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H.423

Introduced by Representatives Nicoll of Ludlow, Small of Winooski, Anthony  
of Barre City, Bartholomew of Hartland, Black of Essex,  
Bluemle of Burlington, Burke of Brattleboro, Buss of  
Woodstock, Campbell of St. Johnsbury, Casey of Montpelier,  
Chase of Colchester, Chesnut-Tangerman of Middletown  
Springs, Christie of Hartford, Cina of Burlington, Conlon of  
Cornwall, Cordes of Lincoln, Dodge of Essex, Dolan of Essex  
Junction, Elder of Starksboro, Garofano of Essex, Goldman of  
Rockingham, Headrick of Burlington, Hooper of Randolph,  
Hooper of Burlington, Houghton of Essex Junction, Kornheiser  
of Brattleboro, Krasnow of South Burlington, LaMont of  
Morristown, Logan of Burlington, McGill of Bridport, Morris  
of Springfield, Mrowicki of Putney, Mulvaney-Stanak of  
Burlington, Pajala of Londonderry, Patt of Worcester, Priestley  
of Bradford, Rachelson of Burlington, Roberts of Halifax,  
Satcowitz of Randolph, Sims of Craftsbury, Stebbins of  
Burlington, Surprenant of Barnard, Toleno of Brattleboro,  
Troiano of Stannard, Waters Evans of Charlotte, White of  
Bethel, and Williams of Barre City

1 Referred to Committee on  
2 Date:  
3 Subject: Regulated drugs; decriminalization of personal use supply  
4 Statement of purpose of bill as introduced: This bill proposes to change the  
5 penalties for possession of a personal use supply of drugs from a misdemeanor  
6 or low-level felony to a civil offense subject to a \$50.00 penalty. A person  
7 cited for such an offense may avoid paying the penalty by agreeing to  
8 participate in a screening for substance use disorder treatment and related  
9 services. The bill would also establish the Drug Use Standards Advisory  
10 Board for the purpose of determining the benchmark personal use dosage and  
11 the benchmark personal use supply for regulated drugs with a goal of  
12 preventing and reducing the criminalization of personal drug use. Individuals  
13 previously arrested for or convicted of possession of a regulated drug in an  
14 amount under the benchmark personal use supply amount would also be  
15 eligible for immediate sealing of criminal history records. Additionally, to  
16 prevent overdose, the bill would also authorize the operation of drug-checking  
17 programs to allow individuals to obtain analysis of a regulated drug previously  
18 obtained by an individual for purposes of determining the chemical  
19 composition of the substance and identifying chemical contaminants. The bill  
20 would establish a pilot project to support the development and operation of  
21 such programs.

1 An act relating to a public health response to drug use

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

3 Sec. 1. FINDINGS

4 The General Assembly finds that:

5 (1) Fatal and nonfatal drug overdoses in Vermont are an urgent public  
6 health crisis, with rates of overdose deaths rising sharply in recent years. Drug  
7 overdose reportedly killed 251 Vermonters 2021, nearly a 35 percent increase  
8 from the prior year and well over double the number of deaths occurring in  
9 years preceding the pandemic. Nonfatal opioid overdose emergency  
10 department visits have also been increasing. From 2018 to 2021, 1,631  
11 individuals visited an emergency department for an opioid overdose.

12 (2) Research has consistently shown that public health strategies are  
13 effective at reducing overdose deaths, reducing the transmission of infectious  
14 diseases, and improving health outcomes for individuals who use drugs.

15 (3) Investments in criminal justice approaches have proven ineffective  
16 in reducing overdose. Despite more than 10,000 arrests for drug possession  
17 offenses since 2010, fatal drug overdoses have continued to rise during this  
18 period.

19 (4) The medical and public understanding that addiction is a chronic  
20 brain disease has increased in recent years, yet Vermont's laws have continued

1 to reflect a punitive criminal justice model that has been ineffective in  
2 improving public health and has itself caused extensive harm.

3 (5) The criminalization of drug use has profoundly negative impacts on  
4 individuals, families, and communities. The stigma of a criminal arrest or  
5 conviction often results in detrimental psychological and economic impacts on  
6 the lives of those arrested. Involvement in the criminal legal system can  
7 interfere with employment, housing, educational opportunities, and  
8 professional licensing and lead to burdensome debt from fines. According to a  
9 2020 report by the Brennan Center for Justice, individuals convicted of a  
10 misdemeanor have their annual earnings reduced by an average of 16 percent.  
11 Arrests and prosecutions can also further traumatize individuals who were  
12 previously experiencing pain or suffering from prior traumatic events or  
13 circumstances.

