

1 (f) Notwithstanding any other provision of law, a person who is issued a
2 notice of violation and does not pay the penalty shall not be subject to any
3 further criminal penalty, including imprisonment.

4 Sec. 14. 18 V.S.A. § 4240a is added to read:

5 § 4240a. OVERDOSE PREVENTION; DRUG-CHECKING FOR
6 CONTAMINANT DETECTION

7 (a) Notwithstanding any other provision of law, it shall not be a violation of
8 this chapter to receive samples, possess, transport, store, or mail samples of a
9 substance that may contain a regulated drug solely for purposes of analyzing
10 such substance to determine its chemical composition and disseminate
11 information regarding such analysis to the provider of such substance.

12 (b) On-site community drug-checking service providers authorized by the
13 Vermont Department of Health shall be permitted to:

14 (1) collect voluntarily provided residual samples of substances
15 potentially containing regulated drugs, possess samples, transport, store, or
16 mail samples of regulated drug solely for purposes of analyzing such
17 substances to determine its chemical composition as a lifesaving intervention;

18 (2) use any available technologies to analyze the contents of samples to
19 obtain timely, highly accurate information regarding the composition of drugs
20 to prevent overdose and mitigate health risks;

1 (3) provide results of analysis obtained from drug-checking technology
2 to the person requesting drug services;

3 (4) disseminate data containing only the results of analysis and
4 containing no personally identifiable information to community members at
5 risk of overdose; and

6 (5) if necessary, arrange for a sample of a drug or substance to be tested
7 by an approved laboratory.

8 (c) In operating any drug-checking service, no personally identifiable
9 information shall be collected from a person providing a controlled substance
10 to a service provider.

11 (d) An employee, contractor, volunteer, or other person acting in the good
12 faith provision of drug-checking services authorized by the Department, acting
13 in accordance with established protocols, shall not:

14 (1) be subject to arrest, charge, or prosecution for a violation pursuant to
15 this chapter, including for attempting to, aiding and abetting in, or conspiracy
16 to commit a violation of this chapter;

17 (2) have their property subject to forfeiture, any civil or administrative
18 penalty, or liability of any kind, including disciplinary action by a professional
19 licensing board, credentialing restrictions, contractual or civil liability, or
20 medical staff or other employment action; or

1 (3) be denied any right or privilege for actions, conduct, or omissions
2 relating to the operation of a drug-checking service in compliance with this
3 chapter and any rules adopted pursuant to this chapter.

4 (e) An individual possessing a regulated substance and who provides any
5 portion of such substance to a program authorized by the Department pursuant
6 to this section for purposes of obtaining drug-checking services shall not be
7 subject to arrest, charge, or prosecution for possession of a regulated substance
8 pursuant to this chapter, or civil or administrative penalty or disciplinary action
9 by a professional licensing board for a violation of this chapter;

10 (f) The Department and local governments authorized by the Department
11 shall not collect, maintain, use, or disclose any personal information relating to
12 an individual from whom the Department or local government receives any
13 drug or substance for checking or disposal.

14 (g) The result of a test carried out by an authorized drug-checking service
15 provider shall not be admissible as evidence in any criminal or civil
16 proceeding.

17 (h) The Department shall initiate rulemaking not later than September 1,
18 2023.

19 Sec. 15. APPROPRIATION

20 In fiscal year 2024, \$300,000.00 shall be appropriated from the General
21 Fund to the Department of Health's Division of Substance Use Programs to

1 award one or more grants to an organization or organizations providing or
2 preparing to implement drug-checking services with spectroscopy devices,
3 including high-pressure mass spectrometer (HPMS) or Fourier-transform
4 infrared spectroscopy device (FTIR) in a harm reduction setting. The Division
5 shall award grants based on an applicant's ability to provide publicly available
6 drug-checking services.

7 Sec. 16. IMPACTS OF REDUCING CRIMINAL PENALTIES; REPORT

8 On or before January 15, 2024, the Secretary of Administration shall report
9 to the General Assembly regarding the budgetary impacts that projected to
10 result from the elimination of criminal penalties for persons in possession of
11 personal-use quantities of criminal substances in Vermont. The report shall
12 analyze any budgetary impacts such as reductions in expenditures.

13 Sec. 17. 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 (31) Violations of 18 V.S.A. chapter 84, subchapter 1, relating to
19 possessing or dispensing less than the benchmark personal use supply of a
20 regulated drug.

21 * * *

1 Sec. 18. EFFECTIVE DATES

2 (a) This section and Secs. 1 (findings), 2 (definitions), 3 (Board of Health),
3 4 (Drug Use Standards Advisory Board), 15 (appropriation), and 16 (report)
4 shall take effect on passage.

5 (b) Secs. 5–14 and 17 shall take effect on January 1, 2026.