HOUSE DOCKET, NO. 3639 FILED ON: 1/20/2017

HOUSE . . . . . No. 3185

The Commonwealth of Massachusetts

PRESENTED BY:

Hannah Kane

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 relative to penalties for underage possession and use of marijuana tobacco and alcohol.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Hannah Kane	*11th Worcester*	*1/20/2017*
Thomas J. Calter	*12th Plymouth*	*2/2/2017*
Josh S. Cutler	*6th Plymouth*	*2/2/2017*
David F. DeCoste	*5th Plymouth*	*1/23/2017*
Geoff Diehl	*7th Plymouth*	*2/3/2017*
Shawn Dooley	*9th Norfolk*	*1/24/2017*
Kimberly N. Ferguson	*1st Worcester*	*1/23/2017*
Carole A. Fiola	*6th Bristol*	*1/23/2017*
Paul K. Frost	*7th Worcester*	*2/2/2017*
Denise C. Garlick	*13th Norfolk*	*2/2/2017*
Colleen M. Garry	*36th Middlesex*	*2/2/2017*
Susan Williams Gifford	*2nd Plymouth*	*2/3/2017*
Sheila C. Harrington	*1st Middlesex*	*1/26/2017*
James J. Lyons, Jr.	*18th Essex*	*1/25/2017*
Joseph D. McKenna	*18th Worcester*	*1/25/2017*
Michael O. Moore	*Second Worcester*	*2/3/2017*
David K. Muradian, Jr.	*9th Worcester*	*2/2/2017*
Mathew Muratore	*1st Plymouth*	*1/23/2017*

David M. Nangle	*17th Middlesex*	*1/30/2017*
John H. Rogers	*12th Norfolk*	*2/3/2017*
Thomas M. Stanley	*9th Middlesex*	*2/2/2017*
John C. Velis	*4th Hampden*	*2/2/2017*
Timothy R. Whelan	*1st Barnstable*	*1/21/2017*

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HOUSE . . . . . No. 3185

By Mrs. Kane of Shrewsbury, a petition (accompanied by bill, House, No. 3185) of Hannah Kane and others relative to penalties for underage possession and use of marijuana, tobacco and alcohol. Marijuana Policy.

The Commonwealth of Massachusetts

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

An Act relative to penalties for underage possession and use of marijuana tobacco and alcohol.

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

SECTION 1. Chapter 94C of the General Laws is hereby amended by striking out section 32M and inserting in place thereof the following section:-

Section 32M. An offender under the age of 18 may be required to complete a substance abuse awareness program within 1 year of the offense for possession of alcohol, marijuana, tobacco or other controlled substances. In addition to the civil penalties authorized by section 32L and 32N of this chapter, section 34A of chapter 138 of the General Laws and section 6b of chapter 270 of the General Laws, the failure of such an offender to complete such a program may be a basis for delinquency proceedings for persons under the age of 18 at the time of their offense. The substance abuse awareness program must provide at least 4 hours of classroom instruction or group discussion and 10 hours of community service.

The department of public health, in consultation with the department of youth services, shall develop the substance abuse awareness program. The subject matter of such substance

abuse awareness program shall be specific to the use and abuse of alcohol, marijuana, tobacco and other controlled substances with particular emphasis on early detection and prevention of abuse of such substances. The curricula and programs shall be funded through the marijuana regulation fund established in section 14 of chapter 84G of the General Laws.

SECTION 2. Section 13 of chapter 94G of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out subsection (f) and inserting in place thereof the following subsection:-

(f) A person under 21 years of age and over the age of 17, except a qualifying patient holding a valid registration card for the medical use of marijuana, who purchases or attempts to purchase marijuana, marijuana products or marijuana accessories, or makes arrangements with any person to purchase or in any way procure marijuana, marijuana products or marijuana accessories, or who willfully misrepresents such person's age, or in any way alters, defaces or otherwise falsifies identification offered as proof of age, with the intent of purchasing marijuana, marijuana products or marijuana accessories, either for his own use or for the use of any other person, shall be punished by a civil penalty of not more than $300 and whoever knowingly makes a false statement as to the age of a person who is under the age of 21 years of age in order to procure a sale or delivery of marijuana, marijuana products or marijuana accessories to such person under 21 years of age, either for the use of the person under 21 years of age or for the use of some other person, and whoever induces a person under 21 years of age to make a false statement as to his age in order to procure a sale or delivery of such marijuana, marijuana products or marijuana accessories to such person under 21 years of age, shall be punished by a fine of $300. A conviction of a violation of this section shall be reported forthwith to the registrar

of motor vehicles by the court. Upon receipt of such notice the registrar shall thereupon suspend for 180 days the defendant's license or right to operate a motor vehicle.