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

18 (7) Enforcement of the drug laws in Vermont, as well as nationally, also  
19 falls disproportionately on persons of color despite similar rates in usage and  
20 sale of drugs. Prior to Vermont's legalization of cannabis in 2018, Black  
21 persons were six times more likely to be arrested for cannabis possession than

1 White persons. A 2021 study conducted by the Council for State Governments  
2 found that between 2014 and 2019, Black persons in Vermont were 14 times  
3 more likely than White persons to be defendants in a felony drug case and 18  
4 percentage points more likely than White persons to be sentenced to  
5 incarceration for a felony drug offense.

6 (8) A health-based approach to drugs, prioritizing the expansion of harm  
7 reduction services and on-demand access to evidence-based treatment, rather  
8 than the traditional criminal justice model, has proven to be more effective at  
9 preventing opioid deaths and drug-related injuries, reducing the spread of HIV  
10 and Hepatitis C, and improving health outcomes for persons who use drugs. In  
11 particular, harm-reduction interventions such as drug-checking services and  
12 overdose prevention centers have been implemented throughout the world with  
13 demonstrated success in saving lives and facilitating access to health care and  
14 services for participants.

15 (9) Drug-checking services allow individuals who use drugs to identify  
16 the actual contents of a substance they may intend to take and therefore reduce  
17 harms associated with consuming an unknown substance. Making drug-  
18 checking equipment and services available to the public without the risk of  
19 arrest or prosecution would reduce the risk of accidental death and  
20 hospitalizations and also allow for real-time tracking of local drug trends.









- 1 (A) a narcotic drug;
- 2 (B) a depressant or stimulant drug, other than methamphetamine;
- 3 (C) a hallucinogenic drug;
- 4 (D) Ecstasy;
- 5 (E) cannabis; or
- 6 (F) methamphetamine.

7 \* \* \*

8 (45) “Benchmark personal use supply” means the quantity of a drug  
9 commonly possessed for consumption by an individual for any therapeutic,  
10 medicinal, or recreational purpose.

11 (46) “Drug-checking” means the testing of a substance to determine its  
12 chemical composition or assist in determining whether the substance contains  
13 contaminants, toxic substances, or hazardous compounds.

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

15 § 4202. POWERS AND DUTIES OF THE BOARD OF HEALTH

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

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

3 \* \* \*

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

7 Sec. 4. 18 V.S.A. § 4202a is added to read:

8 § 4202a. DRUG USE STANDARDS ADVISORY BOARD

9 (a) There is hereby created the Drug Use Standards Advisory Board  
10 established within the Department of Health composed of experts in the fields  
11 of general and behavioral health care, substance use disorder treatment, and  
12 drug user communities.

13 (b) The primary objective of the Board shall be to determine, for each  
14 regulated and unregulated drug, the benchmark personal use dosage and the  
15 benchmark personal use supply. The benchmarks determined pursuant to this  
16 subsection shall be determined with a goal of preventing and reducing the  
17 criminalization of personal drug use.

18 (c) The members of the Drug Use Standards Advisory Board shall, upon  
19 first convening, select by majority vote a member to serve as the chair of the  
20 Board. Upon any subsequent chair vacancy, the members shall likewise select  
21 a new Board chair. After receiving nominations from harm reduction service

1 providers, the Chair shall appoint three consumer representatives to the Board  
2 who have lived experience in drug use and consumption practices. The Chair  
3 and the three consumer representatives shall appoint the remaining Board  
4 members as follows:

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

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

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

8 (4) an expert on substance use disorder treatment;

9 (5) an expert on legal reform from the University of Vermont Law

10 School Center for Justice Reform; and

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

12 (d) On or before January 1, 2025, the Drug Use Standards Advisory Board  
13 shall provide the recommended quantities for both the benchmark personal use  
14 dosage and benchmark personal use supply for each category of regulated drug  
15 listed in subdivision 4201(29) of this title.

16 (e) The Drug Use Standards Advisory Board shall convene at least one  
17 time per year to review benchmarks established pursuant to this section and  
18 recommend any necessary amendments. The Chair of the Drug Use Standards  
19 Advisory Board may, with the consent of a majority of Board members,  
20 convene additional meetings to receive testimony from experts on drug use,

1 substance use disorder, and medical research or practice relating to any  
2 specific drug.

