

HOUSE No. 3751

The Commonwealth of Massachusetts

PRESENTED BY:

Chynah Tyler

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 to eliminate workplace drug testing for marijuana.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Chynah Tyler</i>	<i>7th Suffolk</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Carlos González</i>	<i>10th Hampden</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>

HOUSE No. 3751

By Ms. Tyler of Boston, a petition (accompanied by bill, House, No. 3751) of Chynah Tyler and others relative to workplace drug testing for marijuana. Cannabis Policy.

The Commonwealth of Massachusetts

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

An Act to eliminate workplace drug testing for marijuana.

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 the following subsection:-

3 20. (1) (a) Except as provided in paragraph (2), no employer or agent of an employer may
4 directly or indirectly solicit or require an employee or prospective employee to submit to testing
5 for the presence of marijuana in his or her system as a condition of employment. For the
6 purposes of this subsection the term “marijuana” shall mean all parts of any plant of the genus
7 cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted
8 from any part of the plant; and every compound, manufacture, salt, derivative, mixture or
9 preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1
10 of chapter 94C.

11 (b) Except as provided in paragraph (2), any agreement between an employer or agent of
12 an employer and an employee or prospective employee offering employment or any pay or

13 benefit to an employee or prospective employee in return for the employee or prospective
14 employee submitting to testing for the presence of marijuana in his or her system is prohibited.

15 (2) Paragraph (1) shall not apply to the testing for the presence of marijuana in the system
16 of an employee or prospective employee who is subject to drug testing under any of the
17 following:

18 (a) any regulation promulgated by the federal Department of Transportation that requires
19 testing of an employee or prospective employee or any rule promulgated by the department of
20 transportation of the commonwealth adopting such a regulation for purposes of enforcing the
21 requirements of that regulation with respect to intrastate commerce;

22 (b) any contract entered into between the federal government and an employer or any
23 grant of financial assistance from the federal government to an employer that requires drug
24 testing of employees and prospective employees as a condition of receiving the contract or grant;

25 (c) any federal statute, regulation or order that requires drug testing of employees and
26 prospective employees for purposes of safety or security;

27 (d) a substance abuse prevention program or a collective bargaining agreement between
28 an employer and a labor organization representing employees and prospective employees of the
29 employer;

30 (e) rules requiring drug testing of prospective state, county or municipal law enforcement
31 officers.

32 SECTION 2. Section 133B of chapter 127 of the General Laws, as appearing in the 2016
33 Official Edition, is hereby amended by inserting after the word “forty-nine”, the following

34 words:- ; provided, however, that revocation of such permit is prohibited if the only ground for
35 revocation was the use of marijuana, except for offenders who are court ordered to remain
36 marijuana-free.

37 SECTION 3. Section 133D of said chapter, as so appearing, is hereby amended by
38 inserting after the figure “149”, in line 95, the following words:- provided, however, that the use
39 of marijuana shall not be a violation of a condition of community parole supervision except for
40 offenders who are court ordered to remain marijuana-free .

41 SECTION 4. The first paragraph of section 87A of chapter 276 of the General Laws, as
42 so appearing, is hereby amended by adding the following sentence:- The use of marijuana by a
43 person on probation shall not be a violation of a condition of probation unless such person is
44 court ordered to remain marijuana-free.