

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Ways & Means to which was referred Senate Bill No.
3 241 entitled “An act relating to the regulation of marijuana” respectfully
4 reports that it has considered the same and recommends that the House propose
5 to the Senate that that the bill as amended by the House Committee on
6 Judiciary be further amended as follows:

7 First: In Sec. 2, subsection (a) after the word “appropriated” by inserting
8 “from the Substance Abuse Youth Prevention and Education Fund”

9 Second: By adding Secs. 3a–3d to read as follows:

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

11 § 4230. MARIJUANA

12 (a) Possession and cultivation.

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

1 (B) A person convicted of a second or subsequent offense of
2 knowingly and unlawfully possessing more than one ounce of marijuana or
3 more than five grams of hashish or cultivating more than two marijuana plants
4 shall be imprisoned not more than two years or fined not more than \$2,000.00,
5 or both.

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

8 § 4230a. MARIJUANA POSSESSION BY A PERSON 21 YEARS OF AGE
9 OR OLDER; ~~CIVIL VIOLATION~~

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

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

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

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

16 ~~(b)(1)~~ Except as otherwise provided in this section, a person 21 years of
17 age or older who possesses one ounce or less of marijuana ~~or~~, five grams or
18 less of hashish, no more than two marijuana plants, or paraphernalia for
19 marijuana use shall not be penalized or sanctioned in any manner by the State
20 or any of its political subdivisions or denied any right or privilege under
21 State law.

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

3 (b) Immunity provided under this section for possession of no more than
4 two marijuana plants shall apply only under the following circumstances:

5 (1) No more than two marijuana plants are possessed at a dwelling unit,
6 regardless of how many persons 21 years of age or older reside at the dwelling
7 unit. As used in this section, “dwelling unit” means a building or the part of a
8 building that is used as a primary home, residence, or sleeping place by one or
9 more persons who maintain a household.

10 (2) The person in possession of a marijuana plant or plants has obtained
11 a permit from the Department of Health and paid an annual fee of \$125.00.
12 The permit shall be affixed to the marijuana plants and only one permit shall
13 be required for possession of no more than two plants.

14 (A) The Substance Abuse Youth Prevention and Education Fund is
15 hereby created. The Fund shall be maintained by the Department of Health
16 and shall be composed of fees collected pursuant to this subsection (b). Funds
17 shall be used for substance abuse prevention and education programs.

18 (B) The Department of Health shall develop a permitting system in
19 accordance with this subsection (b). All records relating to such permits shall
20 be confidential and exempt from public inspection and copying under the
21 Public Records Act.

1 and shall be referred to the Court Diversion Program for the purpose of
2 enrollment in the Youth Substance Abuse Safety Program. A person who fails
3 to complete the program successfully shall be subject to:

4 (1) a civil penalty of \$300.00 and suspension of the person's operator's
5 license and privilege to operate a motor vehicle for a period of 90 days, for a
6 first offense; and

7 (2) a civil penalty of not more than \$600.00 and suspension of the
8 person's operator's license and privilege to operate a motor vehicle for a
9 period of 180 days, for a second offense.

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11 Sec. 3d. 18 V.S.A. § 4230d is amended to read:

12 § 4230d. MARIJUANA POSSESSION BY A PERSON UNDER 16 YEARS
13 OF AGE; DELINQUENCY

14 No person shall knowingly and unlawfully possess marijuana. A person
15 under ~~the age of~~ 16 years of age who knowingly and unlawfully possesses one
16 ounce or less of marijuana, or five grams or less of hashish, no more than two
17 marijuana plants, or paraphernalia for marijuana use commits a delinquent act
18 and shall be subject to 33 V.S.A. chapter 52. The person shall be provided the
19 opportunity to participate in the Court Diversion Program unless the prosecutor
20 states on the record why a referral to the Court Diversion Program would not
21 serve the ends of justice.

1 Third: By striking Sec. 11 in its entirety

2 Fourth: By striking Sec. 14 in its entirety and inserting in lieu thereof the
3 following:

4 Sec. 14. MARIJUANA ADVISORY COMMISSION

5 (a) There is created a temporary Marijuana Advisory Commission for the
6 purpose of providing guidance to the Administration and the General
7 Assembly on issues relating to the national trend toward reclassifying
8 marijuana at the state level, and the emergence of a regulated adult-use
9 commercial market for marijuana within Vermont.

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

11 (1) two members of the public appointed by the Governor, one of whom
12 shall have experience in public health;

13 (2) two members of the House of Representatives, appointed by the
14 Speaker of the House;

15 (3) two members of the Senate, appointed by the Committee on
16 Committees;

17 (4) the Attorney General or designee; and

18 (5) a representative of the Vermont League of Cities and Towns.

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

20 (d) The Governor may appoint new members of the public when a vacancy
21 occurs.

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

3 (A) prioritize the need for a solution that is consistent with Vermont
4 values, culture, and scale;

5 (B) recommend approaches for preventing, detecting, and penalizing
6 impaired driving as it relates to marijuana use, drawing on the latest
7 information in Vermont and other jurisdictions;

8 (C) identify effective educational, preventative, and treatment
9 strategies for reducing marijuana use by youth and monitor the impact of
10 legalization in other jurisdictions on youth;

11 (D) consider the fiscal impact of revenue issues arising from the
12 emergence of an adult-use commercial market for marijuana, with particular
13 attention paid to other jurisdictions' experiences and choices in establishing tax
14 and fee structures;

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

19 (F) weigh the various options for the appropriate existing or new
20 governmental agency or department to administer and enforce a marijuana
21 regulatory system;

1 (G) 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 (H) review the statutes and rules for the therapeutic marijuana
5 program and dispensaries, and determine whether additional amendments are
6 necessary to maintain patient access to marijuana and viability of the
7 dispensaries; and

8 (I) 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 December 31, 2017 at which time the Commission shall cease to exist.

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. The Commission shall select a chair from
19 among its members at the first meeting. A majority of the membership shall
20 constitute a quorum.

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

9 (k) Expenses for the Commission not related to per diem compensation and
10 reimbursement of expenses for legislative members shall be paid from funds
11 transferred to the Secretary of Administration from the Substance Abuse Youth
12 Prevention and Education Fund established in 18 V.S.A. § 4230a.

13 Fifth: In Sec. 15, subsection (a), by striking out “\$150,000.00 is
14 appropriated to the Agency of Administration” and inserting in lieu thereof
15 “\$100,000.00 is appropriated from the Substance Abuse Youth Prevention and
16 Education Fund to the Secretary of Administration” and by striking out “Sec.
17 15” and inserting in lieu thereof “Sec. 14”

18 Sixth: By striking out Sec. 17 in its entirety and inserting in lieu thereof the
19 following:

20 Sec. 17. EFFECTIVE DATES

21 (a) Secs. 3a–3d shall take effect on September 1, 2016.

1 (b) The remaining sections of this act take effect on July 1, 2016.

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8 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE