



Question 4: Legalization, Regulation and Taxation of Marijuana

Legal Possession/Use of Marijuana by Persons Over 21:

- Possession of up to 1oz. of marijuana outside their residence (maximum 5 grams concentrated)
 - Civil fine of \$100 and forfeiture if greater than 1 oz. but less than 2 oz.
 - Criminal penalty if greater than 2 oz.
- Gifting up to 1 oz. of marijuana (criminal penalties if >1 oz.)
- Cultivation of up to 6 plants per individual at primary residence
 - Up to 12 plants per household
 - Civil forfeiture and penalty if > 6 plants < 12 plants
 - Criminal penalty if more than 12 plants
- Possession of up to 10 oz. marijuana in their residence
 - Amount > 1 oz. must be kept under lock and key or is subject to civil penalty and forfeiture
- IT REMAINS A CRIMINAL VIOLATION TO SELL MARIJUANA WITHOUT A LICENSE

Underage Possession/Use of Marijuana:

- Possession of under 1 oz. is subject to civil penalties and a mandatory drug education program for those under 18 years
 - May increase to \$1000 penalty for failure to complete program, with parental responsibility
- Possession > 1 oz. is subject to criminal penalties/delinquency proceedings
- Attempts to purchase marijuana or products/accessories subject to civil penalty and mandatory drug education
- Any gifting/selling/cultivation of any amount of marijuana is subject to criminal penalty/delinquency proceedings
- IT REMAINS A CRIMINAL VIOLATION TO GIFT/SELL/DISTRIBUTE MARIJUANA TO PERSONS UNDER THE AGE OF 21
- It is a criminal violation for any party to induce or abet a person under 18 to distribute or possess with intent to distribute marijuana (using minors to facilitate or supply sales)

Public Use/Cultivation/Storage of Marijuana:

- Public consumption of marijuana prohibited (including any place where smoking is prohibited)
- Any cultivation must be done outside of public view
- No "open containers" of marijuana permitted in vehicles on public ways or where public has a license (e.g., store fronts and parking lots)
 - Must be kept in locked glove compartment or trunk
 - Subject to \$500 civil penalty
- No possession on any school (K-12, public or private) or correctional facility

- Employers, government buildings may further limit/regulate marijuana
- No effect on OUI, protective custody, or negligence based on marijuana consumption
- **MARIJUANA USE BY PARENTS:** No effect on mandatory reporting, HOWEVER, there must exist “clear, convincing, and articulable evidence” that marijuana activities have created an “unreasonable danger to the safety of a minor child” before such activities may form the “sole or primary basis for substantiation, service plans, removal, or termination or for denial of custody, visitation, or any other parental right or responsibility.”

POSSESSION OF MARIJUANA OUTSIDE PRIMARY RESIDENCE

	Under 1 Oz.	1-2 Oz.	Over 2 Oz.
21+ with proper License	Legalized.	Legalized.	Legalized.
21 + w/o License	Legalized.	Civil fine of \$100.	Criminal penalties available. G.L. c. 94C, § 34.
18-21	Civil fine of \$100.	Criminal penalties available. G.L. c. 94C, § 34.	Criminal penalties available. G.L. c. 94C, § 34.
Juvenile (under 18)	Civil fine of \$100, and mandatory drug education program.	Delinquency proceedings available. G.L. c. 94C, § 34.	Delinquency proceedings available. G.L. c. 94C, § 34.

CULTIVATION AND DISTRIBUTION OF MARIJUANA

	Gifting or Possession with Intent to Gift, Under 1 Oz.	Gifting or Possession with Intent to Gift, 1 Oz. or more	Sale or Possession with Intent to Sell, any quantity	Cultivation of 6 or fewer plants, at primary residence	Cultivation at location other than primary residence
21 + w/o License	Legalized.	Criminal penalties available. G.L. c. 94C, § 32C.	Criminal penalties available. G.L. c. 94C, § 32C.	Legalized.	Criminal penalties available. G.L. c. 94C, § 32C.
18-21	Civil fine of \$100.	Criminal penalties available. G.L. c. 94C, § 32C.	Criminal penalties available. G.L. c. 94C, § 32C.	Criminal penalties available. G.L. c. 94C, § 32C.	Criminal penalties available. G.L. c. 94C, § 32C.
Juvenile (under 18)	Civil fine of \$100, and mandatory drug education program.	Delinquency proceedings available. G.L. c. 94C, § 32C.	Delinquency proceedings available. G.L. c. 94C, § 32C.	Delinquency proceedings available. G.L. c. 94C, § 32C.	Delinquency proceedings available. G.L. c. 94C, § 32C.