REGIONAL PREVENTION PARTNERSHIPS

WELCOME

Regional Prevention Partnerships
Continuing the Discussion of ACT 86 and Its Impact on Prevention Policy

June 13, 2018
Welcome
Participating in the Webinar
Review of Agenda
AGENDA

Welcome - Beth Shrader, CHL Project Consultant
Updates - Hilary Fannin, RPP Program Manager
Review Act 86 as it Effects Prevention Policy
Housing: Tenant-Landlord relationship
School Policy
Workplace
Driving Under the Influence
Youth and Children
Other Prevention Policy Issues
Goal of today’s webinar is to provide an opportunity for continued discussion on the role ACT 86 has prevention policy and other RPP strategies impacting marijuana use prevention for youth.
OBJECTIVES

Review and share new and clarifying information on impact of ACT 86 on housing, schools, municipalities, workplace, youth and driving.

Learn from prevention peers about steps they have taken to communicate with stakeholders information about the legislation.
Updates from ADAP

Hilary Fannin, MPH, CPS | Regional Prevention Partnerships Program Manager
Vermont Department of Health | Division of Alcohol and Drug Abuse Programs
Resources on the Center for Health and Learning Website from Past Trainings including today’s webinar.

http://healthandlearning.org/onlinelearning/
ACT 86: Eliminating Penalties for Possession of Limited Amounts of Marijuana by Adults 21 or Older

SUMMARY

For adults 21 and older, the statute legalizes possession of:
One ounce of marijuana
Five grams of hashish

And cultivation of:
Two mature marijuana plants
Four immature (not yet flowering/no buds) marijuana plants

Harvested marijuana does not count toward the possession limit if:
it is stored in an indoor facility on the property where it was cultivated, and “reasonable precautions” are taken to prevent unauthorized access. (18 V.S.A. § 4230e(a)(3))
Landlords may ban possession or use of marijuana in lease agreements. Cultivation is permitted only with written consent of the property owner or the person lawfully in possession of the property (e.g., the leaseholder). Therefore, tenants may grow marijuana on rental property unless the lease agreement states that it is not allowed.

Dwelling in this case is defined as a building or part of a building that is used a home, residence, or sleeping place by one or more persons. An apartment and all of its rooms would be considered a single dwelling, but an apartment complex’s units would each be considered their own dwellings.
• Understand that growing marijuana can lead to odors, increased water bills, and increased electricity bills (if done indoors).
• Cultivation efforts must not be seen from the street or within public view. It must also be secure from all persons under 21. *This is crucial.*
• Access must be limited to the cultivator and adults 21+ who have permission from the cultivator

Growing in an unsecured location or without written consent from the property owner can lead to:
  A $100 fine for the first offense;
  $200 fine for the second offense; and
  $500 fine for the third and every following offense.
Tenant and all members of Tenant's family or household are parties to a written lease with Landlord. This lease addendum states the following terms, conditions and rules which are hereby incorporated into the lease. A breach of this lease addendum shall give each party all the rights contained herein, as well as the rights in the Lease.

1. **Purpose of the Marijuana (Cannabis) Policy.** The parties desire to mitigate (i) the irritation and known health effects of secondhand smoke and odor; (ii) the increased maintenance, cleaning, and redecorating costs from smoking and cultivation; (iii) the increased risk of fire from smoking and cultivation; and (iv) the growing or cultivation of marijuana and/or cannabis plants.
Primary and secondary schools may impose administrative penalties for possession of marijuana on school property. (18 V.S.A. §4230a(b)(2)(C))
What can employers do?

1) Employers can decide not to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace;

2) Employers can adopt a policy that prohibits the use of marijuana in the workplace;

3) Employers can discharges an employee for violating a policy that restricts or prohibits the use of marijuana by employees;
POSSESSION IN A VEHICLE

1134. MOTOR VEHICLE OPERATOR; CONSUMPTION OR POSSESSION OF ALCOHOL OR MARIJUANA

(b) A person operating a motor vehicle on a public highway shall not possess any open container which contains an alcohol beverage or marijuana in the passenger area of the motor vehicle.

1134a. MOTOR VEHICLE PASSENGER; CONSUMPTION OR POSSESSION OF ALCOHOL OR MARIJUANA

(b) A passenger in a motor vehicle shall not possess any open container which contains an alcoholic beverage or marijuana in the passenger area of the motor vehicle.
According to 23 V.S.A. 1201, a person in Vermont is guilty of DUI or DUID if they operate any vehicle on a highway when they are under the influence of any drug or under the combined influence of alcohol and any drug to a degree which renders the person incapable of driving safely.
Provided that there isn’t an accident and no deaths have occurred, each DUID could lead to:
First offense: Up to a $750 fine, or imprisonment for up to 2 years, or both; $160 for related DUID surcharges; and suspension of license and driving privileges for a period of 90 days.

Second offense: Up to a $1,500 fine, or imprisonment for up to two years, or both; at least 200 hours of community service, or 60 consecutive hours of imprisonment; mandatory $160 for related DUID surcharges; and suspension of license and driving privileges for a period of 18 months.

Third and subsequent offense: Up to a $2,500 fine, or imprisonment for up to five years, or both; at least 400 hours of community service, or 100 consecutive hours of imprisonment; mandatory $160 for related DUID surcharges; and suspension of license and driving privileges for life.
It’s not legal for persons under the age of 21 to legally possess marijuana or cannabis products in Vermont. And, it will remain that way come July 1, 2018 when Act 86, Vermont’s new marijuana law, takes effect.

Anyone under the age of 21 who finds themselves with either finished and cultured marijuana, or mature and immature plants would be subject to only civil penalties or have a chance to avoid harsher consequences by enrolling in and finishing the Youth Substance Abuse Safety Program; a paid program wherein a youth would meet with a substance-use counselor, participate in substance-education programs, and perform community service.

Failing the program, results in civil penalties and loss of drivers license.
YOUTH AND CHILDREN

What happens when youth use marijuana at your home, a friend's house or a house party?
OTHER PREVENTION POLICY ISSUES
Alliance for Community Transformation - Midweek Marijuana Law Review

https://actbennington.org/2018/05/09/midweek-marijuana-law-review-underage-possession/

Mount Ascutney Prevention Partnership
ACT 86 What you need to know

Presentation by Steve Waldo at Regional Prevention Partnerships Policy Development: Engaging Local Decision Makers on Prevention Issues
April 25, 2018
VERMONT
DEPARTMENT OF HEALTH

WRAP UP AND EVALUATION