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H.268

Introduced by Representatives Fagan of Rutland City, Branagan of Georgia,
Burditt of West Rutland, Cupoli of Rutland City, Gage of
Rutland City, Hebert of Vernon, Helm of Fair Haven, Higley of
Lowell, Hubert of Milton, Potter of Clarendon, Russell of
Rutland City, Savage of Swanton, and Terenzini of Rutland
Town

Referred to Committee on

Date:

Subject: Health; possession and control of regulated drugs; selling or
dispensing to minors; selling on school property

Statement of purpose of bill as introduced: This bill proposes to provide, in
addition to any other penalty, a term of imprisonment of not more than 10
years for:

1) Dispensing or selling a regulated drug at a licensed child care facility or
playground or selling a regulated drug on property abutting a licensed child
care facility or playground.

2) Selling a regulated drug on property within 1,000 feet of a school,
licensed child care facility, or playground.

1 An act relating to increasing penalties for dispensing or selling a regulated
2 drug at or near a school, licensed child care facility, or playground

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 Sec. 1. 18 V.S.A. § 4237 is amended to read:

5 § 4237. SELLING OR DISPENSING TO MINORS; SELLING ON SCHOOL

6 GROUNDS PROPERTY OR AT A LICENSED CHILD CARE

7 FACILITY OR A PLAYGROUND; SELLING ON PROPERTY

8 ABUTTING OR WITHIN 1,000 FEET OF SCHOOL PROPERTY, A

9 LICENSED CHILD CARE FACILITY, OR A PLAYGROUND

10 (a) Dispensing regulated drugs to minors. A person knowingly and
11 unlawfully dispensing any regulated drug to a minor who is at least three years
12 that person's junior shall be sentenced to a term of imprisonment of not more
13 than five years.

14 (b) ~~Sale of~~ Selling regulated drugs to minors. A person knowingly and
15 unlawfully selling any regulated drug to a minor shall, in addition to any other
16 penalty, be sentenced to a term of imprisonment of not more than ten years.

17 (c) ~~Selling on school grounds~~ Dispensing or selling regulated drugs to any
18 person. No person shall knowingly and unlawfully:

19 (1) ~~dispense~~ Dispense or sell a regulated drug to any person;

20 (A) on a school bus or on real property owned by a public or private
21 elementary, secondary, or vocational school;

22 (B) at a licensed child care facility; or

1 (C) at a playground.

2 (2) ~~sell~~ Sell a regulated drug to any person on real property abutting ~~real~~
3 ~~property owned by a public or private elementary, secondary, or vocational~~
4 ~~school;~~ or within 1,000 feet of:

5 (A) real property owned by a public or private elementary,
6 secondary, or vocational school;

7 (B) a licensed child care facility; or

8 (C) a playground.

9 (3) ~~dispense~~ Dispense a regulated drug to any person in public view on
10 real property abutting:

11 (A) real property owned by a public or private elementary,
12 secondary, or vocational school;

13 (B) a licensed child care facility; or

14 (C) a playground.

15 (d) The ~~selling or~~ dispensing of a regulated drug to a person on property
16 abutting school property, a licensed child care facility, or a playground is a
17 violation under this section only if it occurs within ~~500~~ 1,000 feet of the school
18 property, a licensed child care facility, or a playground. Property shall be
19 considered abutting ~~school~~ property if:

20 (1) it shares a boundary with school property, a licensed child care
21 facility, or a playground; or

1 (2) it is adjacent to school property, a licensed child care facility, or a
2 playground and is separated only by a river, stream, or public highway.

3 (e) A person who violates subsection (c) of this section shall, in addition to
4 any other penalty, be sentenced to a term of imprisonment of not more than ten
5 years.

6 (f) As used in this section:

7 (1) “Minor” means a person under the age of 18.

8 (2) “Owned by a school” means owned, leased, controlled, or
9 subcontracted by a school, and used frequently by students for educational or
10 recreational activities.

11 (3) “Playground” means a public park or recreational area specifically
12 designed to be used by children which has play equipment installed, and shall
13 include public grounds designed for athletic activities such as baseball,
14 football, soccer, basketball, or skateboarding.

15 Sec. 2. EFFECTIVE DATE

16 This act shall take effect on July 1, 2013.