card holder, under certain conditions. Authorizes an employer to use a fit-for-duty test for medical cannabis qualifying patients in potentially dangerous occupations. Exempts certain occupations.

Dear Chair Sayama, Vice-Chair Lee and Members of the Committee:

The Hawai'i Cannabis Industry Association, represents a majority of the state's licensed medical cannabis dispensaries. HICIA **supports** HB325 which provides certain employment protections for qualified patients.

This bill appears to be the product of the 2018 Act 116 Working Group and its report submitted to the 2019 Legislature.

https://health.hawaii.gov/opppd/files/2019/01/Medical-Cannabis-Outstanding-Issues-Working-Group-Final-Report_Nov-2018.pdf

That group looked at various states and court decisions on the issue. And while it could not come up with consensus on several employment issues, they did come back with recommendations that are largely embodied in this bill.

Currently, registered medical cannabis patients, can be summarily terminated solely for the status of being such a patient or for testing positive on a drug test. Presently, workers who are registered to use medical cannabis can find themselves having to choose between the job they need to support their family and continuing to take the medicine that relieves their suffering.

Currently, about 24 other states have explicit protections against discrimination.

By adopting this bill, Hawai'i can join the list of states that proactively does what it can to protect the rights of workers who use medical cannabis while ensuring that employers can protect their legitimate interests.

Thank you for the opportunity to testify.

Hawai'i Cannabis Industry Association (HICIA)
220 S King St #1600, Honolulu, HI 96813
www.808hcia.com



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

**HEARING BEFORE THE HOUSE COMMITTEE ON LABOR
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 309
TUESDAY, JANUARY 28, 2025 AT 9AM**

To The Honorable Representative Jackson D. Sayama, Chair
The Honorable Representative Mike Lee, Vice Chair
Members of the Committee on Labor

COMMENTS ON HB325 RELATING TO MEDICAL CANNABIS

The Maui Chamber of Commerce would like to offer **COMMENTS on HB325.**

We greatly appreciate this very comprehensive bill that directly addresses concerns we had in the past on other similar legislation. We recognize the great impact this could have on businesses and the protections afforded by this bill.

Mahalo for the opportunity to offer **COMMENTS on HB325.**

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



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Toby Taniguchi, KTA Superstores, *Advisor*
Joe Carter, Coca-Cola Bottling of Hawaii, *Advisor*
Eddie Asato, Pint Size Hawaii, *Advisor*
Gary Okimoto, Safeway, *Immediate Past Chair*

TO: Committee on Labor
FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: January 28, 2025
TIME: 9am

RE: HB325 Relating to Medical Cannabis
Position: Oppose

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, manufacturers and distributors of food and beverage related products in the State of Hawaii.

HFIA respectfully understands the intent of this measure. There are a range of occupations like driving or operating heavy machinery to name just two, which are incompatible with cannabis use for safety reasons. The definitions in this bill and the fit for duty test simply do not provide adequate safety protections or legal protections to mitigate the potential risks of cannabis use in certain occupations.

It is also important to note that Federal law still does not recognize medical marijuana. This law would create a conflict between Federal and State law that would be impossible for companies to reconcile in their hiring policies. For these reasons we ask that this measure be held. We thank you for the opportunity to testify.

HB-325

Submitted on: 1/24/2025 1:51:30 PM

Testimony for LAB on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Christopher Shellko	Individual	Support	Written Testimony Only

Comments:

I am a US Veteran and personally know other veterans who have a 329 card and have lost their job due to workplace policies that contradict Hawaii state law allowing for medical marijuana. We needed this years ago.

HB-325

Submitted on: 1/24/2025 2:02:03 PM

Testimony for LAB on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nai'a Aplaca	Individual	Support	Written Testimony Only

Comments:

I support

HB-325

Submitted on: 1/24/2025 2:39:48 PM

Testimony for LAB on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lee B. Shellko	Individual	Support	Written Testimony Only

Comments:

Aloha Representatives!

I am in full support of HB325. This legislation should have been passed into law at the same time as the legislation creating, permitting & issuing of 329 Cards. It is essential to protect the employment and medical status of citizens of the State of Hawaii. I personally know of an individual who was terminated when the Employer's Human Resource Department became aware that the individual was issued a 329 Card. In addition, it should be considered that the impact of HB325 be "grandfathered" to individuals who have already been terminated because of similar circumstances.

I thank you for considering my testimony.

Lee B. Shellko

HB-325

Submitted on: 1/24/2025 5:46:20 PM

Testimony for LAB on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michelle Shellko	Individual	Support	Written Testimony Only

Comments:

This bill should be passed because in my previous job I was discriminated due to my 329 card.
This law should have been placed years ago when the 329 card was available.

HB-325

Submitted on: 1/26/2025 6:20:57 PM

Testimony for LAB on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Olderr	Individual	Support	Written Testimony Only

Comments:

I support this bill. People need medical cannabis to function during the day properly. It would be akin to firing people for taking aspirin who have a headache. It's ablest and counterproductive to a thriving workspace to continue without a bill like this one.

HB-325

Submitted on: 1/27/2025 10:11:04 AM

Testimony for LAB on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Gordon B. Lindsey	Individual	Support	Written Testimony Only

Comments:

I support this bill as this is a type of medication that has been authorized. To say that a person cannot medicate while not working or on duty, would prevent the card holder from using his perscribed medication. All employers should not test for cannabis if a person has the medical card of approval.

