

1 S.300

2 Introduced by Senators Vyhovsky, Bray, Clarkson, Gulick, Hashim,

3 MacDonald, McCormack, Perchlik, Ram Hinsdale, Watson,

4 White and Wrenner

5 Referred to Committee on

6 Date:

7 Subject: Regulated drugs; possessing and dispensing a benchmark personal use

8 supply; special funds for substance use, harm reduction and support

9 Statement of purpose of bill as introduced: This bill proposes to establish a

10 Community Care, Health, and Safety Fund to provide grants for the

11 establishment and operation of community-based services intended to reduce

12 the harms of drug use and meet the needs of persons suffering from substance

13 use disorder; designates 40 percent of the cannabis excise tax and a portion of

14 the monies from the Opioid Abatement Special Fund for the Community Care,

15 Health, and Safety Fund; eliminates criminal penalties for possessing and

16 dispensing a personal use supply of drugs; requires that a person found to be

17 possessing or dispensing an amount of a personal-use quantity of a regulated

18 drug be provided information and access to available services and authorizes

19 the provision of monetary-equivalent incentives for participation in a needs

20 assessment; and establishes the Drug Use Health and Safety Advisory Board

21 for the purpose of determining the benchmark personal use supply for

1 regulated drugs with a goal of preventing and reducing the criminalization of
2 personal drug use and to distribute grants from the Community Care, Health,
3 and Safety Fund.

4 An act relating to funding support services for persons who use drugs and
5 eliminating misdemeanor criminal penalties for possessing or dispensing a
6 personal use drug supply

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

8 Sec. 1. FINDINGS

9 The General Assembly finds that:

10 (1) Fatal and nonfatal drug overdoses in Vermont are an urgent public
11 health crisis, with rates of overdose deaths rising sharply in recent years. Drug
12 overdose reportedly killed 264 Vermonters in 2022 and drug toxicity deaths
13 have increased by over 500 percent since 2010.

14 (2) Nonfatal opioid overdose emergency department visits have also
15 been increasing. From 2018 to 2021, 1,631 individuals visited an emergency
16 department for an opioid overdose.

17 (3) Research has consistently shown that public health strategies are
18 effective at reducing overdose deaths, reducing the transmission of infectious
19 diseases, and improving health outcomes for individuals who use drugs.

20 (4) Investments in criminal justice approaches have proven ineffective
21 in reducing overdose. Despite more than 10,000 arrests for drug possession

1 offenses since 2010, fatal drug overdoses have continued to rise during this
2 period.

3 (5) The medical and public understanding that addiction is a chronic
4 brain disease has increased in recent years, yet Vermont's laws have continued
5 to reflect a punitive criminal justice model that has been ineffective in
6 improving public health and has itself caused extensive harm.

7 (6) The criminalization of drug use has profoundly negative impacts on
8 individuals, families, and communities. The stigma of a criminal arrest or
9 conviction often results in detrimental physical, psychological, and economic
10 impacts on the lives of those arrested. Involvement in the criminal legal
11 system can interfere with employment, housing, educational opportunities, and
12 professional licensing and lead to burdensome debt from fines. According to a
13 2020 report by the Brennan Center for Justice, individuals convicted of a
14 misdemeanor have their annual earnings reduced by an average of 16 percent.

15 (7) Studies have also repeatedly found that periods of incarceration
16 substantially increase the risk of fatal overdose. Within the first two weeks of
17 release from incarceration, an individual is substantially more likely to die
18 from a fatal overdose than a person who was not detained.

19 (8) Criminalizing drug use and possession reduces the amount of
20 resources available for harm reduction and treatment services, deters people
21 from accessing available services due to fear of arrest, and compounds the

1 social barriers and traumas often contributing to substance use disorder.

2 Arrests and prosecutions can further traumatize individuals who were
3 previously experiencing pain or suffering from prior traumatic events or
4 circumstances.

