

S.22 as passed by General AssemblyCompromise proposal for discussion  
6/21/17 (2:15 p.m.)

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| <p>Definition of “public place” for purposes of where the use of marijuana is prohibited.</p>  | <p>Nonsubstantive language change.</p>  |
| <p>Repeals existing provision in civil possession statute regarding search and seizure laws not being affected by the section.</p>   | <p>Adds back in language addressing the issue.</p> <p><i>Marijuana possessed or consumed in violation of State law is contraband pursuant to subsection 4242(d) of this title and subject to seizure and forfeiture.</i></p>  |
| <p>Establishes two-year misdemeanor for furnishing marijuana to or enabling consumption of marijuana by a person under 21 years of age. These penalties are additional to penalties in 18 V.S.A. § 4230 (dispensing/sale) and 18 V.S.A. § 4237 (dispensing/sale to minors or on school grounds).</p> <p>Under current law and S.22, persons under 21 years of age who dispense an ounce or less of marijuana are referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program, and civil penalties ranging from \$300.00 to \$600.00 and driver’s license suspension from 30 to 90 days. S.22 did not change this policy.</p> | <p>Changes “<i>furnish</i>” to “<i>dispense</i>”</p> <p>Language added to clarify this new crime is in addition to any other crimes that may be charged under existing law: <i>The provisions of this section do not limit or restrict the prosecution for other offenses arising out of the same conduct, nor shall they limit or restrict defenses under common law.</i></p> <p>Keeps dispensing between 18, 19, and 20 year-olds a civil offense with referral to Court Diversion.</p> <p>Creates a misdemeanor crime (\$500.00 fine) for 18 year-old who dispenses to 16 or 17 year-old or 19 year-old who dispense to 17 year-old.</p> <p>Creates delinquency for anyone less than 18 years of age who dispenses to another person who is less than 18 years of age.</p> |
| <p>Establishes statutory right of action to sue person who dispensed marijuana to a person under 21 years of age if the person under 21 harmed another person as result of marijuana use. This section is modeled after the provision for alcohol and does not include “enabled consumption.”</p>  | <p>Changes “<i>furnish</i>” to “<i>dispense</i>”</p> <p>Adds enabling consumption.</p>  |

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| <p>Adds marijuana to vehicle driver and passenger alcohol consumption and open container laws. Makes penalties the same for alcohol and marijuana. Increases open container of alcohol from \$25.00 to \$50.00 and passenger consumption of alcohol from \$25.00 to \$50.00.</p> <p>Operator consumption of alcohol or marijuana—\$500.00 civil penalty</p> <p>Operator open container of alcohol or marijuana—\$50.00 civil penalty</p> <p>Passenger consumption of alcohol or marijuana—\$50.00 civil penalty</p> <p>Passenger open container of alcohol or marijuana—\$50.00 civil penalty</p> | <p>Adds marijuana. Does not increase alcohol penalties. Provides higher penalties for marijuana than for alcohol, except for driver consumption.</p> <p>Operator consumption of alcohol or marijuana—\$500.00 civil penalty</p> <p>Operator open container of alcohol—\$25.00 civil penalty</p> <p>Operator open container of marijuana—\$200.00 civil penalty</p> <p>Passenger consumption of alcohol—\$25.00 civil penalty</p> <p>Passenger consumption of marijuana—\$200.00 civil penalty</p> <p>Passenger open container of alcohol—\$25.00 civil penalty</p> <p>Passenger open container of marijuana—\$200.00 civil penalty</p> |
| <p>Adds marijuana to current law that prohibits smoking tobacco in a vehicle with a child who is under eight years of age. Violation is a <i>\$100.00 civil penalty</i> (in addition to operator/passenger consumption penalties).</p>  | <p>Makes the marijuana provision apply if there is a child under 18 years of age in the vehicle.</p> <p>Makes a violation of the marijuana provision a misdemeanor crime as follows:</p> <ul style="list-style-type: none"> <li>• First offense, a fine of not more than \$500.00.</li> <li>• Second offense, a fine of not more than \$750.00.</li> <li>• Third or subsequent offense, a fine of not more than \$1,000.00.</li> </ul>   |

