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S.241

Senator Zuckerman moves that the bill be amended in Sec. 1 by adding a subdivision (7) to read as follows:

(7)(A) The General Assembly understands there are a number of Vermonters who would prefer to cultivate small amounts of marijuana for personal use instead of buying marijuana through a licensed retailer and to allow small “craft” marijuana cultivators to sell to the public without the same restrictions and licensing of commercial cultivators. At this time, the General Assembly believes there is insufficient information to determine whether Vermont could effectively regulate personal cultivation in a manner that would not create diversion or enforcement issues that hinder efforts to divert the marijuana economy from the illegal to the regulated market.

(B) Marijuana is illegal for any purpose under federal law and the federal government retains prosecutorial discretion to enforce the provisions of the Controlled Substances Act. In a 2013 memo from Deputy Attorney General James M. Cole, the U.S. Department of Justice provided guidance on its use of this discretion stating, “[i]n jurisdictions that have enacted laws legalizing marijuana in some form and that have also implemented strong effective regulatory and enforcement systems to control cultivation, distribution, sale and possession of marijuana, conduct in compliance with those laws and regulations is less likely to threaten [federal priorities]. . . . If

1 state enforcement efforts are not sufficiently robust to protect against the harms
2 [identified in the memo], the federal government may seek to challenge the
3 regulatory structure itself in addition to continuing to bring individual
4 enforcement actions, including criminal prosecutions, focusing on those
5 harms.”

6 (C) The Marijuana Program Review Commission created by this act
7 will take testimony on the issues identified in subdivision (7)(A) and consider
8 whether and when Vermont may move toward increasing opportunities for
9 small-scale cultivation while meeting State and federal interests concerning
10 public health and safety.