

Consequences of Marijuana Use in Massachusetts on Campus

Don't believe the hype. Legalization and medical marijuana are not invitations for youth use or adult misconduct on campus. The penalties are severe for activities involving this drug. Know the facts . . .

Behavior	Law	Potential Penalty
Sell, or intend to sell, any amount of marijuana anywhere [Only a business in possession of a state issued license may sell.]	94C, § 32C	Immediate <u>arrest</u> & up to 2 years in jail, and/or fine up to \$5,000. ¹
Sell, or intend to sell, paraphernalia to youth under 21 [This includes pipes, bongos, grow lamps or other devices.]	94C, § 32I	Immediate <u>arrest</u> & up to 2 years in jail, and/or fine up to \$5,000. [Actual sale to minor under 18 is a felony of up to 5 years in prison.]
Give marijuana to anyone under 21 at any location, in any amount, for any reason [94G, § 2(b) prohibits “knowing transfer”; applies to adults & minors; covers “sharing” at parties.]	94C, § 32C	Immediate <u>arrest</u> & up to 2 years in jail, and/or fine up to \$5,000.
Operate under the influence of marijuana (OUI) [Medical marijuana and/or legal possession are no defense; no driver may be “high” if it diminishes the ability to operate safely.]	90, § 24	Immediate <u>arrest</u> & 2 years probation + education program + license suspension of <i>at least</i> 90 days and probably 1 year + fines and fees of <i>at least</i> \$500.
Open container of marijuana in vehicle	94G, § 13(d)	<u>\$500 civil ticket</u> may be issued to the driver and/or passengers of any age.
Homemade marijuana concentrate [No one may process marijuana with a flammable liquid or gas to create “dabs” or any other concentrate; prohibited 94G, § 2(c).]	94C, § 32C	Immediate <u>arrest</u> & up to 2 years in jail, and/or fine up to \$5,000. [Note: High strength concentrate may be charged as a 5 year prison felony. See 94C, §§ 1, 31 and 32B.]
Cultivation or growing marijuana in any amount anywhere by youth under 21 [1 plant is a crime; <i>only</i> adults 21 and over may grow limited amounts at their <i>home off-campus</i> . 94G, § 7. No cultivation on campus or in campus housing. 94G, § 2(d)]	94C, § 32C	Immediate <u>arrest</u> & up to 2 years in jail, and/or fine up to \$5,000.
Possession of 1 ounce or less in private or public by youth under 21² [Physical <i>and</i> internal possession are covered – i.e., “being high” is enough.]	94C, § 32L	If 18, 19 or 20: <u>\$100 civil ticket</u> . If under 18: <u>\$100 civil ticket + 4 hour drug class + 10 hours of community service</u> . <i>If fail to complete</i> , then fine increases to \$1,000 and is assessed against parents too, plus case may be filed in juvenile court. See 94C, § 32N.
Possession of over 1 ounce in private or public by under 21	94C, § 34	Immediate <u>arrest</u> & up to 6 months in jail, and/or \$500 fine. [Note: Even adults may be arrested for possession of over 2 ounces in public.]
Possession, display or consumption by anyone of any age affiliated with the university/college [Includes students, staff, faculty, vendors, contractors, and affiliates.]	94G, § 2(d) & Federal Law ³	<u>Suspension and/or other disciplinary action</u> . This may be in addition to any other civil or criminal penalty allowed by law. [Note: Anyone who continues to violate this rule may be arrested for trespassing under 266, § 120.]

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¹ For any potential jail sentence, if the youth is under 18, the sentence is served at a Department of Youth Services (DYS) facility, alternative placement, or through some probation arrangement. Minors under 18 are not sentenced to adult jails. Those individuals 18 and over are considered adults and may be incarcerated.

² The possession of a medical marijuana card should typically be pursued only as a disciplinary violation. See Chapter 369 of the Acts of 2012 and 105 CMR 725.000 et. seq.

³ Drug-Free Schools and Campuses Act (DFSCA) requires colleges/universities to prohibit marijuana possession, use, or distribution (including medical). Even in states that have legalized marijuana, noncompliance results in an institution losing federal funding for programs and students. Title 34 CFR Subtitle A, Part 86, §§ 86.1-86.7, and 86.300-86.304.