

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 105  
3 entitled “An act relating to expanding the Youth Substance Awareness Safety  
4 Program” respectfully reports that it has considered the same and recommends  
5 that the Senate propose to the House that the bill be amended by striking out all  
6 after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 7 V.S.A. § 656 is amended to read:

8 § 656. PERSON ~~46~~ 12 YEARS OF AGE OR OLDER AND UNDER 21  
9 YEARS OF AGE MISREPRESENTING AGE, PROCURING,  
10 POSSESSING, OR CONSUMING ALCOHOLIC BEVERAGES;  
11 IMPAIRED DRIVING; POSSESSION OF CANNABIS; CIVIL  
12 VIOLATION

13 (a) Definitions. As used in this section:

14 (1) “Highway” has the same meaning as in 23 V.S.A. § 4(24).

15 (2) “Law enforcement officer” has the same meaning as in 23 V.S.A.

16 § 4(11)(A).

17 (3) “License to operate a motor vehicle” has the same meaning as in 23

18 V.S.A. § 4(48).

19 (4) “Motor vehicle” or “vehicle” has the same meaning as “motor

20 vehicle” as defined in 23 V.S.A. § 4(21).

1           (5) “Operate or attempts to operate” has the same meaning as in 23  
2           V.S.A. § 4(24).

3           (6) “Operator” has the same meaning as in 23 V.S.A. § 4(25) and shall  
4           include “junior operator” as defined in 4 V.S.A. § 4(16).

5           (6) “Privilege to operate” has the same meaning as in 23 V.S.A. § 4(58).

6           (7) “Suspension” or “suspension the person’s operator’s license” has the  
7           same meaning as “suspension of license” as defined in 23 V.S.A. § 4(50).

8           (b) Prohibited conduct; ~~offense~~ offenses.

9           (1) Prohibited conduct. A person ~~at~~ 12 years of age or older and under  
10          21 years of age shall not:

11           (A) Falsely represent the person’s age for the purpose of procuring or  
12          attempting to procure malt or vinous beverages, ready-to-drink spirits  
13          beverages, spirits, or fortified wines from any licensee, State liquor agency, or  
14          other person or persons.

15           (B) Possess malt or vinous beverages, ready-to-drink spirits  
16          beverages, spirits, or fortified wines for the purpose of consumption by the  
17          person or other minors, except in the regular performance of duties as an  
18          employee of a licensee licensed to sell alcoholic liquor.

19           (C) Knowingly and unlawfully possess one ounce or less of cannabis  
20          or five grams or less of hashish or two mature cannabis plants or fewer or four  
21          immature cannabis plants or fewer.

1            (D) Consume malt or vinous beverages, ready-to-drink spirits  
2 beverages, spirits, or fortified wines. A violation of this subdivision may be  
3 prosecuted in a jurisdiction where the ~~minor~~ person has consumed malt or  
4 vinous beverages, ready-to-drink spirits beverages, spirits, or fortified wines or  
5 in a jurisdiction where the indicators of consumption are observed.

6            (E) Operate, attempt to operate, or be in actual physical control on a  
7 highway of a vehicle when the person’s blood alcohol concentration is 0.02 or  
8 more.

9            (2) ~~Offense~~ Procurement, possession, or consumption penalties. A  
10 person who knowingly violates ~~subdivision~~ any of subdivisions (1)(A)–(D) of  
11 this subsection commits a civil violation and shall be referred to the Court  
12 Diversion Program for the purpose of enrollment in the Youth Substance  
13 Awareness Safety Program. A person who fails to complete the program  
14 successfully commits a civil violation under the jurisdiction of the Judicial  
15 Bureau and shall be subject to the following:

16            (A) a civil penalty of \$300.00 and suspension of the person’s  
17 operator’s license and privilege to operate a motor vehicle for a period of 30  
18 days, for a first offense; and

19            (B) a civil penalty of not more than \$600.00 and suspension of the  
20 person’s operator’s license and privilege to operate a motor vehicle for a  
21 period of 90 days, for a second or subsequent offense.

1           (3) Impaired driver penalties.

2           (A) A person who violates subdivision (1)(E) of this subsection (b)  
3           commits a civil violation, shall be referred to the Court Diversion Program for  
4           the purpose of enrollment in the Youth Substance Awareness Safety Program,  
5           and shall serve a suspension of the person’s operator’s license and privilege to  
6           operate a motor vehicle in accordance with subdivision (B) of this subdivision  
7           (b)(3). A person who fails to complete the Program successfully commits a  
8           civil violation under the jurisdiction of the Judicial Bureau and shall be subject  
9           to the following:

10           (i) For a first offense, a civil penalty of \$300.00 and suspension of  
11           the person’s operator’s license and privilege to operate a motor vehicle for a  
12           period of 180 days and compliance with the requirements of 23 V.S.A.  
13           § 1209a(a)(1).

