

## Differences between Senate and House Versions of S.54

### House Counter to Senate Counter

September 4, 2020

Senate	House	Senate counter	House counter
<p><b>Regulatory Authority</b></p> <p>Cannabis Control Board, independent executive branch agency</p> <p>Three Board members</p> <ul style="list-style-type: none"> <li>• Chair, appointed by Gov.</li> <li>• Member, appointed by Sen. CoC</li> <li>• Member, appointed by Speaker</li> </ul>	<p><b>Regulatory Authority</b></p> <p>Same</p> <p>Three Board members</p> <ul style="list-style-type: none"> <li>• Nominating Committee vets candidates</li> <li>• Gov. appoints</li> </ul>	<p>Senate <b>agrees</b> to House proposal provided the Governor's selected Board members require confirmation by the Senate.</p>	<p>House <b>agrees</b> to Senate confirmation of Board.</p>
<p>NA</p>	<p>12 member advisory committee under the authority of the Board</p>	<p>Senate <b>agrees</b> to House proposal. Tweak for medical</p>	
<p>On or before April 1, 2023, the Auditor of Accounts shall report to the General Assembly regarding the organizational structure and membership of the Cannabis Control Board and whether the structure continues to be the most efficient for carrying out the statutory duties of the Board.</p>	<p>Board sunsets 7/1/24; after receiving Auditor report in 11/23</p>	<p>Senate <b>agrees</b> to House proposal.</p>	

<p>Purpose of the Board is to regulate both commercial adult-use marijuana establishments AND the Medical Cannabis Registry and dispensaries.</p> <p>The Medical Cannabis Registry and dispensaries move over from DPS to the Board on 1/1/21. The existing medical cannabis statutes are repealed and replaced and the Board is directed to adopt new rules for the regulation of the medical program and dispensaries.</p>	<p>Purpose of the Board is to regulate ONLY commercial adult-use cannabis establishments.</p> <p>The Medical Cannabis Registry and dispensaries continue to be regulated by DPS.</p>	<p>Senate <b>does not agree</b> to House proposal.</p>	<p>House <b>agrees</b>. Dates will need to change to reflect new timeline with program moving to Board once new medical rules are adopted by the Board.</p>
<p><b>Appropriation</b></p> <p>In <i>FY20</i>, \$810,000.00 is appropriated from the Cannabis Regulation Fund to the Cannabis Control Board to cover salaries and benefits; operating costs for space, IT, supplies, etc.; and an allowance for consulting costs during the start-up phase of the program which entails extensive rulemaking, working with the General Assembly on the build-out of the program for <i>FY21 and FY22</i>, and development of the licensing structure in accordance with the act. This appropriation is made in anticipation of receipts in the Fund.</p>	<p><b>Appropriation</b></p> <p>In <i>FY21</i>, \$860,000.00 is appropriated from the Cannabis Regulation Fund to the Cannabis Control Board to cover salaries and benefits; operating costs for space, IT, supplies, etc.; and an allowance for consulting costs during the start-up phase of the program which entails extensive rulemaking, working with the General Assembly on the build-out of the program for <i>FY22 and FY23</i>, and development of the licensing structure in accordance with the act. This appropriation is made in anticipation of receipts in the Fund.</p>	<p>Senate <b>agrees</b> to House proposal with appropriate amendments to accommodate for delayed effective date of act.</p>	

<p><b>Appeals</b></p> <p>NA</p>	<p><b>Appeals</b></p> <p>Establishes an appeals process for persons aggrieved by a decision of the Board.</p>	<p>Senate <b>agrees</b> to House proposal.</p>	
<p><b>Licenses</b></p> <p>Five licenses: cultivator, wholesaler, product manufacturer, retailer, testing lab.</p>	<p><b>Licenses</b></p> <p>Adds a sixth type of license, an integrated license, available only to applicants holding current medical dispensary registration. Allows vertical integration under one license.</p>	<p>Senate <b>agrees</b> to House proposal.</p>	
<p>The Board shall develop tiers for cultivator licenses based on the plant canopy size of the cultivation operation or plant count for</p> <p>breeding stock and may develop tiers for other licenses as appropriate.</p>	<p>Same, plus Board must develop tiers for retailers.</p>	<p>Senate <b>agrees</b> to House proposal.</p>	
<p>Vermont residents have priority in obtaining licenses.</p>	<p>The Agency of Commerce and Community Development, in collaboration with the Agency of Agriculture, Food and Markets, shall provide business and technical assistance to Vermont applicants with priority for services based on criteria adopted by the Board in accordance with</p>	<p>Senate <b>agrees</b> to House proposal.</p>	

	subsection (a) of this section.		
Board must adopt rules regarding:  Qualifications for licensure that are directly and demonstrably related to the operation of a cannabis establishment, including submission of an operating plan and the requirement for a fingerprint-based criminal history record check and regulatory record check.	Board must adopt rules regarding:  Qualifications for licensure that are directly and demonstrably related to the operation of a cannabis establishment, including: (i) a requirement to submit an operating plan, which shall include information concerning: <i>(I) the type of business organization; the identity of its controlling owners and principals; and the identity of the controlling owners and principals of its affiliates; and</i> <i>(II) the sources, amount, and nature of its capital, assets, and financing; the identity of its financiers; and the identity of the controlling owners and principals of its financiers;</i> (ii) a requirement to file an amendment to its operating plan in the event of a significant change in organization, operation, or financing; and (iii) the requirement for a fingerprint-based criminal history record check and regulatory record check.	Senate agrees to House proposal.	

