

Final Proposed Filing - Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

**PLEASE REMOVE ANY COVERSHEET OR FORM NOT
REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!**

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

Rule 4: Compliance and Enforcement

_____/s/ James Pepper_____, on 8/15/2023
(signature) (date)

Printed Name and Title:

James Pepper, Chair, Cannabis Control Board

RECEIVED BY: _____

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Minutes
- Copy of Comments
- Responsiveness Summary

1. TITLE OF RULE FILING:

Rule 4: Compliance and Enforcement

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

23P013

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: kimberly.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, 952(c), and 973(b).

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

The exemption in 7 V.S.A. § 952(c) protects the privacy of individuals with diagnosed medical conditions. The exemptions in 7 V.S.A. §§ 901a and 973(b) keep certain cannabis business information confidential that is related to public safety, security, transportation, and trade secrets in order to keep citizens safe and

maintain a fair commercial playing field for cannabis operations.

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(b)(1), 7 V.S.A. § 882.

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

The following statutory citations provide legal authority for the provisions of the proposed rule: 7 V.S.A. §§ 863, 864, 881, 882, 32 V.S.A. § 7906.

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):**

This rule provides the enforcement mechanisms, procedures, and penalties for the Cannabis Control Board's Rules 1 through 3, which govern the licensing and regulation of commercial cannabis businesses and patient access to therapeutic cannabis. The most substantial proposed amendment adds a section governing the administrative appeals process. The new section controls the content and management of the record on appeal, provides for appellate prehearing conferences, explains briefing and argument procedures, and ensures licensees are made aware of further statutory rights.

15. **EXPLANATION OF WHY THE RULE IS NECESSARY:**

The rule is necessary for the Board to ensure a safe and fair legalized market for cannabis in Vermont.

Enforcement mechanisms help assure product safety, consumer safety, and public safety. They also assure that all participants in the market are held to the same operational standards and share the regulatory burden fairly.

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

This is not a new rule, but rather an amendment to an existing rule. There is extensive factual and procedural basis for this rule, the rule is rationally connected to the factual and procedural basis, and the Board believes the rules make sense to a reasonable person.

In formulating its enforcement mechanisms the Board drew extensively from the experience of other states in providing for safe, fair cannabis markets in places with experience in enforcement.

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

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

All potential cannabis businesses, as well as currently registered participants in Vermont's therapeutic cannabis system will be affected by this rule. This includes currently registered patients, caregivers, and dispensaries. Ancillary businesses that service cannabis operations will see significant commercial opportunities with the implementation of the legalized market.

The rule may affect government entities such as the Department of Health, 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):

There will be no economic impact from the proposed amendment. The amendment adds a rule governing appellate procedure for those who choose to appeal a final decision of the Board in accordance with 7 V.S.A. 847. This amendment codifies in rule a pre-existing policy on appeals. Administrative appeal--that is, independent review within the agency prior to judicial review--is required by statute. Although administrative appeals burden agency resources, each instance in which error is identified and resolved without judicial intervention may tend to save the appellant licensee and the appellee agency between \$3,000 and \$5,000, in addition to relieving the Judiciary's case burden.

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):

05/22/2023

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

Cannabis

Compliance

Enforcement

Penalty

Fine



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: 23P013–Rule 4: Compliance and Enforcement

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 final proposed 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,

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



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: 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, by internal editorial and legal review, and in some cases, by unanticipated developments in the newly regulated cannabis marketplace.

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: 4.4.15

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

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

Known Objections: None.

Section: 4.5.2(r)

Change: Added failure to report lost, stolen, or adulterated product to list of express category II violations.

Reason: Clarifying. The Board views failure to report known hazards as an actionable violation under current law and rule, but staff commenters felt the principle should be made express and assigned to a severity category.

Known Objections: None

Section: 4.15

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

Reason: Technical. Act 65 (2023) relocated the confidentiality statute to a new section. This amendment preserves the accuracy of the cross-reference.

Known Objections: None.

We are grateful for the Committee's thoughtful review of the proposed rule and the amendments made to it as a result of feedback. 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,

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

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 4: Compliance and Enforcement

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 #: 22-015. Rule 4: Compliance and Enforcement. Effective Date: 4/19/2022.



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 Kessler, 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 4: Compliance and Enforcement, Cannabis Control Board

Presented By: Brynn Hare

Motion made to accept the rule by Mike Obuchowski, seconded by Diane Sherman, and passed unanimously with the following recommendations:

1. Proposed Filing Coversheet:
 - a. #7: Revise to include how the rule is within the authority of the agency.
 - b. #8 and #9: Include more details as to proposed changes and what the proposed rule specifically is doing.
 - c. #12: Include data, projected data, or a range on how much one amendment could increase. Include any favorable impacts.
 - d. #14: Include a virtual option when scheduling.
2. Economic Impact Analysis:
 - a. #3: Include the estimated costs and benefits anticipated. Reword and clarify 'won't have a significant impact'; quantify if possible, including data and/or range.
 - b. #6: Remove 'a' before 'no impact...'
 - c. #7: Narrow and modify regarding the amendment addition of the appeal.
3. Incorporation by Reference: Form not necessary.
4. Proposed Rule: Included who the hearing officer is.

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 4: Compliance and Enforcement

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 proposed amendments are not expected to have a significant impact on licensees or stakeholders. Those affected generally by the rule include include individuals and companies that are in the adult-use cannabis market, cannabis consumers, existing medical cannabis businesses, dispensaries, patients and caregivers, testing facilities, banking and insurance

industries, the Cannabis Control Board, and local governments.

