

HOUSE No. 3589

The Commonwealth of Massachusetts

PRESENTED BY:

Nicholas A. Boldyga

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 concerning the legalization of certain natural plants and fungi.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>	<i>1/19/2023</i>

HOUSE No. 3589

By Representative Boldyga of Southwick, a petition (accompanied by bill, House, No. 3589) of Nicholas A. Boldyga relative to the legalization of certain natural plants and fungi. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act concerning the legalization of certain natural plants and fungi.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 94C of the General Laws is hereby amended by inserting after section 32L the
2 following section:-

3 Section 32L½. (a) Notwithstanding any general or special law to the contrary, possession,
4 use, ingestion, cultivation, transportation or transferring without financial gain of not more than 2
5 grams of a controlled substance defined in clauses (6), (8), (9), (13) or (14) of paragraph (e) of
6 Class C of section 31 by a person who is 21 years of age or older shall not be subject to any form
7 of criminal or civil punishment or disqualification. The weight of the controlled substance
8 subject to the provisions of this section shall exclude the weight of water and plant or fungi
9 materials that are part of the controlled substance.

10 (b) Neither the commonwealth nor any of its political subdivisions or their respective
11 agencies, authorities or instrumentalities may impose any form of penalty, sanction or
12 disqualification on a person 21 years of age or older for the possession, use, ingestion,

13 cultivation, transportation or transferring without financial gain of not more than 2 grams of a
14 controlled substance defined in clauses (6), (8), (9), (13) or (14) of paragraph (e) of Class C of
15 section 31. Such penalty, sanction or disqualification shall include, but not be limited to, the
16 denial of professional licenses, mental and behavioral health services, student financial aid,
17 public housing or any form of public financial assistance including unemployment benefits, the
18 right to operate a motor vehicle or disqualification from serving as a foster parent or adoptive
19 parent. The possession, use, ingestion, cultivation, transportation or transferring without financial
20 gain of not more than 2 grams of a controlled substance defined in clauses (6), (8), (9), (13) or
21 (14) of paragraph (e) of Class C of section 31 by a person 21 years of age or older shall not serve
22 as the sole basis for a child welfare investigation.

23 (c) Information concerning the possession, use, ingestion, cultivation, transportation or
24 transferring without financial gain of not more than 2 grams of a controlled substance defined in
25 clauses (6), (8), (9), (13) or (14) of paragraph (e) of Class C of section 31 shall not be deemed
26 "criminal offender record information," "evaluative information," or "intelligence information" as
27 those terms are defined in section 167 of chapter 6 and shall not be recorded in the criminal
28 offender record information system.

29 (d) A political subdivision of the commonwealth shall not enact ordinances or bylaws
30 regulating or prohibiting conduct contrary to the provisions of this section.