3 (f) Upon receipt of the benchmark recommendations, the Board of Health  
4 shall expeditiously adopt the benchmark recommendations through  
5 rulemaking. The Board shall initiate rulemaking not later than September 1,  
6 2023.

7 Sec. 5. 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 (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 less than a benchmark personal use supply shall be assessed a civil  
16 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) ~~[Deleted.]~~ [Repealed.]

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

15          ~~(2) A person knowingly and unlawfully possessing crack cocaine in an~~  
16          ~~amount consisting of 60 grams or more of one or more preparations,~~  
17          ~~compounds, mixtures, or substances containing crack cocaine with the intent to~~  
18          ~~sell or dispense the crack cocaine shall be imprisoned not more than 30 years~~  
19          ~~or fined not more than \$1,000,000.00, or both. There shall be a permissive~~  
20          ~~inference that a person who possesses crack cocaine in an amount consisting of~~  
21          ~~60 grams or more of one or more preparations, compounds, mixtures, or~~

1 ~~substances containing crack cocaine intends to sell or dispense the crack~~  
2 ~~cocaine.~~

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

4 § 4232. LSD

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 lysergic acid  
8 diethylamide shall be imprisoned not more than one year or fined not more  
9 than \$2,000.00, or both.

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

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

18 (3) A person knowingly and unlawfully possessing lysergic acid  
19 diethylamide in an amount consisting of one gram or more of one or more  
20 preparations, compounds, mixtures, or substances containing lysergic acid

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

3 (4) A person knowingly and unlawfully possessing lysergic acid  
4 diethylamide in an amount consisting of 10 grams 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 (b) Selling or dispensing.

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

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

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

19 (2) A person knowingly and unlawfully selling or dispensing lysergic  
20 acid diethylamide in an amount consisting of 100 milligrams or more of one or  
21 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 less than a benchmark personal use supply shall be assessed a civil  
16 penalty of not more than \$50.00.

17 (2) A person knowingly and unlawfully possessing heroin in an amount  
18 consisting of 200 milligrams or more of one or more preparations, compounds,  
19 mixtures, or substances containing heroin shall be imprisoned not more than  
20 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)~~ 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 less than a benchmark personal use supply shall be assessed a civil  
16 penalty of not more than \$50.00.

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

20           (2) A person knowingly and unlawfully selling or dispensing heroin in  
21 an amount consisting of 200 milligrams or more of one or more preparations,

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

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

7 \* \* \*

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

9 § 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

10 (a) Possession.

11 (1)(A) Except as otherwise provided in subdivision (B) of this  
12 subdivision (1), a person knowingly and unlawfully possessing a depressant,  
13 stimulant, or narcotic drug, other than heroin or cocaine, 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 depressant,  
16 stimulant, or narcotic drug, other than heroin or cocaine, in an amount less than  
17 a 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 a depressant,  
20 stimulant, or narcotic drug, other than heroin or cocaine, consisting of 100  
21 times a benchmark unlawful dosage or its equivalent as determined by the

1 Board of Health by rule shall be imprisoned not more than five years or fined  
2 not more than \$25,000.00, or both.

3 (3) A person knowingly and unlawfully possessing a depressant,  
4 stimulant, or narcotic drug, other than heroin or cocaine, consisting of 1,000  
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 10 years or fined  
7 not more than \$100,000.00, or both.

8 (4) A person knowingly and unlawfully possessing a depressant,  
9 stimulant, or narcotic drug, other than heroin or cocaine, consisting of 10,000  
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 20 years or fined  
12 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 (1), a person knowingly and unlawfully dispensing a depressant,  
16 stimulant, or narcotic drug, other than fentanyl, heroin, or cocaine, shall be  
17 imprisoned not more than three years or fined not more than \$75,000.00, or  
18 both.

19 (B) A person knowingly and unlawfully dispensing a depressant,  
20 stimulant, or narcotic drug, other than fentanyl, heroin, or cocaine, in an

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

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

7 (2) A person knowingly and unlawfully selling or dispensing a  
8 depressant, stimulant, or narcotic drug, other than fentanyl, heroin, or cocaine,  
9 consisting of 100 times a benchmark unlawful dosage or its equivalent as  
10 determined by the Board of Health by rule shall be imprisoned not more than  
11 10 years or fined not more than \$100,000.00, 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 as  
15 determined by the Board of Health by rule shall be imprisoned not more than  
16 20 years or fined not more than \$500,000.00, or both.

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

18 § 4234a. METHAMPHETAMINE

19 (a) Possession.

