

Journal of the House

Thursday, January 4, 2018

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Representative Kevin Christie of Hartford.

House Bill Introduced

A House bill of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 563

By Reps. Willhoit of St. Johnsbury, Colburn of Burlington and Lalonde of South Burlington,

House bill, entitled

An act relating to repealing the crimes of vagrancy;

To the committee on Judiciary.

Joint Resolution Adopted in Concurrence

J.R.S. 36

By Senator Ashe,

J.R.S. 36. Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 4, 2018, at two o'clock in the afternoon to receive the State-of-the-State message from the Governor

Was taken up, read and adopted in concurrence.

Joint Resolution Adopted in Concurrence

J.R.S. 37

By Senator Ashe,

J.R.S. 37. Joint resolution relating to Town Meeting adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 2, 2018, or Saturday, March 3, 2018, it be to meet again no later than Tuesday, March 13, 2018

Was taken up, read and adopted in concurrence.

Joint Resolution Adopted in Concurrence

J.R.S. 38

By Senator Ashe,

J.R.S. 38. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 5, 2018, it be to meet again no later than Tuesday, January 9, 2018

Was taken up, read and adopted in concurrence.

**Senate Proposal of Amendment Considered;
Consideration Interrupted**

H. 511

The Senate proposed to the House to amend House bill, entitled

An act relating to highway safety

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE INTENT; CIVIL AND CRIMINAL PENALTIES

It is the intent of the General Assembly to eliminate all penalties for possession of one ounce or less of marijuana and two mature and four immature marijuana plants for a person who is 21 years of age or older while retaining criminal penalties for possession, dispensing, and sale of larger amounts of marijuana.

Sec. 2. 18 V.S.A. § 4201 is amended to read:

§ 4201. DEFINITIONS

As used in this chapter, unless the context otherwise requires:

* * *

(15)(A) ~~“Marijuana” means any plant material of the genus cannabis or any preparation, compound, or mixture thereof except:~~

~~(A) sterilized seeds of the plant;~~

~~(B) fiber produced from the stalks; or~~

~~(C) hemp or hemp products, as defined in 6 V.S.A. § 562 all parts of the plant Cannabis sativa L., except as provided by subdivision (B) of this subdivision (15), whether growing or harvested, and includes:~~

(i) the seeds of the plant;

(ii) the resin extracted from any part of the plant; and

(iii) any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin.

(B) “Marijuana” does not include:

(i) the mature stalks of the plant and fiber produced from the stalks;

(ii) oil or cake made from the seeds of the plant;

(iii) any compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake;

(iv) the sterilized seed of the plant that is incapable of germination; or

(v) hemp or hemp products, as defined in 6 V.S.A. § 562.

* * *

(43) “Immature marijuana plant” means a female marijuana plant that has not flowered and that does not have buds that may be observed by visual examination.

(44) “Mature marijuana plant” means a female marijuana plant that has flowered and that has buds that may be observed by visual examination.

Sec. 3. 18 V.S.A. § 4230 is amended to read:

§ 4230. MARIJUANA

(a) Possession and cultivation.

(1)(A) No person shall knowingly and unlawfully possess more than one ounce of marijuana or more than five grams of hashish or cultivate more than two mature marijuana plants or four immature marijuana plants. For a first offense under this subdivision (A), a person shall be provided the opportunity to participate in the Court Diversion Program unless the prosecutor states on the record why a referral to the Court Diversion Program would not serve the ends of justice. A person convicted of a first offense under this subdivision shall be imprisoned not more than six months or fined not more than \$500.00, or both.

(B) A person convicted of a second or subsequent offense of

knowingly and unlawfully possessing more than one ounce of marijuana or more than five grams of hashish or cultivating more than two mature marijuana plants or four immature marijuana plants shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(C) Upon an adjudication of guilt for a first or second offense under this subdivision, the court may defer sentencing as provided in 13 V.S.A. § 7041 except that the court may in its discretion defer sentence without the filing of a presentence investigation report and except that sentence may be imposed at any time within two years from and after the date of entry of deferment. The court may, prior to sentencing, order that the defendant submit to a drug assessment screening which may be considered at sentencing in the same manner as a presentence report.

(2) A person knowingly and unlawfully possessing two ounces of marijuana or 10 grams of hashish or knowingly and unlawfully cultivating more than three plants of four mature marijuana plants or eight immature marijuana plants shall be imprisoned not more than three years or fined not more than \$10,000.00, or both.

(3) A person knowingly and unlawfully possessing more than one pound or more of marijuana or more than 2.8 ounces or more of hashish or knowingly and unlawfully cultivating more than 10 plants of six mature marijuana plants or 12 immature marijuana plants shall be imprisoned not more than five years or fined not more than ~~\$100,000.00~~ \$10,000.00, or both.

(4) A person knowingly and unlawfully possessing more than 10 pounds or more of marijuana or more than one pound or more of hashish or knowingly and unlawfully cultivating more than 25 plants of 12 mature marijuana plants or 24 immature marijuana plants shall be imprisoned not more than 15 years or fined not more than \$500,000.00, or both.

(5) If a court fails to provide the defendant with notice of collateral consequences in accordance with 13 V.S.A. § 8005(b) and the defendant later at any time shows that the plea and conviction for a violation of this subsection may have or has had a negative consequence, the court, upon the defendant's motion, shall vacate the judgment and permit the defendant to withdraw the plea or admission and enter a plea of not guilty. Failure of the court to advise the defendant of a particular collateral consequence shall not support a motion to vacate.

(6) The amounts of marijuana in this subsection shall not include marijuana cultivated, harvested, and stored in accordance with section 4230e of this title.

* * *

Sec. 4. 18 V.S.A. § 4230a is amended to read:

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

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

- ~~(1) not more than \$200.00 for a first offense;~~
- ~~(2) not more than \$300.00 for a second offense;~~
- ~~(3) not more than \$500.00 for a third or subsequent offense.~~

~~(b)(1) Except as otherwise provided in this section, a person 21 years of age or older who possesses one ounce or less of marijuana or five grams or less of hashish and two mature marijuana plants or fewer or four immature marijuana plants or fewer or who possesses paraphernalia for marijuana use shall not be penalized or sanctioned in any manner by the State or any of its political subdivisions or denied any right or privilege under State law. The one-ounce limit of marijuana or five grams of hashish that may be possessed by a person 21 years of age or older shall not include marijuana cultivated, harvested, and stored in accordance with section 4230e of this title.~~

~~(2)(A) A violation of this section shall not result in the creation of a criminal history record of any kind. A person shall not consume marijuana in a public place. "Public place" means any street, alley, park, sidewalk, public building other than individual dwellings, any place of public accommodation as defined in 9 V.S.A. § 4501, and any place where the use or possession of a lighted tobacco product, tobacco product, or tobacco substitute as defined in 7 V.S.A. § 1001 is prohibited by law.~~

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

- ~~(i) not more than \$100.00 for a first offense;~~
- ~~(ii) not more than \$200.00 for a second offense; and~~
- ~~(iii) not more than \$500.00 for a third or subsequent offense.~~

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

~~(2)(b)(1) This section is not intended to affect the search and seizure~~

~~laws afforded to duly authorized law enforcement officers under the laws of this State. Marijuana possessed or consumed in violation of State law is contraband pursuant to section 4242 subsection 4242(d) of this title and subject to seizure and forfeiture unless possessed in compliance with chapter 86 of this title (therapeutic use of cannabis).~~

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

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

(2) This section does not:

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

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

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

(D) prohibit a municipality from adopting a civil ordinance to provide additional penalties for consumption of marijuana in a public place;

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

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

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

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

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

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

~~(f)~~(d) Fifty percent of the civil penalties imposed by the Judicial Bureau for violations of this section shall be deposited in the Drug Task Force Special Fund, hereby created to be managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and available to the Department of Public Safety for the funding of law enforcement officers on the Drug Task Force, except for a \$12.50 administrative charge for each violation which shall be deposited in the Court Technology Special Fund, in accordance with 13 V.S.A. § 7252. The remaining 50 percent shall be deposited in the Youth Substance Abuse Safety Program Special Fund, hereby created to be managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and available to the Court Diversion Program for funding of the Youth Substance Abuse Safety Program as required by section 4230b of this title.

(e) Nothing in this section shall be construed to do any of the following:

(1) require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace;

(2) prevent an employer from adopting a policy that prohibits the use of marijuana in the workplace;

(3) create a cause of action against an employer that discharges an employee for violating a policy that restricts or prohibits the use of marijuana by employees; or

(4) prevent an employer from prohibiting or otherwise regulating the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana on the employer's premises.

Sec. 5. 18 V.S.A. § 4230b is amended to read:

§ 4230b. MARIJUANA POSSESSION BY A PERSON UNDER 21 YEARS OF AGE; CIVIL VIOLATION

(a) Offense. A person under 21 years of age who knowingly and unlawfully possesses one ounce or less of marijuana or five grams or less of hashish or two mature marijuana plants or fewer or four immature marijuana plants or fewer commits a civil violation and shall be referred to the Court

Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program. A person who fails to complete the program successfully shall be subject to:

(1) a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 30 days, for a first offense; and

(2) a civil penalty of not more than \$600.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days, for a second or subsequent offense.

* * *

Sec. 6. REPEAL

18 V.S.A. § 4230d (marijuana possession by a person under 16 years of age; delinquency) is repealed.

Sec. 7. 18 V.S.A. § 4230e is added to read:

§ 4230e. CULTIVATION OF MARIJUANA BY A PERSON 21 YEARS OF AGE OR OLDER

(a)(1) Except as otherwise provided in this section, a person 21 years of age or older who cultivates no more than two mature marijuana plants and four immature marijuana plants shall not be penalized or sanctioned in any manner by the State or any of its political subdivisions or denied any right or privilege under State law.

(2) Each dwelling unit shall be limited to two mature marijuana plants and four immature marijuana plants regardless of how many persons 21 years of age or older reside in the dwelling unit. As used in this section, "dwelling unit" means a building or the part of a building that is used as a primary home, residence, or sleeping place by one or more persons who maintain a household.

(3) Any marijuana harvested from the plants allowed pursuant to this subsection shall not count toward the one-ounce possession limit in section 4230a of this title provided it is stored in an indoor facility on the property where the marijuana was cultivated and reasonable precautions are taken to prevent unauthorized access to the marijuana.

(4) Cultivation in excess of the limits provided in this subsection shall be punished in accordance with section 4230 of this title.

(b)(1) Personal cultivation of marijuana only shall occur:

(A) on property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property; and

(B) in an enclosure that is screened from public view and is secure so that access is limited to the cultivator and persons 21 years of age or older who have permission from the cultivator.

(2) A person who violates this subsection shall be assessed a civil penalty as follows:

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

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

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

Sec. 8. 18 V.S.A. § 4230f is added to read:

§ 4230f. DISPENSING MARIJUANA TO A PERSON UNDER
21 YEARS OF AGE; CRIMINAL OFFENSE

(a) No person shall:

(1) dispense marijuana to a person under 21 years of age; or

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

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

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

(d) A person who violates subsection (a) of this section, where the person under 21 years of age while operating a motor vehicle on a public highway causes death or serious bodily injury to himself or herself or to another person as a result of the violation, shall be imprisoned not more than five years or fined not more than \$10,000.00, or both.

(e)(1) Subsections (a)–(d) of this section shall not apply to a person under 21 years of age who dispenses marijuana to a person under 21 years of age or who knowingly enables the consumption of marijuana by a person under 21 years of age.

(2) A person who is 18, 19, or 20 years of age who knowingly dispenses marijuana to a person who is 18, 19, or 20 years of age commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program in accordance with the provisions of section 4230b of this title and shall be subject to the penalties in that section for failure to complete the program successfully.

(3) A person 18, 19, or 20 years of age who knowingly dispenses to a person under 18 years of age who is at least three years that person's junior shall be sentenced to a term of imprisonment of not more than five years in accordance with section 4237 of this title.

(4) A person who is 19 years of age who knowingly dispenses to a person 17 years of age or a person who is 18 years of age who knowingly dispenses marijuana to a person who is 16 or 17 years of age commits a misdemeanor crime and shall be fined not more than \$500.00.

(5) A person who is under 18 years of age who knowingly dispenses marijuana to another person who is under 18 years of age commits a delinquent act and shall be subject to 33 V.S.A. chapter 52.

(f) This section shall not apply to a dispensary that lawfully provides marijuana to a registered patient or caregiver pursuant to chapter 86 of this title.

(g) The provisions of this section do not limit or restrict the prosecution for other offenses arising out of the same conduct, nor shall they limit or restrict defenses under common law.

Sec. 9. 18 V.S.A. § 4230g is added to read:

§ 4230g. DISPENSING MARIJUANA TO A PERSON UNDER
21 YEARS OF AGE; CIVIL ACTION FOR DAMAGES

(a) A spouse, child, guardian, employer, or other person who is injured in person, property, or means of support by a person under 21 years of age who is impaired by marijuana, or in consequence of the impairment by marijuana of any person under 21 years of age, shall have a right of action in his or her own name, jointly or severally, against any person or persons who have caused in whole or in part such impairment by knowingly dispensing marijuana to a person under 21 years of age or enabling the consumption of marijuana by a person under 21 years of age.

(b) Upon the death of either party, the action and right of action shall survive to or against the party's executor or administrator. The party injured or his or her legal representatives may bring either a joint action against the impaired person under 21 years of age and the person or persons who knowingly dispensed the marijuana or enabled the consumption of the marijuana, or a separate action against either or any of them.

(c) An action to recover for damages under this section shall be commenced within two years after the cause of action accrues, and not after.

(d) In an action brought under this section, evidence of responsible actions taken or not taken is admissible if otherwise relevant.

(e) A defendant in an action brought under this section has a right of contribution from any other responsible person or persons, which may be enforced in a separate action brought for that purpose.

(f) A person who knowingly dispenses marijuana to a person under 21 years of age or who enables consumption of marijuana by a person under 21 years of age may be held liable under this section if the person knew, or a reasonable person in the same circumstances would have known, that the person who received the marijuana was under 21 years of age.

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

§ 4230h. CHEMICAL EXTRACTION VIA BUTANE OR HEXANE
PROHIBITED

(a) No person shall manufacture concentrated marijuana by chemical extraction or chemical synthesis using butane or hexane unless authorized as a dispensary pursuant to a registration issued by the Department of Public Safety pursuant to chapter 86 of this title.

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

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

§ 4230i. EXCEPTIONS

(a) A person who is convicted of a felony for selling marijuana in violation of section 4230 of this title or selling a regulated drug to minors or on school grounds in violation of section 4237 of this title for an offense that occurred on or after July 1, 2018 and who possesses one ounce or less of marijuana or five grams or less of hashish commits a civil violation and shall be assessed a civil penalty as follows:

- (1) not more than \$200.00 for a first offense;
- (2) not more than \$300.00 for a second offense;
- (3) not more than \$500.00 for a third or subsequent offense.

