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H.644

Introduced by Representatives Nicoll of Ludlow, Colburn of Burlington,
Anthony of Barre City, Bartholomew of Hartland, Bluemle of
Burlington, Bos-Lun of Westminster, Burke of Brattleboro,
Burrows of West Windsor, Campbell of St. Johnsbury, Chase of
Colchester, Christie of Hartford, Cina of Burlington, Colston of
Winooski, Conlon of Cornwall, Cordes of Lincoln, Dolan of
Essex, Donnally of Hyde Park, Elder of Starksboro, Hooper of
Randolph, Hooper of Burlington, Houghton of Essex,
Kitzmiller of Montpelier, Kornheiser of Brattleboro,
McCormack of Burlington, Mrowicki of Putney, Mulvaney-
Stanak of Burlington, Pajala of Londonderry, Patt of Worcester,
Rachelson of Burlington, Satcowitz of Randolph, Scheu of
Middlebury, Sims of Craftsbury, Small of Winooski, Stebbins
of Burlington, Surprenant of Barnard, Till of Jericho, Toleno of
Brattleboro, Troiano of Stannard, Vyhovsky of Essex, White of
Bethel, White of Hartford, and Yacovone of Morristown

Referred to Committee on

Date:

Subject: Regulated drugs; decriminalization of personal use supply

1 Statement of purpose of bill as introduced: This bill proposes to change the
2 penalties for possession of a personal use supply of drugs from a misdemeanor
3 or low-level felony to a civil offense subject to a \$50.00 penalty. A person
4 cited for such an offense may avoid paying the penalty by agreeing to
5 participate in a screening for substance use disorder treatment and related
6 services. The bill would also establish the Drug Use Standards Advisory
7 Board for the purpose of determining the benchmark personal use dosage and
8 the benchmark personal use supply for regulated drugs with a goal of
9 preventing and reducing the criminalization of personal drug use.

10 An act relating to decriminalization of a personal use supply of a regulated
11 drug

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. FINDINGS

14 The General Assembly finds that:

15 (1) In 2020, Vermont recorded 157 fatal opioid overdoses, a 38 percent
16 increase over the previous year and the highest number of overdoses since
17 2009. Based on current data, Vermont's 2021 overdose numbers are expected
18 to surpass the death toll from 2020. A health-based approach that includes
19 harm reduction services and on-demand access to evidence-based treatment,
20 rather than the traditional criminal justice model, has proven to be more

1 effective at preventing opioid deaths and drug-related injuries, reducing the
2 spread of HIV and Hepatitis C, and improving health outcomes for persons
3 who use drugs.

4 (2) Between 2007 and 2019, prosecutors filed over 10,000 drug
5 possession charges in Vermont, many of them stand-alone charges where no
6 other crime was involved. Most persons who use drugs do not have a
7 substance use disorder nor experience negative consequences related to their
8 use, while involvement in the criminal justice system can have significant
9 deleterious effects, including the possibility of incarceration; fines; loss of
10 employment, housing, or educational opportunities; and a criminal history
11 record that can limit future opportunities.

12 (3) Data shows that enforcement of the drug laws in Vermont, as well as
13 nationally, falls disproportionately on persons of color despite similar rates in
14 usage and sale of drugs. Prior to Vermont's legalization of cannabis in 2018,
15 Black persons were six times more likely to be arrested for cannabis
16 possession than White persons. A 2021 study conducted by the Council for
17 State Governments found that between 2014 and 2019, Black persons in
18 Vermont were 14 times more likely than White persons to be defendants in a
19 felony drug case and 18 percentage points more likely than White persons to
20 be sentenced to incarceration for a felony drug offense.