<p>Oversight requirements.</p>	<p>Oversight requirements, <i>including provisions to ensure that a licensed establishment complies with State and federal regulatory requirements governing insurance, securities, workers' compensation, unemployment insurance, and occupational health and safety.</i></p>	<p>Senate <b>agrees</b> to House proposal.</p>	
<p>Requirements for banking and financial transactions.</p>	<p>Requirements for banking and financial transactions, <i>including provisions to ensure that the Board, the Department of Financial Regulation, and financial institutions have access to relevant information concerning licensed establishments to comply with State and federal regulatory requirements.</i></p>	<p>Senate <b>agrees</b> to House proposal.</p>	
<p>NA</p>	<p>Disclosure or eligibility requirements for a financier, its owners and principals, and its affiliates, which may include:          (i) requirements to disclose information to a licensed establishment, the Board, or the Department of Financial Regulation;          (ii) a minimum age requirement and a requirement to conduct a background check for natural persons;</p>	<p>Senate <b>agrees</b> to House proposal.</p>	

	<p>(iii) requirements to ensure that a financier complies with applicable State and federal laws governing financial institutions, licensed lenders, and other financial service providers; and (iv) any other requirements, conditions, or limitations on the type or amount of loans or capital investments made by a financier or its affiliates, which the Board, in consultation with the Department of Financial Regulation, determines is necessary to protect the public health, safety, and general welfare.</p>		
<p><b>Public Records</b></p> <p>Records exempt from public inspection and copying under the Public Records Act/ confidential:</p> <ul style="list-style-type: none"> <li>any record in an application for a license relating to security, public safety, transportation or trade secrets; and</li> <li>any licensee record relating to security, public safety, transportation, trade secrets, or employees.</li> </ul>	<p><b>Public Records</b></p> <p>Records exempt from public inspection and copying under the Public Records Act/ confidential:</p> <ul style="list-style-type: none"> <li>any record in an application for a license relating to security, public safety, transportation, or trade secrets, <i>including information provided in an operating plan pursuant to subdivision 881(a)(1)(B) of this title</i>; and</li> </ul>	<p>Senate <b>agrees</b> to House proposal.</p>	

<p>NA</p>	<ul style="list-style-type: none"> <li>any licensee record relating to security, public safety, transportation, trade secrets, or employees.</li> </ul> <p>Notwithstanding 1 V.S.A. § 317(e), the Public Records Act exemption created in this subsection shall continue in effect and shall not be repealed through operation of 1 V.S.A. § 317(e).</p>		
<p><b>Racial and Social Equity Provisions</b></p> <p>The Board shall issue licenses as determined according to a system of priorities adopted by rule by the Board. The system of priorities shall require consideration of criteria, including:</p> <ul style="list-style-type: none"> <li>whether the applicants would foster social justice and equity in the cannabis industry by being a minority or women-owned business; and</li> <li>whether the applicants propose specific plans to recruit, hire, and implement a development ladder for</li> </ul>	<p><b>Racial and Social Equity Provisions</b></p> <p>Same</p>		

<p>minorities, women, or individuals who have historically been disproportionately impacted by cannabis prohibition.</p>			
<p>Requires Board to submit to the General Assembly a proposal to work with the Department of Labor, Agency of Commerce and Community Development, and the Department of Corrections to develop outreach, training and employment programs focused on providing economic opportunities to individuals who historically have been disproportionately impacted by cannabis prohibition.</p>	<p>Same, but adds Director of Racial Equity to list of participants coordinating efforts.</p>	<p>Senate agrees to House proposal.</p>	
<p>Requires the Board to adopt rules for cannabis establishments that include policies and procedures for conducting outreach and promoting participation in the regulated cannabis market by diverse groups of individuals, including those who have been disproportionately harmed by cannabis prohibition.</p>	<p>Same</p>		
<p>Requires the Board to adopt rules that set forth standards for determining whether an applicant for a</p>	<p>Same</p>		

