

Vermont's legal recreational marijuana law: What you should know

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(Photo: Glenn Russell, The Burlington (Vt.) Free Press)

MONTPELIER, Vt. — Vermont Gov. Phil Scott signed the [state's marijuana bill into law \(http://bfpne.ws/2F3pDsE\)](http://bfpne.ws/2F3pDsE) Monday, in private, with the state becoming the first in the country to authorize the recreational use of the substance by an act of a state legislature.

The law (<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0511/H-0511%20As%20Passed%20by%20Both%20House%20and%20Senate%20Unofficial.pdf>), which goes into effect July 1, [allows adults to possess up to 1 ounce \(http://bfpne.ws/2DAfiAx\)](http://bfpne.ws/2DAfiAx) of marijuana, two mature and four immature plants.

Vermont will become the ninth state in the country, along with Washington, D.C., to approve the recreational use of marijuana. The other states and Washington authorized the recreational use of marijuana through a vote of residents. Vermont law contains no mechanism that allows for a citizen referendum.

More: [Vermont's governor indicates he'll sign pot legalization bill headed to his desk \(/story/news/politics/2018/01/10/vermont-marijuana-bill/1021775001/\)](/story/news/politics/2018/01/10/vermont-marijuana-bill/1021775001/)

Here are answers to some of the most common questions about legal marijuana in Vermont.

When does marijuana become legal in Vermont?

The law takes effect July 1.

Who will be allowed to possess and grow marijuana in Vermont?

Adults who are at least 21 years old.

What are the possession limits under the law?

Adults over 21 will be allowed to have up to one ounce of marijuana. If people choose to grow their own marijuana, they will be allowed two mature marijuana plants and four immature marijuana plants per housing unit.

A few notes on the plants: The plants must be in a secure enclosure that is screened from public view. Marijuana harvested from plants doesn't count toward the one-ounce limit as long as it's stored on-site, in an indoor place, and "reasonable precautions are taken to prevent unauthorized access to the marijuana."

More: [Vermont lawmakers become first to approve legal pot \(/story/news/politics/2017/05/11/vermont-marijuana-bill/316970001/\)](/story/news/politics/2017/05/11/vermont-marijuana-bill/316970001/)

Laura Subin, director of the Vermont Coalition to Regulate Marijuana, said Vermont's plant limits will be the lowest of all states that have legalized marijuana.

Where can marijuana be grown?

The law envisions marijuana cultivation as something that happens at home, with the written permission of the property owner.

People who want to grow marijuana in their rental apartment need to clear it with their landlords first. (And landlords can ban marijuana entirely as part of a lease agreement.)

More: [Fifth-grader accidentally hands out pot edibles at school \(/story/news/nation-now/2018/01/22/fifth-grader-accidentally-hands-out-pot-edibles-school/1056621001/\)](/story/news/nation-now/2018/01/22/fifth-grader-accidentally-hands-out-pot-edibles-school/1056621001/)

"The landlord is not under any obligation to give consent," said Subin.

Can people still get arrested for marijuana crimes?

Yes. People who are convicted of possessing more than one ounce of marijuana, or more than two mature and four immature plants, can be imprisoned up to six months and fined \$500 unless they participate in a court diversion program. On a second offense, penalties rise to two years and \$2,000.

People will start facing three years in prison and a \$10,000 fine if convicted of having two ounces of marijuana, and the penalties continue to rise for greater amounts.



Vermont Gov. Phil Scott signed the marijuana bill into law in private Monday, Jan. 22, 2018. Here, he speaks to reporters at the statehouse in Montpelier, Vt., on Jan. 18, 2018. (Photo: April McCullum, The Burlington (Vt.) Free Press)

Anyone who gives marijuana to a person under 21 years old, or enables their consumption of marijuana, can be imprisoned up to two years and fined \$2,000. Those penalties rise to five years and \$10,000 if the underage person causes death or serious injury while driving after they have received the marijuana. Anyone injured as a result can sue for damages.

There are separate penalties for underage Vermonters, depending on the age of the offender and the recipient. For example: Under the law, a 20-year-old person who dispenses marijuana to a 17-year-old person can be imprisoned for up to five years.

