

1 Introduced by Committee on Judiciary

2 Referred to Committee on

3 Date:

4 Subject: Marijuana

5 Statement of purpose of bill as introduced: This bill proposes to ...

6 An act relating to marijuana

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

8 \* \* \* Prevention \* \* \*

9 Sec. 1. MARIJUANA YOUTH EDUCATION AND PREVENTION

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

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

18 (i) expand the number of school-based grants for substance abuse  
19 services to enable each Supervisory Union to develop and implement a plan for

1 comprehensive substance abuse prevention education in a flexible manner that  
2 ensures the needs of individual communities are addressed;

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

6 (iii) expand family education programs.

7 (B) An informational and counter-marketing campaign using a public  
8 website, printed materials, mass and social media, and advertisements for the  
9 purpose of preventing underage marijuana use.

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

12 (D) Expansion of the use of SBIRT among the State's pediatric  
13 practices and school-based health centers.

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

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

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

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

4        Sec. 2. FISCAL YEAR 2017 APPROPRIATIONS FROM THE

5                    XXXX FUND

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

9                    \* \* \*Civil and Criminal Penalties for Marijuana\* \* \*

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

11       § 4230a. MARIJUANA POSSESSION BY A PERSON 21 YEARS OF AGE  
12       OR OLDER; CIVIL VIOLATION

13       (a)(1) A person 21 years of age or older who knowingly and unlawfully  
14       possesses one ounce or less of marijuana, ~~or~~ five grams or less of hashish, or  
15       one or two marijuana plants, or who possesses paraphernalia for marijuana use  
16       commits a civil violation and shall be assessed a civil penalty as follows:

17                (1) not more than \$200.00 for a first offense;

18                (2) not more than \$300.00 for a second offense;

19                (3) not more than \$500.00 for a third or subsequent offense.

20       (b)(1) Except as otherwise provided in this section, a person 21 years of age  
21       or older who possesses one ounce or less of marijuana, ~~or~~ five grams or less of

1        hashish, or one or two marijuana plants, or who possesses paraphernalia for  
2        marijuana use shall not be penalized or sanctioned in any manner by the State  
3        or any of its political subdivisions or denied any right or privilege under State  
4        law.

5                (2) A violation of this section shall not result in the creation of a criminal  
6        history record of any kind.

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

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

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

20               (d) If a person suspected of violating this section contests the presence of  
21       cannabinoids within 10 days of receiving a civil citation, the person may

1 request that the State Crime Laboratory test the substance at the person's  
2 expense. If the substance tests negative for the presence of cannabinoids, the  
3 State shall reimburse the person at state expense.

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

5 (A) the officer has reasonable grounds to believe the person has  
6 violated this section; and

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

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

16 (f) Fifty percent of the civil penalties imposed by the Judicial Bureau for  
17 violations of this section shall be deposited in the Drug Task Force Special  
18 Fund, hereby created to be managed pursuant to 32 V.S.A. chapter 7,  
19 subchapter 5, and available to the Department of Public Safety for the funding  
20 of law enforcement officers on the Drug Task Force, except for a \$12.50  
21 administrative charge for each violation which shall be deposited in the Court

1 Technology Special Fund, in accordance with 13 V.S.A. § 7252. The  
2 remaining 50 percent shall be deposited in the Youth Substance Abuse Safety  
3 Program Special Fund, hereby created to be managed pursuant to 32 V.S.A.  
4 chapter 7, subchapter 5, and available to the Court Diversion Program for  
5 funding of the Youth Substance Abuse Safety Program as required by section  
6 4230b of this title.

7 Sec. 4. 18 V.S.A. § 4230 is amended to read:

8 § 4230. MARIJUANA

9 (a) Possession and cultivation.

10 (1)(A) No person shall knowingly and unlawfully possess more than one  
11 ounce of marijuana or more than five grams of hashish or cultivate more than  
12 two marijuana plants. For a first offense under this subdivision (A), a person  
13 shall be provided the opportunity to participate in the Court Diversion Program  
14 unless the prosecutor states on the record why a referral to the Court Diversion  
15 Program would not serve the ends of justice. A person convicted of a first  
16 offense under this subdivision shall be imprisoned not more than six months or  
17 fined not more than \$500.00, or both.

18 (B) A person convicted of a second or subsequent offense of  
19 knowingly and unlawfully possessing more than one ounce of marijuana or  
20 more than five grams of hashish or cultivating more than two marijuana plants

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

3 (C) Upon an adjudication of guilt for a first or second offense under  
4 this subdivision, the court may defer sentencing as provided in 13 V.S.A. §  
5 7041 except that the court may in its discretion defer sentence without the  
6 filing of a presentence investigation report and except that sentence may be  
7 imposed at any time within two years from and after the date of entry of  
8 deferment. The court may, prior to sentencing, order that the defendant submit  
9 to a drug assessment screening which may be considered at sentencing in the  
10 same manner as a presentence report.