<p>cannabis establishment license should be denied a license because of his or her criminal history record based on factors that demonstrate whether the applicant presently poses a threat to public safety or the proper functioning of the regulated market. Nonviolent drug offenses shall not automatically disqualify an applicant.</p>			
<p>Requires the Board to adopt rules that set forth standards for determining whether an applicant to be an employee of a licensed cannabis establishment license should be denied because of his or her criminal history record based on factors that demonstrate whether the applicant presently poses a threat to public safety or the proper functioning of the regulated market. Nonviolent drug offenses shall not automatically disqualify an applicant.</p>	<p>Same</p>		
<p>Requires the Board to adopt rules that set forth standards for determining whether an applicant for a medical dispensary license or an employee of a dispensary should be denied a license because of his or her criminal history record based on factors that demonstrate whether the applicant presently poses a threat to public safety or the proper</p>	<p>NA</p>	<p>Senate <b>does not agree</b> to House proposal.</p>	<p>House <b>agrees</b>.</p>

<p>functioning of the regulated market. Nonviolent drug offenses shall not automatically disqualify an applicant.</p>		<p>Senate raises issue of cannabis expungement in S.294 as passed by Senate.</p>	<p>House has included the cannabis expungement language in S.234, Miscellaneous Judiciary Procedures</p>
<p><b>Local control</b></p> <p><i>Opt-out</i> for towns that want to prohibit all or a certain type of licensed cannabis establishment.</p> <p>The local cannabis control commission <i>may administer municipal permits</i> under this subsection for cannabis establishments within the municipality...The Board shall adopt rules relating to a municipality’s issuance of a <i>local permit</i> for a cannabis establishment in accordance with this subsection. <i>All applications for and forms of municipal licenses and permits shall be prescribed by the Board.</i></p> <p>NA</p>	<p><b>Local control</b></p> <p><i>Opt-in</i> for towns that want to allow a licensed cannabis retailer.</p> <p>The local cannabis control commission <i>may issue and administer local control licenses</i> under this subsection for cannabis establishments within the municipality...The Board shall adopt rules relating to a municipality’s issuance of a <i>local control license</i> in accordance with this subsection and <i>the local commissioners shall administer the rules furnished to them by the Board as necessary to carry out the purposes of this section.</i></p> <p>The Board has the authority to charge and collect local license fees for cannabis establishments at the time of license</p>	<p>Senate <b>does not agree to House proposal.</b></p> <p>Senate <b>agrees</b> to House proposal.</p> <p>Senate <b>does not agree to House proposal.</b></p>	<p><b>House does not agree.</b></p> <p><b>House does not agree.</b></p>

	<p>application or renewal. After reduction for costs of administration and collection, the Board shall pay local license fees on a quarterly basis to the municipality in which the fees were collected. The Board will report to the General Assembly no later than January 15, 2021, recommendations for local license fees that are designed to help defray the cost incurred by municipalities in which cannabis establishments are located.</p>		
<p><b>Advertising</b></p> <p>Advertising permitted provided licensee can show at least 70% of audience is 21+.</p> <p>Cannabis advertising shall not contain any statement or illustration that:</p> <ul style="list-style-type: none"> <li>(1) is deceptive, false or misleading;</li> <li>(2) promotes overconsumption;</li> <li>(3) represents that the use of cannabis has curative effects;</li> <li>(4) depicts a person under 21 years of age consuming cannabis; or</li> <li>(5) is designed to be or has the effect of being particularly appealing to persons under 21 years of age.</li> </ul>	<p><b>Advertising</b></p> <p>Advertising prohibited. Advertising does not include any label on products, editorials, sign attached to premises of establishment identifying location, any educational, instructional, or otherwise noncommercial material.</p>	<p>Senate proposes adopting the advertising language developed by HGO before it was amended on the House floor.</p>	<p>House does not agree.</p>

<p>All advertising shall contain the following warnings:          (1) For use only by adults 21 years of age or older. Keep out of the reach of children.          (2) Cannabis has intoxicating effects and may impair concentration, coordination, and judgment.</p> <p>The Board is required to adopt rules on advertising, marketing, and signage.</p>			
<p><b>Prohibited products:</b></p> <ul style="list-style-type: none"> <li>•cannabis products that contain nicotine or alcoholic beverages; and</li> <li>•any cannabis or cannabis products that are designed to make the product more appealing to persons under 21 years of age.</li> </ul>	<p><b>Prohibited products:</b></p> <ul style="list-style-type: none"> <li>•<i>cannabis flower with greater than 30 percent tetrahydrocannabinol;</i></li> <li>•<i>solid concentrate cannabis products with greater than 60 percent tetrahydrocannabinol;</i></li> <li>•<i>oil cannabis products except for those that are sold prepackaged for use with battery-powered devices;</i></li> <li>•<i>flavored oil cannabis products sold prepackaged for use with battery-powered devices and any cannabis flower that contains characterizing flavor that is not naturally occurring in the cannabis;</i></li> <li>•cannabis products that contain nicotine or alcoholic beverages; and</li> </ul>	<p>Senate does not agree to House proposal.</p>	<p>House does not agree.</p>

