

SENATE No. 1825

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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"