

1 S.284

2 Introduced by Senator Vyhovsky

3 Referred to Committee on

4 Date:

5 Subject: Health; regulated drugs; Drug Use Health and Safety Advisory Board

6 Statement of purpose of bill as introduced: This bill proposes to establish the

7 Drug Use Health and Safety Advisory Board for the purpose of determining

8 the benchmark personal use supply for each regulated drug; decrease low-level

9 drug possession violations to a penalty of six months' imprisonment or a

10 \$500.00 fine, or both; decrease low-level felony drug possession violations to

11 misdemeanor offenses; and eliminate the crime of dispensing regulated drugs,

12 except that dispensing a regulated drug to a person under 21 years of age when

13 the person dispensing is at least three years older would be a five-year felony.

14 An act relating to possessing and dispensing regulated drugs

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

16 Sec. 1. 18 V.S.A. § 4202a is added to read:

17 **§ 4202a. DRUG USE HEALTH AND SAFETY ADVISORY BOARD**

18 **(a) There is hereby created the Drug Use Health and Safety Advisory**

19 **Board composed of experts in the fields of general and behavioral health care,**

1       substance use disorder treatment, harm reduction services, and drug user  
2       communities.

3       (b) The primary objectives of the Advisory Board shall be to determine the  
4       benchmark personal use supply for each regulated drug. The benchmarks  
5       determined pursuant to this subsection shall be determined with a goal of  
6       preventing and reducing the criminalization of personal drug possession and  
7       use.

8       (c) The Advisory Board shall be composed of the following 13 members:

9           (1) two consumer representatives who have lived experience in drug use  
10       and consumption practices, appointed by the Senate Committee on  
11       Committees;

12       (2) two representatives from harm reduction service providers,  
13       appointed by the Senate Committee on Committees;

14       (3) one expert on substance use disorder treatment and recovery, which  
15       may include a medical practitioner providing medication for opioid use  
16       disorder, appointed by the Senate Committee on Committees;

17       (4) one academic expert specializing in human behavior, addiction, and  
18       drug policy, appointed by the Senate Committee on Committees;

19       (5) two consumer representatives who have lived experience in drug use  
20       and consumption practices, appointed by the Speaker of the House;

1                   (6) two representatives from harm reduction service providers,

2                   appointed by the Speaker of the House;

3                   (7) one expert on substance use disorder treatment and recovery, which  
4                   may include a medical practitioner providing medication for opioid use  
5                   disorder, appointed by the Speaker of the House;

6                   (8) one academic expert specializing in human behavior, addiction, and  
7                   drug policy, appointed by the Speaker of the House; and

8                   (9) one expert on legal reform, appointed by the Center for Justice  
9                   Reform at Vermont Law and Graduate School.

10                  (d) Upon convening, the members of the Advisory Board shall elect a chair  
11                  by majority vote and shall fill any vacancy of the Chair by the same. A  
12                  majority of members shall constitute a quorum.

13                  (e) On or before January 1, 2027, the Advisory Board shall provide the  
14                  recommended quantities for benchmark personal use supply for each category  
15                  of regulated drug listed in subdivision 4201(29) of this title.

16                  (f) The Advisory Board shall convene at least one time per year to review  
17                  benchmarks established pursuant to this section and recommend any necessary  
18                  amendments. The Chair of the Advisory Board may, with the consent of a  
19                  majority of members, convene additional meetings to receive testimony from  
20                  experts on drug use, substance use disorder, and medical research or practice  
21                  relating to any specific drug.

1        (g) The Department shall initiate rulemaking to adopt benchmark personal  
2        use supplies not later than 90 days following the receipt of recommendations  
3        from the Advisory Board. The Department shall give full consideration to the  
4        recommendations of the Advisory Board and provide detailed explanations for  
5        any deviations from the recommendations of the Advisory Board in the  
6        proposed rules.

7        Sec. 2. 18 V.S.A. § 4230 is amended to read:

8        § 4230. CANNABIS

9            (a) Possession and cultivation.