5 (9) Enforcement of the drug laws in Vermont, as well as nationally, falls
6 disproportionately on persons of color despite similar rates in usage and sale of
7 drugs. Prior to Vermont's legalization of cannabis in 2018, Black persons
8 were six times more likely to be arrested for cannabis possession than White
9 persons. A 2021 study conducted by the Council for State Governments found
10 that between 2014 and 2019, Black persons in Vermont were 14 times more
11 likely than White persons to be defendants in a felony drug case and
12 18 percentage points more likely than White persons to be sentenced to
13 incarceration for a felony drug offense.

14 (10) A health-based approach to drugs, prioritizing the expansion of
15 harm reduction services and on-demand access to evidence-based treatment,
16 rather than the traditional criminal justice model, has proven to be more
17 effective at preventing opioid deaths and drug-related injuries, reducing the
18 spread of HIV and Hepatitis C and improving health outcomes for persons who
19 use drugs. In particular, harm reduction interventions such as drug-checking
20 services and overdose prevention centers have been implemented throughout
21 the world with demonstrated success in saving lives, providing greater stability

1 and facilitating access to health care and services for participants, while also
2 significantly benefitting surrounding communities.

3 (11) Harm reduction services, including overdose prevention centers and
4 drug-checking programs, have been shown to be highly effective in reducing
5 the risk that a drug overdose will become fatal and in improving health
6 outcomes for participants.

7 (12) Throughout the last decade in Vermont, the approach to drugs has
8 gradually shifted toward policies focused on prevention, treatment, and harm
9 reduction rather than punishment. In recent years, the General Assembly has
10 enacted legislation decriminalizing possession of the opiate disorder treatment
11 drug buprenorphine, granting immunity from prosecution for possession of
12 drugs for a person who seeks assistance for themselves or another who is
13 experiencing an overdose, supporting the establishment of drug-checking
14 services, providing widespread access to naloxone to treat opiate overdoses in
15 an emergency, and supporting other harm reduction interventions such as
16 syringe service programs.

17 (13) Eliminating criminal penalties for possessing personal use amounts
18 of regulated drugs would continue this progress in shifting toward a fully
19 public-health approach to drug use and addiction by helping eliminate barriers
20 for those who need supportive services. The elimination of criminal penalties
21 removes the fear of arrest, which drives many people to hide their substance

1 use, consume drugs alone in dangerous circumstances, and avoid seeking help
2 from health care systems and harm reduction providers. Such a strategic shift
3 will also allow Vermont to redirect money and resources from prosecution and
4 incarceration toward prevention, harm reduction strategies, and addiction
5 services, affording better outcomes for all Vermonters.

6 Sec. 2. 18 V.S.A. § 4201 is amended to read:

7 § 4201. DEFINITIONS

8 As used in this chapter:

9 * * *

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

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

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

20 (C) gamma hydroxybutyric acid, including its salts, isomers, or salts
21 of isomers;

1 manufacture, salt, alkaloid, or derivative, and every substance neither
2 chemically nor physically distinguishable from them, and preparations
3 containing such drugs or their derivatives, by whatever trade name identified
4 and whether produced directly or indirectly by extraction from substances of
5 vegetable origin, or independently by means of chemical synthesis or by a
6 combination of extraction and chemical synthesis, as the same are so
7 designated in the rules adopted by the Board of Health under section 4202 of
8 this title.

9 * * *

10 (29) “Regulated drug” means:

11 (A) a narcotic drug;

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

13 (C) a hallucinogenic drug;

14 (D) Ecstasy;

15 (E) cannabis; or

16 (F) methamphetamine.

17 * * *

18 (46) “Benchmark unlawful dosage” means the maximum recommended
19 therapeutic dose, or maximum daily dose, as determined by the Department by
20 rule.

21 * * *

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

3 (b) The primary objectives of the Drug Use Health and Safety Advisory
4 Board shall be:

5 (1) to determine, for each regulated and unregulated drug, the
6 benchmark personal use supply. The benchmarks determined pursuant to this
7 subsection shall be determined with a goal of preventing and reducing the
8 criminalization of personal drug use; and

9 (2) to distribute and provide oversight of grant funding from the
10 Community Care, Health, and Safety Fund.

