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H.422

Introduced by Representatives Colburn of Burlington, Nicoll of Ludlow,  
Campbell of St. Johnsbury, Chase of Colchester, Christie of  
Hartford, Cina of Burlington, Donnally of Hyde Park,  
Kitzmiller of Montpelier, Kornheiser of Brattleboro, Mrowicki  
of Putney, Rachelson of Burlington, Surprenant of Barnard,  
Toleno of Brattleboro, and Vyhovsky of Essex

Referred to Committee on

Date:

Subject: Regulated drugs; benchmark personal use supply; civil violations

Statement of purpose of bill as introduced: This bill proposes to establish the  
Drug Use Standards Advisory Board within the Department of Health for the  
purpose of determining the benchmark personal use dosage and the benchmark  
personal use supply for regulated drugs with a goal of preventing and reducing  
the criminalization of personal drug use. Possessing and dispensing such drugs  
in an amount not greater than the benchmark personal use supply would  
become a civil violation subject to a penalty of not more than \$50.00. The  
\$50.00 penalty will be waived if the person agrees to participate in a screening  
for substance misuse treatment and related services. A person who has been  
previously diagnosed with substance misuse disorder shall not be subject to the  
\$50.00 civil penalty upon providing evidence of the diagnosis to the court.

1 An act relating to decriminalizing possession and dispensing of a personal  
2 use supply of regulated drugs

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

4 Sec. 1. 18 V.S.A. § 4201 is amended to read:

5 § 4201. DEFINITIONS

6 As used in this chapter, unless the context otherwise requires:

7 \* \* \*

8 (6) “Depressant or stimulant drug” means:

9 (A) any drug that contains any quantity of barbituric acid or any of  
10 the salts of barbituric acid, or any derivative of barbituric acid, that is  
11 designated as habit-forming because of its effect on the central nervous system  
12 in the rules adopted by the Board of Health under section 4202 of this title;

13 (B) any drug, other than methamphetamine, that contains any  
14 quantity of amphetamine or any of its optical isomers, any salt or amphetamine  
15 or any salt of an optical isomer of amphetamine, that the Board of Health so  
16 designates by such rule as habit-forming because of its effect on the central  
17 nervous system;

18 (C) gamma hydroxybutyric acid, including its salts, isomers, or salts  
19 of isomers;

20 (D) gamma butyrolactone, including 4-butyrolactone and gamma  
21 hydroxybutyric acid lactone, including its salts, isomers, or salts of isomers,  
22 when packaged, marketed, manufactured, or intended for human consumption;



1 and whether produced directly or indirectly by extraction from substances of  
2 vegetable origin, or independently by means of chemical synthesis or by a  
3 combination of extraction and chemical synthesis, as the same are so  
4 designated in the rules adopted by the Board of Health under section 4202 of  
5 this title.

6 \* \* \*

7 (29) “Regulated drug” means:

8 (A) a narcotic drug;

9 (B) a depressant or stimulant drug, other than methamphetamine;

10 (C) a hallucinogenic drug;

11 (D) Ecstasy;

12 (E) cannabis; or

13 (F) methamphetamine.

14 \* \* \*

15 (45) “Benchmark personal use dosage” means the quantity of a drug  
16 commonly consumed over a 24-hour period for any therapeutic, medicinal, or  
17 recreational purpose.

18 (46) “Benchmark personal use supply” means the quantity of a drug  
19 commonly possessed for consumption by an individual for any therapeutic,  
20 medicinal, or recreational purpose.

1 Sec. 2. 18 V.S.A. § 4202 is amended to read:

2 § 4202. POWERS AND DUTIES OF THE BOARD OF HEALTH

3 (a) The Board of Health is authorized and empowered to adopt such rules  
4 that in its judgment may be necessary or proper to supplement the provisions  
5 of this chapter to effectuate the purposes and intent thereof or to clarify its  
6 provisions so as to provide the procedure or details to secure effective and  
7 proper enforcement of its provisions.

8 (b) These rules and determinations, when adopted, shall, until modified or  
9 rescinded, have the force and effect of law.

10 \* \* \*

11 (e) The Board of Health shall adopt rules reflecting the benchmarks  
12 recommended by the Drug Use Standards Advisory Board in accordance with  
13 section 4202a of this title.

