

1 TO THE HONORABLE SENATE:

2 The Committee on Appropriations to which was referred Senate Bill No.
3 241 entitled “An act relating to personal possession and cultivation of cannabis
4 and the regulation of commercial cannabis establishments” respectfully reports
5 that it has considered the same and recommends that the proposal of
6 amendment by the Committee on Judiciary as proposed for amendment by the
7 Committee on Finance be further amended as follows:

8 First: In Sec. 1, by striking out subdivision (6) in its entirety and inserting
9 in lieu thereof the following:

10 (6) Revenue generated by this act shall be used to provide for the
11 implementation, administration, and enforcement of this chapter and to provide
12 additional funding for State efforts on the prevention of substance abuse,
13 treatment of substance abuse, and criminal justice efforts to combat the illegal
14 drug trade and impaired driving. As used in this subdivision, “criminal justice
15 efforts” shall include efforts by both State and local criminal justice agencies,
16 including law enforcement, prosecutors, public defenders, and the courts.

17 Second: In Sec. 9, 18 V.S.A. § 4230a(b)(6) after the word “employment”
18 by inserting or when an employee is acting in the scope of employment

19 Third: In Sec. 12, 18 V.S.A. § 4513(c)(3) by striking out “subdivision (1)”
20 and inserting in lieu thereof subdivisions (1) and (2)

1 Fourth: In Sec. 12, by striking out 18 V.S.A. § 4529 in its entirety and
2 inserting in lieu thereof the following:

3 § 4529. MARIJUANA REGULATION AND RESOURCE FUND

4 (a) The Marijuana Regulation and Resource Fund is hereby created. The
5 Fund shall be maintained by the Agency of Administration.

6 (b) The Fund shall be composed of:

7 (1) all application fees, license fees, renewal fees, and civil penalties
8 collected by Departments pursuant to this chapter; and

9 (2) all taxes collected by the Commissioner of Taxes pursuant to this
10 chapter.

11 (c)(1) Funds shall be appropriated as follows:

12 (A) For the purpose of implementation, administration, and
13 enforcement of this chapter.

14 (B) Proportionately for the prevention of substance abuse, treatment
15 of substance abuse, and criminal justice efforts by State and local law
16 enforcement to combat the illegal drug trade and impaired driving. As used in
17 this subdivision, “criminal justice efforts” shall include efforts by both State
18 and local criminal justice agencies, including law enforcement, prosecutors,
19 public defenders, and the courts.

1 (2) Appropriations made pursuant to subdivision (1) of this subsection
2 shall be in addition to current funding of the identified priorities and shall not
3 be used in place of existing State funding.

4 (d) All balances in the Fund at the end of any fiscal year shall be carried
5 forward and remain part of the Fund. Interest earned by the Fund shall be
6 deposited into the Fund.

7 (e) This Fund is established in the State Treasury pursuant to 32 V.S.A.
8 chapter 7, subchapter 5. The Commissioner of Finance and Management shall
9 anticipate receipts in accordance with 32 V.S.A. § 588(4)(C).

10 Fifth: In Sec. 12, 18 V.S.A. § 4546, by striking out subsection (b) in its
11 entirety and by inserting a new subsection (b) to read as follows:

12 (b) Membership. The Commission shall be composed of the following
13 members:

14 (1) four members of the public appointed by the Governor, one of whom
15 shall have experience in public health;

16 (2) one member of the House of Representatives, appointed by the
17 Speaker of the House;

18 (3) one member of the Senate, appointed by the Committee on
19 Committees; and

20 (4) the Attorney General or designee.

1 Sixth: In Sec.12, 18 V.S.A. § 4546 by adding a subsection (d) to read as
2 follows:

3 (d) The Governor shall appoint one member for a one-year term, two
4 members for two-year terms, and one member for a three-year term who shall
5 serve as Chair. The Governor may reappoint members at his or her discretion.

6 Seventh: In Sec. 12, 18 V.S.A. § 4547 before “The Commission shall:” by
7 striking out (a) and by striking out subsection (b) in its entirety

8 Eighth: In Sec. 12, 18 V.S.A. § 4548 in subsection (a) by striking out
9 “Office of Legislative Council” and inserting in lieu thereof Administration
10 and in subdivision (b)(1) by striking out “Office of Legislative Council” and
11 inserting in lieu thereof Administration

12 Ninth: By striking out Sec. 13 in its entirety

13 Tenth: By adding a Sec. 22a to read as follows:

14 Sec. 22a. 23 V.S.A. § 1219 shall be amended as follows:

15 § 1219. COMMERCIAL MOTOR VEHICLE; DETECTABLE AMOUNT;

16 OUT-OF-SERVICE

17 A person who is operating, attempting to operate, or in actual physical
18 control of a commercial motor vehicle with any measurable or detectable
19 amount of alcohol or marijuana in his or her system shall immediately be
20 placed out-of-service for 24 hours by an enforcement officer. A law
21 enforcement officer who has reasonable grounds to believe that a person has a

1 measurable or detectable amount of alcohol or marijuana in his or her system
2 on the basis of the person’s general appearance, conduct, or other
3 substantiating evidence, may request the person to submit to a test, which may
4 be administered with a preliminary screening device. The law enforcement
5 officer shall inform the person at the time the test is requested that refusal to
6 submit will result in disqualification. If the person refuses to submit to the test,
7 the person shall immediately be placed out-of-service for 24 hours and shall be
8 disqualified from driving a commercial motor vehicle as provided in section
9 4116 of this title.