11 (2) A person knowingly and unlawfully possessing two ounces or more  
12 of marijuana or 10 grams or more of hashish or knowingly and unlawfully  
13 cultivating more than three plants of marijuana shall be imprisoned not more  
14 than three years or fined not more than \$10,000.00, or both.

15 (3) A person knowingly and unlawfully possessing one pound or more of  
16 marijuana or 2.8 ounces or more of hashish or knowingly and unlawfully  
17 cultivating more than 10 plants of marijuana shall be imprisoned not more than  
18 five years or fined not more than \$100,000.00, or both.

19 (4) A person knowingly and unlawfully possessing 10 pounds or more of  
20 marijuana or one pound or more of hashish or knowingly and unlawfully

1 cultivating more than 25 plants of marijuana shall be imprisoned not more than  
2 15 years or fined not more than \$500,000.00, or both.

3 (5) Prior to accepting a plea of guilty or a plea of nolo contendere from a  
4 defendant charged with a violation of this subsection, the court shall address  
5 the defendant personally in open court, informing the defendant and  
6 determining that the defendant understands that admitting to facts sufficient to  
7 warrant a finding of guilt or pleading guilty or nolo contendere to the charge  
8 may have collateral consequences such as loss of education financial aid,  
9 suspension or revocation of professional licenses, and restricted access to  
10 public benefits such as housing. If the court fails to provide the defendant with  
11 notice of collateral consequences in accordance with this subdivision and the  
12 defendant later at any time shows that the plea and conviction may have or has  
13 had a negative consequence, the court, upon the defendant's motion, shall  
14 vacate the judgment and permit the defendant to withdraw the plea or  
15 admission and enter a plea of not guilty. Failure of the court to advise the  
16 defendant of a particular collateral consequence shall not support a motion to  
17 vacate.

18 (b) Selling or dispensing.

19 (1) A person knowingly and unlawfully selling marijuana or hashish  
20 shall be imprisoned not more than two years or fined not more than  
21 \$10,000.00, or both.



1           (2) A person knowingly and unlawfully selling or dispensing ~~one half~~  
2           ~~ounce or more~~ than one ounce of marijuana or ~~2.5~~ five grams or more of  
3           hashish shall be imprisoned not more than five years or fined not more than  
4           \$100,000.00, or both.

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

8           (c) Trafficking. A person knowingly and unlawfully possessing 50 pounds  
9           or more of marijuana or five pounds or more of hashish with the intent to sell  
10          or dispense the marijuana or hashish shall be imprisoned not more than 30  
11          years or fined not more than \$1,000,000.00, or both. There shall be a  
12          permissive inference that a person who possesses 50 pounds or more of  
13          marijuana or five pounds or more of hashish intends to sell or dispense the  
14          marijuana or hashish.

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

16          § 4230e. CHEMICAL EXTRACTION PROHIBITED

17          (a) No person shall manufacture concentrated marijuana by chemical  
18          extraction or chemical synthesis using a solvent such as butane, hexane,  
19          isopropyl alcohol, ethanol, or carbon dioxide unless authorized as a dispensary  
20          pursuant to a registration issued by the Department of Public Safety pursuant  
21          to chapter 86 of this title.



1 the term shall exclude the area behind the last upright seat or any area not  
2 normally occupied by the operator or passengers.

3 (d) A person who violates subsection (a) of this section shall be assessed a  
4 civil penalty of not more than \$500.00. A person who violates subsection (b)  
5 of this section shall be assessed a civil penalty of not more than ~~\$25.00~~ \$50.00.

6 A person adjudicated and assessed a civil penalty for an offense under  
7 subsection (a) of this section shall not be subject to a civil violation for the  
8 same actions under subsection (b) of this section.

9 Sec. 7. 23 V.S.A. § 1134a is amended to read:

10 § 1134a. MOTOR VEHICLE PASSENGER; CONSUMPTION OR  
11 POSSESSION OF ALCOHOL OR MARIJUANA

12 (a) Except as provided in subsection (c) of this section, a passenger in a  
13 motor vehicle shall not consume alcoholic beverages or marijuana or possess  
14 any open container which contains alcoholic beverages or marijuana in the  
15 passenger area of any motor vehicle on a public highway. As used in this  
16 section, “alcoholic beverages” shall have the same meaning as “intoxicating  
17 liquor” as defined in section 1200 of this title.

18 (b) As used in this section, “passenger area” shall mean the area designed  
19 to seat the operator and passengers while the motor vehicle is in operation and  
20 any area that is readily accessible to the operator or passengers while in their  
21 seating positions, including the glove compartment, unless the glove

1 compartment is locked. In a motor vehicle that is not equipped with a trunk,  
2 the term shall exclude the area behind the last upright seat or any area not  
3 normally occupied by the operator or passengers.

