

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred Senate Bill No. 241
3 entitled “An act relating to the regulation of marijuana” respectfully reports
4 that it has considered the same and recommends that the House propose to the
5 Senate that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

7 * * * Prevention * * *

8 Sec. 1. MARIJUANA YOUTH EDUCATION AND PREVENTION

9 (a)(1) Relying on lessons learned from tobacco and alcohol prevention
10 efforts, the Department of Health, in collaboration with the Department of
11 Public Safety, the Agency of Education, and the Governor’s Highway Safety
12 Program, shall develop and administer an education and prevention program
13 focused on use of marijuana by youths under 25 years of age. In so doing, the
14 Department shall consider at least the following:

15 (A) Community- and school-based youth and family-focused
16 prevention initiatives that strive to:

17 (i) expand the number of school-based grants for substance abuse
18 services to enable each supervisory union to develop and implement a plan for
19 comprehensive substance abuse prevention education in a flexible manner that
20 ensures the needs of individual communities are addressed;

1 (ii) improve the Screening, Brief Intervention and Referral to
2 Treatment (SBIRT) practice model for professionals serving youths in schools
3 and other settings; and

4 (iii) expand family education programs.

5 (B) An informational and countermarketing campaign using a public
6 website, printed materials, mass and social media, and advertisements for the
7 purpose of preventing underage marijuana use.

8 (C) Education for parents and health care providers to encourage
9 screening for substance use disorders and other related risks.

10 (D) Expansion of the use of SBIRT among the State’s pediatric
11 practices and school-based health centers.

12 (E) Strategies specific to youths who have been identified by the
13 Youth Risk Behavior Survey as having an increased risk of substance abuse.

14 (2) On or before March 15, 2017, the Department shall adopt rules to
15 implement the education and prevention program described in this subsection
16 and implement the program on or before September 15, 2017.

17 (b) The Department shall include questions in its biannual Youth Risk
18 Behavior Survey to monitor the use of marijuana by youths in Vermont and to
19 understand the source of marijuana used by this population.

1 (c) Any data collected by the Department on the use of marijuana by
2 youths shall be maintained and organized in a manner that enables the pursuit
3 of future longitudinal studies.

4 Sec. 2. FISCAL YEAR 2017 APPROPRIATION; EXECUTIVE BRANCH
5 POSITION AUTHORIZATION; DEPARTMENT OF HEALTH

6 (a) In fiscal year 2017, \$350,000.00 is appropriated to the Department of
7 Health for the marijuana prevention, education, and countermarketing
8 programs required by Sec. 1 of this act.

9 (b) One (1) Substance Abuse Program Manager is established as a new
10 permanent classified position in the Department of Health in fiscal year 2017.

11 * * * Civil and Criminal Penalties for Marijuana * * *

12 Sec. 3. 18 V.S.A. § 4230(b) is amended to read:

13 (b) Selling or dispensing.

14 (1) A person knowingly and unlawfully selling marijuana or hashish
15 shall be imprisoned not more than two years or fined not more than
16 \$10,000.00, or both.

17 (2) A person knowingly and unlawfully selling or dispensing ~~one-half~~
18 ~~ounce~~ or more than one ounce of marijuana or ~~2.5~~ five grams or more of
19 hashish shall be imprisoned not more than five years or fined not more than
20 \$100,000.00, or both.

1 (3) A person knowingly and unlawfully selling or dispensing one pound
2 or more of marijuana or 2.8 ounces of hashish shall be imprisoned not more
3 than 15 years or fined not more than \$500,000.00, or both.

4 Sec. 4. REPEAL

5 18 V.S.A. § 4230c (marijuana possession by a person under 21 years of age;
6 third or subsequent offense; crime) is repealed.

7 Sec. 5. 18 V.S.A. § 4230e is added to read:

8 § 4230e. CHEMICAL EXTRACTION PROHIBITED

9 (a) No person shall manufacture concentrated marijuana or hemp by means
10 of any liquid or gas, other than alcohol, that has a flashpoint below 100 degrees
11 Fahrenheit.

