

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 (f) The Secretary of Administration shall report to the Joint Fiscal
11 Committee on receipts and expenditures through the prior fiscal year on or
12 before the Committee's regularly scheduled November meeting.

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

15 (b) Membership. The Commission shall be composed of the following
16 members:

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

19 (2) one member of the House of Representatives, appointed by the
20 Speaker of the House;

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

3 (4) the Attorney General or designee.

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

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

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

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

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

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

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

18 § 1219. COMMERCIAL MOTOR VEHICLE; DETECTABLE AMOUNT;
19 OUT-OF-SERVICE

20 A person who is operating, attempting to operate, or in actual physical
21 control of a commercial motor vehicle with any measurable or detectable

1 amount of alcohol or marijuana in his or her system shall immediately be
2 placed out-of-service for 24 hours by an enforcement officer. A law
3 enforcement officer who has reasonable grounds to believe that a person has a
4 measurable or detectable amount of alcohol or marijuana in his or her system
5 on the basis of the person's general appearance, conduct, or other
6 substantiating evidence, may request the person to submit to a test, which may
7 be administered with a preliminary screening device. The law enforcement
8 officer shall inform the person at the time the test is requested that refusal to
9 submit will result in disqualification. If the person refuses to submit to the test,
10 the person shall immediately be placed out-of-service for 24 hours and shall be
11 disqualified from driving a commercial motor vehicle as provided in section
12 4116 of this title.

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

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

15 § 4116. DISQUALIFICATION

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

18 * * *

19 (4) refusal to submit to a test to determine the operator's alcohol or
20 marijuana concentration, as provided in section 1205, 1218, or 1219 of this
21 title;

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Twelfth: In Sec. 24, by striking out “COMMISSIONER OF PUBLIC SAFETY” and inserting in lieu thereof REPORTING IMPAIRED DRIVING DATA and after “Commissioner of Public Safety” by inserting and the Secretary of Transportation, in collaboration, and in subdivision (3) by striking out “his or her” and inserting in lieu thereof their

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

Sec. 25. TRAINING FOR LAW ENFORCEMENT; IMPAIRED DRIVING

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

(b) The Secretary of Transportation and the Commissioner of Public Safety shall work collaboratively to ensure that funding is available, either through the Governor’s Highway Safety Program’s administration of National

1 Highway Traffic Safety Administration funds or other State funding sources,
2 for training the number of officers necessary to provide sufficient statewide
3 coverage for the enforcement impaired driving.

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

6 Sec. 26. FISCAL YEAR 2017 APPROPRIATIONS FROM THE
7 MARIJUANA REGULATION AND RESOURCE FUND

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

10 (1) Department of Health: \$350,000.00 for initial prevention, education,
11 and counter marketing programs.

12 (2) Tax Department: \$660,000.00 for the acquisition of an excise tax
13 module and staffing expenses to administer the excise tax established in
14 this act.

15 (3) Department of Public Safety:

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

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

1 (C) \$63,500.00 for matching funds needed for drug recognition
2 expert training for the department and other state law enforcement agencies in
3 FY17 after other available matching funds are applied.

4 (D) Funding in Subdivision (B) and (C) of this section shall be
5 transferred to the Agency of Transportation Governors Highway Safety
6 Program. The \$493,000 federal Governor’s Highway Safety Program funds
7 are appropriated in FY 17 to the Agency of Transportation.

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

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

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

13 (5) Agency of Administration: \$150,000.00 for expenses and staffing of
14 the Marijuana Program Review Commission established in this act.

15 Sec. 27. EXECUTIVE BRANCH POSITION AUTHORIZATIONS

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

18 (1) In the Department of Health—one (1) Substance Abuse Program
19 Manager.

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

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

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

5 (5) In the Marijuana Program Review Commission—one (1) exempt
6 Commission Director.

7 Sec. 27a. MARIJUANA REGULATION AND RESOURCE FUND

8 BUDGET AND REPORT

9 Annually, through 2018, the Secretary of Administration shall report to the
10 Joint Fiscal Committee on receipts and expenditures through the prior fiscal
11 year on or before the Committee’s regularly scheduled November meeting on
12 the following:

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

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

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

19 (4) a comprehensive spending plan with recommended appropriations
20 from the Fund for the next the fiscal year, by department, including an

1 explanation and justification for the expenditures and how each
2 recommendation meets the intent of this act.

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

5 Sec. 31. EFFECTIVE DATES

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

8 (b) Secs. 7, 8, 10a, 11, 14 through 18, 19 through 22, 23 through 29 shall
9 take effect on July 1, 2016.

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

12 (d) Secs. 6, 9, 10, 12c, 22a, 22b, and 30 shall take effect on January 2,
13 2018.

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16 (Committee vote: _____)

17 _____

18 Senator _____

19 FOR THE COMMITTEE