1 (6) “Depressant or stimulant drug” means:

2 (A) any drug that contains any quantity of barbituric acid or any of
3 the salts of barbituric acid, or any derivative of barbituric acid, that is
4 designated as habit-forming because of its effect on the central nervous system
5 in the rules adopted by the Board of Health under section 4202 of this title;

6 (B) any drug, other than methamphetamine, that contains any
7 quantity of amphetamine or any of its optical isomers, any salt ~~or~~ of
8 amphetamine or any salt of an optical isomer of amphetamine, that the Board
9 of Health so designates by such rule as habit-forming because of its effect on
10 the central nervous system;

11 (C) gamma hydroxybutyric acid, including its salts, isomers, or salts
12 of isomers;

13 (D) gamma butyrolactone, including 4-butyrolactone and gamma
14 hydroxybutyric acid lactone, including its salts, isomers, or salts of isomers,
15 when packaged, marketed, manufactured, or intended for human consumption;

16 (E) ketamine, including its salts, isomers, or salts of isomers;

17 (F) flunitrazepam, including its salts, isomers, or salts of isomers; and

18 (G) any drug, other than methamphetamine, that contains any
19 quantity of a substance that the Board of Health so designates by such rule as
20 having a serious potential for abuse arising out of its effect on the central
21 nervous system.

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(10) “Hallucinogenic drugs” means stramonium, mescaline or peyote, lysergic acid diethylamide, and psilocybin, and all synthetic equivalents of chemicals contained in resinous extractives of Cannabis sativa, or any salts or derivatives or compounds of any preparations or mixtures thereof, and any other substance that is designated as habit-forming or as having a serious potential for abuse arising out of its effect on the central nervous system or its hallucinogenic effect in the rules adopted by the Board of Health under section 4202 of this title.

* * *

(16) “Narcotic,” “narcotics,” or “narcotic drugs” means opium, coca leaves, pethidine (isonipecaine, meperidine), and opiates or their compound, manufacture, salt, alkaloid, or derivative, and every substance neither chemically nor physically distinguishable from them, and preparations containing such drugs or their derivatives, by whatever trade name identified and whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, as the same are so designated in the rules adopted by the Board of Health under section 4202 of this title.

* * *

1 (29) “Regulated drug” means:

2 (A) a narcotic drug;

3 (B) a depressant or stimulant drug, other than methamphetamine;

4 (C) a hallucinogenic drug;

5 (D) Ecstasy;

6 (E) cannabis; or

7 (F) methamphetamine.

8 * * *

9 (45) “Benchmark personal use dosage” means the quantity of a drug
10 commonly consumed over a 24-hour period for any therapeutic, medicinal, or
11 recreational purpose.

12 (46) “Benchmark personal use supply” means the quantity of a drug
13 commonly possessed for consumption by an individual for any therapeutic,
14 medicinal, or recreational purpose.

15 Sec. 3. 18 V.S.A. § 4202 is amended to read:

16 § 4202. POWERS AND DUTIES OF THE BOARD OF HEALTH

17 (a) The Board of Health is authorized and empowered to adopt such rules
18 that in its judgment may be necessary or proper to supplement the provisions
19 of this chapter to effectuate the purposes and intent thereof or to clarify its
20 provisions so as to provide the procedure or details to secure effective and
21 proper enforcement of its provisions.

1 (b) These rules and determinations, when adopted, shall, until modified or
2 rescinded, have the force and effect of law.

3 * * *

4 (e) The Board of Health shall adopt rules reflecting the benchmarks
5 recommended by the Drug Use Standards Advisory Board in accordance with
6 section 4202a of this title.

7 Sec. 4. 18 V.S.A. § 4202a is added to read:

8 § 4202a. DRUG USE STANDARDS ADVISORY BOARD

9 (a) There is hereby created the Drug Use Standards Advisory Board
10 established within the Department of Health composed of experts in the fields
11 of general and behavioral health care, substance use disorder treatment, and
12 drug user communities.

13 (b) The primary objective of the Board shall be to determine, for each
14 regulated and unregulated drug, the benchmark personal use dosage and the
15 benchmark personal use supply. The benchmarks determined pursuant to this
16 subsection shall be determined with a goal of preventing and reducing the
17 criminalization of personal drug use.

18 (c) The Drug Use Standards Advisory Board shall be convened and chaired
19 by the Deputy Commissioner of Health for Alcohol and Drug Abuse Programs.
20 After receiving nominations from harm reduction service providers, the
21 Deputy Commissioner shall appoint three consumer representatives to the

1 Board who have lived experience in drug use and consumption practices. The
2 Deputy Commissioner and the three consumer representatives shall appoint the
3 remaining Board members as follows:

4 (1) two representatives from harm reduction service providers;

5 (2) an expert on medication-assisted treatment programs;

6 (3) an expert on human behavior and addiction;

7 (4) an expert on substance use disorder treatment;

8 (5) an expert on legal reform from the University of Vermont Law

9 School Center for Justice Reform; and

10 (6) an academic researcher specializing in drug use or drug policy.

