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December 5, 2016

The Honorable Patrick Leahy
U.S. Senator
199 Main Street, 4th Floor
Burlington, VT 05401

The Honorable Bernie Sanders
U.S. Senator
1 Church St, 3rd Floor
Burlington, VT 05401

The Honorable Peter Welch
U.S. Representative
128 Lakeside Avenue, Suite 235
Burlington, VT 05401

Dear Senator Leahy, Senator Sanders, and Congressman Welch:

As we are sure you are well aware, the Vermont General Assembly, as many other state legislatures, is spending considerable time reassessing its State's policy toward marijuana. Last session, the Vermont Senate passed S.241 which created a framework for an adult-use regulated market. Although the bill did not receive final approval in the House, legislative leaders wished to continue the discussion of how to establish such a system that, when compared to the current illegal marijuana market, increases public safety and reduces harm to public health. To that end, the Joint Legislative Justice Oversight Committee, a ten-member, tripartisan committee, was tasked to continue the work this fall in preparation for the start of the new legislative session in January.

Vermont is currently one of 28 states with a comprehensive medical marijuana program and one of 30 states that allow cultivation of hemp for industrial, research, or pilot programs. Eight states have approved regulated adult-use markets and with the recent passage of ballot measures in Massachusetts and Maine, we will soon have regulated adult-use markets within a short drive of most Vermonters. Finally, an additional 17 states allow use of low THC, high cannabidiol

products for medical reasons in limited situations or as an affirmative defense to a marijuana possession charge. In light of the fact that the majority of states now allow possession and use of marijuana in some form, it is difficult to understand why marijuana remains a Schedule I drug under the Controlled Substances Act (CSA), designating it as a substance with no medical use and a high potential for abuse.

While the federal government cannot force a state to criminalize cultivating, possessing, or distributing marijuana or hemp, states such as Vermont which have adopted more lenient marijuana laws face the constant uncertainty of how their actions will be interpreted by the federal government and whether federal law enforcement will take action against the State or those Vermonters who comply with Vermont law, but are in violation of the CSA. As have many states, Vermont has relied on the 2012 Cole Memorandum and other guidance on state marijuana policy provided by the U.S. Department of Justice under the Obama Administration, cautiously trusting that as long as Vermont pursued a robust regulatory and enforcement system that addressed federal priorities, we would not be a priority for federal law enforcement. The recent election of President-elect Donald Trump has made this reliance more tenuous.

The Justice Oversight Committee has voted unanimously to ask that you work toward amending federal law to allow states to set their own marijuana and hemp policies without federal interference, to restrict funding to the Department of Justice from using funds to prevent states from implementing their own state laws that authorize the use, distribution, possession, or cultivation of marijuana for medical purposes, and urge the new administration not to undermine state marijuana and hemp policies that are otherwise in compliance with federal priorities previously outlined.

Thank you for all that you do for Vermont and we look forward to corresponding with you in the coming months about this important issue.

Sincerely,

Senator Dick Sears
Senator Dick Sears, Chair
P. P. Christie Silbury

Rep. Alice Emmons
Rep. Alice Emmons, Vice Chair
P. P. Christie Silbury

MC:cmf