

1 S.241

2 Senators Sears moves that the bill be amended by striking out all after the
3 enacting clause and inserting in lieu thereof the following:

4 Sec. 1. LEGISLATIVE FINDINGS AND INTENT

5 The General Assembly finds the following:

6 (1) According to a 2014 study commissioned by the administration and
7 conducted by the RAND Corporation, marijuana is commonly used in
8 Vermont with an estimated 80,000 residents having used marijuana in the last
9 month.

10 (2) For over 75 years, Vermont has debated the issue of marijuana
11 regulation and amended its marijuana laws numerous times in a sincere effort
12 to protect public health and safety. Criminal penalties for possession rose in
13 the 1940s and 50s to include harsh mandatory minimums, dropped in the
14 1960s and 70s, rose again in the 1980s and 90s, and dropped again in the
15 2000s. A study published in the American Journal of Public Health found that
16 no evidence supports the claim that criminalization reduces marijuana use.

17 (3) Vermont seeks to take a new comprehensive approach to marijuana
18 use and abuse that incorporates prevention, education, regulation, treatment,
19 and law enforcement which results in a net reduction in public harm and an
20 overall improvement in public safety. Responsible use of marijuana by adults
21 21 years of age and older should be treated the same as responsible use of

1 alcohol, the abuse of either treated as a public health matter, and irresponsible
2 use of either that causes harm to others sanctioned with penalties.

3 (4) Policymakers recognize legitimate federal concerns about marijuana
4 reform and seek through this legislation to provide better control of access and
5 distribution of marijuana in a manner that prevents:

6 (A) distribution of marijuana to persons less than 21 years of age;

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

9 (C) diversion of marijuana to states that do not permit possession of
10 marijuana;

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

13 (E) violence and the use of firearms in the cultivation and distribution
14 of marijuana;

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

17 (G) growing of marijuana on public lands and the attendant public
18 safety and environmental dangers posed by marijuana production on public
19 lands; and

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

1 (5) In his 2016 State of the State address, the Governor identified five
2 essential elements to a well-regulated framework for marijuana legalization,
3 which the General Assembly believes have been addressed in this Act:

4 (A) Keeping marijuana and other drugs out of the hands of youth.

5 (B) Creating a regulated marijuana market that shifts demand away
6 from the illegal market and the inherent public health and safety risks
7 associated with the illegal market.

8 (C) Using revenue from commercial marijuana sales to expand drug
9 prevention and treatment programs.

10 (D) Strengthening law enforcement’s capacity to improve the
11 response to impaired drivers under the influence of marijuana or other drugs.

12 (E) Prohibiting the commercial production and sale of marijuana
13 concentrates and edible marijuana products until other states that are currently
14 permitting such products successfully develop consumer protections that are
15 shown to prevent access by youth and potential misuse by adults.

16 (6) Revenue generated by this act shall be allotted in the following
17 formula:

18 (A) 25 percent to prevention of substance abuse;

19 (B) 25 percent to treatment of substance abuse;

20 (C) 25 to law enforcement and criminal justice agencies for efforts to
21 combat the illegal drug trade and drugged driving;

- 1 (i) the seeds of the plant;
2 (ii) the resin extracted from any part of the plant; and
3 (iii) any compound, manufacture, salt, derivative, mixture, or
4 preparation of the plant, its seeds, or resin.

5 (B) “Marijuana” does not include:

- 6 (i) the mature stalks of the plant and fiber produced from the
7 stalks;
8 (ii) oil or cake made from the seeds of the plant;
9 (iii) any compound, manufacture, salt, derivative, mixture, or
10 preparation of the mature stalks, fiber, oil, or cake; or
11 (iv) the sterilized seed of the plant that is incapable of
12 germination.

13 Sec. 8. 18 V.S.A. § 4230(b)(2) is amended to read:

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

18 Sec. 9. 18 V.S.A. § 4230a is amended to read:

19 § 4230a. MARIJUANA POSSESSION BY A PERSON 21 YEARS OF AGE
20 OR OLDER; CIVIL VIOLATION

1 ~~(a)(1) A person 21 years of age or older who knowingly and unlawfully~~
2 ~~possesses one ounce or less of marijuana or five grams or less of hashish~~
3 ~~commits a civil violation and shall be assessed a civil penalty as follows:~~

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

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

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

7 ~~(b)(1)~~ Except as otherwise provided in this section, a person 21 years of
8 age or older who possesses one ounce or less of marijuana or five grams or less
9 of hashish or who possesses paraphernalia for marijuana use shall not be
10 penalized or sanctioned in any manner by the State or any of its political
11 subdivisions or denied any right or privilege under State law.

12 ~~(2)(A) A violation of this section shall not result in the creation of a~~
13 ~~criminal history record of any kind~~ A person shall not consume marijuana in a
14 public place. "Public place" means any street, alley, park, sidewalk, public
15 building other than individual dwellings, any place of public accommodation
16 as defined in 9 V.S.A. § 4501, and any place where the possession of a lighted
17 tobacco product is prohibited pursuant to section 1421 of this title or
18 chapter 37 of this title.

19 (B) A person who violates this subdivision (a)(2) shall be assessed a
20 civil penalty as follows:

21 (i) not more than \$100.00 for a first offense;

1 (ii) not more than \$200.00 for a second offense; and

2 (iii) not more than \$500.00 for a third or subsequent offense.

3 (e)(1) ~~(b) This section does not exempt any person from arrest or~~
4 ~~prosecution for being under the influence of marijuana while operating a~~
5 ~~vehicle of any kind and shall not be construed to repeal or modify existing~~
6 ~~laws or policies concerning the operation of vehicles of any kind while under~~
7 ~~the influence of marijuana.;~~

8 (1) permit a person to cultivate marijuana without a license from the
9 Department of Public Safety;

10 (2) exempt a person from arrest, citation, or prosecution for being under
11 the influence of marijuana while operating a vehicle of any kind or for
12 consuming marijuana while operating a motor vehicle;

13 (3) repeal or modify existing laws or policies concerning the operation
14 of vehicles of any kind while under the influence of marijuana or for
15 consuming marijuana while operating a motor vehicle;

16 (4) limit the authority of primary and secondary schools to impose
17 administrative penalties for the possession of marijuana on school property;

18 (5) prohibit a municipality from adopting a civil ordinance to provide
19 additional penalties for marijuana in a public place;

20 (6) require an employer to accommodate the possession or use of
21 marijuana or being under the influence of marijuana in a place of employment;

1 (7) prohibit a landlord from banning possession or use of marijuana in a
2 lease agreement; or

3 (8) allow an inmate of a correctional facility to possess or use marijuana
4 or to limit the authority of law enforcement, the courts, the Department of
5 Corrections, or the Parole Board to impose penalties on offenders who use
6 marijuana in violation of a court order, conditions of furlough, parole, or rules
7 of a correctional facility.

