

HOUSE No. 1055

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>1/19/2017</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>1/25/2017</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>	
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>	
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	
<i>James R. Miceli</i>	<i>19th Middlesex</i>	
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	

HOUSE No. 1055

By Mr. Dooley of Norfolk, a petition (accompanied by bill, House, No. 1055) of Shawn Dooley and others for legislation to prohibit possession of open containers of marijuana or marijuana products in the passenger area of motor vehicles. Marijuana Policy.

The Commonwealth of Massachusetts

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

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, any plant of the genus cannabis, any THC product, or any THC by-product.

8 “Edibles”, baked goods, candies, drinks, or other food items that contain marijuana, the
9 drug cannabis, THC, or THC oils.

10 “Opened container of marijuana” any marijuana or marijuana product, including but not
11 limited to edibles, in which the original packaging has been opened or the original seal broken

12 and/or any edible that has been obviously altered from its original state. Marijuana and marijuana
13 products, including but not limited to edibles, that are not manufactured by a licensed facility are
14 considered open regardless of packaging.

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

21 (b) No person shall, upon any way or in any place to which the public has a right of
22 access, or upon any way or in any place to which members of the public have access as invitees
23 or licensees, possess an open container of marijuana or marijuana products in the passenger area
24 of any motor vehicle. A person who violates this subsection shall be punished by a civil penalty
25 of not less than \$100 or more than \$500.

26 (c) This section shall not apply to: (1) the passengers of a motor vehicle designed,
27 maintained and used for the transportation of persons for compensation so long as the driver is
28 separated from the passengers in such a way that they will not be affected by any activities
29 involving prepared paraphernalia or opened edibles, and (2) the living quarters of a house coach
30 or house trailer.