

1. TITLE OF RULE FILING:

Rule 1: Licensing of Cannabis Establishments

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

23P011

3. ADOPTING AGENCY:

Cannabis Control Board

4. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Gabriel M. Gilman

Agency: Cannabis Control Board

Mailing Address: 89 Main Street, Montpelier, VT 05620-7001

Telephone: (802) 261-1510 Fax:

E-Mail: gabriel.gilman@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://ccb.vermont.gov/>

5. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Kimberley Lashua

Agency: Cannabis Control Board

Mailing Address: 89 Main Street, Montpelier, VT 05620-7001

Telephone: (802) 836-7708 Fax:

E-Mail: kimberley.lashua@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?) Yes

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

7 V.S.A. § 901a

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

The exemption keeps information confidential that is related to public safety, security, transportation, and trade secrets in order to keep citizens safe and participants in the cannabis industry on a fair commercial playing field.

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

7 V.S.A. §§ 843(a) (creating the Cannabis Control Board; 843(b) (1) (charging the Board with rulemaking); 843(c) (1) (providing that the Board shall have a chair).

8. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

The rule responds directly to statutory directives to adopt rules pertaining to designated topics set out in statute, to include 7 V.S.A. §§ 865 (education), 866 (youth), 881 (retail establishments generally, cultivators, manufacturers, wholesalers, retailers, and testing laboratories), 883 (background checks), 884 (identification cards), 901 (licenses), 902 (applications), 903 (prioritization), 904 (cultivation), 907 (retail).

9. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.

10. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.

11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.

12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.

14. CONCISE SUMMARY (150 WORDS OR LESS):

Rule 1 regulates the licensing of any person or entity that seeks to participate in the legal market for cannabis. The rule explains Vermont's tiered cannabis licensure system; the essential requirements to obtain the various licenses the Board administers; and background check requirements, presumptively disqualifying convictions, and how to overcome a presumption of disqualification. The rule further explains how license applications are prioritized, establishes a system for issuing identification cards,

and sets out what is required of licensees when material changes are planned in their ownership, location, or operations. Proposed amendments clarify ambiguous definitions, address high-THC hemp-derived products, recognize a new extraction method, announce a standard for determining when an individual has overcome presumptive disqualification, and make other updates reflecting maturation of the new cannabis marketplace.

15. EXPLANATION OF WHY THE RULE IS NECESSARY:

The Cannabis Control Board is charged with implementing and regulating a legal market for cannabis in Vermont. This rule is necessary to implement and regulate that market. Although Title 7, chapter 31 provides a robust statutory architecture for cannabis licensing, that architecture must be supplemented through administrative rulemaking in order to provide clarity and transparency as to the detailed administrative mechanics by which the cannabis licensing program is operationalized by the Board.

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

This is not a new rule, but rather a set of amendments to an existing rule. There is extensive factual basis for these rule amendments, the rule amendments are rationally connected to the factual basis, and the Board believes the rule amendments makes sense to a reasonable person.

In formulating these rules the Board received extensive information from agencies with expertise on relevant portions, incorporated the experience of other states in implementing and regulating their own cannabis markets, and considered input from many prospective market participants and others who are affected by the cannabis market in Vermont.

The decisions embodied by these amendments are directly and rationally connected to the input the Board has received. The decisions made by the Board in drafting this rule will make sense to a reasonable person.

**17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES
AFFECTED BY THIS RULE:**

This rule most directly affects persons and entities seeking to become licensed cannabis establishments in Vermont. It also affects individuals who seek to participate in the legal cannabis market as consumers, businesses that may service the cannabis industry, the Health Department, the Agency of Agriculture, Food, and Markets, the Board of Natural Resources, the Agency of Natural Resources, and others.

18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

On the whole, these rule amendments will have limited economic impact. Most are technical and will have no economic impact; three reasonably might be expected to have material impact to some stakeholders. The first relevant amendment will increase the economic viability of outdoor cannabis cultivators by allowing a limited use of lighting in the spring to lengthen the growing season. The second relevant amendment will lower compliance costs for Board licensees that alter their ownership structure. And the third relevant amendment will require manufacturers of hemp-derived edible products be licensed by the Board if they produce edibles with potentially intoxicating amounts of tetrahydrocannabinol (THC). This is an essential public safety measure to ensure that intoxicating THC products are regulated by the Board, in accordance with legislative intent.

