SENATE . . . . No. 1825

The Commonwealth of Massachusetts

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In the Year Two Thousand Nine

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An Act clarifying ambiguities relative to Question 2..

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. The definition of "tetrahydrocannabinol" in Section 1 of Chapter 94C as

2   appearing in the Official 2004 Edition is hereby amended by striking out the following words:-

3   "except when it has been established that the concentration of delta-9

4   tetrahydrocannabinol in said marihuana exceeds two and one-half per cent"

5   SECTION 2. Section 32L of Chapter 94C is hereby amended by inserting after the first

6   sentence the following new sentence:-

7   "Nothing contained in this Section or any other law will alter or restrict police officers

8   from conducting searches based on probable cause that marihuana or tetrahydrocannabinol is

9   present in a motor vehicle, in a container, or on a person."

10   SECTION 3. Section 32L of Chapter 94C is hereby amended by inserting at the end of

11   the first sentence after the word "marihuana" the following:-

12   "Except that a licensing authority considering an application for a license to carry a

13   firearm may consider an applicant's history of vehicle operation or other criminal or dangerous

14   conduct while under the influence of any controlled substance, as well as such person's drug use

15   or possession, including but not limited to the personal use, sale, distribution or possession of

16   any amount of marihuana or tetrahydrocannabinol, in determining such person's suitability to

17   carry a firearm."

18   SECTION 4. Section 32L of Chapter 94C is hereby amended by inserting in the last

19   sentence after the word, "Commonwealth" the following:-

20   "or any governmental employer from adopting, modifying and enforcing a drug testing

21   policy or from promulgating a restriction or making employment and licensing decisions

22   affecting applicants or employees based on the use or possession of marihuana or

23   tetrahydrocannabinol, or from"