

# DeBonis, Wright & Carris, P.C.

Attorneys at Law

A Professional Corporation  
226 Main Street, P.O. Box 133, Poultney, VT 05764  
Telephone: 802.287.9110  
Telefax: 802.287.2031  
Electronic Mail: [wtcarris@debonislaw.com](mailto:wtcarris@debonislaw.com)

Joseph A. DeBonis, Esq.  
William Tracy Carris, Esq.

Joann J. Higgins, Legal Assistant  
Meg A. Jones, Legal Assistant  
Colleen E. Wallace, Legal Assistant

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Richard J. Wright, Esq. (1944-2007)

23 March 2016

Shap Smith and other Representatives  
Office of the Speaker  
115 State Street  
Montpelier, VT 05633  
(802) 828-2245

SENT VIA EMAIL

Re: Marijuana Regulation

Dear Representatives:

I will start by saying I believe the state of Vermont should regulate marijuana. The primary reason is that I believe state regulation of marijuana will decrease use among children and adolescents. It will also allow police officers the ability to concentrate on real crime.

State regulation will keep marijuana out of the hands of people under the age of 21 but especially 18 year olds. I believe it is easier to obtain marijuana from the black market than alcohol from a state regulated liquor store. It is anecdotal but my own children (14 and 16) and their friends strongly agree. As well, when I was an Assistant Public Defender in South Florida for five years, not once did I see a domestic violence case involve only marijuana; alcohol was always the driving factor. Alcohol also played a prominent role in disorderly conduct, driving under the influence, aggravated domestic assault, assault and battery and even robbery. Despite the superficial characteristics and attributes placed on marijuana users, it is typically a drug that reduces violent and offensive behavior.

Concerning the gateway theory, it is the purchase of marijuana from the black market that introduces children and adolescents and even adults to other drugs such as acid, cocaine, ecstasy and heroine to the marijuana user. Exposure to any such drugs would not occur in a state regulated environment. A drug dealer is going to sell marijuana despite the profit margin. It is a false argument to state heroine dealers and marijuana dealers do not co-mingle or sell to the same customers based on profit margin. It is simply illogical.

On the subject of driving under the influence of marijuana, there currently does not appear to be a valid test. The rate with which technology is advancing tells me that a test shall be developed in short order. That said, I am on the Vermont Board of Transportation and we travelled the state holding hearings in regards to marijuana use and driving. Consistently, the answer we received from the public was that people who smoke and drive currently, will continue to do so whether marijuana is legal or not. If legal, people who do not smoke and drive will not do so.

Further, the House should also look to the history of drinking and driving and the use of testing. In 1910 it was illegal to drink and drive however the first breathalyzer was not developed until 1958. The 1958 breathalyzer was less than accurate and does not appear to be used regularly until the 1980s. The rate with which technology is advancing compared to 1958 tells me that a test shall be developed in short order. In addition, the increased number of Drug Recognition Experts (DRE) patrolling the roadways will increase dramatically and will be monitoring our roads on a regular basis. If anything, legalization will lead to more people being pulled over than currently occurs. The truth of the matter is that the police will have even more reasonable suspicions to pull people over after legalization than they currently do.

The lack of a driving test is a circular logic. The conviction of a driver under the influence of marijuana is no different than the conviction of a drunk driver who didn't take a breathalyzer test. The government and state attorney's offices prosecuted millions of people for drinking and driving, even without a breathalyzer test. If a driver is under the influence, he will fail the field sobriety test and be convicted based on testimony just as millions of drunk drivers before the invention and regular use of the breathalyzer. The lack of a per se test is not a valid reason to deny regulation.

I believe you have heard many of the above arguments favoring regulation. In regards to the actual bill I hope the House considers some of my observations.

I have some concerns about the current bill. I understand there will be a limited amount of cultivation licenses. I agree with the concept. However, a major factor in deciding where cultivation permits are issued throughout the state should be based on the economic status of each county. It is obvious that cultivation will create jobs and revenue. Economically depressed counties such as Rutland and Bennington should have a clear advantage over Chittenden County when licensing is considered. Jobs and revenue should go to the counties that need it most not counties with low unemployment and high wages.

I further believe a benefit corporation should also have a decisive advantage over a regular corporation when issuing cultivation permits. Moral responsibility should go hand in hand with the operation and ownership of this type of corporation. Capitalism and moral responsibility are not mutually exclusive. That can be demonstrated in many forms from higher wages, to required donations to community organization to employee stock ownership to use of renewable energy. This is a newly regulated business and maybe newly regulated ideas should accompany it.

In addition to S. 241§ 4522 requirements, Vermont wants to ensure a successful role out of the first legislatively passed regulation statute. As a result, cultivation permits should be issued to companies that fill certain qualifications to ensure the successful cultivation of marijuana for retail stores and ultimately the success of marijuana regulation in Vermont. In addition to the requirements referenced, it is key that the applicant corporations have successful business expertise on staff, regulatory advisors, experienced growers, benefit corporation experience and reasonable financing in place.

In regards to the residency requirement, I believe it needs to be extended to five years. In order to run for Lt. Governor the requirement is four years. The simple two year requirement only gives Vermonters a one year advantage over a large outside corporation. A corporate officer can move to Vermont today and apply for a permit in March of 2018. A Vermont resident can apply in March of 2017 for a cultivation license and distribution in 2018. The difference being one year. That is not enough time to ensure that Vermont business are not overrun by out of state conglomerates willing to invest millions.

Like many other issues Vermont has confronted, Vermont has the chance again to be a leader in regards to an important social issue. Vermont has lead the way on issues from civil unions, marriage equality and GMOs. Vermont is consistently at the fore front of making the socially responsible choices. Here is yet another chance for Vermont to lead the way in a socially responsible manner.

I want to thank you for your consideration.

Very truly yours,

/S/ W. Tracy Carris

William Tracy Carris, Esq

WTC:lsb

cc. Shap Smith, [speaker@leg.state.vt.us](mailto:speaker@leg.state.vt.us);  
Herb Russell, [hrussell@leg.state.vt.us](mailto:hrussell@leg.state.vt.us);  
Larry Cupoli, [lcupoli@leg.state.vt.us](mailto:lcupoli@leg.state.vt.us);  
Doug Gage, [dgage@leg.state.vt.us](mailto:dgage@leg.state.vt.us);  
Tom Burditt, [tburditt@leg.state.vt.us](mailto:tburditt@leg.state.vt.us);  
Robin Chesnut-Tangerman, [rchesnut-tangerman@leg.state.vt.us](mailto:rchesnut-tangerman@leg.state.vt.us);  
Butch Shaw, [bshaw@leg.state.vt.us](mailto:bshaw@leg.state.vt.us)  
Patty McCoy, [pmccoy@leg.state.vt.us](mailto:pmccoy@leg.state.vt.us)  
Dave Potter, [dpotter@leg.state.vt.us](mailto:dpotter@leg.state.vt.us)