(b) A person who is convicted of a felony for selling marijuana in violation of section 4230 of this title or selling a regulated drug to minors or on school grounds in violation of section 4237 of this title for an offense that occurred on or after July 1, 2018 and who possesses any of the following commits a misdemeanor and is subject to imprisonment of not more than one year or a fine of not more than \$1,000.00, or both:

- (1) more than one ounce, but not more than two ounces of marijuana;
- (2) more than five grams, but not more than 10 grams of hashish; or
- (3) not more than six mature marijuana plants and 12 immature marijuana plants.

Sec. 12. 18 V.S.A. § 4476 is amended to read:

§ 4476. OFFENSES AND PENALTIES

~~(a) No person shall sell, possess with intent to sell, or manufacture with intent to sell, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a regulated drug in violation of chapter 84 of this title. Whoever violates any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than \$1,000.00, or both.~~

~~(b) Any A person who violates subsection (a) of this section by selling sells drug paraphernalia to a person under 18 years of age shall be imprisoned for not more than two years, or fined not more than \$2,000.00, or both.~~

~~(e)(b) The distribution and possession of needles and syringes as part of an organized community-based needle exchange program shall not be a violation of this section or of chapter 84 of this title.~~

Sec. 13. 23 V.S.A. § 1134 is amended to read:

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

(a) A person shall not consume an alcoholic beverages beverage or marijuana while operating a motor vehicle on a public highway. As used in this subsection, the prohibition on consumption of marijuana by the operator shall extend to the operator's consumption of secondhand marijuana smoke in the vehicle as a result of another person's consumption of marijuana. As used in this section, "alcoholic beverages" shall have the same meaning as "intoxicating liquor" as defined in section 1200 of this title.

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

(c) As used in this section,:

- (1) "Alcoholic beverage" shall have the same meaning as "intoxicating

liquor” as defined in section 1200 of this title.

(2) ~~“passenger~~ Passenger area” shall mean the area designed to seat the operator and passengers while the motor vehicle is in operation and any area that is readily accessible to the operator or passengers while in their seating positions, including the glove compartment, unless the glove compartment is locked. In a motor vehicle that is not equipped with a trunk, the term shall exclude the area behind the last upright seat or any area not normally occupied by the operator or passengers.

(d) A person who violates subsection (a) of this section shall be assessed a civil penalty of not more than \$500.00. A person who ~~violates~~ possesses an open container which contains an alcoholic beverage in violation of subsection (b) of this section shall be assessed a civil penalty of not more than \$25.00. A person who possesses an open container which contains marijuana in violation of subsection (b) of this section shall be assessed a civil penalty of not more than \$200.00. A person adjudicated and assessed a civil penalty for an offense under subsection (a) of this section shall not be subject to a civil violation for the same actions under subsection (b) of this section.

Sec. 14. 23 V.S.A. § 1134a is amended to read:

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

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

(b) A passenger in a motor vehicle shall not possess any open container which contains an alcoholic beverage or marijuana in the passenger area of the motor vehicle.

(c) As used in this section_;:

(1) “Alcoholic beverage” shall have the same meaning as “intoxicating liquor” as defined in section 1200 of this title.

(2) ~~“passenger~~ Passenger area” shall mean the area designed to seat the operator and passengers while the motor vehicle is in operation and any area that is readily accessible to the operator or passengers while in their seating positions, including the glove compartment, unless the glove compartment is locked. In a motor vehicle that is not equipped with a trunk, the term shall exclude the area behind the last upright seat or any area not normally occupied

by the operator or passengers.

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

~~(d)~~(e) A person who ~~violates~~ consumes an alcoholic beverage or possesses an open container which contains an alcoholic beverage in violation of this section shall be fined assessed a civil penalty of not more than \$25.00. A person who consumes marijuana or possesses an open container which contains marijuana in violation of this section shall be assessed a civil penalty of not more than \$200.00.

Sec. 15. 23 V.S.A. § 1134b is amended to read:

§ 1134b. SMOKING USING TOBACCO OR MARIJUANA IN A MOTOR VEHICLE WITH CHILD PRESENT

(a) A person shall not possess a lighted tobacco product or use a tobacco substitute as defined in 7 V.S.A. § 1001 in a motor vehicle that is occupied by a child required to be properly restrained in a federally approved child passenger restraining system pursuant to subdivision 1258(a)(1) or (2) of this title.

(b) A person shall not use marijuana as defined in 18 V.S.A. § 4201 in a motor vehicle that is occupied by a child under 18 years of age.

(c)(1) A person who violates subsection (a) of this section shall be subject to a fine civil penalty of not more than \$100.00.—No and no points shall be assessed for a violation of this section.

(2) A person who violates subsection (b) of this section commits a misdemeanor crime and shall be subject to the following penalties:

(A) a fine of not more than \$500.00 for a first offense;

(B) a fine of not more than \$750.00 for a second offense;

(C) a fine of not more than \$1,000.00 for a third or subsequent offense.

(3) A person who violates subsection (b) of this section shall be assessed two points.

Sec. 16. 33 V.S.A. § 3504 is amended to read:

§ 3504. MARIJUANA AND TOBACCO USE PROHIBITED AT CHILD CARE FACILITIES

(a) No person shall be permitted to use marijuana as defined in 18 V.S.A. § 4201 or to cultivate marijuana, or use tobacco products or tobacco substitutes as defined in 7 V.S.A. § 1001 on the premises, both indoor and outdoor, of any licensed child care center or afterschool program at any time.

(b) No person shall be permitted to use marijuana as defined in 18 V.S.A. § 4201, tobacco products, or tobacco substitutes as defined in 7 V.S.A. § 1001 on the premises, both ~~indoor~~ indoors and in any outdoor area designated for child care, of a licensed or registered family child care home while children are present and in care. If use of marijuana or smoking of tobacco products or tobacco substitutes occurs on the premises during other times, the family child care home shall notify prospective families prior to enrolling a child in the family child care home that their child will be exposed to an environment in which marijuana, tobacco products, or tobacco substitutes, ~~or both~~, are used. Cultivation of marijuana in a licensed or registered family child care home is not permitted.

(c) A person who knowingly uses or cultivates marijuana in violation of this section commits a misdemeanor crime and shall be subject to the following penalties:

(1) a fine of not more than \$500.00 for a first offense;

(2) a fine of not more than \$750.00 for a second offense;

(3) a fine of not more than \$1,000.00 for a third or subsequent offense.

Sec. 17. DISPARITIES IN ENFORCEMENT OF DRUG LAWS;
MARIJUANA REGULATORY COMMISSION

(a) Findings. The General Assembly finds that:

(1) A 2013 report by the American Civil Liberties Union, *The War on Marijuana in Black and White*, identified Vermont as 15th in the country and first in New England when comparing discrepancies in citation and arrest rates for marijuana possession. The report stated that African-Americans in Vermont were 4.36 times more likely to be cited or arrested for marijuana possession than whites, higher than the national average of African-Americans being 3.73 more likely than whites to be cited or arrested for marijuana possession. Although Vermont later decriminalized possession of small amounts of marijuana, a 2016 report by Human Rights Watch and the ACLU, *Every 25 Seconds: The Human Toll of Criminalizing Drug Use in the United States*, found that Vermont had the third-highest racial disparity in drug possession arrest rates in the country despite nearly identical use rates.

(2) In the report, *Driving While Black or Brown in Vermont*, University of Vermont researchers, examining 2015 data from 29 police agencies

covering 78 percent of Vermont's population, found significant disparities in how often African-Americans and Hispanics are stopped, searched, and arrested, as compared to whites and Asians. According to the report, African-American drivers are four times more likely than white drivers to be searched by Vermont police, even though they are less likely to be found with illegal items.

(3) As part of efforts to eliminate implicit bias in Vermont's criminal justice system, policymakers must reexamine the State's drug laws, beginning with its policy on marijuana.

(4) According to a 2014 study conducted by the RAND Corporation, an estimated 80,000 Vermont residents regularly consume marijuana. Except for patients on the Vermont Medical Marijuana Registry, these Vermonters obtain marijuana through a thriving illegal market.

(5) In November 2016, voters in Massachusetts and Maine approved possession and cultivation of marijuana for personal use by adults 21 years of age or older. In July 2018, both states will begin to allow retail sales of marijuana and marijuana-infused products through licensed stores. Canada is expected to act favorably on legislation legalizing marijuana possession and cultivation for adults 18 years of age or older and federal administration officials have cited the summer of 2018 as the date at which licensed retail stores will begin selling marijuana and marijuana-infused products to the public.

(6) By adopting a comprehensive regulatory structure for legalizing and licensing the marijuana market, Vermont can revise drug laws that have a disparate impact on racial minorities, help prevent access to marijuana by youths, better control the safety and quality of marijuana being consumed by Vermonters, substantially reduce the illegal marijuana market, and use revenues to support substance use prevention and education and enforcement of impaired driving laws.

(b) Creation. There is created the Marijuana Regulatory Commission.

(c) Membership. The Commission shall be composed of the following 14 members:

(1) two current members of the House of Representatives who shall be appointed by the Speaker of the House;

(2) two current members of the Senate who shall be appointed by the Committee on Committees;

(3) a member appointed by the Speaker of the House;

(4) a member appointed by the Committee on Committees;

(5) the Commissioner of Public Safety or designee;

(6) the Commissioner of Health or designee;

(7) the Commissioner of Taxes or designee;

(8) the Secretary of Commerce and Community Development or designee;

(9) the Secretary of Agriculture, Food and Markets or designee;

(10) one member appointed by the Governor;

(11) the Attorney General or designee; and

(12) the Defender General or designee.

(d) Powers and duties. The Commission shall issue a report of its findings and recommendations and develop legislation that establishes a comprehensive regulatory and revenue system for an adult-use marijuana market that, when compared to the current illegal marijuana market, increases public safety and reduces harm to public health, and results in net revenue to the State.

(e) Best practices. The Commission shall examine best practices for addressing:

(1) impaired driving, including consideration of a regional impairment threshold for the New England states and parity in impaired driving laws and penalties;

(2) prevention and education related to marijuana use, access to marijuana by persons under 21 years of age, impacts to public health, and consumer safety issues such as use of pesticides, GMOs, and testing of marijuana in a regulated market;

(3) regulation and taxation of a commercial adult-use marijuana market that is economically sustainable, reduces the illegal marijuana market, results in net revenues to the State after appropriate costs for education, public health and public safety have been deducted; and

(4) liability issues, including consideration of federal law, banking, landlords, and insurance.

(f) Subcommittees. The Commission may establish subcommittees for the purpose of carrying out its charge and may consult with stakeholders and interested parties, as appropriate.

(g) Assistance. The Commission shall have the administrative, technical, and legal assistance of the Office of the Governor, the Secretary of Administration, and relevant administrative agencies and departments. The Office of Legislative Council shall provide legal assistance to the legislative

members of the Commission and drafting services to the entire Commission for the purpose of developing the legislation required by subsection (d) of this section.

(h) Report and legislation.

(1) On or before January 15, 2018, the Commission shall provide the General Assembly and the Governor with an interim report and recommended legislation that shall address at a minimum:

(A) public safety recommendations to address impaired driving;

(B) requirements and funding for statewide evidence-based youth prevention programs;

(C) any recommended changes to the civil action for damages established in 18 V.S.A. § 4230g; and

(D) any recommended changes to the definitions of “open container” and “passenger area” as used in 23 V.S.A. §§ 1134 and 1134a.

(2) On or before December 31, 2018, the Commission shall provide the General Assembly and the Governor with its final report and recommended legislation on implementing and operating a comprehensive regulatory and revenue system for an adult marijuana market.

(i) Meetings.

(1) The Governor shall call the first meeting of the Commission to occur on or before August 1, 2017.

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

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

(4) The Commission shall cease to exist on March 15, 2019.

(j) Reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, legislative members of the Commission shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for no more than six meetings.

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

Sec. 18. EFFECTIVE DATES

This section and Sec. 17 shall take effect on passage and the remaining sections shall take effect on July 1, 2018.

and that after passage the title of the bill be amended to read:

“An act relating to eliminating penalties for possession of limited amounts of marijuana by adults 21 years of age or older”

Pending the question will the House concur in the Senate proposal of amendment? **Rep. Savage of Swanton** moved to postpone action on the bill until January 18, 2018.

Pending the question, Shall the House postpone action until January 18, 2018? **Rep. Savage of Swanton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House postpone action until January 18, 2018? was decided in the negative. Yeas, 62. Nays, 83.

Those who voted in the affirmative are:

Bancroft of Westford	Harrison of Chittenden	Pajala of Londonderry
Baser of Bristol	Helm of Fair Haven	Parent of St. Albans Town
Batchelor of Derby	Higley of Lowell	Pearce of Richford
Beck of St. Johnsbury	Howard of Rutland City	Poirier of Barre City
Beyor of Highgate	Joseph of North Hero	Quimby of Concord
Bissonnette of Winooski	Juskiewicz of Cambridge	Read of Fayston
Brennan of Colchester	Keefe of Manchester	Rosenquist of Georgia
Browning of Arlington	Keenan of St. Albans City	Savage of Swanton
Canfield of Fair Haven	LaClair of Barre Town	Scheuermann of Stowe
Cupoli of Rutland City	Lawrence of Lyndon	Shaw of Pittsford
Dakin of Colchester	Lewis of Berlin	Sibilia of Dover
Devereux of Mount Holly	Marcotte of Coventry	Smith of Derby
Dickinson of St. Albans Town	Martel of Waterford	Smith of New Haven
Donahue of Northfield *	Mattos of Milton	Strong of Albany
Fagan of Rutland City	McCoy of Poultney	Terenzini of Rutland Town
Feltus of Lyndon	McFaun of Barre Town	Till of Jericho
Frenier of Chelsea	Morrissey of Bennington	Turner of Milton
Gage of Rutland City	Murphy of Fairfax	Van Wyck of Ferrisburgh
Gamache of Swanton	Myers of Essex	Viens of Newport City
Graham of Williamstown	Nolan of Morristown	Willhoit of St. Johnsbury
	Norris of Shoreham	Wright of Burlington *

Those who voted in the negative are:

Ancel of Calais	Gannon of Wilmington	Noyes of Wolcott
Bartholomew of Hartland	Gardner of Richmond	Ode of Burlington
Bock of Chester	Giambatista of Essex	O'Sullivan of Burlington
Botzow of Pownal	Gonzalez of Winooski	Partridge of Windham
Briglin of Thetford	Grad of Moretown	Potter of Clarendon
Brumsted of Shelburne	Haas of Rochester	Pugh of South Burlington
Buckholz of Hartford	Head of South Burlington	Scheu of Middlebury

Burditt of West Rutland	Hill of Wolcott	Sharpe of Bristol
Burke of Brattleboro	Hooper of Montpelier	Sheldon of Middlebury
Carr of Brandon	Hooper of Randolph	Squirrell of Underhill
Chesnut-Tangerman of Middletown Springs	Houghton of Essex	Stevens of Waterbury
Christensen of Weathersfield	Jessup of Middlesex	Stuart of Brattleboro
Christie of Hartford	Jickling of Randolph	Sullivan of Dorset
Cina of Burlington	Kimbell of Woodstock	Sullivan of Burlington
Colburn of Burlington	Kitzmiller of Montpelier	Taylor of Colchester
Condon of Colchester	Krowinski of Burlington	Toleno of Brattleboro
Conlon of Cornwall	Lalonde of South Burlington	Toll of Danville
Connor of Fairfield	Lanpher of Vergennes	Townsend of South Burlington
Conquest of Newbury	Lefebvre of Newark	Trieber of Rockingham
Copeland-Hanzas of Bradford	Lippert of Hinesburg	Troiano of Stannard
Corcoran of Bennington	Long of Newfane	Walz of Barre City
Deen of Westminster	Lucke of Hartford	Webb of Shelburne
Donovan of Burlington	Macaig of Williston	Weed of Enosburgh
Dunn of Essex	Masland of Thetford	Wood of Waterbury
Emmons of Springfield	McCormack of Burlington	Yacovone of Morristown
Fields of Bennington	McCullough of Williston	Yantachka of Charlotte
Forguites of Springfield	Miller of Shaftsbury	Young of Glover
	Morris of Bennington	
	Mrowicki of Putney	

Those members absent with leave of the House and not voting are:

Ainsworth of Royalton	Hebert of Vernon
Belaski of Windsor	Rachelson of Burlington

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

It is the height of legislative arrogance to choose to act on a bill instead of delaying by less than two weeks at no negative consequence of a delay to await a report of experts on what issues we ought to be considering. We say we want to do this with care. This blatantly disregards that use of care.”

