

S.95 Bill Summary

An act relating to regulation and taxation of marijuana

Introduced by Senator Zuckerman

Personal Possession and Cultivation

- Permits a Vermont resident who is 21 years of age or older to possess up to one ounce of marijuana, two mature marijuana plants, seven immature marijuana plants, and any additional marijuana produced by the plants. Personal cultivation of marijuana may only occur within a secure indoor facility on property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property. Any amount of marijuana in excess of one ounce of marijuana must be possessed in the same secure indoor facility where the plants were cultivated.
- Permits a nonresident to possess up to one-quarter of an ounce of marijuana.
- Retains criminal penalties for possession of marijuana in excess of the statutory limit.

Youth

- Maintains civil and criminal penalties for possession of marijuana by a person under 21 years of age.
- Creates civil and criminal penalties for falsely representing age for the purpose of procuring or attempting to procure marijuana.
- Continues to refer youth cited for a civil offense relating to marijuana to the Diversion Program and requires youth to be registered for the Youth Substance Abuse Safety Program.
- Prohibits a marijuana establishment from designing edible products to appeal to persons less than 21 years of age or to mimic products that do not contain marijuana and requires edible products to be sold in opaque, child-resistant packaging.

Regulation of Marijuana Establishments

- Establishes the Board of Marijuana Control within the Department of Public Safety for the purpose of adopting rules pertaining to the cultivation and sale of marijuana and administering a registration program for marijuana establishments. The Board would consist of five members appointed by the Governor and is authorized to hire a director to assist with its duties.
- Creates a regulatory structure for the cultivation, production, testing, and sale of marijuana that includes oversight by the Board of Marijuana Control and the Department of Public Safety.
- Permits a nonprofit dispensary or a benefit corporation to register with the Board of Marijuana Control as a Marijuana Cultivator, Marijuana Product Manufacturer, Marijuana Testing Laboratory, Marijuana Retailer, or Marijuana Lounge.

- Establishes a preference for current dispensaries or benefit corporations formed by dispensaries when issuing marijuana establishment registration, provided they submit a qualifying application.
- Requires the Board to consider an applicant's commitment to paying employees a livable wage and being a good environmental steward when determining whether to issue a marijuana establishment registration.
- Requires the Board to begin issuing marijuana establishment registration on or before September 15, 2016.

Fees, Taxes, and Revenues

- Establishes a \$2,000.00 application fee for marijuana establishments and annual registration fees ranging from \$1,000.00 to \$50,000.00. Fees would be deposited in a Marijuana Regulation Fund and would be used solely for the purposes of implementing, administering, and enforcing the new laws.
- Establishes an excise tax of \$40.00 per ounce on marijuana flowers, \$15.00 per ounce on any other marijuana, and \$25.00 on each immature marijuana plant sold by a cultivator. Funds would be deposited into the Marijuana Tax Fund.
- 40% earmarked for public education about the safety risks of alcohol, tobacco, and marijuana, evidence-based criminal justice programs and substance abuse treatment services, law enforcement, municipalities that have marijuana establishments in their jurisdictions, the Youth Substance Abuse Safety Program, and academic and medical research on marijuana.

General Provisions

- Retains criminal penalties for operating a motor vehicle under the influence of a drug.
- Prohibits smoking marijuana in a public place.
- Prohibits a marijuana establishment from being located within 1,000 feet of the property line of a preexisting public or private school or registered or regulated child care facility.
- Permits municipalities to prohibit or regulate marijuana establishments.
- Permits landlords and innkeepers to prohibit cultivation or possession of marijuana on their property.
- Exempts the provisions of the bill from applying to the cultivation of hemp or medical marijuana.