



## Hawaii - State Specific Information

Information provided is current as of August 14, 2024, and companies are encouraged to consult with legal counsel on these types of complex matters.

### Cannabis Legalization History

Medical Use	Legalized - 2000 ( <a href="#">SB 862</a> )
Recreational Use	Not legal
Possession/Personal Use Specifics	Medical cannabis patients can possess up to 4 ounces and grow up to 10 plants. They can buy cannabis from licensed dispensaries, but recreational cultivation is not allowed. Only medical patients or caregivers can grow cannabis under strict regulations.
	Recreational cannabis remains illegal, but possession of up to 3 grams has been decriminalized, resulting in a civil violation with a \$130 fine. Possession of more than 3 grams is a misdemeanor, with potential jail time and fines.

### State Regulatory Agency Information

State Regulatory Agency	<a href="#">Office of Medical Cannabis Control and Regulation</a>
State Forms (If Applicable)	None Specified

### State Testing Policy

General Information	Employers can <u>test for drugs</u> pre-employment, randomly (for safety-sensitive jobs), with reasonable suspicion, and post-accident. Pre-employment tests must be disclosed, and testing is allowed if impairment is suspected or after accidents.  *Remember, establishing robust documentation is a key risk mitigant for employers in states like the Hawaii.
Safety Sensitive Positions	Hawaii lacks a statewide definition for safety-sensitive positions but follows federal DOT rules. The DOT defines these as jobs directly impacting public safety and transportation.
Privacy Laws	Requires employers to keep test results confidential, have a written policy, provide employees access to their results, obtain written consent before testing, and use certified laboratories for testing.