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S.241

Senators Sears moves that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE FINDINGS AND INTENT

The General Assembly finds the following:

(1) According to a 2014 study commissioned by the administration and conducted by the RAND Corporation, marijuana is commonly used in Vermont with an estimated 80,000 residents having used marijuana in the last month.

(2) For over 75 years, Vermont has debated the issue of marijuana regulation and amended its marijuana laws numerous times in a sincere effort to protect public health and safety. Criminal penalties for possession rose in the 1940s and 50s to include harsh mandatory minimums, dropped in the 1960s and 70s, rose again in the 1980s and 90s, and dropped again in the 2000s. A study published in the American Journal of Public Health found that no evidence supports the claim that criminalization reduces marijuana use.

(3) Vermont seeks to take a new comprehensive approach to marijuana use and abuse that incorporates prevention, education, regulation, treatment, and law enforcement which results in a net reduction in public harm and an overall improvement in public safety. Responsible use of marijuana by adults 21 years of age and older should be treated the same as responsible use of

1 alcohol, the abuse of either treated as a public health matter, and irresponsible  
2 use of either that causes harm to others sanctioned with penalties.

3 (4) Policymakers recognize legitimate federal concerns about marijuana  
4 reform and seek through this legislation to provide better control of access and  
5 distribution of marijuana in a manner that prevents:

6 (A) distribution of marijuana to persons less than 21 years of age;

7 (B) revenue from the sale of marijuana from going to criminal  
8 enterprises;

9 (C) diversion of marijuana to states that do not permit possession of  
10 marijuana;

11 (D) State-authorized marijuana activity from being used as a cover or  
12 pretext for trafficking of other illegal drugs or activity;

13 (E) violence and the use of firearms in the cultivation and distribution  
14 of marijuana;

15 (F) drugged driving and the exacerbation of any other adverse public  
16 health consequences of marijuana use;

17 (G) growing of marijuana on public lands and the attendant public  
18 safety and environmental dangers posed by marijuana production on public  
19 lands; and

20 (H) possession or use of marijuana on federal property.

1           (5) In his 2016 State of the State address, the Governor identified five  
2           essential elements to a well-regulated framework for marijuana legalization,  
3           which the General Assembly believes have been addressed in this Act:

4                   (A) Keeping marijuana and other drugs out of the hands of youth.

5                   (B) Creating a regulated marijuana market that shifts demand away  
6           from the illegal market and the inherent public health and safety risks  
7           associated with the illegal market.

8                   (C) Using revenue from commercial marijuana sales to expand drug  
9           prevention and treatment programs.

10                  (D) Strengthening law enforcement’s capacity to improve the  
11           response to impaired drivers under the influence of marijuana or other drugs.

12                  (E) Prohibiting the commercial production and sale of marijuana  
13           concentrates and edible marijuana products until other states that are currently  
14           permitting such products successfully develop consumer protections that are  
15           shown to prevent access by youth and potential misuse by adults.

16                  (6) Revenue generated by this act shall be allotted in the following  
17           formula:

18                   (A) 25 percent to prevention of substance abuse;

19                   (B) 25 percent to treatment of substance abuse;

20                   (C) 25 to law enforcement and criminal justice agencies for efforts to  
21           combat the illegal drug trade and drugged driving;



1           ~~(C) hemp or hemp products, as defined in 6 V.S.A. § 562~~ all parts of  
2           the plant Cannabis sativa L., except as provided by subdivision (B) of this  
3           subdivision (15), whether growing or harvested, and includes:

4                   (i) the seeds of the plant;

5                   (ii) the resin extracted from any part of the plant; and

6                   (iii) any compound, manufacture, salt, derivative, mixture, or  
7           preparation of the plant, its seeds, or resin.

8           (B) “Marijuana” does not include:

9                   (i) the mature stalks of the plant and fiber produced from the  
10           stalks;

11                   (ii) oil or cake made from the seeds of the plant;

12                   (iii) any compound, manufacture, salt, derivative, mixture, or  
13           preparation of the mature stalks, fiber, oil, or cake; or

14                   (iv) the sterilized seed of the plant that is incapable of  
15           germination.

16           Sec. 8. 18 V.S.A. § 4230(b)(2) is amended to read:

17                   (1) A person knowingly and unlawfully selling marijuana or hashish  
18           shall be imprisoned not more than two years or fined not more than  
19           \$10,000.00, or both.

20                   (2) A person knowingly and unlawfully selling or dispensing ~~one-half~~  
21           ~~ounce or~~ **more than one ounce** of marijuana or ~~2.5~~ five grams or more of

1 hashish shall be imprisoned not more than five years or fined not more than  
2 \$100,000.00, or both.

3 Sec. 9. 18 V.S.A. § 4230a is amended to read:

4 § 4230a. MARIJUANA POSSESSION BY A PERSON 21 YEARS OF AGE  
5 OR OLDER;~~CIVIL VIOLATION~~

6 (a)~~(1)~~ A person 21 years of age or older who knowingly and unlawfully  
7 possesses one ounce or less of marijuana or five grams or less of hashish  
8 commits a civil violation and shall be assessed a civil penalty as follows:

- 9 (1) ~~not more than \$200.00 for a first offense;~~  
10 (2) ~~not more than \$300.00 for a second offense;~~  
11 (3) ~~not more than \$500.00 for a third or subsequent offense.~~

12 (b)~~(1)~~ Except as otherwise provided in this section, a person 21 years of  
13 age or older who possesses one ounce or less of marijuana or five grams or less  
14 of hashish or who possesses paraphernalia for marijuana use shall not be  
15 penalized or sanctioned in any manner by the State or any of its political  
16 subdivisions or denied any right or privilege under State law.

17 (2)~~(A)~~ A violation of this section shall not result in the creation of a  
18 criminal history record of any kind A person shall not consume marijuana in a  
19 public place. "Public place" means any street, alley, park, sidewalk, public  
20 building other than individual dwellings, any place of public accommodation  
21 as defined in 9 V.S.A. § 4501, and any place where the possession of a lighted

1 tobacco product is prohibited pursuant to section 1421 of this title or  
2 chapter 37 of this title.

3 (B) A person who violates this subdivision (a)(2) shall be assessed a  
4 civil penalty as follows:

5 (i) not more than \$100.00 for a first offense;

6 (ii) not more than \$200.00 for a second offense; and

7 (iii) not more than \$500.00 for a third or subsequent offense.

8 ~~(e)(1) (b) This section does not exempt any person from arrest or~~  
9 ~~prosecution for being under the influence of marijuana while operating a~~  
10 ~~vehicle of any kind and shall not be construed to repeal or modify existing~~  
11 ~~laws or policies concerning the operation of vehicles of any kind while under~~  
12 ~~the influence of marijuana.:~~

13 (1) permit a person to cultivate marijuana without a license from the  
14 Department of Public Safety;

15 (2) exempt a person from arrest, citation, or prosecution for being under  
16 the influence of marijuana while operating a vehicle of any kind or for  
17 consuming marijuana while operating a motor vehicle;

18 (3) repeal or modify existing laws or policies concerning the operation  
19 of vehicles of any kind while under the influence of marijuana or for  
20 consuming marijuana while operating a motor vehicle;

1           (4) limit the authority of primary and secondary schools to impose  
2           administrative penalties for the possession of marijuana on school property;

3           (5) prohibit a municipality from adopting a civil ordinance to provide  
4           additional penalties for consumption of marijuana in a public place;

5           (6) require an employer to accommodate the possession or use of  
6           marijuana or being under the influence of marijuana in a place of employment;

7           (7) prohibit a landlord from banning possession or use of marijuana in a  
8           lease agreement; or

9           (8) allow an inmate of a correctional facility to possess or use marijuana  
10          or to limit the authority of law enforcement, the courts, the Department of  
11          Corrections, or the Parole Board to impose penalties on offenders who use  
12          marijuana in violation of a court order, conditions of furlough, parole, or rules  
13          of a correctional facility.

