

HOUSE No. 4287

The Commonwealth of Massachusetts

PRESENTED BY:

Shawn Dooley

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 to create an open container law for marijuana.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>4/26/2016</i>

HOUSE No. 4287

By Mr. Dooley of Norfolk, a petition (subject to Joint Rule 12) of Shawn Dooley for legislation to regulate or prohibit the use of marijuana in motor vehicles. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act to create an open container law for marijuana.

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

1 Chapter 90 Section 24Y

2 Chapter 90 of the General Laws, as appearing in the 2014 Official Edition, is hereby
3 amended by inserting after section 24X the following section:-

4 Section 24Y. (a) As used in this section, the following words shall have the following
5 meanings:

6 “Marijuana”, has the meaning given “marihuana” in chapter 94C . This also includes
7 medical marijuana.

8 “Prepared paraphernalia”, papers, pipes or other devices used for the smoking of
9 marijuana which contain burnt or partially-burnt quantities of marijuana in such a way that
10 would allow the marijuana, or its smoke, to be immediately consumed.

11 "Passenger area", the area designed to seat the driver and passengers while the motor
12 vehicle is in operation and any area that is readily accessible to the driver or a passenger while in
13 a seated position including, but not limited to, the glove compartment; provided, however, that
14 the passenger area shall not include a motor vehicle's trunk or a locked glove compartment or, if
15 a motor vehicle is not equipped with a trunk, the area behind the last upright seat or an area not
16 normally occupied by the driver or passenger.

17 (b) Whoever, upon any way or in any place to which the public has a right of access, or
18 upon any way or in any place to which members of the public have access as invitees or
19 licensees, possesses prepared paraphernalia in the passenger area of any motor vehicle shall be
20 punished by a fine of not less than \$100 nor more than \$500.

21 (c) This section shall not apply to (1) the passengers of a motor vehicle designed,
22 maintained and used for the transportation of persons for compensation so long as the driver is
23 separated from the passengers in such a way that prevents marijuana or its smoke from being
24 ingested by the driver, or (2) the living quarters of a house coach or house trailer.

25 (d) Notwithstanding this section, the driver of any motor vehicle, including but not
26 limited to a house coach or house trailer, shall not possess prepared paraphernalia.