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GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

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February 26, 2015

TO: HONORABLE GIL KEITH AGARAN, CHAIR, HONORABLE MAILE SHIMABUKURO, VICE CHAIR, AND MEMBERS OF THE SENATE COMMITTEE ON JUDICIARY AND LABOR

SUBJECT: **OPPOSITION TO S.B. 1291, SD1, RELATING TO MEDICAL MARIJUANA.** Prohibits an employer from disciplining, suspending, discharging, or discriminating against an employee who is a patient qualified to use medical marijuana solely because the employee tested positive for marijuana use. Effective July 1, 2050. (SD1)

OPPOSITION TO S.B. 1291, PROPOSED SD2, RELATING TO MEDICAL MARIJUANA. Prohibits an employer from disciplining, suspending, discharging, or discriminating against an employee who is a patient qualified to use medical marijuana solely because the employee tested positive for marijuana use. Prohibits discrimination against medical marijuana patients and caregivers by schools, landlords, and courts with regard to medical care or parental rights. Effective July 1, 2050. (Proposed SD2)

HEARING

DATE: Thursday, February 26, 2015
 TIME: 9:05 a.m.
 PLACE: Capitol Room 309

Dear Chair Keith Agaran, Vice Chair Shimabukuro and Members of the Committee,

The GCA is an organization comprised of over approximately 580 general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is the largest construction association in the State of Hawaii. The mission is to represent its members in all matters related to the construction industry, while improving the quality of construction and protecting the public interest.

The GCA is opposed to the passage of both versions of S.B. 1291, the S.D.1 and S.D. 2 as proposed because it will make it impossible for an employer to discipline any employee who is a qualified patient or caregiver certified to use medical marijuana who has tested positive in a substance abuse test when expected to work or while on the job. The House companion of this bill was deferred indefinitely and we respectfully request this Committee do the same. Since a qualified patient can legally use marijuana, he will test positive even if given the test after using the substance at home prior to coming to work. Although the proposed bill says use on the work site is not authorized, nothing prevents the employee from using marijuana off the job site and immediately returning to work. Construction workers frequently utilize heavy equipment and power tools which require concentration and close attention to the assigned job and any even momentary lapse can result in injury and loss of life to the user and his fellow employees or other innocent bystanders. The construction industry does not condone the use of marijuana by

any of its employees on or off the job because of the potential dangerous consequences that can result.

While the Proposed S.D. 2 version of the bill attempts to address and not conflict with the federal Drug Free Workplace Act of 1988, there is still a lack of protection for employers on state regulated projects, especially in construction. The Drug Free Workplace Act does not dictate the action an employer must take if an employee or applicant tests positive for the use of such a drug, instead it requires some federal contractors and all federal grantees to agree that they will provide a drug free workplace as a precondition of receiving a contract or grant from a federal agency.

Although the bill states that the proposed law shall not supersede any policy prohibiting an *employee from being under the influence of marijuana while working*, if the employer is prohibited from disciplining or dismissing an employee or prospective employee who is a qualified patient or caregiver, in effect, the employer is powerless, to remedy the infraction no matter how often it occurs.

The GCA believes that while the intent of S.B. 1291, S.D. 2, proposed is understood, the measure should not be passed and recommends that the bill be held.

From: mailinglist@capitol.hawaii.gov
To: [JDL Testimony](#)
Cc:
Subject: *Submitted testimony for SB1291 on Feb 26, 2015 09:05AM*
Date: Wednesday, February 25, 2015 9:38:03 PM

SB1291

Submitted on: 2/25/2015

Testimony for JDL on Feb 26, 2015 09:05AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|------------------|--------------|--------------------|--------------------|
| Joseph A. Bobich | Individual | Support | No |

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB1291 on Feb 26, 2015 09:05AM
Date: Wednesday, February 25, 2015 10:14:50 PM

SB1291

Submitted on: 2/25/2015

Testimony for JDL on Feb 26, 2015 09:05AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| stuart saito | Individual | Support | No |

Comments: Hawaii's medical marijuana law allows patients to have and use medical cannabis, but it does not give them any real protection against civil liability or discrimination, and in this way it is sorely behind the times. its time to make things right, its time for a change

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To: [JDL Testimony](#)
Cc:
Subject: Submitted testimony for SB1291 on Feb 26, 2015 09:05AM
Date: Thursday, February 26, 2015 5:04:10 AM

SB1291

Submitted on: 2/26/2015

Testimony for JDL on Feb 26, 2015 09:05AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------|--|--------------------|--------------------|
| Andrea Tischler | Americans for Safe Access Big Island Chapter | Support | No |

Comments: Big Island Americans for Safe Access consider this bill extremely important. Certified medical cannabis patients require protections against discrimination in being denied visitation and custody of children, in hiring, education and medical care and organ transplants. These rights are guaranteed in most states which have medical cannabis laws.

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Cc:
Subject: *Submitted testimony for SB1291 on Feb 26, 2015 09:05AM*
Date: Thursday, February 26, 2015 10:25:41 AM

SB1291

Submitted on: 2/26/2015

Testimony for JDL on Feb 26, 2015 09:05AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------------|--------------|--------------------|--------------------|
| Shawna L. Kaanaana | Individual | Support | No |

Comments:

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