14          ~~(2) This section is not intended to affect the search and seizure laws~~  
15          ~~afforded to duly authorized law enforcement officers under the laws of this~~  
16          ~~State. Marijuana is contraband pursuant to section 4242 of this title and~~  
17          ~~subject to seizure and forfeiture unless possessed in compliance with chapter~~  
18          ~~86 of this title (therapeutic use of cannabis).~~

19          ~~(3) This section shall not be construed to prohibit a municipality from~~  
20          ~~regulating, prohibiting, or providing additional penalties for the use of~~  
21          ~~marijuana in public places.~~

1       ~~(d) If a person suspected of violating this section contests the presence of~~  
2       ~~cannabinoids within 10 days of receiving a civil citation, the person may~~  
3       ~~request that the State Crime Laboratory test the substance at the person's~~  
4       ~~expense. If the substance tests negative for the presence of cannabinoids, the~~  
5       ~~State shall reimburse the person at state expense~~

6       ~~(e)~~(c)(1) A law enforcement officer is authorized to detain a person if:

7               (A) the officer has reasonable grounds to believe the person has  
8       violated subsection (b) of this section; and

9               (B) the person refuses to identify himself or herself satisfactorily to  
10      the officer when requested by the officer.

11              (2) The person may be detained only until the person identifies himself  
12      or herself satisfactorily to the officer or is properly identified. If the officer is  
13      unable to obtain the identification information, the person shall forthwith be  
14      brought before a judge in the Criminal Division of the Superior Court for that  
15      purpose. A person who refuses to identify himself or herself to the Court on  
16      request shall immediately and without service of an order on the person be  
17      subject to civil contempt proceedings pursuant to 12 V.S.A. § 122.

18       ~~(f)~~(d) Fifty percent of the civil penalties imposed by the Judicial Bureau for  
19      violations of this section shall be deposited in the Drug Task Force Special  
20      Fund, hereby created to be managed pursuant to 32 V.S.A. chapter 7,  
21      subchapter 5, and available to the Department of Public Safety for the funding

1 of law enforcement officers on the Drug Task Force, except for a \$12.50  
2 administrative charge for each violation which shall be deposited in the Court  
3 Technology Special Fund, in accordance with 13 V.S.A. § 7252. The  
4 remaining 50 percent shall be deposited in the Youth Substance Abuse Safety  
5 Program Special Fund, hereby created to be managed pursuant to 32 V.S.A.  
6 chapter 7, subchapter 5, and available to the Court Diversion Program for  
7 funding of the Youth Substance Abuse Safety Program as required by section  
8 4230b of this title.

9 Sec. 10. 18 V.S.A. § 4230e is added to read:

10 § 4230e. SALE OR FURNISHING MARIJUANA TO A PERSON UNDER  
11 21 YEARS OF AGE

12 (a) No person shall:

13 (1) sell or furnish marijuana to a person under 21 years of age; or

14 (2) knowingly enable the consumption of marijuana by a person under  
15 21 years of age.

16 (b) As used in this section, “enable the consumption of marijuana” means  
17 creating a direct and immediate opportunity for a person to consume  
18 marijuana.

19 (c)(1) Except as provided in subdivision (2) of this subsection (c) and  
20 subsection (d) of this section, a person who violates subsection (a) of this

1 section shall be imprisoned not more than two years or fined not more than  
2 \$2,000.00, or both.

3 (2) A person who violates subdivision (a)(1) of this section by selling or  
4 furnishing marijuana to a person under 18 years of age shall be imprisoned not  
5 more than four years or fined not more than \$4,000.00, or both.

6 (d) An employee of a marijuana establishment licensed pursuant to chapter  
7 87 of this title, who, in the course of employment, violates subdivision (a)(1)  
8 of this section during a compliance check conducted by a law enforcement  
9 officer shall be:

10 (1) assessed a civil penalty of not more than \$100.00 for the first  
11 violation and a civil penalty of not less than \$100.00 nor more than \$500.00 for  
12 a second violation that occurs more than one year after the first violation; and

13 (2) subject to the criminal penalties provided in subsection (c) of this  
14 section for a second violation within a year of the first violation, and for a third  
15 or subsequent violation within three years of the first violation.

16 (e) An employee alleged to have committed a violation of subsection (d) of  
17 this section may plead as an affirmative defense that:

18 (1) the purchaser exhibited and the employee carefully viewed  
19 photographic identification that indicated the purchaser to be 21 years of age or  
20 older;

1           (2) an ordinary prudent person would believe the purchaser to be of  
2           legal age to make the purchase; and

3           (3) the sale was made in good faith, based upon the reasonable belief  
4           that the purchaser was of legal age to purchase marijuana.

5           (f) A person who violates subsection (a) of this section, where the person  
6           under 21 years of age, while operating a motor vehicle on a public highway,  
7           causes death or serious bodily injury to himself or herself or to another person  
8           as a result of the violation, shall be imprisoned not more than five years or  
9           fined not more than \$10,000.00, or both.

10           (g) This section shall not apply to:

11           (1) a person under 21 years of age who sells or furnishes marijuana to a  
12           person under 21 years of age or who knowingly enables the consumption of  
13           marijuana by a person under 21 years of age. Possession of an ounce or less of  
14           marijuana by a person under 21 years of age shall be punished in accordance  
15           with sections 4230b-d of this title and dispensing or selling marijuana shall be  
16           punished in accordance with sections 4230 and 4237 of this title.

17           (2) a dispensary registered pursuant to chapter 86 of this title.

18           Sec. 11. 18 V.S.A. § 4230f is added to read:

19           § 4230f. CHEMICAL EXTRACTION PROHIBITED

20           (a) No person shall manufacture concentrated marijuana by chemical  
21           extraction or chemical synthesis using a solvent such as butane, hexane,

1 isopropyl alcohol, ethanol, or carbon dioxide unless authorized as a dispensary  
2 pursuant to a registration issued by the Department of Public Safety pursuant  
3 to chapter 86 of this title. This section does not preclude extraction by  
4 vegetable glycerin.

5 (b) A person who violates subsection (a) of this section shall be imprisoned  
6 not more than two years or fined not more than \$2,000.00, or both. A person  
7 who violates subsection (a) of this section and causes serious bodily injury to  
8 another person shall be imprisoned not more than five years or fined not more  
9 than \$5,000.00, or both.

10 \* \* \* Commercial Marijuana Regulation \* \* \*

11 Sec. 12. 18 V.S.A. chapter 87 is added to read:

12 CHAPTER 87. MARIJUANA ESTABLISHMENTS

13 Subchapter 1. General Provisions

14 § 4501. DEFINITIONS

15 As used in this chapter:

16 (1) “Applicant” means:

17 (A) an individual who has a ten percent or greater ownership interest  
18 in a business entity that seeks to operate a marijuana establishment pursuant to  
19 this chapter;

20 (B) a director, officer, or manager of business entity that seeks to  
21 operate a marijuana establishment pursuant to this chapter;

1           (C) if the business entity that seeks to operate a marijuana  
2           establishment pursuant to this chapter is a subsidiary of a parent entity, an  
3           individual who has a ten percent or greater ownership interest in the parent  
4           entity; or

5           (D) principal officer or board member of a dispensary.