14           (ii) For a second or subsequent offense, a civil penalty of \$600.00  
15           and suspension of the person’s operator’s license for a period of one year or  
16           until the person reaches 21 years of age, whichever is longer, and compliance  
17           with the requirements of 23 V.S.A. § 1209a(a)(2).

18           (iii) A person who violates subdivision (1)(E) of this subsection  
19           (b) may also be subject to recall of the person’s provisional license under  
20           23 V.S.A. § 607a.

1                    (iv) If a law enforcement officer has reasonable grounds to believe  
2                    that a person is violating subdivision (1)(E) of this subsection (b), the officer  
3                    may request the person to submit to a breath test using a preliminary screening  
4                    device approved by the Commissioner of Public Safety. A refusal to submit to  
5                    the breath test shall be considered a violation of subdivision (1)(E) of this  
6                    subsection (b). Notwithstanding any provisions to the contrary in 23 V.S.A.  
7                    §§ 1202 and 1203:

8                    (I) the results of the test shall be admissible evidence in a  
9                    proceeding under this section; and

10                    (II) there shall be no statutory right to counsel prior to the  
11                    administration of the test.

12                    (v) In a proceeding under this section, if there was at any time  
13                    within two hours after operating, attempting to operate, or being in actual  
14                    physical control of a vehicle on a highway a blood alcohol concentration of  
15                    0.02 or more, it shall be a rebuttable presumption that the person's blood  
16                    alcohol concentration was 0.02 or more at the time of operating, attempting to  
17                    operate, or being in actual physical control.

18                    (vi) No points shall be assessed for a violation of subdivision  
19                    (1)(E) of this subsection (b).

20                    (vii) The Alcohol and Driving Program required under this section  
21                    shall be administered by the Department of Health's Division of Substance Use

1 Programs and shall take into consideration any particular treatment needs of  
2 operators under 21 years of age.

3 (viii) An alleged violation of this section shall not bar prosecution  
4 for any crime, including a prosecution under 23 V.S.A. § 1201.

5 (ix) Suspensions imposed under this subdivision (3)(A) or any  
6 comparable statute of any other jurisdiction shall run concurrently with  
7 suspensions imposed under 23 V.S.A. §§ 1205, 1206, and 1208 or any  
8 comparable statutes of any other jurisdiction or with any suspension resulting  
9 from a conviction for a violation of 23 V.S.A. § 1091 from the same incident.

10 (B)(i) For a first offense, a person shall serve suspension of the  
11 person's operator's license and privilege to operate a motor vehicle for a  
12 period of 90 days and shall be automatically reinstated after the 90-day period.

13 (ii) For a second or subsequent offense, a person shall serve a  
14 suspension of the person's operator's license and privilege to operate a motor  
15 vehicle for a period 145 days and shall be automatically reinstated after the  
16 145-day period.

17 (iii) The Commissioner of Motor Vehicles shall issue a notice of  
18 reinstatement to the person serving a suspension under this subdivision  
19 (b)(3)(B) upon successful completion of the suspension.

20 (iv) If a person fails to complete the Youth Substance Awareness  
21 Safety Program, the person shall receive credit for any elapsed period of a

1 suspension served pursuant to this subdivision (b)(3)(B) against any  
2 suspension imposed pursuant to subdivision (A) of this subdivision (b)(3).

3 (C) During a suspension issued pursuant to subdivision (A) or (B) of  
4 this subdivision (3), a person may operate a motor vehicle if issued an ignition  
5 interlock restricted driver's license or certificate in accordance with 23 V.S.A.  
6 § 1213.

7 (i) A person subject to penalties under subdivision (A)(i) of this  
8 subdivision (b)(3) and who elects to operate a motor vehicle with an ignition  
9 interlock RDL or certificate shall be reinstated only if the person operates with  
10 an ignition interlock RDL or certificate for a period of 180 days, in addition to  
11 any extension of this period arising from a violation of 23 V.S.A. § 1213.

12 (ii) A person subject to penalties under subdivision (A)(i) of this  
13 subdivision (b)(3) and who elects to operate a motor vehicle with an ignition  
14 interlock RDL or certificate shall be reinstated only if the person operates with  
15 an ignition interlock RDL or certificate for a period of one year or until the  
16 person reaches 21 years of age, whichever is longer, in addition to any  
17 extension of this period arising from a violation of 23 V.S.A. § 1213.

