

Good afternoon chairman and committee members. Thank you for the opportunity to provide testimony regarding H.549

My name is Jason Struthers. I grew up in Vermont and am a product of the Essex Junction school system. I attended University in Vermont, acquiring degrees in Biology and Chemistry. My background is in Biopharmaceutical Science and Skydiving. I am the proud father of two teenagers. I also have a physical disability. I am one person, up against an entire municipality, both Representatives in my District, and now, potentially new Cannabis regulations.

There are Five important points I wish to cover:

1. This Bill targets an individual.
2. The City Of Essex Junction is biased against Cannabis.
3. I am fully compliant with all laws and regulations.
4. I am at scale and my farm fits the property on which it operates.
5. Even the Agricultural District within Essex Junction is next to a densely populated residential area.

When this bill was first introduced in the House Committee Of Environment And Energy, it weighed heavily on my conscience. If H.549 becomes law, it will affect outdoor Cannabis cultivators across the entire State. I was soon corrected by members of the Cannabis community, that this burden lies solely on the shoulders of Representatives Houghton and Dolan, accompanied by the municipality of Essex Junction. I have put significant efforts into ensuring I am fully compliant with the law, and have done nothing wrong.

The first comment Representative Houghton made was "I want to be clear: Essex Junction is not anti Cannabis."

I disagree.

While the municipality does allow cultivation to occur in the planned agricultural district, this area is very limited, with currently one lot for sale. The overwhelming majority of this land is owned by the Whitcomb family farm and is also located next to a densely populated, residential neighborhood. Nearly all of the land that has been zoned for Tier 2 and Tier 3 manufacture is owned by GlobalFoundries.

See Figure 1.

Zoning for retail sales are limited to the Highway Arterial District and Transportation Oriented District. This encompasses approximately a one half mile portion of Pearl Street. A sliver, where commercial vacancy is scarce and turnover is low. A substantial amount of commercial real estate zoned for Cannabis is owned by the Gabe Handy family or another entity connected to it.

Alex Morano was the first potential applicant for a retail establishment in Essex Junction. She expressed interest in opening a dispensary at 3 Maple Street, at the 5 corners. This location was in compliance of the 500 foot school buffer zoning. However, the City Council, at their 14 SEP 2022 meeting, severely limited zoning for retail Cannabis, and she was unable to pursue a license.

In an attempt to understand why other retail sectors not within 500 feet of a school were excluded, Morano reached out to City officials. Phone calls were not returned, and at

the time, City offices couldn't be accessed without calling first. Raj Chawla did not respond to an email sent by a local news agency. It is clear to me, that the City of Essex Junction has attempted to use zoning to discourage Cannabis businesses.

On 09 NOV 2022, The City Council denied the license of Passion Fruit Farms despite the operation receiving a license from the State Cannabis Control Board (CCB) in October of 2022.

The owners, who were told: "Don't waste your time appealing the original decision," decided to anyway. Passion Fruit Farms appealed the decision to the City's Development Review Board (DRB) which heard the appeal at its 15 DEC 2022 meeting. Both Cannabis Regulation liaison Wendy Hysko and City Manager Regina Mahony spoke on behalf of the City's denial, maintaining that the state has laid out a plan for municipalities to use zoning to regulate Cannabis. In a motion that passed unanimously, the DRB decided it could permit Passion Fruit Farms to operate.

The Essex Junction City Council was forced to overturn their original decision and approve the license at their 22 FEB 2023 meeting, as the DRB's determination supported the appeal, based on the rules for home occupancy.

During the approval of consent items at the 24 JAN 2024 City Council Meeting, Raj Chowla made the following comment:

"I will make the comment that we are approving a renewal for a Cannabis license, and approval of a new Cannabis license, and just express frustrations at the, for lack of a better word, silliness."

Statements like this, along with years of publicly expressed concerns over retail Cannabis, demonstrate a clear bias.

Representative Houghton and Raj Chowla are insistent that my cultivation site is within 500 feet of a school. Not school property, not school grounds, but a school.

See Figure 2:

Figure 2 shows a map of my cultivation site, with a 500 foot circle around it. As you can see, there is no school within the area.

See Figure 3:

The map in figure 3 shows a measurement of 610 feet before any land is reached that could be considered used by the school's Center for Technology.

See Figure 4:

The map in figure 4 shows a measurement of 849.95 feet. This, Ironically, is an agricultural area used by the Technical Center which has an apple orchard and a greenhouse. The Meadow Terrace Community Garden is also located here.

See Figure 5:

The map in figure 5 shows a measurement 1,185.5 feet to the Essex Center For Technology.

See Figure 6:

The map in figure 6 shows a measurement of 1,815.06 feet to the High School proper.

I fail to see how the proponents of H.549 consider my cultivation site within 500 feet of a school.

Representative Houghton and Mr. Chowla have mentioned security as another reason not to allow cultivation in densely populated areas. All businesses have security. The security protocol for my cultivation exceeds minimums, and I have not had a single breach.

H.549 seeks specifically to use zoning to regulate Cannabis. This is directly in conflict with Act 164. Vermont Law prohibits municipalities from using zoning regulations to outright ban Cannabis establishments. This means that local governments cannot simply zone an area as off limits for Cannabis businesses. This was to prevent overreach by local governments, as we are seeing in Essex Junction.

Laws are not created to address one problem, or one business. The proponents of H.549 can only use my farming operation as an example. While I fully expect the Essex Junction Local Cannabis Control Commission to deny my license when it comes time to renew, I will be grandfathered from any zoning that may change. At no point did anyone from the community, municipality or otherwise come to me with concerns over my Cannabis farming. Before the necessity to retain the services of legal counsel, I was actively looking for a place to move my farming operations to. Had the significant amount of time, money and resources been spent facilitating my move, we would not be here today.

In August of 2011, I sustained a spinal burst fracture in a skydiving accident. While I am extremely thankful for the miracles of modern science, which gave me a titanium vertebrae and stabilized my spinal cord injury, it was only the first step in my recovery. After obtaining my Medical Marijuana card, I began to cultivate Cannabis and develop a strain tailored for my needs. At the same time, growing organic produce became an integral aspect of my recovery. Cannabis was able to treat the many symptoms I experience and at the same time, allowed me to wean off the significant amounts of Opiate painkillers I needed following the extremely invasive surgery.

Atop this beautiful building sits a statue of Ceres, the Roman Goddess of Agriculture. Vermont has a longstanding tradition of farming its fertile land. Its agricultural landscape is an integral part of its culture and identity.

Under the 1937 Marijuana Tax Act, Vermonters experienced 81 years of discrimination for cultivators and 85 years for retail. H.270 provided much needed protections for outdoor cultivators from municipalities like the City Of Essex Junction. These protections not only need to be maintained, but enhanced.