6           (2) “Commissioner” means the Commissioner of Public Safety.

7           (3) “Department” means the Department of Public Safety.

8           (4) “Dispensary” means a person registered under section 4474e of this  
9           title that acquires, possesses, cultivates, manufactures, transfers, transports,  
10           supplies, sells, or dispenses marijuana, marijuana-infused products, and  
11           marijuana-related supplies and educational materials for or to a registered  
12           patient who has designated it as his or her center and to his or her registered  
13           caregiver for the registered patient’s use for symptom relief.

14           (5) “Enclosed, locked facility” shall be either indoors or outdoors, not  
15           visible to the public, and may include a building, room, greenhouse, fully  
16           enclosed fenced-in area, or other location enclosed on all sides and equipped  
17           with locks or other security devices that permit access only by:

18           (A) Employees, agents, or owners of the cultivator, all of whom shall  
19           be 21 years of age or older.

20           (B) Government employees performing their official duties.

1           (C) Contractors performing labor that does not include marijuana  
2           cultivation, packaging, or processing. Contractors shall be accompanied by an  
3           employee, agent, or owner of the cultivator when they are in areas where  
4           marijuana is being grown, processed, or stored.

5           (D) Registered employees of other cultivators, members of the  
6           media, elected officials, and other individuals 21 years of age or older visiting  
7           the facility, provided they are accompanied by an employee, agent, or owner of  
8           the cultivator.

9           (6) “Financier” means any person other than a banking institution that  
10           has made or will make an investment in the licensed business. A financier can  
11           be a person that provides money as a gift, loans money to the applicant and  
12           expects to be paid back the amount of the loan with or without interest, or  
13           expects any percentage of the profits from the business in exchange for a loan  
14           or expertise.

15           (7) “Marijuana” shall have the same meaning as provided in 18 V.S.A.  
16           § 4201.

17           (8) “Marijuana cultivator” or “cultivator” means a person registered  
18           with the Department to engage in commercial cultivation of marijuana in  
19           accordance with this chapter.

1           (9) “Marijuana establishment” means a marijuana cultivator or retailer  
2           licensed by the Department to engage in commercial marijuana activity in  
3           accordance with this chapter.

4           (10) “Marijuana retailer” or “retailer” means a person licensed by the  
5           Department to sell marijuana to consumers for off-site consumption in  
6           accordance with this chapter.

7           (11) “Person” shall include any natural person; corporation;  
8           municipality; the State of Vermont or any department, agency or subdivision  
9           of the State; and any partnership, unincorporated association or other legal  
10           entity.

11           (12) “Plant canopy” means the square footage dedicated to live plant  
12           production and does not include areas such as office space or areas used for the  
13           storage of fertilizers, pesticides, or other products.

14           (13) “Public place” means any street, alley, park, sidewalk, public  
15           building other than individual dwellings, any place of public accommodation  
16           as defined in 9 V.S.A. § 4501, and any place where the possession of a lighted  
17           tobacco product is prohibited pursuant to 18 V.S.A. § 1421 or 18 V.S.A.  
18           chapter 37.

19           (14) “School” means...

20           § 4502. MARIJUANA POSSESSED UNLAWFULLY SUBJECT TO

21           SEIZURE AND FORFEITURE

1        Marijuana possessed unlawfully in violation of this chapter may be seized  
2        by law enforcement and is subject to forfeiture.

3        § 4503. NOT APPLICABLE TO HEMP OR THERAPEUTIC USE OF  
4        CANNABIS

5        This chapter shall not apply to activities regulated by 7 V.S.A. chapter 34  
6        (hemp) or 18 V.S.A. chapter 86 (therapeutic use of cannabis).

7        § 4504. CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE  
8        PROHIBITED

9        This chapter shall not be construed to permit consumption of marijuana in a  
10       public place. Violations shall be punished in accordance with section 4230 of  
11       this title.

12       § 4505. REGULATION BY LOCAL GOVERNMENT

13       (a)(1) A town, city, or incorporated village, by majority vote of those  
14       present and voting at an annual or special meeting warned for the purpose, may  
15       prohibit the operation of a marijuana establishment within the municipality.

16       (2) A vote to prohibit the operation of a marijuana establishment within  
17       the municipality shall remain in effect until rescinded by majority vote of those  
18       present and voting at an annual or special meeting warned for the purpose.

19       (b) Nothing in this chapter shall be construed to prevent a town, city, or  
20       incorporated village from:

1           (1) regulating marijuana establishments through local ordinances or land  
2 use bylaw; or

3           (2) requiring a marijuana establishment to obtain a license or permit  
4 from the municipality prior to beginning operations.

5 § 4506. YOUTH RESTRICTIONS

6           (a) A marijuana establishment shall not dispense or sell marijuana to a  
7 person under 21 years of age or employ a person under 21 years of age.

8           (b) A marijuana establishment shall not be located within 1,000 feet of a  
9 preexisting public or private school or licensed or regulated child care facility.

10           (c) A marijuana establishment shall not permit a person under 21 years of  
11 age to enter a building or enclosure on the premises where marijuana is  
12 located.

13 § 4507. ADVERTISING

14           (a) Marijuana advertising shall not contain any statement or illustration  
15 that:

16           (1) is false or misleading;

17           (2) promotes overconsumption;

18           (3) represents the use of marijuana has curative or therapeutic effects;

19           (4) depicts a person under 21 years of age consuming marijuana; or

20           (5) is designed to be appealing to children or persons under 21 years  
21 of age.

1 (b) Marijuana advertising, including handbills, shall not be located or  
2 distributed within 1,000 feet of a preexisting public or private school or  
3 licensed or regulated child care facility.

4 (c) In accordance with section 4512 of this chapter, the Department shall  
5 adopt regulations on marijuana establishment advertising that reflect the  
6 policies of subsection (a) of this section and place restrictions on the time,  
7 place, and manner, but not content, of the advertising.

8 (c) All advertising shall contain the following warnings:

9 (1) For use only by adults 21 years of age or older. Keep out of the  
10 reach of children.

11 (2) Marijuana has intoxicating effects and may impair concentration,  
12 coordination, and judgment. Do not operate a motor vehicle or heavy  
13 machinery under the influence of marijuana.

14 Subchapter 2. Department of Public Safety

15 § 4511. AUTHORITY

16 For the purpose of regulating the cultivation, processing, packaging,  
17 transportation, testing, purchase, and sale of marijuana in accordance with this  
18 chapter, the Department shall have the following authority and duties:

19 (1) Rulemaking in accordance with this chapter and 3 V.S.A. chapter 25.

20 (2) Administration of a program for the licensure of marijuana  
21 establishments, which shall include compliance and enforcement.

1           (3) Submission of an annual budget to the Governor.

2           § 4512. RULEMAKING

3           The Department shall adopt rules to implement this chapter on or before  
4           March 15, 2017, in accordance with subdivisions (1)–(3) of this section.

