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county of Suffolk, in the commonwealth of Massachusetts; and said conveyance to occur after the declaration that said property is surplus property in accordance with the applicable procedures of the division of capital planning and operations and the armory commission. The deed conveying said property to Boston University shall contain the following conditions and restrictions, which if not complied with by said University or its successors shall cause the title to said property to revert to the commonwealth:

(1) that ownership and control of said property shall remain with Boston University so long as it continues to do business in the commonwealth;

(2) that use of said property shall be restricted to educational and athletic activities of students of Boston University and the administration of or the conduct of research by the University, and that no facilities for independent commercial activity or housing shall be constructed or operated on the premises; and

(3) that Boston University shall permit the unrestricted use of the property by the national guard of the commonwealth, at no cost to the commonwealth, until such time as the national guard effectuates the transfer of activities presently conducted on the property to other suitable premises.

Approved January 5, 1983.

Chap. 650. AN ACT FURTHER REGULATING THE DISTRIBUTION OF CONTROLLED SUBSTANCES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate the distribution of controlled substances in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. _____

Be it enacted, etc., as follows:

SECTION 1. Paragraph (a) of section 19 of chapter 94C of the General Laws, as appearing in section 1 of chapter 1071 of the acts of 1971, is hereby amended by striking out, in line 12, the words "section thirty-two" and inserting in place thereof the words:- sections thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F, thirty-two G, and thirty-two H, as applicable.

SECTION 2. Class A of section 31 of said chapter 94C is hereby amended by striking out paragraph (c), added by chapter

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436 of the acts of 1980.

SECTION 3. Paragraph (b) of Class B of said section 31 of said chapter 94C is hereby amended by striking out clause (22), added by section 1 of chapter 241 of the acts of 1980.

SECTION 3A. Said Class B of said section 31 of said chapter 94C, as amended by said section 1 of said chapter 241, is hereby further amended by adding the following paragraph:-

(e) Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances or which contains any of their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Lysergic acid
- (2) Lysergic acid amide
- (3) Lysergic acid diethylamide
- (4) Phencyclidine.

SECTION 4. Paragraph (a) of Class C of said section 31 of said chapter 94C is hereby amended by striking out clauses (1) to (7), inclusive, as amended by section 2 of chapter 436 of the acts of 1980, and inserting in place thereof the following fifteen clauses:-

- (1) Chlordiazepoxide
- (2) Chlorhexadol
- (3) Clonazepam
- (4) Clorazepate
- (5) Diazepam
- (6) Flurazepam
- (7) Glutethimide
- (8) Lorazepam
- (9) Methyprylon
- (10) Oxazepam
- (11) Prazepam
- (12) Sulfondiethylmethane
- (13) Sulfonethylmethane
- (14) Sulfonmethane
- (15) Temazepam.

SECTION 5. Paragraph (e) of Class C of said section 31 of said chapter 94C, as most recently amended by section 3 of chapter 436 of the acts of 1980, is hereby further amended by

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striking out clauses (1) to (19), inclusive, and inserting in place thereof the following sixteen clauses:-

- (1) 3, 4-methylenedioxy amphetamine
- (2) 5-methoxy-3, 4-methylenedioxy amphetamine
- (3) 3,4,5-trimethoxy amphetamine
- (4) Bufotenine
- (5) Diethyltryptamine
- (6) Dimethyltryptamine
- (7) 4-methyl-2, 5-dimethoxyamphetamine
- (8) Ibogaine
- (9) Mescaline
- (10) Peyote
- (11) N-ethyl-3-piperidyl benzilate
- (12) N-methyl-3-piperidyl benzilate
- (13) Psilocybin
- (14) Psilocyn
- (15) Tetrahydrocannabinols
- (16) 4-Bromo-2, 5-Dimethoxy-amphetamine.

