

STATEMENT OF BERNARD BARRIERE

Mr. Chairman, distinguished members of the Joint Legislative Justice Oversight Committee. My name is Bernie Barriere. I am a native and life-long resident of Bennington, Vermont. I went to high school at Mount Anthony Union High School in Bennington, where I was a high school All American and the State wrestling champion in my weight class. I attended Hofstra University on a full wrestling scholarship. For the past 25 years, I have been involved in corporate security and executive protection, serving as Chief of Security for internationally recognized music and entertainment individuals. I would like to introduce my colleagues here at the table. Jack Tomarchio, is a graduate of Vermont Law School. He is a retired colonel in the US Army Judge Advocate General's Corps, having served over thirty-three years in uniform and having participated in three overseas deployments, including the 1983 Grenada invasion and the 1990-91 Persian Gulf War. In 2005 he was appointed to the U.S. Department of Homeland Security by President George W. Bush, where he served as Principal Deputy Undersecretary of Homeland Security for Intelligence and Analysis Operations. Peter Burcat is also a graduate of Vermont Law School. He is a former County Assistant Prosecutor where he was assigned to the major crimes and drug units. While residing in California, he was appointed to be a California Superior Court Judge Pro-Tem. He has over 30 years of legal experience in the public and private sectors, and over the course of his career, was directly responsible for handling over 10,000 cases and 200 plus cases which went to trial.

Over the past year we have studied the state of medical marijuana in Vermont and applaud the state legislature for taking the lead in making Vermont a medical marijuana-friendly state and allowing Vermonters who need marijuana to treat their medical conditions to get access to it with the proper documentation from their physicians. We believe in the efficacy of marijuana to treat a range of medical conditions from chronic pain caused by cancer to Post Traumatic Stress Disorder (PTSD) and feel that making it available to Vermonters is an important step forward. While Vermont has done the right thing in this regard, we believe that Vermont can do more to make medical marijuana more readily available to many of its citizens who need the drug to treat their medical maladies.

To that end, we are here today to urge the legislature to consider increasing the number of licenses from the current number of four medical marijuana licenses to six.

As you know, the legislature legalized medical marijuana for patients suffering from a limited number of specified illnesses in 2004. In 2007, the state added to that list of qualifying medical conditions that would warrant dispensing of marijuana for medical treatment. In 2011, the state authorized licenses for

up to four (4) dispensaries to legally grow and dispense to patients who were pre-registered on a state medical marijuana registry. In 2013 the first permitted dispensary opened.

At that time approximately 800 Vermont residents were listed on the state medical marijuana registry. By the end of 2013, the total number of Vermonters on the state medical marijuana registry more than doubled and grew to approximately 1,800 patients. In 2014, the medical marijuana law in Vermont was expanded to allow more patients access to permitted dispensaries and allowed naturopaths to certify patients. In 2014, the state legislature authorized a report to be completed regarding marijuana legalization and regulation options in the state. On January 16, 2015, researchers from the *Rand Corporation* presented to state legislators the in-depth report. The report revealed that approximately 80,000 Vermonters are regular marijuana users, consuming over 20 metric tons of marijuana annually. The report estimated that nearly 40 times as many current marijuana consumers live within 200 miles of Vermont's borders as live in Vermont, whose population currently stands at approximately 626,000. It was estimated that Vermonters spend approximately \$175 million dollars each year buying marijuana from illegal sources. The *Rand* researchers estimated that Vermont could reap between \$20 million and \$75 million dollars per year in taxes if the state were to regulate growth and dispensing of marijuana in the state.

At his State of the State address in January 2016, Governor Peter Shumlin called upon the state legislature to develop and pass a marijuana regulation bill in 2016. Answering the Governor's call for action, on February 25, 2016, the Vermont Senate voted 17-12 to pass S. 241 and sent the Bill to the Vermont House of Representatives. That Bill sought to end Vermont's prohibition for marijuana for adults 21 and over, creating a regulated and taxed system for marijuana production and sale. As you know, the Senate Bill has received its first reading in the House and has been referred to the House Committee on the Judiciary. Our purpose here today is not to urge you to legalize marijuana for recreational use in Vermont. Rather we come here to ask you to consider authorizing more licenses for the growing and dispensing of marijuana for medical conditions. At the present time, under Section 1, 18 V.S.A. Section 447f(b) only 4 licensed dispensaries are authorized in the entire state. Two of those four licensed dispensaries are owned by the same person. One of the dispensaries has recently had an issue with two (2) of their key employees being arrested for drug offenses. The four dispensaries currently operating are in Montpelier, Brattleboro, Burlington and Brandon. We believe that there is a need for at least two more

dispensaries in the state to adequately meet the needs of Vermonters in areas of the state currently lacking a dispensary. To that end, we believe that there is a need for a dispensary in Southwestern Vermont and a dispensary in the Northeast Kingdom. The closest dispensary to Bennington, the sixth most populous city in Vermont, with a population of approximately 16,000, is over a two (2) hour drive from the closest dispensary, which, of course, is much longer and dangerous in the winter time. The Northeast Kingdom comprises Essex, Orleans, and Caledonia Counties, with a combined population of approximately 65,000. The closest dispensary for many of the residents in the Northeast Kingdom is over a two (2) hour drive, which is even much longer and dangerous in the winter time. Considering that many who need medical marijuana are not physically or financially able to drive long distances, the fact that some people are forced to make two hour trips each way to get to a dispensary is indeed a heavy, and often insurmountable burden. Accordingly, a lack of an adequate number of strategically located dispensaries acts as a deterrent to individuals with medical needs that can be addressed through the use of medical marijuana, solely because of the inability due to costs, time and ability to travel to one (1) of the four (4) currently licensed dispensaries.

Increasing the number of licensed dispensaries to six (6), with one in Bennington and a second in the Northeast Kingdom, possibly in St. Johnsbury, with a population of 8,000, would provide needed availability to medically approved individuals. Currently, Vermonters are paying some of the highest costs in the country for marijuana. Increasing the number of dispensaries would spur more competition amongst the existing dispensaries. As true with any commodity market, increased competition should drive down the cost of medical marijuana. As I stated, the price of medical marijuana in Vermont is amongst the highest in the United States. Why should a Vermonter, who earns only a fraction of the income earned by a resident of Silicon Valley, have to pay considerably more for medical marijuana than that California resident? Many of my Vermont neighbors, who are patients who could benefit from the advantages of medical marijuana to relieve their suffering, are unable to obtain medical marijuana from one of the four currently licensed dispensaries either because of the excessive time and distance required to travel to an existing dispensary, or the prohibitive costs of the travel and currently set pricing for medical marijuana.

An additional benefit that should not be overlooked is an increase in the number of grow/dispensing facilities in the state will result in much needed added employment to the regions mentioned and additional revenue to the state.

Thank you for your time and we are pleased to answer whatever questions you may have.