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

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

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

11 § 1201. OPERATING VEHICLE UNDER THE INFLUENCE OF  
12 INTOXICATING LIQUOR OR OTHER SUBSTANCE; CRIMINAL  
13 REFUSAL; ENHANCED PENALTY FOR BAC OF 0.16 OR MORE

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

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

17 (A) 0.08 or more, or

18 (B) 0.02 or more if the person is operating a school bus as defined in  
19 subdivision 4(34) of this title, or

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

1            (D) 0.05 or more and the person has any detectable amount of delta-  
2            9 tetrahydrocannabinol or other psychoactive metabolites of marijuana in the  
3            person's blood; or

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

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

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

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

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

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

9 (2) A person shall not operate, attempt to operate, or be in actual  
10 physical control of any vehicle on a highway when the person's alcohol  
11 concentration is 0.02 or more if the person has previously been convicted of a  
12 second or subsequent violation of subsection (a), (b), or (c) of this section  
13 within the preceding three years and the person's alcohol concentration for the  
14 second or subsequent violation was proven to be 0.16 or greater. A violation of  
15 this subsection shall be considered a third or subsequent violation of this  
16 section and shall be subject to the penalties of subsection 1210(d) of this title.

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

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

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

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

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

7 (h) As used in subdivision (a)(3) of this section, "under the influence of a  
8 drug" means that a person's ability to operate a motor vehicle safely is  
9 diminished or impaired in the slightest degree. This subsection shall not be  
10 construed to affect the meaning of the term "under the influence of intoxicating  
11 liquor."

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

13 § 1202. CONSENT TO TAKING OF TESTS TO DETERMINE BLOOD  
14 ALCOHOL CONTENT

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

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

3                   (i) breath testing equipment is not reasonably available, or if

4                   (ii) the law enforcement officer has reason reasonable grounds to  
5 believe that the person:

6                           (I) is unable to give a sufficient sample of breath for testing, or  
7 if the law enforcement officer has reasonable grounds to believe that the  
8 person

9                           (II) is under the influence of a drug other than alcohol, or

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

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

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

19           (4) Fatal collision or incident resulting in serious bodily injury. The  
20 evidentiary test shall also be required if the person is the surviving operator of  
21 a motor vehicle involved in a fatal incident or collision or an incident or



1 collision resulting in serious bodily injury and the law enforcement officer has  
2 reasonable grounds to believe that the person has any amount of alcohol or  
3 other drug in his or her system.

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

7 (c) A person who is requested by a law enforcement officer to submit to an  
8 evidentiary test or tests has a right as herein limited to consult an attorney  
9 before deciding whether or not to submit to such a test or tests. The person  
10 must decide whether or not to submit to the evidentiary test or tests within a  
11 reasonable time and no later than 30 minutes from the time of the initial  
12 attempt to contact the attorney. The person must make a decision about  
13 whether or not to submit to the test or tests at the expiration of the 30 minutes  
14 regardless of whether a consultation took place.

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

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

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

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

5           (4) A person who is requested by a law enforcement officer to submit to  
6 an evidentiary test or tests has the limited right to consult an attorney before  
7 deciding whether or not to submit to such a test or tests. The person must  
8 decide whether or not to submit to the evidentiary test or tests within a  
9 reasonable time and no later than 30 minutes from the time of the initial  
10 attempt to contact the attorney regardless of whether a consultation took place.  
11 The person also has the right to have additional tests made by someone of the  
12 person's own choosing at the person's own expense. The person shall also be  
13 informed of the location of one or more facilities available for drawing blood.

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

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

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

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

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

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

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

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

5 § 1204. PERMISSIVE INFERENCES

6 (a) Upon the trial of any civil or criminal action or proceeding arising out  
7 of acts alleged to have been committed by a person while operating, attempting  
8 to operate or in actual physical control of a vehicle on a highway, the person's  
9 alcohol concentration or alcohol concentration and evidence of delta-9  
10 tetrahydrocannabinol or other psychoactive metabolites of marijuana shall give  
11 rise to the following permissive inferences:

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

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

20 (3) If the person's alcohol concentration at that time was 0.05 or more  
21 and the person had any detectable amount of delta-9 tetrahydrocannabinol or

1 other psychoactive metabolites of marijuana in the person's blood, it shall be a  
2 permissive inference that the person was under the combined influence of  
3 alcohol and any other drug in violation of subdivision 1201(a)(3) of this title.

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

8 (b) The foregoing provisions shall not be construed as limiting the  
9 introduction of any other competent evidence bearing upon the question  
10 whether the person was under the influence of intoxicating liquor, nor shall  
11 they be construed as requiring that evidence of the amount of alcohol in the  
12 person's blood, breath, urine, or saliva must be presented.

