



Dennis-Yarmouth Regional High School Police Services Unit

A Joint Unit of the Yarmouth Police & Dennis Police Departments



www.DYPD.us

NOTICE: This is an archived item from the Dennis-Yarmouth Regional High School Police Services Unit website. Keep in mind that the law changes frequently with each legislative change and new court decisions handed down at both the state and federal level. Police procedures are modified to satisfy those changes. This article may be out of date with current practices.

Changes in the Law Regarding Marijuana *Massachusetts General Laws Chapter 94C §32L*

There has been a lot of understandable confusion regarding changes in the law about marijuana. There always is whenever the law is changed in such a major way by the legislature or courts or in this case by citizen petition referendum. As a result we have taken note of an increase in marijuana related offense as young people have fallen under the misconception that marijuana is legal now. The consequences for marijuana possession at school are still severe and the D-Y Police Service Unit typically exercises the strictest enforcement measure available in all drug related incidents. Here is what you need to know about the new law:

- ☑ Marijuana is still illegal.
 - Possession of one ounce or less is no longer *criminal*.
 - Possession of one ounce or less is a civil infraction carrying a \$100 fine.
 - The marijuana will be confiscated and eventually destroyed at the conclusion of official proceedings.
 - The definition of possession now includes internal consumption.
 - Police officers will be justified in detaining and citing individuals who exhibit signs of marijuana consumption, even in the absence of any seizure of drugs.
 - Offenders under age eighteen must attend a drug awareness program and perform 10 hours of community service in addition to the \$100 fine.
 - Offenders under the age of seventeen who fail to complete the drug awareness program within one year of the violation are subject to delinquency proceedings.
 - Offenders under the age of eighteen who fail within one year of the offense to complete both the drug awareness program and the required community service may be subject to an increase in the civil penalty to \$1,000 and the offender and his or her parents shall be jointly and severally liable to pay that amount.

There have been *no changes* to other important aspects of the law pertaining to marijuana.

- ☑ Possession of marijuana with intent to distribute is still a criminal offense regardless of the amount.
 - Offenders are subject to arrest and criminal prosecution.
 - The D-Y Police Service Unit typically exercises the strictest enforcement measure available in these cases.
- ☑ Those caught with drugs, including any amount of marijuana, on school grounds or at school events are subject to *expulsion* under the provisions of Massachusetts General Laws Chapter 71 §37H.

In addition to the changes in state statute many municipalities have passed local ordinances in reference to marijuana. Both the towns of Dennis and Yarmouth have passed by-laws prohibiting the public consumption of marijuana.

Code of the Town of Yarmouth Massachusetts, Chapter 113

113-1 - Use of Marijuana in Public

No person shall smoke ingest or otherwise consume marijuana in any area owned or under the control of the Town of Yarmouth or the Dennis Yarmouth Regional School District or in or upon any bus or other passenger conveyance operated by a common carrier or in anyplace accessible to the public.

113-2 Providing Name Address and Date of Birth

Upon request by any duly sworn Police officer, any person charged with violating this Chapter shall provide their true name, address and date of birth.

113-3 Penalty

Any person violating this chapter shall be punished by a fine not to exceed three hundred (\$300) Dollars.

Any marijuana found by a law enforcement officer in the enforcement of this chapter shall be seized and disposed of in accordance with law. Any penalty imposed under this Chapter shall be in addition to any civil penalty imposed under MGL Chapter 94C 32L.

The Town of Dennis has passed a similar by-law.

Read the raw language of the referenced laws by clicking on the links below.

MGL Chapter 94C §32L ~ Possession of one ounce or less of marijuana

MGL Chapter 94C §32M ~ Possession of one ounce or less of marijuana; drug awareness program

MGL Chapter 94C §32C ~ Class D controlled substances; unlawful manufacture, distribution, dispensing, cultivation or possession with intent to manufacture, etc.

MGL Chapter 71 §37H ~ Expulsion

Code of the Town of Yarmouth Chapter 113 ~ Restricting the public use of marijuana.

Available from our **Classroom Handouts** section

D-Y P.D. *Education Reform Act of 1993* Handout

Available from our **Archive** section

Expulsion. MGL Chapter 71 §37H & §37H½

If you have any questions please feel free to **contact** us.