14 Sec. 3. 18 V.S.A. § 4202a is added to read:

15 § 4202a. DRUG USE STANDARDS ADVISORY BOARD

16 (a) There is hereby created the Drug Use Standards Advisory Board  
17 established within the Department of Health composed of experts in the fields  
18 of general and behavioral health care, substance abuse treatment, and drug user  
19 communities.

20 (b) The primary objective of the Board shall be to determine, for each  
21 regulated and unregulated drug, the benchmark personal use dosage and the

1 benchmark personal use supply. The benchmarks determined pursuant to this  
2 subsection shall be determined with a goal of preventing and reducing the  
3 criminalization of personal drug use.

4 (c) The Drug Use Standards Advisory Board shall be convened and chaired  
5 by the Deputy Commissioner of Health for Alcohol and Drug Abuse Programs.

6 After receiving nominations from harm reduction service providers, the  
7 Deputy Commissioner shall appoint three consumer representatives to the  
8 Board who are experienced in drug use and consumption practices. The  
9 Deputy Commissioner and the three consumer representatives shall appoint the  
10 remaining Board members as follows:

11 (1) two representatives from harm reduction service providers;

12 (2) an expert on medication-assisted treatment programs;

13 (3) an expert on human behavior and addiction;

14 (4) an expert on substance abuse treatment;

15 (5) an expert on legal reform from the University of Vermont Law  
16 School Center for Justice Reform; and

17 (6) an academic researcher specializing in drug use or drug policy.

18 (d) On or before July 1, 2022, the Drug Use Standards Advisory Board  
19 shall provide the recommended quantities for both the benchmark personal use  
20 dosage and benchmark personal use supply for each category of regulated drug  
21 listed in subdivision 4202(29) of this title.

1       (e) The Drug Use Standards Advisory Board shall convene at least one  
2       time per year to review benchmarks established pursuant to this section and  
3       recommend any necessary amendments.

4       (f) Upon receipt of the benchmark recommendations, the Board of Health  
5       shall expeditiously adopt the benchmark recommendations through  
6       rulemaking.

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

8       § 4231. COCAINE

9       (a) Possession.

10               (1)~~(A)~~ A Except as otherwise provided in subdivision (B) of this  
11       subdivision (a)(1), a person knowingly and unlawfully possessing cocaine shall  
12       be imprisoned not more than one year or fined not more than \$2,000.00, or  
13       both.

14               (B) A person knowingly and unlawfully possessing cocaine in an  
15       amount not greater than a benchmark personal use supply shall be assessed a  
16       civil penalty of not more than \$50.00.

17               (2) A person knowingly and unlawfully possessing cocaine in an  
18       amount consisting of 2.5 grams or more of one or more preparations,  
19       compounds, mixtures, or substances containing cocaine shall be imprisoned  
20       not more than five years or fined not more than \$100,000.00, or both.

1           (3) A person knowingly and unlawfully possessing cocaine in an  
2 amount consisting of one ounce or more of one or more preparations,  
3 compounds, mixtures, or substances containing cocaine shall be imprisoned  
4 not more than 10 years or fined not more than \$250,000.00, or both.

5           (4) [Repealed.]

6           (b) Selling or dispensing.

7           (1)(A) A Except as otherwise provided in subdivision (1)(B) of this  
8 subsection (b), a person knowingly and unlawfully dispensing cocaine shall be  
9 imprisoned not more than three years or fined not more than \$75,000.00, or  
10 both.

11           (B) A person knowingly and unlawfully dispensing cocaine in an  
12 amount not greater than a benchmark personal use supply shall be assessed a  
13 civil penalty of not more than \$50.00.

14           (C) A person knowingly and unlawfully selling cocaine shall be  
15 imprisoned not more than five years or fined not more than \$100,000.00, or  
16 both.

17           (2) A person knowingly and unlawfully selling or dispensing cocaine in  
18 an amount consisting of 2.5 grams or more of one or more preparations,  
19 compounds, mixtures, or substances containing cocaine shall be imprisoned  
20 not more than 10 years or fined not more than \$250,000.00, or both.



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

5                                                           \* \* \*

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

7           § 4232. LSD

8           (a) Possession.

9           (1)(A) ~~A~~ Except as otherwise provided in subdivision (B) of this  
10           subdivision (a)(1), a person knowingly and unlawfully possessing lysergic acid  
11           diethylamide shall be imprisoned not more than one year or fined not more  
12           than \$2,000.00, or both.

13                                                           (B) A person knowingly and unlawfully possessing lysergic acid  
14           diethylamide in an amount not greater than a benchmark personal use supply  
15           shall be assessed a civil penalty of not more than \$50.00.

