

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

<i>David M. Nangle</i>	<i>17th Middlesex</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>

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:

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

13 abuse awareness program shall be specific to the use and abuse of alcohol, marijuana, tobacco
14 and other controlled substances with particular emphasis on early detection and prevention of
15 abuse of such substances. The curricula and programs shall be funded through the marijuana
16 regulation fund established in section 14 of chapter 84G of the 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, either for his own use or for the use of any other
27 person, shall be punished by a civil penalty of not more than \$300 and whoever knowingly
28 makes a false statement as to the age of a person who is under the age of 21 years of age in order
29 to procure a sale or delivery of marijuana, marijuana products or marijuana accessories to such
30 person under 21 years of age, either for the use of the person under 21 years of age or for the use
31 of some other person, and whoever induces a person under 21 years of age to make a false
32 statement as to his age in order to procure a sale or delivery of such marijuana, marijuana
33 products or marijuana accessories to such person under 21 years of age, shall be punished by a
34 fine of \$300. A conviction of a violation of this section shall be reported forthwith to the registrar

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

37 A person under the age of 18, except a qualifying patient holding a valid registration card
38 for the medical use of marijuana, who purchases or attempts to purchase marijuana, marijuana
39 products or marijuana accessories, or makes arrangements with any person to purchase or in any
40 way procure marijuana, marijuana products or marijuana accessories, or who willfully
41 misrepresents such person's age, or in any way alters, defaces or otherwise falsifies identification
42 offered as proof of age, with the intent of purchasing marijuana, marijuana products or marijuana
43 accessories, may be compelled to complete the substance abuse awareness program in section
44 32M of chapter 94C of the General Laws. A law enforcement officer shall provide notice of a
45 violation, by telephone or by first-class mail, to a parent or guardian of a person 17 years of age
46 or under who violates this section within a reasonable time period after the violation occurs if the
47 contact information of a parent or guardian is reasonably ascertainable by the officer. No record
48 of such notification shall be logged in any report or file or kept in a person's record by a law
49 enforcement officer and no violation under this section shall be used in the furtherance of an
50 ongoing or future criminal investigation.

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

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

57 SECTION 3. Chapter 138 of the General Laws is hereby amended by striking out section
58 34A and inserting in place thereof the following section:-

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

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

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

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

89

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

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

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

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

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

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