10            (1) No person shall knowingly and unlawfully possess more than one  
11            ounce of cannabis or more than five grams of hashish or cultivate more than  
12            two mature cannabis plants or four immature cannabis plants. A person who  
13            violates this subdivision shall be assessed a civil penalty as follows:

14            (A) not more than \$100.00 for a first offense;

15            (B) not more than \$200.00 for a second offense; and

16            (C) not more than \$500.00 for a third or subsequent offense.

17            (2)(A) No person shall knowingly and unlawfully possess two ounces or  
18            more of cannabis or ~~ten~~ 10 grams or more of hashish or more than three mature  
19            cannabis plants or six immature cannabis plants. For a first offense under this  
20            subdivision (2), a person shall be provided the opportunity to participate in the  
21            Court Diversion Program unless the prosecutor states on the record why a

1 referral to the Court Diversion Program would not serve the ends of justice. A  
2 person convicted of a first offense under this subdivision (2) shall be  
3 imprisoned not more than six months or fined not more than \$500.00, or both.

4 (B) A person convicted of a second or subsequent offense of  
5 violating subdivision (A) of this subdivision (2) shall be imprisoned not more  
6 than two years or fined not more than \$2,000.00, or both.

7 (C) Upon an adjudication of guilt for a first or second offense under  
8 this subdivision (2), the court may defer sentencing as provided in 13 V.S.A.  
9 § 7041, except that the court may in its discretion defer sentence without the  
10 filing of a presentence investigation report and except that sentence may be  
11 imposed at any time within two years from and after the date of entry of  
12 deferment. The court may, prior to sentencing, order that the defendant submit  
13 to a drug assessment screening, which may be considered at sentencing in the  
14 same manner as a presentence report.

15 (3) A person knowingly and unlawfully possessing eight ounces of  
16 cannabis or 1.4 ounces of hashish or knowingly and unlawfully cultivating  
17 more than four mature cannabis plants or eight immature cannabis plants shall  
18 be imprisoned not more than three years or fined not more than \$10,000.00, or  
19 both.

20 (4) A person knowingly and unlawfully possessing more than one pound  
21 of cannabis or more than 2.8 ounces of hashish or knowingly and unlawfully

1 cultivating more than six mature cannabis plants or 12 immature cannabis  
2 plants shall be imprisoned not more than five years or fined not more than  
3 \$10,000.00, or both.

4 (5) A person knowingly and unlawfully possessing more than 10 pounds  
5 of cannabis or more than one pound of hashish or knowingly and unlawfully  
6 cultivating more than 12 mature cannabis plants or 24 immature cannabis  
7 plants shall be imprisoned not more than 15 years or fined not more than  
8 \$500,000.00, or both.

9 (6) If a court fails to provide the defendant with notice of collateral  
10 consequences in accordance with 13 V.S.A. § 8005(b) and the defendant later  
11 at any time shows that the plea and conviction for a violation of this subsection  
12 may have or has had a negative consequence, the court, upon the defendant's  
13 motion, shall vacate the judgment and permit the defendant to withdraw the  
14 plea or admission and enter a plea of not guilty. Failure of the court to advise  
15 the defendant of a particular collateral consequence shall not support a motion  
16 to vacate.

17 (7) The amounts of cannabis in this subsection shall not include  
18 cannabis cultivated, harvested, and stored in accordance with section 4230e of  
19 this title.

1 (b) Selling or dispensing.

15 (c) Trafficking. A person knowingly and unlawfully possessing 50 pounds  
16 or more of cannabis or five pounds or more of hashish with the intent to sell ~~or~~  
17 ~~dispense~~ the cannabis or hashish shall be imprisoned not more than 30 years or  
18 fined not more than \$1,000,000.00, or both. There shall be a permissive  
19 inference that a person who possesses 50 pounds or more of cannabis or five  
20 pounds or more of hashish intends to sell ~~or dispense~~ the cannabis or hashish.

1 (d) Cannabis-infused products. Only the portion of a cannabis-infused  
2 product that is attributable to cannabis shall count toward the possession limits  
3 of this section. The weight of cannabis that is attributable to cannabis-infused  
4 products shall be determined according to methods set forth in rule by the  
5 Cannabis Control Board.