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| <p>Adds cultivation or use of marijuana to current law banning smoking tobacco at a child care facility or after school program. Facilities subject to license violations, possible suspension, or revocation.</p>  | <p>Makes a violation of the marijuana provision a misdemeanor crime as follows:</p> <ul style="list-style-type: none"> <li>• First offense, a fine of not more than \$500.00.</li> <li>• Second offense, a fine of not more than \$750.00.</li> <li>• Third or subsequent offense, a fine of not more than \$1,000.00.</li> </ul>   |
| <p><u>Commission membership (6 legislative; 2 executive; AG):</u></p> <p>(1) two current members of the House and one member of the public, appointed by the Speaker;</p> <p>(2) two current members of the Senate and one member of the public, appointed by the Committee on Committees;</p> <p>(3) the Attorney General or designee;</p> <p>(4) the Secretary of Agriculture, Food and Markets or designee; and</p> <p>(5) one member appointed by the Governor.</p> | <p><u>Commission membership (6 legislative; 6 executive; AG; DG):</u></p> <p>(1) two current members of the House of Representatives who shall be appointed by the Speaker of the House;</p> <p>(2) two current members of the Senate who shall be appointed by the Committee on Committees;</p> <p>(3) a member appointed by the Speaker of the House;</p> <p>(4) a member appointed by the Committee on Committees;</p> <p>(5) the Commissioner of Public Safety or designee;</p> <p>(6) the Commissioner of Health or designee;</p> <p>(7) the Commissioner of Taxes or designee;</p> <p>(8) the Secretary of Commerce and Community Development or designee;</p> <p>(9) the Secretary of Agriculture, Food and Markets or designee;</p> <p>(10) one member appointed by the Governor;</p> <p>(11) the Attorney General or designee; and</p> <p>(12) the Defender General or designee.</p> |

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| <p><u>Commission's Charge:</u></p> <p>The Commission shall develop legislation that establishes a comprehensive regulatory and revenue system for an adult-use marijuana market that, when compared to the current illegal marijuana market, increases public safety and reduces harm to public health.</p> | <p><i>The Commission shall provide the General Assembly and the Governor with its report and recommended legislation to ensure safety on roadways, including how to detect impaired driving most efficiently, whether there should be an impairment threshold, and an education and prevention strategy or program to prevent use by minors.</i></p> <p><i>The Commission shall examine best practices for addressing:</i></p> <ul style="list-style-type: none"> <li><i>(1) impaired driving, including consideration of a regional impairment threshold for the New England states and parity in impaired driving laws and penalties;</i></li> <li><i>(2) prevention and education related to marijuana use, access to marijuana by persons under 21 years of age, impacts to public health, and consumer safety issues such as use of pesticides, GMOs, and testing of marijuana in a regulated market;</i></li> <li><i>(3) regulation and taxation of a commercial adult-use marijuana market that is economically sustainable, reduces the illegal marijuana market, results in net revenues to the State after appropriate costs for education, public health and public safety have been deducted; and</i></li> <li><i>(4) liability issues, including consideration of federal law, banking, landlords, and insurance.</i></li> </ul> <p><i>The Commission may establish subcommittees for the purpose of carrying out its charge and may consult with stakeholders and interested parties, as appropriate.</i></p> |
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| <p><u>Staffing:</u></p> <p>The Commission shall have the administrative, technical, and legal assistance of the Office of Legislative Council and the Joint Fiscal Office for the purpose of preparing legislation and shall have the technical assistance of the Agency of Agriculture, Food and Markets.</p> | <p><i>The Commission shall have the administrative, technical, and legal assistance of the Office of the Governor, the Secretary of Administration, and relevant administrative agencies and departments. The Office of Legislative Council shall provide legal assistance to the legislative members of the Commission and drafting services to the entire Commission for the purpose of developing the legislation required by the act.</i></p>   |
| <p><u>Reporting:</u></p> <p>On or before November 1, 2017, the Commission shall provide the General Assembly and the Governor with its recommended legislation.</p>  | <p><i>On or before January 15, 2018, the Commission shall provide the General Assembly and the Governor with an interim report and recommended legislation that shall address at a minimum:</i></p> <ul style="list-style-type: none"> <li><i>(A) public safety recommendations to address impaired driving;</i></li> <li><i>(B) requirements and funding for statewide evidence-based youth prevention programs;</i></li> <li><i>(C) any recommended changes to the civil action for damages established in 18 V.S.A. § 4230g; and</i></li> <li><i>(D) any recommended changes to the definitions of “open container” and “passenger area” as used in 23 V.S.A. §§ 1134 and 1134a.</i></li> </ul> <p><i>The Commission shall provide its final report and legislation to the General Assembly and the Governor on or before December 31, 2018.</i></p> |