

SIDE-BY-SIDE OF LAWS GOVERNING FURNISHING TO AN INDIVIDUAL UNDER 21 YEARS OF AGE
 COMPARISON OF PROPOSED LANGUAGE IN H.170 AND H.238
 Prepared By: Damien Leonard, Esq.
 Office of Legislative Council
 February 14, 2017

Statutory Provisions	H.170 An act relating to possession and cultivation of marijuana by a person 21 years of age or older	H.238 An act relating to modernizing and reorganizing Title 7
<p>18 V.S.A. § 4230g. FURNISHING MARIJUANA TO A PERSON UNDER 21 YEARS OF AGE; CRIMINAL OFFENSE</p> <p>And</p> <p>7 V.S.A. § 658. SALE OR FURNISHING TO MINORS; ENABLING CONSUMPTION BY MINORS; MINORS CAUSING DEATH OR SERIOUS BODILY INJURY</p>	<p>(a) No person shall:</p> <p>(1) furnish marijuana to a person under 21 years of age; or</p> <p>(2) knowingly enable the consumption of marijuana by a person under 21 years of age.</p> <p>(b) As used in this section, “enable the consumption of marijuana” means creating a direct and immediate opportunity for a person to consume marijuana.</p> <p>(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.</p> <p>(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.</p> <p>(e) This section shall not apply to:</p> <p>(1) A person under 21 years of age who furnishes 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. Possession of an ounce or less of marijuana by a person under 21 years of age shall be punished in accordance with sections 4230b–4230d of this title and dispensing or selling marijuana shall be punished in accordance with sections 4230 and 4237 of this title.</p> <p>(2) A dispensary that lawfully provides marijuana to a registered patient or caregiver pursuant to chapter 86 of this title.</p>	<p>(a) A person shall not:</p> <p>(1) sell or furnish alcoholic beverages to a person under 21 years of age; or</p> <p>(2) knowingly enable the consumption of alcoholic beverages by a person under 21 years of age.</p> <p>(b) As used in this section, “enable the consumption of alcoholic beverages” means creating a direct and immediate opportunity for a person to consume alcoholic beverages.</p> <p>(c) A person who violates subsection (a) of this section shall be fined not less than \$500.00 nor more than \$2,000.00 or imprisoned not more than two years, or both. However, an employee of a licensee or an employee of a State liquor agency, who in the course of employment violates subdivision (a)(1) of this section:</p> <p>(1) during a compliance check conducted by a law enforcement officer as defined in 20 V.S.A. § 2358:</p> <p>(A) shall be assessed a civil penalty of not more than \$100.00 for the first violation, and a civil penalty of not less than \$100.00 nor more than \$500.00 for a second violation that occurs more than one year after the first violation-; and</p> <p>(B) shall be subject to the criminal penalties provided in this subsection for a second violation within a year of the first violation, and for a third or subsequent violation within three years of the first violation.</p> <p>(2) may plead as an affirmative defense that:</p> <p>(A) the purchaser exhibited and the employee carefully viewed photographic identification that complied with section 589 of this title and indicated the purchaser to be 21 years of age or older;</p> <p>(B) an ordinary prudent person would believe the purchaser to be of legal age to make the purchase; and</p> <p>(C) the sale was made in good faith, based upon the reasonable belief that the purchaser was of legal age to purchase alcoholic beverages.</p> <p>(d) A person who violates subsection (a) of this section, where the person under 21</p>

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