

Summary of Senate Proposal of Amendment to H.511

January 3, 2018

- Eliminates all penalties for possession of one ounce or less of marijuana and for two mature and four immature marijuana plants for a person who is 21 years of age or older.
- Retains criminal penalties for possession of more than one ounce of marijuana and more than two mature and four immature marijuana plants and criminal penalties for unauthorized dispensing or sale of marijuana.
- States that marijuana possessed or consumed in violation of State law is considered contraband and subject to seizure and forfeiture.
- Defines “marijuana” to follow more closely the federal definition.
- Prohibits consumption of marijuana in public and anywhere using a lighted tobacco product, tobacco product, or tobacco substitute. Violations are subject to civil penalties.
- Requires that marijuana plants possessed by a person who is 21 years of age or older be on property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property and in an enclosure that is screened from public view and secure so that access is limited to the cultivator and persons 21 years of age or older who have permission from the cultivator. Violations are subject to a civil penalty. Landlords may prohibit cultivation of marijuana.
- Limits the number of marijuana plants in or at a dwelling unit to two mature and four immature marijuana plants regardless of how many persons 21 years of age or older reside in the dwelling unit.
- Excludes marijuana harvested from legally cultivated plants toward the one-ounce possession limit, 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.
- Provides civil penalties, court diversion, and the Youth Substance Abuse Safety Program for persons 18 to 20 years of age who are in possession of an amount of marijuana or marijuana plants that would be legal or a civil violation if possessed by a person who is 21 years of age or older. Requires delinquency proceedings for persons under 18 years of age who are in possession of an amount of marijuana or marijuana plants that would be legal or a civil violation if possessed by a person who is 21 years of age or older.
- Creates a new misdemeanor crime for a person 21 years of age or older dispensing marijuana to a person under 21 years of age or knowingly enabling the consumption of marijuana by a person under 21 years of age and creates a fine-only misdemeanor crime

for a person who is 18 years of age who dispenses marijuana to a person who is 16 or 17 years of age or a person who is 19 years of age who dispenses marijuana to a person who is 17 years of age. These are in addition to the existing five-year felony crime of dispensing marijuana to a person under 18 years of age when the actor is at least three years older than the minor and a ten-year felony for selling marijuana to a minor.

- Establishes for 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, a right of action against any person or persons who have caused in whole or in part such impairment by furnishing marijuana to a person under 21 years of age.
- Creates a new crime for the manufacture of concentrated marijuana by chemical extraction or chemical synthesis using butane or hexane unless authorized as a registered marijuana dispensary.
- Establishes civil monetary penalties for having an open container of marijuana or consuming marijuana in a vehicle that are separate from criminal laws related to impaired driving.
- Creates a fine-only misdemeanor crime for using marijuana in a vehicle with a child under 18 years of age present in the vehicle.
- Creates a fine-only misdemeanor crime for cultivating or using marijuana in a licensed or registered family child care home, licensed child care center, or after school program.