18 ~~(b)~~(c) Issuance of notice of violation. A law enforcement officer shall issue  
19 a person who violates this section a notice of violation, in a form approved by  
20 the Court Administrator. A person shall not be cited for more than one  
21 violation of subsection (b) of this section arising out of the same incident. The

1 notice of violation shall require the person to provide the person's name and  
2 address, shall indicate the presence of any substances that constitute a violation  
3 of subsection (b) of this section, and shall explain procedures under this  
4 section, including that:

5 (1) the person shall contact the Diversion Program in the county where  
6 the offense occurred within 15 days;

7 (2) failure to contact the Diversion Program within 15 days will result in  
8 the case being referred to the Judicial Bureau, where the person, if found liable  
9 for the violation, will be subject to a civil penalty and a suspension of the  
10 person's operator's license and may face substantially increased insurance  
11 rates;

12 (3) no money should be submitted to pay any penalty until after  
13 adjudication; and

14 (4) the person shall notify the Diversion Program if the person's address  
15 changes.

16 (d) Issuance of Notice of Suspension.

17 (1) On behalf of the Commissioner of Motor Vehicles, a law  
18 enforcement officer issuing a notice of violation in accordance with subsection  
19 (c) of this section shall also serve a notice of suspension of the person's  
20 operator's license and privilege to operate a motor vehicle in a form prescribed  
21 by the Court Administrator. The form shall include the following:

1           (A) the effective date of the suspension;

2           (B) the suspension’s duration;

3           (C) an explanation of the consequences of the suspension;

4           (D) an explanation of the process to operate a motor vehicle with an  
5 ignition interlock restricted driver’s license or certificate in accordance with  
6 23 V.S.A. § 1213; and

7           (E) the projected date of reinstatement upon successful completion of  
8 the suspension.

9           (2) A suspension issued pursuant to subdivision (b)(3)(B) of this section  
10 shall become effective on the 11th day after the person receives notice in  
11 accordance with this subsection.

12           (3) A copy of the notice of suspension shall be sent to the Commissioner  
13 of Motor Vehicles.

14       ~~(e)~~(e) Summons and complaint. When a person is issued a notice of  
15 violation under this section, the law enforcement officer shall complete a  
16 summons and complaint for the offense and send it to the Diversion Program  
17 in the county where the offense occurred. The summons and complaint shall  
18 not be filed with the Judicial Bureau at that time.

19       ~~(d)~~(f) Registration in Youth Substance Abuse Safety Program. Within 15  
20 days after receiving a notice of violation, the person shall contact the Diversion  
21 Program in the county where the offense occurred and register for the Youth

1 Substance Abuse Safety Program. If the person fails to do so, the Diversion  
2 Program shall file the summons and complaint with the Judicial Bureau for  
3 adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide  
4 a copy of the summons and complaint to the law enforcement officer who  
5 issued the notice of violation and shall provide two copies to the person  
6 ~~charged with~~ subject to the violation.

7 ~~(e)~~(g) Notice to report to Diversion. Upon receipt from a law enforcement  
8 officer of a summons and complaint completed under this section, the  
9 Diversion Program shall send the person a notice to report to the Diversion  
10 Program. The notice to report shall provide that:

11 (1) The person is required to complete all conditions related to the  
12 offense imposed by the Diversion Program, including substance abuse  
13 screening and, if deemed appropriate following the screening, substance abuse  
14 assessment or substance abuse counseling, or both.

15 (2) If the person does not satisfactorily complete the substance abuse  
16 screening, any required substance abuse assessment or substance abuse  
17 counseling, or any other condition related to the offense imposed by the  
18 Diversion Program, the case will be referred to the Judicial Bureau, where the  
19 person, if found liable for the violation, shall be assessed a civil penalty, the  
20 person's driver's license will be suspended, and the person's automobile  
21 insurance rates may increase substantially.

1           (3) If the person satisfactorily completes the substance abuse screening,  
2           any required substance abuse assessment or substance abuse counseling, and  
3           any other condition related to the offense imposed by the Diversion Program,  
4           no penalty shall be imposed and the person’s operator’s license shall not be  
5           suspended.

6           ~~(f)~~(h) Diversion Program requirements.