19. A HEARING WAS HELD.

20. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 5/10/2023

Time: 10:00 AM

Street Address: 89 Main Street, Montpelier, VT

Zip Code: 05620-7001

Date: 5/15/2023

Time: 06:00 PM
Street Address: 89 Main Street, Montpelier, VT
Zip Code: 05620-7001

Date:
Time: AM
Street Address:
Zip Code:

Date:
Time: AM
Street Address:
Zip Code:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

5/22/2023

KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Cannabis
Cannabis Control Board
Cannabis Establishment
Licensing
Licensing Cannabis Establishments



CANNABIS CONTROL BOARD

89 Main Street Montpelier, VT 05602 | ccb.vermont.gov

August 15, 2023

General Assembly
Legislative Committee on Administrative Rules
State House Room 10
115 State Street
Montpelier, Vermont 05633-5301

Re: 23P011–Rule 1: Licensing of Cannabis Establishments

Chair Squirrel and Members:

Herewith, please find the Cannabis Control Board's final proposed rule filing concerning the rule captioned above.

The rule is the product of substantial public outreach and incorporates feedback received not only at two public rule hearings, but also at multiple CCB meetings and outreach events since. To ensure all participants had an opportunity to comment upon proposals to amend the rule, the Board republished an intermediate draft and held open the public comment period until the July meeting at which the final text was approved.

In keeping with conventional practice, this rule is filed with markup comparing it to the adopted rule it proposes to amend. Markup comparing the initial proposed rule to the final proposed rule is available at your request, as are recordings of the public hearings and boards hearings at which the rule was discussed.

Please do not hesitate to contact me at the number below if the members or staff have questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "G. Gilman", written over a horizontal line.

Gabriel M. Gilman
General Counsel
tel. 802.261.1510
gabriel.gilman@vermont.gov



VERMONT

CANNABIS CONTROL BOARD

89 Main Street Montpelier, VT 05602 | ccb.vermont.gov

August 15, 2023

General Assembly
Legislative Committee on Administrative Rules
State House Room 10
115 State Street
Montpelier, Vermont 05633-5301

Re: 23P011—Amendments Following Initial Proposed Rule Filing

Chair Squirrel and Members:

The proposed rule filed herewith has been amended since filing with the Secretary of State. Amendments were provoked by stakeholder feedback received during the notice and comment period and by internal editorial and legal review.

Each amendment is listed and explained below. Pursuant to 3 V.S.A. § 841(b)(2) explanatory notes identify substantial arguments that were accommodated or overruled.

Section: 1.1.4(b)

Change: Applicability section amended to reflect Board's new statutory responsibility for synthetic and hemp-derived cannabinoids. See 7 V.S.A. § 862a (eff. May 1, 2022).

Reason: Technical.

Known Objections: None.

Section: 1.3.3(a)

Change: Section concerning Tier 3 manufacturers amended to clarify that hydrocarbon extraction must occur in a building under DFS jurisdiction.

Reason: Clarification and consistency. Smaller manufacturers are separately prohibited from using hydrocarbon extraction in buildings outside DFS jurisdiction.

Known Objections: None.

Section: 1.3.4

Change: Amended to clarify that tier changes may be sought at any time, not just at annual renewal.

Reason: Requested by commenter. Accurately reflects existing office policy and improves flexibility for licensees.

Known Objections: None.

Section: 1.9

Change: Subsections The former (b) and (e) have been stricken.

Reason: Provisions concerning contribution to the cannabis business development fund and sourcing from Tier 1 cultivators were pertinent to the startup of the regulated adult-use market but are unnecessary now that the market is operating.

Known Objections: None. Integrated licensees called to our attention the need to remove the outdated sections.

Section: 1.4.8 & 1.20

Change: Reference to 7 V.S.A. § 901(h) updated to refer to § 901a

Reason: Act 65 (2023) moved privacy provisions to a new section 901a.

Known Objections: None.

Section: 1.11.3

Change: Second sentence amended for clarity at recommendation of commenter. “Will” changed to “may” to protect Board discretion to protect the marketplace.

Reason: Clarifying; requested by commenter.

Known Objections: None.

Section: 1.16.5(b)

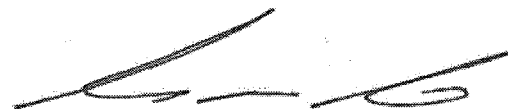
Change: Preposition “of” added where previously omitted.

Reason: Technical.

Known Objections: None.

We are grateful for the Committee’s thoughtful review of the proposed rule. Should you have questions in advance of the Committee’s review of the rule, please do not hesitate to call or email.

Very truly yours,



Gabriel M. Gilman

General Counsel

tel. 802.261.1510

gabriel.gilman@vermont.gov

Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

Rule 1: Licensing of Cannabis Establishments

2. ADOPTING AGENCY:

Cannabis Control Board

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

Adopted Rule #: 22-008. Rule 1: Licensing of Cannabis Establishments. Effective Date: 3/29/2022.