5           (1) Rules concerning any marijuana establishment shall include:

6                   (A) The form and content of license and renewal applications.

7                   (B) Qualifications for license that are directly and demonstrably  
8           related to the operation of a marijuana establishment, including submission of  
9           an operating plan and the requirement for a fingerprint-based criminal history  
10           record check and regulatory record check for all principals and financiers of  
11           the proposed marijuana establishment.

12                   (C) Oversight requirements.

13                   (D) Inspection requirements.

14                   (E) Records to be kept by licensees and the required availability of  
15           the records.

16                   (F) Employment and training requirements, including requiring that  
17           each marijuana establishment create an identification badge for each employee.

18                   (G) Security requirements, including lighting, physical security,  
19           video, and alarm requirements.

20                   (H) Restrictions on advertising, marketing, and signage.

21                   (I) Health and safety requirements.

1           (J) Regulation of additives to marijuana, including those that are  
2           toxic or designed to make the product more addictive, more appealing to  
3           children, or to mislead consumers.

4           (K) Procedures and standards for testing marijuana for contaminants  
5           and potency.

6           (L) Regulation of the storage and transportation of marijuana.

7           (M) Sanitary requirements.

8           (N) Pricing guidelines with a goal of ensuring marijuana is  
9           sufficiently affordable to undercut the illegal market.

10          (O) Procedures for the renewal of a license, which shall allow  
11          renewal applications to be submitted up to 90 days prior to the expiration of  
12          the marijuana establishment's license.

13          (P) Procedures for suspension and revocation of a license.

14          (2) Rules concerning cultivators shall include:

15               (A) Seed to sale tracking of marijuana plants.

16               (B) Restrictions on the use of pesticides that are injurious to human  
17               health.

18               (C) Standards for both the indoor and outdoor cultivation of  
19               marijuana, including environmental protection requirements.

20               (D) Labeling requirements for products sold to retailers.

1           (E) Regulation of visits to the establishments, including the number  
2           of visitors allowed at any one time and recordkeeping concerning visitors.

3           (3) Rules concerning retailers shall include:

4           (A) Labeling requirements for products sold to customers.

5           (B) Requirements for proper verification of age and residency of  
6           customers.

7           (C) Restrictions that marijuana shall be stored behind a counter or  
8           other barrier to ensure a customer does not have direct access to the marijuana.

9           (D) Regulation of visits to the establishments, including the number  
10           of customers allowed at any one time and recordkeeping concerning visitors.

11           § 4513. IMPLEMENTATION

12           (a)(1) On or before March 15, 2017, the Department shall begin accepting  
13           applications for cultivator licenses. The initial application period shall remain  
14           open for 30 days. The Department may reopen the application process for any  
15           period of time at its discretion. On or before July 1, 2018, any restrictions on  
16           the timing of applications shall end and the Department shall begin an ongoing,  
17           open application process.

18           (2) On or before July 15, 2017, the Department shall begin issuing  
19           cultivator licenses to qualified applicants.

20           (b)(1) On or before July 15, 2017, the Department shall begin accepting  
21           applications for retail licenses. The initial application period shall remain open

1 for 30 days. The Department may reopen the application process for any  
2 period of time at its discretion. On or before July 1, 2018, any restrictions on  
3 the timing of applications shall end and the Department shall begin an ongoing,  
4 open application process.

5 (2) On or before October 15, 2017, the Department shall begin issuing  
6 retailer licenses to qualified applicants. A license shall not permit a licensee to  
7 open the store to the public or sell marijuana to the public prior to January 1,  
8 2018.

9 (c)(1) Prior to July 1, 2018, provided applicants meet the requirements of  
10 this chapter, the Department shall issue:

11 (A) a minimum of 10 and a maximum 20 cultivator licenses; and

12 (B) a minimum of 20 and a maximum 40 retail licenses.

13 (2) On or after July 1, 2018, the Department may issue licenses in a  
14 number the Department finds appropriate.

15 § 4514. CIVIL CITATIONS; SUSPENSION AND REVOCATION OF

16 LICENSES

17 (a) The Department shall have the authority to adopt rules for the issuance  
18 of civil citations for violations of this chapter and the rules adopted pursuant to  
19 section 4512 of this title. Any proposed rule under this section shall include  
20 the full, minimum, and waiver penalty amounts for each violation.



1       (e) Each license shall permit only one location of the establishment.

2       (f) Each licensee shall obtain and maintain commercial general liability  
3 insurance in accordance with rules adopted by the Department. Failure to  
4 provide proof of insurance to the Department, as required, may result in  
5 revocation of the license.

6       (g) This subchapter shall not apply to possession regulated by section  
7 4230a of this title.

8       § 4522. LICENSE QUALIFICATIONS AND APPLICATION PROCESS

9       (a) To be eligible for a marijuana establishment license, an applicant shall:

10           (1) be at least 21 years of age;

11           (2) have resided in this State for at least two years immediately prior to  
12 applying for a license; and

13           (3) consent to the release of his or her criminal and administrative  
14 history records.

15       (b) As part of the application process, each applicant shall submit, in a  
16 format proscribed by the Department, an operating plan. The plan shall  
17 include a floor plan or site plan drawn to scale which illustrates the entire  
18 operation being proposed. The plan shall also include the following:

19           (1) For a cultivator license, information concerning:

20                   (A) security;

21                   (B) traceability;

1           (C) employee qualifications and training;

2           (D) transportation of product;

3           (E) destruction of waste product;

4           (F) description of growing operation including growing media, size  
5 of grow space allocated for plant production, space allowed for any other  
6 business activity, description of all equipment to be used in the cultivation  
7 process, and a list of soil amendments, fertilizers, or other crop production  
8 aids, or pesticides, utilized in the production process;

9           (G) testing procedures and protocols;

10          (H) description of packaging and labeling of products transported to  
11 retailers; and

12          (I) any additional requirements contained in rules adopted by the  
13 Department in accordance with this chapter.

14          (2) For a retailer license, information concerning:

15           (A) security;

16           (B) traceability;

17           (C) employee qualifications and training;

18           (D) destruction of waste product;

19           (E) description of packaging and labeling of products sold to  
20 customers;

1           (F) the products to be sold and how they will be displayed to  
2           customers; and

3           (G) any additional requirements contained in rules adopted by the  
4           Department in accordance with this chapter.

5           (c) For each applicant and financier, the Department shall obtain a Vermont  
6           criminal history record, an out-of-state criminal history record, a criminal  
7           history record from the Federal Bureau of Investigation, and any regulatory  
8           records relating to the person’s operation of a business in this State or any  
9           other jurisdiction.

10          (d) When considering applications for a marijuana establishment license,  
11          the Department shall:

12               (1) give priority to a qualified applicant that is a dispensary or  
13               subsidiary of a dispensary;

14               (2) strive for geographic distribution of marijuana establishments based  
15               on population.

16          § 4523. EDUCATION

17               (a) An applicant for a marijuana establishment license shall meet with a  
18               Department designee for the purpose of reviewing Vermont laws and rules  
19               pertaining to the possession, purchase, storage, and sale of marijuana prior to  
20               receiving a license.

1       (b) A licensee shall complete an enforcement seminar every three years  
2       conducted by the Department. A license shall not be renewed unless the  
3       records of the Department show that the licensee has complied with the terms  
4       of this subsection.

