

1 H.164

2 Introduced by Representatives Peterson of Clarendon, Achey of Middletown
3 Springs, Fagan of Rutland City, Page of Newport City, Savage
4 of Swanton, and Yantachka of Charlotte

5 Referred to Committee on

6 Date:

7 Subject: Cannabis; local government

8 Statement of purpose of bill as introduced: This bill proposes to require a town
9 to vote to allow the operation of any type of licensed cannabis establishment
10 prior to such an establishment operating within the town.

11 An act relating to requiring a town to affirmatively vote to allow any
12 licensed cannabis establishment to operate within the town

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 7 V.S.A. § 863 is amended to read:

15 § 863. REGULATION BY LOCAL GOVERNMENT

16 (a)(1) Prior to ~~a cannabis retailer or an integrated~~ any type of cannabis
17 establishment licensee operating within a municipality, the municipality shall
18 affirmatively permit the operation of such cannabis establishments by majority
19 vote of those present and voting by Australian ballot at an annual or special
20 meeting warned for that purpose. A municipality may place ~~retailers or~~

1 ~~integrated licensees, or both~~ cultivators, wholesalers, product manufacturers,
2 testing laboratories, retailers, or integrated licensees, or any combination
3 thereof, on the ballot for approval.

4 (2) A vote to permit the operation of a licensed cannabis retailer or
5 integrated licensee within the municipality shall remain in effect until
6 rescinded by majority vote of those present and voting by Australian ballot at a
7 subsequent annual or special meeting warned for that purpose. A rescission of
8 the permission to operate a ~~licensed cannabis retailer or integrated~~
9 establishment licensee within the municipality under this subdivision shall not
10 apply to a licensed cannabis ~~retailer or integrated~~ establishment licensee that is
11 operating within the municipality at the time of the vote.

12 (b) A municipality that hosts any cannabis establishment may establish a
13 cannabis control commission composed of commissioners who may be
14 members of the municipal legislative body. The local cannabis control
15 commission may issue and administer local control licenses under this
16 subsection for cannabis establishments within the municipality. The
17 commissioners may condition the issuance of a local control license upon
18 compliance with any bylaw adopted pursuant to 24 V.S.A. § 4414 or
19 ordinances regulating signs or public nuisances adopted pursuant to 24 V.S.A.
20 § 2291. The commission may suspend or revoke a local control license for a
21 violation of any condition placed upon the license. The Board shall adopt rules

1 relating to a municipality's issuance of a local control license in accordance
2 with this subsection, and the local commissioners shall administer the rules
3 furnished to them by the Board as necessary to carry out the purposes of this
4 section.

5 (c) Prior to issuing a license to a cannabis establishment under this chapter,
6 the Board shall ensure that the applicant has obtained a local control license
7 from the municipality, if required.

8 (d) A municipality shall not:

9 (1) prohibit the operation of a cannabis establishment within the
10 municipality through an ordinance adopted pursuant to 24 V.S.A. § 2291 or a
11 bylaw adopted pursuant to 24 V.S.A. § 4414;

12 (2) condition the operation of a cannabis establishment, or the issuance
13 or renewal of a municipal permit to operate a cannabis establishment, on any
14 basis other than the conditions in subsection (b) of this section; ~~and~~ or

15 (3) exceed the authority granted to it by law to regulate a cannabis
16 establishment.

17 Sec. 2. EFFECTIVE DATE

18 This act shall take effect on July 1, 2021.