

Vermont Agency of Agriculture, Food & Market's Proposal for a Comprehensive Approach to Cannabis Cultivation and Certification

The Agency of Agriculture, Food & Markets (the Agency) proposes to create and administer a comprehensive regulatory program for the cultivation of hemp and medicinal and recreational cannabis.

As Vermont has the ability to become the first state in the nation to legalize recreational cannabis through the legislative process, there presents an opportunity to create a model for a comprehensive cultivation and product certification process. By employing an all-encompassing approach and developing regulatory infrastructure, Vermont will set itself apart from other states who have legalized recreational cannabis use through popular vote. The Agency's regulatory program would draft, establish, and implement rules for the certification of cultivation sites, growers, and retail locations; establish acceptable cultivation and recordkeeping practices; and ensure consumer protection by conducting site inspections, certifying commercial laboratories, and testing products for adulterants and chemical constituents.

The proposed regulatory structure is the same as other Agency-regulated commodities. The Agency's experience and areas of overlap would provide the opportunity for an economy of scale and efficiency in the regulatory program. Components already in place in the Agency include information technology infrastructure for site and grower certifications, programmatic experience in seed and product certifications, pest management, pesticide usage and disposal, consumer protection-related items such as weights and measures, and evaluating products for compliance with Vermont standards. Additional programs in the Agency, such as the Working Lands Enterprise Board, have developed collaborative, transparent, interagency processes to evaluate competitive bid applications.

Most of the concerns and processes outlined for regulating the recreational cannabis cultivation mirror programs already active at the Agency. The delineation in regulatory authority would be for the Agency to regulate product cultivation, certify sites and growers, and establish Vermont brand standards, and for the Department of Public Safety to enforce on illegal product usage, illegal sales, distribution, and offenses such as drugged driving. The Department of Health would maintain the education and prevention outreach programs highlighted in the current bill. The Governors Highway Safety Program at VTRANS would be responsible for efforts to recognize and reduce incidences of driving under the influence.

Draft
Vermont Agency of Agriculture, Food & Markets; Regulatory program components

Recreational	Medicinal	Hemp
<p>License/register facilities and growers</p> <ul style="list-style-type: none"> • Maintain databases of sites, and personnel (completed background checks, training, pesticide application status) • Collect fees for sites and personnel • Establish facility selection criteria • Certify number of facilities determined by Board • Recordkeeping • Inspect facilities • Inspect retail locations 	<p>License/register facilities and growers</p> <ul style="list-style-type: none"> • Maintain databases of sites, and personnel (completed background checks, training, pesticide application status) • Collect fees for sites and personnel • Recordkeeping • Inspect facilities 	<p>License/register fields and growers</p> <ul style="list-style-type: none"> • Establish criteria for sites • Maintain databases of sites, and personnel (completed background checks, training, pesticide application status) • Issue permits • Maintain databases of sites and producers • Collect fees • Recordkeeping • Inspect
<p>Establish site security requirements based on DPS</p> <ul style="list-style-type: none"> • Security plan • On-site inspection 	<p>Establish site security requirements based on DPS</p> <ul style="list-style-type: none"> • Security plan • On-site inspection 	<p>Establish site security requirements</p> <ul style="list-style-type: none"> • Security plan • On-site inspection
<p>Establish & Implement Accepted Cultivation Practices</p> <ul style="list-style-type: none"> • Availability and registration of pesticide products • Technical Assistance • Integrated pest management • Worker Protection Program for pesticide usage • Training requirements • Establish product standards • Nutrient management • Waste management 	<p>Establish & Implement Accepted Cultivation Practices</p> <ul style="list-style-type: none"> • Availability and registration of pesticide products • Technical Assistance • Integrated pest management • Worker Protection Program for pesticide usage • Training requirements • Establish product standards • Nutrient management • Waste management 	<p>Establish & Implement Accepted Cultivation Practices</p> <ul style="list-style-type: none"> • Pesticide use • Integrated pest management • Technical Assistance • Worker Protection Program for pesticide usage • Training requirements • Nutrient management
<p>Seeds</p> <ul style="list-style-type: none"> • Seed certification • Registration of varieties 	<p>Seeds</p> <ul style="list-style-type: none"> • Seed certification • Registration of varieties 	<p>Seeds</p> <ul style="list-style-type: none"> • Implement practices to prevent genetic drift • Seed certification
<p>Consumer Protection/Safety</p> <ul style="list-style-type: none"> • Weights & measures (facilities, retail) • Condemn adulterated products • Assess products (THC, cannabinoids, pesticides, inorganics, pathogens) 	<p>Consumer Protection/Safety</p> <ul style="list-style-type: none"> • Weights & measures • Assess products (THC, cannabinoids, pesticides, inorganics, pathogens) • Flower adulteration • Condemn adulterated products 	<p>Consumer Protection/Safety</p> <ul style="list-style-type: none"> • Assess products (THC, cannabinoids, pesticides, inorganics, pathogens) • Condemn adulterated products

**VAEL Laboratory Overarching Analytical Programs
Recreational, Medicinal, Hemp**

Commercial laboratories certification

Ensure 3rd party laboratories are compliant

- Establish QA/QC standards
- Establish performance testing program
- Establish auditing programs
- Establish reporting requirements

State (Auditing & Consumer Protection)

Ensure product meets Vermont standards

- Assess product content (cannabinoid content)
- Pesticide residues
- Inorganics
- Pathogens
- Drift

**Draft
Vermont Department of Public Safety; Enforcement program components**

Recreational	Medicinal	Hemp
Enforcement of Marijuana laws	Enforcement of Marijuana laws	Enforcement of Marijuana laws
<ul style="list-style-type: none"> • Home Grow • Illegal commercial Grows • Illegal sales and distribution • Possession of more than one ounce 	<ul style="list-style-type: none"> • Home Grow • Illegal commercial Grows • Illegal sales and distribution 	<ul style="list-style-type: none"> • Hemp- less than .0.3 % THC
Drugged Driving	Drugged Driving	
<ul style="list-style-type: none"> • Establish limits for drugged driving • Develop standards for testing 	<ul style="list-style-type: none"> • Establish limits for drugged driving • Develop standards for testing 	
Laboratory Blood Analysis for THC	Laboratory Blood Analysis for THC	

VTRANS- Governors Highway Safety Program; Prevention- Outreach and Education program components

Recreational	Medicinal	Hemp
Identify Drugged Driving	Identify Drugged Driving	
Outreach and Education	Outreach and Education	
Drug Recognition Experts	Drug Recognition Experts	

Vermont Department of Health; Prevention- Outreach and Education program components

Recreational	Medicinal	Hemp
Use and Abuse Prevention	Use and Abuse Prevention	
<ul style="list-style-type: none"> • Schools • Adults 	<ul style="list-style-type: none"> • Schools • Adults 	