<p>A packaged cannabis product may not contain more than <i>100</i> mg of THC unless it is a topical preparation or other nonconsumable product.</p> <p>Cannabis products must be labeled in a manner which states the number of servings of <i>delta-9 tetrahydrocannabinol</i> in the product, measured in servings of a maximum of <i>10</i> milligrams per serving</p> <p>Cannabis products must be labeled with information on the date the product was produced, length of time it typically takes for products to take effect and appropriate warnings concerning the potential risks of consuming cannabis and the need to keep the product away from persons under the age of 21.</p> <p>Warnings concerning the potential risks of consuming cannabis and the need to keep the product away from persons under the age of</p>	<p>•any cannabis or cannabis products that are designed to make the product more appealing to persons under 21 years of age.</p> <p>A packaged cannabis product may not contain more than <i>50</i> mg of THC unless it is a topical preparation or other nonconsumable product.</p> <p>Cannabis products must be labeled in a manner that states the number of servings of <i>tetrahydrocannabinol</i> in the product, measured in servings of a maximum of <i>five</i> milligrams per serving</p> <p>Cannabis products must be labeled with the date the product was manufactured, the date the product is best used by, the ingredients contained in the product, information on the length of time it typically takes for products to take effect, and appropriate warnings developed by the Department of Health.</p> <p><i>Health</i> warnings developed by Department of Health and adopted through rulemaking by the Board.</p>	<p>Senate does not agree to House proposal.</p> <p>Senate does not agree to House proposal.</p> <p>Senate agrees provided the health warnings are developed as indicated below.</p> <p>Senate proposes the health warnings are developed by the Board in consultation with the Department of Health and adopted by rule.</p>	<p>House does not agree.</p> <p>House does not agree.</p> <p>House agrees.</p>
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<p>21, as well as any other adopted through rulemaking by the Board.</p>			
<p><b>Small cultivators</b></p> <p>Defined as 500 sq. ft. or less</p> <p>The Board shall consider the different needs and risks of small cultivators when adopting rules and shall make an exception or accommodation to such rules for cultivators of this size where appropriate.</p> <p>Small cultivators licensed at same time as other cultivators, although the Board shall give preference to smaller cultivation operations in an effort to encourage small local farmers to enter the market.</p>	<p><b>Small cultivators</b></p> <p>Defined as 1,000 sq. ft. or less</p> <p>The Board shall consider the different needs and risks of small cultivators when adopting rules and shall make an exception or accommodation to such rules for cultivators of this size where appropriate, <i>provided that the rules shall not provide for an exception or accommodation to the requirements of section 869 of this title (environmental and land use).</i></p> <p>Small cultivators licensed one month before other cultivators. The application for small cultivator licenses shall be prioritized over larger cultivation licenses during the initial application period.</p>	<p>Senate agrees to House proposal.</p> <p>Senate agrees to House proposal.</p> <p>Senate agrees to House proposal.</p>	
<p><b>Cultivation</b></p> <p>Board must adopt rules regarding:</p> <ul style="list-style-type: none"> <li>Restrictions on the use by cultivators of</li> </ul>	<p><b>Cultivation</b></p> <p>Board must adopt rules regarding:</p> <ul style="list-style-type: none"> <li>Pesticides or classes of pesticides that</li> </ul>	<p>Senate agrees to House proposal.</p>	

<p>pesticides that are injurious to human health.</p> <ul style="list-style-type: none"> <li>Standards for indoor and outdoor cultivation of cannabis, <i>including environmental protection requirements.</i></li> </ul>	<p>may be used by cultivators, provided that any rules adopted under this subdivision shall comply with and shall be at least as stringent as the Agency of Agriculture, Food and Markets' Vermont Pesticide Control Regulations.</p> <ul style="list-style-type: none"> <li>Standards for indoor cultivation of cannabis.</li> </ul> <p>A cannabis establishment shall not be regulated as "farming" under the Required Agricultural Practices and cannabis produced from cultivation shall not be considered an agricultural product or agricultural crop. The cultivation, processing, and manufacturing of cannabis must comply with all applicable State, federal, and local environmental, energy, or public health law, unless otherwise provided.</p> <p>A cannabis establishment shall be subject to regulation</p>	<p>Senate would like more discussion of this issue.</p>	
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	<p>under 24 V.S.A. chapter 117.</p> <p>The cultivation, processing, and manufacturing of cannabis shall comply with the following sections of the Required Agricultural Practices:</p> <ul style="list-style-type: none"> <li>• section 6, regarding conditions, restriction, and operating standards;</li> <li>• section 8, regarding groundwater quality and groundwater quality investigations; and</li> <li>• section 12, regarding subsurface tile drainage.</li> </ul> <p>Application of or compliance with the Required Agricultural Practices under shall not be construed to provide a presumption of compliance with or exemption to any applicable State, federal, and local environmental, energy, public health, or land use law required.</p> <p>Persons cultivating cannabis or handling pesticides for the purposes of the manufacture of cannabis products shall comply with the worker protection standard of 40 C.F.R. part 170.</p>		
<b>Retail</b>	<b>Retail</b>		

