

1 VLCT Proposals of Amendment to Provide for Municipal Choice Regarding
2 Hosting and Regulating Marijuana Commerce and Cultivation

3 Date: 1/ 26/16

4 Subject: Public safety; marijuana; regulation of marijuana establishments

5 Statement of purpose of bill as introduced: This bill proposes to:

6 An act relating to regulation and taxation of marijuana

7 It is hereby enacted by the General Assembly of the State of Vermont:

8 Sec. 1. 20 V.S.A. chapter 119 is added to read:

9 § 2105 APPLICATION FOR INITIAL REGISTRATIONS

10 The Board shall not issue a marijuana establishment license unless a permit has
11 been secured from the host municipality.

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13 § 2141. BOARD OF MARIJUANA CONTROL; MEMBERS; AUTHORITY

14 (f) A municipality that hosts a marijuana establishment within its
15 boundaries may establish a board of marijuana commissioners, who shall be
16 the members of the legislative body. The marijuana control commission shall
17 administer local licenses, registrations, or permits of the marijuana
18 establishments in a municipality that has established such a commission.

19 * * *

20 § 2154. REGULATION BY MUNICIPALITIES

21 (a) A marijuana establishment shall obtain a license, registration, or permit
22 from a municipality prior to beginning operations.

1 (b) Nothing in this chapter shall be construed to prevent a municipality
2 from prohibiting marijuana establishments, or any class of marijuana
3 establishments, within its boundaries or from regulating the number, time,
4 place, manner, or operations of marijuana establishments that are located in the
5 municipality through local ordinances pursuant to 24 V.S.A. chapter 61 or land
6 use bylaw pursuant to 24 V.S.A. chapter 117.

7 (c) A person engaged in personal possession or cultivation of marijuana is
8 subject to applicable municipal zoning bylaws, fire codes, and building codes.

9 (d) Nothing in this chapter shall be construed to prevent a municipality
10 from declaring that cultivation of marijuana which does not comply with local
11 regulations, constitutes a nuisance pursuant to 24 V.S.A. § 2291(14).

12 (e) A municipality may impose a local option tax on the sale of marijuana
13 within its boundaries. If a legislative body of a municipality by a majority vote
14 recommends, the voters of municipality may, at annual or special meeting
15 warned for that purpose, by a majority vote of those present and voting, assess
16 a marijuana sales tax not to exceed five percent.

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18 § 2163. MARIJUANA TAX FUND

19 (b)(3) 15 percent to municipalities with registered retailers in proportion to
20 the amount of marijuana sold by retailers in each municipality during the
21 previous fiscal quarter.

1 (4) 15 percent to municipalities with registered cultivator in proportion
2 to the amount of marijuana cultivated by cultivators in that municipality during
3 the previous fiscal quarter.

4 Sec. 2. 24 V.S.A. § 2291 is amended to read:

5 For the purpose of promoting the public health, safety, welfare, and
6 convenience, a town, city, or incorporated village shall have the following
7 powers:

8 (29) To prohibit or regulate, by means of a civil ordinance adopted pursuant
9 to chapter 59 of this title, the number, time, place and manner, or operation of
10 marijuana establishments, or any class of marijuana establishments located in
11 the municipality, and personal cultivation that takes place within the
12 municipality.

13 * * *

14 Sec. 3. 24 V.S.A. § 4412(4) is amended to read:

15 (4) **Protection of home occupations.** No bylaw may infringe upon the
16 right of any resident to use a minor portion of a dwelling unit for an occupation
17 that is customary in residential areas and that does not have an undue adverse
18 effect upon the character of the residential area in which the dwelling is
19 located. The cultivation, processing, packaging, transportation, testing, or sale
20 of marijuana shall not be considered a home occupation.

21 Sec. 4. 24 V.S.A. § 4414 is amended to read:

1 Any of the following types of regulations may be adopted by a municipality
2 in its bylaws in conformance with the plan and for the purposes established in
3 section 4302 of this title.

4 **(16) Marijuana establishments and personal cultivation.**

5 Notwithstanding any contrary provision of 20 V.S.A. chapter 119, a
6 municipality may adopt bylaws for the purpose of regulating marijuana
7 establishments and personal cultivation as those activities are defined in 20
8 V.S.A. chapter 119.

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