11 (d) On or before July 1, 2022, the Drug Use Standards Advisory Board
12 shall provide the recommended quantities for both the benchmark personal use
13 dosage and benchmark personal use supply for each category of regulated drug
14 listed in subdivision 4201(29) of this title.

15 (e) The Drug Use Standards Advisory Board shall convene at least one
16 time per year to review benchmarks established pursuant to this section and
17 recommend any necessary amendments.

18 (f) Upon receipt of the benchmark recommendations, the Board of Health
19 shall expeditiously adopt the benchmark recommendations through
20 rulemaking.

1 Sec. 5. 18 V.S.A. § 4231 is amended to read:

2 § 4231. COCAINE

3 (a) Possession.

4 (1)(A) ~~A~~ Except as otherwise provided in subdivision (B) of this
5 subdivision (a)(1), a person knowingly and unlawfully possessing cocaine shall
6 be imprisoned not more than one year or fined not more than \$2,000.00, or
7 both.

8 (B) A person knowingly and unlawfully possessing cocaine in an
9 amount not greater than a benchmark personal use supply shall be assessed a
10 civil penalty of not more than \$50.00.

11 (2) A person knowingly and unlawfully possessing cocaine in an
12 amount consisting of 2.5 grams or more of one or more preparations,
13 compounds, mixtures, or substances containing cocaine shall be imprisoned
14 not more than five years or fined not more than \$100,000.00, or both.

15 (3) A person knowingly and unlawfully possessing cocaine in an
16 amount consisting of one ounce or more of one or more preparations,
17 compounds, mixtures, or substances containing cocaine shall be imprisoned
18 not more than 10 years or fined not more than \$250,000.00, or both.

19 (4) ~~[Deleted.]~~ [Repealed.]

20 (b) Selling or dispensing.

1 Sec. 6. 18 V.S.A. § 4232 is amended to read:

2 § 4232. LSD

3 (a) Possession.

4 (1)(A) ~~A~~ Except as otherwise provided in subdivision (B) of this
5 subdivision (a)(1), a person knowingly and unlawfully possessing lysergic acid
6 diethylamide shall be imprisoned not more than one year or fined not more
7 than \$2,000.00, or both.

8 (B) A person knowingly and unlawfully possessing lysergic acid
9 diethylamide in an amount not greater than a benchmark personal use supply
10 shall be assessed a civil penalty of not more than \$50.00.

11 (2) A person knowingly and unlawfully possessing lysergic acid
12 diethylamide in an amount consisting of 100 milligrams or more of one or
13 more preparations, compounds, mixtures, or substances containing lysergic
14 acid diethylamide shall be imprisoned not more than five years or fined not
15 more than \$25,000.00, or both.

16 (3) A person knowingly and unlawfully possessing lysergic acid
17 diethylamide in an amount consisting of one gram or more of one or more
18 preparations, compounds, mixtures, or substances containing lysergic acid
19 diethylamide shall be imprisoned not more than 10 years or fined not more
20 than \$100,000.00, or both.

1 (4) A person knowingly and unlawfully possessing lysergic acid
2 diethylamide in an amount consisting of 10 grams or more of one or more
3 preparations, compounds, mixtures, or substances containing lysergic acid
4 diethylamide shall be imprisoned not more than 20 years or fined not more
5 than \$500,000.00, or both.

6 (b) Selling or dispensing.

7 (1)(A) A Except as otherwise provided in subdivision (B) of this
8 subdivision (b)(1), a person knowingly and unlawfully dispensing lysergic acid
9 diethylamide shall be imprisoned not more than three years or fined not more
10 than \$25,000.00, or both.

11 (B) A person knowingly and unlawfully dispensing lysergic acid
12 diethylamide in an amount not greater than a benchmark personal use supply
13 shall be assessed a civil penalty of not more than \$50.00.

14 (C) A person knowingly and unlawfully selling lysergic acid
15 diethylamide shall be imprisoned not more than five years or fined not more
16 than \$25,000.00, or both.