Rep. Wright of Burlington explained his vote as follows:

“Madam Speaker:

I supported this motion to delay action at least until we have a critical report due just eleven days from now. Apparently the stampede to legalize takes precedent over everything else at this point. Isn’t this issue important enough to Vermonters to get all available information first? The answer is a disappointing no.”

Pending the question Will the House concur in the Senate proposal of amendment? **Rep. Conquest of Newbury**, moved to concur in the Senate proposal of amendment with a further amendment thereto as follows:

First: In Sec. 17 in the section heading by striking out “; MARIJUANA REGULATORY COMMISSION” and by striking out the subsection designation “(a)”

Second: In Sec. 17, subdivision (6), after the period by inserting the following:

The Governor’s Marijuana Advisory Commission, as provided in Executive Order No. 15-17, has been directed to report on such a system on or before December 15, 2018.

Third: In Sec. 17 by striking out subsections (b) through (j) in their entirety

Pending the question Will the House concur in the Senate proposal of amendment with a further amendment thereto as moved by Rep. Conquest of Newbury? **Rep. Donahue of Northfield**, moved to amend the amendment offered by Rep. Conquest of Newbury as follows:

In Sec. 7, 18 V.S.A. § 4230e(b)(1)(A), before the word “consent” by inserting the word “written”

Which was agreed to.

Pending the question Will the House concur in the Senate proposal of amendment with a further amendment thereto as moved by Rep. Conquest of Newbury, as amended? **Rep. Harrison of Chittenden**, moved to amend the amendment offered by Rep. Conquest of Newbury, as amended, as follows:

In Sec. 18 by striking out “July 1, 2018” and inserting in lieu thereof “July 1, 2019”

Which was disagreed to.

Pending the question Will the House concur in the Senate proposal of amendment with further amendment thereto as moved by Rep. Conquest of Newbury, as amended? **Rep. Till of Jericho**, moved to amend the amendment offered by Rep. Conquest of Newbury, as amended, as follows:

By adding seven new sections to be Secs. 16a–16g to read as follows:

Sec. 16a. 7 V.S.A. § 1003 is amended to read:

§ 1003. SALE OF TOBACCO PRODUCTS; TOBACCO SUBSTITUTES;
TOBACCO PARAPHERNALIA; REQUIREMENTS;
PROHIBITIONS

(a) A person shall not sell or provide tobacco products, tobacco substitutes, or tobacco paraphernalia to any person under ~~18~~ 21 years of age.

(b) All vending machines selling tobacco products are prohibited.

(c)(1) Persons holding a tobacco license may only display or store tobacco products or tobacco substitutes:

(A) behind a sales counter or in any other area of the establishment that is inaccessible to the public; or

(B) in a locked container.

(2) This subsection shall not apply to the following:

(A) a display of tobacco products that is located in a commercial establishment in which by law no person under 18 21 years of age is permitted to enter at any time;

* * *

Sec. 16b. 7 V.S.A. § 1005 is amended to read:

§ 1005. PERSONS UNDER 18 21 YEARS OF AGE; POSSESSION OF TOBACCO PRODUCTS; MISREPRESENTING AGE OR PURCHASING TOBACCO PRODUCTS; PENALTY

(a)(1) A person under 18 21 years of age shall not possess, purchase, or attempt to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia unless the person is an employee of a holder of a tobacco license and is in possession of tobacco products, tobacco substitutes, or tobacco paraphernalia to effect a sale in the course of employment.

(2) A person under 18 21 years of age shall not misrepresent his or her age to purchase or attempt to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia.

(b) A person who possesses tobacco products, tobacco substitutes, or tobacco paraphernalia in violation of subsection (a) of this section shall be subject to having the tobacco products, tobacco substitutes, or tobacco paraphernalia immediately confiscated and shall be further subject to a civil penalty of \$25.00. An action under this subsection shall be brought in the same manner as a traffic violation pursuant to 23 V.S.A. chapter 24.

(c) A person under 18 21 years of age who misrepresents his or her age by presenting false identification to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia shall be fined not more than \$50.00 or provide up to 10 hours of community service, or both.

Sec. 16c. 7 V.S.A. § 1006 is amended to read:

§ 1006. POSTING OF SIGNS

(a) A person licensed under this chapter shall post in a conspicuous place on the premises identified in the tobacco license a warning sign stating that the

sale of tobacco products, tobacco substitutes, and tobacco paraphernalia to persons under ~~18~~ 21 years of age is prohibited. The Board shall prepare the sign and make it available with the license forms issued under this chapter. The sign may include information about the health effects of tobacco and tobacco cessation services. The Board, in consultation with a representative of the licensees when appropriate, is authorized to change the design of the sign as needed to maintain its effectiveness.

(b) A person violating this section shall be guilty of a misdemeanor and fined not more than \$100.00.

Sec. 16d. 7 V.S.A. § 1007 is amended to read:

§ 1007. FURNISHING TOBACCO TO PERSONS UNDER ~~18~~ 21 YEARS OF AGE; REPORT

(a) A person that sells or furnishes tobacco products, tobacco substitutes, or tobacco paraphernalia to a person under ~~18~~ 21 years of age shall be subject to a civil penalty of not more than \$100.00 for the first offense and not more than \$500.00 for any subsequent offense. An action under this section shall be brought in the same manner as for a traffic violation pursuant to 23 V.S.A. chapter 24 and shall be brought within 24 hours of the occurrence of the alleged violation.

(b)(1) The Department of Liquor Control shall conduct or contract for compliance tests of tobacco licensees as frequently and as comprehensively as necessary to ensure consistent statewide compliance with the prohibition on sales to persons under ~~18~~ 21 years of age of at least 90 percent for buyers who are between 16 or 17 and 20 years of age. An individual under ~~18~~ 21 years of age participating in a compliance test shall not be in violation of section 1005 of this title.

* * *

Sec. 16e. 4 V.S.A. § 1102(b) is amended to read:

(b) The Judicial Bureau shall have jurisdiction of the following matters:

* * *

(4) Violations of 7 V.S.A. § 1005(a), relating to possession of tobacco products by a person ~~less than 18~~ under 21 years of age.

(5) Violations of 7 V.S.A. § 1007, relating to furnishing tobacco products to a person under ~~the age of 18~~ 21 years of age.

* * *

Sec. 16f. 7 V.S.A. § 667(c) is amended to read:

(c) The provisions of subsection (b) of this section shall not apply to a violation of subsection 1005(a) of this title, relating to purchase of tobacco products by a person under ~~18~~ 21 years of age.

Sec. 16g. EXEMPTIONS; PERSONS ATTAINING 18 YEARS OF AGE ON OR BEFORE JULY 1, 2018

(a) Notwithstanding any provision of this act to the contrary, the prohibition on the sale or furnishing of tobacco products, tobacco substitutes, or tobacco paraphernalia to a person under 21 years of age shall not apply to any person who attained 18 years of age on or before July 1, 2018.

(b) Notwithstanding any provision of this act to the contrary, the prohibition on the possession of, purchase of, or attempt to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia by a person under 21 years of age shall not apply to any person who attained 18 years of age on or before July 1, 2018.

Thereupon, **Rep. Sibilia of Dover** raised a point of order that the amendment was not germane which the Speaker ruled not well taken.

Thereupon, **Rep. Till of Jericho** asked and was granted leave to withdraw the amendment.

Pending the question Will the House concur in the Senate proposal of amendment with further amendment thereto as moved by Rep. Conquest of Newbury, as amended? **Rep. Browning of Arlington**, moved to amend the amendment offered by Rep. Conquest of Newbury, as amended, as follows:

By striking out Sec. 18 in its entirety and inserting in lieu thereof a new Sec. 18 to read as follows:

Sec. 18. EFFECTIVE DATES

(a) This section and Sec. 17 shall take effect on passage.

(b) The remaining sections shall take effect 90 days after the date of employment by the Vermont State Police of a field testing device for marijuana presence that demonstrates accuracy in controlled, published scientific studies in providing evidence correlating the results of the presence of marijuana in an operator of a motor vehicle with impairment level. The Commissioner of Public Safety shall notify the Governor and the General Assembly, in writing, that such devices have been employed within seven days after such employment.

Pending the question, Shall the amendment offered by Rep. Conquest of Newbury be further amended as offered by Rep. Browning of Arlington? **Rep. Browning of Arlington** demanded the Yeas and Nays, which demand was

sustained by the Constitutional number.

Thereupon, **Rep. Turner of Milton** raised a point of order that it was improper to refer to the executive branch in order to influence a vote which the Speaker ruled well taken.

Thereupon, the Clerk proceeded to call the roll and the question, Shall the amendment offered by Rep. Conquest of Newbury be further amended as offered by Rep. Browning of Arlington? was decided in the negative. Yeas, 55. Nays, 91.

Those who voted in the affirmative are:

Bancroft of Westford	Graham of Williamstown	Nolan of Morristown
Batchelor of Derby	Harrison of Chittenden	Norris of Shoreham
Beck of St. Johnsbury	Helm of Fair Haven	Parent of St. Albans Town
Beyor of Highgate	Higley of Lowell	Pearce of Richford
Brennan of Colchester	Howard of Rutland City	Poirier of Barre City
Browning of Arlington	Joseph of North Hero	Quimby of Concord
Brumsted of Shelburne	Juskiewicz of Cambridge	Rosenquist of Georgia
Canfield of Fair Haven	Keefe of Manchester	Savage of Swanton
Cupoli of Rutland City	Keenan of St. Albans City	Shaw of Pittsford
Devereux of Mount Holly	LaClair of Barre Town	Smith of Derby
Dickinson of St. Albans Town	Lawrence of Lyndon	Smith of New Haven
Donahue of Northfield	Lewis of Berlin	Strong of Albany
Fagan of Rutland City	Marcotte of Coventry	Terenzini of Rutland Town
Feltus of Lyndon	Martel of Waterford	Till of Jericho
Forguites of Springfield	Mattos of Milton	Turner of Milton
Frenier of Chelsea	McCoy of Poultney	Van Wyck of Ferrisburgh
Gage of Rutland City	McFaun of Barre Town	Viens of Newport City
Gamache of Swanton	Morrissey of Bennington	Wright of Burlington
	Myers of Essex	

Those who voted in the negative are:

Ancel of Calais	Gardner of Richmond	Pajala of Londonderry
Bartholomew of Hartland	Giambatista of Essex	Partridge of Windham
Baser of Bristol	Gonzalez of Winooski	Potter of Clarendon
Belaski of Windsor	Grad of Moretown	Pugh of South Burlington
Bissonnette of Winooski	Haas of Rochester	Read of Fayston
Bock of Chester	Head of South Burlington	Scheu of Middlebury
Botzow of Pownal	Hill of Wolcott	Scheuermann of Stowe
Briglin of Thetford	Hooper of Montpelier	Sharpe of Bristol
Buckholz of Hartford	Hooper of Randolph	Sheldon of Middlebury
Burditt of West Rutland	Houghton of Essex	Sibilia of Dover
Burke of Brattleboro	Jessup of Middlesex	Squirrell of Underhill
Carr of Brandon	Jickling of Randolph	Stevens of Waterbury
Chesnut-Tangerman of Middletown Springs	Kimbell of Woodstock	Stuart of Brattleboro
Christensen of Weathersfield	Kitzmillier of Montpelier	Sullivan of Dorset
Christie of Hartford	Krowinski of Burlington	Sullivan of Burlington
	Lalonde of South Burlington	Taylor of Colchester

Cina of Burlington	Lanpher of Vergennes	Toleno of Brattleboro
Colburn of Burlington	Lefebvre of Newark	Toll of Danville
Condon of Colchester	Lippert of Hinesburg	Townsend of South
Conlon of Cornwall	Long of Newfane	Burlington
Connor of Fairfield	Lucke of Hartford	Trieber of Rockingham
Conquest of Newbury	Macaig of Williston	Troiano of Stannard
Copeland-Hanzas of Bradford	Masland of Thetford	Walz of Barre City
Corcoran of Bennington	McCormack of Burlington	Webb of Shelburne
Dakin of Colchester	McCullough of Williston	Weed of Enosburgh
Deen of Westminster	Miller of Shaftsbury	Willhoit of St. Johnsbury
Donovan of Burlington	Morris of Bennington	Wood of Waterbury
Dunn of Essex	Mrowicki of Putney	Yacovone of Morristown
Emmons of Springfield	Murphy of Fairfax	Yantachka of Charlotte
Fields of Bennington	Noyes of Wolcott	Young of Glover
Gannon of Wilmington	Ode of Burlington	
	O'Sullivan of Burlington	

Those members absent with leave of the House and not voting are:

Ainsworth of Royalton	Hebert of Vernon	Rachelson of Burlington
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Recess

At eleven o'clock and forty-one minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At three o'clock and two minutes in the afternoon, the Speaker called the House to order.