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

17 * * * Impaired Driving * * *

18 Sec. 6. 23 V.S.A. § 1134 is amended to read:

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

1 (a) A person shall not consume alcoholic beverages or marijuana while
2 operating a motor vehicle on a public highway. As used in this section,
3 “alcoholic beverages” shall have the same meaning as “intoxicating liquor” as
4 defined in section 1200 of this title.

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

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

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

1 Sec. 7. 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. 8. 23 V.S.A. § 1201 is amended to read:

3 § 1201. OPERATING VEHICLE UNDER THE INFLUENCE OF

4 INTOXICATING LIQUOR OR OTHER SUBSTANCE; CRIMINAL

5 REFUSAL; ENHANCED PENALTY FOR BAC OF 0.16 OR MORE

6 (a) A person shall not operate, attempt to operate, or be in actual physical
7 control of any vehicle on a highway:

8 (1) when the person's alcohol concentration is:

9 (A) 0.08 or more; or

10 (B) 0.02 or more if the person is operating a school bus as defined in
11 subdivision 4(34) of this title; or

12 (C) 0.04 or more if the person is operating a commercial motor
13 vehicle as defined in subdivision 4103(4) of this title; or

14 (D) 0.05 or more and the person has any detectable amount of
15 delta-9 tetrahydrocannabinol in the person's blood; or

16 (2) when the person is under the influence of intoxicating liquor; or

17 (3) when the person is under the influence of any other drug or under the
18 combined influence of alcohol and any other drug; ~~or~~

19 ~~(4) when the person's alcohol concentration is 0.04 or more if the person~~
20 ~~is operating a commercial motor vehicle as defined in subdivision 4103(4) of~~
21 ~~this title.~~

1 (b) A person who has previously been convicted of a violation of this
2 section shall not operate, attempt to operate, or be in actual physical control of
3 any vehicle on a highway and refuse a law enforcement officer's reasonable
4 request under the circumstances for an evidentiary test where the officer had
5 reasonable grounds to believe the person was in violation of subsection (a) of
6 this section.

7 (c) A person shall not operate, attempt to operate, or be in actual physical
8 control of any vehicle on a highway and be involved in an accident or collision
9 resulting in serious bodily injury or death to another and refuse a law
10 enforcement officer's reasonable request under the circumstances for an
11 evidentiary test where the officer has reasonable grounds to believe the person
12 has any amount of alcohol in the system.

13 (d)(1) A person who is convicted of a second or subsequent violation of
14 subsection (a), (b), or (c) of this section when the person's alcohol
15 concentration is proven to be 0.16 or more shall not, for three years from the
16 date of the conviction for which the person's alcohol concentration is 0.16 or
17 more, operate, attempt to operate, or be in actual physical control of any
18 vehicle on a highway when the person's alcohol concentration is 0.02 or more.
19 The prohibition imposed by this subsection shall be in addition to any other
20 penalties imposed by law.

1 (2) A person shall not operate, attempt to operate, or be in actual
2 physical control of any vehicle on a highway when the person’s alcohol
3 concentration is 0.02 or more if the person has previously been convicted of a
4 second or subsequent violation of subsection (a), (b), or (c) of this section
5 within the preceding three years and the person’s alcohol concentration for the
6 second or subsequent violation was proven to be 0.16 or greater. A violation
7 of this subsection shall be considered a third or subsequent violation of this
8 section and shall be subject to the penalties of subsection 1210(d) of this title.

9 (e) The fact that a person charged with a violation of this section is or has
10 been entitled to use a drug under the laws of this State shall not constitute a
11 defense against any charge of violating this section.

12 (f) A person may not be convicted of more than one violation of subsection
13 (a) of this section arising out of the same incident.

14 (g) For purposes of this section and section 1205 of this title, the defendant
15 may assert as an affirmative defense that the person was not operating,
16 attempting to operate, or in actual physical control of the vehicle because the
17 person:

18 (1) had no intention of placing the vehicle in motion; and

19 (2) had not placed the vehicle in motion while under the influence.

20 (h) As used in subdivision (a)(3) of this section, “under the influence of a
21 drug” means that a person’s ability to operate a motor vehicle safely is

1 diminished or impaired in the slightest degree. This subsection shall not be
2 construed to affect the meaning of the term “under the influence of intoxicating
3 liquor.”