SECTION 6. Section 32 of said chapter 94C, as amended by section 4 of said chapter 436, is hereby further amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) Any person convicted of violating this section after one or more prior convictions of manufacturing, distributing, dispensing or possessing with the intent to manufacture, distribute, or dispense a controlled substance as defined by section thirty-one of this chapter under this or any prior law of this jurisdiction or of any offense of any other jurisdiction, federal, state, or territorial, which is the same as or necessarily includes the elements of said offense shall be punished by term of imprisonment in the state prison for not less than five nor more than fifteen years and a fine of not less than two thousand and five hundred nor more than twenty-five thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

SECTION 7. Said chapter 94C is hereby further amended by striking out section 32A, as amended by chapter 522 of the acts of 1981, and inserting in place thereof the following section:-

Section 32A. (a) Any person who knowingly or intentionally manufactures, distributes, dispenses, or possesses with intent to manufacture, distribute or dispense a controlled substance in Class B of section thirty-one shall be punished by imprisonment in the state prison for not more than ten years, or in a jail or

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house of correction for not more than two and one-half years, or by a fine of not less than one thousand nor more than ten thousand dollars, or both such fine and imprisonment.

(b) Any person convicted of violating this section after one or more prior convictions of manufacturing, distributing, dispensing or possessing with the intent to manufacture, distribute, or dispense a controlled substance as defined by section thirty-one of this chapter under this or any prior law of this jurisdiction or of any offense of any other jurisdiction, federal, state, or territorial, which is the same as or necessarily includes the elements of said offense shall be punished by a term of imprisonment in the state prison for not less than three nor more than ten years and a fine of not less than two thousand and five hundred nor more than twenty-five thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(c) Any person who knowingly or intentionally manufactures, distributes, dispenses or possesses with intent to manufacture, distribute or dispense phencyclidine shall be punished by a term of imprisonment in the state prison for not less than two and one-half nor more than ten years or by imprisonment in a jail or house of correction for not less than one nor more than two and one-half years. No sentence imposed under the provisions of this section shall be for less than a mandatory minimum term of imprisonment of one year and a fine of not less than one thousand nor more than ten thousand dollars may be imposed but not in lieu of the mandatory minimum one year term of imprisonment, as established herein.

SECTION 8. Said chapter 94C is hereby further amended by striking out section 32B, as appearing in section 4 of chapter 436 of the acts of 1980, and inserting in place thereof the following section: -

Section 32B. (a) Any person who knowingly or intentionally manufactures, distributes, dispenses, or possesses with intent to manufacture, distribute, or dispense a controlled substance in Class C of section thirty-one shall be imprisoned in state prison for not more than five years or in a jail or house of correction for not more than two and one-half years, or by a fine of not less than five hundred nor more than five thousand dollars, or both such fine and imprisonment.

(b) Any person convicted of violating this section after one or more prior convictions of manufacturing, distributing, dispensing or possessing with the intent to manufacture, distribute or dispense a controlled substance as defined by section thirty-one under this or any prior law of this jurisdiction or of any offense

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of any other jurisdiction, federal, state, or territorial, which is the same as or necessarily includes the elements of said offense shall be punished by a term of imprisonment in the state prison for not less than two and one-half nor more than ten years, or by imprisonment in a jail or house of correction for not less than two nor more than two and one-half years. No sentence imposed under the provisions of this section shall be for less than a mandatory minimum term of imprisonment of two years and a fine of not less than one thousand nor more than ten thousand dollars may be imposed, but not in lieu of the mandatory minimum term of imprisonment, as established herein.

SECTION 9. Said chapter 94C is hereby further amended by striking out section 32C, as so appearing, and inserting in place thereof the following section: -

Section 32C. (a) Any person who knowingly or intentionally manufactures, distributes, dispenses or cultivates, or possesses with intent to manufacture, distribute, dispense or cultivate a controlled substance in Class D of section thirty-one shall be imprisoned in a jail or house of correction for not more than two years or by a fine of not less than five hundred nor more than five thousand dollars, or both such fine and imprisonment.

