

Guidance for Consumption of Marijuana for Adult Use

The following is not legal advice. Please consult an attorney if you have any questions regarding the law regarding marijuana for adult use.

Consuming in Public

Can I consume marijuana in public?

- No, consuming marijuana or marijuana products in a public place is prohibited. Smoking marijuana in an area where smoking tobacco is prohibited is also prohibited.
- The civil penalty for consuming marijuana in public or smoking marijuana where smoking tobacco is prohibited is up to \$100.
- Cities and towns may pass bylaws or ordinances authorizing social consumption in certain areas.
- Consumption of marijuana is limited to adults over 21, with limited, specific medical exceptions.

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

- A municipality must vote to allow on-premises consumption in an election process before on-premises consumption in that municipality may be licensed by the Cannabis Control Commission.
- The Cannabis Control Commission will revisit discussions on regulations regarding on-premises consumption by February, 2019.

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.

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

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