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,

Referred to Committee on

Date:

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

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

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

Sec. 1. FINDINGS

The General Assembly finds that:

(1) In 2020, Vermont recorded 157 fatal opioid overdoses, a 38 percent increase over the previous year and the highest number of overdoses since 2009. Based on current data, Vermont’s 2021 overdose numbers are expected to surpass the death toll from 2020. A health-based approach that includes harm reduction services and on-demand access to evidence-based treatment, rather than the traditional criminal justice model, has proven to be more
effective at preventing opioid deaths and drug-related injuries, reducing the spread of HIV and Hepatitis C, and improving health outcomes for persons who use drugs.

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

(3) Data shows that enforcement of the drug laws in Vermont, as well as nationally, falls disproportionately on persons of color despite similar rates in usage and sale of drugs. Prior to Vermont’s legalization of cannabis in 2018, Black persons were six times more likely to be arrested for cannabis possession than White persons. A 2021 study conducted by the Council for State Governments found that between 2014 and 2019, Black persons in Vermont were 14 times more likely than White persons to be defendants in a felony drug case and 18 percentage points more likely than White persons to be sentenced to incarceration for a felony drug offense.
(4) Historically, substance use has been treated as a crime rather than a chronic disease, and Vermont’s laws have employed a traditional punitive criminal justice model that has shown to be a failure at improving public health and reducing criminality that is sometimes associated with substance use.

(5) That approach has been gradually shifting over the last decade to a drug control policy focused on prevention, treatment, and enforcement. In recent years, the General Assembly has enacted legislation decriminalizing possession of small amounts of cannabis and the opiate disorder treatment drug buprenorphine, establishing drug treatment court dockets, granting immunity from prosecution for possession of drugs for a person who seeks assistance for themselves or another who is experiencing an overdose, and providing widespread access to naloxone to treat opiate overdoses in an emergency.

(6) Pursuing a decriminalization model for personal use amounts of regulated drugs would allow Vermont to redirect money and resources from prosecution and incarceration toward prevention, harm reduction strategies, and treatment affording better outcomes for all Vermonters.

Sec. 2. 18 V.S.A. § 4201 is amended to read:

§ 4201. DEFINITIONS

As used in this chapter, unless the context otherwise requires:

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

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

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

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

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

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

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

(G) any drug, other than methamphetamine, that contains any quantity of a substance that the Board of Health so designates by such rule as having a serious potential for abuse arising out of its effect on the central nervous system.
(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.
(29) “Regulated drug” means:

(A) a narcotic drug;

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

(C) a hallucinogenic drug;

(D) Ecstasy;

(E) cannabis; or

(F) methamphetamine.

* * *

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

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

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

§ 4202. POWERS AND DUTIES OF THE BOARD OF HEALTH

(a) The Board of Health is authorized and empowered to adopt such rules that in its judgment may be necessary or proper to supplement the provisions of this chapter to effectuate the purposes and intent thereof or to clarify its provisions so as to provide the procedure or details to secure effective and proper enforcement of its provisions.
(b) These rules and determinations, when adopted, shall, until modified or rescinded, have the force and effect of law.

* * *

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

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

§ 4202a. DRUG USE STANDARDS ADVISORY BOARD

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

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

(c) The Drug Use Standards Advisory Board shall be convened and chaired by the Deputy Commissioner of Health for Alcohol and Drug Abuse Programs. After receiving nominations from harm reduction service providers, the Deputy Commissioner shall appoint three consumer representatives to the
Board who have lived experience in drug use and consumption practices. The Deputy Commissioner and the three consumer representatives shall appoint the remaining Board members as follows:

1. two representatives from harm reduction service providers;
2. an expert on medication-assisted treatment programs;
3. an expert on human behavior and addiction;
4. an expert on substance use disorder treatment;
5. an expert on legal reform from the University of Vermont Law School Center for Justice Reform; and
6. an academic researcher specializing in drug use or drug policy.

(d) On or before July 1, 2022, the Drug Use Standards Advisory Board shall provide the recommended quantities for both the benchmark personal use dosage and benchmark personal use supply for each category of regulated drug listed in subdivision 420(29) of this title.

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

(f) Upon receipt of the benchmark recommendations, the Board of Health shall expeditiously adopt the benchmark recommendations through rulemaking.
Sec. 5. 18 V.S.A. § 4231 is amended to read:

§ 4231. COCAINE

(a) Possession.