State of Vermont
Agency of Administration
109 State Street
Montpelier, VT 05609-0201
www.aoa.vermont.gov

[phone] 802-828-3322
[fax] 802-828-2428

Kristin L. Clouser, Secretary

INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: January 9, 2023, virtually via Microsoft Teams

Members Present: Chair Sean Brown, Brendan Atwood, Diane Bothfeld, Jennifer Mojo, John Kessier, Diane Sherman, Mike Obuchowski and Donna Russo-Savage

Members Absent: Jared Adler

Minutes By: Melissa Mazza-Paquette

- 2:01 PM meeting called to order, welcome and introductions.
- Review and approval of minutes from the December 12, 2022 meeting.
- Original agenda approved as drafted with the following change:
 - The next scheduled meeting was moved from Monday, February 13, 2023 to Wednesday, February 22, 2023, 2:00 PM.
- No public comments made.
- Presentation of Proposed Rules on pages 2-8 to follow.
 1. HazMat Transportation & Motor Carrier Safety Standards, Agency of Transportation, Department of Motor Vehicles, page 2
 2. Rule 1: Licensing of Cannabis Establishments, Cannabis Control Board, page 3
 3. Rule 2: Regulation of Cannabis Establishments, Cannabis Control Board, page 4
 4. Rule 4: Compliance and Enforcement, Cannabis Control Board, page 5
 5. Home Visiting Rule, Vermont Department of Health, page 6
 6. STep Ahead Recognition System (STARS) Rules, Department for Children and Families, page 7
 7. Privacy of Consumer Financial and Health Information, Department of Financial Regulation, page 8
- Other business: Diane Bothfeld noted her upcoming retirement from the State of Vermont this month and therefore this was her last ICAR meeting.
- 3:32 PM meeting adjourned.



Proposed Rule: Rule 1: Licensing of Cannabis Establishments, Cannabis Control Board

Presented By: Brynn Hare

Motion made to accept the rule by Diane Bothfeld, seconded by John Kessler, and passed unanimously with the following recommendations:

1. Proposed Filing Coversheet:
 - a. #6: Include the specific citation, who the entity is and who is authorized to sign.
 - b. #7: Revise to include how the rule is within the authority of the agency.
 - c. #8 and #9: Include more details as to proposed changes and what the proposed rule specifically is doing.
 - d. #10, 2nd paragraph: Change 'heard' to 'considered'.
 - e. #12: Check for spelling and grammar.
 - f. #12, 3rd sentence: Expand upon for clarity.
 - g. #14: Include details for a virtual option once known.
2. Economic Impact Analysis:
 - a. #3: Include the estimated costs and benefits anticipated.
 - b. #6, 2nd sentence: Clarify 'that may' language.
 - c. #6, Paragraph beginning with 'Third...': For clarity, be more specific regarding 'few businesses' – perhaps include a range.
3. Public Input Maximization Plan: Include all ways the proposed rule will be publicized outside of the CCB website.

DRAFT

Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn’t appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

1. TITLE OF RULE FILING:

Rule 1: Licensing of Cannabis Establishments

2. ADOPTING AGENCY:

Cannabis Control Board

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

The rule amendments are largely technical edits that clarify the rule. Generally speaking, however, the categories of people who are affected by this rule include cannabis businesses, cannabis consumers, existing medical cannabis businesses, testing facilities, bank and insurance industries, the Cannabis Control Board, and local governments. The extraordinary

economic benefits that derive from a legal cannabis market, including the jobs created, will continue.

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

Schools are not affected by these rule amendments.

5. ALTERNATIVES: CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.

Schools are not affected by these rule amendments.

6. IMPACT ON SMALL BUSINESSES:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

Most amendments will not affect small businesses; three could:

First, a proposed change to the definition of outdoor cultivation will increase the economic viability of Vermont's many outdoor cultivators by allowing them to manage crop in a more efficient manner.

Second, a proposed change to the license renewal processes will lower compliance costs for some entities that change their ownership structure by relieving them of administrative burdens attendant to more complex changes.

Third, a requirement that manufacturers of hemp-derived products must be licensed by the Board if they include an intoxicating amount of THC will raise compliance costs for businesses in Vermont that have asserted a right to sell high-THC products derived from hemp artificially fortified with concentrated THC. This change is necessary to ensure public health and safety, and is in accordance with the legislature's intention that the Board regulate intoxicating THC products. The change will also promote marketplace fairness and parity for all businesses selling products with intoxicating THC content.

7. **SMALL BUSINESS COMPLIANCE:** *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

Two of the proposed amendments that impact small businesses are beneficial to them.

Manufacturers of hemp-derived products can avoid the compliance burden of becoming licensed by the Board by not selling products that include intoxicating amounts of THC. Hemp-derived product manufacturers currently sell a lot of non-intoxicating CBD products that do not require Board approval. They may continue to do so.

8. **COMPARISON:**

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

As noted, at least two of the proposed amendments will benefit businesses. For hemp-derived intoxicating THC products, the alternative would be to allow intoxicating products on the market in a completely unregulated manner. This is contrary to legislative intent. The change does not burden these manufacturers to any greater degree than any other THC product manufacturers. Every such entity will now be treated equally.