6 Sec. 3. 18 V.S.A. § 4230f is amended to read:

7       § 4230f. ~~DISPENSING CANNABIS TO A PERSON UNDER 21 YEARS OF~~

8                   ~~AGE; CRIMINAL OFFENSE~~

9 (a) No person shall:

10 (1) dispense cannabis to a person under 21 years of age; or

11 (2) knowingly enable the consumption of cannabis by a person under 21  
12 years of age.

(b) As used in this section, “enable the consumption of cannabis” means creating a direct and immediate opportunity for a person to consume cannabis.

15 (e) Except as provided in subsection (d) of this section, a person who  
16 violates subsection (a) of this section shall be imprisoned not more than two  
17 years or fined not more than \$2,000.00, or both.

18 (d) A person who violates subsection (a) of this section, where the person  
19 under 21 years of age while operating a motor vehicle on a public highway  
20 causes death or serious bodily injury to himself or herself or to another person

1 as a result of the violation, shall be imprisoned not more than five years or  
2 fined not more than \$10,000.00, or both.

3 ~~(e)(1) Subsections (a) (d) of this section shall not apply to a person under~~  
4 ~~21 years of age who dispenses cannabis to a person under 21 years of age or~~  
5 ~~who knowingly enables the consumption of cannabis by a person under 21~~  
6 ~~years of age.~~

7 ~~(2) A person who is 18, 19, or 20 years of age who knowingly dispenses~~  
8 ~~cannabis to a person who is 18, 19, or 20 years of age commits a civil violation~~  
9 ~~and shall be referred to the Court Diversion Program for the purpose of~~  
10 ~~enrollment in the Youth Substance Awareness Safety Program in accordance~~  
11 ~~with the provisions of section 4230b of this title and shall be subject to the~~  
12 ~~penalties in that section for failure to complete the program successfully.~~

13 ~~(3) A person 18, 19, or 20 years of age who knowingly dispenses to a~~  
14 ~~person under 18 years of age who is at least three years that person's junior~~  
15 ~~shall be sentenced to a term of imprisonment of not more than five years in~~  
16 ~~accordance with section 4237 of this title.~~

17 ~~(4) A person who is 19 years of age who knowingly dispenses to a~~  
18 ~~person 17 years of age or a person who is 18 years of age who knowingly~~  
19 ~~dispenses cannabis to a person who is 16 or 17 years of age commits a~~  
20 ~~misdemeanor crime and shall be fined not more than \$500.00.~~

(5) A person who is under 18 years of age who knowingly dispenses cannabis to another person who is under 18 years of age commits a delinquent act and shall be subject to 33 V.S.A. chapter 52.

4 (f) This section shall not apply to a dispensary that lawfully provides  
5 cannabis to a registered patient or caregiver or to a registered caregiver who  
6 provides cannabis to a registered patient pursuant to chapter 86 of this title.

7       (g) ~~The provisions of this section do not limit or restrict the prosecution for~~  
8 ~~other offenses arising out of the same conduct, nor shall they limit or restrict~~  
9 ~~defenses under common law.~~ [Repealed.]

10 Sec. 4. 18 V.S.A. § 4231 is amended to read:

11 § 4231. COCAINE

12 (a) Possession.

5 (4) [Repealed.]

6 (b) Selling or dispensing.

19 (c) Trafficking.

20 (1) A person knowingly and unlawfully possessing cocaine in an  
21 amount consisting of 150 grams or more of one or more preparations,

1 compounds, mixtures, or substances containing cocaine with the intent to sell  
2 ~~or dispense~~ the cocaine shall be imprisoned not more than 30 years or fined not  
3 more than \$1,000,000.00, or both. There shall be a permissive inference that a  
4 person who possesses cocaine in an amount consisting of 150 grams or more of  
5 one or more preparations, compounds, mixtures, or substances containing  
6 cocaine intends to sell ~~or dispense~~ the cocaine. The amount of possessed  
7 cocaine under this subdivision to sustain a charge of conspiracy under 13  
8 V.S.A. § 1404 shall be not less than 400 grams in the aggregate.

9 (2) [Repealed.]

10 Sec. 5. 18 V.S.A. § 4232 is amended to read:

11 § 4232. LSD

12 (a) Possession.

