

Marijuana Considerations by State

HAWAII

(Updated as of September 2019)

Legal Status of Marijuana

Medical Marijuana Law	Yes
Recreational Marijuana Law	No
No broad laws legalizing marijuana*	X

**Marijuana is either totally illegal, or there may be laws decriminalizing possession, or use of marijuana, or, the state may have a CBD law legalizing THC at a level constituting marijuana-derived CBD.*

Understanding this report: The objective of this state report is to identify direct factors that impact employment rights, protections and obligations as they relate to an employee’s use of marijuana.

In some cases, information can be confusing or even appear contradictory. This underscores the necessity of having legal counsel, specialized in marijuana and all related state laws, assist the employer in determining impactors/influences. Further, it is wise to have a professional experienced in drug-responsible workplace programs (i.e., drug-free workplace program [DFWP] consultant) assist in the development of corporate policies and operational practices. (See the NDS article, [Workplace Considerations For Marijuana Use.](#))

The subtitle categories within each state report are standardized. Because the marijuana laws and other laws directly associated to dealing with employee use of marijuana are different in every state, there may be categories within a state’s report that have no information. This indicates there has been no specific information found.

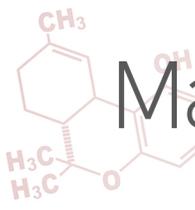
Lastly, where there are quotation marks, the language is directly from published law cited just before the quote. The quoted words are significant, but it will benefit the reader to review the information in context (go to the law) and in relation to other laws (e.g., disability discrimination, workers’ compensation, unemployment law). Additionally, there may be case decisions in a state, that set precedence and clarify or further detail the operational meaning of a law for an employer.

FROM THE STATE

Employer Concerns

Significant

- Hawaii has very specific drug testing laws with specific requirements about how drug testing is conducted. This will be important to an employer as he or she develops an operational response to employee use of marijuana. For example,
 - Written notice must be administered every time a drug test is conducted.



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Testing

- Hawaii has very specific drug testing laws with specific requirements about how drug testing is conducted.
- Under Hawaii's laws for drug testing, marijuana is to be on the panel and what constitutes a positive test mirrors the level established for federal employee testing (50 ng/ml).

Hiring/Termination

Discipline

Use/Possession

- Cannot consume anywhere it can endanger another's health, workplace, moving vehicle, public place, and more.
- Smoking is permitted.
- Patients who are registered for medical marijuana in another state can use marijuana when they visit Hawaii.

Other Impacting Laws (e.g., drug testing, workers' compensation, unemployment)

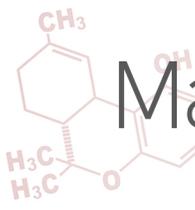
- Hawaii has very specific drug testing laws with specific requirements about how drug testing is conducted.
- An employee will not qualify for unemployment benefits if he or she was discharged for misconduct due to unauthorized use of an intoxicant on the job.
- No workers' compensation will be allowed if the injury was incurred by the employee's intoxication.
- Apply the [Checklist of Impacting Issues for Employee Use of Marijuana](#) provided by NDS for additional state laws and issues that can relate to and/or impact your operations regarding employee use of marijuana.

Miscellaneous

Sources (e.g., Bill Number, Authority)

- Hawaii Rev. Stat. 329-122 – Medical marijuana law
- Hawaii Rev. Stat. 329B-1 to 8 – Drug testing related
- Hawaii Admin. Rules 11-113 – Drug testing related
- Hawaii Rev. Stat. 383-30 – Unemployment related
- Hawaii Rev. Stat. 386-3 – Workers' compensation related

DISCLAIMER: This resource, developed by *Working Partners*[®], is meant for educational purposes only. It is provided with the understanding that those involved in the resource are not engaged in rendering legal counsel. An experienced attorney with proven knowledge about these



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issues should be consulted for legal advice. In addition, an experienced drug-free workplace professional should be relied upon for assistance on operational issues for your company's program.