

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

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

4 (a) A cannabis establishment shall not be regulated as “farming” under the
5 Required Agricultural Practices, 6 V.S.A. chapter 215, or other State law, and
6 cannabis produced from cultivation shall not be considered an agricultural
7 product, farm crop, or agricultural crop for the purposes of 32 V.S.A. chapter
8 124, 32 V.S.A. § 9741, or other relevant State law.

9 * * *

10 (f) Notwithstanding subsection (a) of this section, a cultivator licensed
11 under this chapter who initiates cultivation of cannabis outdoors on a parcel of
12 land shall:

13 (1) be regulated in the same manner as “farming” and not as
14 “development” on the tract of land where cultivation occurs for the purposes of
15 permitting under 10 V.S.A. chapter 151;

16 (2)(A) not be regulated by a municipal bylaw adopted under 24 V.S.A.
17 chapter 117 in the same manner that Required Agricultural Practices are not
18 regulated by a municipal bylaw under 24 V.S.A. § 4413(d)(1)(A), except that
19 there shall be the following minimum setback distance between the cannabis
20 plant canopy and a property boundary or edge of a highway:

1 (i) if the cultivation occurs in a cannabis cultivation district
2 adopted by a municipality pursuant to 24 V.S.A. §4414a, the setback shall be
3 not larger than ? feet [as established by the municipality?]; and

4 (ii) if the cultivation occurs outside of cannabis cultivation district
5 adopted by a municipality pursuant to 24 V.S.A. §4414a or no cannabis
6 cultivation district has been adopted by the municipality, the setback shall be
7 no larger than ? feet [as established by the municipality?];

8 (B) if a municipality does not have zoning, the setback shall be ? feet;

9 (3) be eligible to enroll in the Use Value Appraisal Program under
10 32 V.S.A. chapter 124 for the cultivation of cannabis;

11 (4) be exempt under 32 V.S.A. § 9741(3), (25), and (50) from the tax on
12 retail sales imposed under 32 V.S.A. § 9771; and

13 (5) be entitled to the rebuttable presumption that cultivation does not
14 constitute a nuisance under 12 V.S.A. chapter 195 in the same manner as
15 “agricultural activities” are entitled to the rebuttable presumption, provided
16 that, notwithstanding 12 V.S.A. § 5753(a)(1)(A), the cultivation is complying
17 with subsections (b) and (d) of this section.

18 Sec. Y. 24 V.S.A. § 4414a is added to read:

19 § 4414a. CANNABIS CULTIVATION DISTRICT

20 A municipality, after consultation with the municipal cannabis control
21 commission, if one exists, may adopt a bylaw identifying cannabis cultivation

1 districts where the outdoor cultivation of cannabis is preferred within the
2 municipality. Cultivation of cannabis within a cannabis cultivation district
3 shall be presumed not to result in an undue effect on the character of the area
4 affected. The adoption of a cannabis cultivation district shall not have the
5 effect of prohibiting cultivation of outdoor cannabis in the municipality.