17 (2) A person knowingly and unlawfully selling or dispensing lysergic
18 acid diethylamide in an amount consisting of 100 milligrams or more of one or
19 more preparations, compounds, mixtures, or substances containing lysergic
20 acid diethylamide shall be imprisoned not more than 10 years or fined not
21 more than \$100,000.00, or both.

1 (3) A person knowingly and unlawfully selling or dispensing lysergic
2 acid diethylamide in an amount consisting of one gram or more of one or more
3 preparations, compounds, mixtures, or substances containing lysergic acid
4 diethylamide shall be imprisoned not more than 20 years or fined not more
5 than \$500,000.00, or both.

6 Sec. 7. 18 V.S.A. § 4233 is amended to read:

7 § 4233. HEROIN

8 (a) Possession.

9 (1)(A) ~~A~~ Except as otherwise provided in subdivision (B) of this
10 subdivision (a)(1), a person knowingly and unlawfully possessing heroin shall
11 be imprisoned not more than one year or fined not more than \$2,000.00, or
12 both.

13 (B) A person knowingly and unlawfully possessing heroin in an
14 amount not greater than a benchmark personal use supply shall be assessed a
15 civil penalty of not more than \$50.00.

16 (2) A person knowingly and unlawfully possessing heroin in an amount
17 consisting of 200 milligrams or more of one or more preparations, compounds,
18 mixtures, or substances containing heroin shall be imprisoned not more than
19 five years or fined not more than \$100,000.00, or both.

20 (3) A person knowingly and unlawfully possessing heroin in an amount
21 consisting of one gram or more of one or more preparations, compounds,

1 mixtures, or substances containing heroin shall be imprisoned not more than
2 10 years or fined not more than \$250,000.00, or both.

3 (4) A person knowingly and unlawfully possessing heroin in an amount
4 consisting of two grams or more of one or more preparations, compounds,
5 mixtures, or substances containing heroin shall be imprisoned not more than
6 20 years or fined not more than \$1,000,000.00, or both.

7 (b) Selling or dispensing.

8 (1)(A) ~~A~~ Except as otherwise provided in subdivision (B) of this
9 subdivision (b)(1), a person knowingly and unlawfully dispensing heroin shall
10 be imprisoned not more than three years or fined not more than \$75,000.00, or
11 both.

12 (B) A person knowingly and unlawfully dispensing heroin in an
13 amount not greater than a benchmark personal use supply shall be assessed a
14 civil penalty of not more than \$50.00.

15 (C) A person knowingly and unlawfully selling heroin shall be
16 imprisoned not more than five years or fined not more than \$100,000.00, or
17 both.

18 (2) A person knowingly and unlawfully selling or dispensing heroin in
19 an amount consisting of 200 milligrams or more of one or more preparations,
20 compounds, mixtures, or substances containing heroin shall be imprisoned not
21 more than 10 years or fined not more than \$250,000.00, or both.

1 (3) A person knowingly and unlawfully selling or dispensing heroin in
2 an amount consisting of one gram or more of one or more preparations,
3 compounds, mixtures, or substances containing heroin shall be imprisoned not
4 more than 20 years or fined not more than \$1,000,000.00, or both.

5 * * *

6 Sec. 8. 18 V.S.A. § 4234 is amended to read:

7 § 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

8 (a) Possession.

9 (1)(A) ~~A~~ Except as otherwise provided in subdivision (B) of this
10 subdivision (a)(1), a person knowingly and unlawfully possessing a depressant,
11 stimulant, or narcotic drug, other than heroin or cocaine, shall be imprisoned
12 not more than one year or fined not more than \$2,000.00, or both.

13 (B) A person knowingly and unlawfully possessing a depressant,
14 stimulant, or narcotic drug, other than heroin or cocaine, in an amount not
15 greater than a benchmark personal use supply shall be assessed a civil penalty
16 of not more than \$50.00.

17 (2) A person knowingly and unlawfully possessing a depressant,
18 stimulant, or narcotic drug, other than heroin or cocaine, consisting of 100
19 times a benchmark unlawful dosage or its equivalent as determined by the
20 Board of Health by rule shall be imprisoned not more than five years or fined
21 not more than \$25,000.00, or both.

1 (3) A person knowingly and unlawfully possessing a depressant,
2 stimulant, or narcotic drug, other than heroin or cocaine, consisting of 1,000
3 times a benchmark unlawful dosage or its equivalent as determined by the
4 Board of Health by rule shall be imprisoned not more than 10 years or fined
5 not more than \$100,000.00, or both.

