

HOUSE No. 149

The Commonwealth of Massachusetts

PRESENTED BY:

Shawn Dooley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to create an open-container law for marijuana.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>1/25/2021</i>
<i>Alyson M. Sullivan</i>	<i>7th Plymouth</i>	<i>2/26/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/17/2021</i>

HOUSE No. 149

By Mr. Dooley of Norfolk, a petition (accompanied by bill, House, No. 149) of Shawn Dooley, Alyson M. Sullivan and Hannah Kane relative to the transportation of marijuana in motor vehicles. Cannabis Policy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3517 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to create an open-container law for marijuana.

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 90 of the General Laws is hereby amended after Section 24I by
2 inserting the following new section:-

3 “Section 24I½. (a) As used in this section, the following words shall have the following
4 meanings unless the context clearly requires otherwise:

5 “Marijuana”, the term “marijuana” or “marihuana” as defined in section 1 of chapter
6 94G.

7 “Edibles”, baked goods, candies, drinks, or other food items that contain marijuana, the
8 drug cannabis, THC, or THC oils.

9 “Opened container of marijuana” any marijuana or marijuana product, including but not
10 limited to edibles, in which the original packaging has been opened or the original seal broken
11 and/or any edible that has been obviously altered from its original state. Marijuana and marijuana
12 products, including but not limited to edibles, that are not manufactured by a licensed facility are
13 considered open regardless of packaging.

14 ”Passenger area”, the area designed to seat the driver and passengers while the motor
15 vehicle is in operation and any area that is readily accessible to the driver or a passenger while in
16 a seated position including, but not limited to, the glove compartment; provided, however, that
17 the passenger area shall not include a motor vehicle’s trunk or a locked glove compartment or, if
18 a motor vehicle is not equipped with a trunk, the area behind the last upright seat or an area not
19 normally occupied by the driver or passenger.

20 (b) No person shall, upon any way or in any place to which the public has a right of
21 access, or upon any way or in any place to which members of the public have access as invitees
22 or licensees, possess an open container of marijuana or marijuana products in the passenger area
23 of any motor vehicle. A person who violates this subsection shall be punished by a civil penalty
24 of not less than \$100 or more than \$500.

25 (c) This section shall not apply to: (1) the passengers of a motor vehicle designed,
26 maintained and used for the transportation of persons for compensation so long as the driver is
27 separated from the passengers in such a way that they will not be affected by any activities
28 involving prepared paraphernalia or opened edibles, and (2) the living quarters of a house coach
29 or house trailer.”

30 SECTION 2. Section 13 of Chapter 94G of the General Laws is hereby amended by
31 striking out subsection (d).