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S.22

Senator Sears moves that the Senate concur in the House proposal of amendment with further proposal of amendment by striking Secs. 1–5 in their entirety and inserting in lieu thereof new Secs. 1–18 to read as follows:

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. This act also retains civil penalties for possession of marijuana by a person under 21 years of age, which are the same as for possession of alcohol by a person under 21 years of age.

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~~

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

4 (i) the seeds of the plant;

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

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

8 (B) “Marijuana” does not include:

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

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

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

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

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

17 * * *

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

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

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

4 § 4230. MARIJUANA

5 (a) Possession and cultivation.

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

15 (B) A person convicted of a second or subsequent offense of
16 knowingly and unlawfully possessing more than one ounce of marijuana or
17 more than five grams of hashish or cultivating more than two mature marijuana
18 plants or four immature marijuana plants shall be imprisoned not more than
19 two years or fined not more than \$2,000.00, or both.

20 (C) Upon an adjudication of guilt for a first or second offense under
21 this subdivision, the court may defer sentencing as provided in 13 V.S.A.

1 § 7041 except that the court may in its discretion defer sentence without the
2 filing of a presentence investigation report and except that sentence may be
3 imposed at any time within two years from and after the date of entry of
4 deferment. The court may, prior to sentencing, order that the defendant submit
5 to a drug assessment screening which may be considered at sentencing in the
6 same manner as a presentence report.

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

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

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

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

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

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

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

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

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

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

6 ~~(2)~~ This section is not intended to affect the search and seizure laws
7 afforded to duly authorized law enforcement officers under the laws of this
8 State. ~~Marijuana is contraband pursuant to section 4242 of this title and~~
9 ~~subject to seizure and forfeiture unless possessed in compliance with chapter~~
10 ~~86 of this title (therapeutic use of cannabis).~~

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

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

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

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

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

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

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

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

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

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

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

20 (2) The person may be detained only until the person identifies himself
21 or herself satisfactorily to the officer or is properly identified. If the officer is

1 unable to obtain the identification information, the person shall forthwith be
2 brought before a judge in the Criminal Division of the Superior Court for that
3 purpose. A person who refuses to identify himself or herself to the Court on
4 request shall immediately and without service of an order on the person be
5 subject to civil contempt proceedings pursuant to 12 V.S.A. § 122.

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

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

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

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

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

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

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

10 § 4230b. MARIJUANA POSSESSION BY A PERSON UNDER 21 YEARS
11 OF AGE; CIVIL VIOLATION

12 (a) Offense. A person under 21 years of age who knowingly and
13 unlawfully possesses one ounce or less of marijuana or five grams or less of
14 hashish or two mature marijuana plants or fewer or four immature marijuana
15 plants or fewer commits a civil violation and shall be referred to the Court
16 Diversion Program for the purpose of enrollment in the Youth Substance
17 Abuse Safety Program. A person who fails to complete the program
18 successfully shall be subject to:

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

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

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

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

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

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

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

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

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

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

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

2 § 4230g. FURNISHING MARIJUANA TO A PERSON UNDER
3 21 YEARS OF AGE; CRIMINAL OFFENSE

4 (a) No person shall:

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

6 (2) knowingly enable the consumption of marijuana by a person under
7 21 years of age.

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

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

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

19 (e) This section shall not apply to:

20 (1) A person under 21 years of age who furnishes marijuana to a person
21 under 21 years of age or who knowingly enables the consumption of marijuana

1 by a person under 21 years of age. Possession of an ounce or less of marijuana
2 by a person under 21 years of age shall be punished in accordance with
3 sections 4230b–4230d of this title and dispensing or selling marijuana shall be
4 punished in accordance with sections 4230 and 4237 of this title.

5 (2) A dispensary that lawfully provides marijuana to a registered patient
6 or caregiver pursuant to chapter 86 of this title.

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

8 § 4230h. FURNISHING MARIJUANA TO A PERSON UNDER
9 21 YEARS OF AGE; CIVIL ACTION FOR DAMAGES

10 (a) A spouse, child, guardian, employer, or other person who is injured in
11 person, property, or means of support by a person under 21 years of age who is
12 impaired by marijuana, or in consequence of the impairment by marijuana of
13 any person under 21 years of age, shall have a right of action in his or her own
14 name, jointly or severally, against any person or persons who have caused in
15 whole or in part such impairment by furnishing marijuana to a person under
16 21 years of age.

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

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

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

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

8 (f) A person who knowingly furnishes marijuana to a person under 21 years
9 of age may be held liable under this section if the social host knew, or a
10 reasonable person in the same circumstances would have known, that the
11 person who received the marijuana was under 21 years of age.

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

13 § 4230i. CHEMICAL EXTRACTION VIA BUTANE OR HEXANE

14 PROHIBITED

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

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

1 another person shall be imprisoned not more than five years or fined not more
2 than \$5,000.00, or both.

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

4 § 4230j. EXCEPTIONS

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

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

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

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

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

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

21 (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. 12. 18 V.S.A. § 4476 is amended to read:

4 § 4476. OFFENSES AND PENALTIES

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

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

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

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

2 § 1134. MOTOR VEHICLE OPERATOR; CONSUMPTION OR
3 POSSESSION OF ALCOHOL OR MARIJUANA

4 (a) A person shall not consume alcoholic beverages or marijuana while
5 operating a motor vehicle on a public highway. As used in this subsection, the
6 prohibition on consumption of marijuana by the operator shall extend to the
7 operator’s consumption of secondhand marijuana smoke in the vehicle as a
8 result of another person’s consumption of marijuana. As used in this section,
9 “alcoholic beverages” shall have the same meaning as “intoxicating liquor” as
10 defined in section 1200 of this title.