6 (4) A person knowingly and unlawfully possessing a depressant,
7 stimulant, or narcotic drug, other than heroin or cocaine, consisting of 10,000
8 times a benchmark unlawful dosage or its equivalent as determined by the
9 Board of Health by rule shall be imprisoned not more than 20 years or fined
10 not more than \$500,000.00, or both.

11 (b) Selling or dispensing.

12 (1)~~(A)~~ Except as otherwise provided in subdivision (B) of this
13 subdivision (b)(1), a person knowingly and unlawfully dispensing a
14 depressant, stimulant, or narcotic drug, other than fentanyl, heroin, or cocaine,
15 shall be imprisoned not more than three years or fined not more than
16 \$75,000.00, or both.

17 (B) A person knowingly and unlawfully dispensing a depressant,
18 stimulant, or narcotic drug, other than fentanyl, heroin, or cocaine, in an
19 amount not greater than a benchmark personal use supply shall be assessed a
20 civil penalty of not more than \$50.00.

1 (C) A person knowingly and unlawfully selling a depressant,
2 stimulant, or narcotic drug, other than fentanyl, cocaine, or heroin, shall be
3 imprisoned not more than five years or fined not more than \$25,000.00, or
4 both.

5 (2) A person knowingly and unlawfully selling or dispensing a
6 depressant, stimulant, or narcotic drug, other than fentanyl, heroin, or cocaine,
7 consisting of 100 times a benchmark unlawful dosage or its equivalent as
8 determined by the Board of Health by rule shall be imprisoned not more than
9 10 years or fined not more than \$100,000.00, or both.

10 (3) A person knowingly and unlawfully selling or dispensing a
11 depressant, stimulant, or narcotic drug, other than fentanyl, heroin, or cocaine,
12 consisting of 1,000 times a benchmark unlawful dosage or its equivalent as
13 determined by the Board of Health by rule shall be imprisoned not more than
14 20 years or fined not more than \$500,000.00, or both.

15 Sec. 9. 18 V.S.A. § 4234a is amended to read:

16 § 4234a. METHAMPHETAMINE

17 (a) Possession.

18 (1)(A) ~~Except as otherwise provided in subdivision (B) of this~~
19 subdivision (a)(1), a person knowingly and unlawfully possessing
20 methamphetamine shall be imprisoned not more than one year or fined not
21 more than \$2,000.00, or both.

1 (B) A person knowingly and unlawfully possessing
2 methamphetamine in an amount not greater than a benchmark personal use
3 supply shall be assessed a civil penalty of not more than \$50.00.

4 (2) A person knowingly and unlawfully possessing methamphetamine in
5 an amount consisting of 2.5 grams or more of one or more preparations,
6 compounds, mixtures, or substances containing methamphetamine shall be
7 imprisoned not more than five years or fined not more than \$100,000.00, or
8 both.

9 (3) A person knowingly and unlawfully possessing methamphetamine in
10 an amount consisting of 25 grams or more of one or more preparations,
11 compounds, mixtures, or substances containing methamphetamine shall be
12 imprisoned not more than 10 years or fined not more than \$250,000.00, or
13 both.

14 (b) Selling and dispensing.

15 (1)(A) ~~A~~ Except as otherwise provided in subdivision (B) of this
16 subdivision (b)(1), a person knowingly and unlawfully dispensing
17 methamphetamine shall be imprisoned not more than three years or fined not
18 more than \$75,000.00, or both.

19 (B) A person knowingly and unlawfully dispensing
20 methamphetamine in an amount not greater than a benchmark personal use
21 supply shall be assessed a civil penalty of not more than \$50.00.

1 (2) A person who violates this subsection ~~shall~~:

2 (A) if the offense involves possession of not greater than a
3 benchmark personal use supply, shall be assessed a civil penalty of not more
4 than \$50.00;

5 (B) if the offense involves possession of less than nine grams of
6 ephedrine base, pseudoephedrine base, or phenylpropanolamine base, shall be
7 imprisoned not more than one year or fined not more than \$2,000.00, or
8 both; or

9 ~~(B)~~(C) if the offense involves possession of nine or more grams of
10 ephedrine base, pseudoephedrine base, or phenylpropanolamine base, shall be
11 imprisoned not more than five years or fined not more than \$100,000.00, or
12 both.