<p>A retailer shall display a safety information flyer or flyers developed or approved by the Board and supplied to the retailer free of charge. The flyer or flyers shall contain information concerning the methods for administering cannabis, the amount of time it may take for cannabis products to take effect, the risks of driving under the influence of cannabis, the potential risks of cannabis use, the symptoms of problematic usage, and how to receive help for cannabis abuse.</p>	<p>A retailer or integrated licensee shall display a safety information flyer <i>at the point of purchase and offer a customer a copy of the flyer with each purchase. A retailer shall inform the customer that if the customer elects not to receive the flyer, the information contained in the flyer is available on the website for the Board. The flyer shall be developed by the Board in consultation with the Department of Health, posted on the Board’s website, and supplied to the retailer free of charge. At a minimum, the flyer or flyers shall contain information concerning the methods for administering cannabis, the amount of time it may take for cannabis products to take effect, the risks of driving under the influence of cannabis, the potential health risks of cannabis use, the symptoms of problematic usage, how to receive help for cannabis abuse, and a warning that cannabis possession is illegal under federal law.</i></p>	<p>Senate agrees with the House proposal.</p>	
<p><b>Employee training</b></p>	<p><b>Employee training</b></p>		

<p>A licensee shall ensure that each employee involved in the sale of cannabis completes a training program approved by the Board prior to selling cannabis and at least once every 24 months thereafter. A licensee shall keep a written record of the type and date of training for each employee, which shall be signed by each employee. A licensee may comply with this requirement by conducting its own training program on its premises, using information and materials furnished by the Board. A licensee who fails to comply with the requirements of this section shall be subject to a suspension of not less than one day of the license issued under this chapter.</p>	<p>Same, but adds: <i>The training shall include information about the health effects of the use of cannabis and cannabis products.</i></p>	<p>Senate <b>agrees</b> with the House proposal.</p>	
<p><b>Excise tax</b></p> <p>A 16% cannabis excise tax is established and applies to the retail sale of cannabis and cannabis products sold by retailers and integrated licensees.</p>	<p><b>Excise tax</b></p> <p>A 14% cannabis excise tax is established and applies to the retail sale of cannabis and cannabis products sold by retailers and integrated licensees.</p>	<p>Senate proposes a 14% cannabis excise tax is established and applies to the retail sale of cannabis and cannabis products sold by retailers and integrated licensees, provided that 2% is designated for municipalities that have a licensed cannabis establishment and would be sent to towns based on a formula that takes</p>	<p>House <b>does not agree.</b></p>

<p>Monies go to the General Fund.</p>	<p>30% of cannabis excise tax revenue is dedicated to funding substance misuse prevention programming as recommended by the Substance Misuse Prevention Oversight and Advisory Council and remaining monies go to the General Fund.</p>	<p>into account the number and type of licensees in that town and their impact. Senate proposes 30% of cannabis excise tax revenue with a cap of \$10m goes to GF and dedicated to funding substance misuse prevention programming.</p>	<p>House agrees.</p>
<p><b>Sales tax</b>  Exempts all sales of cannabis and cannabis products from the six percent sales and use tax.</p>	<p><b>Sales tax</b>  The 6% general sales tax applies to the retail sale of cannabis and cannabis products sold by retailers and integrated licensees. The revenues from the sales tax raised on the sale of cannabis products is required to be segregated from other sales tax revenue and earmarked for grants to start and expand afterschool and summer learning opportunities.  On November 15, 2021 and every subsequent November 15, the Agency of Education is required to propose grants for afterschool and summer learning opportunities in an amount equal to the annual revenue forecasted to be raised</p>	<p>Senate agrees with the House proposal.  Senate agrees to the House proposal.</p>	

	by the sales tax on cannabis.		
<p><b>Local option tax</b></p> <p>Creates a 2% cannabis local option tax on retail sales of cannabis and cannabis products (including food and beverages) to be paid by the purchaser to the retailer. Can be adopted by any municipality that has not prohibited the retail sale of cannabis and cannabis products.</p>	<p><b>Local option tax</b></p> <p>NA – See Local Control.</p>	<p>See excise tax.</p>	<p>House does not agree.</p>
<p><b>Board Reporting Requirements Regarding Resources and Fees</b></p> <p>On or before January 15, 2020, the Executive Director of the Cannabis Control Board shall submit to the General Assembly the Board’s information regarding the following:</p> <p>Resources necessary for implementation of this act for fiscal year 2021. The Board shall consider utilization of current expertise and resources within State government and cooperation with other State departments and agencies where there may be an overlap in duties.</p>	<p><b>Board Reporting Requirements Regarding Resources and Fees</b></p> <p>On or before January 15, 2021, the Executive Director of the Cannabis Control Board shall provide recommendations to the General Assembly on the following:</p> <p>Resources necessary for implementation of this act for fiscal years 2022 and 2023, including positions and funding. The Board shall consider utilization of current expertise and resources within State government and cooperation with other State departments and</p>	<p>Senate agrees with the House proposal provided the Board also recommends fees for the medical program.</p>	<p>House agrees with the addition of language that directs the Board to consider affordability for patient and caregiver fees.</p>

