

Senate Committee on Government Operations
Summary of Policy Recommendations on Legalization of Marijuana

Guidance provided by the Cole Memo
(USDJ Guidance Regarding Marijuana Enforcement)

Policymakers recognize legitimate federal concerns about marijuana reform and seek through this legislation to provide better control of access and distribution of marijuana in a manner that prevents:

- (A) distribution of marijuana to persons less than 21 years of age;
- (B) revenue from the sale of marijuana going to criminal enterprises;
- (C) diversion of marijuana to states that do not permit possession of marijuana;
- (D) State-authorized marijuana activity from being used as a cover or pretext for trafficking of other illegal drugs or activity;
- (E) violence and the use of firearms in the cultivation and distribution of marijuana;
- (F) drugged driving and the exacerbation of any other adverse public health consequences of marijuana use;
- (G) growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
- (H) possession or use of marijuana on federal property.

Personal cultivation and possession

“Possession limit” means the amount of marijuana that may be possessed at any one time by an individual 21 years of age or older.

- (A) For a Vermont resident:
 - (i) one ounce of marijuana;
 - (ii) six marijuana plants; and
 - (iii) any additional marijuana produced by the person’s marijuana plants, provided that any amount of marijuana in excess of one ounce of marijuana must be possessed in a secure indoor facility.

(B) For a nonresident: one-quarter of an ounce of marijuana.

Cultivation must occur in an area that is:

On property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property

Plants must be in an enclosure that is secured and screened from public view

A person may transfer up to one ounce of marijuana or marijuana seeds or clones to another person without remuneration, but may not sell it without a license.

Youth

Possession by under 21 prohibited.

Penalties as provided by current law – Court Diversion Program/ Youth Substance Abuse Safety Program; civil penalties/operator license suspensions/delinquency petition.

General Provisions

A person shall not consume marijuana in a public place.

“Public place” means any street, alley, park, sidewalk, public building other than individual dwellings, or any place of public accommodation as defined in 9 V.S.A. § 4501.

Employers are not required to accommodate the use or possession of marijuana or being under the influence of marijuana in a place of employment.

A landlord may prohibit cultivation of marijuana on rental property in the lease agreement.

A municipality may prohibit marijuana establishments within its boundaries, regulate the number, time, place, or manner of marijuana establishments that are located in the municipality through zoning or other local ordinances and require such facilities to have a local permit.

State Licensing

Types of licenses: cultivator, wholesaler, product manufacturer, testing and research facility, and retailer.

A *cultivator* may:

- (1) Cultivate, prepare, package, transport, and sell marijuana to a licensed wholesaler, retailer, product manufacturer, or cultivator
- (2) Transport and transfer marijuana to a testing laboratory
- (3) Purchase seeds, clones, and marijuana from another cultivator
- (4) Accept seeds and clones from a person 21 years of age or older for no remuneration

Required conditions for cultivators

- (1) Size and scale of production to be determined by rule with potential caps by statute
- (2) Restrictions on the use of pesticides that are injurious to human health
- (3) Standards for both the indoor and outdoor cultivation, including environmental protection requirements
- (4) Regulation of visits to the establishments, including the number of visitors allowed at any one time and recordkeeping concerning visitors

A *wholesaler* may:

- (1) Package, transport, and sell marijuana to a retailer or product manufacturer
- (2) Transport and transfer marijuana to a testing laboratory

Required conditions for a wholesaler?

- (1) Security and transport conditions to be determined by rule

A *product manufacturer* may:

- (1) Process, prepare, package, transport, and sell marijuana and marijuana-infused products to a licensed retailer or product manufacturer
- (2) Transport and transfer marijuana to a testing laboratory
- (3) Purchase marijuana, including marijuana-infused products, from another product manufacturer or a cultivator

Required conditions for product manufacturer?

- (1) Identification of the amount of delta-9 tetrahydrocannabinol that constitutes a single serving
- (2) Limitations for each individual package of edible marijuana-infused products to a single serving
- (3) Establishment of standards for the safe manufacture of hashish
- (4) Requirements for opaque, child-resistant packaging
- (5) Requirements for labeling of marijuana-infused products that include the length of time it typically takes for products to take effect
- (6) Requirements that edible retail marijuana-infused products are clearly identifiable, when practicable, with a standard symbol indicating that it contains marijuana

A testing and research facility may:

- (1) Acquire, possess, analyze, test for potency, and transport marijuana obtained from marijuana cultivators
- (2) Acquire, possess, analyze, test for potency, and transport marijuana received from persons at least 21 years of age and wholesalers
- (3) Receive compensation for analytical testing or research of marijuana

Required conditions for testing and research facilities:

- (1) Requirements for random sample testing to ensure quality control and that marijuana and marijuana-infused products are accurately labeled for potency
- (2) Standards for the operation of testing laboratories, including requirements for equipment and qualifications for personnel

A retailer may:

- (1) Transport, possess, and sell marijuana and other products to the public for consumption off the registered premises
- (2) Purchase marijuana from a registered cultivator, wholesaler, or product manufacturer

Required conditions for retailers:

- (1) Over 21 only permitted in facility

General requirements for a license:

Applicant must be a Vermont resident

A person may hold only two licenses total

Dispensary principals will receive advantage, but not exclusive

Regulating agency may establish rules concerning background checks

Should number of licenses be established by statute or rule?