

HOUSE No. 3745

The Commonwealth of Massachusetts

PRESENTED BY:

Claire D. Cronin

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 non-violation of parole for possession of valid prescriptions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>	<i>3/15/2019</i>

HOUSE No. 3745

By Ms. Cronin of Easton, a petition (subject to Joint Rule 12) of Claire D. Cronin relative to non-violation of parole for possession of valid prescriptions. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to non-violation of parole for possession of valid prescriptions.

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. Section 130 of chapter 127 of the General Laws, as amended by chapter 72
2 of the acts of 2018, is hereby amended by adding the following sentence:- In every case, such
3 terms and conditions shall provide that no prisoner to whom a parole permit to be at liberty has
4 been granted shall be found to have violated such terms and conditions: (i) solely on the basis of
5 possession or use of a controlled substance that has been lawfully dispensed pursuant to a valid
6 prescription to that prisoner by a health professional registered to prescribe a controlled
7 substance pursuant to chapter 94C and acting within the lawful scope of the health professional’s
8 practice; or (ii) solely on the basis of possession or use of medical marijuana obtained in
9 compliance with and in quantities consistent with applicable state regulations if that prisoner
10 received a written certification from a healthcare professional for the use of medical marijuana to
11 treat a debilitating medical condition and the prisoner possesses a valid medical marijuana
12 registration card and if the quantity in the prisoner’s possession is not greater than the amount
13 recommended in the healthcare professional’s written certification.

14 SECTION 2. The fourth paragraph of section 133A of chapter 127 of the General Laws,
15 as appearing in the 2016 Official Edition, is hereby amended by adding the following sentence:-
16 Provided, however, no prisoner to whom a parole permit to be at liberty has been granted shall
17 be found to have violated the permit or such terms and conditions: (i) solely on the basis of
18 possession or use of a controlled substance that has been lawfully dispensed pursuant to a valid
19 prescription to that prisoner by a health professional registered to prescribe a controlled
20 substance pursuant to chapter 94C and acting within the lawful scope of the health professional's
21 practice; or (ii) solely on the basis of possession or use of medical marijuana obtained in
22 compliance with and in quantities consistent with applicable state regulations if that prisoner
23 received a written certification from a healthcare professional for the use of medical marijuana to
24 treat a debilitating medical condition and the prisoner possesses a valid medical marijuana
25 registration card and if the quantity in the prisoner's possession is not greater than the amount
26 recommended in the healthcare professional's written certification.

27 SECTION 3. Section 133B of said chapter 127, as so appearing, is hereby amended by
28 inserting after the fifth sentence the following sentence:- Provided, however, no prisoner to
29 whom a parole permit to be at liberty has been granted shall be found to have violated the permit
30 or such terms and conditions: (i) solely on the basis of possession or use of a controlled
31 substance that has been lawfully dispensed pursuant to a valid prescription to that prisoner by a
32 health professional registered to prescribe a controlled substance pursuant to chapter 94C and
33 acting within the lawful scope of the health professional's practice; or (ii) solely on the basis of
34 possession or use of medical marijuana obtained in compliance with and in quantities consistent
35 with applicable state regulations if that prisoner received a written certification from a healthcare
36 professional for the use of medical marijuana to treat a debilitating medical condition and the

37 prisoner possesses a valid medical marijuana registration card and if the quantity in the
38 prisoner's possession is not greater than the amount recommended in the healthcare
39 professional's written certification.

40 SECTION 4. The second paragraph of section 133D of said chapter 127, as so appearing,
41 is hereby amended by adding the following sentence:- In every case, such terms and conditions
42 shall provide that no prisoner to whom a parole permit to be at liberty has been granted shall be
43 found to have violated such terms and conditions: (i) solely on the basis of possession or use of a
44 controlled substance that has been lawfully dispensed pursuant to a valid prescription to that
45 prisoner by a health professional registered to prescribe a controlled substance pursuant to
46 chapter 94C and acting within the lawful scope of the health professional's practice; or (ii) solely
47 on the basis of possession or use of medical marijuana obtained in compliance with and in
48 quantities consistent with applicable state regulations if that prisoner received a written
49 certification from a healthcare professional for the use of medical marijuana to treat a debilitating
50 medical condition and the prisoner possesses a valid medical marijuana registration card and if
51 the quantity in the prisoner's possession is not greater than the amount recommended in the
52 healthcare professional's written certification.

53 SECTION 5. Section 148 of chapter 127 of the General Laws, as appearing in the 2016
54 Official Edition, is hereby amended by inserting after the word "expiration", in line 2, the
55 following words:- provided, however, the parole board shall not revoke a parole permit to be at
56 liberty: (i) solely on the basis of possession or use of a controlled substance that has been
57 lawfully dispensed pursuant to a valid prescription to that prisoner by a health professional
58 registered to prescribe a controlled substance pursuant to chapter 94C and acting within the
59 lawful scope of the health professional's practice; or (ii) solely on the basis of possession or use

60 of medical marijuana obtained in compliance with and in quantities consistent with applicable
61 state regulations if that prisoner received a written certification from a healthcare professional for
62 the use of medical marijuana to treat a debilitating medical condition and the prisoner possesses
63 a valid medical marijuana registration card and if the quantity in the prisoner's possession is not
64 greater than the amount recommended in the healthcare professional's written certification.