<p>Fees to be charged and collected in accordance with the Board’s authority pursuant to 7 V.S.A. § 844 to the General Assembly on or before January 15, 2020. The recommendations shall be accompanied by information justifying the recommended rate as required by 32 V.S.A. § 605(d). The fees shall, at a minimum, equal the cost of application and license fees for marijuana establishments in the Commonwealth of Massachusetts that are collected by the Cannabis Control Commission. The Board may recommend fees that are lower or higher provided they are designed to provide sufficient funding to meet the duties of the Cannabis Control Board as provided in 7 V.S.A. § 841(b).</p> <ul style="list-style-type: none"> <li>• Application fees, initial annual license fees, and annual license renewal fees for each type of cannabis establishment license as provided in 7 V.S.A. § 909: cultivator, product manufacturer, wholesaler, retailer, and testing laboratory.</li> </ul>	<p>agencies where there may be an overlap in duties.</p> <p>State fees to be charged and collected in accordance with the Board’s authority pursuant to 7 V.S.A. § 846. The recommendations shall be accompanied by information justifying the recommended rate as required by 32 V.S.A. § 605(d). <i>The State fees submitted in accordance with this subdivision shall be projected to be sufficient to fund the duties of the Cannabis Control Board as provided in 7 V.S.A. § 843. To the extent possible, the recommend fees shall include an amount to repay over a period, not greater than 10 years, to the General Fund any application of excise taxes to the Cannabis Regulation Fund made pursuant to Sec. 6c of this act.</i></p> <ul style="list-style-type: none"> <li>• Application fees, initial annual license fees, and annual license renewal fees for each type of cannabis establishment license as provided in 7 V.S.A. § 846: cultivator, product manufacturer, wholesaler, retailer, testing laboratory,</li> </ul>		
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<p>If the Board establishes tiers within a licensing category, it shall provide a fee recommendation for each tier.</p> <ul style="list-style-type: none"> <li>• Fee for a cannabis establishment identification card as provided in 7 V.S.A. § 884.</li> <li>• Initial annual fee and annual renewal fee for a patient on the Medical Cannabis Registry as provided in 7 V.S.A. § 955.</li> <li>• Initial annual fee and annual renewal fee for a caregiver on the Medical Cannabis Registry as provided in 7 V.S.A. § 955.</li> <li>• Application fee, initial annual fee, and annual renewal fee for medical cannabis dispensaries.</li> <li>• Fee for a medical cannabis dispensary identification card as provided in 7 V.S.A. § 975.</li> </ul> <p>Whether monies expected to be generated by fees are sufficient to support the statutory duties of the Board and whether any</p>	<p>and integrated. If the Board establishes tiers within a licensing category, it shall provide a fee recommendation for each tier.</p> <ul style="list-style-type: none"> <li>• Fee for a cannabis establishment identification card as provided in 7 V.S.A. § 884.</li> </ul> <p>Same</p>		
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<p>portion of the tax established pursuant to 32 V.S.A. § 7901 should be allocated to the Cannabis Regulation Fund to ensure these duties are met.</p> <p>NA</p>	<p>Local license fees to be charged and collected in accordance with the Board’s authority pursuant to 7 V.S.A. § 846. The recommendations shall be accompanied by information justifying the recommended rate as required by 32 V.S.A. § 605(d). The Board shall recommend local license fees that are designed to help defray the costs incurred by municipalities in which cannabis establishments are located.</p>	<p>Senate does not agree to the House proposal.</p>	<p>House does not agree.</p>
<p><b>Other Board Reporting Requirements</b></p> <p>On or before January 15, 2020, the Executive Director of the Cannabis Control Board shall submit to the General Assembly the Board’s information regarding the following:</p> <p>A proposal to work with the Department of Labor, Agency of Commerce and Community Development, and the Department of</p>	<p><b>Other Board Reporting Requirements</b></p> <p>On or before November 15, 2021, the Executive Director of the Cannabis Control Board shall submit to the General Assembly:</p> <p>A proposal to work with the Department of Labor, Agency of Commerce and Community Development, the Department of</p>	<p>Senate agrees to the House proposal.</p>	