11 (c) The Drug Use Health and Safety Advisory Board shall be composed of
12 the following 13 members:

13 (1) two consumer representatives who have lived experience in drug use
14 and consumption practices; two representatives from harm reduction service
15 providers; one expert on substance use disorder treatment and recovery, which
16 may include a medical practitioner providing medication-assisted treatment;
17 and one academic expert specializing in human behavior, addiction, and drug
18 policy, appointed by the Senate Committee on Committees;

19 (2) two consumer representatives who have lived experience in drug use
20 and consumption practices; two representatives from harm reduction service
21 providers; one expert on substance use disorder treatment and recovery, which

1 may include a medical practitioner providing medication-assisted treatment;
2 and one academic expert specializing in human behavior, addiction, and drug
3 policy, appointed by the Speaker of the House; and

4 (3) an expert on legal reform appointed by the Center for Justice Reform
5 at Vermont Law and Graduate School.

6 (d) Upon convening, the members of the Drug Use Health and Safety
7 Advisory Board shall elect a chair by majority vote and shall fill any vacancy
8 of the Chair by the same. A majority of members shall constitute a quorum.

9 (e) On or before January 1, 2026, the Drug Use Health and Safety Advisory
10 Board shall provide the recommended quantities for benchmark personal use
11 supply for each category of regulated drug listed in subdivision 4201(29) of
12 this title.

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

20 (g) Upon receipt of the benchmark recommendations, the Department of
21 Health shall expeditiously adopt the benchmark recommendations through

1 rulemaking. The Department shall initiate rulemaking not later than 90 days
2 following the receipt of recommendations from the Advisory Board.

3 Sec. 5. 18 V.S.A. § 4231 is amended to read:

4 § 4231. COCAINE

5 (a) Possession.

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

10 (B) A person knowingly and unlawfully possessing cocaine in an
11 amount equal to or less than a benchmark personal use supply shall not be
12 subject to a criminal or civil penalty but shall be provided health needs
13 screening information pursuant to section 4240a of this title.

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

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

1 (4) [Repealed.]

2 (b) Selling or dispensing.

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

7 (B) A person knowingly and unlawfully dispensing cocaine in an
8 amount equal to or less than a benchmark personal use supply shall not be
9 subject to a criminal or civil penalty but shall be provided health needs
10 screening information pursuant to section 4240a of this title.

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

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

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

1 (c)(1) Trafficking. A person knowingly and unlawfully possessing cocaine
2 in an amount consisting of 150 grams or more of one or more preparations,
3 compounds, mixtures, or substances containing cocaine with the intent to sell
4 or dispense the cocaine shall be imprisoned not more than 30 years or fined not
5 more than \$1,000,000.00, or both. There shall be a permissive inference that a
6 person who possesses cocaine in an amount consisting of 150 grams or more of
7 one or more preparations, compounds, mixtures, or substances containing
8 cocaine intends to sell or dispense the cocaine. The amount of possessed
9 cocaine under this subdivision to sustain a charge of conspiracy under
10 13 V.S.A. § 1404 shall be ~~no~~ not less than 400 grams in the aggregate.

11 ~~(2) A person knowingly and unlawfully possessing crack cocaine in an~~
12 ~~amount consisting of 60 grams or more of one or more preparations,~~
13 ~~compounds, mixtures, or substances containing crack cocaine with the intent to~~
14 ~~sell or dispense the crack cocaine shall be imprisoned not more than 30 years~~
15 ~~or fined not more than \$1,000,000.00, or both. There shall be a permissive~~
16 ~~inference that a person who possesses crack cocaine in an amount consisting of~~
17 ~~60 grams or more of one or more preparations, compounds, mixtures, or~~
18 ~~substances containing crack cocaine intends to sell or dispense the crack~~
19 ~~cocaine.~~

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

2 § 4232. LSD

3 (a) Possession.