4 Sec. 9. 23 V.S.A. § 1202 is amended to read:

5 § 1202. CONSENT TO TAKING OF TESTS TO DETERMINE BLOOD
6 ALCOHOL CONTENT

7 (a)(1) Implied consent. Every person who operates, attempts to operate, or
8 is in actual physical control of any vehicle on a highway in this State is deemed
9 to have given consent to an evidentiary test of that person’s breath for the
10 purpose of determining the person’s alcohol concentration or the presence of
11 other drug in the blood. The test shall be administered at the direction of a law
12 enforcement officer.

13 (2)(A) Blood test. If A person is deemed to have given consent to the
14 taking of an evidentiary sample of blood if:

15 (i) breath testing equipment is not reasonably available; or ~~if~~

16 (ii) the law enforcement officer has ~~reason~~ reasonable grounds to
17 believe that the person;

18 (I) is unable to give a sufficient sample of breath for testing; or
19 ~~if the law enforcement officer has reasonable grounds to believe that the~~
20 ~~person~~

21 (II) is under the influence of a drug other than alcohol; or

1 ~~(III) the person is deemed to have given consent to the taking~~
2 ~~of an evidentiary sample of blood~~ is under the influence of alcohol and a drug.

3 (B) If in the officer's opinion the person is incapable of decision or
4 unconscious or dead, it is deemed that the person's consent is given and a
5 sample of blood shall be taken.

6 (3) Evidentiary test. The evidentiary test shall be required of a person
7 when a law enforcement officer has reasonable grounds to believe that the
8 person was operating, attempting to operate, or in actual physical control of a
9 vehicle in violation of section 1201 of this title.

10 (4) Fatal collision or incident resulting in serious bodily injury. The
11 evidentiary test shall also be required if the person is the surviving operator of
12 a motor vehicle involved in a fatal incident or collision or an incident or
13 collision resulting in serious bodily injury and the law enforcement officer has
14 reasonable grounds to believe that the person has any amount of alcohol or
15 other drug in his or her system.

16 (b) If the person refuses to submit to an evidentiary test it shall not be
17 given, except as provided in subsection (f) of this section, but the refusal may
18 be introduced as evidence in a criminal proceeding.

19 (c) A person who is requested by a law enforcement officer to submit to an
20 evidentiary test or tests has a right as herein limited to consult an attorney
21 before deciding whether or not to submit to such a test or tests. The person

1 must decide whether or not to submit to the evidentiary test or tests within a
2 reasonable time and no later than 30 minutes from the time of the initial
3 attempt to contact the attorney. The person must make a decision about
4 whether or not to submit to the test or tests at the expiration of the 30 minutes
5 regardless of whether a consultation took place.

6 (d) At the time a test is requested, the person shall be informed of the
7 following statutory information:

8 (1) Vermont law authorizes a law enforcement officer to request a test to
9 determine whether the person is under the influence of alcohol or other drug.

10 (2) If the officer's request is reasonable and testing is refused, the
11 person's license or privilege to operate will be suspended for at least six
12 months.

13 (3) If a test is taken and the results indicate that the person is under the
14 influence of alcohol or other drug, the person will be subject to criminal
15 charges and the person's license or privilege to operate will be suspended for at
16 least 90 days.

17 (4) A person who is requested by a law enforcement officer to submit to
18 an evidentiary test or tests has the limited right to consult an attorney before
19 deciding whether or not to submit to such a test or tests. The person must
20 decide whether or not to submit to the evidentiary test or tests within a
21 reasonable time and no later than 30 minutes from the time of the initial

1 attempt to contact the attorney regardless of whether a consultation took place.
2 The person also has the right to have additional tests made by someone of the
3 person's own choosing at the person's own expense. The person shall also be
4 informed of the location of one or more facilities available for drawing blood.

5 (5) A person who is requested by a law enforcement officer to submit to
6 an evidentiary test administered with an infrared breath-testing instrument may
7 elect to have a second infrared test administered immediately after receiving
8 the results of the first test.