5       (c) A licensee shall ensure that each employee involved in the sale of  
6       marijuana completes a training program approved by the Department prior to  
7       selling marijuana and at least once every 24 months thereafter. A licensee  
8       shall keep a written record of the type and date of training for each employee,  
9       which shall be signed by each employee. A licensee may comply with this  
10       requirement by conducting its own training program on its premises, using  
11       information and materials furnished by the Department. A licensee who fails  
12       to comply with the requirements of this section shall be subject to a suspension  
13       of no less than one day of the license issued under this chapter.

14       § 4524. IDENTIFICATION CARD; CRIMINAL BACKGROUND CHECK

15       (a) The Department shall issue each employee an identification card or  
16       renewal card within 30 days of receipt of the person's name, address, and date  
17       of birth and a fee of \$50.00. The fee shall be paid by the marijuana  
18       establishment and shall not be passed on to an employee. A person shall not  
19       work as an employee in until that person has received an identification card  
20       issued under this section. Each card shall contain the following:

21               (1) the name, address, and date of birth of the person;

1           (2) the legal name of the marijuana establishment with which the person  
2           is affiliated;

3           (3) a random identification number that is unique to the person;

4           (4) the date of issuance and the expiration date of the identification  
5           card; and

6           (5) a photograph of the person.

7           (b) Prior to acting on an application for an identification card, the  
8           Department shall obtain the person’s Vermont criminal history record,  
9           out-of-state criminal history record, and criminal history record from the  
10           Federal Bureau of Investigation. Each person shall consent to the release of  
11           criminal history records to the Department on forms developed by the Vermont  
12           Crime Information Center.

13           (c) When the Department obtains a criminal history record, the Department  
14           shall promptly provide a copy of the record to the person and the marijuana  
15           establishment. The Department shall inform the person of the right to appeal  
16           the accuracy and completeness of the record pursuant to rules adopted by the  
17           Department.

18           (d) The Department shall comply with all laws regulating the release of  
19           criminal history records and the protection of individual privacy. No person  
20           shall confirm the existence or nonexistence of criminal history record

1 information to any person who would not be eligible to receive the information  
2 pursuant to this chapter.

3 (e) The Department shall not issue an identification card to any person who  
4 has been convicted of a drug-related offense or a violent felony or who has a  
5 pending charge for such an offense. As used in this subchapter, “violent  
6 felony” means a listed crime as defined in 13 V.S.A. § 5301(7) or an offense  
7 involving sexual exploitation of children in violation of 13 V.S.A. chapter 64.

8 (f) The Department shall adopt rules for the issuance of an identification  
9 card and shall set forth standards for determining whether a person should be  
10 denied a registry identification card because his or her criminal history record  
11 indicates that the person’s association with a marijuana establishment would  
12 pose a demonstrable threat to public safety. The rules shall consider whether a  
13 person who has a conviction for an offense not listed in subsection (e) of this  
14 section has been rehabilitated. A conviction for an offense not listed in  
15 subsection (e) of this section shall not automatically disqualify a person for a  
16 registry identification card. A marijuana establishment may deny a person the  
17 opportunity to serve as an employee based on his or her criminal history  
18 record. A person who is denied an identification card may appeal the  
19 Department’s determination in Superior Court in accordance with Rule 75 of  
20 the Vermont Rules of Civil Procedure.

1       (g) An identification card shall expire one year after its issuance or upon  
2       the expiration of the marijuana establishment’s license, whichever occurs first.

3       § 4525. CULTIVATOR LICENSE

4       (a) A cultivator licensed under this chapter may cultivate, package, label,  
5       transport, test, and sell marijuana to a licensed retailer.

6       (b) Cultivation of marijuana shall occur only in an enclosed, locked  
7       facility.

8       (c) The maximum space for marijuana cultivation shall not exceed 30,000  
9       square feet per license. An applicant shall designate on their operating plan the  
10       size of the premises and the amount of actual square footage that will be  
11       dedicated to plant canopy. The Department may use its discretion to license a  
12       cultivator for less than 30,000 square feet of cultivation space and to proscribe  
13       the ratio of indoor and outdoor cultivation based on an assessment of the  
14       operating plan and proposed premises.

15       (d) Representative samples of each lot or batch of marijuana intended for  
16       human consumption shall be tested for safety and potency in accordance with  
17       rules adopted by the Department.

18       (e) Each cultivator shall create packaging for its marijuana.

19       (1) Packaging shall include:

20       (A) The name and registration number of the cultivator.

1           (B) The strain of marijuana contained. Marijuana strains shall be  
2           either pure breeds or hybrid varieties of marijuana and shall reflect properties  
3           of the plant.

4           (C) The potency of the marijuana represented by the percentage of  
5           tetrahydrocannabinol and cannabidiol by mass.

6           (D) A “produced on” date reflecting the date that the cultivator  
7           finished producing marijuana.

8           (E) Warnings in substantially the following form, stating,  
9           “Consumption of marijuana impairs your ability to drive a car and operate  
10           machinery,” “Keep away from children,” and “Possession of marijuana is  
11           illegal under federal law.”

12           (F) Any additional requirements contained in rules adopted by the  
13           Department in accordance with this chapter.

14           (2) Packaging shall not be designed to appeal to persons less than 21  
15           years of age.

16           § 4526. RETAILER LICENSE

17           (a) A retailer licensed under this chapter may:

18           (1) transport, possess, and sell marijuana to the public for consumption  
19           off the registered premises; and

20           (2) purchase marijuana from a licensed cultivator.

21           (b)(1) In a single transaction, a retailer may provide:

1           (A) one ounce of marijuana to a person 21 years of age or older upon  
2           verification of a valid Vermont-issued photograph identification card; or

3           (B) one-quarter of an ounce of marijuana to a person 21 years of age  
4           or older upon verification of a valid government-issued photograph  
5           identification card.

6           (2) A retailer shall not knowingly and willfully sell an amount of  
7           marijuana to a person that causes the person to exceed the possession limit.

8           (c) A retailer may only sell “useable marijuana” which means the dried  
9           flowers of marijuana and does not include the seeds, stalks, leaves, and roots of  
10          the plant.

11          (d) Packaging shall include:

12           (A) The name and registration number of the retailer.

13           (B) The strain of marijuana contained. Marijuana strains shall be  
14           either pure breeds or hybrid varieties of marijuana and shall reflect properties  
15           of the plant.

16           (C) The potency of the marijuana represented by the percentage of  
17           tetrahydrocannabinol and cannabidiol by mass.

18           (D) A “produced on” date reflecting the date that the cultivator  
19           finished producing marijuana.

20           (E) Warnings in substantially the following form, stating,  
21           “Consumption of marijuana impairs your ability to drive a car and operate

1 machinery,” “Keep away from children,” and “Possession of marijuana is  
2 illegal under federal law.”

3 (F) Any additional requirements contained in rules adopted by the  
4 Department in accordance with this chapter.

5 (2) Packaging shall not be designed to appeal to persons less than  
6 21 years of age.

7 (e) A retailer shall display a safety information flyer developed or approved  
8 by the Board and supplied to the retailer free of charge. The flyer shall contain  
9 information concerning the methods for administering marijuana, the potential  
10 dangers of marijuana use, the symptoms of problematic usage, and how to  
11 receive help for marijuana abuse.

12 (f) Internet sales and delivery of marijuana to customers are prohibited.

