

Guidance on Consumption of Marijuana for Adult Use

The following guidance is not legal advice. If you have questions regarding the legal requirements applicable to the consumption of marijuana for adult use, you are encouraged to consult an attorney.

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Consuming in Public

Can I consume marijuana in public?

- No, consuming marijuana or marijuana products in a public place is prohibited. It is also prohibited to smoke marijuana in an area where smoking tobacco is prohibited.
- **Penalty for public consumption:**
 - The civil penalty is up to \$100 for consuming marijuana in public or smoking marijuana where smoking tobacco is prohibited.
- Any consumption of marijuana for adult use is limited to those who are 21 years of age or older.

Are there marijuana bars or cafes where I can consume marijuana?

- During its 2019 regulatory review, the Cannabis Control Commission (Commission) authorized a pilot program for a Social Consumption license. However, Social Consumption licenses under the pilot program may not be issued until the Legislature changes current state law to allow cities and towns to authorize Social Consumption in their communities. For more information on Social Consumption licenses, please review 935 CMR 500.000.

Consuming at Home

Can a landlord or building owner prohibit tenants from consuming or possessing marijuana on leased property?



- **Smoking:**
 - A landlord may, in a lease agreement, lawfully prohibit or otherwise regulate the consumption of marijuana by smoking and the display, production, processing, manufacturing, or sale of marijuana or marijuana accessories on or in property that the landlord owns.
- **Consuming by not smoking:**
 - A lease agreement may not prohibit a tenant from consuming marijuana by means other than smoking on or in property in which the tenant resides, unless failing to do so would cause the landlord to violate a federal law or regulation or if the property is owned by the Commonwealth, a subdivision of the Commonwealth (e.g. a county, city, or town), or a state or local government agency.
- **Government buildings:**
 - The Commonwealth, a subdivision of the Commonwealth (e.g., a county, city, or town), or a state or local government agency may prohibit or otherwise regulate the possession or consumption of marijuana or marijuana accessories within a building owned, leased, or occupied by it.
- **Protection for landlords:**
 - The 2017 Act prohibits a landlord from being punished under state law for allowing marijuana consumption or other marijuana-related activities conducted lawfully under the 2017 law and the Commission’s regulations on the landlord’s property.

Can I drive with marijuana in my car?

- **Operating while impaired:**
 - No, you are strictly prohibited from consuming marijuana while operating a car.
- **Penalties for impaired driving:**
 - The 2017 Act does not change the existing penalties for operating a car while impaired by the use of marijuana or marijuana products.
- **No open containers:**
 - Like alcohol, you cannot have an open container of adult-use marijuana or marijuana products in the passenger area of your 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.
- **Penalties for open container:**



- An individual may receive a civil penalty of up to \$500 for having an open container of marijuana in the passenger area of a vehicle while on the road or at a place where the public has access.
- A “passenger area” is defined as the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or passenger while in a seated position.
- A “passenger area” does not include:
 - a motor vehicle’s trunk, locked glove compartment, or the living quarters of a house coach or house trailer, or
 - if a motor vehicle is not equipped with a trunk, the area behind the last upright seat or an area not normally occupied by the driver or passenger.

Can I smoke or consume adult-use marijuana/marijuana edibles at work?

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