Consideration Resumed; Senate Proposal of Amendment Concurred in with a Further Amendment Thereto

H. 511

Consideration resumed on House bill, entitled

An act relating to highway safety

Pending the question Will the House concur in the Senate proposal of amendment with further amendment thereto as moved by Rep. Conquest of Newbury, as amended? **Rep. Turner of Milton**, moved to amend the amendment offered by Rep. Conquest of Newbury, as amended, as follows:

By striking out Sec. 18 in its entirety and inserting in lieu thereof Secs. 18–28 to read as follows:

Sec. 18. MARIJUANA YOUTH EDUCATION AND PREVENTION

(a)(1) Relying on lessons learned from tobacco and alcohol prevention efforts, the Department of Health, in collaboration with the Agency of Agriculture, Food, and Markets, the Agency of Education, and the Governor’s Highway Safety Program, shall develop and administer an education and

prevention program focused on use of marijuana by youths under 25 years of age. In so doing, the Department shall consider at least the following:

(A) Community- and school-based youth and family-focused prevention initiatives that strive to:

(i) expand the number of school-based grants for substance abuse services to enable each supervisory union to develop and implement a plan for comprehensive substance abuse prevention education in a flexible manner that ensures the needs of individual communities are addressed;

(ii) improve the Screening, Brief Intervention and Referral to Treatment (SBIRT) practice model for professionals serving youths in schools and other settings; and

(iii) expand family education programs.

(B) An informational and counter-marketing campaign using a public website, printed materials, mass and social media, and advertisements for the purpose of preventing underage marijuana use.

(C) Education for parents and health care providers to encourage screening for substance use disorders and other related risks.

(D) Expansion of the use of SBIRT among the State's pediatric practices and school-based health centers.

(E) Strategies specific to youths who have been identified by the Youth Risk Behavior Survey as having an increased risk of substance abuse.

(2) On or before November 15, 2018, the Department shall adopt rules to implement the education and prevention program described in this subsection and implement the program on or before January 1, 2019.

(b) The Department shall include questions in its biannual Youth Risk Behavior Survey to monitor the use of marijuana by youths in Vermont and to understand the source of marijuana used by this population.

(c) Any data collected by the Department on the use of marijuana by youths shall be maintained and organized in a manner that enables the pursuit of future longitudinal studies.

Sec. 19. 18 V.S.A. chapter 87 is added to read:

CHAPTER 87. MARIJUANA ESTABLISHMENTS

Subchapter 1. General Provisions

§ 4501. DEFINITIONS

As used in this chapter:

(1) “Affiliate” means a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person.

(2) “Agency” means the Agency of Agriculture, Food and Markets.

(3) “Applicant” means a person who applies for a license to operate a marijuana establishment pursuant to this chapter.

(4) “Child care facility” means a child care facility or family day care home licensed or registered under 33 V.S.A. chapter 35.

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

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

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

(8) “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 cultivator, 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 cultivator when they are in areas where marijuana is being grown, processed, or stored.

(D) Registered employees of other cultivators, 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 cultivator.

(9) “Financier” means a person, other than a financial institution as defined in 8 V.S.A. § 11101, who makes an equity investment, a gift, loan, or otherwise provides financing to a person with the expectation of a financial return.

(10) “Marijuana” shall have the same meaning as provided in section

4201 of this title.

(11) “Marijuana cultivator” or “cultivator” means a person registered with the Agency to engage in commercial cultivation of marijuana in accordance with this chapter.

(12) “Marijuana establishment” means a marijuana cultivator, retailer, or testing laboratory licensed by the Agency to engage in commercial marijuana activity in accordance with this chapter.

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

(14) “Marijuana testing laboratory” or “testing laboratory” means a person licensed by the Agency to test marijuana for cultivators and retailers in accordance with this chapter.

(15) “Owns or controls,” “is owned or controlled by,” and “under common ownership or control” mean direct ownership or beneficial ownership of an equity interest, or the equivalent thereof, of ten percent or more, and the power to direct, or cause the direction of, the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise.

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

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

(18) “Principal” means an individual vested with the authority to conduct, manage, or supervise the business affairs of a person, and may include the president, vice-president, secretary, treasurer, manager, or similar executive officer of a business; a director of a corporation, nonprofit corporation, or mutual benefit enterprise; a member of a nonprofit corporation, cooperative, or member-managed limited liability company; and a partner of a partnership.

(19) “Public place” means any street, alley, park, sidewalk, public building other than individual dwellings, any place of public accommodation as defined in 9 V.S.A. § 4501, and any place where the use or possession of a lighted tobacco product, tobacco product, or tobacco substitute as defined in 7 V.S.A. § 1001 is prohibited by law.

(20) “Resident” means a person who is domiciled in Vermont, subject to the following:

(A) The process for determining the domicile of an individual shall be the same as that required by rules adopted by the Department of Taxes related to determining domicile for the purpose of the interpretation and administration of 32 V.S.A. § 5401(14).

(B) The domicile of a business entity is the state in which it is organized.

(21) “School” means a public school, independent school, or facility that provides early childhood education as those terms are defined in 16 V.S.A. § 11.

(22) “Secretary” means the Secretary of Agriculture, Food and Markets.

§ 4502. MARIJUANA POSSESSED UNLAWFULLY SUBJECT TO
SEIZURE AND FORFEITURE

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

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

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

§ 4504. CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE
PROHIBITED

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

§ 4505. REGULATION BY LOCAL GOVERNMENT

(a)(1) A marijuana establishment shall obtain a permit from a town, city, or incorporated village prior to beginning operations within the municipality.

(2) A municipality that hosts a marijuana establishment may establish a board of marijuana control commissioners, who shall be the members of the municipal legislative body. The board shall administer the municipal permits under this subsection for the marijuana establishments within the municipality.

(b) Nothing in this chapter shall be construed to prevent a town, city, or incorporated village from regulating marijuana establishments through local ordinances as set forth in 24 V.S.A. § 2291 or through land use bylaws as set

forth in 24 V.S.A. § 4414.

(c)(1) A town, city, or incorporated village, by majority vote of those present and voting at annual or special meeting warned for the purpose, may prohibit the operation of a marijuana establishment within the municipality. The provisions of this subdivision shall not apply to a marijuana establishment that is operating within the municipality at the time of the vote.

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

§ 4506. YOUTH RESTRICTIONS

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

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

(c) A marijuana establishment shall not permit a person under 21 years of age to enter a building or enclosure on the premises where marijuana is located. This subsection shall not apply to a registered patient visiting his or her designated dispensary even if that dispensary is located in a building that is located on the same premises of a marijuana establishment.

§ 4507. ADVERTISING

(a) Marijuana advertising shall not contain any statement or illustration that:

(1) is false or misleading;

(2) promotes overconsumption; or

(3) is designed to appeal to children or persons under 18 years of age by portraying anyone under 18 years of age or objects suggestive of the presence of anyone under 18 years of age, or containing the use of a figure, a symbol, or language that is customarily associated with anyone under 18 years of age.

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

(c) In accordance with section 4512 of this chapter, the Agency shall adopt regulations on marijuana establishment advertising that reflect the policies of subsection (a) of this section and place restrictions on the time, place, and manner, but not content, of the advertising.

(d) All advertising shall contain the following warnings:

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

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

Subchapter 2. Administration

§ 4511. AUTHORITY

(a) For the purpose of regulating the cultivation, processing, packaging, transportation, testing, purchase, and sale of marijuana in accordance with this chapter, the Agency shall have the following authority and duties:

(1) rulemaking in accordance with this chapter and 3 V.S.A. chapter 25;

(2) administration of a program for the licensure of marijuana establishments, which shall include compliance and enforcement; and

(3) submission of an annual budget to the Governor.

(b)(1) There is established the Marijuana Advisory Board within the Agency for the purpose of advising the Agency and other administrative agencies and departments regarding policy for the implementation and operation of this chapter. The Board shall be composed of the following members:

(A) the Secretary of Agriculture, Food and Markets or designee;

(B) the Commissioner of Public Safety or designee;

(C) the Commissioner of Health or designee;

(D) the Commissioner of Taxes or designee; and

(E) a member of local law enforcement appointed by the Governor.

(2) The Secretary of Administration shall convene the first meeting of the Board on or before March 1, 2018 and shall attend Board meetings.

§ 4512. RULEMAKING

(a) The Agency shall adopt rules to implement this chapter on or before November 15, 2018, in accordance with subdivisions (1)–(4) of this subsection.

(1) Rules concerning any marijuana establishment shall include:

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- (A) the form and content of license and renewal applications;
 - (B) qualifications for licensure that are directly and demonstrably related to the operation of a marijuana establishment, including submission of an operating plan and the requirement for a fingerprint-based criminal history record check and regulatory record check pursuant to subsection 4522(d) of this title;
 - (C) oversight requirements;
 - (D) inspection requirements;
 - (E) records to be kept by licensees and the required availability of the records;
 - (F) employment and training requirements, including requiring that each marijuana establishment create an identification badge for each employee;
 - (G) security requirements, including lighting, physical security, video, and alarm requirements;
 - (H) restrictions on advertising, marketing, and signage;
 - (I) health and safety requirements;
 - (J) regulation of additives to marijuana, including those that are toxic or designed to make the product more addictive, more appealing to children, or to mislead consumers;
 - (K) procedures for seed to sale traceability of marijuana, including any requirements for tracking software;
 - (L) regulation of the storage and transportation of marijuana;
 - (M) sanitary requirements;
 - (N) pricing guidelines with a goal of ensuring marijuana is sufficiently affordable to undercut the illegal market;
 - (O) procedures for the renewal of a license, which shall allow renewal applications to be submitted up to 90 days prior to the expiration of the marijuana establishment's license;
 - (P) procedures for suspension and revocation of a license; and
 - (Q) requirements for banking and financial transactions.
- (2) Rules concerning cultivators shall include:
- (A) labeling requirements for products sold to retailers; and
 - (B) regulation of visits to the establishments, including the number

of visitors allowed at any one time and recordkeeping concerning visitors.

(3) Rules concerning retailers shall include:

(A) labeling requirements, including appropriate warnings concerning the carcinogenic effects and other potential negative health consequences of consuming marijuana, for products sold to customers;

(B) requirements for proper verification of age and residency of customers;

(C) restrictions that marijuana shall be stored behind a counter or other barrier to ensure a customer does not have direct access to the marijuana; and

(D) regulation of visits to the establishments, including the number of customers allowed at any one time and record keeping concerning visitors.

(4) Rules concerning testing laboratories shall include:

(A) procedures for destruction of all samples; and

(B) requirements for chain of custody record keeping.

(b) The Agency shall consult with the Department in the development and adoption of the following rules identified in subsection (a) of this section:

(1) regarding any marijuana establishment, subdivisions (1)(B), (G), (K), (L), (P), and (Q);

(2) regarding cultivators, subdivision (2)(A)(vi);

(3) regarding retailers, subdivisions (4)(B), (C), and (E); and

(4) regarding testing laboratories, subdivisions (5)(B), (C), and (D).

§ 4513. IMPLEMENTATION

(a)(1) On or before December 15, 2018, the Agency shall begin accepting applications for cultivator licenses and testing laboratory licenses. The initial application period shall remain open for 30 days. The Agency may reopen the application process for any period of time at its discretion.

(2) On or before March 15, 2019, the Agency shall begin issuing cultivator licenses and testing laboratory licenses to qualified applicants.

(b)(1) On or before January 15, 2019, the Agency shall begin accepting applications for retail licenses. The initial application period shall remain open for 30 days. The Agency may reopen the application process for any period of time at its discretion.

(2) On or before April 15, 2019, the Agency shall begin issuing retailer

licenses to qualified applicants. A license shall not permit a licensee to open the store to the public or sell marijuana to the public prior to July 1, 2019.

(c)(1) Prior to July 1, 2019, provided applicants meet the requirements of this chapter, the Agency shall issue:

(A) an unlimited number of cultivator licenses that permit a cultivation space of not more than 500 square feet;

(B) a maximum of 20 cultivator licenses that permit a cultivation space of more than 500 square feet but not more than 1,000 square feet;

(C) a maximum of 15 cultivator licenses that permit a cultivation space of more than 1,000 square feet but not more than 2,500 square feet;

(D) a maximum of 10 cultivator licenses that permit a cultivation space of more than 2,500 square feet but not more than 5,000 square feet;

(E) a maximum of five cultivator licenses that permit a cultivation space of more than 5,000 square feet but not more than 10,000 square feet;

(F) a maximum of five testing laboratory licenses; and

(G) a maximum of 42 retailer licenses.

(2) On or after July 1, 2019, the limitations in subdivision (1) of this subsection shall not apply and the Agency shall use its discretion to issue licenses in a number and size for the purpose of competing with and undercutting the illegal market based on available data. A cultivator licensed prior to July 1, 2019 may apply to the Agency to modify its license to expand its cultivation space.

§ 4514. CIVIL CITATIONS; SUSPENSION AND REVOCATION OF LICENSES

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

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

Subchapter 3. Licenses

§ 4521. GENERAL PROVISIONS

(a) Except as otherwise permitted by this chapter, a person shall not engage in the cultivation, preparation, processing, packaging, transportation, testing,

or sale of marijuana without obtaining a license from the Agency.

(b) All licenses shall expire at midnight, April 30, of each year beginning not earlier than 10 months after the original license was issued to the marijuana establishment.

(c) Applications for licenses and renewals shall be submitted on forms provided by the Agency and shall be accompanied by the fees provided for in section 4528 of this section.

(d)(1) Except as provided in subdivision (2) of this subsection, an applicant and its affiliates may obtain only one license, either a cultivator license, a retailer license, or a testing laboratory license under this chapter.

(2) A dispensary or a subsidiary of a dispensary may obtain one of each type of license under this chapter, provided that a dispensary or its subsidiary obtains no more than one cultivator license, one retailer license, and one testing laboratory license total.

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

(f) A dispensary that obtains a retailer license pursuant to this chapter shall maintain the dispensary and retail operations in a manner that protects patient and caregiver privacy in accordance with rules adopted by the Agency. If the dispensary and retail establishment are located on the same premises, the dispensary and retail establishment shall provide separate entrances and common areas designed to serve patients and caregivers and customers.

(g) Each licensee shall obtain and maintain commercial general liability insurance in accordance with rules adopted by the Agency. Failure to provide proof of insurance to the Agency, as required, may result in revocation of the license.

(h) All records relating to security, transportation, public safety, and trade secrets in an application for a license under this chapter shall be exempt from public inspection and copying under the Public Records Act.

(i) This subchapter shall not apply to possession regulated by chapter 84 or 86 of this title.