13 **§ 4527. MARIJUANA TESTING LABORATORY**

14 **(a) A testing laboratory licensed under this chapter may acquire, possess,**  
15 **analyze, test, and transport marijuana samples obtained from a licensed**  
16 **marijuana establishment.**

17 **(b) Testing may address the following:**

18 **(1) residual solvents;**

19 **(2) poisons or toxins;**

20 **(3) harmful chemicals;**

21 **(4) dangerous molds, mildew, or filth;**

1 (5) harmful microbials, such as E.coli or salmonella;

2 (6) pesticides; and

3 (7) tetrahydrocannabinol and cannabidiol potency.

4 (c) A testing laboratory shall have a written procedural manual made  
5 available to employees to follow meeting the minimum standards set forth in  
6 rules detailing the performance of all methods employed by the facility used to  
7 test the analytes it reports.

8 (d) In accordance with rules adopted pursuant to this chapter, a testing  
9 laboratory shall establish a protocol for recording the chain of custody of all  
10 marijuana samples.

11 (e) A testing laboratory shall establish, monitor, and document the ongoing  
12 review of a quality assurance program that is sufficient to identify problems in  
13 the laboratory systems when they occur.

14 § 4528. FEES. RESERVED

15 § 4529. MARIJUANA REGULATION FUND

16 (a) The Marijuana Regulation Fund is hereby created. The Fund shall be  
17 maintained by the Department.

18 (b) The Fund shall be composed of all application fees, license fees,  
19 renewal fees, and civil penalties collected by the Department pursuant to this  
20 chapter.



1 (4) one member of the public appointed by the Committee on

2 Committees:

3 (5) two members of the public appointed by the Governor; and

4 (6) the Attorney General or his or her designee.

5 (c) Legislative members shall serve only while in office.

6 § 4547. POWERS; DUTIES

7 (a) The Commission shall:

8 (1) collect information about the implementation, operation, and effect  
9 of this act from members of the public, State agencies, and private and public  
10 sector businesses and organizations;

11 (2) communicate with other states that have legalized marijuana and  
12 monitor those states regarding their implementation of regulation, policies, and  
13 strategies that have been successful and problems that have arisen;

14 (3) consider the issue of personal cultivation of a small number of  
15 marijuana plants and whether Vermont could permit home grow in a manner  
16 that would not create diversion or enforcement issues that hinder efforts to  
17 divert the marijuana economy from the illegal to the regulated market;

18 (4) examine the issue of marijuana concentrates and edible marijuana  
19 products and whether Vermont safely can allow and regulate their manufacture  
20 and sale and, if so, how;

1           (5) keep updated on the latest information in Vermont and other  
2           jurisdictions regarding the prevention and detection of drugged driving as it  
3           relates to marijuana;

4           (6) study the opportunity for a cooperative agriculture business model  
5           and licensure and community supported agriculture;

6           (7) examine whether Vermont should allow additional types of  
7           marijuana establishment licenses, including a processor license and product  
8           manufacturer license; and

9           (8) review the statutes and rules for the therapeutic marijuana program  
10           and dispensaries and determine whether additional amendments are necessary  
11           to maintain patient access to marijuana and viability of the dispensaries.

12           (9) report any recommendations to the General Assembly or the  
13           Governor, or both, as needed.

14           (b) On or before September 30, 2018, the Commission shall issue a final  
15           report to the General Assembly and the Governor regarding its findings and  
16           any recommendations for legislative or administrative action.

17           § 4548. ADMINISTRATION

18           (a) Assistance. The Commission shall have the administrative, technical,  
19           and legal assistance of the Office of Legislative Council.

20           (b) Meetings.

1           (1) The Office of Legislative Council shall call the first meeting of the  
2           Commission to occur on or before October 1, 2016.

3           (2) The Commission shall select a chair from among its members at the  
4           first meeting.

5           (3) A majority of the membership shall constitute a quorum.

6           (4) The Commission shall cease to exist on October 1, 2018.

7           (c) Reimbursement.

8           (1) For attendance at meetings during adjournment of the General  
9           Assembly, legislative members of the Commission shall be entitled to per diem  
10           compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for  
11           as many meetings as the Chair deems necessary.

12           (2) Other members of the Commission who are not employees of the  
13           State of Vermont and who are not otherwise compensated or reimbursed for  
14           their attendance shall be entitled to per diem compensation and reimbursement  
15           of expenses pursuant to 32 V.S.A. § 1010.

16           \* \* \* Medical Marijuana Dispensaries \* \* \*

17           Sec. 13. LEGISLATIVE INTENT; DISPENSARIES

18           The continued viability of medical marijuana dispensaries in a regulated  
19           retail market is critical to ensure appropriate services and products to  
20           Vermonters with qualifying debilitating medical conditions.

21           Sec. 14. 18 V.S.A. § 4472 is amended to read:

1 § 4472. DEFINITIONS

2 \* \* \*

3 (6)(A) “Health care professional” means an individual licensed to  
4 practice medicine under 26 V.S.A. chapter 23 or 33, an individual licensed as a  
5 naturopathic physician under 26 V.S.A. chapter 81 ~~who has a special license~~  
6 ~~endorsement authorizing the individual to prescribe, dispense, and administer~~  
7 ~~prescription medicines to the extent that a diagnosis provided by a naturopath~~  
8 ~~under this chapter is within the scope of his or her practice, an individual~~  
9 certified as a physician assistant under 26 V.S.A. chapter 31, or an individual  
10 licensed as an advanced practice registered nurse under 26 V.S.A. chapter 28.

11 (B) ~~Except for naturopaths, this~~ This definition includes individuals  
12 who are professionally licensed under substantially equivalent provisions in  
13 New Hampshire, Massachusetts, or New York.

14 \* \* \*

15 (11) “Registered caregiver” means a person who is at least 21 years old  
16 ~~who has never been convicted of a drug-related crime~~ of age, has met  
17 eligibility requirements as determined by the Department in accordance with  
18 this chapter, and who has agreed to undertake responsibility for managing the  
19 well-being of a registered patient with respect to the use of marijuana for  
20 symptom relief.

21 \* \* \*



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\* \* \*

(5)(A) A Review Board is established. ~~The Medical Practice Board shall appoint three physicians licensed in Vermont to constitute the Review Board. If an application under subdivision (1) of this subsection is denied, within seven days the patient may appeal the denial to the Board. Review shall be limited to information submitted by the patient under subdivision (1) of this subsection, and consultation with the patient's treating health care professional. All records relating to the appeal shall be kept confidential. An appeal shall be decided by majority vote of the members of the Board.~~ The Review Board shall comprise three members:

(i) a physician appointed by the Medical Practice Board;

(ii) a naturopathic physician appointed by the Office of Professional Regulation; and

(iii) an advanced practice registered nurse appointed by the Office of Professional Regulation.

(B) The Board shall meet periodically to review studies, data, and any other information relevant to the use of marijuana for symptom relief. The Board may make recommendations to the General Assembly for adjustments and changes to this chapter.

(C) Members of the Board shall serve for three-year terms, beginning February 1 of the year in which the appointment is made, except that the first

1 members appointed shall serve as follows: one for a term of two years, one for  
2 a term of three years, and one for a term of four years. Members shall be  
3 entitled to per diem compensation authorized under 32 V.S.A. § 1010.  
4 Vacancies shall be filled in the same manner as the original appointment for  
5 the unexpired portion of the term vacated.

