**Guide to Youth and their Parents/Guardians on complying with
“An Act Establishing a Sensible State Marijuana Policy,”
commonly known as “Question 2.”**

**What is Question 2?**

On November 4, 2008, the voters passed Ballot Question 2, “An Act Establishing a Sensible State Marijuana Policy”, commonly known as Question 2. The new law became effective on January 2, 2009. A full copy of this law can be found at <http://www.mass.gov/eopss/law-enforce-and-cj/law-enforce/question-2-law-enforcement-q-and-a.html>

**What do I need to know about complying with Question #2?**

A youth who is under the age of 18 and has been found in possession of one ounce or less of marijuana and charged with a civil offense is subject to a $100 civil penalty and forfeiture of the contraband. In addition, within one year of the date of the offense listed on the citation, the youth must complete a drug awareness program that includes (A) four hours of classroom instruction ***and*** (B) 10 hours of community service. The youth or his/her parent or legal guardian is responsible for demonstrating to the court that the youth has completed both requirements of the drug awareness program by filing certificates of completion of both requirements, with the court, within one year of the date of the offense. If the youth fails to complete both requirements of the drug awareness program within one year of the offense, the court may increase the civil penalty to as much as $1,000, for which the youth and his or her parents are jointly responsible.  If the certifications required to document completion of both requirements of the drug awareness program are not timely filed, the court is to notify the youth and the parent or guardian of a hearing to show cause as to why the civil penalty should not be increased to $1,000.  Lack of ability to pay, and unavailability of a program, are recognized defenses.

**How do I complete the Classroom Instruction Requirement?**

Classroom instruction sessions of the drug awareness program will be scheduled periodically throughout the state based on demand. A youth who receives a citation under this law must register for classroom instruction under the drug awareness program by calling the Institute for Health and Recovery (IHR) at (617) 661-3991 and ask to speak with the Question 2 Project Specialist. Youth will be asked to provide a current address and telephone number, and will be contacted by IHR when a classroom instruction placement becomes available.

After the youth has attended and completed the 4-hour classroom instruction, a “Certificate of Completion” will be provided by IHR. It is the responsibility of the youth, or the parent, or legal guardian for the youth to file this certificate with the district court listed on the citation. If there is no district court on the citation, please contact the police department that issued the citation and ask for the name of the district court that covers the city or town that issued the citation. The certificate must be filed along with a certificate of completion of the community service requirement, discussed below, within one year of the date of the citation. **Both** certificates must be filed to demonstrate compliance with the drug awareness program requirements and avoid the penalty for failure to comply with those requirements. If the certificate of completion of the classroom instruction requirement is misplaced a copy may be obtained by calling IHR at (617) 661-3991.

* **What should I do if I move or change my phone number?**

It is important for the youth to provide accurate and current contact information. Youth who move and/or change telephone numbers prior to attending classroom instruction must report the change by calling IHR at (617) 661-3991. Parents/guardians are responsible for keeping the youth’s registration information up to date.

* **What do I bring with me to the Classroom Instruction Session(s)?**

Youth must bring identification to the classroom instruction session(s). Acceptable forms of identification include student IDs, a driver’s license, birth certificate, social security card or baptismal certificate. If the youth does not have one of the acceptable forms of ID described above, s/he may be signed into the training by a parent/guardian.

**How do I complete the Community Service Requirement?**

The youth is required to complete 10 hours of community service. Community service opportunities that qualify for completion of this requirement must be a governmental organization or a qualified non profit 501(c) (3) or a city, county, state or federal agency. (If you need assistance locating a place to volunteer, please feel free to contact Mass 211 by dialing “2-1-1” and by pressing 21 when prompted). The 10 hours of community service may be fulfilled by serving multiple hours at multiple locations.

Once the youth has completed 10 hours of community service with a qualifying agency the youth/parent/guardian is responsible for obtaining a completed “Community Service Certificate of Completion Form” (see below) signed by the organization(s) where the youth engaged in such service. The completed certification form must document the total number of community service hours the youth served. This form is the youth’s Certificate of Completion for the community service requirement. This form must be filed with the clerk at the district court listed on the citation. If there is no district court listed on the citation, please contact the police department that issued the citation and ask for the name of the district court that covers the city or town that issued the citation. This certificate must be filed along with a certificate of completion of the classroom instruction requirement, also discussed above, within one year of the date of the citation.

**In addition** to being filed with the district court, the youth or parent/guardian must mail a copy of the completed Community Service Certificate form(s) signed by the organization(s) to:

 Executive Office of Health and Human Services

Attention: Question #2 Volunteer Certification

One Ashburton Place, 11th floor

Boston, Mass. 02108

EOHHS will periodically audit volunteer activity to check for accuracy and/or fraud.

**Who do I call if I have questions about the Community Service Requirement?**

If you have questions about the community service requirement of the drug awareness program, you may call (617) 573-1600. Please leave your name and phone number and a staff person will get back to you.