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 years or fined not  
20           more than \$25,000.00, or both.

1           (3) A person knowingly and unlawfully possessing lysergic acid  
2 diethylamide in an amount consisting of one gram or more of one or more  
3 preparations, compounds, mixtures, or substances containing lysergic acid  
4 diethylamide shall be imprisoned not more than 10 years or fined not more  
5 than \$100,000.00, or both.

6           (4) A person knowingly and unlawfully possessing lysergic acid  
7 diethylamide in an amount consisting of 10 grams or more of one or more  
8 preparations, compounds, mixtures, or substances containing lysergic acid  
9 diethylamide shall be imprisoned not more than 20 years or fined not more  
10 than \$500,000.00, or both.

11           (b) Selling or dispensing.

12           (1)(A) A Except as otherwise provided in subdivision (B) of this  
13 subdivision (b)(1), a person knowingly and unlawfully dispensing lysergic acid  
14 diethylamide shall be imprisoned not more than three years or fined not more  
15 than \$25,000.00, or both.

16           (B) A person knowingly and unlawfully dispensing lysergic acid  
17 diethylamide in an amount not greater than a benchmark personal use supply  
18 shall be assessed a civil penalty of not more than \$50.00.

19           (C) A person knowingly and unlawfully selling lysergic acid  
20 diethylamide shall be imprisoned not more than five years or fined not more  
21 than \$25,000.00, or both.

1           (2) A person knowingly and unlawfully selling or dispensing lysergic  
2 acid diethylamide in an amount consisting of 100 milligrams or more of one or  
3 more preparations, compounds, mixtures, or substances containing lysergic  
4 acid diethylamide shall be imprisoned not more than 10 years or fined not  
5 more than \$100,000.00, or both.

6           (3) A person knowingly and unlawfully selling or dispensing lysergic  
7 acid diethylamide in an amount consisting of one gram or more of one or more  
8 preparations, compounds, mixtures, or substances containing lysergic acid  
9 diethylamide shall be imprisoned not more than 20 years or fined not more  
10 than \$500,000.00, or both.

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

12       § 4233. HEROIN

13       (a) Possession.

14           (1)(A) ~~Except as otherwise provided in subdivision (B) of this~~  
15 subdivision (a)(1), a person knowingly and unlawfully possessing heroin shall  
16 be imprisoned not more than one year or fined not more than \$2,000.00, or  
17 both.

18           (B) A person knowingly and unlawfully possessing heroin in an  
19 amount not greater than a benchmark personal use supply shall be assessed a  
20 civil penalty of not more than \$50.00.

1           (2) A person knowingly and unlawfully possessing heroin in an amount  
2 consisting of 200 milligrams or more of one or more preparations, compounds,  
3 mixtures, or substances containing heroin shall be imprisoned not more than  
4 five years or fined not more than \$100,000.00, or both.

5           (3) A person knowingly and unlawfully possessing heroin in an amount  
6 consisting of one gram or more of one or more preparations, compounds,  
7 mixtures, or substances containing heroin shall be imprisoned not more than  
8 10 years or fined not more than \$250,000.00, or both.

9           (4) A person knowingly and unlawfully possessing heroin in an amount  
10 consisting of two grams or more of one or more preparations, compounds,  
11 mixtures, or substances containing heroin shall be imprisoned not more than  
12 20 years or fined not more than \$1,000,000.00, or both.

13           (b) Selling or dispensing.

14           (1)(A) ~~A~~ Except as otherwise provided in subdivision (B) of this  
15 subdivision (b)(1), a person knowingly and unlawfully dispensing heroin shall  
16 be imprisoned not more than three years or fined not more than \$75,000.00, or  
17 both.

18           (B) A person knowingly and unlawfully dispensing heroin in an  
19 amount not greater than a benchmark personal use supply shall be assessed a  
20 civil penalty of not more than \$50.00.

1           (C) A person knowingly and unlawfully selling heroin shall be  
2 imprisoned not more than five years or fined not more than \$100,000.00, or  
3 both.

4           (2) A person knowingly and unlawfully selling or dispensing heroin in  
5 an amount consisting of 200 milligrams or more of one or more preparations,  
6 compounds, mixtures, or substances containing heroin shall be imprisoned not  
7 more than 10 years or fined not more than \$250,000.00, or both.