(b) Any person convicted of violating this section after one or more prior convictions of manufacturing, distributing, dispensing, cultivating or possessing with intent to manufacture, distribute, dispense or cultivate a controlled substance as defined by section thirty-one under this or any prior law of this jurisdiction or of any offense of any other jurisdiction, federal, state, or territorial, which is the same as or necessarily includes the elements of said offense shall be punished by a term of imprisonment in a jail or house of correction for not less than one nor more than two and one-half years, or by a fine of not less than one thousand nor more than ten thousand dollars, or both such fine and imprisonment.

SECTION 10. Said chapter 94C is hereby further amended by striking out section 32D, as so appearing, and inserting in place thereof the following section: -

Section 32D. (a) Any person who knowingly or intentionally manufactures, distributes, dispenses or possesses with intent to manufacture, distribute, or dispense a controlled substance in Class E of section thirty-one shall be imprisoned in a jail or house of correction for not more than nine months, or by a fine of not less than two hundred and fifty nor more than two thousand and five hundred dollars, or both such fine and imprisonment.

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(b) Any person convicted of violating this section after one or more prior convictions of manufacturing, distributing, dispensing or possessing with the intent to manufacture, distribute or dispense a controlled substance as defined by section thirty-one under this or any prior law of this jurisdiction or of any offense of any other jurisdiction, federal, state, or territorial which is the same as or necessarily includes the elements of said offense shall be punished by a term of imprisonment in a jail or house of correction for not more than one and one-half years, or by a fine of not less than five hundred nor more than five thousand dollars, or both such fine and imprisonment.

SECTION 11. Said chapter 94C is hereby further amended by striking out section 32E, as so appearing, and inserting in place thereof the following section:-

Section 32E. (a) Any person who trafficks in marihuana by knowingly or intentionally manufacturing, distributing, dispensing, or cultivating or possessing with intent to manufacture, distribute, dispense, or cultivate, or by bringing into the commonwealth a net weight of fifty pounds or more of marihuana or a net weight of fifty pounds or more of any mixture containing marihuana shall, if the net weight of marihuana or any mixture thereof is:-

(1) Fifty pounds or more, but less than one hundred pounds, be punished by a term of imprisonment in the state prison for not less than two and one-half nor more than fifteen years or by imprisonment in a jail or house of correction for not less than one nor more than two and one-half years. No sentence imposed under the provisions of this section shall be for less than a mandatory minimum term of imprisonment of one year and a fine of not less than five hundred nor more than ten thousand dollars may be imposed but not in lieu of the mandatory minimum one year term of imprisonment, as established herein.

(2) One hundred pounds or more, but less than two thousand pounds, be punished by a term of imprisonment in the state prison for not less than three nor more than fifteen years and a fine of not less than two thousand and five hundred nor more than twenty-five thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(3) Two thousand pounds or more, but less than ten thousand pounds, be punished by a term of imprisonment in the state prison for not less than five nor more than fifteen years and a fine of not less than five thousand nor more than fifty thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

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(4) Ten thousand pounds or more, be punished by a term of imprisonment in the state prison for not less than ten nor more than fifteen years and a fine of not less than twenty thousand nor more than two hundred thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(b) Any person who trafficks in cocaine or any salt thereof by knowingly or intentionally manufacturing, distributing, or dispensing or possessing with intent to manufacture, distribute, or dispense or by bringing into the commonwealth a net weight of twenty-eight grams or more of cocaine or any salt thereof or a net weight of twenty-eight grams or more of any mixture containing cocaine or any salt thereof shall, if the net weight of cocaine or any salt thereof or any mixture thereof is:-