6 (D) If an application under subdivision (1) of this subsection (b) is  
7 denied, within seven days the patient may appeal the denial to the Board.  
8 Review shall be limited to information submitted by the patient under  
9 subdivision (1) of this subsection, and consultation with the patient’s treating  
10 health care professional. All records relating to the appeal shall be kept  
11 confidential. An appeal shall be decided by majority vote of the members of  
12 the Board.

13 Sec. 16. 18 V.S.A. § 4474 is amended to read:

14 § 4474. REGISTERED CAREGIVERS; QUALIFICATION STANDARDS  
15 AND PROCEDURES

16 \* \* \*

17 (d) Upon completing appropriate training and education approved by the  
18 Department, a registered caregiver of a patient who is under 18 years of age  
19 and who suffers from seizures **may be granted permission** from the Department  
20 to grow hemp and manufacture a hemp concentrate by chemical extraction or  
21 chemical synthesis using a solvent such as hexane, isopropyl alcohol, ethanol,

1 or carbon dioxide and shall not be required to comply with the provisions of 6  
2 V.S.A. chapter 34.

3 Sec. 17. 18 V.S.A. § 4474e is amended to read:

4 § 4474e. DISPENSARIES; CONDITIONS OF OPERATION

5 (a) A dispensary registered under this section may:

6 (1) Acquire, possess, cultivate, manufacture, transfer, transport, supply,  
7 sell, and dispense marijuana, marijuana-infused products, and  
8 marijuana-related supplies and educational materials for or to a registered  
9 patient who has designated it as his or her dispensary and to his or her  
10 registered caregiver for the registered patient's use for symptom relief.

11 (A) Marijuana-infused products shall include tinctures, oils, solvents,  
12 and edible or potable goods. Only the portion of any marijuana-infused  
13 product that is attributable to marijuana shall count toward the possession  
14 limits of the dispensary and the patient. The Department of Public Safety shall  
15 establish by rule the appropriate method to establish the weight of marijuana  
16 that is attributable to marijuana-infused products. A dispensary shall dispense  
17 marijuana-infused products in child-resistant packaging as defined in 7 V.S.A.  
18 § 1012.

19 \* \* \*

20 (2)(A) Acquire marijuana seeds or parts of the marijuana plant capable  
21 of regeneration from or dispense them to registered patients or their caregivers

1 or acquire them from another registered Vermont dispensary, provided that  
2 records are kept concerning the amount and the recipient.

3 (B) Acquire, purchase, or borrow marijuana, marijuana-infused  
4 products, or services from another registered Vermont dispensary or give, sell,  
5 or lend marijuana, marijuana-infused products, or services to another registered  
6 Vermont dispensary, provided that records are kept concerning the product, the  
7 amount, and the recipient. Each Vermont dispensary is required to adhere to  
8 all possession limits pertaining to cultivation as determined by the number of  
9 patients designating that dispensary and may not transfer eligibility to another  
10 dispensary.

11 \* \* \*

12 (d)(1) A dispensary shall implement appropriate security measures to deter  
13 and prevent the unauthorized entrance into areas containing marijuana and the  
14 theft of marijuana and shall ensure that each location has an operational  
15 security alarm system. All cultivation of marijuana shall take place in an  
16 enclosed, locked facility ~~which is either indoors or otherwise not visible to the~~  
17 ~~public and which can only be accessed by principal officers and employees of~~  
18 ~~the dispensary who have valid registry identification cards.~~ The Department of  
19 Public Safety shall perform an annual on-site assessment of each dispensary  
20 and may perform on-site assessments of a dispensary without limitation for the  
21 purpose of determining compliance with this subchapter and any rules adopted

1 pursuant to this subchapter and may enter a dispensary at any time for such  
2 purpose. During an inspection, the Department may review the dispensary's  
3 confidential records, including its dispensing records, which shall track  
4 transactions according to registered patients' registry identification numbers to  
5 protect their confidentiality.

6 \* \* \*

7 (h) A dispensary shall include a label on the packaging of all marijuana that  
8 is dispensed. The label shall:

9 (1) identify the particular strain of marijuana contained therein.

10 Cannabis strains shall be either pure breeds or hybrid varieties of cannabis and  
11 shall reflect properties of the plant. ~~The label also shall:~~

12 (2) identify the amount of tetrahydrocannabinol in each single dose  
13 marijuana-infused edible or potable product; and

14 (3) contain a statement to the effect that the State of Vermont does not  
15 attest to the medicinal value of cannabis.

16 \* \* \*

17 Sec. 18. 18 V.S.A. § 4474g is amended to read:

18 § 4474g. DISPENSARY REGISTRY IDENTIFICATION CARD;

19 CRIMINAL BACKGROUND CHECK

20 (a) Except as provided in subsection (b) of this section, the Department of  
21 Public Safety shall issue each principal officer, Board member, and employee

1 of a dispensary a registry identification card or renewal card within 30 days of  
2 receipt of the person's name, address, and date of birth and a fee of \$50.00.

3 The fee shall be paid by the dispensary and the cost shall not be passed on to a  
4 principal officer, Board member, or employee. A person shall not serve as  
5 principal officer, Board member, or employee of a dispensary until that person  
6 has received a registry identification card issued under this section. Each card  
7 shall specify whether the cardholder is a principal officer, Board member, or  
8 employee of a dispensary and shall contain the following:

9 (1) the name, address, and date of birth of the person;

10 (2) the legal name of the dispensary with which the person is affiliated;

11 (3) a random identification number that is unique to the person;

12 (4) the date of issuance and the expiration date of the registry

13 identification card; and

14 (5) a photograph of the person.

15 (b) Prior to acting on an application for a registry identification card, the  
16 Department of Public Safety shall obtain with respect to the applicant a  
17 Vermont criminal history record, an out-of-state criminal history record, and a  
18 criminal history record from the Federal Bureau of Investigation. Each  
19 applicant shall consent to the release of criminal history records to the  
20 Department on forms developed by the Vermont Crime Information Center.  
21 A fingerprint-supported, out-of-state criminal history record and a criminal

1 history record from the Federal Bureau of Investigation shall be required only  
2 every three years for renewal of a card for a dispensary principal or Board  
3 member.

4 \* \* \*

5 Sec. 19. 18 V.S.A. § 4474h is amended to read:

6 § 4474h. PATIENT DESIGNATION OF DISPENSARY

7 (a) A registered patient may obtain marijuana only from the patient's  
8 designated dispensary and may designate only one dispensary. If a registered  
9 patient designates a dispensary, the patient and his or her caregiver may not  
10 grow marijuana or obtain marijuana or marijuana-infused products for  
11 symptom relief from any source other than the designated dispensary. A  
12 registered patient who wishes to change his or her dispensary shall notify the  
13 ~~department of public safety~~ Department of Public Safety in writing on a form  
14 issued by the ~~department~~ Department and shall submit with the form a fee of  
15 \$25.00. The ~~department~~ Department shall issue a new identification card to  
16 the registered patient within 30 days of receiving the notification of change in  
17 dispensary. The registered patient's previous identification card shall expire at  
18 the time the new identification card takes effect. A registered patient shall  
19 submit his or her expired identification card to the ~~department~~ Department  
20 within 30 days of expiration. A registered patient shall not change his or her  
21 designated dispensary more than once in any ~~90-day~~ 30-day period.