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

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

16 ~~(d) If a person suspected of violating this section contests the presence of~~
17 ~~cannabinoids within 10 days of receiving a civil citation, the person may~~
18 ~~request that the State Crime Laboratory test the substance at the person's~~
19 ~~expense. If the substance tests negative for the presence of cannabinoids, the~~
20 ~~State shall reimburse the person at state expense~~

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

1 (A) the officer has reasonable grounds to believe the person has
2 violated subsection (b) of this section; and

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

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

12 ~~(f)~~(d) Fifty percent of the civil penalties imposed by the Judicial Bureau for
13 violations of this section shall be deposited in the Drug Task Force Special
14 Fund, hereby created to be managed pursuant to 32 V.S.A. chapter 7,
15 subchapter 5, and available to the Department of Public Safety for the funding
16 of law enforcement officers on the Drug Task Force, except for a \$12.50
17 administrative charge for each violation which shall be deposited in the Court
18 Technology Special Fund, in accordance with 13 V.S.A. § 7252. The
19 remaining 50 percent shall be deposited in the Youth Substance Abuse Safety
20 Program Special Fund, hereby created to be managed pursuant to 32 V.S.A.
21 chapter 7, subchapter 5, and available to the Court Diversion Program for

1 funding of the Youth Substance Abuse Safety Program as required by section
2 4230b of this title.

3 Sec. 10. 18 V.S.A. § 4230e is added to read:

4 § 4230e. SALE OR FURNISHING MARIJUANA TO A PERSON UNDER
5 21 YEARS OF AGE

6 (a) No person shall:

7 (1) sell or furnish marijuana to a person under 21 years of age; or

8 (2) knowingly enable the consumption of marijuana by a person under
9 21 years of age.

10 (b) As used in this section, “enable the consumption of marijuana” means
11 creating a direct and immediate opportunity for a person to consume
12 marijuana.

13 (c)(1) Except as provided in subdivision (1) of this subsection (c) and
14 subsection (d) of this section, a person who violates subsection (a) of this
15 section shall be imprisoned not more than two years or fined not more than
16 \$2,000.00, or both.

17 (2) A person who violates subdivision (a)(1) of this section by selling or
18 furnishing marijuana to a person under 18 years of age shall be imprisoned not
19 more than four years or fined not more than \$4,000.00, or both.

20 (d) An employee of a marijuana establishment licensed pursuant to chapter
21 87 of this title, who, in the course of employment, violates subdivision (a)(1)

1 of this section during a compliance check conducted by a law enforcement
2 officer shall be:

3 (1) assessed a civil penalty of not more than \$100.00 for the first
4 violation and a civil penalty of not less than \$100.00 nor more than \$500.00 for
5 a second violation that occurs more than one year after the first violation; and

6 (2) subject to the criminal penalties provided in subsection (c) of this
7 section for a second violation within a year of the first violation, and for a third
8 or subsequent violation within three years of the first violation.

9 (e) An employee alleged to have committed a violation of subsection (d) of
10 this section may plead as an affirmative defense that:

11 (1) the purchaser exhibited and the employee carefully viewed
12 photographic identification that indicated the purchaser to be 21 years of age or
13 older;

14 (2) an ordinary prudent person would believe the purchaser to be of
15 legal age to make the purchase; and

16 (3) the sale was made in good faith, based upon the reasonable belief
17 that the purchaser was of legal age to purchase marijuana.

18 (f) A person who violates subsection (a) of this section, where the person
19 under 21 years of age, while operating a motor vehicle on a public highway,
20 causes death or serious bodily injury to himself or herself or to another person

1 as a result of the violation, shall be imprisoned not more than five years or
2 fined not more than \$10,000.00, or both.

3 Sec. 11. 18 V.S.A. § 4230f is added to read:

4 § 4230f. CHEMICAL EXTRACTION PROHIBITED

5 (a) No person shall manufacture concentrated marijuana by chemical
6 extraction or chemical synthesis using a solvent such as butane, hexane,
7 isopropyl alcohol, ethanol, or carbon dioxide unless authorized pursuant to a
8 registration or license issued by the Department of Public Safety pursuant to
9 chapter 86 of this title. This section does not preclude extraction by vegetable
10 glycerin.

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

16 * * * Commercial Marijuana Regulation * * *

17 Sec. 12. 18 V.S.A. chapter 87 is added to read:

18 CHAPTER 87. MARIJUANA ESTABLISHMENTS

19 Subchapter 1. General Provisions

20 § 4501. DEFINITIONS

21 As used in this chapter:

1 (1) “Applicant” means an individual who has at least a ten percent
2 ownership interest in a business entity that seeks to operate a marijuana
3 establishment pursuant to this chapter, and the officers and managers of that
4 business, or the board and principal officers of a dispensary.

5 (2) “Commissioner” means the Commissioner of Public Safety.

6 (3) “Department” means the Department of Public Safety.

7 (4) “Dispensary” means a person registered under section 4474e of this
8 title that acquires, possesses, cultivates, manufactures, transfers, transports,
9 supplies, sells, or dispenses marijuana, marijuana-infused products, and
10 marijuana-related supplies and educational materials for or to a registered
11 patient who has designated it as his or her center and to his or her registered
12 caregiver for the registered patient’s use for symptom relief.

13 (5) “Enclosed, locked facility” shall be either indoors or outdoors, not
14 visible to the public, and may include a building, room, greenhouse, fully
15 enclosed fenced-in area, or other location enclosed on all sides and equipped
16 with locks or other security devices that permit access only by:

17 (A) Employees, agents, or owners of the cultivator, all of whom shall
18 be 21 years of age or older.

19 (B) Government employees performing their official duties.

20 (C) Contractors performing labor that does not include marijuana
21 cultivation, packaging, or processing. Contractors shall be accompanied by an

1 employee, agent, or owner of the cultivator when they are in areas where
2 marijuana is being grown, processed, or stored.