§ 4522. LICENSE QUALIFICATIONS AND APPLICATION PROCESS

(a) To be eligible for a marijuana establishment license:

(1) An applicant shall be a resident of Vermont.

(2) A principal of an applicant, and a person who owns or controls an applicant, shall have been a resident of Vermont for two or more years immediately preceding the date of application.

(3) An applicant, principal of an applicant, or person who owns or controls an applicant, who is a natural person:

(A) shall be 21 years of age or older; and

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

(b) A financier of an applicant shall have been a resident of Vermont for two or more years immediately preceding the date of application.

(c) As part of the application process, each applicant shall submit, in a format proscribed by the Agency, an operating plan. The plan shall include a floor plan or site plan drawn to scale that illustrates the entire operation being proposed. The plan shall also include the following:

(1) For a cultivator license, information concerning:

(A) security;

(B) traceability;

(C) employee qualifications and training;

(D) transportation of product;

(E) destruction of waste product;

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

(G) how the applicant will meet its operation's need for energy services at the lowest present value life-cycle cost, including environmental and economic costs, through a strategy combining investments and expenditures on energy efficiency and energy supply;

(H) testing procedures and protocols;

(I) description of packaging and labeling of products transported to retailers; and

(J) any additional requirements contained in rules adopted by the Agency in accordance with this chapter.

(2) For a retailer license, information concerning:

(A) security;

(B) traceability;

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- (C) employee qualifications and training;
 - (D) destruction of waste product;
 - (E) description of packaging and labeling of products sold to customers;
 - (F) the products to be sold and how they will be displayed to customers; and
 - (G) any additional requirements contained in rules adopted by the Agency in accordance with this chapter.

(3) For a testing laboratory license, information concerning:

- (A) security;
- (B) traceability;
- (C) employee qualifications and training;
- (D) destruction of waste product; and
- (E) the types of testing to be offered.

(d) The Department shall obtain a Vermont criminal history record, an out-of-state criminal history record, a criminal history record from the Federal Bureau of Investigation, and any regulatory records relating to the operation of a business in this State or any other jurisdiction for each of the following who is a natural person:

- (1) an applicant or financier;
- (2) a principal of an applicant or financier; and
- (3) a person who owns or controls an applicant or financier.

(e) When considering applications for a marijuana establishment license, the Agency shall:

- (1) give priority to a qualified applicant that is a dispensary or subsidiary of a dispensary; and
- (2) strive for geographic distribution of marijuana establishments based on population.

§ 4523. EDUCATION

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

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

(c) A licensee shall ensure that each employee involved in the sale of marijuana completes a training program approved by the Agency prior to selling marijuana and at least once every 24 months thereafter. A licensee shall keep a written record of the type and date of training for each employee, which shall be signed by each employee. A licensee may comply with this requirement by conducting its own training program on its premises, using information and materials furnished by the Agency. A licensee who fails to comply with the requirements of this section shall be subject to a suspension of no less than one day of the license issued under this chapter.

§ 4524. IDENTIFICATION CARD; CRIMINAL BACKGROUND CHECK

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

- (1) the name, address, and date of birth of the person;
- (2) the legal name of the marijuana establishment with which the person is affiliated;
- (3) a random identification number that is unique to the person;
- (4) the date of issuance and the expiration date of the identification card; and
- (5) a photograph of the person.

(b) Prior to acting on an application for an identification card, the Agency shall obtain from the Department the person's Vermont criminal history record, out-of-state criminal history record, and criminal history record from the Federal Bureau of Investigation. Each person shall consent to the release of criminal history records to the Agency and the Department on forms developed by the Vermont Crime Information Center.

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

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

(e) The Agency, in consultation with the Department, shall adopt rules for the issuance of an identification card and shall set forth standards for determining whether a person should be denied an identification card because his or her criminal history record indicates that the person's association with a marijuana establishment would pose a demonstrable threat to public safety. Previous nonviolent drug-related convictions shall not automatically disqualify an applicant. A marijuana establishment may deny a person the opportunity to serve as an employee based on his or her criminal history record. A person who is denied an identification card may appeal the Agency's determination in Superior Court in accordance with Rule 75 of the Vermont Rules of Civil Procedure.

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

§ 4525. CULTIVATOR LICENSE

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

(b) Cultivation of marijuana shall occur only in an enclosed, locked facility that is either indoors, or if outdoors, not visible to the public, and that can only be accessed by principal officers and employees of the licensee who have valid identification cards.

(c) An applicant shall designate on his or her operating plan the size of the premises and the amount of actual square footage that will be dedicated to plant canopy.

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

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

(1) Packaging shall include:

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

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

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

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

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

(F) Any additional requirements contained in rules adopted by the Department in accordance with this chapter. Rules shall take into consideration that different labeling requirements may be appropriate depending on whether the marijuana is sold to a wholesaler, product manufacturer, or retailer.

(2) Packaging shall not be designed to appeal to persons under 21 years of age.

(f)(1) Only unadulterated marijuana shall be offered for sale. If, upon inspection, the Agency finds any violative pesticide residue or other contaminants of concern, the Agency shall order the marijuana, either individually or in blocks, to be:

(A) put on stop-sale;

(B) treated in a particular manner; or

(C) destroyed according to the Agency’s instructions.

(2) Marijuana ordered destroyed or placed on stop-sale shall be clearly separable from salable marijuana. Any order shall be confirmed in writing within seven days. The order shall include the reason for action, a description of the marijuana affected, and any recommended treatment.

(3) A person may appeal an order issued pursuant to this section within 15 days after receiving the order. The appeal shall be made in writing to the Secretary and shall clearly identify the marijuana affected and the basis for the appeal.

§ 4526. RETAILER LICENSE

(a) A retailer licensed under this chapter may:

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

(2) purchase marijuana from a licensed cultivator; and

(3) provide marijuana to a licensed testing laboratory.

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

(A) one-half ounce of marijuana to a person 21 years of age or older upon verification of a valid government-issued photograph identification card that indicates the person is domiciled in Vermont; or

(B) one-quarter of an ounce of marijuana to a person 21 years of age or older upon verification of a valid government-issued photograph identification card that indicates the person is domiciled outside Vermont.

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

(c) A retailer shall only sell “useable marijuana,” which means the dried flowers of marijuana and does not include the seeds, stalks, leaves, and roots of the plant, and shall not package marijuana with other items, such as paraphernalia, for sale to customers.

(d)(1) Packaging shall include:

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

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

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

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

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

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

(2) Packaging shall not be designed to appeal to persons under 21 years of age.

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

(f) Internet sales and delivery of marijuana to customers are prohibited.

§ 4527. MARIJUANA TESTING LABORATORY

(a) A testing laboratory licensed under this chapter may acquire, possess, analyze, test, and transport marijuana samples obtained from a licensed marijuana establishment.

(b) Testing may address the following:

- (1) residual solvents;
- (2) poisons or toxins;
- (3) harmful chemicals;
- (4) dangerous molds, mildew, or filth;
- (5) harmful microbials, such as E.coli or salmonella;
- (6) pesticides; and
- (7) tetrahydrocannabinol and cannabidiol potency.

(c) A testing laboratory shall have a written procedural manual made available to employees to follow meeting the minimum standards set forth in rules detailing the performance of all methods employed by the facility used to test the analytes it reports.

(d) In accordance with rules adopted pursuant to this chapter, a testing laboratory shall establish a protocol for recording the chain of custody of all marijuana samples.

(e) A testing laboratory shall establish, monitor, and document the ongoing review of a quality assurance program that is sufficient to identify problems in the laboratory systems when they occur.

§ 4528. FEES

(a) The Agency shall charge and collect initial license application fees and annual license renewal fees for each type of marijuana license under this chapter. Fees shall be due and payable at the time of license application or renewal.

(b)(1) The nonrefundable fee accompanying an application for a cultivator license pursuant to section 4525 of this chapter shall be:

- (A) \$1,000.00 for a cultivation space that does not exceed 500 square feet.
- (B) \$3,000.00 for a cultivation space of 501–1,000 square feet.
- (C) \$7,500.00 for a cultivation space of 1,001–2,500 square feet.
- (D) \$15,000.00 for a cultivation space of 2,501–5,000 square feet.

(E) \$30,000.00 for a cultivation space of 5,001–10,000 square feet.

(2) The nonrefundable fee accompanying an application for a retailer license pursuant to section 4526 of this chapter shall be \$15,000.00.

(3) The nonrefundable fee accompanying an application for a marijuana testing laboratory license pursuant to section 4527 of this chapter shall be \$500.00.

(4) If a person submits a qualifying application for a marijuana establishment license during an open application, pays the nonrefundable application fee, but is not selected to receive a license due to the limited number of licenses available, the person may reapply, based on availability, for such a license within two years by resubmitting the application with any necessary updated information, and shall be charged a fee that is 50 percent of the application fees set forth in subdivision (1)–(3) of this subsection if the original application was submitted prior to July 1, 2019.

(c)(1) The initial annual license fee and subsequent annual renewal fee for a cultivator license pursuant to section 4525 of this chapter shall be:

(A) \$1,000.00 for a cultivation space that does not exceed 500 square feet.

(B) \$3,000.00. for a cultivation space of 501–1,000 square feet.

(C) \$7,500.00 for a cultivation space of 1,001–2,500 square feet.

(D) \$15,000.00 for a cultivation space of 2,501–5,000 square feet.

(E) \$30,000.00 for a cultivation space of 5,001–10,000 square feet.

(2) The initial annual license fee and subsequent annual renewal fee for a retailer license pursuant to section 4526 of this chapter shall be \$15,000.00.

(3) The initial annual license fee and subsequent annual renewal fee for a marijuana testing laboratory license pursuant to section 4527 of this chapter shall be \$2,500.00.

(d) The following administrative fees shall apply:

(1) Change of corporate structure fee (per person) shall be \$1,000.00.

(2) Change of name fee shall be \$1,000.00.

(3) Change of location fee shall be \$1,000.00.

(4) Modification of license premises fee shall be \$250.00.

(5) Addition of financier fee shall be \$250.00.

(6) Duplicate license fee shall be \$100.00.

§ 4529. MARIJUANA REGULATION AND RESOURCE FUND

(a) The Marijuana Regulation and Resource Fund is hereby created. The Fund shall be maintained by the Agency of Administration.

(b) The Fund shall be composed of:

(1) all application fees, license fees, renewal fees, and civil penalties collected pursuant to this chapter; and

(2) all taxes collected by the Commissioner of Taxes pursuant to this chapter.

(c)(1) Funds shall be appropriated as follows:

(A) For the purpose of implementation, administration, and enforcement of this chapter.

(B) Proportionately for the prevention of substance abuse, treatment of substance abuse, and criminal justice efforts by State and local law enforcement to combat impaired driving and the illegal drug trade. As used in this subdivision, "criminal justice efforts" shall include efforts by both State and local criminal justice agencies, including law enforcement, prosecutors, public defenders, and the courts.

(2) Appropriations made pursuant to subdivision (1) of this subsection shall be in addition to current funding of the identified priorities and shall not be used in place of existing State funding.

(d) All balances in the Fund at the end of any fiscal year shall be carried forward and remain part of the Fund. Interest earned by the Fund shall be deposited into the Fund.

(e) This Fund is established in the State Treasury pursuant to 32 V.S.A. chapter 7, subchapter 5. The Commissioner of Finance and Management shall anticipate receipts in accordance with 32 V.S.A. § 588(4)(C).

(f) The Secretary of Administration shall report annually to the Joint Fiscal Committee on receipts and expenditures through the prior fiscal year on or before the Committee's regularly scheduled November meeting.

Sec. 20. 32 V.S.A. chapter 207 is added to read:

CHAPTER 207. MARIJUANA TAXES

§ 7901. TAX IMPOSED

(a) There is imposed a marijuana excise tax equal to 25 percent of the sales price, as that term is defined in subdivision 9701(4) of this title, on each retail sale of marijuana in this State. The tax imposed by this section shall be paid by the buyer to the retailer. Each retailer shall collect from the buyer the full

amount of the tax payable on each taxable sale.

(b) The tax imposed by this section is separate from the general sales and use tax imposed by chapter 233 of this title. The tax imposed under this section shall be separately itemized from any State and local retail sales tax on the sales receipt provided to the buyer.

(c) The following sales shall be exempt from the tax imposed under this section:

(1) sales under any circumstances in which the State is without power to impose the tax; and

(2) sales made by any dispensary, provided the marijuana will be provided only to registered qualifying patients directly or through their registered caregivers.

§ 7902. LIABILITY FOR TAX AND PENALTIES

(a) Any tax collected under this chapter shall be deemed to be held by the retailer in trust for the State of Vermont. Any tax collected under this chapter shall be accounted for separately so as to clearly indicate the amount of tax collected, and that the tax receipts are the property of the State of Vermont.

(b) Every retailer required to collect the tax imposed by this chapter shall be personally and individually liable for the amount of tax together with such interest and penalty as has accrued under this title. If the retailer is a corporation or other entity, the personal liability shall extend to any officer or agent of the corporation or entity who as an officer or agent of the same has the authority to collect the tax and transmit it to the Commissioner of Taxes as required in this chapter.

(c) A retailer shall have the same rights in collecting the tax from his or her purchaser or regarding nonpayment of the tax by the purchaser as if the tax were a part of the purchase price of the marijuana and payable at the same time; provided, however, if the retailer required to collect the tax has failed to remit any portion of the tax to the Commissioner of Taxes, the Commissioner of Taxes shall be notified of any action or proceeding brought by the retailer to collect the tax and shall have the right to intervene in such action or proceeding.

(d) A retailer required to collect the tax may also refund or credit to the purchaser any tax erroneously, illegally, or unconstitutionally collected. No cause of action that may exist under State law shall accrue against the retailer for the tax collected unless the purchaser has provided written notice to a retailer, and the retailer has had 60 days to respond.

(e) To the extent not inconsistent with this chapter, the provisions for the

assessment, collection, enforcement, and appeals of the sales and use taxes in chapter 233 of this title shall apply to the tax imposed by this chapter.

§ 7903. BUNDLED TRANSACTIONS

(a) Except as provided in subsection (b) of this section, a retail sale of a bundled transaction that includes marijuana is subject to the tax imposed by this chapter on the entire selling price of the bundled transaction.

(b) If the selling price is attributable to products that are taxable and products that are not taxable under this chapter, the portion of the price attributable to the nontaxable products are subject to the tax imposed by this chapter unless the retailer can identify by reasonable and verifiable standards the portion that is not subject to tax from its books and records that are kept in the regular course of business.

(c) As used in this section, “bundled transaction” means:

(1) the retail sale of two or more products where the products are otherwise distinct and identifiable, are sold for one nonitemized price, and at least one of the products includes marijuana subject to the tax under this chapter; or

(2) marijuana provided free of charge with the required purchase of another product.

