

Guidance on Distribution of Marijuana

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

Revised August 2021

Can I give marijuana or marijuana products as a gift?

- **Yes, in certain circumstances.** Under state law, M.G.L. c. 94G, § 7(a)(4), you can give away or otherwise transfer marijuana or marijuana product without receiving payment or other compensation up to one ounce of marijuana, or five grams of active tetrahydrocannabinol (THC) in marijuana concentrate, to a person 21 years of age or older, as long as the transfer is not advertised or promoted to the public.
- **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.**¹
 - Anyone offering a gift as part of a sale is subject to criminal prosecution.

Does the law also apply to minors who purchase or attempt to purchase marijuana, marijuana products, or marijuana accessories?

- **Yes**, if you are under 21 years old, it is illegal for you to purchase or attempt to purchase marijuana, marijuana products, or marijuana accessories.
- It is illegal to gift or sell marijuana or marijuana products to anyone who is under 21 years old.

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

¹ See St. 2017, c. 55, § 52.



There are several types of licensees that can perform lawful deliveries of adult-use marijuana and marijuana products in Massachusetts:

- Medical Marijuana Treatment Centers (known as “MTCs”): These licensees can sell and deliver, after obtaining Commission approval, its marijuana and marijuana products to registered patients and caregivers;
- Marijuana Couriers: These licensees can deliver marijuana and marijuana products from MTCs to registered patients and caregivers; and from Marijuana Retailers to consumers ages 21 or older;
- Marijuana Delivery Operators: These licensees can sell and deliver wholesale marijuana and marijuana products to consumers ages 21 or older; or
- Microbusinesses with a Delivery Endorsement: These licensees can sell and deliver its own marijuana and marijuana products to consumers ages 21 or older.

All licensees that have received permission from the Cannabis Control Commission (Commission) to perform adult-use cannabis deliveries can be found on the Commission’s [Licensing Tracker](#) at MassCannabisControl.com. Cities and towns that currently permit adult-use cannabis deliveries are searchable using the Commission’s [Municipal Zoning Tracker](#) at MassCannabisControl.com.

Unauthorized Transfer of Marijuana, Marijuana Products, or Accessories to/by Persons Under 21 Years of Age	
Description of Violation	Penalty
Knowingly and intentionally supplying, giving, or providing marijuana, marijuana products, or marijuana accessories to, or allowing the possession by, 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. ²	Civil penalty of not more than \$2,000 or imprisonment for not more than one year or both the fine and imprisonment.
An individual under 21 years of age (unless a patient with a registration card for medical use of marijuana) who	Civil penalty of not more than \$100 and completion of a drug awareness program, and notification of parent or legal guardian if the individual is under 18 years of age.

² G.L. c. 94G, § 13(i).



Unauthorized Transfer of Marijuana, Marijuana Products, or Accessories to/by Persons Under 21 Years of Age

Description of Violation	Penalty
<ul style="list-style-type: none"> • purchases or tries to purchase marijuana, marijuana products, or marijuana accessories, or • makes arrangements with any person to purchase or in any way procure marijuana, marijuana products or marijuana accessories, or • willfully misrepresents such person's age, or in any way alters, defaces or otherwise falsifies identification offered as proof of age, with the intent of purchasing marijuana, marijuana products or marijuana accessories.³ 	<p>Failure within 1 year of the offense of such an offender to complete a drug awareness program may be a basis for delinquency proceedings for persons under the age of 17 at the time of the person's offense.</p>

Questions?

If you have additional questions, please contact the Commission at (774) 415-0200 or Commission@CCCMass.Com.

³ G.L. c. 94G, § 13(f).

