

Proposal of amendment to S.54 from Senate Government Operations to Senate Judiciary

* * * Structure of the Board * * *

7 V.S.A. § 841(c) is amended to read:

(c) Membership.

(1) The Board shall consist of five members who shall be appointed as follows:

(A) one member who shall be appointed by the Governor and who shall have a background in consumer protection;

(B) one member who shall be appointed by the Senate Committee on Committees and who shall have a background in agriculture, horticulture, or plant science;

(C) one member who shall be appointed by the Speaker of the House and who shall have a background in systemic social justice and equity issues;

(D) one member who shall be appointed by the Treasurer and who shall have a background in business management or corporate structures; and

(E) one member who shall be appointed by the Attorney General and who shall have a background in legal or regulatory compliance.

* * * Authority to appoint advisory committee * * *

7 V.S.A. § 841(h) is added to read:

(h) The Board may establish an advisory committee comprised of members with expertise and knowledge relevant to the Board's mission.

* * * Directing Board to report back to General Assembly regarding roll-out of year two * * *

Sec. X. BOARD REPORT TO GENERAL ASSEMBLY

On or before February 1, 2020, the Executive Director of the Cannabis Control Board shall submit to the General Assembly the Board's recommendations for 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.

* * * Amending PRA provision for cannabis establishments * * *

New 7 V.S.A. § 901 is added to read:

(g)(1) The following records shall be exempt from public inspection and copying under the Public Records Act and shall be confidential:

(A) Any record in an application for a license relating to security, public safety, transportation or trade secrets.

(B) Any licensee record relating to security, public safety, transportation, trade secrets, or employees.

(2) 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V.S.A. § 317(e), the Public Records Act exemption created in this subsection shall continue in effect and shall not be repealed through operation of 1 V.S.A. § 317(e).

* * * Amending PRA provision for Medical Cannabis Registry * * *

7 V.S.A. § 952 is amended to read:

(c)(1) Individual names and identifying information about patients and caregivers on the Registry are exempt from public inspection and copying under the Public Records Act and shall

be kept confidential. 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).

(2) In response to a person-specific or property-specific inquiry by a law enforcement officer or agency made in the course of a bona fide investigation or prosecution, the Board may verify the identities and registered property addresses of the registered patient and the patient's registered caregiver. The law enforcement officer or agency shall keep confidential any identities and addresses received pursuant to this subdivision.

* * * Adding PRA provision for Medical Cannabis Dispensaries * * *

7 V.S.A. § 953(b) is added to read:

(b) All records relating to security, transportation, public safety, trade secrets, and employees in an application for a license and for a licensee under this chapter are exempt from public inspection and copying under the Public Records Act and shall be confidential. 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).

* * * Municipal authority to regulate and prohibiting municipality from
circumventing opt-out provision * * *

7 V.S.A. § 863 is amended to read:

§ 863. REGULATION BY LOCAL GOVERNMENT

(a) A municipality that hosts a cannabis establishment shall establish a cannabis control commission, composed of cannabis control commissioners who may be members of the municipal legislative body.

(b)(1) The Board shall adopt rules relating to a municipality's issuance of a local permit for a cannabis establishment in accordance with this section. The local cannabis control commission shall administer such rules. All applications for and forms of licenses and permits shall be prescribed by the Board pursuant to subchapter 2 of this chapter.

(2) The local cannabis control commission shall administer municipal permits under this subsection for cannabis establishments within the municipality. The local control commissioners may condition the issuance of a municipal permit, during the term of the permit, upon compliance with any bylaw adopted pursuant to 24 V.S.A. § 4414 or ordinances regulating signs or public nuisances adopted pursuant to 24 V.S.A. § 2291. The commission may suspend or revoke a local control permit for violation of any condition placed upon the issuance of the permit.

(c)(1) A municipality, by majority vote of those present and voting at an annual or special meeting warned for that purpose, may prohibit the operation of a cannabis establishment or a specific type of cannabis establishment within the municipality. The provisions of this

subdivision shall not apply to a cannabis establishment that is operating within the municipality at the time of the vote.

(2) A vote to prohibit the operation of a cannabis establishment within the municipality shall remain in effect until rescinded by majority vote of those present and voting at an annual or special meeting warned for that purpose.

(d) A municipality shall not prohibit the operation of a cannabis establishment within the municipality through an ordinance adopted pursuant to 24 V.S.A. § 2291 or a bylaw adopted pursuant to 24 V.S.A. § 4414.

32 V.S.A. § 7902(b) is amended to read:

(b) The cannabis local option tax may be adopted by a municipality that has:

(1) not prohibited the retail sale of cannabis and cannabis products within the municipality pursuant to 7 V.S.A. § 863(c) ~~or 24 V.S.A. §§ 2291 and 4414~~; and

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