13 (1) A person knowingly and unlawfully possessing lysergic acid  
14 diethylamide shall be imprisoned not more than ~~one year~~ six months or fined  
15 not more than ~~\$2,000.00~~ \$500.00, or both.

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

11 (b) Selling or dispensing.

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

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

7 § 4233. HEROIN

8 (a) Possession.

5 (b) Selling or dispensing.

18 (c) Trafficking. A person knowingly and unlawfully possessing heroin in  
19 an amount consisting of 3.5 seven grams or more of one or more preparations,  
20 compounds, mixtures, or substances containing heroin with the intent to sell ~~or~~  
21 dispense the heroin shall be imprisoned not more than 30 years or fined not

1 more than \$1,000,000.00, or both. There shall be a permissive inference that a  
2 person who possesses heroin in an amount of 3.5 grams or more of one or  
3 more preparations, compounds, mixtures, or substances containing heroin  
4 intends to sell ~~or dispense~~ the heroin. The amount of possessed heroin under  
5 this subsection to sustain a charge of conspiracy under 13 V.S.A. § 1404 shall  
6 be ~~no~~ not less than 10 grams in the aggregate.

7 (d) Transportation into the State. In addition to any other penalties  
8 provided by law, a person knowingly and unlawfully transporting one gram or  
9 more of heroin into Vermont with the intent to sell ~~or dispense~~ the heroin shall  
10 be imprisoned not more than 10 years or fined not more than \$100,000.00, or  
11 both.

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

13 § 4233a. FENTANYL

14 (a) Selling ~~or dispensing~~.

15 (1) ~~A person knowingly and unlawfully dispensing fentanyl shall be~~  
16 ~~imprisoned not more than three years or fined not more than \$75,000.00, or~~  
17 ~~both.~~ A person knowingly and unlawfully selling fentanyl shall be imprisoned  
18 not more than five years or fined not more than \$100,000.00, or both.

19 (2) A person knowingly and unlawfully selling ~~or dispensing~~ fentanyl in  
20 an amount consisting of four milligrams or more of one or more preparations,

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

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

7 (4) In lieu of a charge under this subsection, but in addition to any other  
8 penalties provided by law, a person knowingly and unlawfully selling ~~or~~  
9 ~~dispensing~~ any regulated drug containing a detectable amount of fentanyl shall  
10 be imprisoned not more than five years or fined not more than \$250,000.00, or  
11 both.

12 (b) Trafficking. A person knowingly and unlawfully possessing fentanyl in  
13 an amount consisting of 70 milligrams or more of one or more preparations,  
14 compounds, mixtures, or substances containing fentanyl with the intent to sell  
15 ~~or dispense~~ the fentanyl shall be imprisoned not more than 30 years or fined  
16 not more than \$1,000,000.00, or both. There shall be a permissive inference  
17 that a person who possesses fentanyl in an amount of 70 milligrams or more of  
18 one or more preparations, compounds, mixtures, or substances containing  
19 fentanyl intends to sell ~~or dispense~~ the fentanyl. The amount of possessed  
20 fentanyl under this subsection to sustain a charge of conspiracy under 13  
21 V.S.A. § 1404 shall be not less than 70 milligrams in the aggregate.

1 (c) Transportation into the State. In addition to any other penalties  
2 provided by law, a person knowingly and unlawfully transporting more than 20  
3 milligrams of fentanyl into Vermont with the intent to sell ~~or dispense~~ the  
4 fentanyl shall be imprisoned not more than 10 years or fined not more than  
5 \$100,000.00, or both.

6 (d) Definition. As used in this section, “knowingly” means:

7 (1) the defendant had actual knowledge that one or more preparations,

8 compounds, mixtures, or substances contained the regulated drug identified in

9 the applicable section of this chapter; or

10 (2) the defendant:

11 (A) was aware that there is a high probability that one or more

12 preparations, compounds, mixtures, or substances contained the regulated drug

13 identified in the applicable section of this chapter; and

14 (B) took deliberate actions to avoid learning that one or more

15 preparations, compounds, mixtures, or substances contained the regulated drug

16 identified in the applicable section of this chapter.