9 (6) If the person refuses to take an evidentiary test, the refusal may be
10 offered into evidence against the person at trial, whether or not a search
11 warrant is sought. The person may be charged with the crime of criminal
12 refusal if the person:

13 (A) has previously been convicted of a violation of section 1201 of
14 this title; or

15 (B) is involved in an accident or collision resulting in serious bodily
16 injury or death to another, in which case the court may issue a search warrant
17 and order the person to submit to a blood test, the results of which may be
18 offered into evidence against the person at trial.

19 (e) In any proceeding under this subchapter, a law enforcement officer's
20 testimony that he or she is certified pursuant to ~~section~~ 20 V.S.A. § 2358 shall
21 be prima facie evidence of that fact.

1 (f) If a person who has been involved in an accident or collision resulting in
2 serious bodily injury or death to another refuses an evidentiary test, a law
3 enforcement officer may apply for a search warrant pursuant to Rule 41 of the
4 Vermont Rules of Criminal Procedure to obtain a sample of blood for an
5 evidentiary test. If a blood sample is obtained by search warrant, the fact of
6 the refusal may still be introduced in evidence, in addition to the results of the
7 evidentiary test. Once a law enforcement official begins the application
8 process for a search warrant, the law enforcement official is not obligated to
9 discontinue the process even if the person later agrees to provide an
10 evidentiary breath sample. The limitation created by Rule 41(g) of the
11 Vermont Rules of Criminal Procedure regarding blood specimens shall not
12 apply to search warrants authorized by this section.

13 (g) The Defender General shall provide statewide 24-hour coverage seven
14 days a week to assure that adequate legal services are available to persons
15 entitled to consult an attorney under this section.

16 Sec. 10. 23 V.S.A. § 1204 is amended to read:

17 § 1204. PERMISSIVE INFERENCES

18 (a) Upon the trial of any civil or criminal action or proceeding arising out
19 of acts alleged to have been committed by a person while operating, attempting
20 to operate or in actual physical control of a vehicle on a highway, the person's

1 alcohol concentration or alcohol concentration and evidence of delta-9

2 tetrahydrocannabinol shall give rise to the following permissive inferences:

3 (1) If the person's alcohol concentration at that time was less than 0.08,
4 such fact shall not give rise to any presumption or permissive inference that the
5 person was or was not under the influence of intoxicating liquor, but such fact
6 may be considered with other competent evidence in determining whether the
7 person was under the influence of intoxicating liquor.

8 (2) If the person's alcohol concentration at that time was 0.08 or more, it
9 shall be a permissive inference that the person was under the influence of
10 intoxicating liquor in violation of subdivision 1201(a)(2) or (3) of this title.

11 (3) If the person's alcohol concentration at that time was 0.05 or more
12 and the person had any detectable amount of delta-9 tetrahydrocannabinol in
13 the person's blood, it shall be a permissive inference that the person was under
14 the combined influence of alcohol and any other drug in violation of
15 subdivision 1201(a)(3) of this title.

16 (4) If the person's alcohol concentration at any time within two hours of
17 the alleged offense was 0.10 or more, it shall be a permissive inference that the
18 person was under the influence of intoxicating liquor in violation of
19 subdivision 1201(a)(2) or (3) of this title.

20 (b) The foregoing provisions shall not be construed as limiting the
21 introduction of any other competent evidence bearing upon the question

1 whether the person was under the influence of intoxicating liquor, nor shall
2 they be construed as requiring that evidence of the amount of alcohol in the
3 person's blood, breath, urine, or saliva must be presented.

4 Sec. 11. FISCAL YEAR 2017 APPROPRIATIONS; DEPARTMENT OF
5 PUBLIC SAFETY

6 (a) In fiscal year 2017, the following amounts are appropriated to the
7 Department of Public Safety:

8 (1) \$124,000.00 for forensic laboratory equipment, supplies, training,
9 testing, and contractual expenses.

10 (2) \$460,000.00 for the forensic laboratory capital construction
11 renovations.

12 (3) \$63,500.00 for matching funds needed for Drug Recognition Expert
13 training for the Department and other State law enforcement agencies in
14 FY2017 after other available matching funds are applied.

15 (b) Funding in subdivision (a)(3) of this section shall be transferred to the
16 Agency of Transportation's Governor's Highway Safety Program. The
17 \$493,000.00 federal Governor's Highway Safety Program funds are
18 appropriated in FY2017 to the Agency of Transportation.

