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H.170

Representative Gannon of Wilmington moves that that the bill be amended as follows:

First: In Sec. 4, 18 V.S.A. § 4230a, in subdivision (a)(1), by striking “A” and inserting in lieu thereof Except as otherwise provided in this title, a and by striking subsection (c) in its entirety and inserting in lieu thereof the following:

~~(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) 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 is contraband pursuant to section 4242 of this title and possessed in violation of this title is contraband and subject to seizure and forfeiture ~~unless possessed in compliance with chapter 86 of this title (therapeutic use of cannabis).~~~~

~~(3)(2) 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. Nothing in this section or sections 4230b, 4230e, and 4230f of this title:~~

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

4 (B) repeals or modifies existing laws or policies concerning the
5 operation of vehicles of any kind while under the influence of marijuana or for
6 consuming marijuana while operating a motor vehicle;

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

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

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

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

1 Second: By adding three sections to be Sec. 11a–11c to read as follows:

2 Sec. 11a. 18 V.S.A. § 4230j is added to read:

3 § 4230j. EXCEPTIONS

4 (a) A person who is convicted of a felony for selling marijuana in violation
5 of section 4230 of this title or selling a regulated drug to minors or on school
6 grounds in violation of section 4237 of this title for an offense that occurred on
7 or after July 1, 2017 and who possesses one ounce or less of marijuana or five
8 grams or less of hashish commits a civil violation and shall be assessed a civil
9 penalty as follows:

10 (1) not more than \$200.00 for a first offense;

11 (2) not more than \$300.00 for a second offense;

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

13 (b) A person who is convicted of a felony for selling marijuana in violation
14 of section 4230 of this title or selling a regulated drug to minors or on school
15 grounds in violation of section 4237 of this title for an offense that occurred on
16 or after July 1, 2017 and who possesses any of the following commits a
17 misdemeanor and is subject to imprisonment of not more than one year or a
18 fine of not more than \$1,000.00, or both:

19 (1) more than one ounce, but not more than two ounces of marijuana;

20 (2) more than five grams, but not more than 10 grams of hashish; or

1 (3) not more than six mature marijuana plants and 12 immature
2 marijuana plants.

3 Sec. 11b. 23 V.S.A. § 1134 is amended to read:

4 § 1134. MOTOR VEHICLE OPERATOR; CONSUMPTION OR
5 POSSESSION OF ALCOHOL OR MARIJUANA

6 (a) A person shall not consume alcoholic beverages or marijuana while
7 operating a motor vehicle on a public highway. As used in this section,
8 “alcoholic beverages” shall have the same meaning as “intoxicating liquor” as
9 defined in section 1200 of this title.

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

13 (c) As used in this section, “passenger area” shall mean the area designed
14 to seat the operator and passengers while the motor vehicle is in operation and
15 any area that is readily accessible to the operator or passengers while in their
16 seating positions, including the glove compartment, unless the glove
17 compartment is locked. In a motor vehicle that is not equipped with a trunk,
18 the term shall exclude the area behind the last upright seat or any area not
19 normally occupied by the operator or passengers.

20 (d) A person who violates subsection (a) of this section shall be assessed a
21 civil penalty of not more than \$500.00. A person who violates subsection (b)

1 of this section shall be assessed a civil penalty of not more than ~~\$25.00~~ \$50.00.

2 A person adjudicated and assessed a civil penalty for an offense under
3 subsection (a) of this section shall not be subject to a civil violation for the
4 same actions under subsection (b) of this section.

5 Sec. 11c. 23 V.S.A. § 1134a is amended to read:

6 § 1134a. MOTOR VEHICLE PASSENGER; CONSUMPTION OR
7 POSSESSION OF ALCOHOL OR MARIJUANA

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

14 (b) As used in this section, “passenger area” shall mean the area designed
15 to seat the operator and passengers while the motor vehicle is in operation and
16 any area that is readily accessible to the operator or passengers while in their
17 seating positions, including the glove compartment, unless the glove
18 compartment is locked. In a motor vehicle that is not equipped with a trunk,
19 the term shall exclude the area behind the last upright seat or any area not
20 normally occupied by the operator or passengers.

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

5 (d) A person who violates this section shall be ~~fined~~ subject to a civil
6 penalty of not more than \$25.00 \$50.00.