<p>Corrections to develop outreach, training and employment programs focused on providing economic opportunities to individuals who historically have been disproportionately impacted by cannabis prohibition.</p> <p>The experience of other jurisdictions with regulated cannabis markets that allow licensed retail cannabis establishments to deliver to customers and the advantages and disadvantages of allowing such deliveries in Vermont.</p> <p>NA</p> <p>NA</p>	<p>Corrections, and the Director of Racial Equity to develop outreach, training, and employment programs focused on providing economic opportunities to individuals who historically have been disproportionately impacted by cannabis prohibition.</p> <p>A summary of the experience of other jurisdictions with regulated cannabis markets that allow licensed retail cannabis establishments to accept online ordering for in-store pick-up of items and to deliver to customers and the advantages and disadvantages of allowing such services in Vermont.</p> <p>Recommendations as to whether the General Assembly should consider adding additional types of cannabis licenses, including a craft cooperative license, delivery license, or special event license.</p> <p>Recommendations as to whether cannabis and cannabis products should have a minimum amount of cannabidiol to aid in the prevention of the cannabis-induced psychosis that occurs in</p>	<p>Senate <b>agrees</b> to the House proposal.</p>	
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<p>NA</p>	<p>some users of cannabis and cannabis products.</p> <p>Recommendations regarding the display and sale of cannabis-related paraphernalia that is sold by persons who are not licensed as a cannabis establishment or a dispensary.</p>		
<p>NA</p>	<p>On or before January 15, 2021, the Executive Director of the Cannabis Control Board, after consultation with the Secretary of Natural Resources, the Chair of the Natural Resources Board, and the Secretary of Agriculture, Food and Markets, shall recommend to the General Assembly exemptions, specific criteria, or additional requirements under applicable State or local environmental or land use law for cannabis establishments in the State. The recommendations shall address whether additional groundwater quality requirements are required for the cultivation of cannabis in order to protect the groundwater resources of the State from overuse. The Executive Director may provide the recommendations based on a tier, type, or category of cannabis</p>	<p>Senate agrees to the House proposal.</p>	

<p>NA</p>	<p>cultivation or cannabis establishment.</p> <p>On or before January 15, 2021, the Executive Director of the Cannabis Control Board, after consultation with the Commissioner of Public Service and the Chair of the Public Utility Commission, shall recommend to the General Assembly energy or efficiency requirements or standards for the operation of cannabis establishments in the State. The recommendations shall include:</p> <ul style="list-style-type: none"> <li>(1) recommended building energy standards for cannabis establishments if different from existing commercial building standards;</li> <li>(2) recommended energy audits for cannabis establishments, including the recommended frequency of audits and who should perform the audits; and</li> <li>(3) energy efficiency and conservation measures applicable to cannabis establishments.</li> </ul>	<p>Senate agrees to the House proposal.</p>	
<p>NA</p>	<p>In making the recommendations, the Executive Director of the Cannabis Control Board shall recommend the permits, licenses, or</p>		

<p>NA</p>	<p>standards that a licensed cannabis cultivator or cannabis product manufacturer shall demonstrate, as a condition of licensure, or as a condition for licensure renewal if such standards are not established prior to initial licensure.</p> <p>On or before March 1, 2021, the Executive Director of the Cannabis Control Board shall submit to the General Assembly the Board’s recommendation whether licensed cannabis product manufacturers should be considered a food manufacturing establishment or food processor pursuant to 18 V.S.A. § 4301(7) for the purpose of licensing and regulation by the Department of Health.</p>		
<p><b>Medical Marijuana</b></p> <p>Current statutes repealed and replaced which will take effect once Board adopts regulations and Registry and dispensaries move to the Board.</p>	<p><b>Medical Marijuana</b></p> <p>NA</p>	<p>Senate does not agree with the House proposal.</p>	<p>House agrees with the Senate version of the medical marijuana laws with the following changes:</p> <p>Require the Board to act on applications for a patient or caregiver card within 30 days</p> <p>Require caregiver applicants to submit fingerprints and have a criminal background</p>

			<p>check. Board may deny on basis of record. Disqualifying crimes include abuse of a vulnerable adult or a child.</p> <p>Patients may only possess two ounces of cannabis (Senate version allows three ounces.)</p> <p>Require cannabis and cannabis products sold by a dispensary to be labeled under the same requirements as labeling the CoC has approved for cannabis establishments.</p> <p>Advertising is banned in the same manner as House position for cannabis establishments.</p> <p>No new dispensaries would be allowed (5 current) unless a town opts-in in the same manner as for retail in the House proposal.</p>
<p><b>Existing Licensed Medical Dispensaries</b></p> <p>Dispensaries receive priority in application for cannabis establishment licenses.</p> <p>It is the intent of the General Assembly to provide a well-regulated system of licensed medical cannabis</p>	<p><b>Exiting Licensed Medical Dispensaries</b></p> <p>Same</p> <p>NA</p>	<p>Senate <b>does not agree</b> with the House proposal.</p>	<p>House <b>agrees</b>.</p>

