

The Law - Governing Adult Use Marijuana

1. What law(s) govern the adult use of marijuana?

The 2016 ballot petition known as “Question 4” became Chapter 334 of the Acts of 2016. It created General Laws Chapter 94G which governs the adult use of marijuana and creates the Cannabis Control Commission (“Commission”). Chapter 334 and G.L. c.94G was amended by Chapter 55 of the Acts of 2017.

2. Who will be establishing the regulations for adult use marijuana in Massachusetts?

The Commission will establish regulations with input from the Cannabis Advisory Board, stakeholders and the public.

3. How much marijuana can someone have?

If over the age of 21, the legal possession limit is one ounce, however more than five grams of marijuana may be in the form of marijuana concentrate (product to consume). In a private residency, up to 10 ounces of marijuana and any marijuana produced by plants cultivated on the premises may be in possession. Any amount of marijuana or marijuana products over one ounce kept within your place of residence must be secured by a lock. Failure to keep marijuana and marijuana products in excess of one ounce locked up within the home may be punished by a civil penalty of up to \$100 and forfeiture of the marijuana.



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4. Can adult use marijuana products be smoked or consumed in public?

No, adult use marijuana cannot be smoked in a place where smoking tobacco is prohibited nor can it be consumed in a public place. In Somerville, smoking or consuming marijuana in public and/or a business results in a \$300 fine.

5. Can marijuana be grown in a home?

Yes, the law allows an individual over 21 years of age to grow up to six plants in their home. If there are other individuals over 21 years of age living in the residence who wish to grow, the maximum number of plants that may be grown in a residence is 12 plants. The plants must be grown in an area that is equipped with a lock or security device. The plants cannot be visible from a public place without the use of binoculars, aircraft or other optical aids. An individual cannot produce cannabis-based extracts or concentrates at home by means of any liquid or gas, other than alcohol, that has a flashpoint below 100 degrees Fahrenheit.

6. Is it legal to drive with marijuana in my car?

Like alcohol, it is illegal to have an open container of adult-use marijuana/marijuana products in the passenger area of a car while on the road or at a place where the public has access. An “open container” includes a package with its seal broken or a package from which the contents have been partially removed. The “passenger area” does not include a trunk or a locked glove compartment. The 2017 Act does not change the existing penalties for operating a car if you are impaired by the use of marijuana or marijuana products. Persons are strictly prohibited from consuming marijuana while operating a car.

7. Can marijuana/marijuana edibles be smoked or consumed at work?

An employer may restrict the consumption of marijuana in the workplace.

*Questions and answers are sourced from the Cannabis Control Commission -- www.mass-cannabis-control.com