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

14 (c) 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 (d) A person who violates subsection (a) of this section shall be assessed a
2 civil penalty of not more than \$500.00. A person who violates subsection (b)
3 of this section shall be assessed a civil penalty of not more than ~~\$25.00~~ \$50.00.

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

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

8 § 1134a. MOTOR VEHICLE PASSENGER; CONSUMPTION OR
9 POSSESSION OF ALCOHOL OR MARIJUANA

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

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

1 the term shall exclude the area behind the last upright seat or any area not
2 normally occupied by the operator or passengers.

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

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

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

10 § 1134b. SMOKING USING MARIJUANA OR TOBACCO IN A MOTOR
11 VEHICLE WITH CHILD PRESENT

12 (a) A person shall not use marijuana as defined in 18 V.S.A. § 4201 or a
13 tobacco substitute as defined in 7 V.S.A. § 1001 or possess a lighted tobacco
14 product ~~or use a tobacco substitute as defined in 7 V.S.A. § 1001~~ in a motor
15 vehicle that is occupied by a child required to be properly restrained in a
16 federally approved child passenger restraining system pursuant to subdivision
17 1258(a)(1) or (2) of this title.

18 (b) A person who violates subsection (a) of this section shall be subject to a
19 ~~fine~~ civil penalty of not more than \$100.00. No points shall be assessed for a
20 violation of this section.

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

2 § 3504. MARIJUANA AND TOBACCO USE PROHIBITED AT CHILD
3 CARE FACILITIES

4 (a) No person shall be permitted to use marijuana as defined in 18 V.S.A.
5 § 4201 or to cultivate marijuana, or use tobacco products or tobacco substitutes
6 as defined in 7 V.S.A. § on the premises, both indoor and outdoor, of any
7 licensed child care center or afterschool program at any time.

8 (b) No person shall be permitted to use marijuana as defined in 18 V.S.A.
9 § 4201, tobacco products, or tobacco substitutes as defined in 7 V.S.A. § 1001
10 on the premises, both ~~in~~ indoors and in any outdoor area designated for
11 child care, of a licensed or registered family child care home while children are
12 present and in care. If use of marijuana or smoking of tobacco products or
13 tobacco substitutes occurs on the premises during other times, the family child
14 care home shall notify prospective families prior to enrolling a child in the
15 family child care home that their child will be exposed to an environment in
16 which marijuana, tobacco products, or tobacco substitutes, ~~or both,~~ are used.
17 Cultivation of marijuana in a licensed or registered family child care home is
18 not permitted.

19 Sec. 17. DISPARITIES IN ENFORCEMENT OF DRUG LAWS;

20 MARIJUANA REGULATORY COMMISSION

21 (a) Findings. The General Assembly finds that:

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

13 (2) In the report, *Driving While Black or Brown in Vermont*, University
14 of Vermont researchers, examining 2015 data from 29 police agencies
15 covering 78 percent of Vermont’s population, found significant disparities in
16 how often African-Americans and Hispanics are stopped, searched, and
17 arrested, as compared to whites and Asians. According to the report, African-
18 American drivers are four times more likely than white drivers to be searched
19 by Vermont police, even though they are less likely to be found with illegal
20 items.

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

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

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

17 (6) By adopting a comprehensive regulatory structure for legalizing and
18 licensing the marijuana market, Vermont can revise drug laws that have a
19 disparate impact on racial minorities, help prevent access to marijuana by
20 youths, better control the safety and quality of marijuana being consumed by

1 Vermonters, and use revenues to support substance use prevention and
2 education and enforcement of impaired driving laws.

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

4 (c) Membership. The Commission shall be composed of the following nine
5 members:

6 (1) two current members of the House of Representatives and one
7 member of the public who all shall be appointed by the Speaker of the House;

8 (2) two current members of the Senate and one member of the public
9 who all shall be appointed by the Committee on Committees;

10 (3) the Attorney General or designee;

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

12 (5) one member appointed by the Governor.

13 (d) Powers and duties. The Commission shall develop legislation that
14 establishes a comprehensive regulatory and revenue system for an adult-use
15 marijuana market that, when compared to the current illegal marijuana market,
16 increases public safety and reduces harm to public health.

17 (e) Assistance. The Commission shall have the administrative, technical,
18 and legal assistance of the Office of Legislative Council and the Joint Fiscal
19 Office for the purpose of preparing legislation and shall have the technical
20 assistance of the Agency of Agriculture, Food and Markets.

1 (f) Legislation. On or before November 1, 2017, the Commission shall
2 provide the General Assembly and the Governor with its recommended
3 legislation.

4 (g) Meetings.

5 (1) The Office of Legislative Council shall call the first meeting of the
6 Commission to occur on or before August 1, 2017.

7 (2) The members shall elect a chair from the membership.

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

9 (4) The Commission shall cease to exist on January 30, 2018.

10 (h) Reimbursement.

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

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

19 Sec. 18. EFFECTIVE DATE

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