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

8 (B) A person knowingly and unlawfully possessing lysergic acid
9 diethylamide in an amount equal to or less than a benchmark personal use
10 supply shall not be subject to a criminal or civil penalty but shall be provided
11 health needs screening information pursuant to section 4240a of this title.

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

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

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

6 (b) Selling or dispensing.

7 (1)~~(A)~~ A Except as otherwise provided in subdivision (B) of this
8 subdivision (1), a person knowingly and unlawfully dispensing lysergic acid
9 diethylamide shall be imprisoned not more than three years or fined not more
10 than \$25,000.00, or both.

11 (B) A person knowingly and unlawfully dispensing lysergic acid
12 diethylamide in an amount equal to or less than a benchmark personal use
13 supply shall not be subject to a criminal or civil penalty but shall be provided
14 health needs screening information pursuant to section 4240a of this title.

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

18 (2) A person knowingly and unlawfully selling or dispensing lysergic
19 acid diethylamide in an amount consisting of 100 milligrams or more of one or
20 more preparations, compounds, mixtures, or substances containing lysergic

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

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

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

9 § 4233. HEROIN

10 (a) Possession.

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

14 (B) A person knowingly and unlawfully possessing heroin in an
15 amount equal to or less than a benchmark personal use supply shall not be
16 subject to a criminal or civil penalty but shall be provided health needs
17 screening information pursuant to section 4240a of this title.

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

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

5 (4) A person knowingly and unlawfully possessing heroin in an amount
6 consisting of two grams or more of one or more preparations, compounds,
7 mixtures, or substances containing heroin shall be imprisoned not more than
8 20 years or fined not more than \$1,000,000.00, or both.

9 (b) Selling or dispensing.

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

14 (B) A person knowingly and unlawfully dispensing heroin in an
15 amount equal to or less than a benchmark personal use supply shall not be
16 subject to a criminal or civil penalty but shall be provided health needs
17 screening information pursuant to section 4240a of this title.

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

1 or less than a benchmark personal use supply shall not be subject to a criminal
2 or civil penalty but shall be provided health needs screening information
3 pursuant to section 4240a of this title. For buprenorphine, this subdivision
4 (1)(C) shall apply to an amount of more than 224 milligrams and an amount
5 equal to or less than a benchmark personal use supply.

6 (2) A person knowingly and unlawfully possessing a depressant,
7 stimulant, or narcotic drug, other than heroin or cocaine, consisting of
8 100 times a benchmark unlawful dosage or its equivalent shall be imprisoned
9 not more than five years or fined not more than \$25,000.00, or both.

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

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

19 (b) Selling or dispensing.

20 (1)(A) ~~A~~ Except as otherwise provided in subdivision (B) of this
21 subdivision (1), a person knowingly and unlawfully dispensing a depressant,

1 stimulant, or narcotic drug, other than fentanyl, heroin, or cocaine, shall be
2 imprisoned not more than three years or fined not more than \$75,000.00, or
3 both.

4 (B) A person knowingly and unlawfully dispensing a depressant,
5 stimulant, or narcotic drug, other than fentanyl, heroin, or cocaine, in an
6 amount less than a benchmark personal use supply shall not be subject to a
7 criminal or civil penalty but shall be provided health needs screening
8 information pursuant to section 4240a of this title.

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

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

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

18 (1) Except as provided in subdivision (2) of this subsection, a person
19 under 21 years of age who knowingly and unlawfully possesses
20 224 milligrams or less of buprenorphine commits a civil violation and shall be
21 subject to the provisions of section 4230b of this title.

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

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

5 § 4234a. METHAMPHETAMINE

6 (a) Possession.

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

11 (B) A person knowingly and unlawfully possessing
12 methamphetamine in an amount equal to or less than a benchmark personal use
13 supply shall not be subject to a criminal or civil penalty but shall be provided
14 health needs screening information pursuant to section 4240a of this title.

