HOUSE DOCKET, NO. 3229 FILED ON: 1/20/2023

HOUSE . . . . . No. 110

The Commonwealth of Massachusetts

PRESENTED BY:

Russell E. Holmes

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 requiring informed consent for marijuana testing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Russell E. Holmes	*6th Suffolk*	*1/20/2023*

HOUSE DOCKET, NO. 3229 FILED ON: 1/20/2023

HOUSE . . . . . No. 110

By Representative Holmes of Boston, a petition (accompanied by bill, House, No. 110) of Russell E. Holmes relative to requiring informed consent for marijuana testing at certain health care facilities. Cannabis Policy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *4026* OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act requiring informed consent for marijuana testing.

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

Chapter 111 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after section 70H the following section:-

Section 70I. A facility, as defined in section 70E, physician or health care provider shall not: (1) test any person for the presence of marijuana or delta-9-tetrahydricannabinol, also known as THC, without first obtaining that person's written informed consent; (2) disclose the results of such test to any person other than the subject of the test without first obtaining the subject's written informed consent; or (3) identify the subject of such tests to any person without first obtaining the subject's written informed consent. A written consent form shall state the purpose for which the information is being requested and shall be distinguished from written consent for the release of any other medical information.

Whoever violates this section shall be considered to have violated section 2 of chapter 93A.

For the purpose of this section "written informed consent" shall mean a written consent form for each requested test and release of the results of a test performed on an individual showing the presence of marijuana or THC or for the release of medical records containing such information.