

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Michael P. Kushmerek***

*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 prohibiting employment discrimination based on legal use of cannabis.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>1/13/2025</i>

**HOUSE . . . . . No.**

[Pin Slip]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act prohibiting employment discrimination based on legal use of cannabis.

*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 1 of chapter 151B of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by adding the following subsection: --

3 24. The term “safety sensitive position” shall mean a position with duties that, if  
4 performed while under the influence of drugs or alcohol, could lead to a lapse of attention that  
5 could cause actual, immediate, and permanent physical injury or loss of life to self or others.

6 SECTION 2. Section 4 of Chapter 151B of the General Laws, as so appearing, is hereby  
7 amended by adding after subsection 19, the following subsections: --

8 20. For an employer or his agent, because of the presence of tetrahydrocannabinol or  
9 marijuana metabolite in the blood, urine or other body sample provided by the individual, to  
10 refuse to hire or employ or to bar or to discharge from employment such person or to  
11 discriminate against such person in compensation or in terms, conditions or privileges of  
12 employment, unless reasonable suspicion exists that the employee was impaired by marijuana at  
13 the employee’s place of employment or during the hours of employment.

14           It shall be a defense to such employment action if the employee, due to the presence of  
15 tetrahydrocannabinol or marijuana metabolite in the blood, urine or other body sample provided  
16 by the individual, is unable to maintain licenses, credentials, or other qualifications that are  
17 reasonably necessary for the performance of the employee's position, regardless of whether such  
18 licensing, credentialing, or other qualifications prohibit the employee from using marijuana. This  
19 section shall not apply to safety sensitive positions or if compliance would cause the employer to  
20 commit a violation of a federal law, regulation, contract, or funding agreement.