8           (3) A person knowingly and unlawfully selling or dispensing heroin in  
9 an amount consisting of one gram or more of one or more preparations,  
10 compounds, mixtures, or substances containing heroin shall be imprisoned not  
11 more than 20 years or fined not more than \$1,000,000.00, or both.

12                                                                   \* \* \*

13       Sec. 7. 18 V.S.A. § 4234 is amended to read:

14       § 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

15           (a) Possession.

16           (1)(A) ~~A~~ Except as otherwise provided in subdivision (B) of this  
17 subdivision (a)(1), a person knowingly and unlawfully possessing a depressant,  
18 stimulant, or narcotic drug, other than heroin or cocaine, shall be imprisoned  
19 not more than one year or fined not more than \$2,000.00, or both.

20           (B) A person knowingly and unlawfully possessing a depressant,  
21 stimulant, or narcotic drug, other than heroin or cocaine, in an amount not

1 greater than a benchmark personal use supply shall be assessed a civil penalty  
2 of not more than \$50.00.

3 (2) A person knowingly and unlawfully possessing a depressant,  
4 stimulant, or narcotic drug, other than heroin or cocaine, consisting of 100  
5 times a benchmark unlawful dosage or its equivalent as determined by the  
6 Board of Health by rule shall be imprisoned not more than five years or fined  
7 not more than \$25,000.00, or both.

8 (3) A person knowingly and unlawfully possessing a depressant,  
9 stimulant, or narcotic drug, other than heroin or cocaine, consisting of 1,000  
10 times a benchmark unlawful dosage or its equivalent as determined by the  
11 Board of Health by rule shall be imprisoned not more than 10 years or fined  
12 not more than \$100,000.00, or both.

13 (4) A person knowingly and unlawfully possessing a depressant,  
14 stimulant, or narcotic drug, other than heroin or cocaine, consisting of 10,000  
15 times a benchmark unlawful dosage or its equivalent as determined by the  
16 Board of Health by rule shall be imprisoned not more than 20 years or fined  
17 not more than \$500,000.00, or both.

18 (b) Selling or dispensing.

19 (1)(A) ~~A~~ Except as otherwise provided in subdivision (B) of this  
20 subdivision (b)(1), a person knowingly and unlawfully dispensing a  
21 depressant, stimulant, or narcotic drug, other than fentanyl, heroin, or cocaine,

1 shall be imprisoned not more than three years or fined not more than  
2 \$75,000.00, or both.

3 (B) A person knowingly and unlawfully dispensing a depressant,  
4 stimulant, or narcotic drug, other than fentanyl, heroin, or cocaine, in an  
5 amount not greater than a benchmark personal use supply shall be assessed a  
6 civil penalty of not more than \$50.00.

7 (C) A person knowingly and unlawfully selling a depressant,  
8 stimulant, or narcotic drug, other than fentanyl, cocaine, or heroin, shall be  
9 imprisoned not more than five years or fined not more than \$25,000.00, or  
10 both.

11 (2) A person knowingly and unlawfully selling or dispensing a  
12 depressant, stimulant, or narcotic drug, other than fentanyl, heroin, or cocaine,  
13 consisting of 100 times a benchmark unlawful dosage or its equivalent as  
14 determined by the Board of Health by rule shall be imprisoned not more than  
15 10 years or fined not more than \$100,000.00, or both.

16 (3) A person knowingly and unlawfully selling or dispensing a  
17 depressant, stimulant, or narcotic drug, other than fentanyl, heroin, or cocaine,  
18 consisting of 1,000 times a benchmark unlawful dosage or its equivalent as  
19 determined by the Board of Health by rule shall be imprisoned not more than  
20 20 years or fined not more than \$500,000.00, or both.

1 Sec. 8. 18 V.S.A. § 4234a is amended to read:

2 § 4234a. METHAMPHETAMINE

3 (a) Possession.

4 (1)(A) ~~A~~ Except as otherwise provided in subdivision (B) of this  
5 subdivision (a)(1), a person knowingly and unlawfully possessing  
6 methamphetamine shall be imprisoned not more than one year or fined not  
7 more than \$2,000.00, or both.

8 (B) A person knowingly and unlawfully possessing  
9 methamphetamine in an amount not greater than a benchmark personal use  
10 supply shall be assessed a civil penalty of not more than \$50.00.

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

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



1 (b) Selling and dispensing.

2 (1)(A) A Except as otherwise provided in subdivision (B) of this  
3 subdivision (b)(1), a person knowingly and unlawfully dispensing  
4 methamphetamine shall be imprisoned not more than three years or fined not  
5 more than \$75,000.00, or both.