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

20 (3) A person knowingly and unlawfully possessing methamphetamine in
21 an amount consisting of 25 grams or more of one or more preparations,

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

4 (b) Selling and dispensing.

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

9 (B) A person knowingly and unlawfully dispensing
10 methamphetamine in an amount equal to or less than a benchmark personal use
11 supply shall not be subject to a criminal or civil penalty but shall be provided
12 health needs screening information pursuant to section 4240a of this title.

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

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

1 imprisoned not more than one year or fined not more than \$2,000.00, or both;

2 or

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

7 * * *

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

9 § 4235. HALLUCINOGENIC DRUGS

10 (a) “Dose” of a hallucinogenic drug means that minimum amount of a
11 hallucinogenic drug, not commonly used for therapeutic purposes, ~~which~~ that
12 causes a substantial hallucinogenic effect. The Board of Health shall adopt
13 rules ~~which~~ that establish doses for hallucinogenic drugs. The Board may
14 incorporate, where applicable, dosage calculations or schedules, whether
15 described as “dosage equivalencies” or otherwise, established by the federal
16 government.

17 (b) Possession.

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

1 (B) A person knowingly and unlawfully possessing a hallucinogenic
2 drug, other than lysergic acid diethylamide, in an amount equal to or less than
3 a benchmark personal use supply shall not be subject to a criminal or civil
4 penalty but shall be provided health needs screening information pursuant to
5 section 4240a of this title.

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

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

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

18 (c) Selling or dispensing.

19 (1)(A) ~~A~~ Except as otherwise provided in subdivision (B) of this
20 subdivision (1), a person knowingly and unlawfully dispensing a

1 hallucinogenic drug, other than lysergic acid diethylamide, shall be imprisoned
2 not more than three years or fined not more than \$25,000.00, or both.

3 (B) A person knowingly and unlawfully dispensing a hallucinogenic
4 drug, other than lysergic acid diethylamide, in an amount equal to or less than
5 a benchmark personal use supply shall not be subject to a criminal or civil
6 penalty but shall be provided health needs screening information pursuant to
7 section 4240a of this title.

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

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

15 (3) A person knowingly and unlawfully selling or dispensing 100 or
16 more doses of a hallucinogenic drug, other than lysergic acid diethylamide,
17 shall be imprisoned not more than 15 years or fined not more than
18 \$500,000.00, or both.

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

20 § 4235a. ECSTASY

21 (a) Possession.

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

5 (B) A person knowingly and unlawfully possessing Ecstasy in an
6 amount equal to or less than a benchmark personal use supply shall not be
7 subject to a criminal or civil penalty but shall be provided health needs
8 screening information pursuant to section 4240a of this title.

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

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

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

21 (b) Selling or dispensing.

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

5 (B) A person knowingly and unlawfully dispensing Ecstasy in an
6 amount equal to or less than a benchmark personal use supply shall not be
7 subject to a criminal or civil penalty but shall be provided health needs
8 screening information pursuant to section 4240a of this title.

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

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

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

1 Sec. 13. 18 V.S.A. § 4240b is added to read:

2 § 4240b. HEALTH NEEDS SCREENING

3 (a) A person who is in contact with law enforcement or emergency
4 response personnel and determined to be in possession or dispensing a quantity
5 not greater than the benchmark personal use supply of a regulated drug shall be
6 offered a comprehensive health needs screening and provided contact
7 information for locally available harm reduction service providers from the VT
8 Helplink Alcohol and Drug Support Center. A person who completes the
9 screening shall be eligible to receive a gift card with a retail value of \$50.00.

10 (b) VT Helplink shall develop a standard referral form for screenings. A
11 law enforcement officer shall provide the referral form to any person
12 possessing or dispensing an amount of a regulated drug not greater than the
13 benchmark personal use supply of such drug.

14 (c) Completion or participation in a health screening pursuant to this
15 section shall not be deemed an admission of any kind by the person
16 participating in such screening and shall not be admissible as evidence in any
17 court proceeding.

