



# Summary of Vermont's Marijuana Legalization Law

On January 22, 2018, Vermont Gov. Phil Scott (R) signed H. 511 into law, making Vermont the first state to make marijuana legal through legislative action — rather than a ballot initiative.

The law — which took effect on July 1 — makes it legal for adults to possess and cultivate limited amounts of marijuana. A governor-appointed task force is making recommendations regarding retail sales and commercial cultivation, and separate legislation will be considered to regulate marijuana like alcohol.

## Legalizes Possession and Cultivation of Limited Amounts of Cannabis

Adults 21 and older may:

- Possess up to one ounce of marijuana or five grams of hashish;
- Cultivate up to two mature and four immature plants in a secure location (the plant limit applies to the entire dwelling unit); and
- Possess the marijuana produced by the plants at the same secure location.

## Sends Younger People to Diversion for Growing a Small Number of Plants

- Cultivation of up to two mature marijuana plants and up to four immature plants by a person under 21 was downgraded to a civil offense, punishable by diversion and enrollment in the Youth Substance Abuse Safety Program.

## Imposes New Penalties on Prohibited Acts

- **Providing marijuana to minors:** The law increased various penalties for dispensing marijuana to young people. For example, people over 21 who furnish marijuana to anyone under 21 — or who knowingly enable their consumption of marijuana — face up to two years incarceration and/or a fine of up to \$2,000. (Dispensing marijuana to youth who are at least three years younger than the offender continues to be punishable by up to five years in prison.)
- **Dangerous extractions:** Individuals who make marijuana concentrates with butane or hexane face up to two years incarceration and/or a fine of up to \$2,000. If someone is seriously injured as a result, they face up to five years in prison and/or a fine of up to \$5,000.
- **Public Use:** Consuming marijuana in public — including streets, sidewalks, places of public accommodation, and public buildings — remains illegal. A first offense carries a civil fine of up to \$100, with higher fines for repeat offenses.
- **Visible Cultivation:** Marijuana cultivation must be screened from public view and secure from unauthorized access (including from those under 21). A first offense is punishable by a civil fine of up to \$100, with higher fines for repeat offenses.
- **Offenses Involving Vehicles:** Possessing an “open container” of marijuana while driving carries a civil fine of up to \$200. Smoking marijuana while driving is punishable by a civil fine of up to \$500. Smoking marijuana while a minor is in the vehicle is now a misdemeanor carrying a

fine of up to \$500, which increases for subsequent offenses.

- **Day Care:** Using marijuana at a licensed child care facility or growing marijuana at a registered family child care home is prohibited, and it carries a criminal fine starting at up to \$500 for a first offense.

### **Includes Limitations**

The law specifies that it does not:

- Prevent municipalities from imposing additional civil penalties for public consumption of marijuana;
- Modify or repeal prohibitions on driving under the influence;
- Limit schools' abilities to impose additional administrative penalties for marijuana possession on school grounds; or
- Prevent landlords from prohibiting cannabis possession or use in a lease.