19 Sec. 12. VERMONT GOVERNOR'S HIGHWAY SAFETY PROGRAM

20 (a) Impaired driving, operating a motor vehicle while under the influence
21 of alcohol or drugs, is a significant concern for the General Assembly. While

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

8 (b)(1) The Agency of Transportation, through its Vermont Governor's
9 Highway Safety Program, shall expand its public education and prevention
10 campaign on drunk driving to impaired driving, which shall include drugged
11 driving.

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

15 Sec. 13. TRAINING FOR LAW ENFORCEMENT; IMPAIRED DRIVING

16 (a) It is imperative that Vermont provide adequate training to both local
17 and State law enforcement officers regarding the detection of impaired driving.
18 Advanced Roadside Impaired Driving Enforcement (ARIDE) training provides
19 instruction to officers at a level above Basic Standardized Sobriety Testing and
20 proves helpful to an officer in determining when a Drug Recognition Expert
21 (DRE) should be called. Vermont should endeavor to train as many law

1 enforcement officers as possible in ARIDE. DREs receive a more advanced
2 training in the detection of drugged driving and should be an available
3 statewide resource for officers in the field.

4 (b) The Secretary of Transportation and the Commissioner of Public Safety
5 shall work collaboratively to ensure that funding is available, either through
6 the Governor’s Highway Safety Program’s administration of National
7 Highway Traffic Safety Administration funds or other State funding sources,
8 for training the number of officers necessary to provide sufficient statewide
9 coverage for enforcement efforts to address impaired driving.

10 * * * Study Committees * * *

11 Sec. 14. MARIJUANA ADVISORY COMMISSION

12 (a) There is created a temporary Marijuana Advisory Commission for the
13 purpose of providing guidance to the administration and the General Assembly
14 on a number of issues relating to marijuana in consideration of the national
15 trend toward reclassifying marijuana at the state level and the emergence of a
16 regulated adult-use commercial market.

17 (b) The Commission shall be composed of the following members:

18 (1) four members of the public appointed by the Governor, one of whom
19 shall have experience in public health;

20 (2) one member of the House of Representatives, appointed by the
21 Speaker of the House;

1 (3) one member of the Senate, appointed by the Committee on
2 Committees; and

3 (4) the Attorney General or designee.

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

5 (d) The Governor shall appoint one member for a one-year term, two
6 members for two-year terms, and one member for a three-year term who shall
7 serve as the Chair. The Governor may reappoint members or appoint new
8 members when a vacancy occurs.

9 (e)(1) In developing proposals for consideration by the Administration and
10 the General Assembly, the Commission shall:

11 (A) weigh the various options for the appropriate existing or new
12 governmental agency or department to administer and enforce a marijuana
13 regulatory system;

14 (B) propose a comprehensive regulatory structure that establishes
15 controlled access to marijuana in a manner that, when compared to the current
16 illegal marijuana market, increases public safety and reduces harm to public
17 health;

18 (C) review the statutes and rules for the therapeutic marijuana
19 program and dispensaries and determine whether additional amendments are
20 necessary to maintain patient access to marijuana and viability of the
21 dispensaries;

1 (D) examine the issue of marijuana concentrates and edible marijuana
2 products and whether Vermont can allow and regulate their manufacture and
3 sale safely and, if so, how;

4 (E) recommend strategies for addressing impaired driving as it relates
5 to marijuana use;

6 (F) identify strategies for preventing youths from using
7 marijuana; and

8 (G) any other issues the Commission finds important to the current
9 policy discussions on marijuana.

10 (2) Any proposal shall take into consideration the shared state and
11 federal concerns about marijuana reform and seek to provide better control of
12 access and distribution of marijuana in a manner that prevents:

13 (A) distribution of marijuana to persons under 21 years of age;

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

15 (C) diversion of marijuana to states that do not permit possession of
16 marijuana;

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

19 (E) violence and the use of firearms in the cultivation and distribution
20 of marijuana;

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

3 (G) growing of marijuana on public lands and the attendant public
4 safety and environmental dangers posed by marijuana production on public
5 lands; and

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

7 (f) The Commission shall consult with other states and jurisdictions that
8 have legalized marijuana and monitor them regarding implementation of
9 regulation, policies, and strategies that have been successful and problems that
10 have arisen.