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

1 methamphetamine shall be imprisoned not more than one year or fined not  
2 more than \$2,000.00, or both.

3 (B) A person knowingly and unlawfully possessing  
4 methamphetamine in an amount less than a benchmark personal use supply  
5 shall be assessed a civil penalty of not more than \$50.00.

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

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

16 (b) Selling and dispensing.

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







1 rules ~~which~~ that establish doses for hallucinogenic drugs. The Board may  
2 incorporate, where applicable, dosage calculations or schedules, whether  
3 described as “dosage equivalencies” or otherwise, established by the federal  
4 government.

5 (b) Possession.

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

10 (B) A person knowingly and unlawfully possessing a hallucinogenic  
11 drug, other than lysergic acid diethylamide, in an amount less than a  
12 benchmark personal use supply shall be assessed a civil penalty of not more  
13 than \$50.00.

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

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

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

5           (c) Selling or dispensing.

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

10           (B) A person knowingly and unlawfully dispensing a hallucinogenic  
11 drug, other than lysergic acid diethylamide, in an amount less than a  
12 benchmark personal use supply shall be assessed a civil penalty of not more  
13 than \$50.00.

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

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

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

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

6           § 4235a. ECSTASY

7           (a) Possession.

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

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

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

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

1 compounds, mixtures, or substances containing Ecstasy shall be imprisoned  
2 not more than 10 years or fined not more than \$100,000.00, or both.

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

7 (b) Selling or dispensing.

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

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

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

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

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

5           Sec. 13. 18 V.S.A. § 4235b is added to read:

6           § 4235b. HEALTH NEEDS SCREENING; WAIVER OF CIVIL

7                     PENALTIES

8           (a) A person who is cited pursuant to this chapter for a civil violation  
9           relating to possessing or dispensing less than the benchmark personal use  
10           supply of a regulated drug shall be offered a comprehensive health needs  
11           screening. A law enforcement officer who issues the notice of violation shall  
12           provide the person with information for participating in a screening from the  
13           VT Helplink Alcohol and Drug Support Center. A person who completes the  
14           screening shall not be subject to the \$50.00 civil penalty.

15           (b) VT Helplink shall develop a standard referral form for screenings. A  
16           law enforcement officer shall provide the referral form to the person with a  
17           copy of the notice of violation.

18           (c) To receive the waiver of the penalty, the person shall contact VT  
19           Helplink within 15 days after the issuance of the summons to schedule or  
20           complete the screening. The screening shall be completed within 15 days after  
21           the person contacting VT Helplink pursuant to this section. Completion of the

1 health screening shall not be deemed an admission of any kind by the person  
2 issued a citation, and the court shall not make any legal findings based on the  
3 issuance of the notice of violation. Upon completion of the screening, VT  
4 Helplink shall provide confirmation of participation to the person and to the  
5 Judicial Bureau. The court shall waive the penalty within 15 days after receipt  
6 of the confirmation of participation in the health screening.

7 (d) A person who is cited pursuant to this chapter for a civil violation  
8 relating to possessing or dispensing less than the benchmark personal use  
9 supply of a regulated drug shall not be required to pay the \$50.00 civil penalty  
10 if the person has been diagnosed with substance use disorder. To receive a  
11 waiver of the penalty, the person shall provide written confirmation of the  
12 diagnosis from the person's health care provider to the Judicial Bureau within  
13 15 days after the issuance of the summons and complaint. Health information  
14 obtained pursuant to this section shall be used solely for the purpose of  
15 completing a waiver of civil penalties and shall not be retained by the Judicial  
16 Bureau upon issuance of such a waiver.

17 (e) A civil violation relating to possessing or dispensing less than the  
18 benchmark personal use supply of a regulated drug shall not be subject to  
19 interest or compounding, and no fees may be issued for processing the waiver  
20 of a civil penalty pursuant to this section.

1       (f) Notwithstanding any other provision of law, a person who is issued a  
2       notice of violation and does not pay the penalty shall not be subject to any  
3       further criminal penalty, including imprisonment.

4       Sec. 14. 18 V.S.A. § 4240a is added to read:

5       § 4240a. OVERDOSE PREVENTION; DRUG-CHECKING FOR  
6               CONTAMINANT DETECTION

7       (a) Notwithstanding any other provision of law, it shall not be a violation of  
8       this chapter to receive samples, possess, transport, store, or mail samples of a  
9       substance that may contain a regulated drug solely for purposes of analyzing  
10       such substance to determine its chemical composition and disseminate  
11       information regarding such analysis to the provider of such substance.

