

HOUSE No. 00477

The Commonwealth of Massachusetts

PRESENTED BY:

William "Smitty" Pignatelli

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 passage of the accompanying bill:

An act providing for drug and alcohol free school zones.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>William "Smitty" Pignatelli</i>	<i>4th Berkshire</i>
<i>George Ross</i>	<i>2nd Bristol</i>
<i>Gailanne Cariddi</i>	<i>1st Berkshire</i>

HOUSE No. 00477

By Mr. William "Smitty" Pignatelli of Lenox, petition (accompanied by bill, House, No. 00477) of Gailanne Cariddi and others providing for drug and alcohol free school zones and penalties. Joint Committee on the Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An act providing for drug and alcohol free school zones.

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 40A of Chapter 272 of the General Laws as appearing in the 2008 Official Edition is
- 2 hereby amended by striking out Section 40A, and inserting in its place the following section:-
- 3 Section 40A. (a.) Whoever gives, sells, delivers or has in their possession any alcoholic
- 4 beverage, except for medicinal purposes, in any premises comprising an accredited public,
- 5 private, or parochial school, youth center, or community center, or on any premises used for
- 6 public school purposes and under the charge of a school committee or other public board or
- 7 officer, shall be punished by imprisonment for not more than 30 days in a house of correction or
- 8 by a fine of not more than \$100, or both; provided, however, that a school committee of a city,
- 9 town or district may authorize a public or nonprofit organization using a public school building
- 10 with its permission during non school hours to possess and sell alcoholic beverages therein

11 provided such nonprofit organization is properly licensed under the provisions of section 14 of
12 chapter 138.

13 (b.)Notwithstanding section 32L of chapter 94C, Whoever has in their possession a class D
14 substance while in or on any premises comprising an accredited public, private, or parochial
15 school, youth center, or community center, or on any premises used for public school purposes
16 and under the charge of a school committee or other public board or officer, unless such
17 substance was obtained directly or pursuant to a valid prescription or order from a practitioner
18 while acting in the course of their professional practice, shall be punished by imprisonment for
19 not more than 30 days in a house of correction or a fine of not more than \$100, or both.