The rule has already built in lower compliance burdens for small cultivators in order to ease the burden on small businesses.

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The Board created the original rule with extraordinary public input. The original filing for Rule 1, from March of 2022, provides extensive documentation of that input. Over the course of the first 9 months of cannabis market operation the Board has implemented the rules and observed their practical application. They have also received extensive public feedback, both during the public comment periods of the Board's

meetings, and in written feedback gathered through the Board's comments portal on its website. These observations and public input comprise the analysis informing these amendments.

Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

1. TITLE OF RULE FILING:

Rule 1: Licensing of Cannabis Establishments

2. ADOPTING AGENCY:

Cannabis Control Board

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

The act of licensing itself, which entails the submission and review of applications through a website portal has a minimal environmental impact.

4. There will be minimal greenhouse gas impact due to the licensing process.

5. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

Nothing in the proposed amendments to Rule 1 will impact water.

6. **LAND:** *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*

The entire cannabis market in the state of Vermont can be served by growing a total of 15 acres of cannabis. Currently less than 15 acres has been licensed for outdoor grows. For that reason, no proposed amendment will have more than a negligible impact on land in Vermont.

7. **RECREATION:** *EXPLAIN HOW THE RULE IMPACT RECREATION IN THE STATE:*

There will be no impact on recreation.

8. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*

No proposed amendment will have a climate impact.

9. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*

10. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

For the original environmental analysis, included in the original filing for Rule 1 from March 2022, the Board relied on a review of the proposed rules by Jacob Policzer, an outside expert in environmental and sustainability issues related to cannabis. The analysis of these amendments is based on a review of that original filing to understand where the proposed amendments might affect the original analysis.

Public Input

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

The Board has relied extensively on the expertise of other Vermont state government agencies in its work and development of its rules, including the Department of Health, the Agency of Agriculture, Food and Markets, and the Natural Resources Board.

The Board will continue to seek the advice of experienced regulators to ensure any changes that may be made during the notice and comment period are consistent with the best practices of regulatory experts in the relevant field.

Incorporation by Reference

THIS FORM IS ONLY REQUIRED WHEN INCORPORATING MATERIALS BY REFERENCE. PLEASE REMOVE PRIOR TO DELIVERY IF IT DOES NOT APPLY TO THIS RULE FILING:

Instructions:

In completing the incorporation by reference statement, an agency describes any materials that are incorporated into the rule by reference and how to obtain copies.

This form is only required when a rule incorporates materials by referencing another source without reproducing the text within the rule itself (e.g., federal or national standards, or regulations).

Incorporated materials will be maintained and available for inspection by the Agency.

1. TITLE OF RULE FILING:

Rule 1: Licensing of Cannabis Establishments

2. ADOPTING AGENCY:

Cannabis Control Board

3. DESCRIPTION (*DESCRIBE THE MATERIALS INCORPORATED BY REFERENCE*):

The Board incorporated a portion of the Code of Federal Regulations regarding Disadvantaged Business Enterprises into its definition of social equity applicant. This rule references Board Rule 2, filed at the same time as this rule.

4. FORMAL CITATION OF MATERIALS INCORPORATED BY REFERENCE:

The citations for the incorporated regulations are: 49 C.F.R. § 26.67(a)(1) and (b)(2)-(3), 49 C.F.R. § 26.69 and 49 C.F.R. § 26.71. The Secretary of State has given Board Rule 2 the citation: 21P039.

5. OBTAINING COPIES: (*EXPLAIN WHERE THE PUBLIC MAY OBTAIN THE MATERIAL(S) IN WRITTEN OR ELECTRONIC FORM, AND AT WHAT COST*):

Copies of the relevant sections may be found here at no cost: <https://www.ecfr.gov/current/title-49/subtitle-A/part-26/subpart-D/section-26.67>,

[https://www.ecfr.gov/current/title-49/subtitle-A/part-26/subpart-D/section-26.69,](https://www.ecfr.gov/current/title-49/subtitle-A/part-26/subpart-D/section-26.69)
[https://www.ecfr.gov/current/title-49/subtitle-A/part-26/subpart-D/section-26.71.](https://www.ecfr.gov/current/title-49/subtitle-A/part-26/subpart-D/section-26.71)

Other Board rules can be accessed at no cost on the Board's website: <https://ccb.vermont.gov/>.

6. MODIFICATIONS (*PLEASE EXPLAIN ANY MODIFICATION TO THE INCORPORATED MATERIALS E.G., WHETHER ONLY PART OF THE MATERIAL IS ADOPTED AND IF SO, WHICH PART(S) ARE MODIFIED*):

The federal regulations are modified as described in proposed Rule 1.1.3(k) and (l).

Run Spell Check