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VERMONT ATTORNEY GENERAL ADVISORY:
NEW RECREATIONAL MARIJUANA LAW DOES NOT LEGALIZE SELLING

Note: this advisory is intended to address recreational marijuana and does not pertain to the Vermont regulated medical marijuana system.

The Vermont Attorney General's Office is issuing this advisory to provide guidance and clarity to individuals and businesses about the scope of the law regarding the sale and gifting of marijuana.

Act 86 removes criminal penalties under Vermont law for adults 21 years of age or older who possess less than one ounce of marijuana or five grams of hashish. These individuals may also cultivate or grow up to two mature marijuana plants or up to four immature marijuana plants. Individuals may gift pursuant to the parameters set forth in the law.

Act 86 does not legalize the sale of marijuana. Any transfer of marijuana for money, barter, or other legal consideration remains illegal under Vermont law. This includes a commercial transaction (i.e., an exchange of goods or services for money) with a purported "gift" of marijuana. Examples include: selling an item or service, like a bracelet or t-shirt with the "gift" of marijuana. Charging someone for the purported "delivery" of a marijuana "gift" would also be considered a sale.

Additionally, Act 86 does not legalize the gifting of any amount of marijuana to individuals under 21 years of age or an amount of marijuana greater than one ounce. Vermonters may not *consume* marijuana in public places or in motor vehicles under the new law. For the full scope of conditions and restrictions please review Act 86, which is available online at:

<https://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT086/ACT086%20As%20Enacted.pdf>.

The Vermont Attorney General's Office will continue to work with stakeholders to find practical solutions related to changes in Vermont's marijuana laws.