3 (D) Registered employees of other cultivators, members of the
4 media, elected officials, and other individuals 21 years of age or older visiting
5 the facility, provided they are accompanied by an employee, agent, or owner of
6 the cultivator.

7 (6) “Financier” means any person other than a banking institution that
8 has made or will make an investment in the licensed business. A financier can
9 be a person that provides money as a gift, loans money to the applicant and
10 expects to be paid back the amount of the loan with or without interest, or
11 expects any percentage of the profits from the business in exchange for a loan
12 or expertise.

13 (7) “Marijuana” shall have the same meaning as provided in 18 V.S.A.
14 § 4201.

15 (8) “Marijuana cultivator” or “cultivator” means a person registered
16 with the Department to engage in commercial cultivation of marijuana in
17 accordance with this chapter.

18 (9) “Marijuana establishment” means a marijuana cultivator or retailer
19 licensed by the Department to engage in commercial marijuana activity in
20 accordance with this chapter.

1 (10) “Marijuana retailer” or “retailer” means a person licensed by the
2 Department to sell marijuana to consumers for off-site consumption in
3 accordance with this chapter.

4 (11) “Person” shall include any natural person; corporation;
5 municipality; the State of Vermont or any department, agency or subdivision
6 of the State; and any partnership, unincorporated association or other legal
7 entity.

8 (12) “Plant canopy” means the square footage dedicated to live plant
9 production and does not include areas such as office space or areas used for the
10 storage of fertilizers, pesticides, or other products.

11 (13) “Public place” means any street, alley, park, sidewalk, public
12 building other than individual dwellings, any place of public accommodation
13 as defined in 9 V.S.A. § 4501, and any place where the possession of a lighted
14 tobacco product is prohibited pursuant to 18 V.S.A. § 1421 or 18 V.S.A.
15 chapter 37.

16 § 4502. MARIJUANA POSSESSED UNLAWFULLY SUBJECT TO
17 SEIZURE AND FORFEITURE

18 Marijuana possessed unlawfully in violation of this chapter may be seized
19 by law enforcement and is subject to forfeiture.

20 § 4503. NOT APPLICABLE TO HEMP OR THERAPEUTIC USE OF
21 CANNABIS

1 This chapter shall not apply to activities regulated by 7 V.S.A. chapter 34
2 (hemp) or 18 V.S.A. chapter 86 (therapeutic use of cannabis).

3 § 4504. CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE

4 PROHIBITED

5 This chapter shall not be construed to permit consumption of marijuana in a
6 public place. Violations shall be punished in accordance with section 4230 of
7 this title.

8 § 4505. REGULATION BY LOCAL GOVERNMENT

9 (a)(1) A town, city, or incorporated village, by majority vote of those
10 present and voting at an annual or special meeting warned for the purpose, may
11 prohibit the operation of a marijuana establishment within the municipality.

12 (2) A vote to prohibit the operation of a marijuana establishment within
13 the municipality shall remain in effect until rescinded by majority vote of those
14 present and voting at an annual or special meeting warned for the purpose.

15 (b) Nothing in this chapter shall be construed to prevent a town, city, or
16 incorporated village from:

17 (1) regulating marijuana establishments through local ordinances or land
18 use bylaw; or

19 (2) requiring a marijuana establishment to obtain a license or permit
20 from the municipality prior to beginning operations.

21 § 4506. YOUTH RESTRICTIONS

1 (a) A marijuana establishment shall not dispense or sell marijuana to a
2 person under 21 years of age or employ a person under 21 years of age.

3 (b) A marijuana establishment shall not be located within 1,000 feet of a
4 preexisting public or private school or licensed or regulated child care facility.

5 (c) In accordance with rules adopted by the Department, a marijuana
6 establishment shall post signs on the premises regarding restrictions for
7 persons under 21 years of age.

8 § 4507. ADVERTISING

9 (a) Marijuana advertising and labels shall not contain any statement or
10 illustration that:

11 (1) is false or misleading;

12 (2) promotes overconsumption;

13 (3) represents the use of marijuana has curative or therapeutic effects;

14 (4) depicts a person under 21 years of age consuming marijuana; or

15 (5) is designed to be appealing to children or persons under 21 years
16 of age.

17 (b) All advertising shall contain the following warnings:

18 (1) For use only by adults 21 years of age or older. Keep out of the
19 reach of children.

1 (2) Marijuana has intoxicating effects and may impair concentration,
2 coordination, and judgment. Do not operate a motor vehicle or heavy
3 machinery under the influence of marijuana.

4 (c) In accordance with section 4512 of this chapter, the Department shall
5 adopt regulations on advertising.

6 Subchapter 2. Department of Public Safety

7 § 4511. AUTHORITY

8 For the purpose of regulating the cultivation, processing, packaging,
9 transportation, testing, purchase, and sale of marijuana in accordance with this
10 chapter, the Department shall have the following authority and duties:

11 (1) Rulemaking in accordance with this chapter and 3 V.S.A. chapter 25.

12 (2) Administration of a program for the licensure of marijuana
13 establishments, which shall include compliance and enforcement.

14 (3) Submission of an annual budget to the Governor.

15 § 4512. RULEMAKING

16 The Department shall adopt rules to implement this chapter on or before
17 March 15, 2017, in accordance with subdivisions (1)–(3) of this section.

18 (1) Rules concerning any marijuana establishment shall include:

19 (A) The form and content of license and renewal applications.

20 (B) Qualifications for license that are directly and demonstrably
21 related to the operation of a marijuana establishment, including submission of

1 an operating plan and the requirement for a fingerprint-based criminal history
2 record check and regulatory record check for all principals and financiers of
3 the proposed marijuana establishment.

4 (C) Oversight requirements.

5 (D) Inspection requirements.

6 (E) Records to be kept by licensees and the required availability of
7 the records.

8 (F) Employment and training requirements, including requiring that
9 each marijuana establishment create an identification badge for each employee.

10 (G) Security requirements, including lighting, physical security,
11 video, and alarm requirements.

12 (H) Restrictions on advertising, marketing, and signage.

13 (I) Health and safety requirements.

14 (J) Regulation of additives to marijuana, including those that are
15 toxic or designed to make the product more addictive, more appealing to
16 children, or to mislead consumers.

17 (K) Procedures and standards for testing marijuana for contaminants
18 and potency.