10 Eleventh: By adding a Sec. 22b to read as follows:

11 Sec. 22b. 23 V.S.A. § 4116 is amended to read:

12 § 4116. DISQUALIFICATION

13 (a) A person shall be disqualified from driving a commercial motor vehicle
14 for a period of one year if convicted of a first violation of:

15 * * *

16 (4) refusal to submit to a test to determine the operator’s alcohol or
17 marijuana concentration, as provided in section 1205, 1218, or 1219 of this
18 title;

19 * * *

20 Twelfth: In Sec. 24, by striking out “COMMISSIONER OF PUBLIC
21 SAFETY” and inserting in lieu thereof REPORTING IMPAIRED DRIVING

1 DATA and after “Commissioner of Public Safety” by inserting and the
2 Secretary of Transportation, in collaboration, and in subdivision (3) by striking
3 out “his or her” and inserting in lieu thereof their

4 Thirteenth: By striking out Sec. 25 in its entirety and by inserting a new
5 Sec. 25 to read as follows:

6 Sec. 25. TRAINING FOR LAW ENFORCEMENT; IMPAIRED DRIVING

7 (a) It is imperative that Vermont provide adequate training to both local
8 and State law enforcement officers regarding the detection of impaired driving.
9 Advanced Roadside Impaired Driving Enforcement (ARIDE) training provides
10 instruction to officers at a level above Basic Standardized Sobriety Testing and
11 proves helpful to an officer in determining when a Drug Recognition Expert
12 (DRE) should be called. Vermont should endeavor to train as many law
13 enforcement officers as possible in ARIDE. DREs receive a more advanced
14 training in the detection of drugged driving and should be an available
15 statewide resource for officers in the field.

16 (b) The Secretary of Transportation and the Commissioner of Public Safety
17 shall work collaboratively to ensure that funding is available, either through
18 the Governor’s Highway Safety Program’s administration of National
19 Highway Traffic Safety Administration funds or other State funding sources,
20 for training the number of officers necessary to provide sufficient statewide
21 coverage for the enforcement impaired driving.

1 Fourteenth: By striking out Secs. 26 and 27 in their entirety and inserting in
2 lieu thereof new Secs. 26 and 27, and a section 27a to read as follows:

3 Sec. 26. FISCAL YEAR 2017 APPROPRIATIONS FROM THE
4 MARIJUANA REGULATION AND RESOURCE FUND

5 In fiscal year 2017 the follow amounts are appropriated from the Marijuana
6 Regulation and Resource Fund:

7 (1) Department of Health: \$500,000.00 for initial prevention, education,
8 and counter marketing programs.

9 (2) Tax Department: \$920,000.00 for the acquisition of an excise tax
10 module and staffing expenses to administer the excise tax established in
11 this act.

12 (3) Department of Public Safety:

13 (A) \$160,000.00 for staffing expenses related to rulemaking, program
14 administration, and processing of applications.

15 (B) \$124,000.00 for laboratory equipment, supplies, training, testing,
16 and contractual expenses required by this act.

17 (C) \$63,500.00 for matching funds needed for drug recognition
18 training for department and other State law enforcement agencies in FY17.

19 (4) Agency of Agriculture, Food and Markets:

20 (A) \$112,500.00 for the Vermont Agriculture and Environmental
21 Lab.

1 (B) \$112,500.00 for staffing expenses related to rulemaking and
2 program administration.

3 (5) Agency of Administration: \$200,000.00 for expenses and staffing of
4 the Marijuana Program Review Commission established in this act.

5 Sec. 27. EXECUTIVE BRANCH POSITION AUTHORIZATIONS

6 The establishment of the following new permanent classified positions is
7 authorized in fiscal year 2017 as follows:

8 (1) In the Department of Health—one (1) Substance Abuse Program
9 Manager.

10 (2) In the Department of Taxes—one (1) Business Analyst AC: Tax and
11 one (1) Tax Policy Analyst.

12 (3) In the Department of Public Safety—one (1) Marijuana Program
13 Administrator and one (1) Administrative Assistant.

14 (4) In the Agency of Agriculture, Food and Markets—one (1)
15 Agriculture Chemist and one (1) Cannabis Program Administrator.

16 (5) In the Marijuana Program Review Commission—one (1)
17 Commission Director.

18 Sec. 27a. MARIJUANA REGULATION AND RESOURCE FUND

19 BUDGET AND REPORT

20 Annually, through 2018, the Secretary of Administration shall report to the
21 Joint Fiscal Committee on receipts and expenditures through the prior fiscal

1 year on or before the Committee’s regularly scheduled November meeting on
2 the following:

3 (1) an update of the administration’s efforts concerning implementation,
4 administration, and enforcement of this act;

5 (2) any changes or updates to revenue expectations from fees and taxes
6 based on changes in competitive pricing or other information;

7 (3) projected budget adjustment needs for current year appropriations
8 from the Marijuana Regulation and Resource Fund; and

9 (4) a comprehensive spending plan with recommended appropriations
10 from the Fund for the next the fiscal year, by department, including an
11 explanation and justification for the expenditures and how each
12 recommendation meets the intent of this act.

13 Fifteenth: By striking out Sec. 30 (effective dates) in its entirety and
14 inserting in lieu thereof the following:

15 Sec. 31. EFFECTIVE DATES

16 (a) This section and Secs. 1, 2, 12, 12a, 18a, and 29a shall take effect on
17 passage.

18 (b) Secs. 7, 10a, 11, 14 through 18, and 19 through 29 shall take effect on
19 July 1, 2016.

20 (c) Sec. 12b shall take effect on January 1, 2017 and shall apply to taxable
21 year 2017 and after.

1 (d) Secs. 6, 8, 9, 10, 12c, and 30 shall take effect on January 2, 2018.

2

3

4 (Committee vote: _____)

5

6

Senator _____

7

FOR THE COMMITTEE