

HOUSE No. 1052

The Commonwealth of Massachusetts

PRESENTED BY:

Michael S. Day

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 increasing certain civil penalties for unlawful possession of marijuana.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>1/18/2017</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	<i>1/26/2017</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>	<i>1/25/2017</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>1/24/2017</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>1/26/2017</i>

HOUSE No. 1052

By Mr. Day of Stoneham, a petition (accompanied by bill, House, No. 1052) of Michael S. Day and others relative to increasing certain civil penalties for unlawful possession of marijuana. Marijuana Policy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act increasing certain civil penalties for unlawful possession of 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 SECTION 1. Chapter 334 of the Acts of 2016 is hereby amended in Section 13 by
2 striking out subsections (a), (b) and (f) and inserting in place thereof the following paragraphs:
3 (a) Restrictions on personal cultivation. No person shall cultivate or process marijuana
4 plants pursuant to section 8 of this chapter if the plants are visible from a public place without
5 the use of binoculars, aircraft or other optical aids or cultivate or process marijuana plants
6 outside of an area that is equipped with a lock or other security device. A person who violates
7 this subsection and is found to be illegally cultivating 1 to 6 plants shall be punished by a civil
8 penalty of not more than \$300 and forfeiture of the marijuana, but shall not be subject to any
9 other form of criminal or civil punishment or disqualification solely for this conduct. A person
10 who violates this subsection and is found to be illegally cultivating more than 6 plants shall be
11 punished by a civil penalty of not more than \$600 and forfeiture of the marijuana, but shall not

12 be subject to any other form of criminal or civil punishment or disqualification solely for this
13 conduct.

14 (b) Restrictions on personal possession. No person shall possess more than 1 ounce of
15 marijuana or marijuana products within the person's place of residence pursuant to section 8 of
16 this chapter unless the marijuana and marijuana products are secured by a lock. A person who
17 violates this subsection and is found in possession of more than 1 ounce of marijuana but less
18 than 5 ounces of marijuana shall be punished by a civil penalty of not more than \$100 and
19 forfeiture of the marijuana. A person who violates this subsection and is found in possession of
20 more than 5 ounces of marijuana shall be punished by a civil penalty of not more than \$500 and
21 forfeiture of the marijuana

22 (f) Procurement of marijuana by a person under 21 years of age. A person under 21
23 years of age, except a qualifying patient holding a valid registration card for the medical use of
24 marijuana, who purchases or attempts to purchase marijuana, marijuana products or marijuana
25 accessories, or makes arrangements with any person to purchase or in any way procure
26 marijuana, marijuana products or marijuana accessories, or who willfully misrepresents such
27 person's age, or in any way alters, defaces or otherwise falsifies identification offered as proof of
28 age, with the intent of purchasing marijuana, marijuana products or marijuana accessories, shall
29 be punished by a civil penalty commensurate with the crime but not more than \$250 and shall
30 complete a drug awareness program established pursuant to section 32M of chapter 94C of the
31 General Laws. The parents or legal guardian of any offender under the age of 18 shall be notified
32 in accordance with section 32N of chapter 94C of the General Laws and the failure within 1 year
33 of the offense of such an offender to complete a drug awareness program may be a basis for
34 delinquency proceedings for persons under the age of 17 at the time of the person's offense.