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H.167

Introduced by Representatives Grad of Moretown, Burditt of West Rutland,
Colburn of Burlington, and Conquest of Newbury

Referred to Committee on

Date:

Subject: Health; regulated drugs

Statement of purpose of bill as introduced: This bill proposes to amend the
illegally possessed amount of cocaine, heroin, depressant, stimulant, and
narcotic drugs that distinguishes between misdemeanor and felony crimes.

An act relating to establishing drug possession thresholds to distinguish
misdemeanor and felony crimes

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

Sec. 1. 18 V.S.A. § 4231 is amended to read:

§ 4231. COCAINE

(a) Possession.

(1) A person knowingly and unlawfully possessing cocaine shall be
imprisoned not more than one year or fined not more than \$2,000.00, or both.

(2) A person knowingly and unlawfully possessing cocaine in an
amount consisting of 2.5 more than 3.5 grams ~~or more~~ of one or more
preparations, compounds, mixtures, or substances containing cocaine shall be

1 imprisoned not more than five years or fined not more than \$100,000.00, or
2 both.

3 (3) A person knowingly and unlawfully possessing cocaine in an
4 amount consisting of more than one ounce ~~or more~~ of one or more
5 preparations, compounds, mixtures, or substances containing cocaine shall be
6 imprisoned not more than 10 years or fined not more than \$250,000.00, or
7 both.

8 * * *

9 Sec. 2 18 V.S.A. § 4233 is amended to read:

10 § 4233. HEROIN

11 (a) Possession.

12 (1) A person knowingly and unlawfully possessing heroin shall be
13 imprisoned not more than one year or fined not more than \$2,000.00, or both.

14 (2) A person knowingly and unlawfully possessing heroin in an amount
15 consisting of ~~200 milligrams or more~~ than one gram of one or more
16 preparations, compounds, mixtures, or substances containing heroin shall be
17 imprisoned not more than five years or fined not more than \$100,000.00, or
18 both.

19 (3) A person knowingly and unlawfully possessing heroin in an amount
20 consisting of ~~one gram or more~~ than two grams of one or more preparations,

1 compounds, mixtures or substances containing heroin shall be imprisoned not
2 more than 10 years or fined not more than \$250,000.00, or both.

3 (4) A person knowingly and unlawfully possessing heroin in an amount
4 consisting of ~~two~~ more than five grams ~~or more~~ of one or more preparations,
5 compounds, mixtures, or substances containing heroin shall be imprisoned not
6 more than 20 years or fined not more than \$1,000,000.00, or both.

7 * * *

8 Sec. 3. 18 V.S.A. § 4234 is amended to read:

9 § 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

10 (a) Possession.

11 (1) A person knowingly and unlawfully possessing a depressant,
12 stimulant, or narcotic drug, other than heroin or cocaine, shall be imprisoned
13 not more than one year or fined not more than \$2,000.00, or both.

14 (2) A person knowingly and unlawfully possessing a depressant,
15 stimulant, or narcotic drug, other than heroin or cocaine, consisting of ~~400~~ 50
16 times a benchmark unlawful dosage or its equivalent as determined by the
17 ~~board of health~~ Board of Health by rule shall be imprisoned not more than five
18 years or fined not more than \$25,000.00, or both.

19 (3) A person knowingly and unlawfully possessing a depressant,
20 stimulant, or narcotic drug, other than heroin or cocaine, consisting of ~~1,000~~
21 100 times a benchmark unlawful dosage or its equivalent as determined by the

1 ~~board of health~~ Board of Health by rule shall be imprisoned not more than
2 10 years or fined not more than \$100,000.00, or both.

3 (4) A person knowingly and unlawfully possessing a depressant,
4 stimulant, or narcotic drug, other than heroin or cocaine, consisting of ~~10,000~~
5 1,000 times a benchmark unlawful dosage or its equivalent as determined by
6 the ~~board of health~~ Board of Health by rule shall be imprisoned not more than
7 20 years or fined not more than \$500,000.00, or both.

8 * * *

9 Sec. 4. EFFECTIVE DATE

10 This act shall take effect on July 1, 2017.