

H.225

An act relating to possession of a therapeutic dosage of buprenorphine

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

Sec. 1. INTENT

It is the intent of the General Assembly to create a presumption of diversion for possession of 224 milligrams or less of buprenorphine. Persons under 21 years of age in possession of 224 milligrams or less of buprenorphine would be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Awareness Safety Program. Persons under 16 years of age in possession of 224 milligrams or less of buprenorphine would be subject to delinquency proceedings in the Family Division of the Superior Court. Knowing and unlawful possession of more than 224 milligrams of buprenorphine would continue to be penalized in the same manner as other narcotics pursuant to 18 V.S.A. § 4234.

Sec. 2. 18 V.S.A. § 4234 is amended to read:

§ 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

(a) Possession.

(1)(A) ~~A~~ Except as provided by subdivision (B) of this subdivision (1), 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 224 milligrams or less of buprenorphine shall be referred directly to court diversion by the State's Attorney unless the State's Attorney states on the record why a referral to court diversion would not serve the ends of justice. If the court diversion program does not accept the case or if the individual fails to complete the

program in a manner deemed satisfactory and timely by the provider, the individual's case shall return to the State's Attorney for charging consideration.

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(c) Possession of buprenorphine by a person under 21 years of age.

(1) Except as provided in subdivision (2) of this subsection, a person under 21 years of age who knowingly and unlawfully possesses 224 milligrams or less of buprenorphine commits a civil violation and shall be subject to the provisions of section 4230b of this title.

(2) A person under 16 years of age who knowingly and unlawfully possesses 224 milligrams or less of buprenorphine commits a delinquent act and shall be subject to the provisions of section 4230j of this title.

Sec. 3. SUNSET DATE

This act shall expire on July 1, 2023.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2021.