17 Sec. 8. 18 V.S.A. § 4233b is amended to read:

18           § 4233b. XYLAZINE

19 (a) No person shall dispense or sell xylazine except as provided in  
20 subsection (b) of this section.



1 (d) As used in this section, "knowingly" means:

2 (1) the defendant had actual knowledge that one or more preparations,  
3 compounds, mixtures, or substances contained xylazine; or

4 (2) the defendant:

5 (A) was aware that there is a high probability that one or more  
6 preparations, compounds, mixtures, or substances contained xylazine; and

7 (B) took deliberate actions to avoid learning that one or more  
8 preparations, compounds, mixtures, or substances contained xylazine.

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

10       § 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

### 11 (a) Possession.

16 (B) A person knowingly and unlawfully possessing 224 milligrams  
17 or less of buprenorphine shall not be punished in accordance with subdivision  
18 (A) of this subdivision (1).

19 (2) A person knowingly and unlawfully possessing a depressant,  
20 stimulant, or narcotic drug, other than heroin or cocaine, consisting of 100

1 times a benchmark unlawful dosage or its equivalent shall be imprisoned not  
2 more than ~~five two~~ years or fined not more than ~~\$25,000.00~~ ~~\$2,000.00~~, or both.

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

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

11 (b) Selling ~~or dispensing~~.

12 (1) ~~A person knowingly and unlawfully dispensing a depressant,~~  
13 ~~stimulant, or narcotic drug, other than fentanyl, heroin, or cocaine, shall be~~  
14 ~~imprisoned not more than three years or fined not more than \$75,000.00, or~~  
15 ~~both.~~ A person knowingly and unlawfully selling a depressant, stimulant, or  
16 narcotic drug, other than fentanyl, cocaine, or heroin, shall be imprisoned not  
17 more than ~~five two~~ years or fined not more than ~~\$25,000.00~~ ~~\$5,000.00~~, or both.

18 (2) A person knowingly and unlawfully selling ~~or dispensing~~ a  
19 depressant, stimulant, or narcotic drug, other than fentanyl, heroin, or cocaine,  
20 consisting of 100 times a benchmark unlawful dosage or its equivalent shall be

1       imprisoned not more than 10 years or fined not more than \$100,000.00, or  
2       both.

3           (3) A person knowingly and unlawfully selling ~~or dispensing~~ a  
4       depressant, stimulant, or narcotic drug, other than fentanyl, heroin, or cocaine,  
5       consisting of 1,000 times a benchmark unlawful dosage or its equivalent shall  
6       be imprisoned not more than 20 years or fined not more than \$500,000.00, or  
7       both.

8           (4) As used in this subsection, “knowingly” means:

9               (A) the defendant had actual knowledge that one or more  
10       preparations, compounds, mixtures, or substances contained the regulated drug  
11       identified in the applicable section of this chapter; or

12               (B) the defendant:

13                       (i) was aware that there is a high probability that one or more  
14       preparations, compounds, mixtures, or substances contained the regulated drug  
15       identified in the applicable section of this chapter; and

16                       (ii) took deliberate actions to avoid learning that one or more  
17       preparations, compounds, mixtures, or substances contained the regulated drug  
18       identified in the applicable section of this chapter.

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

20               (1) Except as provided in subdivision (2) of this subsection, a person  
21       under 21 years of age who knowingly and unlawfully possesses 224

1 milligrams or less of buprenorphine commits a civil violation and shall be  
2 subject to the provisions of section 4230b of this title.

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

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

7 § 4234a. METHAMPHETAMINE

8 (a) Possession.

9 (1) A person knowingly and unlawfully possessing methamphetamine  
10 shall be imprisoned not more than ~~one year~~ six months or fined not more than  
11 ~~\$2,000.00~~ \$500.00, or both.

12 (2) A person knowingly and unlawfully possessing methamphetamine in  
13 an amount consisting of 2.5 grams or more of one or more preparations,  
14 compounds, mixtures, or substances containing methamphetamine shall be  
15 imprisoned not more than ~~five~~ two years or fined not more than \$100,000.00  
16 \$5,000.00, or both.