6 (B) A person knowingly and unlawfully dispensing  
7 methamphetamine in an amount not greater than a benchmark personal use  
8 supply shall be assessed a civil penalty of not more than \$50.00.

9 (C) A person knowingly and unlawfully selling methamphetamine  
10 shall be imprisoned not more than five years or fined not more than  
11 \$100,000.00, or both.

12 (2) A person knowingly and unlawfully selling or dispensing  
13 methamphetamine in an amount consisting of 2.5 grams or more of one or  
14 more preparations, compounds, mixtures, or substances containing  
15 methamphetamine shall be imprisoned not more than 10 years or fined not  
16 more than \$250,000.00, or both.

17 (3) A person knowingly and unlawfully selling or dispensing  
18 methamphetamine in an amount consisting of 25 grams or more of one or more  
19 preparations, compounds, mixtures, or substances containing  
20 methamphetamine shall be imprisoned not more than 20 years or fined not  
21 more than \$1,000,000.00, or both.

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

§ 4234b. EPHEDRINE AND PSEUDOEPHEDRINE

(a) Possession.

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

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

(A) if the offense involves possession of not greater than a benchmark personal use supply, shall be assessed a civil penalty of not more than \$50.00.

(B) if the offense involves possession of less than nine grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base, shall be imprisoned not more than one year or fined not more than \$2,000.00, or both;

~~(B)~~(C) if the offense involves possession of nine or more grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base, shall be imprisoned not more than five years or fined not more than \$100,000.00, or both.

\* \* \*

1 Sec. 10. 18 V.S.A. § 4235 is amended to read:

2 § 4235. HALLUCINOGENIC DRUGS

3 (a) “Dose” of a hallucinogenic drug means that minimum amount of a  
4 hallucinogenic drug, not commonly used for therapeutic purposes, ~~which~~ that  
5 causes a substantial hallucinogenic effect. The Board of Health shall adopt  
6 rules ~~which~~ that establish doses for hallucinogenic drugs. The Board may  
7 incorporate, where applicable, dosage calculations or schedules, whether  
8 described as “dosage equivalencies” or otherwise, established by the federal  
9 government.

10 (b) Possession.

11 (1)(A) ~~A~~ Except as otherwise provided in subdivision (B) of this  
12 subdivision (b)(1), a person knowingly and unlawfully possessing a  
13 hallucinogenic drug, other than lysergic acid diethylamide, shall be imprisoned  
14 not more than one year or fined not more than \$2,000.00, or both.

15 (B) A person knowingly and unlawfully possessing a hallucinogenic  
16 drug, other than lysergic acid diethylamide, in an amount not greater than a  
17 benchmark personal use supply shall be assessed a civil penalty of not more  
18 than \$50.00.

19 (2) A person knowingly and unlawfully possessing 10 or more doses of  
20 a hallucinogenic drug, other than lysergic acid diethylamide, shall be

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

3 (3) A person knowingly and unlawfully possessing 100 or more doses of  
4 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 (4) A person knowingly and unlawfully possessing 1,000 or more doses  
8 of a hallucinogenic drug, other than lysergic acid diethylamide, shall be  
9 imprisoned not more than 15 years or fined not more than \$500,000.00, or  
10 both.

11 (c) Selling or dispensing.

12 (1)(A) A Except as otherwise provided in subdivision (B) of this  
13 subdivision (c)(1), a person knowingly and unlawfully dispensing a  
14 hallucinogenic drug, other than lysergic acid diethylamide, shall be imprisoned  
15 not more than three years or fined not more than \$25,000.00, or both.

16 (B) A person knowingly and unlawfully dispensing a hallucinogenic  
17 drug, other than lysergic acid diethylamide, in an amount not greater than a  
18 benchmark personal use supply shall be assessed a civil penalty of not more  
19 than \$50.00.

1           (C) A person knowingly and unlawfully selling a hallucinogenic  
2 drug, other than lysergic acid diethylamide, shall be imprisoned not more than  
3 five years or fined not more than \$25,000.00, or both.

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

8           (3) A person knowingly and unlawfully selling or dispensing 100 or  
9 more doses of a hallucinogenic drug, other than lysergic acid diethylamide,  
10 shall be imprisoned not more than 15 years or fined not more than  
11 \$500,000.00, or both.