18 Sec. 14. 18 V.S.A. § 4240c added to read:

19 § 4240c. SUBSTANCE PREVENTION AND SUPPORT SPECIAL FUNDS

20 (a) Substance Use Prevention Special Fund.

1 (1) Creation. There is established the Substance Use Prevention Special
2 Fund to be administered by the Department of Health in accordance with
3 32 V.S.A. chapter 7, subchapter 5.

4 (2) Purpose. Appropriations from the Substance Use Prevention Special
5 Fund shall only be used to fund substance use prevention programming.

6 (3) Revenue. The Substance Use Prevention Special Fund shall consist
7 of 30 percent of the revenues raised by the cannabis excise tax imposed by
8 32 V.S.A. § 7902, not to exceed \$10,000,000.00 per fiscal year.

9 (b) Community Care, Health, and Safety Special Fund.

10 (1) Creation. There is established the Community Care, Health, and
11 Safety Special Fund to be administered by the Department of Health in
12 accordance with 32 V.S.A. chapter 7, subchapter 5.

13 (2) Purpose. Appropriations from the Community Care, Health, and
14 Safety Special Fund shall only be used to provide grants and funding to
15 organizations and service providers in this State to increase voluntary access to
16 care for individuals with substance use-related health needs, as set forth in this
17 subdivision.

18 (A) Grants from the Community Care, Health, and Safety Special
19 Fund shall be issued by the Department of Health, based on the
20 recommendations of the Drug Use Health and Safety Advisory Board, on an
21 annual basis for the following services and any other related services necessary

1 to meet the needs of all individuals with substance use-related health needs
2 who voluntarily seek services in any county in the State:

3 (i) The establishment and operation of a network of community
4 care resource centers to provide health and harm reduction services. A
5 resource center may be a new facility or an expansion of an existing facility. A
6 resource center shall provide, to the extent possible, all of the following:

7 (I) immediate screening of the acute needs of persons who use
8 drugs and linkage to appropriate services;

9 (II) health needs screenings, as developed in accordance with
10 section 4240b of this title, that shall be made available in person and through
11 telephonic and electronic means;

12 (III) individual health needs planning that prioritizes the self-
13 identified needs of the individual and may address the individual's need and
14 desire for substance use disorder treatment, care for co-occurring health
15 conditions, housing, employment and training, childcare, and other services;

16 (IV) a drop-in facility that provides a welcoming environment
17 for individuals who may be intoxicated to receive care, nutrition, hydration,
18 hygiene services, and clothing;

19 (V) services and education focusing on reducing the potential
20 harm of drug use, including overdose prevention education, access to naloxone

1 hydrochloride and sterile syringes, stimulant-specific drug education and
2 outreach, and drug checking;

3 (VI) direct connection to short-term accommodations for
4 individuals who are awaiting admission to or coordination of higher levels of
5 care; and

6 (VII) direct handoffs to and coordinated care with other
7 services.

8 (ii) Intensive case management for individuals with substance use-
9 related health needs to connect individuals to care as necessary and as desired
10 by the individual.

11 (iii) Ongoing peer counseling, support, and recovery services for
12 individuals with substance use-related health needs, as well as peer outreach
13 workers to engage directly with communities that could potentially benefit
14 from services.

15 (iv) Services and education focusing on reducing the potential
16 harm of drug use, including overdose prevention education; access to
17 naloxone, hydrochloride, and sterile syringes; stimulant-specific drug
18 education and outreach; drug-checking services; and, if otherwise authorized,
19 overdose prevention centers.

20 (v) Low-barrier substance use disorder treatment that is not
21 abstinence-based.

1 (vi) Medications for substance use disorder, including mobile and
2 remote access to telehealth for consultations and prescribing.

3 (vii) Medically managed withdrawal services.

4 (viii) Recovery community centers.