(1) Twenty-eight grams or more, but less than one hundred grams, be punished by a term of imprisonment in the state prison for not less than three nor more than fifteen years and a fine of not less than two thousand and five hundred nor more than twenty-five thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(2) One hundred grams or more, but less than two hundred grams, be punished by a term of imprisonment in the state prison for not less than five nor more than fifteen years and a fine of not less than five thousand nor more than fifty thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(3) Two hundred grams or more, be punished by a term of imprisonment in the state prison for not less than ten nor more than fifteen years and a fine of not less than twenty thousand nor more than two hundred thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(c) Any person who trafficks in heroin or any salt thereof, morphine or any salt thereof, opium or any derivative thereof by knowingly or intentionally manufacturing, distributing, or dispensing or possessing with intent to manufacture, distribute, or dispense or by bringing into the commonwealth a net weight of twenty-eight grams or more of heroin or any salt thereof, morphine or any salt thereof, opium or any derivative thereof or a net weight of twenty-eight grams or more of any mixture containing heroin or any salt thereof, morphine or any salt thereof, opium or any derivative thereof shall, if the net weight of heroin or any salt thereof, morphine or any salt thereof, opium or any derivative thereof or any mixture thereof is:-

(1) Twenty-eight grams or more, but less than one hundred

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grams, be punished by a term of imprisonment in the state prison for not less than five nor more than twenty years and a fine of not less than five thousand nor more than fifty thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(2) One hundred grams or more, but less than two hundred grams, be punished by a term of imprisonment in the state prison for not less than ten nor more than twenty years and a fine of not less than ten thousand nor more than one hundred thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(3) Two hundred grams or more, be punished by a term of imprisonment in the state prison for not less than fifteen nor more than twenty years and a fine of not less than fifty thousand nor more than five hundred thousand may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

SECTION 12. Said chapter 94C is hereby further amended by striking out section 32F, as so appearing, and inserting in place thereof the following section:-

Section 32F. (a) Any person who knowingly or intentionally manufactures, distributes, dispenses, or possesses with intent to manufacture, distribute, or dispense a controlled substance in Class A of section thirty-one to a person under the age of eighteen years shall be punished by a term of imprisonment in the state prison for not less than five nor more than fifteen years and a fine of not less than one thousand nor more than twenty-five thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(b) Any person who knowingly or intentionally manufactures, distributes, dispenses, or possesses with intent to manufacture, distribute, or dispense a controlled substance in Class B of section thirty-one to a person under the age of eighteen years shall be punished by a term of imprisonment in the state prison for not less than three nor more than fifteen years and a fine of not less than one thousand nor more than twenty-five thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(c) Any person who knowingly or intentionally manufactures, distributes, dispenses, or possesses with intent to manufacture, distribute, or dispense a controlled substance in Class C of section thirty-one to a person under the age of eighteen years shall be punished by a term of imprisonment in the state prison for not less than two and one-half nor more than fifteen years

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or in a jail or house of correction for not less than two nor more than two and one-half years. No sentence imposed under the provisions of this section shall be for less than a minimum term of imprisonment of two years and a fine of not less than one thousand nor more than twenty-five thousand dollars may be imposed but not in lieu of the mandatory minimum two year term of imprisonment, as established herein.

SECTION 13. Said chapter 94C is hereby further amended by striking out section 32G, as so appearing, and inserting in place thereof the following section:-

Section 32G. Any person who knowingly or intentionally creates, distributes, dispenses or possesses with intent to distribute or dispense a counterfeit substance shall be punished by imprisonment in a jail or house of correction for not more than one year or by a fine of not less than two hundred and fifty nor more than two thousand and five hundred dollars, or both such fine and imprisonment.

SECTION 14. Said chapter 94C is hereby further amended by striking out section 32H, as so appearing, and inserting in place thereof the following section:-

Section 32H. A prosecution commenced under paragraph (b) of section thirty-two, paragraphs (b) and (c) of section thirty-two A; paragraph (b) of section thirty-two B, sections thirty-two E and thirty-two F shall not be placed on file or continued without a finding, and the sentence imposed upon a person convicted of violating any provision of said sections shall not be reduced to less than the mandatory minimum term of imprisonment as established in said section, nor shall any sentence of imprisonment imposed upon any person be suspended or reduced until such person shall have served said mandatory minimum term of imprisonment.

