



Appendix C: Federal and Commonwealth of Massachusetts Drug Laws

Federal Drug Laws

Under federal law, distribution of drugs to a person over the age of 18 to a person under the age of 21 is punishable by up to twice the normal penalty, i.e., a mandatory one-year prison term; a second conviction is punishable by up to three times the normal penalty. A first offense for distribution of drugs in or within 100 feet of a college or school is also punishable by up to twice the penalties otherwise authorized for distribution or manufacture. A second offense for distribution of drugs in or within 100 feet of a college or school is punishable by up to three times the penalties otherwise authorized for distribution or manufacture. Federal law sets heightened prison sentences for manufacture and distribution of drugs if death or serious injury results from use of the substance.

Penalties for federal drug trafficking convictions are governed by the Controlled Substances Act and vary according to the quantity of the controlled substance involved in the transaction. If death or serious bodily injury results from the use of a controlled substance that has been illegally distributed, the person convicted on federal charges of distributing the substance faces a life sentence. Convictions on charges of drug trafficking within 100 feet of an educational institution result in penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a minimum prison sentence of at least one year. See 21 U.S.C. 21 §§ 801 *et. seq.*

Penalties for Violations of the Controlled Substances Act

Penalties for federal trafficking of Schedule I, II, III, IV, and V controlled substances, some of which include fines up to \$10 million or imprisonment for life, may be found here <http://www.deadiversion.usdoj.gov/schedules/>. Additional information regarding the substances regulated by the federal Controlled Substances Act and the criminal penalties for the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is available on the U.S. Department of Justice, Drug Enforcement Administration, Office of Diversion Control website, at <http://www.deadiversion.usdoj.gov/21cfr/21usc/index.html>.

Massachusetts Drug Laws

For additional information concerning Massachusetts law regulation of controlled substances, please review the Massachusetts Controlled Substances Act, Mass. Gen. Laws Ch. 94C *available online at* <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94C>

Massachusetts Law and Heroin

The sale and possession of drug paraphernalia as defined by statute is illegal in Massachusetts. Massachusetts law makes it illegal to be in a place where heroin is kept and to be in the company of a person known to possess heroin. Anyone in the presence of heroin risks a serious drug conviction. Additional information about the penalties imposed for violations of Massachusetts law preventing the illegal use of drugs can be found on the Massachusetts legislature website at <https://malegislature.gov/Laws/GeneralLaws/PartIV>.