

Consequences of Marijuana Use in Massachusetts

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

| Behavior | Law | Potential Penalty |
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| 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, any marijuana within 300' of a school or within 100' of a public park | 94C, § 32J | Immediate <u>arrest</u> & <i>mandatory minimum</i> 2 years in jail, and possible fine up to \$10,000. |
| Sell, or intend to sell, paraphernalia to youth under 21 [This includes pipes, bongs, 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 house 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 [Medical marijuana and/or legal possession are no defense; no driver may be “high” to any degree that might diminish their 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. [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>primary residence</i> . 94G, § 7.] | 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> . ³ <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 of any amount on school property or at a school-related event | 71, § 37H | <u>Suspension from school</u> and other conditions imposed by administration. This may be in addition to any other civil or criminal penalty allowed by law. |

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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 valid medical marijuana card changes the rules related to possession significantly. See Chapter 369 of the Acts of 2012 and 105 CMR 725.000 et. seq.

³ We strongly suggest that communities offer the class and monitor the service requirement through their local diversion program or another drug prevention organization.