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

13       § 4235a. ECSTASY

14       (a) Possession.

15           (1)(A) ~~A~~ Except as otherwise provided in subdivision (B) of this  
16 subdivision (a)(1), a person knowingly and unlawfully possessing Ecstasy shall  
17 be imprisoned not more than one year or fined not more than \$2,000.00, or  
18 both.

19           (B) A person knowingly and unlawfully possessing Ecstasy in an  
20 amount not greater than a benchmark personal use supply shall be assessed a  
21 civil penalty of not more than \$50.00.

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

5           (3) A person knowingly and unlawfully possessing Ecstasy in an  
6 amount consisting of 20 grams or more of one or more preparations,  
7 compounds, mixtures, or substances containing Ecstasy shall be imprisoned  
8 not more than 10 years or fined not more than \$100,000.00, or both.

9           (4) A person knowingly and unlawfully possessing Ecstasy in an  
10 amount consisting of seven ounces or more of one or more preparations,  
11 compounds, mixtures, or substances containing Ecstasy shall be imprisoned  
12 not more than 20 years or fined not more than \$500,000.00, or both.

13           (b) Selling or dispensing.

14           (1)(A) ~~A~~ Except as otherwise provided in subdivision (B) of this  
15 subdivision (b)(1), a person knowingly and unlawfully dispensing Ecstasy  
16 shall be imprisoned not more than three years or fined not more than  
17 \$25,000.00, or both.

18           (B) A person knowingly and unlawfully dispensing Ecstasy in an  
19 amount not greater than a benchmark personal use supply shall be assessed a  
20 civil penalty of not more than \$50.00.

1           (C) A person knowingly and unlawfully selling Ecstasy shall be  
2 imprisoned not more than five years or fined not more than \$25,000.00, or  
3 both.

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

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

12 Sec. 12. 18 V.S.A. § 4235b is added to read:

13 § 4235b. HEALTH NEEDS SCREENING; WAIVER OF CIVIL

14 PENALTIES

15 (a) A person who is cited pursuant to this chapter for a civil violation  
16 relating to possessing or dispensing not greater than the benchmark personal  
17 use supply of a regulated drug shall be offered a comprehensive health needs  
18 screening. A law enforcement officer who issues the notice of violation shall  
19 provide the person with information for participating in a screening from the  
20 VT Helplink Alcohol and Drug Support Center. A person who completes the  
21 screening shall not be subject to the \$50.00 civil penalty.

1       (b) VT Helplink shall develop a standard referral form for screenings. A  
2       law enforcement officer shall provide the form to the person with a copy of the  
3       summons and complaint.

4       (c) To receive the waiver of the penalty, the person shall contact VT  
5       Helplink within 15 days of the issuance of the summons and complaint to  
6       schedule the screening. The screening shall be completed within 15 days of  
7       the person contacting VT Helplink pursuant to this section. Completion of the  
8       health screening shall not be deemed an admission of any kind by the  
9       defendant, and the court shall not make any legal findings based on the  
10       issuance of the notice of violation. Upon completion of the screening, VT  
11       Helplink shall provide confirmation of participation to the person and to the  
12       Judicial Bureau. The court shall waive the penalty within 15 days of receipt of  
13       the confirmation of participation in the health screening.

14       (d) A person who is cited pursuant to this chapter for a civil violation  
15       relating to possessing or dispensing not greater than the benchmark personal  
16       use supply of a regulated drug shall not be required to pay the \$50.00 civil  
17       penalty if the person has been previously diagnosed with substance misuse  
18       disorder. To receive a waiver of the penalty, the person shall provide written  
19       confirmation of the diagnosis from the person's health care provider to the  
20       Judicial Bureau within 15 days of the issuance of the summons and complaint.



1 Sec. 13. 4 V.S.A. § 1102 is amended to read:

2 § 1102. JUDICIAL BUREAU; JURISDICTION

3 \* \* \*

4 (b) The Judicial Bureau shall have jurisdiction of the following matters:

5 \* \* \*

6 (30) Violations of 18 V.S.A. chapter 81, subchapter 1, relating to  
7 possessing or dispensing not greater than the benchmark personal use supply of  
8 a regulated drug.

9 Sec. 14. EFFECTIVE DATES

10 (a) This section and Secs. 1 (definitions), 2 (Board of Health), and 3 (Drug  
11 Use Standards Advisory Board) shall take effect on passage.

12 (b) Secs. 4–13 shall take effect on January 1, 2023.