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

1 (b) Selling and dispensing.

17 (c) Trafficking. A person knowingly and unlawfully possessing  
18 methamphetamine in an amount consisting of 300 grams or more of one or  
19 more preparations, compounds, mixtures, or substances containing  
20 methamphetamine with the intent to sell ~~or dispense~~ the methamphetamine  
21 shall be imprisoned not more than 30 years or fined not more than

1       \$1,000,000.00, or both. There shall be a permissive inference that a person  
2       who possesses methamphetamine in an amount consisting of 300 grams or  
3       more of one or more preparations, compounds, mixtures, or substances  
4       containing methamphetamine intends to sell ~~or dispense~~ the methamphetamine.  
5       The amount of possessed methamphetamine under this subsection to sustain a  
6       charge of conspiracy under 13 V.S.A. § 1404 shall be ~~no~~ not less than 800  
7       grams in the aggregate.

8       Sec. 11. 18 V.S.A. § 4234b is amended to read:

9       § 4234b. EPHEDRINE AND PSEUDOEPHEDRINE

10       (a) Possession.

11           (1) No person shall knowingly and unlawfully possess a drug product  
12       containing ephedrine base, pseudoephedrine base, or phenylpropanolamine  
13       base with the intent to use the product as a precursor to manufacture  
14       methamphetamine or another controlled substance.

15           (2) A person who violates this subsection shall:

16               (A) if the offense involves possession of less than nine grams of  
17       ephedrine base, pseudoephedrine base, or phenylpropanolamine base, be  
18       imprisoned not more than ~~one year~~ six months or fined not more than  
19       \$2,000.00 \$500.00, or both; and

20               (B) if the offense involves possession of nine or more grams of  
21       ephedrine base, pseudoephedrine base, or phenylpropanolamine base, be

1       imprisoned not more than ~~five~~ two years or fined not more than ~~\$100,000.00~~  
2       \$5,000.00, or both.

3           (b) Sale.

4               (1) A drug product containing ephedrine base, pseudoephedrine base, or  
5       phenylpropanolamine base shall not be distributed at retail to the general  
6       public unless it is maintained in a locked display case or behind the counter out  
7       of the public's reach.

8               (2)(A) A retail establishment shall not knowingly complete a sale to a  
9       person if the drug product or combination of drug products purchased would  
10      surpass a total of more than 3.6 grams within a 24-hour period or nine grams  
11      within a 30-day period of ephedrine base, pseudoephedrine base, or  
12      phenylpropanolamine base or their isomers.

13               (B) This subdivision (2) shall not apply to drug products dispensed  
14      pursuant to a valid prescription.

15               (3) A person or business that violates this subdivision shall:

16                   (A) for a first violation, be assessed a civil penalty of not more than  
17      \$100.00; and

18                   (B) for a second and subsequent violation, be assessed a civil penalty  
19      of not more than \$500.00.

1 (c) Electronic registry system.

16 (C) The electronic registry system shall operate in real time to enable  
17 communication among in-state users and users of similar systems in  
18 neighboring states.

19 (D) The State shall use the National Precursor Log Exchange  
20 (NPLEx) online portal or its equivalent to host Vermont's electronic registry  
21 system.

12 (B)(i) If the retail establishment experiences an electronic or  
13 mechanical failure of the electronic registry system and is unable to comply  
14 with the electronic recording requirement, the retail establishment shall  
15 maintain a written log or an alternative electronic record-keeping mechanism  
16 until the retail establishment is able to comply fully with this subsection (c).

1 (C) A retail establishment shall maintain all records of drug product  
2 purchases made pursuant to this subsection (c) for a minimum of two years.

6 (A) the purchase of the drug product or products shall result in the  
7 purchaser's identity being listed on a national database; and

10 (4) A person or retail establishment that violates this subsection shall:

15 (d) Applicability. This section shall not apply to a manufacturer that has  
16 obtained an exemption from the Attorney General of the United States under  
17 Section 711(d) of the federal Combat Methamphetamine Epidemic Act of  
18 2005.