19 (L) Regulation of the storage and transportation of marijuana.

20 (M) Sanitary requirements.

1 (N) Pricing guidelines with a goal of ensuring marijuana is
2 sufficiently affordable to undercut the illegal market.

3 (O) Procedures for the renewal of a license, which shall allow
4 renewal applications to be submitted up to 90 days prior to the expiration of
5 the marijuana establishment's license.

6 (P) Procedures for suspension and revocation of a license.

7 (2) Rules concerning cultivators shall include:

8 (A) Seed to sale tracking of marijuana plants.

9 (B) Restrictions on the use of pesticides that are injurious to human
10 health.

11 (C) Standards for both the indoor and outdoor cultivation of
12 marijuana, including environmental protection requirements.

13 (D) Labeling requirements for products sold to retailers.

14 (E) Regulation of visits to the establishments, including the number
15 of visitors allowed at any one time and recordkeeping concerning visitors.

16 (3) Rules concerning retailers shall include:

17 (A) Labeling requirements for products sold to customers.

18 (B) Requirements for proper verification of age and residency of
19 customers.

20 (C) Restrictions that marijuana must be stored behind a counter or
21 other barrier to ensure a customer does not have direct access to the marijuana.

1 (D) Regulation of visits to the establishments, including the number
2 of customers allowed at any one time and recordkeeping concerning visitors.

3 § 4513. IMPLEMENTATION

4 (a)(1) On or before March 15, 2017, the Department shall begin accepting
5 applications for cultivator licenses. The initial application period shall remain
6 open for 30 days. The Department may reopen the application process for any
7 period of time at its discretion. On or before July 1, 2018, any restrictions on
8 the timing of applications shall end and the Department shall begin an ongoing,
9 open application process.

10 (2) On or before July 15, 2017, the Department shall begin issuing
11 cultivator licenses to qualified applicants.

12 (b)(1) On or before July 15, 2017, the Department shall begin accepting
13 applications for retail licenses. The initial application period shall remain open
14 for 30 days. The Department may reopen the application process for any
15 period of time at its discretion. On or before July 1, 2018, any restrictions on
16 the timing of applications shall end and the Department shall begin an ongoing,
17 open application process.

18 (2) On or before October 15, 2017, the Department shall begin issuing
19 retailer licenses to qualified applicants. A license shall not permit a licensee to
20 open the store to the public or sell marijuana to the public prior to January 1,
21 2018.

1 (c)(1) Prior to July 1, 2018, provided applicants meet the requirements of
2 this chapter, the Department shall issue:

3 (A) a minimum of 10 and a maximum 20 cultivator licenses; and

4 (B) a minimum of 20 and a maximum 40 retail licenses.

5 (2) On or after July 1, 2018, the Department may issue licenses in a
6 number the Department finds appropriate.

7 § 4514. CIVIL CITATIONS; SUSPENSION AND REVOCATION OF
8 LICENSES

9 (a) The Department shall have the authority to adopt rules for the issuance
10 of civil citations for violations of this chapter and the rules adopted pursuant to
11 section 4512 of this title. Any proposed rule under this section shall include
12 the full, minimum, and waiver penalty amounts for each violation.

13 (b) The Department shall have the authority to suspend or revoke a license
14 for violations of this chapter in accordance with rules adopted pursuant to
15 section 4512 of this title.

16 Subchapter 3. Licenses

17 § 4521. GENERAL PROVISIONS

18 (a) Except as otherwise permitted by this chapter, a person shall not engage
19 in the cultivation, preparation, processing, packaging, transportation, testing, or
20 sale of marijuana without obtaining a license from the Department.

1 **(b) All licenses shall expire at midnight, April 30, of each year beginning**
2 **no earlier than 10 months after the original license was issued to the marijuana**
3 **establishment.**

4 **(c) Applications for licenses and renewals shall be submitted on forms**
5 **provided by the Department and shall be accompanied by the fees provided for**
6 **in section 4526 of this section.**

7 **(d)(1) Except as provided in subdivision (2) of this subsection (d), a person**
8 **may obtain only one license, either a cultivator license or a retailer license,**
9 **under this chapter.**

10 **(2) A dispensary or subsidiary of a dispensary may obtain both a**
11 **cultivator and a retailer license under this chapter.**

12 **(e) Each license shall permit only one location of the establishment.**

13 **(f) Each licensee shall obtain and maintain commercial general liability**
14 **insurance in accordance with rules adopted by the Department. Failure to**
15 **provide proof of insurance to the Department, as required, may result in**
16 **revocation of the license.**

17 **(g) This subchapter shall not apply to possession regulated by section**
18 **4230a of this title.**

19 **§ 4522. LICENSE QUALIFICATIONS AND APPLICATION PROCESS**

20 **(a) To be eligible for a marijuana establishment license, an applicant shall:**

21 **(1) be at least 21 years of age;**

1 (2) have resided in this State for at least two years immediately prior to
2 applying for a license; and

3 (3) consent to the release of his or her criminal and administrative
4 history records.

5 (b) As part of the application process, each applicant shall submit, in a
6 format proscribed by the Department, an operating plan. The plan shall
7 include a floor plan or site plan drawn to scale which illustrates the entire
8 operation being proposed. The plan shall also include the following:

9 (1) For a cultivator license, information concerning:

10 (A) security;

11 (B) traceability;

12 (C) employee qualifications and training;

13 (D) transportation of product;

14 (E) destruction of waste product;

15 (F) description of growing operation including growing media, size
16 of grow space allocated for plant production, space allowed for any other
17 business activity, description of all equipment to be used in the cultivation
18 process, and a list of soil amendments, fertilizers, or other crop production
19 aids, or pesticides, utilized in the production process;

20 (G) testing procedures and protocols;

1 (H) description of packaging and labeling of products transported to
2 retailers; and

3 (I) any additional requirements contained in rules adopted by the
4 Department in accordance with this chapter.

5 (2) For a retailer license, information concerning:

6 (A) security;

7 (B) traceability;

8 (C) employee qualifications and training;

9 (D) destruction of waste product;

10 (E) description of packaging and labeling of products sold to
11 customers;

12 (F) the products to be sold and how they will be displayed to
13 customers; and

14 (G) any additional requirements contained in rules adopted by the
15 Department in accordance with this chapter.