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

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

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

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

(4) [Deleted.] [Repealed.]

(b) Selling or dispensing.
(1)(A) Except as otherwise provided in subdivision (1)(B) of this subsection (b), a person knowingly and unlawfully dispensing cocaine shall be imprisoned not more than three years or fined not more than $75,000.00, or both.

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

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

(2) A person knowingly and unlawfully selling or dispensing cocaine in an amount consisting of 2.5 grams or more of one or more preparations, compounds, mixtures, or substances containing cocaine shall be imprisoned not more than 10 years or fined not more than $250,000.00, or both.

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

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

§ 4232. LSD

(a) Possession.

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

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

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

(3) A person knowingly and unlawfully possessing lysergic acid diethylamide in an amount consisting of one gram or more of one or more preparations, compounds, mixtures, or substances containing lysergic acid diethylamide shall be imprisoned not more than 10 years or fined not more than $100,000.00, or both.
(4) A person knowingly and unlawfully possessing lysergic acid diethylamide in an amount consisting of 10 grams or more of one or more preparations, compounds, mixtures, or substances containing lysergic acid diethylamide shall be imprisoned not more than 20 years or fined not more than $500,000.00, or both.

(b) Selling or dispensing.

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

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

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

(2) A person knowingly and unlawfully selling or dispensing lysergic acid diethylamide in an amount consisting of 100 milligrams or more of one or more preparations, compounds, mixtures, or substances containing lysergic acid diethylamide shall be imprisoned not more than 10 years or fined not more than $100,000.00, or both.
(3) A person knowingly and unlawfully selling or dispensing lysergic acid diethylamide in an amount consisting of one gram or more of one or more preparations, compounds, mixtures, or substances containing lysergic acid diethylamide shall be imprisoned not more than 20 years or fined not more than $500,000.00, or both.

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

§ 4233. HEROIN

(a) Possession.

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

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

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

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

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

(b) Selling or dispensing.

(1)(A) A person knowingly and unlawfully dispensing heroin shall
be imprisoned not more than three years or fined not more than $75,000.00, or
both.

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

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

(2) A person knowingly and unlawfully selling or dispensing heroin in
an amount consisting of 200 milligrams or more of one or more preparations,
compounds, mixtures, or substances containing heroin shall be imprisoned not
more than 10 years or fined not more than $250,000.00, or both.
(3) A person knowingly and unlawfully selling or dispensing heroin in an amount consisting of one gram or more of one or more preparations, compounds, mixtures, or substances containing heroin shall be imprisoned not more than 20 years or fined not more than $1,000,000.00, or both.

* * *

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

§ 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

(a) Possession.

(1)(A) A person knowingly and unlawfully possessing a depressant, stimulant, or narcotic drug, other than heroin or cocaine, shall be imprisoned not more than one year or fined not more than $2,000.00, or both.

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

(2) A person knowingly and unlawfully possessing a depressant, stimulant, or narcotic drug, other than heroin or cocaine, consisting of 100 times a benchmark unlawful dosage or its equivalent as determined by the Board of Health by rule shall be imprisoned not more than five years or fined not more than $25,000.00, or both.
(3) A person knowingly and unlawfully possessing a depressant, stimulant, or narcotic drug, other than heroin or cocaine, consisting of 1,000 times a benchmark unlawful dosage or its equivalent as determined by the Board of Health by rule shall be imprisoned not more than 10 years or fined not more than $100,000.00, or both.

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

(b) Selling or dispensing.

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

(B) A person knowingly and unlawfully dispensing a depressant, stimulant, or narcotic drug, other than fentanyl, heroin, or cocaine, in an amount not greater than a benchmark personal use supply shall be assessed a civil penalty of not more than $50.00.
(C) A person knowingly and unlawfully selling a depressant, stimulant, or narcotic drug, other than fentanyl, cocaine, or heroin, shall be imprisoned not more than five years or fined not more than $25,000.00, or both.

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

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

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

§ 4234a. METHAMPHETAMINE

(a) Possession.

(1)(A) Except as otherwise provided in subdivision (B) of this subdivision (a)(1), a person knowingly and unlawfully possessing methamphetamine shall be imprisoned not more than one year or fined not more than $2,000.00, or both.
(B) A person knowingly and unlawfully possessing methamphetamine in an amount not greater than a benchmark personal use supply shall be assessed a civil penalty of not more than $50.00.

