

**Enforcement of Marijuana Laws in Massachusetts  
for Maximum Public Health & Safety**

Behavior	Age	Street & Community Consequences	Court Consequences
<b>Marijuana Possession</b>  <i>G.L. c. 94C, § 32L applies anywhere in the Commonwealth</i>	<b>18 and over</b>	Issue \$100 ordinance or bylaw ticket for violation of G.L. c. 94C, § 32L & confiscate marijuana.	No other sanction under existing law. [Note: Some towns have successfully collected payment by sending a letter threatening a small claims action in the district court!]
	<b>17</b>	Issue \$100 ordinance or bylaw ticket for violation of G.L. c. 94C, § 32L & confiscate marijuana.  Other § 32L requirements: <ul style="list-style-type: none"> <li>• Attend 4 hour class sponsored by Institute for Health &amp; Recovery (IHR).</li> <li>• Perform 10 hours of community service.</li> <li>• Receive certificate of completion.</li> </ul> School suspension or expulsion possible if behavior on school grounds or at school sponsored event.	If fail to comply, court clerk holds hearing with family and offender. May raise fine to \$1,000. Both youth and parents responsible for payment.
	<b>16 and under</b>	Issue \$100 ordinance or bylaw ticket for violation of G.L. c. 94C, § 32L & confiscate marijuana.  Other § 32L requirements: <ul style="list-style-type: none"> <li>• Attend 4 hour class sponsored by Institute for Health &amp; Recover (IHR).</li> <li>• Perform 10 hours of community service.</li> <li>• Receive certificate of completion.</li> </ul> School suspension or expulsion possible.	If fail to comply, police apply for delinquency complaint. Upon a finding of delinquency, drug awareness program, community service and \$1,000 fine are conditions of probation. Failure to perform may result in probation surrender and commitment to DYS.

<b>Public Marijuana Consumption</b>  <i>Requires a local ordinance or bylaw</i>	<b>17 and over</b>	Issue \$300 ticket for violation local ordinance or bylaw.	Failure to pay results in criminal complaint in the district court.
	<b>Under 17</b>	Issue \$300 ticket for violation of local ordinance or bylaw.	Failure to pay results in delinquency complaint in the juvenile court.

### Marijuana Enforcement Notes

- **Internal possession** is covered under the state law. G.L. c. 94C, § 32L.
- **Proof of marijuana.** *Comm. v. MacDonald*, 459 Mass. 148 (2011) (a trained police officer’s opinion that a substance is marijuana may be sufficient, by itself, to prove the identity of the drug).
- **Behavior that is currently outside the coverage of the civil law and, therefore, criminal:**
  - Except for simultaneous *and* joint acquisition, any exchange of marijuana is distribution by the person who got the drug and shared it with another -- even if no money is involved. *Comm. v. Lawrence*, 69 Mass. App. Ct. 596 (2007).
  - Any “cultivation” (e.g., growing marijuana plant).
  - Any driving while under the influence of marijuana (OUI). *Comm. v. Cruz*, 459 Mass. 459 (2011).

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