

Explaining Changes in Vermont's Marijuana Laws by Windham County State's Attorney Tracy Shriver

In the 2013 legislative session, significant changes to Vermont's existing law prohibiting possession of marijuana was passed, including what has been categorized as "decriminalization of marijuana". The term "decriminalize" can be misleading to community members, parents and youth.

To be clear, Vermont has not legalized marijuana. However, as of July 1, 2013, the Legislature has changed the penalties for possession of marijuana. The big changes in Vermont's law are for possession of up to one ounce of marijuana or less. If a person is over the age of twenty-one, the person shall receive a civil ticket with the following penalties; \$200 fine for the first offense, second offense \$300 fine, and third offense \$500 fine. While the possession of certain amounts may result in a civil ticket, possession of larger amounts is still a criminal offense which carries potential jail terms and fines.

If the person is under the age of twenty one, possession of up to one ounce of marijuana shall be referred to the Diversion Program for enrollment in the Youth Substance Abuse Safety program; failure to successfully complete that program shall result in \$300 fine for first offense and 90 days suspension of motor vehicle license and \$600 fine for second offense with 180 day suspension of license. If the person is under twenty one and receives a third or subsequent offense of possession of marijuana, up to one ounce, the person could receive a sentence of thirty days in jail, a fine of not more than \$600 or both of those things.

If you possesses more than one ounce of marijuana, then you may be punished by six months in jail or a fine of \$500 or both; however, the Legislature has provided that such a person shall be allowed to participate in the Diversion Program unless the prosecutor can state a reason why referral to Diversion would be unjust. A second offense for possession of more than one ounce of marijuana is punishable by two years in jail, \$2,000 in fines or both. The law also allows that persons convicted of a first or second offense may receive a deferred sentence from the court. Importantly, before accepting a plea to a possession of marijuana, the law now requires the court to advise a defendant, personally and in open court, that pleading guilty to this offense may have collateral consequences such as: loss of education financial aid, suspension or revocation of professional license, restricted access to public benefits such as housing.

The law does not prohibit a municipality from regulating marijuana use in a public place, and the DUI-drug law is unaffected. The financial risk of possessing marijuana still exists. The risk of jail time for possession of marijuana, greater than one ounce, remains unchanged. And the health risks associated with smoking marijuana remain unchanged including; affects on the nerve cells in the part of the brain where memories are formed and cognitive functions, adverse affects on the respiratory system, increased heart rate, increased anxiety, depression, anxiety, and a loss of drive or ambition. Parents and other community members who work with youth must be clear when talking about marijuana that "decriminalization" does not mean that marijuana use is legal. What we know about the effects of marijuana on the developing brain has not changed with the actions of Vermont Legislature. For more information on the health and behavior risk of marijuana use, including its affects on adolescent brain development, visit: www.TheBluntTruth.org

Windham County Vermont State's Attorney, Tracy Shriver, has provided the above as a contributing guest writer for Brattleboro Area Prevention Coalition (BAPC), a local nonprofit that organizes community efforts to be involved in the ongoing prevention and reduction of alcohol, tobacco, and other drug abuse in the Windham Southeast area. The coalition meets in Brattleboro on the second Friday of each month at 12pm; lunch is provided and all are welcome. Visit www.BrattleboroAreaPreventionCoalition.org or call 802.257.2175 to learn more about their prevention efforts and to get involved.