

Suggested edits under “Regulation by Local Government”:

§ 863(b) – Roll-out, local commission, approvals, etc.:

- Use consistent language for local approvals from local control commission. Use “local control permit” or some distinct term for these cannabis permits/licenses, so it is not confused with \*other\* day-to-day local permits.
- In the last sentence – reword to say simply the Board shall prescribe all applications and forms for a local cannabis control board. This way this encompasses any and all forms and ties into the preceding sentence more clearly.
- Take a look at 7 V.S.A. §167(a) and see if the first sentence helps to really clarify that the municipality is acting as a sort of agent of the state and plays a role in administering the rules the state cannabis board adopt. Something along the lines of “The local cannabis control commission shall administer the rules furnished to them by the Board, as necessary to carry out the purpose of this title.” That may tie in well with the second to last sentence in § 863(b) better to hammer this home.
- Remove reference to signage or public nuisance language and just refer to 24 V.S.A. §2291 in its entirety. Down the road there may be more ordinance powers added/removed that may encompass cannabis use/establishments (perhaps public use? perhaps extending “entertainment” use at bars, festivals, etc.?). This will alleviate the legislature and local gov’t from having to keep amending the law to keep up with any future changes the legislature may make in the regulation of this industry/activity. This is also particularly important to towns WITHOUT zoning, and the use of ordinance powers in 2291 is really the only powers they truly have. It’s safe to assume that a place like Johnson, VT may have an establishment (they don’t have zoning,) but may use ordinance powers to regulate.

§ 863 (c)(1) – Prohibitive acts:

- 24 V.S.A. §4412 outlines what broad prohibitions across the state for what zoning can/can’t/must do. A new section should be added to this section say in effect that no bylaw in its application by a municipality [under the charter] shall have the effect of prohibiting the operation of a cannabis establishment. This makes clear to the zoning administrator and planning commissions that they can’t zone out cannabis establishments. Zoning folks rarely pull out Title 7, so we don’t want this getting buried there and it should be in Title 24, Chapter 117.
- Under subsection (2), perhaps this can also be removed and add language in §863(b) that looks to 7 V.S.A. §210 that states clearly: “(a)(1) *The control commissioners or the Board of Liquor and Lottery shall have power to suspend or revoke any permit or license granted pursuant to this title in the event the person holding the permit or license shall at any time during the term of the permit or license conduct its business in violation of this title, the conditions pursuant to which the permit or license was granted, or any rule prescribed by the Board of Liquor and Lottery.*” This language can be tweaked to say the same thing I think the legislature is trying to say here, and in section (b).

- Similarly, subsection (3) seems to be unnecessary language, and probably could be removed. Overall, we think that §863(c) is unnecessary, and the “belts and suspenders” can simply be done by adding language in section §863 (b) as outlined above. I know this made the Senate fill comfortable and we do understand this is a policy decision at the end of the day.
- Amend reference to 24 V.S.A. §4414 in all areas to read 24 V.S.A. Chapter 117 to include the entire planning and zoning title.