HB-325

Submitted on: 1/27/2025 1:16:04 PM

Testimony for LAB on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Alexis Muller	Individual	Support	Written Testimony Only

Comments:

Testimony in Favor of HB325 Relating to Medical Cannabis

I strongly support HB325, which prohibits employers from discriminating against medical cannabis patients in hiring, termination, or employment conditions. Patients who use medical cannabis should not face workplace discrimination simply for seeking legal, doctor-recommended treatment.

This legislation should balance protections for patients while allowing employers to make thoughtful and reasonable employment decisions, including fit-for-duty testing.

California’s SB 2188 successfully demonstrates that such protections can be enacted without compromising workplace safety. It provides a strong framework that safeguards the rights of medical cannabis patients in employment, and this bill will help further that progress.

I recommend the following amendments to the bill:

- Emphasize the importance of testing for active cannabis compounds to determine impairment, rather than inactive compounds that remain in the body for several weeks after consumption and do not indicate impairment.
- Clarify that there is a consensus that employees should not arrive at a worksite impaired. However, drug test results showing only the presence of non-psychoactive cannabis metabolites may have little to no correlation to an employee’s actual impairment on the job.
- Allow police, firefighters, and water safety personnel to use medical cannabis off-duty to manage stress and symptoms related to the high-pressure nature of their jobs. These professions face extreme daily stress, trauma, and emotional strain. While alcohol is often used as a coping mechanism, it contributes to long-term harm, including addiction and mental health struggles.

Cannabis, when used responsibly, offers a safer alternative for relaxation and symptom management. Allowing these dedicated professionals to use cannabis off-duty would provide a healthier option for managing the physical and emotional toll of their work. It’s crucial that we support our first responders by giving them access to safer, non-addictive treatment options that can improve their quality of life.

Thank you for considering this important change for the well-being of our patients and public servants.

HB-325

Submitted on: 1/27/2025 2:47:52 PM

Testimony for LAB on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Master Shelby "Pikachu" Billionaire	Kingdom of The Hawaiian Islands, HRM	Support	Written Testimony Only

Comments:

Subject: Testimony in Support of H.B. No. 325 - Medical Cannabis Employment Protections

Dear Esteemed Members of the Hawaii House of Representatives,

I am writing to express my ardent support for House Bill No. 325, a piece of legislation that exemplifies a nuanced approach to the integration of medical cannabis use within the employment landscape of our state. This bill not only addresses a significant public health concern but also navigates the complex interplay between state rights and federal law with both foresight and compassion.

A Commitment to Equity and Health:

This bill stands as a beacon of equity, recognizing that medical cannabis patients should not face undue discrimination in their professional lives merely for managing their health conditions with a legally prescribed treatment. By prohibiting employment discrimination against individuals based on their status as medical cannabis registry card holders, H.B. No. 325 upholds the principle that health management should not be a barrier to economic opportunity.

Balancing Safety with Rights:

I appreciate the bill's careful consideration of workplace safety. By allowing fit-for-duty tests in potentially hazardous occupations, we ensure that employers can maintain safe work environments without compromising the rights of those who require medical cannabis. This

approach demonstrates a sophisticated understanding of the dual responsibilities towards employee well-being and public safety, far surpassing simplistic, binary views of drug policy.

Navigating Legal Complexities:

The legislation deftly navigates the ongoing tension between state and federal cannabis laws. It provides clarity where there was ambiguity, offering employers and employees alike a legal framework that respects state sovereignty while acknowledging federal oversight. This nuanced approach to policy-making reflects a level of legal acumen and strategic thinking essential for our state's progress.

Exemptions with Rationale:

The exemptions listed for certain professions are judicious, recognizing that some roles inherently demand an uncompromised state of alertness and physical capability. These exemptions are not arbitrary but are grounded in the logical necessity to protect public welfare, showcasing a thoughtful legislative strategy.

Recommendations for Enhancement:

To further solidify the integrity of this bill, I recommend:

- A clear, evidence-based definition of impairment to avoid subjective judgments.
- Standardized procedures for fit-for-duty testing to ensure fairness and scientific validity.
- Ongoing educational initiatives to inform both employers and employees about their rights and responsibilities under this new law.

Conclusion:

House Bill No. 325 is a testament to Hawaii's commitment to balancing individual health needs with collective safety concerns. It is a step forward in our state's journey towards a more inclusive, understanding, and forward-thinking society. I strongly urge the passage of this bill, confident that it will serve as a model of enlightened policy-making.

Thank you for your time, consideration, and dedication to shaping policies that reflect both the heart and the head of our great state.

Sincerely,

Master Shelby "Pikachu" Billionaire

Kingdom of The Hawaiian Islands, HRM

HB-325

Submitted on: 1/27/2025 3:44:27 PM

Testimony for LAB on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Me Fuimaono-Poe	Individual	Support	Written Testimony Only

Comments:

This bill is a long time coming

HB-325

Submitted on: 1/28/2025 7:49:38 AM

Testimony for LAB on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Carie Lunsford	Individual	Support	Written Testimony Only

Comments:

Please admendment this to not have a test the offices can do on the employe.