1 (b) The ~~department of public safety~~ Department of Public Safety shall track  
2 the number of registered patients who have designated each dispensary. The  
3 ~~department~~ Department shall issue a monthly written statement to the  
4 dispensary identifying the number of registered patients who have designated  
5 that dispensary and the registry identification numbers of each patient and each  
6 patient's designated caregiver, if any.

7 (c) In addition to the monthly reports, the ~~department of public safety~~  
8 Department of Public Safety shall provide written notice to a dispensary  
9 whenever any of the following events occurs:

10 (1) ~~A~~ a qualifying patient designates the dispensary to serve his or her  
11 needs under this subchapter-;

12 (2) ~~An~~ an existing registered patient revokes the designation of the  
13 dispensary because he or she has designated a different dispensary-; or

14 (3) ~~A~~ a registered patient who has designated the dispensary loses his or  
15 her status as a registered patient under this subchapter.

16 \* \* \* Impaired Driving \* \* \*

17 Sec. 20. 23 V.S.A. § 1134 is amended to read:

18 § 1134. MOTOR VEHICLE OPERATOR; CONSUMPTION OR  
19 POSSESSION OF ALCOHOL OR MARIJUANA

20 (a) A person shall not consume alcoholic beverages or marijuana while  
21 operating a motor vehicle on a public highway. As used in this section,

1 “alcoholic beverages” shall have the same meaning as “intoxicating liquor” as  
2 defined in section 1200 of this title.

3 (b) A person operating a motor vehicle on a public highway shall not  
4 possess any open container which contains alcoholic beverages or marijuana in  
5 the passenger area of the motor vehicle.

6 (c) As used in this section, “passenger area” shall mean the area designed  
7 to seat the operator and passengers while the motor vehicle is in operation and  
8 any area that is readily accessible to the operator or passengers while in their  
9 seating positions, including the glove compartment, unless the glove  
10 compartment is locked. In a motor vehicle that is not equipped with a trunk,  
11 the term shall exclude the area behind the last upright seat or any area not  
12 normally occupied by the operator or passengers.

13 (d) A person who violates subsection (a) of this section shall be assessed a  
14 civil penalty of not more than \$500.00. A person who violates subsection (b)  
15 of this section shall be assessed a civil penalty of not more than ~~\$25.00~~ \$50.00.  
16 A person adjudicated and assessed a civil penalty for an offense under  
17 subsection (a) of this section shall not be subject to a civil violation for the  
18 same actions under subsection (b) of this section.

1 Sec. 21. 23 V.S.A. § 1134a is amended to read:

2 § 1134a. MOTOR VEHICLE PASSENGER; CONSUMPTION OR  
3 POSSESSION OF ALCOHOL OR MARIJUANA

4 (a) Except as provided in subsection (c) of this section, a passenger in a  
5 motor vehicle shall not consume alcoholic beverages or marijuana or possess  
6 any open container which contains alcoholic beverages or marijuana in the  
7 passenger area of any motor vehicle on a public highway. As used in this  
8 section, “alcoholic beverages” shall have the same meaning as “intoxicating  
9 liquor” as defined in section 1200 of this title.

10 (b) As used in this section, “passenger area” shall mean the area designed  
11 to seat the operator and passengers while the motor vehicle is in operation and  
12 any area that is readily accessible to the operator or passengers while in their  
13 seating positions, including the glove compartment, unless the glove  
14 compartment is locked. In a motor vehicle that is not equipped with a trunk,  
15 the term shall exclude the area behind the last upright seat or any area not  
16 normally occupied by the operator or passengers.

17 (c) A person, other than the operator, may possess an open container which  
18 contains alcoholic beverages or marijuana in the passenger area of a motor  
19 vehicle designed, maintained, or used primarily for the transportation of  
20 persons for compensation or in the living quarters of a motor home or trailer  
21 coach.

1 (d) A person who violates this section shall be fined not more than \$25.00.

2 Sec. 22. VERMONT GOVERNOR’S HIGHWAY SAFETY PROGRAM

3 (a) Impaired driving, operating a motor vehicle while under the influence  
4 of alcohol or drugs, is a significant concern for the General Assembly. While  
5 Vermont has made a meaningful effort to educate the public about the dangers  
6 of drinking alcohol and driving, the public seems to be less aware of the  
7 inherent risks of driving while under the influence of drugs, whether it is  
8 marijuana, a validly prescribed medication, or other drugs. It is the intent of  
9 the General Assembly that the State reframe the issue of drunk driving as  
10 impaired driving in an effort to comprehensively address the risks of such  
11 behavior through prevention, education, and enforcement.

12 (b)(1) The Agency of Transportation, through its Vermont Governor’s  
13 Highway Safety Program, shall expand its public education and prevention  
14 campaign on drunk driving to impaired driving, which shall include drugged  
15 driving.

16 (2) The Agency shall report to the Senate and House Committees on  
17 Judiciary and on Transportation on or before January 15, 2017 regarding  
18 implementation of this section.

1       Sec. 23. COMMISSIONER OF PUBLIC SAFETY

2           The Commissioner of Public Safety shall report to the Senate and House  
3       Committees on Judiciary and on Transportation on or before January 15 each  
4       year regarding the following issues concerning impaired driving:

5           (1) the previous year's data in Vermont,

6           (2) the latest information regarding best practices on prevention and  
7       enforcement, and

8           (3) his or her recommendations for legislative action.

9       Sec. 24. DRUG RECOGNITION EXPERT TRAINING

10       (a) In fiscal year 2017, \$42,000.00 is appropriated from the General Fund  
11       to the Department of Public Safety, these funds shall be used to provide drug  
12       recognition expert training to a minimum of ten sworn law enforcement  
13       officers statewide.

14       (b) The Department shall develop a process for approving funding for drug  
15       recognition expert training for law enforcement agencies in the State. In  
16       awarding funding, the Department shall consider the State's interest in  
17       achieving sufficient geographic distribution of drug recognition experts to  
18       provide adequate statewide coverage. The funds may be used to reimburse  
19       local agencies for overtime costs incurred while officers are out of the State for  
20       training.

1        (c) The Department shall work collaboratively with the Agency of  
2        Transportation to ensure federal Governor’s Highway Safety Program funds  
3        are applied where appropriate for the cost of this training.

4        Sec. 25. CREATION AND FUNDING OF NEW TROOPER POSITIONS

5        (a) Position creation. Within the Department of Public Safety, the  
6        following positions are created:

7                (1) effective July 1, 2016, nine classified trooper positions;

8                (2) effective July 1, 2017, eight classified trooper positions; and

9                (3) Effective July 1, 2018, eight classified trooper positions.

10        (b) Position funding:

11                (1) In fiscal year 2017, \$1,500,000.00 is appropriated from the General  
12        Fund to the Department of Public Safety for the trooper positions, including  
13        required equipment.

14                (2) It is the intent of the General Assembly that funding be appropriated  
15        as needed to fund the new trooper positions created in fiscal years 2018 and  
16        2019.

17        Sec. 26. DEPARTMENT OF PUBLIC SAFETY LABORATORY  
18                POSITIONS, EQUIPMENT, AND FUNDING

19        (a) Position creation: Within the Department of Public Safety, six  
20        classified positions are established, as follows:

21                (1) two forensic chemists;



1

\* \* \*

2

\* \* \* Effective Dates \* \* \*

3

Sec. 28. EFFECTIVE DATES - RESERVED

DRAFT