§ 7904. RETURNS

(a) Any retailer required to collect the tax imposed by this chapter shall, on or before the 15th day of every month, return to the Department of Taxes, under oath of a person with legal authority to bind the retailer, a statement containing its name and place of business, the amount of marijuana sales subject to the excise tax imposed by this subchapter sold in the preceding month, and any other information required by the Department of Taxes, along with the tax due.

(b) Every retailer shall maintain, for not less than three years, accurate records showing all transactions subject to tax liability under this chapter. These records are subject to inspection by the Department of Taxes at all reasonable times during normal business hours.

§ 7905. LICENSES

(a) Every retailer required to collect the tax imposed by this chapter shall apply for a marijuana excise tax license in the manner prescribed by the Commissioner of Taxes. The Commissioner shall issue, without charge, to each registrant a license empowering him or her to collect the marijuana excise tax. Each license shall state the place of business to which it is applicable.

The license shall be prominently displayed in the place of business of the registrant. The licenses shall be nonassignable and nontransferable and shall be surrendered to the Commissioner immediately upon the registrant's ceasing to do business at the place named. A license to collect marijuana excise tax shall be in addition to the licenses required by sections 9271 (meals and rooms tax) and 9707 (sales and use tax) of this title and any license required by the Agency of Agriculture, Food, and Markets.

(b) The Agency of Agriculture, Food, and Markets may require the Commissioner of Taxes to suspend or revoke the tax license of any person for failure to comply with any provision of this chapter.

Sec. 21. 32 V.S.A. § 5811 is amended to read:

§ 5811. DEFINITIONS

The following definitions shall apply throughout this chapter unless the context requires otherwise:

* * *

(18) "Vermont net income" means, for any taxable year and for any corporate taxpayer:

(A) the taxable income of the taxpayer for that taxable year under the laws of the United States, without regard to 26 U.S.C. § 168(k) of the Internal Revenue Code, and excluding income which under the laws of the United States is exempt from taxation by the states:

(i) increased by:

(I) the amount of any deduction for State and local taxes on or measured by income, franchise taxes measured by net income, franchise taxes for the privilege of doing business and capital stock taxes; and

(II) to the extent such income is exempted from taxation under the laws of the United States by the amount received by the taxpayer on and after January 1, 1986 as interest income from State and local obligations, other than obligations of Vermont and its political subdivisions, and any dividends or other distributions from any fund to the extent such dividend or distribution is attributable to such Vermont State or local obligations;

(III) the amount of any deduction for a federal net operating loss; and

(ii) decreased by:

(I) the "gross-up of dividends" required by the federal Internal Revenue Code to be taken into taxable income in connection with the

taxpayer's election of the foreign tax credit; ~~and~~

(II) the amount of income which results from the required reduction in salaries and wages expense for corporations claiming the Targeted Job or WIN credits; and

(III) any federal deduction that the taxpayer would have been allowed for the cultivation, testing, processing, or sale of marijuana, as authorized under 18 V.S.A. chapter 86 or 87, but for 26 U.S.C. § 280E.

* * *

(21) "Taxable income" means federal taxable income determined without regard to 26 U.S.C. § 168(k) and:

(A) Increased by the following items of income (to the extent such income is excluded from federal adjusted gross income):

(i) interest income from non-Vermont state and local obligations; and

(ii) dividends or other distributions from any fund to the extent they are attributable to non-Vermont state or local obligations; and

(B) Decreased by the following items of income (to the extent such income is included in federal adjusted gross income):

(i) income from U.S. government obligations;

(ii) with respect to adjusted net capital gain income as defined in 26 U.S.C. § 1(h) reduced by the total amount of any qualified dividend income: either the first \$5,000.00 of such adjusted net capital gain income; or 40 percent of adjusted net capital gain income from the sale of assets held by the taxpayer for more than three years, except not adjusted net capital gain income from:

(I) the sale of any real estate or portion of real estate used by the taxpayer as a primary or nonprimary residence; or

(II) the sale of depreciable personal property other than farm property and standing timber; or stocks or bonds publicly traded or traded on an exchange, or any other financial instruments; regardless of whether sold by an individual or business; and provided that the total amount of decrease under this subdivision (21)(B)(ii) shall not exceed 40 percent of federal taxable income; ~~and~~

(iii) recapture of State and local income tax deductions not taken against Vermont income tax; and

(iv) any federal deduction that the taxpayer would have been

allowed for the cultivation, testing, processing, or sale of marijuana, as authorized under 18 V.S.A. chapter 86 or 87, but for 26 U.S.C. § 280E; and

* * *

Sec. 22. 32 V.S.A. § 9741(52) is added to read:

(52) Marijuana sold by a dispensary as authorized under 18 V.S.A. chapter 86 or by a retailer as authorized under 18 V.S.A. chapter 87.

Sec. 23. APPROPRIATIONS FROM THE

MARIJUANA REGULATION AND RESOURCE FUND

(a) In fiscal year 2018, the following amounts are appropriated from the Marijuana Regulation and Resource Fund:

(1) Department of Health: \$87,500.00 for initial prevention, education, and counter marketing programs.

(2) Department of Taxes: \$165,000.00 for the acquisition of an excise tax module and staffing expenses to administer the excise tax established in this act.

(3) Agency of Agriculture, Food and Markets:

(A) \$28,125.00 for the Vermont Agriculture and Environmental Lab.

(B) \$68,125.00 for staffing expenses related to rulemaking, program administration, and processing of applications and licenses.

(4) Agency of Administration: \$37,500.00 for expenses and staffing of the Marijuana Program Review Commission established in this act.

(b) In fiscal year 2019 the following amounts are appropriated from the Marijuana Regulation and Resource Fund:

(1) Department of Health: \$350,000.00 for initial prevention, education, and counter marketing programs.

(2) Department of Taxes: \$660,000.00 for the acquisition of an excise tax module and staffing expenses to administer the excise tax established in this act.

(3) Agency of Agriculture, Food and Markets:

(A) \$112,500.00 for the Vermont Agriculture and Environmental Lab.

(B) \$272,500.00 for staffing expenses related to rulemaking, program administration, and processing of applications and licenses.

(4) Agency of Administration: \$150,000.00 for expenses and staffing

of the Marijuana Program Review Commission established in this act.

Sec. 24. EXECUTIVE BRANCH POSITION AUTHORIZATIONS

The establishment of the following new permanent classified positions is authorized as follows:

(1) In the Department of Health—one (1) Substance Abuse Program Manager.

(2) In the Department of Taxes—one (1) Business Analyst AC: Tax and one (1) Tax Policy Analyst.

(3) In the Agency of Agriculture, Food and Markets—one (1) Agriculture Chemist and two (2) Program Administrator.

(4) In the Marijuana Program Review Commission—one (1) exempt Commission Director.

Sec. 25. MARIJUANA REGULATION AND RESOURCE FUND

BUDGET AND REPORT

Annually, through 2021, the Secretary of Administration shall report to the Joint Fiscal Committee on receipts and expenditures through the prior fiscal year on or before the Committee's regularly scheduled November meeting on the following:

(1) an update of the administration's efforts concerning implementation, administration, and enforcement of this act;

(2) any changes or updates to revenue expectations from fees and taxes based on changes in competitive pricing or other information;

(3) projected budget adjustment needs for current year appropriations from the Marijuana Regulation and Resource Fund; and

(4) a comprehensive spending plan with recommended appropriations from the Fund for the next the fiscal year, by department, including an explanation and justification for the expenditures and how each recommendation meets the intent of this act.

Sec. 26. 24 V.S.A. § 2291 is amended to read:

§ 2291. ENUMERATION OF POWERS

For the purpose of promoting the public health, safety, welfare, and convenience, a town, city, or incorporated village shall have the following powers:

* * *

(29) To prohibit or regulate, by means of a civil ordinance adopted pursuant to chapter 59 of this title, the number, time, place, manner, or operation of a marijuana establishment, or any class of marijuana establishments, located in the municipality; provided, however, that amendments to such an ordinance shall not apply to restrict further a marijuana establishment in operation within the municipality at the time of the amendment. As used in this subdivision, "marijuana establishment" shall have the same meaning as set forth in 18 V.S.A. chapter 87.

Sec. 27. 24 V.S.A. § 4414 is amended to read:

§ 4414. ZONING; PERMISSIBLE TYPES OF REGULATIONS

Any of the following types of regulations may be adopted by a municipality in its bylaws in conformance with the plan and for the purposes established in section 4302 of this title.

* * *

(16) Marijuana establishments. A municipality may adopt bylaws for the purpose of regulating marijuana establishments as defined in 18 V.S.A. chapter 87.

Sec. 28. EFFECTIVE DATES

(a) This section and Secs. 17 (disparities in enforcement of drug laws), 18 (marijuana youth education and prevention), 19 (marijuana establishments), 20 (marijuana taxes), 23 (appropriations from the marijuana resource fund), and 24 (Executive Branch position authorizations) shall take effect on passage.

(b) Sec. 22 (sales tax) shall take effect on July 1, 2019.

(c) Sec. 21 (taxes; definitions) shall take effect on July 1, 2019 and shall apply to taxable year 2019 and after.

(d) Secs. 1 (legislative intent; civil and criminal penalties), 2 (definitions), 3 (marijuana; criminal), 4 (marijuana possession by a person 21 years of age or older), 5 (marijuana possession by a person under 21 years of age; civil violation), 6 (repeal), 7 (cultivation of marijuana by a person 21 years of age or older), 8 (dispensing marijuana to a person under 21 years of age; criminal offense), 9 (dispensing marijuana to a person under 21 years of age; civil action for damages), 10 (chemical extraction via butane or hexane prohibited), 11 (exceptions), 12 (offenses and penalties), 13 (motor vehicle operator; consumption or possession of alcohol or marijuana), 14 (motor vehicle passenger; consumption or possession of alcohol or marijuana), 15 (using tobacco or marijuana in a motor vehicle with child present), 16 (marijuana and tobacco use prohibited at child care facilities), 25 (Marijuana Regulation and Resource Fund budget and report), 26 (local authority to regulate marijuana

establishments), and 27 (zoning) shall take effect on July 1, 2018.

Pending the question, Shall the amendment offered by Rep. Conquest of Newbury be further amended as offered by Rep. Turner of Milton? **Rep. Turner of Milton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the amendment offered by Rep. Conquest of Newbury be further amended as offered by Rep. Turner of Milton? was decided in the negative. Yeas, 32. Nays, 114.

Those who voted in the affirmative are:

Beck of St. Johnsbury	Lawrence of Lyndon	Parent of St. Albans Town
Brennan of Colchester	Lefebvre of Newark	Quimby of Concord
Condon of Colchester	Lewis of Berlin	Read of Fayston
Corcoran of Bennington	Marcotte of Coventry	Scheuermann of Stowe
Devereux of Mount Holly	Martel of Waterford	Shaw of Pittsford
Donahue of Northfield	Mattos of Milton	Sibilia of Dover
Feltus of Lyndon	McCoy of Poultney	Smith of Derby
Graham of Williamstown	McFaun of Barre Town	Smith of New Haven
Harrison of Chittenden	Myers of Essex	Turner of Milton
Jickling of Randolph	Norris of Shoreham	Willhoit of St. Johnsbury
LaClair of Barre Town	Pajala of Londonderry	

Those who voted in the negative are:

Ancel of Calais	Frenier of Chelsea	Noyes of Wolcott
Bancroft of Westford	Gage of Rutland City	Ode of Burlington
Bartholomew of Hartland	Gamache of Swanton	O'Sullivan of Burlington
Baser of Bristol	Gannon of Wilmington	Partridge of Windham
Batchelor of Derby	Gardner of Richmond	Pearce of Richford
Belaski of Windsor	Giambatista of Essex	Poirier of Barre City
Beyor of Highgate	Gonzalez of Winooski	Potter of Clarendon
Bissonnette of Winooski	Grad of Moretown	Pugh of South Burlington
Bock of Chester	Haas of Rochester	Rosenquist of Georgia
Botzow of Pownal	Head of South Burlington	Savage of Swanton
Briglin of Thetford	Helm of Fair Haven	Scheu of Middlebury
Browning of Arlington	Higley of Lowell	Sharpe of Bristol
Brumsted of Shelburne	Hill of Wolcott	Sheldon of Middlebury
Buckholz of Hartford	Hooper of Montpelier	Squirrell of Underhill
Burditt of West Rutland	Hooper of Randolph	Stevens of Waterbury
Burke of Brattleboro	Houghton of Essex	Strong of Albany
Canfield of Fair Haven	Howard of Rutland City	Stuart of Brattleboro
Carr of Brandon	Jessup of Middlesex	Sullivan of Dorset
Chesnut-Tangerman of Middletown Springs	Joseph of North Hero	Sullivan of Burlington
Christensen of Weathersfield	Juskiewicz of Cambridge	Taylor of Colchester
Christie of Hartford	Keefe of Manchester	Terenzini of Rutland Town
Cina of Burlington	Keenan of St. Albans City	Till of Jericho
Colburn of Burlington	Kimbell of Woodstock	Toleno of Brattleboro
Conlon of Cornwall	Kitzmiller of Montpelier	Toll of Danville
	Krowinski of Burlington	Townsend of South

Connor of Fairfield	Lalonde of South Burlington	Burlington
Conquest of Newbury	Lanpher of Vergennes	Trieber of Rockingham
Copeland-Hanzas of Bradford	Lippert of Hinesburg	Troiano of Stannard
Cupoli of Rutland City	Long of Newfane	Van Wyck of Ferrisburgh
Dakin of Colchester	Lucke of Hartford	Viens of Newport City
Deen of Westminster	Macaig of Williston	Walz of Barre City
Dickinson of St. Albans Town	Masland of Thetford	Webb of Shelburne
Donovan of Burlington	McCormack of Burlington	Weed of Enosburgh
Dunn of Essex	McCullough of Williston *	Wood of Waterbury
Emmons of Springfield	Miller of Shaftsbury	Wright of Burlington
Fagan of Rutland City	Morris of Bennington	Yacovone of Morristown
Fields of Bennington	Morrissey of Bennington	Yantachka of Charlotte
Forguites of Springfield	Mrowicki of Putney	Young of Glover
	Murphy of Fairfax	
	Nolan of Morristown	

Those members absent with leave of the House and not voting are:

Ainsworth of Royalton	Hebert of Vernon	Rachelson of Burlington
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Rep. McCullough of Williston explained his vote as follows:

“Madam Speaker:

I voted no on the member from Milton's tax and regulate amendment to H.511. I support the amendment's concept. There is a place and time for everything. This is the place. This is, however, not the appropriated time.”