16 (c) For each applicant and financier, the Department shall obtain a Vermont
17 criminal history record, an out-of-state criminal history record, a criminal
18 history record from the Federal Bureau of Investigation, and any regulatory
19 records relating to the person's operation of a business in this State or any
20 other jurisdiction.

1 (d) When considering applications for a marijuana establishment license,
2 the Department shall:

3 (1) give priority to a qualified applicant that is a dispensary or
4 subsidiary of a dispensary;

5 (2) strive for geographic distribution of marijuana establishments based
6 on population.

7 § 4523. EDUCATION

8 (a) An applicant for a marijuana establishment license shall meet with a
9 Department designee for the purpose of reviewing Vermont laws and rules
10 pertaining to the possession, purchase, storage, and sale of marijuana prior to
11 receiving a license.

12 (b) A licensee shall complete an enforcement seminar every three years
13 conducted by the Department. A license shall not be renewed unless the
14 records of the Department show that the licensee has complied with the terms
15 of this subsection.

16 (c) A licensee shall ensure that each employee involved in the sale of
17 marijuana completes a training program approved by the Department prior to
18 selling marijuana and at least once every 24 months thereafter. A licensee
19 shall keep a written record of the type and date of training for each employee,
20 which shall be signed by each employee. A licensee may comply with this
21 requirement by conducting its own training program on its premises, using

1 information and materials furnished by the Department. A licensee who fails
2 to comply with the requirements of this section shall be subject to a suspension
3 of no less than one day of the license issued under this chapter.

4 § 4524. IDENTIFICATION CARD; CRIMINAL BACKGROUND CHECK

5 (a) The Department shall issue each employee an identification card or
6 renewal card within 30 days of receipt of the person's name, address, and date
7 of birth and a fee of \$50.00. The fee shall be paid by the marijuana
8 establishment and shall not be passed on to an employee. A person shall not
9 work as an employee in until that person has received an identification card
10 issued under this section. Each card shall contain the following:

11 (1) the name, address, and date of birth of the person;

12 (2) the legal name of the marijuana establishment with which the person
13 is affiliated;

14 (3) a random identification number that is unique to the person;

15 (4) the date of issuance and the expiration date of the identification
16 card; and

17 (5) a photograph of the person.

18 (b) Prior to acting on an application for an identification card, the
19 Department shall obtain the person's Vermont criminal history record,
20 out-of-state criminal history record, and criminal history record from the
21 Federal Bureau of Investigation. Each person shall consent to the release of

1 criminal history records to the Department on forms developed by the Vermont
2 Crime Information Center.

3 (c) When the Department obtains a criminal history record, the Department
4 shall promptly provide a copy of the record to the person and the marijuana
5 establishment. The Department shall inform the person of the right to appeal
6 the accuracy and completeness of the record pursuant to rules adopted by the
7 Department.

8 (d) The Department shall comply with all laws regulating the release of
9 criminal history records and the protection of individual privacy. No person
10 shall confirm the existence or nonexistence of criminal history record
11 information to any person who would not be eligible to receive the information
12 pursuant to this chapter.

13 (e) The Department shall not issue an identification card to any person who
14 has been convicted of a drug-related offense or a violent felony or who has a
15 pending charge for such an offense. As used in this subchapter, “violent
16 felony” means a listed crime as defined in 13 V.S.A. § 5301(7) or an offense
17 involving sexual exploitation of children in violation of 13 V.S.A. chapter 64.

18 (f) The Department shall adopt rules for the issuance of an identification
19 card and shall set forth standards for determining whether a person should be
20 denied a registry identification card because his or her criminal history record
21 indicates that the person’s association with a marijuana establishment would

1 pose a demonstrable threat to public safety. The rules shall consider whether a
2 person who has a conviction for an offense not listed in subsection (e) of this
3 section has been rehabilitated. A conviction for an offense not listed in
4 subsection (e) of this section shall not automatically disqualify a person for a
5 registry identification card. A marijuana establishment may deny a person the
6 opportunity to serve as an employee based on his or her criminal history
7 record. A person who is denied an identification card may appeal the
8 Department's determination in Superior Court in accordance with Rule 75 of
9 the Vermont Rules of Civil Procedure.

10 (g) An identification card shall expire one year after its issuance or upon
11 the expiration of the marijuana establishment's license, whichever occurs first.

12
13 § 4525. CULTIVATOR LICENSE

14 (a) A cultivator licensed under this chapter may cultivate, package, label,
15 transport, test, and sell marijuana to a licensed retailer.

16 (b) Cultivation of marijuana shall occur only in an enclosed, locked
17 facility.

18 (c) The maximum space for marijuana cultivation shall not exceed 30,000
19 square feet per license. An applicant shall designate on their operating plan the
20 size of the premises and the amount of actual square footage that will be
21 dedicated to plant canopy. The Department may use its discretion to license a

1 cultivator for less than 30,000 square feet of cultivation space and to proscribe
2 the ratio of indoor and outdoor cultivation based on an assessment of the
3 operating plan and proposed premises.

4 (d) Representative samples of each lot or batch of marijuana intended for
5 human consumption shall be tested for safety and potency in accordance with
6 rules adopted by the Department.

7 (e) Each cultivator shall create packaging for its marijuana.

8 (1) Packaging shall include:

9 (A) The name and registration number of the cultivator.

10 (B) The strain of marijuana contained. Marijuana strains shall be
11 either pure breeds or hybrid varieties of marijuana and shall reflect properties
12 of the plant.

13 (C) The potency of the marijuana represented by the percentage of
14 tetrahydrocannabinol and cannabidiol by mass.

15 (D) A “produced on” date reflecting the date that the cultivator
16 finished producing marijuana.

17 (E) Warnings in substantially the following form, stating,
18 “Consumption of marijuana impairs your ability to drive a car and operate
19 machinery,” “Keep away from children,” and “Possession of marijuana is
20 illegal under federal law.”

1 (F) Any additional requirements contained in rules adopted by the
2 Department in accordance with this chapter.

3 (2) Packaging shall not be designed to appeal to persons less than 21
4 years of age.

5 § 4526. RETAILER LICENSE

6 (a) A retailer licensed under this chapter may:

7 (1) transport, possess, and sell marijuana to the public for consumption
8 off the registered premises; and

9 (2) purchase marijuana from a licensed cultivator.

