

HOUSE No. 3537

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Rogers

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to employment discrimination protections for legal cannabis.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

David M. Rogers

24th Middlesex

Cindy F. Friedman

Fourth Middlesex

HOUSE No. 3537

By Mr. Rogers of Cambridge, a petition (accompanied by bill, House, No. 3537) of David M. Rogers and Cindy F. Friedman relative to employment discrimination protections for legal cannabis. Marijuana Policy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to employment discrimination protections for legal cannabis.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 4 of Chapter 151B of the General Laws is hereby amended by
2 adding after subsection 19 the following subsection:-

3 20. For an employer by himself or his agent, because of the presence of
4 tetrahydrocannabinol or marijuana metabolite in the blood, urine or other body sample provided
5 by the individual, to refuse to hire or employ or to bar or to discharge from employment such
6 person or to discriminate against such person in compensation or in terms, conditions or
7 privileges of employment, unless based upon probable cause to believe that the person is
8 impaired at work by reason of cannabis consumption and has caused or is at imminent risk to
9 cause harm to a fellow employee, customer or the public due to such impairment.

10 SECTION 2. Section 1B of Chapter 214 of the General Laws is hereby amended by
11 inserting after the first sentence the following sentence:-

12 Such actionable interference shall include without limitation, an employer's refusal to
13 hire or discharge of an existing employee, because of the presence of tetrahydrocannabinol or
14 marijuana metabolite in the blood, urine or other body sample provided by the individual, unless
15 based upon objectively demonstrable probable cause to believe that the person is impaired at
16 work by reason of cannabis consumption and has caused or is at imminent risk to cause harm to a
17 fellow employee, customer or the public due to such impairment.