Pending the question, Will the House concur in the Senate proposal of amendment with further amendment thereto as moved by Rep. Conquest of Newbury, as amended? **Rep. Donahue of Northfield** moved to amend the amendment as offered by Rep. Conquest of Newbury, as amended, as follows:

By adding a new subsection to be subsection (f) to read as follows:

(f)(1) A person shall not use marijuana in an enclosed interior location that is occupied by a child under 18 years of age.

(2) A person who violates subdivision (1) of this subsection commits a misdemeanor crime and shall be subject to the following penalties:

(A) a fine of not more than \$500.00 for a first offense;

(B) a fine of not more than \$750.00 for a second offense; and

(C) a fine of not more than \$1,000.00 for a third or subsequent offense.

And by relettering the remaining subsections to be subsections (g) and (h)

Pending the question, Shall the amendment offered by Rep. Conquest of Newbury be further amended as offered by Rep. Donahue of Northfield? **Rep.**

Savage of Swanton demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the amendment offered by Rep. Conquest of Newbury be further amended as offered by Rep. Donahue of Northfield? was decided in the negative. Yeas, 58. Nays, 86.

Those who voted in the affirmative are:

Bancroft of Westford	Graham of Williamstown	Parent of St. Albans Town
Baser of Bristol	Harrison of Chittenden	Pearce of Richford
Batchelor of Derby	Helm of Fair Haven	Quimby of Concord
Beck of St. Johnsbury	Higley of Lowell	Rosenquist of Georgia
Beyor of Highgate	Jickling of Randolph	Savage of Swanton
Brennan of Colchester	Keefe of Manchester	Scheuermann of Stowe
Browning of Arlington	LaClair of Barre Town	Shaw of Pittsford
Brumsted of Shelburne	Lawrence of Lyndon	Sibilia of Dover
Canfield of Fair Haven	Lewis of Berlin	Smith of Derby
Condon of Colchester	Lucke of Hartford	Smith of New Haven
Cupoli of Rutland City	Marcotte of Coventry	Strong of Albany
Devereux of Mount Holly	Martel of Waterford	Terenzini of Rutland Town
Dickinson of St. Albans Town	Mattos of Milton	Till of Jericho *
Donahue of Northfield	McCoy of Poultney	Turner of Milton
Fagan of Rutland City	McFaun of Barre Town	Van Wyck of Ferrisburgh
Feltus of Lyndon	Morrissey of Bennington	Viens of Newport City
Frenier of Chelsea	Murphy of Fairfax	Wright of Burlington
Gage of Rutland City	Myers of Essex	Yacovone of Morristown
Gamache of Swanton	Nolan of Morristown	Yantachka of Charlotte
	Norris of Shoreham	

Those who voted in the negative are:

Ancel of Calais	Gannon of Wilmington	Noyes of Wolcott
Bartholomew of Hartland	Gardner of Richmond	Ode of Burlington
Belaski of Windsor	Giambatista of Essex	O'Sullivan of Burlington
Bissonnette of Winooski	Gonzalez of Winooski	Pajala of Londonderry
Bock of Chester	Grad of Moretown	Partridge of Windham
Botzow of Pownal	Haas of Rochester	Poirier of Barre City
Briglin of Thetford	Head of South Burlington	Potter of Clarendon
Buckholz of Hartford	Hill of Wolcott	Pugh of South Burlington
Burditt of West Rutland	Hooper of Montpelier	Read of Fayston
Burke of Brattleboro	Hooper of Randolph	Scheu of Middlebury
Carr of Brandon	Houghton of Essex	Sharpe of Bristol
Chesnut-Tangerman of Middletown Springs	Howard of Rutland City	Sheldon of Middlebury
Christensen of Weathersfield	Jessup of Middlesex	Squirrell of Underhill
Christie of Hartford	Joseph of North Hero	Stevens of Waterbury
Cina of Burlington	Juskiewicz of Cambridge	Stuart of Brattleboro
Colburn of Burlington	Kimbell of Woodstock	Sullivan of Dorset
Conlon of Cornwall	Kitzmillier of Montpelier	Sullivan of Burlington
Connor of Fairfield	Krowinski of Burlington	Taylor of Colchester
Conquest of Newbury	Lalonde of South Burlington	Toleno of Brattleboro
	Lanpher of Vergennes	Toll of Danville

Copeland-Hanzas of Bradford	Lefebvre of Newark Lippert of Hinesburg	Townsend of South Burlington
Corcoran of Bennington	Long of Newfane	Trieber of Rockingham
Dakin of Colchester	Macaig of Williston	Troiano of Stannard
Deen of Westminster	Masland of Thetford	Walz of Barre City
Donovan of Burlington	McCormack of Burlington	Webb of Shelburne
Dunn of Essex	McCullough of Williston	Willhoit of St. Johnsbury
Emmons of Springfield	Miller of Shaftsbury	Wood of Waterbury
Fields of Bennington	Morris of Bennington	Young of Glover
Forguites of Springfield	Mrowicki of Putney	

Those members absent with leave of the House and not voting are:

Ainsworth of Royalton	Keenan of St. Albans City	Weed of Enosburgh
Hebert of Vernon	Rachelson of Burlington	

Rep. Till of Jericho explained his vote as follows:

“Madam Speaker:

I vote yes to protect Vermont's children. Madam Speaker, this is the low point of my 10 years in the legislature, to see so many people I respect not vote to protect our children.”

Pending the question Will the House concur in the Senate proposal of amendment with further proposal of amendment as moved by Rep. Conquest of Newbury, as amended? **Rep. Bancroft of Westford**, moved to amend the amendment offered by Rep. Conquest of Newbury, as amended, as follows:

By adding two new sections to be Secs. 15a and 15b to read as follows:

Sec. 15a. 23 V.S.A. § 1210(1) is added to read:

(1) Minor in vehicle. A person who violates section 1201 of this title while a minor is in the person's vehicle shall, in addition to any other penalty imposed by law, be:

(1) fined not more than \$300.00 or imprisoned for not more than six months, or both; or

(2) fined not more than \$5,000.00 or imprisoned for not more than 10 years, or both, if the violation results in the death of or serious bodily injury to the minor.

Sec. 15b. 23 V.S.A. § 1217 is added to read:

§ 1217. PERSONS UNDER 21 YEARS OF AGE; OPERATING A
VEHICLE WHILE IN POSSESSION OR UNDER THE
INFLUENCE OF A DRUG; CIVIL PENALTIES

(a) A person under 21 years of age shall not operate, attempt to operate, or be in actual physical control of a vehicle on a highway while:

(1) under the influence of a drug; or

(2) in possession of a regulated drug as defined in 18 V.S.A. § 4201, unless the person obtained possession with a valid prescription or registration card, or the person is lawfully transporting or delivering the drug.

(b) A violation of subsection (a) of this section shall be a civil offense subject to the jurisdiction of the Judicial Bureau and subject to the following sanctions:

(1) For a first violation, the Commissioner shall suspend the person's license to operate a motor vehicle for a period of six months.

(2) For a second or subsequent violation, the Commissioner shall suspend the person's license to operate a motor vehicle for a period of one year or until the person reaches 21 years of age, whichever is longer.

(3) Any suspension imposed pursuant to this section shall run concurrently with any suspension imposed pursuant to section 1205, 1206, 1208, or 1216 of this title, any suspension imposed by another jurisdiction under comparable statutes, or a suspension resulting from a conviction for a violation of section 1091 of this title if it arose from the same incident. A person shall receive credit for any elapsed period of a suspension served in Vermont against a later suspension imposed in Vermont.

(c) No fine shall be imposed and no points shall be assessed for a violation of this section.

(d) Any civil penalty imposed by this section shall not bar prosecution for any crime arising out of the same violation, including a prosecution under section 1201 of this title.

(e) As used in subdivision (a) of this subsection, "under the influence of a drug" shall have the same meaning as in subsection 1201(h) of this title.

Pending the question, Shall the amendment offered by Rep. Conquest of Newbury be further amended as offered by Rep. Bancroft of Westford? **Rep. Bancroft of Westford** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the amendment offered by Rep. Conquest of Newbury be further amended as offered by Rep. Bancroft of Westford? was decided in the negative. Yeas, 60. Nays, 85.

Those who voted in the affirmative are:

Bancroft of Westford

Graham of Williamstown

Parent of St. Albans Town

Baser of Bristol	Harrison of Chittenden	Pearce of Richford
Batchelor of Derby	Helm of Fair Haven	Poirier of Barre City
Beck of St. Johnsbury	Higley of Lowell	Quimby of Concord
Beyor of Highgate	Joseph of North Hero	Rosenquist of Georgia
Brennan of Colchester	Juskiewicz of Cambridge	Savage of Swanton
Browning of Arlington	Keefe of Manchester	Scheuermann of Stowe
Canfield of Fair Haven	LaClair of Barre Town	Shaw of Pittsford
Condon of Colchester	Lawrence of Lyndon	Sibilia of Dover
Corcoran of Bennington	Lefebvre of Newark	Smith of Derby
Cupoli of Rutland City	Lewis of Berlin	Smith of New Haven
Devereux of Mount Holly	Marcotte of Coventry	Strong of Albany
Dickinson of St. Albans Town	Martel of Waterford	Terenzini of Rutland Town
Donahue of Northfield	Mattos of Milton	Till of Jericho
Fagan of Rutland City	McCoy of Poultney	Turner of Milton
Feltus of Lyndon	McFaun of Barre Town	Van Wyck of Ferrisburgh
Forguites of Springfield	Morrissey of Bennington	Viens of Newport City
Frenier of Chelsea	Murphy of Fairfax	Willhoit of St. Johnsbury
Gage of Rutland City	Myers of Essex	Wright of Burlington
Gamache of Swanton	Nolan of Morristown	
	Norris of Shoreham	

Those who voted in the negative are:

Ancel of Calais	Gardner of Richmond	O'Sullivan of Burlington
Bartholomew of Hartland	Giambatista of Essex	Pajala of Londonderry
Belaski of Windsor	Gonzalez of Winooski	Partridge of Windham
Bissonnette of Winooski	Grad of Moretown	Potter of Clarendon
Bock of Chester	Haas of Rochester	Pugh of South Burlington
Botzow of Pownal	Head of South Burlington	Read of Fayston
Briglin of Thetford	Hill of Wolcott	Scheu of Middlebury
Brumsted of Shelburne	Hooper of Montpelier	Sharpe of Bristol
Buckholz of Hartford	Hooper of Randolph	Sheldon of Middlebury
Burditt of West Rutland	Houghton of Essex	Squirrell of Underhill
Burke of Brattleboro	Howard of Rutland City	Stevens of Waterbury
Carr of Brandon	Jessup of Middlesex	Stuart of Brattleboro
Chesnut-Tangerman of Middletown Springs	Jickling of Randolph	Sullivan of Dorset
Christensen of Weathersfield	Kimbell of Woodstock	Sullivan of Burlington
Christie of Hartford	Kitzmiller of Montpelier	Taylor of Colchester
Cina of Burlington	Krowinski of Burlington	Toleno of Brattleboro
Colburn of Burlington	Lalonde of South Burlington	Toll of Danville
Conlon of Cornwall	Lanpher of Vergennes	Townsend of South Burlington
Connor of Fairfield	Lippert of Hinesburg	Trieber of Rockingham
Conquest of Newbury	Long of Newfane	Troiano of Stannard
Copeland-Hanzas of Bradford	Lucke of Hartford	Walz of Barre City
Dakin of Colchester	Macaig of Williston	Webb of Shelburne
Deen of Westminster	Masland of Thetford	Weed of Enosburgh
Donovan of Burlington	McCormack of Burlington	Wood of Waterbury
Dunn of Essex	McCullough of Williston	Yacovone of Morristown
Emmons of Springfield	Miller of Shaftsbury	Yantachka of Charlotte
	Morris of Bennington	Young of Glover
	Mrowicki of Putney	

Fields of Bennington	Noyes of Wolcott
Gannon of Wilmington	Ode of Burlington

Those members absent with leave of the House and not voting are:

Ainsworth of Royalton	Keenan of St. Albans City
Hebert of Vernon	Rachelson of Burlington

Pending the question Will the House concur in the Senate proposal of amendment with a further amendment as moved by Rep. Conquest of Newbury, as amended? **Rep. Bancroft of Westford** moved to amend the proposal of amendment offered by Rep. Conquest of Newbury, as amended, as follows:

By adding a subsection (c) to read as follows:

(c)(1) A person who cultivates marijuana plants pursuant to this section shall register with the Department of Health and each year shall pay an administrative charge and a fee.

(2) The Department shall determine the amount of the administrative charge and of the fee.

(A) The administrative charge shall be sufficient to defray the Department's costs in administering this subsection.

(B) The fee shall be sufficient to raise not less than \$1,500,000.00 each year. These funds shall be used by the Division of Alcohol and Drug Abuse Programs pursuant to section 4806 of this title to fund substance abuse prevention and education programs.

(3) Each year, on or before January 15, the Department shall report to the General Assembly as to the amount of the administrative charge and fee, the total funds collected from the administrative charge and fee, and how those funds were allocated and spent.

Which was disagreed to.

Pending the question Will the House concur in the Senate proposal of amendment with a further amendment as moved by Rep. Conquest of Newbury, as amended? **Rep. Browning of Arlington** moved to amend the proposal of amendment offered by Rep. Conquest of Newbury, as amended, as follows:

By striking out subdivision (3) in its entirety and inserting in lieu thereof the following:

(3) A person may possess no more than two pounds of marijuana that is harvested from plants cultivated in accordance with this section provided the

marijuana is stored in an indoor facility on the property where the marijuana was cultivated and reasonable precautions are taken to prevent unauthorized access to the marijuana. Marijuana cultivated and possessed in compliance with this subdivision shall not count toward the one-ounce possession limit in section 4230a of this title.

Pending the question, Shall the amendment offered by Rep. Conquest of Newbury be further amended as offered by Rep. Browning of Arlington? **Rep. Browning of Arlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the amendment offered by Rep. Conquest of Newbury be further amended as offered by Rep. Browning of Arlington? was decided in the negative. Yeas, 59. Nays, 85.