12       (b) On-site community drug-checking service providers authorized by the  
13       Vermont Department of Health shall be permitted to:

14               (1) collect voluntarily provided residual samples of substances  
15       potentially containing regulated drugs, possess samples, transport, store, or  
16       mail samples of regulated drug solely for purposes of analyzing such  
17       substances to determine its chemical composition as a lifesaving intervention;

18               (2) use any available technologies to analyze the contents of samples to  
19       obtain timely, highly accurate information regarding the composition of drugs  
20       to prevent overdose and mitigate health risks;

1           (3) provide results of analysis obtained from drug-checking technology  
2           to the person requesting drug services;

3           (4) disseminate data containing only the results of analysis and  
4           containing no personally identifiable information to community members at  
5           risk of overdose; and

6           (5) if necessary, arrange for a sample of a drug or substance to be tested  
7           by an approved laboratory.

8           (c) In operating any drug-checking service, no personally identifiable  
9           information shall be collected from a person providing a controlled substance  
10           to a service provider.

11           (d) An employee, contractor, volunteer, or other person acting in the good  
12           faith provision of drug-checking services authorized by the Department, acting  
13           in accordance with established protocols, shall not:

14           (1) be subject to arrest, charge, or prosecution for a violation pursuant to  
15           this chapter, including for attempting to, aiding and abetting in, or conspiracy  
16           to commit a violation of this chapter;

17           (2) have their property subject to forfeiture, any civil or administrative  
18           penalty, or liability of any kind, including disciplinary action by a professional  
19           licensing board, credentialing restrictions, contractual or civil liability, or  
20           medical staff or other employment action; or



1           (3) be denied any right or privilege for actions, conduct, or omissions  
2           relating to the operation of a drug-checking service in compliance with this  
3           chapter and any rules adopted pursuant to this chapter.

4           (e) An individual possessing a regulated substance and who provides any  
5           portion of such substance to a program authorized by the Department pursuant  
6           to this section for purposes of obtaining drug-checking services shall not be  
7           subject to arrest, charge, or prosecution for possession of a regulated substance  
8           pursuant to this chapter, or civil or administrative penalty or disciplinary action  
9           by a professional licensing board for a violation of this chapter;

10          (f) The Department and local governments authorized by the Department  
11          shall not collect, maintain, use, or disclose any personal information relating to  
12          an individual from whom the Department or local government receives any  
13          drug or substance for checking or disposal.

14          (g) The result of a test carried out by an authorized drug-checking service  
15          provider shall not be admissible as evidence in any criminal or civil  
16          proceeding.

17          (h) The Department shall initiate rulemaking not later than September 1,  
18          2023.

19          Sec. 15. APPROPRIATION

20          In fiscal year 2024, \$300,000.00 shall be appropriated from the General  
21          Fund to the Department of Health's Division of Substance Use Programs to

1 award one or more grants to an organization or organizations providing or  
2 preparing to implement drug-checking services with spectroscopy devices,  
3 including high-pressure mass spectrometer (HPMS) or Fourier-transform  
4 infrared spectroscopy device (FTIR) in a harm reduction setting. The Division  
5 shall award grants based on an applicant's ability to provide publicly available  
6 drug-checking services.

7 Sec. 16. IMPACTS OF REDUCING CRIMINAL PENALTIES; REPORT

8 On or before January 15, 2024, the Secretary of Administration shall report  
9 to the General Assembly regarding the budgetary impacts that projected to  
10 result from the elimination of criminal penalties for persons in possession of  
11 personal-use quantities of criminal substances in Vermont. The report shall  
12 analyze any budgetary impacts such as reductions in expenditures.

13 Sec. 17. 4 V.S.A. § 1102 is amended to read:

14 § 1102. JUDICIAL BUREAU; JURISDICTION

15 \* \* \*

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

17 \* \* \*

18 (31) Violations of 18 V.S.A. chapter 84, subchapter 1, relating to  
19 possessing or dispensing less than the benchmark personal use supply of a  
20 regulated drug.

21 \* \* \*

1       Sec. 18. EFFECTIVE DATES

2           (a) This section and Secs. 1 (findings), 2 (definitions), 3 (Board of Health),  
3           4 (Drug Use Standards Advisory Board), 15 (appropriation), and 16 (report)  
4           shall take effect on passage.

5           (b) Secs. 5–14 and 17 shall take effect on January 1, 2026.