5 (ix) Non-law enforcement mobile outreach teams that can engage
6 and provide services for individuals with substance use-related health and
7 mental health needs, including crisis services, administration of needs
8 assessments, and connections with other service providers.

9 (x) Transportation to any necessary services.

10 (xi) Programs and services for at-risk youth.

11 (3) Revenue. The Community Care, Health, and Safety Special Fund
12 shall consist of:

13 (A) 40 percent of the revenues raised by the cannabis excise tax
14 imposed by 32 V.S.A. § 7902;

15 (B) 15 percent of any monies disbursed to the Opioid Abatement
16 Special Fund pursuant to section 4774 of this title; and

17 (C) an amount equal to the total annual reduction in expenditures
18 projected to result from the elimination of criminal penalties for individuals in
19 possession of personal use quantities of criminal substances in Vermont as
20 determined by the Secretary of Administration and transferred from the
21 General Fund by the General Assembly.

1 Sec. 15. 18 V.S.A. § 4774 is amended to read:

2 § 4774. OPIOID ABATEMENT SPECIAL FUND

3 (a)(1) There is created the Opioid Abatement Special Fund, a special fund
4 established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 and
5 administered by the Department of Health. The Opioid Abatement Special
6 Fund shall consist of all abatement account fund monies disbursed to the
7 Department from the national abatement account fund, the national opioid
8 abatement trust, the supplemental opioid abatement fund, or any other
9 settlement funds that must be utilized exclusively for opioid prevention,
10 intervention, treatment, recovery, and harm reduction services.

11 * * *

12 (b) Expenditures from the Opioid Abatement Special Fund shall be used
13 for the following opioid prevention, intervention, treatment, recovery, harm
14 reduction, and evaluation activities:

15 * * *

16 (12) implementing other evidence-based or evidence-informed programs
17 or strategies that support prevention, harm reduction, treatment, or recovery of
18 opioid use disorder and any co-occurring substance use or mental health
19 disorder; ~~and~~

1 ~~year, shall be used to fund substance misuse prevention programming in the~~
2 ~~subsequent fiscal year.~~

3 ~~(b) If any General Fund appropriations for substance misuse prevention~~
4 ~~programming remain unexpended at the end of a fiscal year, that balance shall~~
5 ~~be carried forward and shall only be used for the purpose of funding substance~~
6 ~~misuse prevention programming in the subsequent fiscal year.~~

7 ~~(c) Any appropriation balance carried forward pursuant to subsection (b) of~~
8 ~~this section shall be in addition to revenues allocated for substance misuse~~
9 ~~prevention programming pursuant to subsection (a) of this section. [Repealed.]~~

10 Sec. 17. IMPLEMENTATION

11 (a) The Secretary of Administration shall report to the General Assembly
12 regarding the budgetary impacts that are projected to result from the
13 elimination of criminal penalties for individuals in possession of personal use
14 quantities of regulated drugs in Vermont not later than January 15, 2025. The
15 report shall analyze any budgetary impacts such as reductions in expenditures
16 throughout the criminal justice system and, notwithstanding 2 V.S.A. § 20,
17 shall be updated by the Secretary of Administration as necessary.

18 (b) The 30 percent of the unexpended and unobligated balance of the
19 Cannabis Regulation Fund that is transferred to the General Fund pursuant to
20 7 V.S.A. § 845(d)(1) and 32 V.S.A. § 7909 that is not expended by
21 December 31, 2025 and any other revenue from the cannabis excise tax that is

1 appropriated for substance use prevention programming pursuant to 32 V.S.A.
2 § 7909 that is not expended by December 31, 2025 shall be transferred to the
3 Substance Use Prevention Special Fund not later than April 1, 2026.

4 Sec. 18. EFFECTIVE DATES

5 (a) This section and Secs. 1 (findings), 2 (definitions), 3 (Department of
6 Health), 4 (Drug Use Standards Advisory Board), and 17 (Implementation)
7 shall take effect on passage.

8 (b) Secs. 5–16 shall take effect on January 1, 2026.