10 (b)(1) In a single transaction, a retailer may provide:

11 (A) one ounce of marijuana to a person 21 years of age or older upon
12 verification of a valid Vermont-issued photograph identification card; or

13 (B) one-quarter of an ounce of marijuana to a person 21 years of age
14 or older upon verification of a valid government-issued photograph
15 identification card.

16 (2) A retailer shall not knowingly and willfully sell an amount of
17 marijuana to a person that causes the person to exceed the possession limit.

18 (c) A retailer may only sell “useable marijuana” which means the dried
19 flowers of marijuana and does not include the seeds, stalks, leaves, and roots of
20 the plant.

21 (d) Packaging shall include:

1 (A) The name and registration number of the retailer.

2 (B) The strain of marijuana contained. Marijuana strains shall be
3 either pure breeds or hybrid varieties of marijuana and shall reflect properties
4 of the plant.

5 (C) The potency of the marijuana represented by the percentage of
6 tetrahydrocannabinol and cannabidiol by mass.

7 (D) A “produced on” date reflecting the date that the cultivator
8 finished producing marijuana.

9 (E) Warnings in substantially the following form, stating,
10 “Consumption of marijuana impairs your ability to drive a car and operate
11 machinery,” “Keep away from children,” and “Possession of marijuana is
12 illegal under federal law.”

13 (F) Any additional requirements contained in rules adopted by the
14 Department in accordance with this chapter.

15 (2) Packaging shall not be designed to appeal to persons less than
16 21 years of age.

17 (e) A retailer shall display a safety information flyer developed or approved
18 by the Board and supplied to the retailer free of charge. The flyer shall contain
19 information concerning the methods for administering marijuana, the potential
20 dangers of marijuana use, the symptoms of problematic usage, and how to
21 receive help for marijuana abuse.

1 of this act and examination of issues important to the future of marijuana
2 regulation in Vermont.

3 (b) Membership. The Commission shall be composed of the following
4 members:

5 (1) two current members of the House of Representatives, not all from
6 the same political party, who shall be appointed by the Speaker of the House;

7 (2) two current members of the Senate, not all from the same political
8 party, who shall be appointed by the Committee on Committees;

9 (3) two members of the public appointed by the Governor; and

10 (4) one person appointed by the Attorney General.

11 § 4542. POWERS; DUTIES

12 (a) The Commission shall:

13 (1) collect information about the implementation, operation, and effect
14 of this act from members of the public, State agencies, and private and public
15 sector businesses and organizations;

16 (2) communicate with other states that have legalized marijuana and
17 monitor those states regarding their implementation of regulation, policies, and
18 strategies that have been successful and problems that have arisen;

19 (3) consider the issue of personal cultivation of a small number of
20 marijuana plants and whether Vermont could permit home grow in a manner

1 that would not create diversion or enforcement issues that hinder efforts to
2 divert the marijuana economy from the illegal to the regulated market;

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

6 (5) keep updated on the latest information in Vermont and other
7 jurisdictions regarding the prevention and detection of drugged driving as it
8 relates to marijuana;

9 (6) study the opportunity for cooperative agriculture business model and
10 licensure;

11 (7) examine whether Vermont should allow additional types of
12 marijuana establishment licenses, including a processor license and a testing
13 laboratory license; and

14 (8) report any recommendations to the General Assembly or the
15 Governor, or both, as needed.

16 (b) On or before September 30, 2018, the Commission shall issue a final
17 report to the General Assembly and the Governor regarding its findings and
18 any recommendations for legislative or administrative action.

19 § 4543. ADMINISTRATION

20 (a) Assistance. The Commission shall have the administrative, technical,
21 and legal assistance of the Office of Legislative Council.

1 (b) Meetings.

2 (1) The Office of Legislative Council shall call the first meeting of the
3 Commission to occur on or before October 1, 2016.

4 (2) The Commission shall select a chair from among its members at the
5 first meeting.

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

7 (4) The Commission shall cease to exist on October 1, 2018.

8 (c) Reimbursement.

9 (1) For attendance at meetings during adjournment of the General
10 Assembly, legislative members of the Commission shall be entitled to per diem
11 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for
12 as many meetings as the Chair deems necessary.

13 (2) Other members of the Commission who are not employees of the
14 State of Vermont and who are not otherwise compensated or reimbursed for
15 their attendance shall be entitled to per diem compensation and reimbursement
16 of expenses pursuant to 32 V.S.A. § 1010.

17 * * * Medical Marijuana Dispensaries * * *

18 Sec. 13. LEGISLATIVE INTENT; DISPENSARIES

19 The continued viability of medical marijuana dispensaries in a regulated
20 retail market is critical to ensure appropriate services and products to
21 Vermonters with qualifying debilitating medical conditions.

1 Sec. 14. 18 V.S.A. § 4472 is amended to read:

2 § 4472. DEFINITIONS

3 * * *

4 (6)(A) “Health care professional” means an individual licensed to
5 practice medicine under 26 V.S.A. chapter 23 or 33, an individual licensed as a
6 naturopathic physician under 26 V.S.A. chapter 81 ~~who has a special license~~
7 ~~endorsement authorizing the individual to prescribe, dispense, and administer~~
8 ~~prescription medicines to the extent that a diagnosis provided by a naturopath~~
9 ~~under this chapter is within the scope of his or her practice~~, an individual
10 certified as a physician assistant under 26 V.S.A. chapter 31, or an individual
11 licensed as an advanced practice registered nurse under 26 V.S.A. chapter 28.

12 (B) ~~Except for naturopaths, this~~ This definition includes individuals
13 who are professionally licensed under substantially equivalent provisions in
14 New Hampshire, Massachusetts, or New York.

15 * * *

16 (11) “Registered caregiver” means a person who is at least 21 years ~~old~~
17 ~~who has never been convicted of a drug-related crime~~ of age, has met
18 eligibility requirements as determined by the Department in accordance with
19 this chapter, and who has agreed to undertake responsibility for managing the
20 well-being of a registered patient with respect to the use of marijuana for
21 symptom relief.

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* * *

(17) “Enclosed, locked facility” shall be either indoors or outdoors, not visible to the public, and may include a building, room, greenhouse, fully enclosed fenced-in area, or other location enclosed on all sides and equipped with locks or other security devices that permit access only by:

(A) Employees, agents, or owners of the dispensary, all of whom shall be 21 years of age or older.

(B) Government employees performing their official duties.