A person convicted of violating any provisions of said sections shall not, until he shall have served the mandatory minimum term of imprisonment established, in said sections, be eligible for probation, parole, furlough, or work release; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of the correctional institution, grant to said offender a temporary release in the custody of an officer of such institution for the following purposes: to attend the funeral of a relative, to visit a critically ill relative, or to obtain emergency medical or psychiatric services unavailable at said institution. The provisions of section thirty-one of chapter two hundred and seventy-nine shall not apply to any person convicted of violating any provisions of

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said sections. The provisions of section eighty-seven of chapter two hundred and seventy-six shall not apply to any person, seventeen years of age or over, charged with a violation of said sections, or to any child between age fourteen and seventeen, so charged, if the court is of the opinion that the interests of the public require that he shall be tried for such offense instead of being dealt with as a child.

SECTION 15. Section 41 of said chapter 94C is hereby amended by striking out clause (c), as amended by section 29 of chapter 806 of the acts of 1972, and inserting in place thereof the following clause:-

(c) any person who he has probable cause to believe has committed or is committing a violation of the provisions of sections twenty-seven, thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F, thirty-three, thirty-four, thirty-five, thirty-seven and forty.

SECTION 16. Subparagraph (3) of subsection (a) of section 47 of said chapter 94C, as appearing in section 1 of chapter 1071 of the acts of 1971, is hereby amended by striking out, in line 5, the words "section thirty-two" and inserting in place thereof the words:- sections thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F, thirty-two G or any part thereof.

SECTION 17. Subsection (b) of said section 47 of said chapter 94C is hereby amended by striking out the first sentence, as amended by section 2 of chapter 556 of the acts of 1977, and inserting in place thereof the following sentence:- Property subject to forfeiture under subparagraphs (1), (2), (4), (5) and (6) of subsection (a) shall be declared forfeit by any court having jurisdiction over said property or having final jurisdiction over any related criminal proceeding brought under any provision of this chapter.

SECTION 18. Section 13 of chapter 111 of the General Laws, as most recently amended by section 2 of chapter 700 of the acts of 1981, is hereby further amended by striking out the third and fourth sentences and inserting in place thereof the following two sentences:- When properly executed, it shall be prima facie evidence of the composition, quality, and when requested, the net weight of the narcotic or other drug, poison, medicine, or chemical analyzed or the net weight of any mixture containing the narcotic or other drug, poison, medicine, or chemical analyzed, and the court shall take judicial notice of the signature of

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the analyst or assistant analyst, and of the fact that he is such. A signed certificate of drug analysis furnished by an analyst, assistant analyst or other designated employee of the Drug Enforcement Administration of the United States Department of Justice, which conforms with the requirements of this section, shall be prima facie evidence of the composition, quality, and when appropriate, the net weight of the narcotic or other drug, poison, medication or chemical analyzed or the net weight of any mixture containing the narcotic or other drug, poison, medicine or chemical analyzed and the court shall take judicial notice of the signature of the analyst, assistant analyst or other designated employee and the fact that he is such.

SECTION 19. Section 4D of chapter 147 of the General Laws, inserted by section 1 of chapter 434 of the acts of 1969, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A certificate by a chemist of the department of the result of an analysis made by him of a drug furnished him by a police officer of the department, signed and sworn to by such chemist, shall be prima facie evidence of the composition, quality and when appropriate, the net weight of such drug, or net weight of any mixture containing such drug.

Approved January 5, 1983.

Chap. 651. AN ACT EXTENDING THE TIME DURING WHICH CITIES, TOWNS, AND REGIONAL SCHOOL DISTRICTS MAY BE REIMBURSED FOR THE REMOVAL, CONTAINMENT, OR ENCAPSULATION OF ASBESTOS IN PUBLIC SCHOOLS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to facilitate the remedy of problems which may arise from the use of asbestos in public school buildings, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Item 1102-9804 of section 2 of chapter 798 of the acts of 1979 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- For the reimbursement to cities, towns, and regional school districts for