

Summary of Sears proposal of amendment to S.241

Findings and intent

Any efforts to legalize and regulate marijuana must comply with the 2013 Cole memo and the principles articulated in the Governor's 2016 State of the State

Vermont seeks to take a new comprehensive approach to marijuana use and abuse that incorporates prevention, education, regulation, treatment, and law enforcement which results in a net reduction in public harm and an overall improvement in public safety.

Revenue generated by the act shall be allotted in the following formula:

1. 25 percent to prevention of substance abuse;
2. 25 percent to treatment of substance abuse;
3. 25 to law enforcement and criminal justice agencies for efforts to combat the illegal drug trade and drugged driving;
4. 25 percent to the general fund for purposes related to this act and other general fund purposes.

Prevention

Awaiting recommendations from Senate Health & Welfare

Adult Use; Legal Possession; Civil and Criminal Penalties

Removal of current civil penalties for possession of one ounce or less of marijuana by a person 21 years of age or older.

Cultivation of any marijuana without a license is not permitted and will remain a criminal offense as under current law.

Criminal penalties remain for possession of over an ounce of marijuana and for dispensing or selling marijuana without a license.

Consuming marijuana in a public place is prohibited and violators subject to a civil ticket.

Employers and landlords are not required to accommodate marijuana possession or use.

Unlicensed chemical extraction to produce marijuana concentrate will be prohibited and violators subject to criminal penalties.

Youth

Civil and criminal penalties remain for possession of marijuana by a person under 21 years of age.

Civil and criminal penalties are established for furnishing or selling marijuana to a person under 21 years of age.

Marijuana establishments are prohibited from being located within 1,000 of school or child care center.

Persons under 21 years of age will not be permitted to be on the premises of a marijuana establishment.

Advertising and labeling of marijuana may not be designed to appeal to youth.

Marijuana Establishments

Marijuana establishments will be regulated by the Department of Public Safety, which will be responsible for adopting rules to implement and enforce the provisions of the act.

Two types of licenses will be available – cultivator and retailer. A person may only hold one license, with the exception of an existing dispensary which may hold one of both.

Applicant shall be a Vermont resident 21 years of age or older and subject to a criminal background check.

Financiers must also be identified and subject to a criminal background check.

A total of 10 -20 cultivator licenses and 20-40 retailer licenses may be issued prior to July 1, 2018.

Only marijuana flowers may be sold to the public.

Monies from license application fees, annual license fees, and civil penalties from marijuana establishments would be allocated to the Department of Public Safety for implementation, administration, and enforcement of the provisions relating to marijuana establishments.

Local Government

A municipality would retain any current authority to issue a civil ordinance to provide additional penalties for marijuana in a public place.

Voters may prohibit the operation of a marijuana establishment within a municipality by majority vote at an annual or special meeting. The ban would stay in effect until repealed by the voters.

A municipality could regulate marijuana establishments through local ordinances or land use bylaw or require a marijuana establishment to obtain a license or permit from the municipality prior to beginning operations.

Medical Marijuana Dispensaries

Provides an advantage in obtaining a commercial cultivator and/or retailer license and may obtain both and be vertically integrated

May continue to provide edible marijuana products to patients only provided they are in child-resistant packaging

Impaired driving

Funding is provided for training an additional 10 law enforcement officers as drug recognition experts.

An additional 25 new State Troopers will be added over the next three years.

The Agency of Transportation through its Vermont Governor's Highway Safety Program is directed to expand its public education and prevention campaign on "drunk driving" to "impaired driving" which shall include "drugged driving."

Marijuana is added to Vermont's "open container" law which prevents use or possession of an open container of alcohol in a motor vehicle.

The Commissioner of Public Safety is required to report annually to the committees of jurisdiction regarding the previous year's impaired driving data in Vermont, the latest information regarding best practices on prevention and enforcement, and his or her recommendations for legislative action.

General timeline

Upon passage	Department of Public Safety (DPS) begins rulemaking process
10/1/16	Marijuana Program Review Commission begins meeting
3/15/17	DPS adopts final rules
3/15/17-4/15/17	Cultivator application period
7/15/17	DPS issues cultivator licenses
7/15/17-8/15/17	Retailer application period
10/15/17	DPS issues retailer licenses issued
1/1/18	Licensed retail stores may sell marijuana to person 21 years or older
1/1/18	No civil or criminal penalties for possession of one ounce or less of marijuana by a person 21 years or older
7/1/18	Application process opens for cultivator or retailer licenses
10/1/18	Commission issues final report

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