

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 225
3 entitled “An act relating to possession of a therapeutic dosage of
4 buprenorphine” respectfully reports that it has considered the same and
5 recommends that the Senate propose to the House that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 Sec. 1. INTENT

9 It is the intent of the General Assembly to remove criminal penalties for
10 possession of 224 milligrams or less of buprenorphine. Persons under 21 years
11 of age in possession of 224 milligrams or less of buprenorphine would be
12 referred to the Court Diversion Program for the purpose of enrollment in the
13 Youth Substance Awareness Safety Program. Persons under 16 years of age in
14 possession of 224 milligrams or less of buprenorphine would be subject to
15 delinquency proceedings in the Family Division of the Superior Court.
16 Knowing and unlawful possession of more than 224 milligrams of
17 buprenorphine would continue to be criminal and penalized in the same
18 manner as other narcotics pursuant to 18 V.S.A. § 4234.

19 Sec. 2. 18 V.S.A. § 4234 is amended to read:

20 § 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

21 (a) Possession.

1 (1)(A) ~~A~~ Except as provided by subdivision (B) of this subdivision (1), a
2 person knowingly and unlawfully possessing a depressant, stimulant, or
3 narcotic drug, other than heroin or cocaine, shall be imprisoned not more than
4 one year or fined not more than \$2,000.00, or both.

5 (B) A person knowingly and unlawfully possessing 224 milligrams
6 or less of buprenorphine shall not be punished in accordance with subdivision
7 (A) of this subdivision (1).

8 * * *

9 (c) Possession of buprenorphine by a person under 21 years of age.

10 (1) Except as provided in subdivision (2) of this subsection, a person
11 under 21 years of age who knowingly and unlawfully possesses 224
12 milligrams or less of buprenorphine commits a civil violation and shall be
13 subject to the provisions of section 4230b of this title.

14 (2) A person under 16 years of age who knowingly and unlawfully
15 possesses 224 milligrams or less of buprenorphine commits a delinquent act
16 and shall be subject to the provisions of section 4230j of this title.

17 Sec. 3. 18 V.S.A. § 4234 is amended to read:

18 § 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

19 (a) Possession.

20 (1)(A) ~~Except as provided by subdivision (B) of this subdivision (1), a~~ A
21 person knowingly and unlawfully possessing a depressant, stimulant, or

1 narcotic drug, other than heroin or cocaine, shall be imprisoned not more than
2 one year or fined not more than \$2,000.00, or both.

3 ~~(B) A person knowingly and unlawfully possessing 224 milligrams~~
4 ~~or less of buprenorphine shall not be punished in accordance with subdivision~~
5 ~~(A) of this subdivision (1).~~

6 * * *

7 ~~(e) Possession of buprenorphine by a person under 21 years of age.~~

8 ~~(1) Except as provided in subdivision (2) of this subsection, a person~~
9 ~~under 21 years of age who knowingly and unlawfully possesses 224~~
10 ~~milligrams or less of buprenorphine commits a civil violation and shall be~~
11 ~~subject to the provisions of section 4230b of this title.~~

12 ~~(2) A person under 16 years of age who knowingly and unlawfully~~
13 ~~possesses 224 milligrams or less of buprenorphine commits a delinquent act~~
14 ~~and shall be subject to the provisions of section 4230j of this title.~~

15 Sec. 4. EFFECTIVE DATES

16 ~~(a) This section and Secs. 1 (intent) and 2 (buprenorphine exemption) shall~~
17 ~~take effect on passage.~~

18 ~~(b) Sec. 3 (repeal of buprenorphine exemption) shall take effect July 1,~~
19 ~~2023.~~

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(Committee vote: _____)

Senator _____

FOR THE COMMITTEE