Introduced by Senators Sears, Benning, Chittenden and Pollina

Referred to Committee on

Date:

Subject: Cannabis; cultivation; environmental and land use

Statement of purpose of bill as introduced: This bill proposes to regulate the activities by a licensed small cannabis cultivator as “farming”; amend the criteria regarding the area for cultivating cannabis commercially and for personal cultivation; and allow licensed cultivators to purchase and sell seeds and immature plants to one another and licensed wholesalers to sell such products to licensed cultivators.

An act relating to regulating licensed small cannabis cultivation as farming

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

Sec. 1. 7 V.S.A. § 861(19) is amended to read:

(19) “Enclosed, locked facility” means a building, room, greenhouse, outdoor fenced-in area, or other location that is enclosed on all sides and prevents cannabis from easily being viewed by the public. The facility shall be equipped with locks or other security devices that permit access only by:

(A) Employees, agents, or owners of the cultivator, all of whom shall be 21 years of age or older.
(B) Government employees performing their official duties.

(C) Contractors performing labor that does not include cannabis cultivation, packaging, or processing. Contractors shall be accompanied by an employee, agent, or owner of the cultivator when they are in areas where cannabis is being grown, processed, packaged, or stored.

(D) Registered employees of other cultivators, members of the media, elected officials, and other individuals 21 years of age or older visiting the facility, provided they are accompanied by an employee, agent, or owner of the cultivator. [Repealed]

Sec. 2. 7 V.S.A. § 869 is amended to read:

§ 869. CULTIVATION OF CANNABIS; ENVIRONMENTAL AND LAND USE STANDARDS

(a)(1) A cannabis establishment shall not be regulated as “farming” under the Required Agricultural Practices, 6 V.S.A. chapter 215, or other State law, and cannabis produced from cultivation shall not be considered an agricultural product, farm crop, or agricultural crop for the purposes of 32 V.S.A. chapter 124, 32 V.S.A. § 9741, or other relevant State law.

(2) Notwithstanding subdivision (1) of this subsection, the cultivation of cannabis on agricultural land and the use of farm buildings to dry or process that cannabis shall not disqualify the land or buildings from the use value.
appraisal program or constitute “development” under 32 V.S.A. § 3752(5),

provided that:

(A) the agricultural land or farm building is enrolled in the use value appraisal program at the time cannabis cultivation commences;

(B) the agricultural land or farm building is not transferred to another owner;

(C) the cultivation, drying, or processing of cannabis is done by a licensed small cultivator on 1,000 square feet or less of agricultural land; and

(D) all other requirements under 32 V.S.A. chapter 124 continue to be met.

(b) The cultivation, processing, and manufacturing of cannabis regulated under this chapter shall comply with all applicable State, federal, and local environmental, energy, or public health law, unless otherwise provided under this chapter.

(c) A cannabis establishment regulated under this chapter shall be subject to regulation under 24 V.S.A. chapter 117 as authorized by this chapter.

(d)(1) The cultivation, processing, and manufacturing of cannabis regulated under this chapter shall comply with the following sections of the Required Agricultural Practices:

(A) section 6, regarding conditions, restriction, and operating standards;
(B) section 8, regarding groundwater quality and groundwater quality investigations; and

(C) section 12, regarding subsurface tile drainage.

(2) Application of or compliance with the Required Agricultural Practices under subdivision (1) of this subsection 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 under subsections (b) and (c) of this section.

(e) 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.

Sec. 3. 7 V.S.A. § 870 is added to read:

§ 870. SMALL CULTIVATORS; REGULATED AS FARMING

The cultivation of cannabis by a small cultivator licensed under this chapter shall be:

(1) regulated as “farming” under the Required Agricultural Practices and 6 V.S.A. chapter 215;

(2) exempt from regulation under 10 V.S.A. chapter 151 as “farming”;

(3) considered the production of an agricultural product, farm crop, or agricultural crop for the purposes of 32 V.S.A. chapter 124 and 32 V.S.A.
§ 9741, provided that the agricultural land or farm building was enrolled in the 
use value appraisal program at the time cannabis cultivation commenced; and 
(4) considered farming or production of agricultural products under all 
other State law.

Sec. 4. 7 V.S.A. § 904 is amended to read:

§ 904. CULTIVATOR LICENSE

(a) A cultivator licensed under this chapter may cultivate, process, package, 
label, transport, test, and sell cannabis to a licensed wholesaler, product 
manufacturer, retailer, integrated licensee, and dispensary and may purchase 
and sell cannabis seeds and immature cannabis plants to another licensed 
cultivator.

(b) Cultivation of cannabis shall occur only in an enclosed, locked facility:

(1) on property lawfully in possession of the cultivator or with the 
written consent of the person in lawful possession of the property; and

(2) in an area that is screened from public view and access is limited to 
the cultivator and persons 21 years of age or older who have permission from 
the cultivator.

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Sec. 5. 7 V.S.A. § 905 is amended to read:

§ 905. WHOLESALER LICENSE

A wholesaler licensed under this chapter may:
(1) purchase cannabis from a licensed cultivator and integrated licensee, and cannabis products from a licensed product manufacturer, integrated licensee, and dispensary; and

(2) transport, process, package, and sell cannabis and cannabis products to a licensed product manufacturer, retailer, integrated licensee, and dispensary; and

(3) purchase cannabis seeds or immature cannabis plants from a licensed cultivator and sell cannabis seeds or immature cannabis plants to a licensed cultivator.

Sec. 6. 18 V.S.A. § 4230e is amended to read:

§ 4230e. CULTIVATION OF CANNABIS BY A PERSON 21 YEARS OF AGE OR OLDER

(a)(1) Except as otherwise provided in this section, a person 21 years of age or older who cultivates not more than two mature cannabis plants and four immature cannabis plants shall not be penalized or sanctioned in any manner by the State or any of its political subdivisions or denied any right or privilege under State law.

(2) Each dwelling unit shall be limited to two mature cannabis plants and four immature cannabis plants regardless of how many persons 21 years of age or older reside in the dwelling unit. As used in this section, “dwelling
“unit” means a building or the part of a building that is used as a primary home, residence, or sleeping place by one or more persons who maintain a household.

(3) Any cannabis harvested from the plants allowed pursuant to this subsection shall not count toward the one-ounce possession limit in section 4230a of this title, provided it is stored in an indoor facility on the property where the cannabis was cultivated and reasonable precautions are taken to prevent unauthorized access to the cannabis.

(4) Cultivation in excess of the limits provided in this subsection shall be punished in accordance with section 4230 of this title.

(b)(1) Personal cultivation of cannabis only shall occur:

(A) on property lawfully in possession of the cultivator or with the written consent of the person in lawful possession of the property; and

(B) in an enclosure area that is screened from public view and is secure so that access is limited to the cultivator and persons 21 years of age or older who have permission from the cultivator.

(2) A person who violates this subsection shall be assessed a civil penalty as follows:

(A) not more than $100.00 for a first offense;

(B) not more than $200.00 for a second offense; and

(C) not more than $500.00 for a third or subsequent offense.
Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.