HOUSE DOCKET, NO. 962 FILED ON: 1/19/2011

HOUSE . . . . . No. 477

The Commonwealth of Massachusetts

PRESENTED BY:

William Smitty Pignatelli

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 passage of the accompanying:

An act providing for drug and alcohol free school zones.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William Smitty Pignatelli	*4th Berkshire*
George T. Ross	*2nd Bristol*
Gailanne M. Cariddi	*1st Berkshire*

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By Mr. Pignatelli of Lenox, a petition (accompanied by bill, House, No. 477) of William Smitty Pignatelli, George T. Ross and Gailanne M. Cariddi providing for drug and alcohol free school zones and penalties. The Judiciary.

The Commonwealth of Massachusetts

An act providing for drug and alcohol free school zones.

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

Section 40A of Chapter 272 of the General Laws as appearing in the 2008 Official Edition is hereby amended by striking out Section 40A, and inserting in its place the following section:-

Section 40A. (a.) Whoever gives, sells, delivers or has in their possession any alcoholic beverage, except for medicinal purposes, in any premises comprising an accredited public, private, or parochial school, youth center, or community center, or on any premises used for public school purposes and under the charge of a school committee or other public board or officer, shall be punished by imprisonment for not more than 30 days in a house of correction or by a fine of not more than $100, or both; provided, however, that a school committee of a city, town or district may authorize a public or nonprofit organization using a public school building with its permission during non school hours to possess and sell alcoholic beverages therein provided such nonprofit organization is properly licensed under the provisions of section 14 of chapter 138.

(b.)Notwithstanding section 32L of chapter 94C, Whoever has in their possession a class D substance while in or on any premises comprising an accredited public, private, or parochial school, youth center, or community center, or on any premises used for public school purposes and under the charge of a school committee or other public board or officer, unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner while acting in the course of their professional practice, shall be punished by imprisonment for not more than 30 days in a house of correction or a fine of not more than $100, or both.