

Section-by-section Summary of House Judiciary Strike-all Amendment to S.241

Friday, April 8, 2016

* * * Prevention * * *

Sec. 1 (Page 1)

- Directs the Department of Health, in collaboration with the Department of Public Safety, the Agency of Education, and the Governor's Highway Safety Program, to develop and administer an education and prevention program focused on use of marijuana by youths under 25 years of age
- The Department must adopt rules to implement the education and prevention program no later than March 15, 2017
- The Department must implement the education and prevention program no later than September 15, 2017

Sec. 2 (Page 3)

- Appropriates \$350,000.00 to the Department of Health in fiscal year 2017 for marijuana prevention, education, and countermarketing programs
- Establishes one Substance Abuse Program Manager as a new permanent classified position in the Department of Health in fiscal year 2017

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

Sec. 3 (Page 3)

- Increases the five-year felony trigger for dispensing or selling marijuana from one-half ounce to more than one ounce (selling an ounce or less of marijuana would be a two-year misdemeanor and sharing an ounce or less between two adults 21 years of age or older would be a civil offense)

Sec. 4 (Page 4)

- Repeals the criminal provision for possession of an ounce or less of marijuana by a person under 21 years of age, which results in such offenses being punished under current civil law for second offenses (same provision passed by House in H.571)

Sec. 5 (Page 4)

- Prohibits the manufacture of concentrated marijuana or hemp by means of any liquid or gas, other than alcohol, that has a flashpoint below 100 degrees Fahrenheit. A violation is a two-year misdemeanor; however, a violation that results in serious bodily injury to another person is a five-year felony.

* * * Impaired Driving * * *

Sec. 6 (Page 4)

- Adds marijuana to the current “open container” law as it applies to the operator of a vehicle

Sec. 7 (Page 6)

- Adds marijuana to the current “open container” law as it applies to a passenger of a vehicle

Sec. 8 (Page 7)

- Prohibits operating a motor vehicle with a combination of 0.05 BAC or more and any detectable amount of delta-9 tetrahydrocannabinol

Sec. 9 (Page 10)

- Establishes that if a law enforcement officer has reasonable grounds to believe a person is under the influence of alcohol and any drug, the person is considered to have given consent to an evidentiary blood test

Sec. 10 (Page 14)

- Establishes a permissive inference that a person was under the combined influence of alcohol and any other drug in violation of subdivision 1201 if the person had a combination of 0.05 BAC or more and any detectable amount of delta-9 tetrahydrocannabinol

Sec. 11 (Page 16)

- Appropriates the following amounts to the Department of Public Safety in fiscal year 2017:
 - \$124,000.00 for forensic laboratory equipment, supplies, training, testing, and contractual expenses.
 - \$460,000.00 for the forensic laboratory capital construction renovations.
 - \$63,500.00 for matching funds needed for Drug Recognition Expert training for the Department and other State law enforcement agencies in FY2017 after other available matching funds are applied. This is transferred to the Agency of Transportation's Governor's Highway Safety Program.
- Appropriates \$493,000.00 from the federal Governor's Highway Safety Program appropriated to the Agency of Transportation (the Governor's Highway Safety Program has been moved from DPS to VTrans)

Sec. 12 (Page 16)

- Directs the Agency of Transportation, through its Vermont Governor's Highway Safety Program, to expand its public education and prevention campaign on drunk driving to impaired driving, which shall include drugged driving
- Directs the Agency to report to the Senate and House Committees on Judiciary and on Transportation on or before January 15, 2017 regarding implementation of this section

Sec. 13 (Page 17)

- Recognizes importance of Advanced Roadside Impaired Driving Enforcement (ARIDE) and Drug Recognition Expert (DRE) training for both State and local law enforcement
- Directs the Secretary of Transportation and the Commissioner of Public Safety to work collaboratively to ensure that funding is available, either through the Governor's Highway Safety Program's administration of federal National Highway Traffic Safety

Administration funds or State funding sources, for training the number of officers necessary to provide sufficient statewide coverage for enforcement efforts to address impaired driving

* * * Study Committees * * *

Sec. 14 (Page 18)

- Establishes a three-year Marijuana Advisory Commission for the purpose of providing guidance to the administration and the General Assembly on a number of issues relating to marijuana in consideration of the national trend toward reclassifying marijuana at the state level and the emergence of a regulated adult-use commercial market
- The Commission is composed of the following members:
 - four members of the public appointed by the Governor, one of whom shall have experience in public health
 - one member of the House of Representatives, appointed by the Speaker of the House
 - one member of the Senate, appointed by the Committee on Committees
 - the Attorney General or designee
- Requires the Administration to provide administrative, technical, and legal assistance
- Directs the Commission to report to the Governor and the General Assembly, as needed, but must issue its final recommendations on or before November 1, 2017. The Commission Director would continue to be available to meet with Administration officials and the General Assembly to discuss the Commission's recommendations until July 1, 2018 at which time the Commission will cease to exist

Sec. 15 (Page 22)

- Appropriates \$150,000.00 to the Agency of Administration for expenses and staffing of the Marijuana Advisory Commission
- Establishes one exempt Marijuana Advisory Commission Director in the Agency of Administration

Sec. 16 (Page 22)

- Establishes the Workforce Study Committee to examine the potential impacts of alcohol and drug use on the workplace
- The Committee is composed of the following five members:
 - the Secretary of Commerce and Community Development or designee
 - the Commissioner of Labor or designee
 - the Commissioner of Health or designee
 - one person representing the interests of employees appointed by the Governor
 - one person representing the interests of employers appointed by the Governor
- The Committee will have the administrative, technical, and legal assistance of the Agency of Commerce and Community Development, the Department of Labor, and the Department of Health.
- Requires the Committee to submit a written report to the House Committee on General, Housing and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs with its findings and any recommendations for legislative action on or before December 1, 2016

Sec. 17 (Page 24)

- The effective date of the act is July 1, 2016