A person under the age of 18, except a qualifying patient holding a valid registration card for the medical use of marijuana, who purchases or attempts to purchase marijuana, marijuana products or marijuana accessories, or makes arrangements with any person to purchase or in any way procure marijuana, marijuana products or marijuana accessories, or who willfully misrepresents such person’s age, or in any way alters, defaces or otherwise falsifies identification offered as proof of age, with the intent of purchasing marijuana, marijuana products or marijuana accessories, may be compelled to complete the substance abuse awareness program in section 32M of chapter 94C of the General Laws. A law enforcement officer shall provide notice of a violation, by telephone or by first-class mail, to a parent or guardian of a person 17 years of age or under who violates this section within a reasonable time period after the violation occurs if the contact information of a parent or guardian is reasonably ascertainable by the officer. No record of such notification shall be logged in any report or file or kept in a person’s record by a law enforcement officer and no violation under this section shall be used in the furtherance of an ongoing or future criminal investigation.

A person who violates this section shall forfeit the marijuana, marijuana products or marijuana accessories in that person’s possession upon the request of a law enforcement officer.

The commission shall prepare and distribute to business establishments which sell, serve or otherwise dispense alcohol or alcoholic beverages to the general public, posters to be displayed therein in a conspicuous place. Said posters shall contain a summary and explanation of this section.

SECTION 3. Chapter 138 of the General Laws is hereby amended by striking out section 34A and inserting in place thereof the following section:-

Section 34A. (a) Any person under the age of 21 years of age and over the age of 17 years of age who purchases or attempts to purchase alcoholic beverages or alcohol, or makes arrangements with any person to purchase or in any way procure such beverages, or who willfully misrepresents his age, or in any way alters, defaces or otherwise falsifies his identification offered as proof of age, with the intent of purchasing alcoholic beverages, either for his own use or for the use of any other person shall be punished by a fine of $300 and whoever knowingly makes a false statement as to the age of a person who is under the age of 21 years of age in order to procure a sale or delivery of such beverages or alcohol to such person under 21 years of age, either for the use of the person under 21 years of age or for the use of some other person, and whoever induces a person under 21 years of age to make a false statement as to his age in order to procure a sale or delivery of such beverages or alcohol to such person under 21 years of age, shall be punished by a fine of $300. A conviction of a violation of this section shall be reported forthwith to the registrar of motor vehicles by the court. Upon receipt of such notice the registrar shall thereupon suspend for 180 days the defendant's license or right to operate a motor vehicle.

(b) Any person under the age of 18 years of age who purchases or attempts to purchase alcoholic beverages or alcohol, or makes arrangements with any person to purchase or in any way procure such beverages, or who willfully misrepresents his age, or in any way alters, defaces or otherwise falsifies his identification offered as proof of age, with the intent of purchasing alcoholic beverages, either for his own use or for the use of any other person may be compelled to complete the substance abuse awareness program in section 32M of chapter 94C of the

General Laws. A law enforcement officer shall provide notice of a violation, by telephone or by first-class mail, to a parent or guardian of a person 17 years of age or under who violates this section within a reasonable time period after the violation occurs if the contact information of a parent or guardian is reasonably ascertainable by the officer. No record of such notification shall be logged in any report or file or kept in a person's record by a law enforcement officer and no violation under this section shall be used in the furtherance of an ongoing or future criminal investigation.

(c) A person who violates this section shall forfeit the alcoholic products in that person's possession upon the request of a law enforcement officer.

(d) The commission shall prepare and distribute to business establishments which sell, serve or otherwise dispense alcohol or alcoholic beverages to the general public, posters to be displayed therein in a conspicuous place. Said posters shall contain a summary and explanation of this section.

SECTION 4. Chapter 270 of the General Laws is hereby amended by inserting after section 6A the following section:-

Section 6B. (a) No person under 18 years of age shall knowingly purchase, possess, transport or carry on the person a tobacco product as defined in section 6 or tobacco rolling papers; provided, however, this section shall not apply to a person who knowingly possesses, transports or carries a tobacco product or tobacco rolling papers in the course of the person's employment.

(b) A law enforcement officer shall provide notice of a violation, by telephone or by first-class mail, to a parent or guardian of a person 17 years of age or under who violates this section within a reasonable time period after the violation occurs if the contact information of a parent or guardian is reasonably ascertainable by the officer. No record of such notification shall be logged in any report or file or kept in a person's record by a law enforcement officer and no violation under this section shall be used in the furtherance of an ongoing or future criminal investigation.

A person 17 years of age or under who violates this section may be compelled to complete the substance abuse awareness program in section 32M of chapter 94C of the General Laws.

(c) A person who violates this section shall forfeit the tobacco product or tobacco rolling papers in that person's possession upon the request of a law enforcement officer.