



LEGAL UPDATE

AN ACT MODERNIZING THE COMMONWEALTH CANNABIS LAWS

On April 19, 2026, the Governor signed An Act Modernizing the Commonwealth Cannabis Laws. The act made significant changes to the Cannabis Control Commission and increased the amounts individuals can possess for personal use outside the home. These changes went into effect on April 19, 2026.

Definitions

The Act made several changes to definitions. Most significant for law enforcement is the change to the definition of marijuana.

“Marijuana” or “marihuana” is now defined as: all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its resin including tetrahydrocannabinol; provided, however, that marijuana shall not include: (i) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from the seeds of the plant; (ii) the seeds of the plant; (iii) hemp; or (iv) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

Note that seeds are now excluded from the definition.

The act also replaced the term “medical marijuana treatment center” to “medical marijuana establishment” throughout our laws. A “medical marijuana establishment” is defined as: a fully

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integrated medical marijuana treatment center or any other type of licensed medical use of marijuana-related business.

Possession outside the home

The Act increased the amount of marijuana individuals can possess for personal use outside the home. While the limits with respect to marijuana in one's home have not changed, the amount of marijuana someone can possess in their home without it being secured by a lock has increased from one ounce to two ounces.¹ A violation remains a civil infraction.

Age	Amount	penalty
All Individuals	More than three ounces	First offense: no more than six months in the house of correction and/or \$500.
Adults 21+	More than two ounces but less than three ounces	Civil penalty of not more than \$100 and forfeiture
18 – 21 years old	Three ounces or less	Civil penalty of \$100 and forfeiture of marijuana
Under 18	Three ounces or less	Civil penalty of \$100, forfeiture of marijuana, and must participate in drug awareness program within one year

Possession and gifting by adults 21 years old and older

M.G.L. c. 94G, § 7 (a)(1) limits the amount of marijuana adults can legally possess outside the home.

M.G.L. c. 94G, § 7 (a)(4) limits how much marijuana adults (21+ years old) can gift to another person.

Both of these subsections have been amended to increase the amounts from one ounce to two ounces. Both sections also replaced language that limited the amount of the marijuana that could be in the form of marijuana concentrate.

The language of subsections (a)(1) and (4) is below. Language that has been removed from the statute is in parenthesis and struck through. New language is bolded.

(a) Notwithstanding any other general or special law to the contrary, except as otherwise provided in this chapter, a person 21 years of age or older shall not be arrested, prosecuted, penalized, sanctioned or disqualified under the laws of the commonwealth in any manner, or denied any right or privilege and shall not be subject to seizure or forfeiture of assets for:

- (1) possessing, using, purchasing, processing or manufacturing (~~1 ounce~~) **2 ounces** or less of marijuana, (~~except that not more than 5 grams of marijuana may be in the form of marijuana concentrate~~) **or the equivalent amount of marijuana products as determined by the commission.**

¹ M.G.L. c. 94G, § 13(b).

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(4) giving away or otherwise transferring without remuneration up to (~~1 ounce~~) **2 ounces** of marijuana, (except that not more than 5 grams of marijuana may be in the form of marijuana concentrate) **or the equivalent amount of marijuana products as determined by the commission**, to a person 21 years of age or older, provided, however, that such transfer shall not be advertised or otherwise promoted to the public.

It is only a civil infraction if the amount is more than two ounces but less than three ounces.²

Possession by juveniles and young adults (18 – 21 years old)

Juveniles and young adults who possess up to three ounces of marijuana are subject to civil penalties. This amount was increased from two ounces.³ Those under 18 years old are also required to attend a drug awareness program.

² M.G.L. c. 94G, § 13.

³ M.G.L. c. 94C, § 32L.

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