Those who voted in the affirmative are:

Bancroft of Westford	Graham of Williamstown	Norris of Shoreham
Baser of Bristol	Harrison of Chittenden	Parent of St. Albans Town
Batchelor of Derby	Helm of Fair Haven	Pearce of Richford
Beck of St. Johnsbury	Higley of Lowell	Quimby of Concord
Beyor of Highgate	Howard of Rutland City	Rosenquist of Georgia
Brennan of Colchester	Jickling of Randolph	Savage of Swanton
Browning of Arlington *	Joseph of North Hero	Shaw of Pittsford
Canfield of Fair Haven	Juskiewicz of Cambridge	Sibilia of Dover
Condon of Colchester	Keefe of Manchester	Smith of Derby
Corcoran of Bennington	LaClair of Barre Town	Smith of New Haven
Cupoli of Rutland City	Lawrence of Lyndon	Strong of Albany
Devereux of Mount Holly	Lefebvre of Newark	Taylor of Colchester
Dickinson of St. Albans Town	Lewis of Berlin	Terenzini of Rutland Town
Donahue of Northfield	Martel of Waterford	Till of Jericho
Fagan of Rutland City	Mattos of Milton	Turner of Milton
Feltus of Lyndon	McCoy of Poultney	Van Wyck of Ferrisburgh
Frenier of Chelsea	McFaun of Barre Town	Viens of Newport City
Gage of Rutland City	Morrissey of Bennington	Willhoit of St. Johnsbury
Gamache of Swanton	Murphy of Fairfax	Wright of Burlington
	Myers of Essex	Yantachka of Charlotte

Those who voted in the negative are:

Ancel of Calais	Gannon of Wilmington	O'Sullivan of Burlington
Bartholomew of Hartland	Gardner of Richmond	Pajala of Londonderry
Belaski of Windsor	Giambatista of Essex	Partridge of Windham
Bissonnette of Winooski	Gonzalez of Winooski	Poirier of Barre City
Bock of Chester	Grad of Moretown	Potter of Clarendon
Botzow of Pownal	Haas of Rochester	Pugh of South Burlington
Briglin of Thetford	Head of South Burlington	Read of Fayston
Brumsted of Shelburne	Hill of Wolcott	Scheu of Middlebury
Buckholz of Hartford	Hooper of Montpelier	Scheuermann of Stowe
Burditt of West Rutland	Hooper of Randolph	Sharpe of Bristol
Burke of Brattleboro	Houghton of Essex	Sheldon of Middlebury

Carr of Brandon	Jessup of Middlesex	Squirrell of Underhill
Chesnut-Tangerman of Middletown Springs	Kimbell of Woodstock	Stevens of Waterbury
Christensen of Weathersfield	Kitzmiller of Montpelier	Stuart of Brattleboro
Christie of Hartford	Krowinski of Burlington	Sullivan of Dorset
Cina of Burlington	Lalonde of South Burlington	Sullivan of Burlington
Colburn of Burlington	Lanpher of Vergennes	Toleno of Brattleboro
Conlon of Cornwall	Lippert of Hinesburg	Toll of Danville
Connor of Fairfield	Long of Newfane	Townsend of South Burlington
Conquest of Newbury	Lucke of Hartford	Trieber of Rockingham
Copeland-Hanzas of Bradford	Macaig of Williston	Troiano of Stannard
Dakin of Colchester	Masland of Thetford	Walz of Barre City
Deen of Westminster	McCormack of Burlington	Webb of Shelburne
Donovan of Burlington	McCullough of Williston	Weed of Enosbury
Dunn of Essex	Miller of Shaftsbury	Wood of Waterbury
Emmons of Springfield	Morris of Bennington	Yacovone of Morristown
Fields of Bennington	Mrowicki of Putney	Young of Glover
Forguites of Springfield	Nolan of Morristown	
	Noyes of Wolcott	
	Ode of Burlington	

Those members absent with leave of the House and not voting are:

Ainsworth of Royalton	Keenan of St. Albans City	Rachelson of Burlington
Hebert of Vernon	Marcotte of Coventry	

Rep. Browning of Arlington explained her vote as follows:

“Madam Speaker:

I voted yes to keep our communities safe and to limit the amount of marijuana that a person can hold from growing marijuana. Those who vote no have created an opportunity that drug dealers may exploit.”

Pending the question Will the House concur in the Senate proposal of amendment with a further amendment as moved by Rep. Conquest of Newbury, as amended? **Rep. Dickinson of St. Albans** Town moved to amend the proposal of amendment offered by Rep. Conquest of Newbury, as amended, as follows:

By inserting a Sec. 17a to read:

Sec. 17a. 21 V.S.A. § 513 is amended to read:

§ 513. DRUG TESTING OF EMPLOYEES; PROHIBITIONS;

EXCEPTIONS

* * *

(c) Exception. Notwithstanding the prohibition in subsection (a) of this section, an employer may require an individual employee to submit to a drug test if all the following conditions are met:

(1) Probable cause or accident. Either:

(A) The the employer or an agent of the employer has probable cause to believe the employee is using or is under the influence of a drug on the job; or

(B) the employer or an agent of the employer has reason to believe that the employee has caused or contributed to an accident resulting in personal injury or property damage during the course of employment.

* * *

Which was disagreed to.

Pending the question Will the House concur in the Senate proposal of amendment with a further amendment as moved by Rep. Conquest of Newbury, as amended? **Rep. Gage of Rutland City** moved to amend the proposal of amendment offered by Rep. Conquest of Newbury, as amended, as follows:

By striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b)(1) Personal cultivation of marijuana only shall occur:

(A) on property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property; and

(B) in an enclosure that is screened from public view and is secure so that access is limited to the cultivator and persons 21 years of age or older who have permission from the cultivator.

(2) A person who cultivates marijuana shall register with the Department of Public Safety and shall pay an administrative fee.

(A) The Department shall determine the amount of the administrative fee, which shall be sufficient to defray the Department's costs in administering this subsection (b).

(B) The Department shall determine the manner and format of the cultivator registration form, which shall include the cultivator's name, date of birth, permanent address, and the address and location of the marijuana plants.

(C) The cultivator shall be given and shall retain a copy of the registration form.

(D) The Department shall maintain and keep confidential the records of all persons registered under this subsection (b). In response to a person-specific or property-specific inquiry by a law enforcement officer or agency made in the course of a bona fide investigation or prosecution, the Department

may verify the identity and provide other relevant information concerning a registered cultivator, specific person, or specific address.

(3) A person who violates this subsection shall be:

(A) assessed a civil penalty as follows:

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

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

(iii) not more than \$500.00 for a third or subsequent offense; and

(B) a person who is convicted of a third or subsequent violation of this subsection shall be prohibited from cultivating marijuana plants for a period of ten years.

Thereupon, **Rep. Gage of Rutland** asked and was granted leave to withdraw the amendment.

Pending the question, Shall the House concur in the Senate proposal of amendment with further amendment as offered by Rep. Conquest of Newbury as amended? **Rep. Turner of Milton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House concur in the Senate proposal of amendment with further amendment as offered by Rep. Conquest of Newbury as amended? was decided in the affirmative. Yeas, 81. Nays, 63.

Those who voted in the affirmative are:

Ancel of Calais	Forguites of Springfield *	Murphy of Fairfax
Bartholomew of Hartland *	Gannon of Wilmington	Noyes of Wolcott
Baser of Bristol	Gardner of Richmond	O'Sullivan of Burlington
Beck of St. Johnsbury	Giambatista of Essex	Pajala of Londonderry
Belaski of Windsor	Gonzalez of Winooski	Partridge of Windham
Bock of Chester	Grad of Moretown	Poirier of Barre City
Botzow of Pownal	Haas of Rochester	Read of Fayston
Buckholz of Hartford	Head of South Burlington	Scheu of Middlebury
Burditt of West Rutland *	Hill of Wolcott	Sharpe of Bristol
Burke of Brattleboro	Hooper of Montpelier	Sheldon of Middlebury
Carr of Brandon	Hooper of Randolph	Squirrell of Underhill
Chesnut-Tangerman of Middletown Springs	Houghton of Essex	Stevens of Waterbury
Christensen of Weathersfield	Jessup of Middlesex	Stuart of Brattleboro
Cina of Burlington *	Kimbell of Woodstock	Sullivan of Dorset
Colburn of Burlington	Kitzmiller of Montpelier	Sullivan of Burlington
Condon of Colchester	Krowinski of Burlington *	Toleno of Brattleboro
Conlon of Cornwall	Lalonde of South Burlington	Townsend of South Burlington
Connor of Fairfield	Lefebvre of Newark	Trieber of Rockingham
Conquest of Newbury	Lippert of Hinesburg	Troiano of Stannard
Copeland-Hanzas of Bradford	Long of Newfane	Walz of Barre City
	Lucke of Hartford	Webb of Shelburne
	Macaig of Williston	

Corcoran of Bennington	Masland of Thetford	Weed of Enosburgh
Deen of Westminster	McCormack of Burlington	Willhoit of St. Johnsbury
Donovan of Burlington	McCullough of Williston	Wood of Waterbury
Dunn of Essex	Miller of Shaftsbury	Yacovone of Morristown
Emmons of Springfield	Morris of Bennington	Yantachka of Charlotte
Fields of Bennington	Mrowicki of Putney	Young of Glover

Those who voted in the negative are:

Bancroft of Westford *	Harrison of Chittenden	Pearce of Richford
Batchelor of Derby	Helm of Fair Haven	Potter of Clarendon
Beyor of Highgate	Higley of Lowell	Pugh of South Burlington
Bissonnette of Winooski	Howard of Rutland City	Quimby of Concord
Brennan of Colchester	Jickling of Randolph	Rosenquist of Georgia
Briglin of Thetford	Joseph of North Hero	Savage of Swanton
Browning of Arlington	Juskiewicz of Cambridge	Scheuermann of Stowe
Brumsted of Shelburne	Keefe of Manchester	Shaw of Pittsford
Canfield of Fair Haven	LaClair of Barre Town	Sibilia of Dover
Christie of Hartford	Lanpher of Vergennes	Smith of Derby
Cupoli of Rutland City	Lawrence of Lyndon	Smith of New Haven
Dakin of Colchester	Lewis of Berlin	Strong of Albany
Devereux of Mount Holly	Martel of Waterford *	Taylor of Colchester
Dickinson of St. Albans Town	Mattos of Milton	Terenzini of Rutland Town
Donahue of Northfield *	McCoy of Poultney *	Till of Jericho
Fagan of Rutland City *	McFaun of Barre Town	Toll of Danville
Feltus of Lyndon	Morrissey of Bennington	Turner of Milton
Frenier of Chelsea	Myers of Essex	Van Wyck of Ferrisburgh *
Gage of Rutland City	Nolan of Morristown	Viens of Newport City
Gamache of Swanton	Norris of Shoreham	Wright of Burlington *
Graham of Williamstown	Ode of Burlington	
	Parent of St. Albans Town	

Those members absent with leave of the House and not voting are:

Ainsworth of Royalton	Keenan of St. Albans City	Rachelson of Burlington
Hebert of Vernon	Marcotte of Coventry	

Rep. Bancroft of Westford explained his vote as follows:

“Madam Speaker:

I am profoundly disappointed in this body’s decision to legalize marijuana. If I was not a legislator, I am fairly confident, I would be sitting at home, hoping for legalization. As an elected representative, I have the duty to evaluate the social and economic cost and benefits of proposed legislation. My personal opinion is subservient to the best interest of the residents of this state. During my three-year tenure in the House, I have heard from hundreds of individuals on this issue. The majority oppose legalization. More important than the numerical majority opposing, is the credentials of those contacting me. I have heard from scores of physicians, medical researchers, educators,

law enforcement officials and drug treatment professionals. They are absolutely adamant in their opposition to legalization. To ignore these professionals is foolhardy.”

Rep. Bartholomew of Hartland explained his vote as follows:

“Madam Speaker:

We should never ignore the lessons of history. Prohibition has never worked and never will.”

Rep. Burditt of West Rutland explained his vote as follows:

“Madam Speaker:

There is a Libertarian saying that talks about keeping government out of our bedrooms and out of our wallets. This bill goes even further to keep government out of our lives.”

Rep. Cina of Burlington explained his vote as follows:

“Madam Speaker:

Substance use should be treated as a healthcare matter, not as a crime. By passing judgement on others for the way that they deal with pain or seek pleasure, one further fuels the stigma that drives addiction. May all people be empowered to reduce the harm of their personal choices and to live free. Let this be another step towards the end of the war on drugs.”

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

The reasonable proposal to remove sanctions for adult use and cultivation of marijuana isn’t important enough to me to do it with the disregard of public safety and child protection that we have shown today.”

Rep. Fagan of Rutland City explained his vote as follows:

“Madam Speaker:

I vote no. If our action today leads to the harming of even one Vermonter, we have grievously erred in what we have done. I vote no.”

Rep. Forguites of Springfield explained his vote as follows:

“Madam Speaker,

“After much self-deliberation, I vote “yes.”

If I ask myself if the possession of marijuana is legalized in Vermont is that a great thing for the State and humanity in general, the answer I get back is “no”.

If I ask myself if the possession of marijuana is not legalized in Vermont will it decrease the amount of marijuana that is presently being used in Vermont, the answer I get back is “no and it may increase usage”.

If I ask myself if the possession of marijuana is legalized in Vermont will it bring much needed revenue into the State from taxing the sale of it, the answer I get back is “yes” but my personal feeling is that if the possession of marijuana is legalized it should be done because it is felt that it is the right thing to do and not because it will bring revenue to the State. Legalizing something because it will bring revenue to the State is not a good way of governing in my opinion.

I have heard from constituents on both sides of this issue and my vote will disappoint some of them.

I respect the positions of law enforcement and health personnel and realize that passage of this bill will not make things any easier for them

But, at a time when our lakes are covered with green slime so that people cannot swim in them;

At a time when kids go to school hungry in the morning;

At a time when people are struggling to stay warm because of a lack of adequate housing;

And, while I may not agree with everything in the bill;

It is time to move on and deal with the issues the citizens of the state elected us to work on.”

Rep Krowinski of Burlington explained her vote as follows:

“Madam Speaker:

I voted in favor of this thoughtful and incremental approach to marijuana legalization. Vermonters are ready and support it. It is time to move forward.”

Rep. Martel of Waterford explained her vote as follows:

“Madam Speaker:

I voted no. This morning we all sang the state song 'These Green Mountains'. These hills will now become a safe haven for marijuana growers. So much for calling these green, soon to be brown, mountains home. This is a sad day for Vermonters.”

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

To pass a marijuana bill without waiting eleven days for the report from the

Governors Marijuana Advisory Commission and without including provisions for education, stricter highway safety laws, the safety of our citizens and, most importantly, the safety of our children, is an embarrassment.”

Rep. VanWyck of Ferrisburgh explained his vote as follows:

“Madam Speaker:

I voted no. Vermont has a huge substance abuse problem. The preponderance of evidence indicates that legalization would exacerbate this problem. This legislation is irresponsible and reckless.”

Rep Wright of Burlington explained his vote as follows:

“Madam Speaker,

I voted no. We cannot claim we are making the roads safer, or decreasing teen usage, or keeping people from going to jail for small amounts of marijuana. While Vermonters take a 9.4 cent increase on their property taxes, we don’t say let them eat cake, rather let them smoke a joint. We should have waited for more and better information, both from a report due in 11 days, as well as Colorado. This is a mistake that we will not be able to go back from, once done.”

Adjournment

At six o'clock and twenty minutes in the evening, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.