11 (g) The Commission shall report to the Governor and the General
12 Assembly, as needed, but shall issue its final recommendations on or before
13 November 1, 2017.

14 (h) The Commission shall have the administrative, technical, and legal
15 assistance of the Administration, including that of a Director of the
16 Commission.

17 (i) The Administration shall call the first meeting of the Commission to
18 occur on or before August 1, 2016. A majority of the membership shall
19 constitute a quorum. The Commission shall cease meeting regularly after the
20 issuance of its final report, but the Director shall continue in the position until
21 July 1, 2018 and shall be available to meet with Administration officials and

1 the General Assembly to discuss the Commission’s recommendations. The
2 Commission shall cease to exist on July 1, 2018.

3 (j) For attendance at meetings during adjournment of the General
4 Assembly, legislative members of the Commission shall be entitled to per diem
5 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for
6 as many meetings as the Chair deems necessary. Other members of the
7 Commission who are not employees of the State of Vermont and who are not
8 otherwise compensated or reimbursed for their attendance shall be entitled to
9 per diem compensation and reimbursement of expenses pursuant to 32 V.S.A.
10 § 1010.

11 Sec. 15. FISCAL YEAR 2017 APPROPRIATION; EXECUTIVE BRANCH
12 POSITION AUTHORIZATION; AGENCY OF ADMINISTRATION

13 (a) In fiscal year 2017, \$150,000.00 is appropriated to the Agency of
14 Administration for expenses and staffing of the Marijuana Advisory
15 Commission established in Sec. 15 of this act.

16 (b) One (1) exempt Marijuana Advisory Commission Director is
17 established in the Agency of Administration.

18 Sec. 16. WORKFORCE STUDY COMMITTEE

19 (a) Creation. There is created a Workforce Study Committee to examine
20 the potential impacts of alcohol and drug use on the workplace.

1 (b) Membership. The Committee shall be composed of the following five
2 members:

3 (1) the Secretary of Commerce and Community Development or
4 designee;

5 (2) the Commissioner of Labor or designee;

6 (3) the Commissioner of Health or designee;

7 (4) one person representing the interests of employees appointed by the
8 Governor; and

9 (5) one person representing the interests of employers appointed by the
10 Governor.

11 (c) Powers and duties. The Committee shall study:

12 (1) whether Vermont’s workers’ compensation and unemployment
13 insurance systems are adversely affected by alcohol and drug use and identify
14 regulatory or legislative measures to mitigate any adverse impacts;

15 (2) the issue of alcohol and drugs in the workplace and determine
16 whether Vermont’s workplace drug testing laws should be amended to provide
17 employers with broader authority to conduct drug testing, including by
18 permitting drug testing based on a reasonable suspicion of drug use, or by
19 authorizing employers to conduct postaccident, employerwide, or
20 postrehabilitation follow-up testing of employees; and

1 (3) the impact of alcohol and drug use on workplace safety and identify
2 regulatory or legislative measures to address adverse impacts and enhance
3 workplace safety.

4 (d) Assistance. The Committee shall have the administrative, technical,
5 and legal assistance of the Agency of Commerce and Community
6 Development, the Department of Labor, and the Department of Health.

7 (e) Report. On or before December 1, 2016, the Committee shall submit a
8 written report with findings and recommendations to the House Committee on
9 General, Housing and Military Affairs and the Senate Committee on Economic
10 Development, Housing and General Affairs with its findings and any
11 recommendations for legislative action.

12 (f) Meetings.

13 (1) The Secretary of Commerce or designee shall call the first meeting
14 of the Committee to occur on or before September 15, 2016.

15 (2) The Committee shall select a chair from among its members at the
16 first meeting.

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

18 (4) The Committee shall cease to exist on December 31, 2016.

19 * * * Effective Date * * *

20 Sec. 17. EFFECTIVE DATE

21 This act shall take effect on July 1, 2016.

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3 (Committee vote: _____)

4

5

Representative _____

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FOR THE COMMITTEE