

HOUSE No. 1941

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 employee fairness.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/13/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/6/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/9/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>5/22/2023</i>

HOUSE No. 1941

By Representative Rogers of Cambridge, a petition (accompanied by bill, House, No. 1941) of David M. Rogers, David Henry Argosky LeBoeuf and Lindsay N. Sabadosa relative to the barring or discharging from employment or prospective employment of persons due to the results of blood or urine tests. Labor and Workforce Development.

The Commonwealth of Massachusetts

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

An Act relative to employee fairness.

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

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

10 It shall be a defense to such employment action if the employee, due to the presence of
11 tetrahydrocannabinol or marijuana metabolite in the blood, urine or other body sample provided

12 by the individual, is unable to maintain licenses, credentials, or other qualifications that are
13 reasonably necessary for the performance of the employee's position, regardless of whether such
14 licensing, credentialing, or other qualifications prohibit the employee from using marijuana.
15 Nothing in this section shall be deemed to interfere with or preempt any rights or obligations of
16 an employer under federal law or regulation.