13 * * *

14 Sec. 11. 18 V.S.A. § 4235 is amended to read:

15 § 4235. HALLUCINOGENIC DRUGS

16 (a) “Dose” of a hallucinogenic drug means that minimum amount of a
17 hallucinogenic drug, not commonly used for therapeutic purposes, ~~which that~~
18 causes a substantial hallucinogenic effect. The Board of Health shall adopt
19 rules ~~which that~~ establish doses for hallucinogenic drugs. The Board may
20 incorporate, where applicable, dosage calculations or schedules, whether

1 described as “dosage equivalencies” or otherwise, established by the federal
2 government.

3 (b) Possession.

4 (1)(A) Except as otherwise provided in subdivision (B) of this
5 subdivision (b)(1), a person knowingly and unlawfully possessing a
6 hallucinogenic drug, other than lysergic acid diethylamide, shall be imprisoned
7 not more than one year or fined not more than \$2,000.00, or both.

8 (B) A person knowingly and unlawfully possessing a hallucinogenic
9 drug, other than lysergic acid diethylamide, in an amount not greater than a
10 benchmark personal use supply shall be assessed a civil penalty of not more
11 than \$50.00.

12 (2) A person knowingly and unlawfully possessing 10 or more doses of
13 a hallucinogenic drug, other than lysergic acid diethylamide, shall be
14 imprisoned not more than five years or fined not more than \$25,000.00, or
15 both.

16 (3) A person knowingly and unlawfully possessing 100 or more doses of
17 a hallucinogenic drug, other than lysergic acid diethylamide, shall be
18 imprisoned not more than 10 years or fined not more than \$100,000.00, or
19 both.

20 (4) A person knowingly and unlawfully possessing 1,000 or more doses
21 of a hallucinogenic drug, other than lysergic acid diethylamide, shall be

1 imprisoned not more than 15 years or fined not more than \$500,000.00, or
2 both.

3 (c) Selling or dispensing.

4 (1)(A) A Except as otherwise provided in subdivision (B) of this
5 subdivision (c)(1), a person knowingly and unlawfully dispensing a
6 hallucinogenic drug, other than lysergic acid diethylamide, shall be imprisoned
7 not more than three years or fined not more than \$25,000.00, or both.

8 (B) A person knowingly and unlawfully dispensing a hallucinogenic
9 drug, other than lysergic acid diethylamide, in an amount not greater than a
10 benchmark personal use supply shall be assessed a civil penalty of not more
11 than \$50.00.

12 (C) A person knowingly and unlawfully selling a hallucinogenic
13 drug, other than lysergic acid diethylamide, shall be imprisoned not more than
14 five years or fined not more than \$25,000.00, or both.

15 (2) A person knowingly and unlawfully selling or dispensing 10 or more
16 doses of a hallucinogenic drug, other than lysergic acid diethylamide, shall be
17 imprisoned not more than 10 years or fined not more than \$100,000.00, or
18 both.

19 (3) A person knowingly and unlawfully selling or dispensing 100 or
20 more doses of a hallucinogenic drug, other than lysergic acid diethylamide,

1 shall be imprisoned not more than 15 years or fined not more than
2 \$500,000.00, or both.

3 Sec. 12. 18 V.S.A. § 4235a is amended to read:

4 § 4235a. ECSTASY

5 (a) Possession.

6 (1)(A) ~~A~~ Except as otherwise provided in subdivision (B) of this
7 subdivision (a)(1), a person knowingly and unlawfully possessing Ecstasy shall
8 be imprisoned not more than one year or fined not more than \$2,000.00, or
9 both.

10 (B) A person knowingly and unlawfully possessing Ecstasy in an
11 amount not greater than a benchmark personal use supply shall be assessed a
12 civil penalty of not more than \$50.00.

13 (2) A person knowingly and unlawfully possessing Ecstasy in an
14 amount consisting of two grams or more of one or more preparations,
15 compounds, mixtures, or substances containing Ecstasy shall be imprisoned
16 not more than five years or fined not more than \$25,000.00, or both.

17 (3) A person knowingly and unlawfully possessing Ecstasy in an
18 amount consisting of 20 grams or more of one or more preparations,
19 compounds, mixtures, or substances containing Ecstasy shall be imprisoned
20 not more than 10 years or fined not more than \$100,000.00, or both.

1 (4) A person knowingly and unlawfully possessing Ecstasy in an
2 amount consisting of seven ounces or more of one or more preparations,
3 compounds, mixtures, or substances containing Ecstasy shall be imprisoned
4 not more than 20 years or fined not more than \$500,000.00, or both.

5 (b) Selling or dispensing.

6 (1)(A) ~~A~~ Except as otherwise provided in subdivision (B) of this
7 subdivision (b)(1), a person knowingly and unlawfully dispensing Ecstasy
8 shall be imprisoned not more than three years or fined not more than
9 \$25,000.00, or both.

10 (B) A person knowingly and unlawfully dispensing Ecstasy in an
11 amount not greater than a benchmark personal use supply shall be assessed a
12 civil penalty of not more than \$50.00.

13 (C) A person knowingly and unlawfully selling Ecstasy shall be
14 imprisoned not more than five years or fined not more than \$25,000.00, or
15 both.

16 (2) A person knowingly and unlawfully selling or dispensing Ecstasy in
17 an amount consisting of two grams or more of one or more preparations,
18 compounds, mixtures, or substances containing Ecstasy shall be imprisoned
19 not more than 10 years or fined not more than \$100,000.00, or both.

20 (3) A person knowingly and unlawfully selling or dispensing Ecstasy in
21 an amount consisting of 20 grams or more of one or more preparations,

1 compounds, mixtures, or substances containing Ecstasy shall be imprisoned
2 not more than 20 years or fined not more than \$500,000.00, or both.

3 Sec. 13. 18 V.S.A. § 4235b is added to read:

4 § 4235b. HEALTH NEEDS SCREENING; WAIVER OF CIVIL

5 PENALTIES

6 (a) A person who is cited pursuant to this chapter for a civil violation
7 relating to possessing or dispensing not greater than the benchmark personal
8 use supply of a regulated drug shall be offered a comprehensive health needs
9 screening. A law enforcement officer who issues the notice of violation shall
10 provide the person with information for participating in a screening from the
11 VT Helplink Alcohol and Drug Support Center. A person who completes the
12 screening shall not be subject to the \$50.00 civil penalty.

13 (b) VT Helplink shall develop a standard referral form for screenings. A
14 law enforcement officer shall provide the form to the person with a copy of the
15 summons and complaint.

16 (c) To receive the waiver of the penalty, the person shall contact VT
17 Helplink within 15 days after the issuance of the summons and complaint to
18 schedule the screening. The screening shall be completed within 15 days after
19 the person contacting VT Helplink pursuant to this section. Completion of the
20 health screening shall not be deemed an admission of any kind by the
21 defendant, and the court shall not make any legal findings based on the

1 issuance of the notice of violation. Upon completion of the screening, VT
2 Helplink shall provide confirmation of participation to the person and to the
3 Judicial Bureau. The court shall waive the penalty within 15 days after receipt
4 of the confirmation of participation in the health screening.

5 (d) A person who is cited pursuant to this chapter for a civil violation
6 relating to possessing or dispensing not greater than the benchmark personal
7 use supply of a regulated drug shall not be required to pay the \$50.00 civil
8 penalty if the person has been previously diagnosed with substance use
9 disorder. To receive a waiver of the penalty, the person shall provide written
10 confirmation of the diagnosis from the person's health care provider to the
11 Judicial Bureau within 15 days after the issuance of the summons and
12 complaint.

13 Sec. 14. 4 V.S.A. § 1102 is amended to read:

14 § 1102. JUDICIAL BUREAU; JURISDICTION

15 * * *

16 (b) The Judicial Bureau shall have jurisdiction of the following matters:

17 * * *

18 (30) Violations of 18 V.S.A. chapter 84, subchapter 1, relating to
19 possessing or dispensing not greater than the benchmark personal use supply of
20 a regulated drug.

21 * * *

1 Sec. 15. EFFECTIVE DATES

2 (a) This section and Secs. 1 (findings), 2 (definitions), 3 (Board of Health),
3 and 4 (Drug Use Standards Advisory Board) shall take effect on passage.

4 (b) Secs. 5–14 shall take effect on January 1, 2024.