<p>dispensaries for the purpose of providing cannabis, cannabis products, and related services to patients and caregivers who are registered on the Medical Cannabis Registry pursuant to chapter 35 of this title. Vermont first authorized dispensaries in 2011, and it is the intent of the General Assembly that dispensaries continue to provide unique goods and services to registered patients and caregivers for therapeutic purposes in a market that also allows cannabis establishments licensed pursuant to chapter 33 of this title.</p> <p>(b) A dispensary licensed pursuant to this chapter may engage in practices that are not permitted for a cannabis establishment. As such, a dispensary may:</p> <ul style="list-style-type: none"><li>(1) be vertically integrated under one license;</li><li>(2) sell tax-free cannabis and cannabis products to patients and caregivers;</li><li>(3) deliver cannabis and cannabis products to patients and caregivers;</li><li>(4) allow patients and caregivers to purchase cannabis and cannabis products without leaving their vehicles;</li><li>(5) produce and sell cannabis and cannabis products that have a higher THC content than</li></ul>			
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<p>is permitted for a cannabis establishment;          (6) produce and sell cannabis products that may not otherwise be permitted for a cannabis establishment, but that would be appropriate for use by a patient as determined by the Board through rulemaking; and          (7) sell larger quantities of cannabis and cannabis products than is permitted for a cannabis establishment.</p>			
<p>NA</p>	<p>Creates new integrated license available only to existing dispensaries.          “An integrated license allows the dispensary to engage in the activities of a cultivator, wholesaler, product manufacturer, retailer, and testing laboratory under one license.</p>	<p>Senate <b>agrees</b> to the House proposal.</p>	
<p>NA</p>	<p>Integrated licensees, small cultivators, and testing labs would receive priority licensing and small cultivators may begin selling cannabis to integrated licensees as soon as they have cultivated product under the new license. An integrated licensee may begin selling cannabis and cannabis products transferred or purchased from a dispensary immediately.</p>	<p>Senate <b>agrees</b> to the House proposal.</p>	

<b>Highway safety</b>	<b>Highway safety</b>		
NA	The amendment makes Advanced Roadside Impaired Driving Enforcement (ARIDE) training a part of basic law enforcement training and directs Training Council to provide 16 hours of training to all officers by the end of 2021.	Senate <b>agrees</b> to the House proposal.	
NA	Saliva is added to the definition of evidentiary test for impaired driving.	<b>Senate does not agree with the House proposal.</b>	<b>House does not agree.</b>
NA	The amendment codifies the presumptive admissibility of field sobriety test results and Driving Recognition Expert (DRE) evaluation results.	Senate <b>agrees</b> to the House proposal.	
NA	Evidentiary saliva tests are added to the implied consent statute in the same manner as blood tests. Drivers are deemed to have given consent to the evidentiary testing of their saliva if law enforcement has reason to believe they are operating under the influence. Law enforcement must obtain a warrant for the test, just as they must obtain a warrant for an evidentiary blood test.	<b>Senate does not agree with the House proposal.</b>	<b>House does not agree.</b>

<p>NA</p>	<p>A refusal to submit to an evidentiary saliva test would be permitted to be introduced as evidence in a criminal proceeding (same is true for a blood sample).</p> <p>The amendment adds EMTs and paramedics to the list of professionals authorized to take a blood sample and specifies that a blood sample shall not be withdrawn at roadside. Law enforcement certified by the Training Council would be permitted to obtain a saliva sample, provided it is not taken roadside.</p>	<p>This provision passed in the T-bill and is current law.</p>	
<p>NA</p>	<p>The amendment requires a person to make arrangements for his or her own independent chemical analysis of an evidentiary sample of blood or saliva.</p>	<p>Senate <b>agrees</b> to the House proposal, but not for saliva.</p>	
<p>NA</p>	<p>The Department of Public Safety (DPS) is required to report to standing committees by January 2021 regarding a plan to establish geographic equity in distribution of DREs across the State and a plan to expand the DRE program to the extent allowed by credentialing bodies.</p>	<p>Senate <b>agrees</b> to the House proposal.</p>	
<p>NA</p>	<p>Upon identifying a threshold level of concentration of a</p>	<p>Senate <b>agrees</b> to the House proposal.</p>	

	<p>psychoactive metabolite of cannabis in a person’s bloodstream to establish impairment and approving a chemical testing device for roadside use capable of demonstrating such a threshold level of concentration of such psychoactive metabolite of cannabis in a person’s system, the Department of Public Safety shall report to the House and Senate Committees on Judiciary and on Government Operations on a proposal to implement the use of such a device to evaluate individuals suspected of operating under the influence of marijuana.</p>		
<p>NA</p>	<p>Provides for primary enforcement of seat belt laws for persons 18 years of age and older.</p>	<p>Senate does not agree to the House proposal.</p>	<p>House does not agree.</p>
<p>NA</p>	<p>Requires the Vermont Criminal Justice Training Council to report to the General Assembly on or before the 15th day of January in 2022, 2023, and 2024 regarding traffic stop data and safety belt enforcement for the previous fiscal year.</p>	<p>Senate agrees to the House proposal.</p>	

			<p>House proposes the following amendments:</p> <p>§ 1134. Motor vehicle operator; consumption or possession of alcohol or marijuana</p> <p>* * *</p> <p>(b) A person operating a motor vehicle on a public highway shall not possess any open container which contains an alcoholic beverage or marijuana in the passenger area of the motor vehicle.</p> <p>* * *</p> <p>§ 1134a. Motor vehicle passenger; consumption or possession of alcohol or marijuana</p> <p>* * *</p> <p>(b) A passenger in a motor vehicle shall not possess any open container which contains an alcoholic beverage or marijuana in the passenger area of the motor vehicle.</p> <p>* * *</p>
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