

**HOUSE . . . . . No. 1502**

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**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>2/19/2021</i>

**HOUSE . . . . . No. 1502**

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By Ms. Cronin of Easton, a petition (accompanied by bill, House, No. 1502) of Claire D. Cronin relative to non-violation of parole for possession of valid prescriptions. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3745 OF 2019-2020.]

**The Commonwealth of Massachusetts**

—————  
**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
—————

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.