13  
14 Sec. 11. FISCAL YEAR 2017 APPROPRIATIONS FROM XXXX FUND

15 In fiscal year 2017 the following amounts are appropriated to the

16 Department of Public Safety:

17 (A) \$124,000.00 for forensic laboratory equipment, supplies,  
18 training, testing, and contractual expenses.

19 (B) \$460,000.00 for the forensic laboratory capital construction  
20 renovations.

1           (C) \$63,500.00 for matching funds needed for Drug Recognition  
2           Expert training for the Department and other State law enforcement agencies in  
3           FY17 after other available matching funds are applied.

4           (D) Funding in subdivision (C) of this section shall be transferred to  
5           the Agency of Transportation's Governor's Highway Safety Program. The  
6           \$493,000.00 federal Governor's Highway Safety Program funds are  
7           appropriated in FY17 to the Agency of Transportation.

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

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

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

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

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

5           (a) It is imperative that Vermont provide adequate training to both local  
6           and State law enforcement officers regarding the detection of impaired driving.  
7           Advanced Roadside Impaired Driving Enforcement (ARIDE) training provides  
8           instruction to officers at a level above Basic Standardized Sobriety Testing and  
9           proves helpful to an officer in determining when a Drug Recognition Expert  
10           (DRE) should be called. Vermont should endeavor to train as many law  
11           enforcement officers as possible in ARIDE. DREs receive a more advanced  
12           training in the detection of drugged driving and should be an available  
13           statewide resource for officers in the field.

14           (b) The Secretary of Transportation and the Commissioner of Public Safety  
15           shall work collaboratively to ensure that funding is available, either through  
16           the Governor's Highway Safety Program's administration of National  
17           Highway Traffic Safety Administration funds or other State funding sources,  
18           for training the number of officers necessary to provide sufficient statewide  
19           coverage for the enforcement impaired driving.

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1           (e)(1) In developing proposals for consideration by the administration and  
2           the General Assembly, the Commission shall:

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

6                   (B) propose a comprehensive regulatory structure that establishes  
7                   controlled access to marijuana in a manner that, when compared to the current  
8                   illegal marijuana market, increases public safety and reduces harms to public  
9                   health;

10                   (C) review the statutes and rules for the therapeutic marijuana  
11                   program and dispensaries and determine whether additional amendments are  
12                   necessary to maintain patient access to marijuana and viability of the  
13                   dispensaries;

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

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

19                   (F) identify strategies for preventing youth from using marijuana; and

20                   (G) consider the potential impacts of a regulated commercial  
21                   marijuana market on employment and labor issues;

1           (H) recommend a fee and tax structure that balances the following:

2                   (i) funding a robust regulatory program;

3                   (ii) using revenues for the prevention of substance abuse,  
4 treatment of substance abuse, and criminal justice efforts to combat the illegal  
5 drug trade and impaired driving;

6                   (iii) permitting an environment in which responsible licensed  
7 marijuana establishments can offer marijuana at a price that will undercut the  
8 illegal market; and

9                   (iv) favoring dispensaries to sustain provision of marijuana to  
10 registered patients.

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

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

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

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

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

20                   (E) violence and the use of firearms in the cultivation and distribution  
21 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 continue in the position until July  
21           1, 2018 and shall be available to meet with Administration officials and the

1 General Assembly to discuss the Commission's recommendations. The  
2 Commission shall cease to exist 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. WORKFORCE STUDY COMMITTEE

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

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

16 (1) the Secretary of Commerce and Community Development or  
17 designee;

18 (2) the Commissioner of Labor or designee;

19 (3) the Commissioner of Health or designee;

20 (4) one person representing the interests of employees appointed by the  
21 Governor; and

1           (5) one person representing the interests of employers appointed by the  
2 Governor.

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

4           (1) whether Vermont's workers' compensation and unemployment  
5 insurance systems are adversely impacted by alcohol and drug use and identify  
6 regulatory or legislative measures to mitigate any adverse impacts;

7           (2) the issue of alcohol and drugs in the workplace and determine  
8 whether Vermont's workplace drug testing laws should be amended to provide  
9 employers with broader authority to conduct drug testing, including by  
10 permitting drug testing based on a reasonable suspicion of drug use, or by  
11 authorizing employers to conduct post-accident, employer-wide, or  
12 post-rehabilitation follow-up testing of employees; and

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

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

19           (e) Report. On or before December 1, 2016, the Committee shall submit a  
20 written report with findings and recommendations to the House Committee on  
21 General, Housing and Military Affairs and the Senate Committee on Economic

1 Development, Housing and General Affairs with its findings and any  
2 recommendations for legislative action.

3 (f) Meetings.

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

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

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

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

10 \* \* \*Miscellaneous\* \* \*

11 Sec. 16. EFFECTIVE DATE

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