

By Mr. Pitaro of Boston, petition of Mimie B. Pitaro for legislation to repeal the law relative to being present where marijuana is found and making possession of marijuana a misdemeanor. Social Welfare.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-One.

AN ACT REPEALING THE LAW AS TO BEING PRESENT WHERE MARIJUANA IS FOUND AND MAKING POSSESSION OF MARIJUANA A MISDEMEANOR.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 94 of the General Laws is hereby
2 amended by striking out section 213A, as most recently
3 amended by chapter 681 of the acts of 1970, and inserting in
4 place thereof the following section: —

5 *Section 213A.* Whoever is present at a place where he knows
6 a narcotic drug, other than cannabis, as defined in section one
7 hundred and ninety-seven, is illegally kept or deposited, or
8 whoever is in the company of a person, knowing that said
9 person is illegally in possession of a narcotic drug, other than
10 cannabis as defined in section one hundred and ninety-seven, or
11 whoever conspires with another person to violate the narcotic
12 drugs law, may be arrested without a warrant by an officer or
13 inspector whose duty it is to enforce the narcotic drugs law,
14 and may be punished by imprisonment in the state prison for
15 not more than five years, or by imprisonment in a jail or house
16 of correction for not more than two years or by a fine of not
17 less than five hundred dollars nor more than five thousand
18 dollars.

1 SECTION 2. Said chapter 94 is hereby further amended by
2 striking out section 205, as most recently amended by section

3 1 of chapter 95 of the acts of 1958, and inserting in place
4 thereof the following section: —

5 *Section 205.* Whoever, not being a licensee under section
6 one hundred and ninety-eight B, a pharmacist, a physician, a
7 veterinarian, a dentist, a nurse acting under the direction of a
8 physician, an employee of an incorporated hospital acting
9 under the direction of its superintendent or official in im-
10 mediate charge, or a common carrier or messenger when trans-
11 porting any narcotic drug between persons mentioned in this
12 section in the same package in which the drug was delivered to
13 him for transportation, is in possession of any narcotic drug,
14 other than heroin or cannabis, as defined in section one hun-
15 dred and ninety-seven, except by reason of a prescription
16 lawfully and properly issued, shall be punished by a fine of not
17 more than one thousand dollars or by imprisonment in the
18 state prison for not more than three and one-half years, or in a
19 jail or house of correction for not more than two and one-half
20 years.

21 Whoever, not being such an exempted person as set forth in
22 the preceding paragraph, is in possession of cannabis, as defined
23 in section one hundred and ninety-seven, except by reason of a
24 prescription lawfully and properly issued, shall be punished by
25 a fine of not more than one thousand dollars or by imprison-
26 ment in a jail or house of correction for not more than two
27 and one-half years.