(C) Contractors performing labor that does not include marijuana cultivation, packaging, or processing. Contractors shall be accompanied by an employee, agent, or owner of the dispensary when they are in areas where marijuana is being grown, processed, or stored.

(D) Registered employees of another dispensary, members of the media, elected officials, and other individuals 21 years of age or older visiting the facility, provided they are accompanied by an employee, agent, or owner of the dispensary.

Sec. 15. 18 V.S.A. § 4473 is amended to read:

§ 4473. REGISTERED PATIENTS; QUALIFICATION STANDARDS AND PROCEDURES

* * *

1 (b) The Department of Public Safety shall review applications to become a
2 registered patient using the following procedures:

3 * * *

4 (5)(A) A Review Board is established. ~~The Medical Practice Board~~
5 ~~shall appoint three physicians licensed in Vermont to constitute the Review~~
6 ~~Board. If an application under subdivision (1) of this subsection is denied,~~
7 ~~within seven days the patient may appeal the denial to the Board. Review shall~~
8 ~~be limited to information submitted by the patient under subdivision (1) of this~~
9 ~~subsection, and consultation with the patient's treating health care professional.~~
10 ~~All records relating to the appeal shall be kept confidential. An appeal shall be~~
11 ~~decided by majority vote of the members of the Board.~~ The Review Board shall
12 comprise three members:

13 (i) a physician appointed by the Medical Practice Board;

14 (ii) a naturopathic physician appointed by the Office of
15 Professional Regulation; and

16 (iii) an advanced practice registered nurse appointed by the Office
17 of Professional Regulation.

18 (B) The Board shall meet periodically to review studies, data, and
19 any other information relevant to the use of marijuana for symptom relief. The
20 Board may make recommendations to the General Assembly for adjustments
21 and changes to this chapter.

1 (C) Members of the Board shall serve for three-year terms, beginning
2 February 1 of the year in which the appointment is made, except that the first
3 members appointed shall serve as follows: one for a term of two years, one for
4 a term of three years, and one for a term of four years. Members shall be
5 entitled to per diem compensation authorized under 32 V.S.A. § 1010.
6 Vacancies shall be filled in the same manner as the original appointment for
7 the unexpired portion of the term vacated.

8 (D) If an application under subdivision (1) of this subsection (b) is
9 denied, within seven days the patient may appeal the denial to the Board.
10 Review shall be limited to information submitted by the patient under
11 subdivision (1) of this subsection, and consultation with the patient’s treating
12 health care professional. All records relating to the appeal shall be kept
13 confidential. An appeal shall be decided by majority vote of the members of
14 the Board.

15 Sec. 16. 18 V.S.A. § 4474 is amended to read:

16 § 4474. REGISTERED CAREGIVERS; QUALIFICATION STANDARDS
17 AND PROCEDURES

18 * * *

19 (d) Upon completing appropriate training and education approved by the
20 Department, a registered caregiver of a patient who is under 18 years of age
21 and who suffers from seizures may obtain a license from the Department to

1 grow hemp and manufacture a hemp concentrate by chemical extraction or
2 chemical synthesis using a solvent such as butane, hexane, isopropyl alcohol,
3 ethanol, or carbon dioxide.

4 Sec. 17. 18 V.S.A. § 4474e is amended to read:

5 § 4474e. DISPENSARIES; CONDITIONS OF OPERATION

6 (a) A dispensary registered under this section may:

7 (1) Acquire, possess, cultivate, manufacture, transfer, transport, supply,
8 sell, and dispense marijuana, marijuana-infused products, and
9 marijuana-related supplies and educational materials for or to a registered
10 patient who has designated it as his or her dispensary and to his or her
11 registered caregiver for the registered patient's use for symptom relief.

12 (A) Marijuana-infused products shall include tinctures, oils, solvents,
13 and edible or potable goods. Only the portion of any marijuana-infused
14 product that is attributable to marijuana shall count toward the possession
15 limits of the dispensary and the patient. The Department of Public Safety shall
16 establish by rule the appropriate method to establish the weight of marijuana
17 that is attributable to marijuana-infused products. A dispensary shall dispense
18 marijuana-infused products in child-resistant packaging as defined in 7 V.S.A.
19 § 1012.

20 * * *

1 and may perform on-site assessments of a dispensary without limitation for the
2 purpose of determining compliance with this subchapter and any rules adopted
3 pursuant to this subchapter and may enter a dispensary at any time for such
4 purpose. During an inspection, the Department may review the dispensary's
5 confidential records, including its dispensing records, which shall track
6 transactions according to registered patients' registry identification numbers to
7 protect their confidentiality.

8 * * *

9 (h) A dispensary shall include a label on the packaging of all marijuana that
10 is dispensed. The label shall:

11 (1) identify the particular strain of marijuana contained therein.

12 Cannabis strains shall be either pure breeds or hybrid varieties of cannabis and
13 shall reflect properties of the plant. ~~The label also shall:~~

14 (2) identify the amount of tetrahydrocannabinol in each single dose
15 marijuana-infused edible or potable product; and

16 (3) contain a statement to the effect that the State of Vermont does not
17 attest to the medicinal value of cannabis.

18 * * *

19 Sec. 18. 18 V.S.A. § 4474g is amended to read:

20 § 4474g. DISPENSARY REGISTRY IDENTIFICATION CARD;

21 CRIMINAL BACKGROUND CHECK

1 (a) Except as provided in subsection (b) of this section, the Department of
2 Public Safety shall issue each principal officer, Board member, and employee
3 of a dispensary a registry identification card or renewal card within 30 days of
4 receipt of the person's name, address, and date of birth and a fee of \$50.00.

5 The fee shall be paid by the dispensary and the cost shall not be passed on to a
6 principal officer, Board member, or employee. A person shall not serve as
7 principal officer, Board member, or employee of a dispensary until that person
8 has received a registry identification card issued under this section. Each card
9 shall specify whether the cardholder is a principal officer, Board member, or
10 employee of a dispensary and shall contain the following:

11 (1) the name, address, and date of birth of the person;

12 (2) the legal name of the dispensary with which the person is affiliated;

13 (3) a random identification number that is unique to the person;

14 (4) the date of issuance and the expiration date of the registry

15 identification card; and

16 (5) a photograph of the person.

