HOUSE DOCKET, NO. 1697 FILED ON: 1/17/2019

HOUSE . . . . . No. 3516

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:
Michael S. Day	*31st Middlesex*	*1/17/2019*
Mathew J. Muratore	*1st Plymouth*	*1/31/2019*

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HOUSE . . . . . No. 3516

By Mr. Day of Stoneham, a petition (accompanied by bill, House, No. 3516) of Michael S. Day and Mathew J. Muratore relative to increasing certain civil penalties for unlawful possession of marijuana. Cannabis Policy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1052* OF 2017-2018.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

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:

SECTION 1. Chapter 334 of the Acts of 2016 is hereby amended in Section 13 by striking out subsections (a), (b) and (f) and inserting in place thereof the following paragraphs:

(a) Restrictions on personal cultivation. No person shall cultivate or process marijuana plants pursuant to section 8 of this chapter if the plants are visible from a public place without the use of binoculars, aircraft or other optical aids or cultivate or process marijuana plants outside of an area that is equipped with a lock or other security device. A person who violates this subsection and is found to be illegally cultivating 1 to 6 plants shall be punished by a civil penalty of not more than $300 and forfeiture of the marijuana, but shall not be subject to any other form of criminal or civil punishment or disqualification solely for this conduct. A person who violates this subsection and is found to be illegally cultivating more than 6 plants shall be

punished by a civil penalty of not more than $600 and forfeiture of the marijuana, but shall not be subject to any other form of criminal or civil punishment or disqualification solely for this conduct.

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

(f) Procurement of marijuana by a person under 21 years of age. A person under 21 years of age, 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, shall be punished by a civil penalty commensurate with the crime but not more than $250 and shall complete a drug awareness program established pursuant to section 32M of chapter 94C of the General Laws. The parents or legal guardian of any offender under the age of 18 shall be notified in accordance with section 32N of chapter 94C of the General Laws and the failure within 1 year

of the offense of such an offender to complete a drug awareness program may be a basis for delinquency proceedings for persons under the age of 17 at the time of the person's offense.