

SENATE No. 1070

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

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:	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>1/24/2017</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>1/24/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/2/2017</i>

SENATE No. 1070

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 1070) of Jason M. Lewis, Joseph D. McKenna, Richard J. Ross and Steven Ultrino for legislation 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:

1 SECTION 1. Chapter 94C of the General Laws is hereby amended by striking out section
2 32M and inserting in place thereof the following section:-

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

11 The department of public health shall develop the substance abuse awareness program.

12 The subject matter of such substance abuse awareness program shall be specific to the use and

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

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

20 (f) A person under 21 years of age and over the age of 17, except a qualifying patient
21 holding a valid registration card for the medical use of marijuana, who purchases or attempts to
22 purchase marijuana, marijuana products or marijuana accessories, or makes arrangements with
23 any person to purchase or in any way procure marijuana, marijuana products or marijuana
24 accessories, or who willfully misrepresents such person's age, or in any way alters, defaces or
25 otherwise falsifies identification offered as proof of age, with the intent of purchasing marijuana,
26 marijuana products or marijuana accessories, shall be punished by a civil penalty of not more
27 than \$100.

28 A person under the age of 18, except a qualifying patient holding a valid registration card
29 for the medical use of marijuana, who purchases or attempts to purchase marijuana, marijuana
30 products or marijuana accessories, or makes arrangements with any person to purchase or in any
31 way procure marijuana, marijuana products or marijuana accessories, or who willfully
32 misrepresents such person's age, or in any way alters, defaces or otherwise falsifies identification
33 offered as proof of age, with the intent of purchasing marijuana, marijuana products or marijuana
34 accessories, may be compelled to complete the substance abuse awareness program in section

35 32M of chapter 94C of the General Laws. A law enforcement officer shall provide notice of a
36 violation, by telephone or by first-class mail, to a parent or guardian of a person 17 years of age
37 or under who violates this section within a reasonable time period after the violation occurs if the
38 contact information of a parent or guardian is reasonably ascertainable by the officer. No record
39 of such notification shall be logged in any report or file or kept in a person's record by a law
40 enforcement officer and no violation under this section shall be used in the furtherance of an
41 ongoing or future criminal investigation.

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

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

48 SECTION 3. Chapter 138 of the General Laws is hereby amended by striking out section
49 34A and inserting in place thereof the following section:-

50 Section 34A. (a) Any person under the age of 21 years of age and over the age of 17
51 years of age who purchases or attempts to purchase alcoholic beverages or alcohol, or makes
52 arrangements with any person to purchase or in any way procure such beverages, or who
53 willfully misrepresents his age, or in any way alters, defaces or otherwise falsifies his
54 identification offered as proof of age, with the intent of purchasing alcoholic beverages, either
55 for his own use or for the use of any other person shall be punished by a fine of \$100 and
56 whoever knowingly makes a false statement as to the age of a person who is under the age of 21

57 years of age in order to procure a sale or delivery of such beverages or alcohol to such person
58 under 21 years of age, either for the use of the person under 21 years of age or for the use of
59 some other person, and whoever induces a person under 21 years of age to make a false
60 statement as to his age in order to procure a sale or delivery of such beverages or alcohol to such
61 person under 21 years of age, shall be punished by a fine of \$100.

62 (b) Any person under the age of 18 years of age who purchases or attempts to purchase
63 alcoholic beverages or alcohol, or makes arrangements with any person to purchase or in any
64 way procure such beverages, or who willfully misrepresents his age, or in any way alters, defaces
65 or otherwise falsifies his identification offered as proof of age, with the intent of purchasing
66 alcoholic beverages, either for his own use or for the use of any other person may be compelled
67 to complete the substance abuse awareness program in section 32M of chapter 94C of the
68 General Laws. A law enforcement officer shall provide notice of a violation, by telephone or by
69 first-class mail, to a parent or guardian of a person 17 years of age or under who violates this
70 section within a reasonable time period after the violation occurs if the contact information of a
71 parent or guardian is reasonably ascertainable by the officer. No record of such notification shall
72 be logged in any report or file or kept in a person's record by a law enforcement officer and no
73 violation under this section shall be used in the furtherance of an ongoing or future criminal
74 investigation.

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

77 (d) The commission shall prepare and distribute to business establishments which sell,
78 serve or otherwise dispense alcohol or alcoholic beverages to the general public, posters to be

79 displayed therein in a conspicuous place. Said posters shall contain a summary and explanation
80 of this section.

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

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

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

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

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