

## **S.22 (Vetoed). Crimes and criminal procedures; marijuana**

This bill would have made a number of changes to marijuana law and policy, including:

- Eliminating all penalties for possession of one ounce or less of marijuana and for two mature and four immature marijuana plants for a person who is 21 years of age or older.
- Retaining criminal penalties for possession of more than one ounce of marijuana and more than two mature and four immature marijuana plants and criminal penalties for unauthorized dispensing or sale of marijuana.
- Providing civil penalties, court diversion, and the Youth Substance Abuse Safety Program for persons under 21 years of age who are in possession of an amount of marijuana or marijuana plants that would be legal if possessed by a person who is 21 years of age or older.
- Defining “marijuana” to follow more closely the federal definition.
- Prohibiting public consumption of marijuana and establishing civil penalties for violations.
- Requiring that marijuana plants possessed by a person who is 21 years of age or older be on property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property, in an enclosure that is screened from public view, and that reasonable precautions are taken to prevent unauthorized access to the marijuana. Violations would have been subject to civil penalties.
- Limiting the number of marijuana plants in or at a dwelling unit to two mature and four immature marijuana plants regardless of how many persons 21 years of age or older reside in the dwelling unit.
- Creating a new crime for a person 21 years of age or older furnishing marijuana to a person under 21 years of age or knowingly enabling the consumption of marijuana by a person under 21 years of age. Violations would have been subject to up to two years’ imprisonment or a fine of not more than \$2,000.00, or both. In cases where the person under 21 years of age, while operating a motor vehicle on a public highway, caused death or serious bodily injury to himself or herself or to another person as a result of the violation, the person who furnished or enabled consumption of the marijuana would have been subject to up to five years’ imprisonment or a fine of not more than \$10,000.00, or both.
- Establishing that a spouse, child, guardian, employer, or other person who was injured in person, property, or means of support by a person under 21 years of age who was impaired by marijuana, or in consequence of the impairment by marijuana of any person under 21 years of age, would have a right of action against any person or persons who had caused in whole or in part such impairment by furnishing marijuana to a person under 21 years of age.

- Creating a new crime for the manufacture of concentrated marijuana by chemical extraction or chemical synthesis using butane or hexane unless authorized as a registered marijuana dispensary. Violations would have been subject to up to two years' imprisonment or a fine of not more than \$2,000.00, or both. If the violation had caused serious bodily injury to another person, the person would have been subject to up to five years' imprisonment or a fine of not more than \$5,000.00, or both.
- Establishing civil penalties for possessing an open container of marijuana in a vehicle, using marijuana in a vehicle, and using marijuana in a vehicle with a child present.
- Prohibiting cultivation and possession of marijuana at a child care facility or after school program.
- Establishing the Marijuana Regulatory Commission for the purpose of developing legislation by November 1, 2017 that would have established a comprehensive regulatory and revenue system for an adult-use marijuana market that, when compared to the current illegal marijuana market, would have increased public safety and reduced harm to public health.

Vetoed by the Governor: May 24, 2017

Effective Date: Not applicable