7           (1) Upon being contacted by a person who has been issued a notice of  
8           violation, the Diversion Program shall register the person in the Youth  
9           Substance Abuse Safety Program. Pursuant to the Youth Substance Abuse  
10          Safety Program, the Diversion Program shall impose conditions on the person.  
11          The conditions imposed shall include only conditions related to the offense and  
12          in every case shall include a condition requiring satisfactory completion of  
13          substance abuse screening using an evidence-based tool and, if deemed  
14          appropriate following the screening, substance abuse assessment and substance  
15          abuse education or substance abuse counseling, or both. If the screener  
16          recommends substance abuse counseling, the person shall choose a State-  
17          certified or State-licensed substance abuse counselor or substance abuse  
18          treatment provider to provide the services.

19          (2) Substance abuse screening required under this subsection shall be  
20          completed within 60 days after the Diversion Program receives a summons and

1 complaint. The person shall complete all conditions at the person's own  
2 expense.

3 (3) When a person has satisfactorily completed substance abuse  
4 screening, any required substance abuse education or substance abuse  
5 counseling, and any other condition related to the offense that the Diversion  
6 Program has imposed, the Diversion Program shall:

7 (A) Void the summons and complaint with no penalty due.

8 (B) Send copies of the voided summons and complaint to the Judicial  
9 Bureau and to the law enforcement officer who completed them. Before  
10 sending copies of the voided summons and complaint to the Judicial Bureau  
11 under this subdivision, the Diversion Program shall redact all language  
12 containing the person's name, address, Social Security number, and any other  
13 information that identifies the person.

14 (4) If a person does not satisfactorily complete substance abuse  
15 screening, any required substance abuse education or substance abuse  
16 counseling, or any other condition related to the offense imposed by the  
17 Diversion Program, the Diversion Program shall file the summons and  
18 complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29.  
19 The Diversion Program shall provide a copy of the summons and complaint to  
20 the law enforcement officer who issued the notice of violation and shall  
21 provide two copies to the person charged with the violation.

1           (5) A person aggrieved by a decision of the Diversion Program or  
2 alcohol counselor may seek review of that decision pursuant to Rule 75 of the  
3 Vermont Rules of Civil Procedure.

4           (6) Notwithstanding ~~3 V.S.A. §§ 163(a)(2)(C) and 164 (a)(2)(C)~~ any law  
5 to the contrary, the adult or juvenile diversion programs shall accept cases  
6 from the Youth Substance Awareness Safety Program pursuant to this section.  
7 The confidentiality provisions of 3 V.S.A. § 163 or 164 shall become effective  
8 when a notice of violation is issued pursuant to subsection ~~(b)(c)~~ of this section  
9 and shall remain in effect unless the person fails to register with or complete  
10 the Youth Substance Awareness Safety Program.

11           ~~(g) [Repealed.]~~

12           ~~(h)(i) Record of adjudications; confidentiality; public records exemption.~~

13           (1) Upon adjudicating a person in violation of this section, the Judicial  
14 Bureau shall notify the Commissioner of Motor Vehicles, who shall maintain a  
15 record of all such adjudications that shall be separate from the registry  
16 maintained by the Department for motor vehicle driving records. The identity  
17 of a person in the registry shall be revealed only to the following:

18           (A) a law enforcement officer determining whether the person has  
19 previously violated this section; or

1           (B) an insurance company or its third-party contractor only for the  
2           purposes of recording a license suspension issued pursuant to subdivision  
3           (b)(3) of this section.

4           (2) Except as provided in this subsection:

5           (A) All information related to a suspension issued pursuant to  
6           subdivision (b)(3) of this section shall be held strictly confidential and not  
7           released without the participant’s prior consent.

8           (B) Any records or information produced or acquired pursuant to a  
9           suspension issued pursuant to subdivision (b)(3) of this section shall be exempt  
10          from public inspection or copying under Vermont’s Public Records Act.

11          (j) Reporting. Annually, beginning on October 1, 2026, the Office of the  
12          Attorney General, and other entities as needed, shall submit a written report to  
13          the House and Senate Committees on Judiciary related to impaired driver  
14          violations under this section, containing the following, if available:

15           (1) the number of persons referred to the Youth Substance Awareness  
16          Safety Program;

17           (2) the ages of the persons referred to the Program;

18           (3) the number of persons who successfully complete the Program;

19           (4) the number of persons who fail the Program; and

20           (5) the number of persons who serve suspensions imposed by the  
21          Judicial Bureau after failing the Program.



1       Sec. 5. EFFECTIVE DATE

2           This act shall take effect on July 1, 2025.

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8           (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE