The New Marijuana Law

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6 years
Patrolman
To
Chief
Of
Police

23 years
Field
Liquor
Investigator
(mostly
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11 years
Investigator/
Educator

45 years in total
What are we going to cover?
What are we going to cover?

1. Overview of the legislation
2. Assumptions and truths
3. Application or impact for municipalities, employers, schools, landlords (housing in general), driving under the influence, youth and families
4. Impact on Paraphernalia law
Good information = good choices

Bad information = bad choices
Misinterpretations of the new marijuana law

1. Sales are now legal
2. DUI/M has been properly defined and presumptive levels determined
3. Smoking weed in the city park is now ok
4. Weed is *good* for you
Recreational marijuana is legal in nine states and medical marijuana is legal in 29 states.

Vermont became the first state to legalize marijuana through the legislature, rather than a ballot initiative, in January 2018.

One of the world's biggest cash crops — marijuana — is sweeping the US.
HEALTH IMPACT ASSESSMENTS

ASSESSING THE HEALTH IMPACTS OF POLICIES AND PROJECTS IN VERMONT

Health Impact Assessments (HIA) are data-driven examinations of proposed projects and policies that shape our communities. The Health Impact Assessment process outlines potential public health impacts and considerations, providing policy makers and stakeholders with a valuable tool to inform their planning decisions.

Based on the data collected in the assessment process, recommendations can be offered for practical strategies to enhance positive health outcomes – and minimize negative ones – in a broad array of policies and projects that fall outside of the traditional public health arena, including transportation, land use, housing, and economic development.

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H.511 (Act 86)

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

Sponsor(s)  House Committee on Transportation

Last Recorded Action  Senate 1/22/2018 - House message: Governor approved bill on January 22, 2018

Bill/Resolution Text

As Introduced  As Passed By the House
Official | Unofficial

Senate Proposal of Amendment
Official | Unofficial

As Passed by Both
House and Senate
Official | Unofficial

As Enacted

Other Text  House proposal of amendment to Senate proposal of amendment Official

House proposal of amendment to Senate proposal of amendment Unofficial
No. 86  
2018  

No. 86. An act relating to eliminating penalties for possession of limited amounts of marijuana by adults 21 years of age or older.  

(H.511)  

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

Sec. 1. LEGISLATIVE INTENT; CIVIL AND CRIMINAL PENALTIES  

It is the intent of the General Assembly to eliminate all penalties for possession of one ounce or less of marijuana and two mature and four immature marijuana plants for a person who is 21 years of age or older while retaining criminal penalties for possession, dispensing, and sale of larger amounts of marijuana.  

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

§ 4201. DEFINITIONS  

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

* * *  

(15)(A) "Marijuana" means any plant material of the genus cannabis or any preparation, compound, or mixture thereof except:  

(A) sterilized seeds of the plant;  

(B) fiber produced from the stalks; or  

(C) hemp or hemp products, as defined in 6 V.S.A. § 542, all parts of
Excellent summation of the new M.J. laws
“An act relating to eliminating penalties for possession of limited amounts of marijuana by adults 21 years of age or older.”
Summary of details:

1. Possession under an ounce is legal
2. Two mature plants is legal
3. Four immature plants is legal
4. Everything else is still illegal
A person shall not consume marijuana in a public place. “Public place” means any street, alley, park, sidewalk, public building other than individual dwellings, any place of public accommodation as defined in 9 V.S.A. § 4501, and any place where the use or possession of a lighted tobacco product, tobacco product, or tobacco substitute as defined in 7 V.S.A. § 1001 is prohibited by law.

~ Civil Penalty assessed for violation
This section does not:
(C) limit the authority of primary and secondary schools to impose administrative penalties for the possession of marijuana on school property;
(D) prohibit a municipality from adopting a civil ordinance to provide additional penalties for consumption of marijuana in a public place; 
(E) prohibit a landlord from banning possession or use of marijuana in a lease agreement; or
(e) Nothing in this section shall be construed to do any of the following:
(1) require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace;
(2) prevent an employer from adopting a policy that prohibits the use of marijuana in the workplace;
(e) Nothing in this section shall be construed to do any of the following:

(3) create a cause of action against an employer that discharges an employee for violating a policy that restricts or prohibits the use of marijuana by employees; or

(4) prevent an employer from prohibiting or otherwise regulating the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana on the employer’s premises.
(2) Each dwelling unit shall be limited to two mature marijuana plants and four immature marijuana plants regardless of how many persons 21 years of age or older reside in the dwelling unit. As used in this section, “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.
Summary of details:

§ 4230g. DISPENSING MARIJUANA TO A PERSON UNDER 21 YEARS OF AGE; CIVIL ACTION FOR DAMAGES (essentially DRAM Shop for marijuana)

A spouse, child, guardian, employer, or other person who is injured in person, property, or means of support...
Summary of details:

§ 4230h. CHEMICAL EXTRACTION VIA BUTANE OR HEXANE PROHIBITED
§ 1134. MOTOR VEHICLE OPERATOR; CONSUMPTION OR POSSESSION OF ALCOHOL OR MARIJUANA
(a) A person shall not consume an alcoholic beverages beverage or marijuana while operating a motor vehicle on a public highway. As used in this subsection, the prohibition on consumption of marijuana by the operator shall extend to the operator’s consumption of secondhand marijuana smoke in the vehicle as a result of another person’s consumption of marijuana.
A person who violates possesses an open container which contains an alcoholic beverage in violation of subsection (b) of this section shall be assessed a civil penalty of not more than $25.00. A person who possesses an open container which contains marijuana in violation of subsection (b) of this section shall be assessed a civil penalty of not more than $200.00.
Sec. 15. 23 V.S.A. § 1134b is amended to read:
§ 1134b. SMOKING USING TOBACCO OR MARIJUANA IN A MOTOR VEHICLE WITH CHILD PRESENT
Sec. 16. 33 V.S.A. § 3504 is amended to read:
§ 3504. MARIJUANA AND TOBACCO USE PROHIBITED AT CHILD CARE FACILITIES
Sec. 18. EFFECTIVE DATES
...shall take effect on July 1, 2018.
What are we going to cover?

