

Summary of Committee on Judiciary Amendment to H.170

March 22, 2017

- 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.
- Establishes civil penalties for possession of more than one ounce but no more than two ounces of marijuana and three mature and six immature marijuana plants for a person who is 21 years of age or older.
- Retains criminal penalties for possession of more than two ounces of marijuana and more than three mature and six immature marijuana plants and criminal penalties for unauthorized dispensing or sale of marijuana.
- Provides civil penalties, court diversion, and the Youth Substance Abuse Safety Program for persons under 21 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.
- Defines “marijuana” to more closely follow the federal definition.
- Prohibits public consumption of marijuana and establishes civil penalties for violations.
- 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, in an enclosure that is screened from public view, and that reasonable precautions are taken to prevent unauthorized access to the marijuana. Violations are subject to civil penalties.
- 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.
- Creates a new crime for a person 21 years of age or older furnishing marijuana to a person under 21 years of age or knowingly enabling the consumption of marijuana by a person under 21 years of age.
 - Violations are subject to up to two years imprisonment, a fine of not more than \$2,000.00, or both.
 - In cases 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, the person who furnished or enabled

consumption of the marijuana is subject to up to five years imprisonment, a fine of not more than \$10,000.00, or both.

- Establishes that 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.
 - Violations are subject to up to two years imprisonment, a fine of not more than \$2,000.00, or both. If the violation causes serious bodily injury to another person, the person is subject to up to five years imprisonment, a fine of not more than \$5,000.00, or both.

- Eliminates the penalties for possession, manufacture, or sale of drug paraphernalia to a person 18 years of age or older.

Penalty Structure

1 oz. or less 2 mature/4 immature	No penalty
More than 1 oz., but not more than 2 oz. More than 2/4, but not more than 3/6	Civil Violation
More than 2 oz., but not more than 1 lb. More than 3/6, but not more than 6/12	1st offense - 6 mos./\$500 (Misdemeanor) 2nd offense – 2 yrs./\$2k (Misdemeanor)
More than 1 lb., but not more than 10 lb. More than 6/12, but not more than 12/24	3 yrs./\$10k (Felony)
More than 10 lb., but less than 50 lb.	15 yrs./\$100k
50 lb. or more	30 yrs.