

JAN 23 2026

A BILL FOR AN ACT

RELATING TO MEDICAL CANNABIS.

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

1 SECTION 1. The legislature finds that the use of medical
2 cannabis has been legal in the State since 2000. In 2015,
3 legislation was passed that established the medical cannabis
4 dispensary program to ensure access for qualifying patients.
5 According to the department of health, as of September 2025,
6 there were 29,057 patients in the State with a valid medical
7 cannabis registration.

8 The legislature further finds that a person can test
9 positive for cannabis long after impairment has worn off.
10 Research shows that metabolites can be detected in urine for
11 thirty days or longer after cannabis use and
12 tetrahydrocannabinol (THC) can be detected several days after
13 use.

14 The legislature also finds that twenty-four of the forty
15 states with medical cannabis laws have medical cannabis
16 anti-discrimination employment protections. Although the
17 medical use of cannabis has become increasingly accepted,



1 qualifying patients in the State continue to risk losing their
2 jobs and occupational licenses because the State lacks clear
3 protections against employment and licensing discrimination.

4 The legislature additionally finds that the ongoing
5 conflict between state and federal medical cannabis laws causes
6 confusion for employers who are unsure whether state medical
7 cannabis laws supersede their power to enforce drug-free
8 workplace policies against employees. The courts have
9 consistently ruled in favor of employers when qualifying
10 patients challenge drug-free workplace policies yet have not
11 entirely foreclosed on the possibility that state medical
12 cannabis laws might operate to protect qualifying patients
13 against employment discrimination. Without explicit statutory
14 guidance, the courts may not properly balance the needs of
15 qualifying patients for employment protections and an employer's
16 need to provide a safe workplace.

17 Accordingly, the purpose of this Act is to:

18 (1) Prohibit an employer from discriminating against a
19 person in hiring, termination, or any term or
20 condition of employment based on the person's status



1 as a medical cannabis registry card holder or lawful
2 use of medical cannabis under certain conditions;

3 (2) Authorize an employer to use a fit-for-duty test for
4 medical cannabis qualifying patients in potentially
5 dangerous occupations under certain conditions;

6 (3) Prohibit a professional or vocational licensing board
7 from revoking the license of medical cannabis
8 qualifying patients, or otherwise subjecting them to
9 discipline, for their lawful use of medical cannabis,
10 under certain conditions.

11 SECTION 2. Section 329-125.5, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§329-125.5 Medical cannabis patient and caregiver**
14 **protections.** (a) No school shall refuse to enroll or otherwise
15 penalize, and no landlord shall refuse to lease property to or
16 otherwise penalize, a person solely for the person's status as a
17 qualifying patient or primary caregiver in the medical cannabis
18 program under this part, unless failing to do so would cause the
19 school or landlord to lose a monetary or licensing-related
20 benefit under federal law or regulation; provided that the
21 qualifying patient or primary caregiver strictly complied with



1 the requirements of this part; provided further that the
2 qualifying patient or primary caregiver shall present a medical
3 cannabis registry card or certificate and photo identification,
4 to ensure that the qualifying patient or primary caregiver is
5 validly registered with the department of health pursuant to
6 section 329-123.

7 (b) For the purposes of medical care, including organ
8 transplants, a registered qualifying patient's use of cannabis
9 in compliance with this part shall be considered the equivalent
10 of the use of any other medication under the direction of a
11 physician and shall not constitute the use of an illicit
12 substance or otherwise disqualify a registered qualifying
13 patient from medical care.

14 (c) Unless a failure to do so would cause the employer to
15 lose a monetary or licensing-related benefit under a contract or
16 federal law, an employer shall not discriminate against a person
17 in hiring, termination, or any term or condition of employment,
18 other than that contained in a collective bargaining agreement,
19 if the discrimination is based upon either of the following:

20 (1) The person's status as a medical cannabis registry
21 card holder;



1 (2) A qualifying patient's use of cannabis in compliance
2 with this part; or
3 (3) A qualifying patient's drug test results indicating
4 the presence of cannabis components or metabolites
5 that are in insufficient concentration to cause
6 impairment;
7 provided that nothing in this subsection shall be construed to
8 abridge any existing right of an employer to require an employee
9 to undergo a medical evaluation when the employer has reasonable
10 safety-related concerns regarding the impairment of the
11 employee; provided further that an employer may take adverse
12 employment action, including disciplinary action, against an
13 employee who uses or possesses medical cannabis in the workplace
14 or is impaired during working hours.

15 (d) For employees in a potentially dangerous occupation,
16 an employer may use a fit-for-duty test as a risk-based
17 assessment tool for a qualifying patient whose drug test results
18 indicate the presence of cannabis components or metabolites.

19 (e) No qualifying patient shall be subject to the
20 revocation of a vocational or professional license or any other
21 disciplinary action by a vocational or professional licensing



1 board or commission for engaging in the medical use of cannabis
2 in compliance with this part; provided that nothing in this
3 section shall be construed to prohibit a vocational or
4 professional licensing board or commission from taking
5 disciplinary action against an individual who engaged in the
6 practice of the licensed vocation or profession while impaired
7 by cannabis.

8 ~~(e)~~ (f) No qualifying patient or primary caregiver under
9 this part shall be denied custody of, visitation with, or
10 parenting time with a minor, and there shall be no presumption
11 of neglect or child endangerment, for conduct allowed under this
12 part; provided that this subsection shall not apply if the
13 qualifying patient's or primary caregiver's conduct created a
14 danger to the safety of the minor, as established by a
15 preponderance of the evidence.

16 ~~(d)~~ (g) This section shall apply to qualifying patients,
17 primary caregivers, qualifying out-of-state patients, and
18 caregivers of qualifying out-of-state patients who are validly
19 registered with the department of health pursuant to this part
20 and the administrative rules of the department of health."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

4

INTRODUCED BY: *cen*



S.B. NO. 2998

Report Title:

Medical Cannabis; Qualifying Patients; Discrimination; Employer; Employee; Licensing Boards; Vocational Licenses; Professional Licenses; Potentially Dangerous Occupations

Description:

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 or lawful use of medical cannabis, under certain conditions. Authorizes an employer to use a fit-for-duty test for medical cannabis qualifying patients in potentially dangerous occupations under certain conditions. Prohibits a professional or vocational licensing board from revoking the license of medical cannabis qualifying patients, or otherwise subjecting them to discipline, for their lawful use of medical cannabis, under certain conditions.

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