1 (e) Definitions. As used in this section:

2 (1) "Distributor" means a person, other than a manufacturer or  
3 wholesaler, that sells, delivers, transfers, or in any manner furnishes a drug  
4 product to any person that is not the ultimate user or consumer of the product.

5 (2) "Knowingly" means having actual knowledge of the relevant facts.

6 (3) "Manufacturer" means a person that produces, compounds,  
7 packages, or in any manner initially prepares a drug product for sale or use

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

12       § 4235. HALLUCINOGENIC DRUGS

1 (b) Possession.

2 (1) A person knowingly and unlawfully possessing a hallucinogenic  
3 drug, other than lysergic acid diethylamide, shall be imprisoned not more than  
4 ~~one year six months~~ or fined not more than ~~\$2,000.00~~ \$500.00, or both.

5 (2) A person knowingly and unlawfully possessing 10 or more doses of  
6 a hallucinogenic drug, other than lysergic acid diethylamide, shall be  
7 imprisoned not more than ~~five~~ two years or fined not more than ~~\$25,000.00~~  
8 \$2,000.00, or both.

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

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

17 (c) Selling ~~or dispensing~~.

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

1 diethylamide, shall be imprisoned not more than five years or fined not more  
2 than \$25,000.00, or both.

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

7 (3) A person knowingly and unlawfully selling ~~or dispensing~~ 100 or  
8 more doses of a hallucinogenic drug, other than lysergic acid diethylamide,  
9 shall be imprisoned not more than 15 years or fined not more than  
10 \$500,000.00, or both.

11 Sec. 13. 18 V.S.A. § 4235a is amended to read:

12 § 4235a. ECSTASY

13 (a) Possession.

14 (1) A person knowingly and unlawfully possessing Ecstasy shall be  
15 imprisoned not more than ~~one year six months~~ or fined not more than  
16 \$2,000.00 \$500.00, or both.

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

9 (b) Selling or dispensing.

10 (1) A person knowingly and unlawfully dispensing Ecstasy shall be  
11 imprisoned not more than three years or fined not more than \$25,000.00, or  
12 both. A person knowingly and unlawfully selling Ecstasy shall be imprisoned  
13 not more than five years or fined not more than \$25,000.00, or both.

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

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

1 Sec. 14. 18 V.S.A. § 4237 is amended to read:

2 § 4237. SELLING OR DISPENSING TO MINORS; SELLING ON SCHOOL

3 GROUNDS

4 (a) Dispensing regulated drugs to minors. A person knowingly and  
5 unlawfully dispensing any regulated drug to a ~~minor~~ person under 21 years of  
6 age who is at least three years that person's junior shall be sentenced to a term  
7 of imprisonment of not more than five years.

8 (b) Sale of regulated drugs. A person knowingly and unlawfully selling  
9 any regulated drug to a minor shall, in addition to any other penalty, be  
10 sentenced to a term of imprisonment of not more than 10 years.

11 (c) Selling on school grounds. No person shall knowingly and unlawfully:  
12 (1) dispense or sell a regulated drug to any person on a school bus or on  
13 real property owned by a public or private elementary, secondary, or  
14 vocational school;

15 (2) sell a regulated drug to any person on real property abutting real  
16 property owned by a public or private elementary, secondary, or vocational  
17 school; or

18 (3) dispense a regulated drug to any person in public view on real  
19 property abutting real property owned by a school.

20 (d) Abutting school property. The selling or dispensing of a regulated drug  
21 to a person on property abutting school property is a violation under this

1 section only if it occurs within 500 feet of the school property. Property shall

2 be considered abutting school property if:

3 (1) it shares a boundary with school property; or

4 (2) it is adjacent to school property and is separated only by a river,

5 stream, or public highway.

6 (e) Penalty. A person who violates subsection (c) of this section shall, in

7 addition to any other penalty, be sentenced to a term of imprisonment of not

8 more than 10 years.

9 (f) Definitions. As used in this section:

10 (1) “Minor” means a person under ~~the age of 18 years of age~~.

11 (2) “Owned by a school” means owned, leased, controlled, or

12 subcontracted by a school and used frequently by students for educational or

13 recreational activities.

14 Sec. 15. EFFECTIVE DATE

15 This act shall take effect on July 1, 2026.