

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.

20

21

Study Committees

Sec. 14. MARIJUANA ADVISORY COMMISSION

(a) There is created a temporary 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.

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

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

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

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

(4) the Attorney General or designee.

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

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

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.