More: [Marijuana money increasingly flowing to Republican lawmakers \(/story/news/2018/01/21/marijuana-money-increasingly-flowing-republican-lawmakers/1042239001/\)](#)

It will be a misdemeanor crime to use marijuana in a car with a child, with penalties starting at \$500 and two points on a driver's license.

Keep in mind: Marijuana is still illegal under federal law. The U.S. Attorney's Office in Vermont has discretion to decide how aggressively to prosecute marijuana cases.

How will this affect the medical marijuana program?

The law, H. 511, doesn't include any mention of the medical marijuana program, so there's no direct impact on the more than 5,000 Vermont patients registered to use marijuana for symptom relief. Those patients may already grow their own marijuana.

More: [New York to look at legalizing recreational marijuana \(/story/news/nation-now/2018/01/18/new-york-look-legalizing-recreational-marijuana/1043249001/\)](#)

Registered medical marijuana patients can possess more marijuana than the general public will be allowed under the new law. A patient, with his or her caregiver, can have up to two mature marijuana plants and seven immature plants, cultivated in a locked indoor facility, as well as two ounces of "usable" marijuana.

Where can people use marijuana when it becomes legal?

In the law, marijuana use is limited to "individual dwellings." As a rule of thumb: If you can't smoke tobacco there, you can't use marijuana there, either — but the marijuana law is more restrictive.

Marijuana consumption will be prohibited in any street, alley, park or sidewalk, in addition to the usual smoke-free places such as hotel rooms, restaurants, workplaces and stores. Tourists from outside Vermont will have limited options.

Violations will rack up civil penalties starting at \$100 for a first offense, and Vermont towns and cities are allowed to add their own fines as well.

More: [Pot may be legal in California, but non-citizens still have cause for worry \(/story/news/world/2018/01/08/pot-may-legal-california-but-non-citizens-still-have-cause-worry/1015213001/\)](#)

Landlords will be able to ban possession and use of marijuana as part of a lease agreement.

Impaired driving remains illegal under the law, and neither drivers nor passengers will be allowed to use marijuana in a vehicle. Anyone with an open container of marijuana in a vehicle can be fined \$200.

Using or growing marijuana at a child-care facility will not be allowed, except that operators of a registered child care home must notify parents if marijuana will be consumed there when kids are not present.

Will it be legal to buy marijuana in Vermont?

Not unless you're a registered medical marijuana patient, in which case you're already buying marijuana from a dispensary.

While Massachusetts and Maine are gearing up for retail sales of marijuana this summer, Vermont's new law is silent on how people will purchase marijuana if they don't already have it.

People will probably be allowed to give marijuana, seeds or plants to one another as gifts, said Subin of the Vermont Coalition to Regulate Marijuana.

More: [Marijuana sellers undeterred by threat of federal prosecution \(/story/news/2018/01/05/marijuana-sellers-undeterred-threat-federal-prosecution/1008483001/\)](#)

Entrepreneurs have been eager to exploit the "gift" loophole in other states without a marijuana market. In Maine, one businessman began giving away marijuana for free and accepting donations for "packaging and handling," the *Portland Press Herald* reported (<https://www.pressherald.com/2017/04/09/no-sales-but-marijuana-gifts-exploit-a-legal-limbo/>) in September. Similar businesses popped up in Washington, D.C., and Boston, where marijuana has been given away with a delivery fee or a purchase of another item.

"I think that a \$300 T-shirt would be rather suspicious to law enforcement," Subin said.

Scott, a Republican, made it clear Monday that he is opposed to any further discussion of regulating marijuana, at least until the end of the year when his marijuana commission reports on education, prevention and highway safety.

"It is important for the General Assembly to know that — until we have a workable plan to address each of these concerns — I will veto any additional effort along these lines, which manages to reach my desk," Scott said.

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More: [Uncertainty roils American marijuana industry over feared federal crackdown \(/story/news/2018/01/04/uncertainty-roils-american-marijuana-industry-over-feared-federal-crackdown/1004250001/\)](#)

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More: [Justice Department cracks down on legal marijuana with rollback of Obama policy \(/story/news/politics/2018/01/04/justice-department-crack-down-legal-marijuana-roll-back-obama-policy/1003183001/\)](https://www.usatoday.com/story/news/politics/2018/01/04/justice-department-crack-down-legal-marijuana-roll-back-obama-policy/1003183001/)

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