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.