

## Guidance on Distribution of Marijuana for Adult Use

This guidance is not legal advice. If you have additional questions regarding the legal requirements pertaining to distribution of adult-use marijuana, you are encouraged to consult an attorney.

### Can I give marijuana or marijuana products as a gift?

- **Yes, in certain circumstances.** M.G.L. c. 94G, § 7, prohibits punishment for giving away or otherwise transferring without payment or other compensation up to one ounce of marijuana to a person, 21 years of age or older, as long as the transfer is not advertised or promoted to the public. Additionally, the law allows for up to five grams of marijuana concentrate to be gifted to a person, 21 years of age or older.
- **It is, however, illegal to give a gift of marijuana in conjunction with the sale of another item to evade laws governing the sale of marijuana.**
  - Anyone offering a gift as part of a sale is subject to criminal prosecution.
- And it is illegal to gift or sell to anyone who is under 21 years old.
- If you are under 21 years old, it is also illegal to attempt to purchase marijuana.

### I am aware of a business that delivers marijuana. How do I know if it is a lawful business?

- Currently, only agents employed by a Registered Marijuana Dispensary (RMD) are authorized to deliver marijuana sold to a consumer.
- RMDs open for business are listed on DPH's Medical Use of Marijuana Program [website](#), and some offer statewide delivery services.
- RMD agents are required to carry DPH-issued registration cards when they are transporting marijuana. These registration card will identify that person as an RMD agent, not as a caregiver or patient. Caregivers and patients are not permitted to sell marijuana.

<i>Unauthorized Transfer of Marijuana, Marijuana Products, or Accessories to Persons Under 21 Years of Age</i>	
<b>Description of Violation</b>	<b>Penalty</b>
Knowingly and intentionally supplying, giving, or providing marijuana, marijuana products, or marijuana accessories to a person, under 21 years of age, either for the person's own use or for the use of the person's parent or another person.	Civil penalty of not more than \$2,000 or imprisonment for not more than one year or both the fine and imprisonment.
Knowingly and intentionally allowing a person under 21 years of age (except for the children and grandchildren of the person charged) to possess marijuana, marijuana products, or marijuana accessories on premises or property owned or controlled by the person charged.	Civil penalty of not more than \$2,000 or imprisonment for not more than one year or both the fine and imprisonment.

<i>Unauthorized Transfer of Marijuana, Marijuana Products, or Accessories to Persons Under 21 Years of Age</i>	
<b>Description of Violation</b>	<b>Penalty</b>
An individual under 18-20 years of age (unless a patient with a registration card for medical use of marijuana) purchases or tries to purchase marijuana, marijuana products, or marijuana accessories.	Civil penalty of not more than \$100 and completion of a drug awareness program.
An individual under 18 years old purchases or tries to purchase marijuana, marijuana products, or marijuana accessories.	Civil penalty of not more than \$100, completion of a drug awareness program, and notification of parent or legal guardian.
An individual under 17 years old purchases or tries to purchase marijuana, marijuana products, or marijuana accessories.	Civil penalty of not more than \$100, completion of a drug awareness program, and notification of parent or legal guardian. Failure to complete drug awareness program within one year of offense may be basis for delinquency proceedings.
An individual 18-20 years of age alters, defaces, or otherwise falsifies identification (ID) offered as proof of age with the intent of purchasing marijuana, marijuana products, or marijuana accessories.	Civil penalty of not more than \$100 and completion of a drug awareness program.
An individual under 18 years old alters, defaces, or otherwise falsifies ID offered as proof of age with the intent of purchasing marijuana, marijuana products, or marijuana accessories.	Civil penalty of not more than \$100, completion of a drug awareness program, and notification of parent or legal guardian.
An individual under 17 years old alters, defaces or otherwise falsifies ID offered as proof of age with the intent of purchasing marijuana, marijuana products, or marijuana accessories.	Civil penalty of not more than \$100, completion of a drug awareness program, and notification of parent or legal guardian. Failure to complete drug awareness program within one year of offense may be basis for delinquency proceedings.

**Questions?** If you have additional questions, please contact the Commission at (617) 701-8400 or [CannabisCommission@State.MA.US](mailto:CannabisCommission@State.MA.US).