



**STATE OF VERMONT**  
OFFICE OF LEGISLATIVE COUNCIL

**Q & A for S.22 as Passed by the Senate and House**

*An act relating to eliminating penalties for possession of limited amounts of marijuana by adults 21 years of age and older*

**When will it be legal under State law to use marijuana in Vermont?**

On July 1, 2018, an adult who is 21 years of age or older legally may possess up to one ounce of marijuana and up to two mature plants and four immature plants. Any marijuana harvested from the plants does not count toward the one-ounce possession limit, provided it is stored in an indoor facility on the property where the marijuana was cultivated and reasonable precautions are taken to prevent unauthorized access to the marijuana. S.22, Sec. 4, 18 V.S.A. § 4230a(a)(1).

**Where can I consume marijuana?**

Marijuana consumption can occur in a private residence or on private property that is not subject to one of the following restrictions. Marijuana consumption is prohibited in public places such as parks, streets, sidewalks, public buildings, workplaces, hotels, restaurants, stores, schools, theaters, any place of public accommodation, and any place where the possession of a lighted tobacco product is prohibited by law. A person who violates this restriction is subject to a civil ticket of up to \$100.00 for a first offense with penalties increasing for subsequent offenses. S.22, Sec. 4, 18 V.S.A. § 4230a(a)(2)(A). Additionally, having an open container of marijuana in a motor vehicle or consuming marijuana in a motor vehicle is prohibited and violators are subject to a civil ticket ranging from \$50.00 to \$500.00. S.22, Secs. 13 and 14, 23 V.S.A. §§ 1134 and 1134a.

**What are the rules about cultivating marijuana?**

S.22 allows a person 21 years of age or older to cultivate up to two mature and four immature marijuana plants on property he or she lawfully possesses or with the consent of the person who lawfully possess the property. The marijuana must be cultivated in an enclosure that is screened from public view and is secure so that access is limited to the cultivator and persons 21 years of age or older who have permission from the cultivator. Each dwelling unit is limited to two mature and four immature marijuana plants regardless of how many persons 21 years of age or older reside in the dwelling unit. "Dwelling unit" means a building or the part of a building that is used as a primary home, residence, or sleeping place by one or more persons who maintain a household. Violations are subject to a civil ticket of not more than \$100.00 for a first offense with increasing penalties for subsequent offenses. S.22, Sec. 7, 18 V.S.A. § 4230e.

### **May I share marijuana with a friend?**

There are no penalties for dispensing an ounce or less of marijuana as long as both people are 21 years of age or older and there is no remuneration. Dispensing over one ounce or selling any amount of marijuana remains a crime. 18 V.S.A. § 4230(b).

### **Can my employer prohibit marijuana at work?**

Marijuana consumption is prohibited in any location where smoking a tobacco product is prohibited, including workplaces. S.22, Sec. 4, 18 V.S.A. § 4230a(a)(2)(A). *See* 18 V.S.A. § 1421 for definition of workplace. Additionally, the bill specifically states that an employer may prohibit possession and cultivation of marijuana in the workplace and on the employer's premises. S.22, Sec. 4, 18 V.S.A. § 4230a(e).

### **Can a landlord prohibit marijuana in a rental unit?**

S.22 does not affect existing landlord/tenant laws. A landlord may dictate the terms of marijuana possession, cultivation, and consumption by tenants on the property under the terms of the lease. S.22, Sec. 4, 18 V.S.A. § 4230a(b)(5).

### **What happens if someone under 21 is caught with marijuana?**

A person under 21 years of age who is in possession of one ounce or less of marijuana or no more than two mature and four immature marijuana plants is subject to a civil ticket and referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program. If the person fails to complete the program successfully, the court may assess a civil penalty of \$300.00 and suspend the person's driver's license for 30 days for a first offense. For second and subsequent offenses, the person is subject to a civil penalty of \$600.00 and may have their driver's license suspended for 90 days. S.22, Sec. 5, 18 V.S.A. § 4230b.

A person under 21 years of age who is in possession of more than one ounce of marijuana or more than two mature and four immature marijuana plants commits a crime or, if the person is under 18 years of age, a delinquent act, and will be punished in accordance with such laws depending on the amount possessed. S. 22, Sec. 3, 18 V.S.A. § 4230.

### **Are there penalties for providing marijuana to a person under 21 years of age?**

S.22 prohibits furnishing marijuana to a person under 21 years of age or knowingly enabling the consumption of marijuana by a person under 21 years of age. Violations are a crime punishable by up to two years imprisonment or a fine of not more than \$2,000.00, or both. S.22, Sec. 8, 18 V.S.A. § 4230g. This provision mirrors Vermont's law on furnishing or enabling alcohol consumption by a person under 21 years of age. 7 V.S.A. § 658. Additionally, under current law, a person dispensing marijuana to a minor under 18 years of age who is at least three years that person's junior is subject to a term of imprisonment of up to five years. 18 V.S.A. § 4237.

### **What is the Marijuana Regulatory Commission?**

The Commission is a temporary committee created for the purpose of “developing draft legislation that establishes a comprehensive regulatory and revenue system for an adult-use marijuana market that, when compared to the current illegal marijuana market, increases public safety and reduces harm to public health.” S.22, Sec. 17, subsection (d).

### **Who is on the Commission?**

The Commission is composed of the following nine members:

- two current members of the House of Representatives and one member of the public who all shall be appointed by the Speaker of the House;
- two current members of the Senate and one member of the public who all shall be appointed by the Committee on Committees;
- the Attorney General or designee;
- the Secretary of Agriculture, Food and Markets or designee; and
- one member appointed by the Governor. S.22, Sec. 17, subsection (c).

### **When and where will the Commission meet?**

The Commission is required to begin meeting no later than August 1, 2017 and must submit its proposal to the General Assembly and Governor by November 1, 2017. The Commission will be staffed by the nonpartisan Office of Legislative Council, which will post notice of the Commission’s meetings and agendas on the website of the General Assembly at <http://legislature.vermont.gov/>. Meetings generally will be held at the Statehouse in Montpelier and are open to the public.

### **Does this mean that Vermont will have stores that sell marijuana?**

Not without future action by the General Assembly. The Commission has no power to enact or amend the laws of Vermont. The Commission merely has been tasked with developing legislation for consideration by the General Assembly. The General Assembly may choose to not act on the proposal, enact the proposal with amendments, or go in a completely different direction. Any change in the laws to allow a regulated adult-use marijuana market must be passed by the General Assembly and approved by the Governor.