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

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

(b) Selling and dispensing.

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

(B) A person knowingly and unlawfully dispensing methamphetamine in an amount not greater than a benchmark personal use supply shall be assessed a civil penalty of not more than $50.00.
(C) A person knowingly and unlawfully selling methamphetamine shall be imprisoned not more than five years or fined not more than $100,000.00, or both.

(2) A person knowingly and unlawfully selling or dispensing methamphetamine in an amount consisting of 2.5 grams or more of one or more preparations, compounds, mixtures, or substances containing methamphetamine shall be imprisoned not more than 10 years or fined not more than $250,000.00, or both.

(3) A person knowingly and unlawfully selling or dispensing methamphetamine in an amount consisting of 25 grams or more of one or more preparations, compounds, mixtures, or substances containing methamphetamine shall be imprisoned not more than 20 years or fined not more than $1,000,000.00, or both.

* * *

Sec. 10. 18 V.S.A. § 4234b is amended to read:

§ 4234b. EPHEDRINE AND PSEUDOEPHEDRINE

(a) Possession.

(1) No person shall knowingly and unlawfully possess a drug product containing ephedrine base, pseudoephedrine base, or phenylpropanolamine base with the intent to use the product as a precursor to manufacture methamphetamine or another controlled substance.
(2) A person who violates this subsection shall:

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

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

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

* * *

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

§ 4235. HALLUCINOGENIC DRUGS

(a) “Dose” of a hallucinogenic drug means that minimum amount of a hallucinogenic drug, not commonly used for therapeutic purposes, which that causes a substantial hallucinogenic effect. The Board of Health shall adopt rules which that establish doses for hallucinogenic drugs. The Board may incorporate, where applicable, dosage calculations or schedules, whether
described as “dosage equivalencies” or otherwise, established by the federal
government.

(b) Possession.

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

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

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

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

(4) A person knowingly and unlawfully possessing 1,000 or more doses
of a hallucinogenic drug, other than lysergic acid diethylamide, shall be
imprisoned not more than 15 years or fined not more than $500,000.00, or both.

(c) Selling or dispensing.

(1)(A) A person knowingly and unlawfully dispensing a hallucinogenic drug, other than lysergic acid diethylamide, shall be imprisoned not more than three years or fined not more than $25,000.00, or both.

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

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

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

(3) A person knowingly and unlawfully selling or dispensing 100 or more doses of a hallucinogenic drug, other than lysergic acid diethylamide,
shall be imprisoned not more than 15 years or fined not more than
$500,000.00, or both.

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

§ 4235a. ECSTASY

(a) Possession.

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

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

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

(3) A person knowingly and unlawfully possessing Ecstasy in an
amount consisting of 20 grams or more of one or more preparations,
compounds, mixtures, or substances containing Ecstasy shall be imprisoned
not more than 10 years or fined not more than $100,000.00, or both.
(4) A person knowingly and unlawfully possessing Ecstasy in an amount consisting of seven ounces or more of one or more preparations, compounds, mixtures, or substances containing Ecstasy shall be imprisoned not more than 20 years or fined not more than $500,000.00, or both.

(b) Selling or dispensing.

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

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

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

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

(3) A person knowingly and unlawfully selling or dispensing Ecstasy in an amount consisting of 20 grams or more of one or more preparations,
compounds, mixtures, or substances containing Ecstasy shall be imprisoned not more than 20 years or fined not more than $500,000.00, or both.

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

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

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

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

(c) To receive the waiver of the penalty, the person shall contact VT Helplink within 15 days after the issuance of the summons and complaint to schedule the screening. The screening shall be completed within 15 days after the person contacting VT Helplink pursuant to this section. Completion of the health screening shall not be deemed an admission of any kind by the defendant, and the court shall not make any legal findings based on the
issuance of the notice of violation. Upon completion of the screening, VT
Helplink shall provide confirmation of participation to the person and to the
Judicial Bureau. The court shall waive the penalty within 15 days after receipt
of the confirmation of participation in the health screening.

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

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

§ 1102. JUDICIAL BUREAU; JURISDICTION

* * *

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

* * *

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

* * *
Sec. 15. EFFECTIVE DATES

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

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