17 (b) Prior to acting on an application for a registry identification card, the
18 Department of Public Safety shall obtain with respect to the applicant a
19 Vermont criminal history record, an out-of-state criminal history record, and a
20 criminal history record from the Federal Bureau of Investigation. Each
21 applicant shall consent to the release of criminal history records to the

1 Department on forms developed by the Vermont Crime Information Center.
2 A fingerprint-supported, out-of-state criminal history record and a criminal
3 history record from the Federal Bureau of Investigation shall be required only
4 every three years for renewal of a card for a dispensary principal or Board
5 member.

6 * * *

7 Sec. 19. 18 V.S.A. § 4474h is amended to read:

8 § 4474h. PATIENT DESIGNATION OF DISPENSARY

9 (a) A registered patient may obtain marijuana only from the patient's
10 designated dispensary and may designate only one dispensary. If a registered
11 patient designates a dispensary, the patient and his or her caregiver may not
12 grow marijuana or obtain marijuana or marijuana-infused products for
13 symptom relief from any source other than the designated dispensary. A
14 registered patient who wishes to change his or her dispensary shall notify the
15 ~~department of public safety~~ Department of Public Safety in writing on a form
16 issued by the ~~department~~ Department and shall submit with the form a fee of
17 \$25.00. The ~~department~~ Department shall issue a new identification card to
18 the registered patient within 30 days of receiving the notification of change in
19 dispensary. The registered patient's previous identification card shall expire at
20 the time the new identification card takes effect. A registered patient shall
21 submit his or her expired identification card to the ~~department~~ Department

1 within 30 days of expiration. A registered patient shall not change his or her
2 designated dispensary more than once in any ~~90-day~~ 30-day period.

3 (b) The ~~department of public safety~~ Department of Public Safety shall track
4 the number of registered patients who have designated each dispensary. The
5 ~~department~~ Department shall issue a monthly written statement to the
6 dispensary identifying the number of registered patients who have designated
7 that dispensary and the registry identification numbers of each patient and each
8 patient's designated caregiver, if any.

9 (c) In addition to the monthly reports, the ~~department of public safety~~
10 Department of Public Safety shall provide written notice to a dispensary
11 whenever any of the following events occurs:

12 (1) ~~A~~ a qualifying patient designates the dispensary to serve his or her
13 needs under this subchapter;

14 (2) ~~An~~ an existing registered patient revokes the designation of the
15 dispensary because he or she has designated a different dispensary; or

16 (3) ~~A~~ a registered patient who has designated the dispensary loses his or
17 her status as a registered patient under this subchapter.

18 * * * Impaired Driving * * *

19 Sec. 20. 23 V.S.A. § 1134 is amended to read:

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

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

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

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

15 (d) A person who violates subsection (a) of this section shall be assessed a
16 civil penalty of not more than \$500.00. A person who violates subsection (b)
17 of this section shall be assessed a civil penalty of not more than ~~\$25.00~~
18 \$100.00. A person adjudicated and assessed a civil penalty for an offense
19 under subsection (a) of this section shall not be subject to a civil violation for
20 the same actions under subsection (b) of this section.

1 Sec. 21. 23 V.S.A. § 1134a is amended to read:

2 § 1134a. MOTOR VEHICLE PASSENGER; CONSUMPTION OR
3 POSSESSION OF ALCOHOL OR MARIJUANA

4 (a) Except as provided in subsection (c) of this section, a passenger in a
5 motor vehicle shall not consume alcoholic beverages or marijuana or possess
6 any open container which contains alcoholic beverages or marijuana in the
7 passenger area of any motor vehicle on a public highway. As used in this
8 section, “alcoholic beverages” shall have the same meaning as “intoxicating
9 liquor” as defined in section 1200 of this title.

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

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

1 (d) A person who violates this section shall be fined not more than \$25.00
2 \$50.00.

3 Sec. 22. VERMONT GOVERNOR’S HIGHWAY SAFETY PROGRAM

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

13 (b)(1) The Agency of Transportation, through its Vermont Governor’s
14 Highway Safety Program, shall expand its public education and prevention
15 campaign on drunk driving to impaired driving, which shall include drugged
16 driving.

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

1 Sec. 23. COMMISSIONER OF PUBLIC SAFETY

2 The Commissioner of Public Safety shall report to the Senate and House
3 Committees on Judiciary and on Transportation on or before January 15 each
4 year regarding the following issues concerning impaired driving:

5 (1) the previous year's data in Vermont,

6 (2) the latest information regarding best practices on prevention and
7 enforcement, and

8 (3) his or her recommendations for legislative action.

9 Sec. 24. DRUG RECOGNITION EXPERT TRAINING

10 (a) In fiscal year 2017, \$XXXXXX is appropriated from the General Fund to
11 the Department of Public Safety, these funds shall be used to provide drug
12 recognition expert training to a minimum of ten additional sworn law
13 enforcement officers statewide.

14 (b) The Department shall develop a process for approving funding for drug
15 recognition expert training from law enforcement agencies in the State. The
16 funds may be used to reimburse local agencies for overtime costs incurred
17 while officers are out of the State for training.

18 (c) The Department shall work collaboratively with the Agency of
19 Transportation to ensure federal Governor's Highway Safety Program funds
20 are applied where appropriate for the cost of this training.

1 Sec. 25. CREATION AND FUNDING OF NEW TROOPER POSITIONS

2 (a) Position creation. Within the Department of Public Safety, the
3 following positions are created:

4 (1) effective July 1, 2016, nine classified trooper positions;

5 (2) effective July 1, 2017, eight classified trooper positions; and

6 (3) Effective July 1, 2018, eight classified trooper positions.

7 (b) Position funding:

8 (1) In fiscal year 2017, \$1,500,000.00 is appropriated from the General
9 Fund to the Department of Public Safety for the trooper positions, including
10 required equipment.

11 (2) It is the intent of the General Assembly that funding be appropriated
12 as needed to fund the new trooper positions created in fiscal years 2018 and
13 2019.

14 Sec. 26. DEPARTMENT OF PUBLIC SAFETY LABORATORY
15 POSITIONS, EQUIPMENT, AND FUNDING

16 (a) Position creation: Within the Department of Public Safety, six
17 classified positions are established, as follows:

18 (1) two forensic chemists;

19 (2) two program technicians; and

20 (3) two administrative assistants.

1

* * * Effective Dates * * *

2

Sec. 28. EFFECTIVE DATES - RESERVED

DRAFT