3. Application or impact
Types of local control:
1. City Aldermen or Selectboard
Local Selectboards (Aldermen, too)

- Licensing authority
- Power to hold hearings on licenses
- Yearly review
- License limitations (restrictions)
- Some boards also issue building permits, approve grant funds for development, etc.
- Conditional attachments to licenses
- Nuisance licensee programs
- Training and awareness activities for frats and social houses
  - Server training
  - Cops-in-Shops

Environmental Approaches
- Keg registration
- Party registration
- Local ordinances such as open container, noise, etc.
- Restricted hours of sale
- Bans and/or licensing of BYOB type operations

Environmental Approaches
Bans and/or restrictions on 18 & over nightclub activities

Restrictions on promotions that encourage binge/excessive drinking

Inspections of licensees and party locales by law enforcement

Regulation of outdoor consumption

Signage
Advantages of Environmental Approaches

- Broader reach
- More substantial effects
- More enduring effects
- Ease of maintenance
- Cost effectiveness
What are we going to cover?

4. Impact on Paraphernalia law
§ 4476. Offenses and penalties

(a) No person shall sell, possess with intent to sell, or manufacture with intent to sell, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a regulated drug in violation of chapter 84 of this title. Whoever violates any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than $1,000.00, or both.

(b) Any person who violates subsection (a) of this section by selling drug paraphernalia to a person under 18 years of age shall be imprisoned for not more than two years or fined not more than $2,000.00, or both.

(c) The distribution and possession of needles and syringes as part of an organized community-based needle exchange program shall not be a violation of this section or of chapter 84 of this title. (Added 1983, No. 186 (Adj. Sess.); amended 1999, No. 28, § 3.)
§ 4476. OFFENSES AND PENALTIES (a) No person shall sell, possess with intent to sell, or manufacture with intent to sell, drug paraphernalia, Knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a regulated drug in violation of chapter 84 of this title. Whoever violates any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than $1,000.00, or both.
(b) Any person who violates subsection (a) of this section by selling drug paraphernalia to a person under 18 years of age shall be imprisoned for not more than two years or fined not more than $2,000.00, or both.

(e)(b) The distribution and possession of needles and syringes as part of an organized community-based needle exchange program shall not be a violation of this section or of chapter 84 of this title.
- Outlet Density Strategizer – CADCA
- http://tobaccopolicycenter.org/
- https://tobaccopolicyeffects.org/
- Each other
- Me (of course)
Welcome to the Tobacco Control Policy tool

This website provides decision-makers and health professionals with estimates of the projected impact of four specific tobacco control policies on public health in the United States.

The estimates were derived from simulations of over 2,200 policy scenarios, with 30 million people per scenario, and calibrated for each state and Washington, DC. Read more about the tool or go directly to one of the policy pages below and explore the results.

Updates

3/24/2018: A detailed study protocol describing the methods behind the TCP tool is now freely available. Find out more at RMJ Open.

12/18/2017: Smoke-free air law coverage in restaurants, bars, and workplaces have been updated to reflect recent data compiled by the CDC & NCI State Cancer Profiles and American Nonsmokers’ Rights Foundation (as of October 2, 2017). The percent of the population in non-smoking work environments now reflects survey data from the 2014-2015 Tobacco Use Supplement to the Current Population Survey (TUS-CPS)

Cigarette Taxes  Smoke-free Air Laws  Tobacco Control Expenditures  Minimum Age

This website was developed by the Cancer Intervention and Surveillance Modeling Network (CISNET) Lung Group

About Us | About the Tool! Last updated: Dec. 19, 2017 | Copyright 2017
POLICY AND LAW

Vermont has a long history of passing state laws and local policies to protect people from secondhand smoke, to stop youth from starting to use tobacco, and to lower the prevalence of tobacco use. Laws and bans on smoking in public places, at home and in the car, lead to quit attempts. Our comprehensive laws restrict possession of lit tobacco products and use of tobacco substitutes (e-cigarettes and other vaping devices) in work and public places, with very few exemptions. Vape shops, which are in the sole business of selling vaping or e-cigarette equipment, are exempted.

Tobacco Use Policy & Prevalence

VERMONT’S SMOKE-FREE LAWS: ACT 135 AND ACT 108

Act 135, passed in 2014, extends secondhand smoke protections in workplaces, motor vehicles, public places, on school grounds, and in child care settings. The law also took a first step in protecting children from e-cigarette liquid poisonings by requiring child-proof packaging.

- Act 135 Overview
- Act 135 Fact Sheet
- Text of Act 135
- Secondhand Smoke Protection and What it Means for Families

Clean Indoor Air and Act 108

Act 108, passed in 2016, further strengthens the state’s Clean Indoor Act and offers more protection for Vermonters, including exposures from e-cigarette secondhand smoke. Vermont was one of the first states to pass a comprehensive Clean Indoor Air Act.
Town Ordinances (2016 – 2017)

Unless otherwise noted, the Ordinances below are in effect and enforceable.

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CHAPTER II – ORGANIZATION AND OPERATION OF TOWN GOVERNMENT

CHAPTER III – LAND USE AND DEVELOPMENT ORDINANCE

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CHAPTER VIII – COMMERCE

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CHAPTER XI – FIRE DEPARTMENT

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