Although administrative appeals burden agency resources, each instance in which error is identified and resolved without judicial intervention may tend to save the appellant licensee and the appellee agency between \$3,000 and \$5,000, in addition to relieving the Judiciary's case burden.

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 this rule.

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 this rule.

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):

The proposed amendment will have no impact on small businesses. It simply specifies a procedure for the legislatively required administrative appeal.

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.

The simplest way a business can reduce costs and rules associated with administrative compliance and enforcement is to maintain continuous and conscientious awareness of regulatory requirements and to act in conformity with those requirements. Enforcement proceedings are costly to businesses and to the agency, and everyone wins when they are avoided through education and good corporate citizenship.

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:

The amendment regarding appellate procedure was adopted from the procedure used by the Office of Professional Regulation. That office's appeals statute is essentially identical to the Board's.

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

The Board looked to comparable state agencies to formulate a reasonable procedure for appeals. In this case, the agency with the most similar enacting statute for appeals is the Office of Professional Regulation. The Board borrowed its procedure from that office.

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 4: Compliance and Enforcement

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 proposed amendment will have no affect on greenhouse gases.

4. **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.):**

Enforcement activities will have no impact on water.

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

Enforcement activities will have no impact on land.

6. **RECREATION:** *EXPLAIN HOW THE RULE IMPACT RECREATION IN THE STATE:*
Enforcement activities will have no impact on recreation.
7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*
The proposed amendment will have no impact on climate.
8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*
None.
9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*
The Board reviewed its original filing of this rule in March, 2022 to ascertain the impact, and extrapolated from that study. The addition of an appellate procedure carries no environmental impact.

Public Input Maximization Plan

Instructions:

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

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

1. TITLE OF RULE FILING:

Rule 4: Compliance and Enforcement

2. ADOPTING AGENCY:

Cannabis Control Board

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

The Board's strategy has been, and will continue to be, to hear from all possible stakeholders in a legal cannabis market.

The Board's original rule filings were the result of extraordinary public involvement and input, as detailed further in the original filing for Rule 1 in March 2022. These amendments result from the Board's own experience implementing and regulating the cannabis market over the last year, as well as the public input it has received at every public meeting it has--which happen weekly--along with written comments submitted through its web portal.

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

Public Input

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.

Name	Email:	Phone:	Comments:
Sarah Monroe	sarah@magicmann.com	8643537127	There is a discrepancy in your Equivalency Guide from February 2023. The mixed product type example in this guidance is adding grams of flower and grams of concentrate as if they are the same thing. If you convert everything on that list to mg of THC using the table given on page 3 you will see that it totals to 10,268 mg THC which is way over the limit of 8,400 mg THC!!! If you want the limit to be shown as the equivalence to 28.34 g of flower, then everything needs to be converted to grams of flower. In this case, the grams of solid concentrates should be multiplied by 2, the grams of vape concentrate multiplied by 3.5, and the grams of edibles multiplied by 3.33. Either way, this guidance needs to be revisited as it is allowing people to go over the purchase limit. Onward Analytics is reporting actual potency on their COAs while Bia Diagnostics is reporting dry weight potency. This may seem like a small difference, but people are noticing, and it is causing "lab shopping" in the industry. The regulations call for total THC to be reported on a dry weight basis. This needs to be resolved immediately as it is causing labeling discrepancies and compliance issues. Please put out a guidance to get all labs and licensees on the same page for how potency should be reported!!
Sarah Monroe	admin@magicmann.com	8643537127	A new guidance on batching and lab testing would be great. As a compliance manager at a dispensary, I am constantly educating vendors on which COAs they need for their product to be compliant. I am also having trouble matching batch numbers to product packaging and COAs. I feel very strongly that all extracts, including hash and rosin, should require pesticide and heavy metal testing since they are concentrating the flower enough to potentially go over the limit and make people sick. I also do not like that it is an honor system whether people are using solvents or not. There should be a way to tell this other than just taking the manufacturer's word for it, or all concentrates should be treated the same way with residual solvent, pesticide, and heavy metal. I am also seeing strains that are registered but go over the 13% moisture content limit. I think this limit should be raised to 15% (as this is the limit in many other states), so that so many growers are not going over the limit. I'm contacting you in support of my local Grow Pro where I've been purchasing quality hemp CBD products. I'm no longer able to purchase products there due to a recent decision by the CCB. I firmly believe that 1 mg of THC per serving is ridiculously low. A gummie with 5 mg THC sourced from hemp is the minimum amount found to be useful, and 10 mg is a better dose. I use the gummies for sleep and relief of musculoskeletal pain. Your ruling is having an adverse effect on disabled and senior Vermonters. I now buy directly from the manufacturer instead of from my local Grow Pro. So I'm not able to support a local Vermont business and VT is missing out on tax revenues. This makes no sense. Please reconsider this rule.
Jill Aube	jillauve@hotmail.com		The board has gone back and forth a few times regarding if the rule for pesticide testing should apply to a harvest lot or each individual strain. I would implore that the board make this decision based on scale rather than across the board. I am a Tier 1 Outdoor Cultivator and the decision to go back to testing per strain is a financial deterrent from growing variety. It is the most expensive out of all the testing we need to have done. As it is, we are already limited to who we can sell our flower to and growing one strain will further limit our ability to sell our one harvest of the year. I can't speak for everyone, but my cannabis plants are all grown in the same location (under 1,000 square feet) and are all treated the same, no matter what variety they are. Testing every strain for pesticides is unnecessarily redundant and cost prohibitive for small growers. I have more to add, but it exceeds the character limit allowed.
Myra Adams	myra.r.adams@gmail.com	802-474-2692	Vermont legalized medical marijuana use already almost 20 years ago. Yet there is not much known about the interplay with the workplace. The state law should show more clarity about employing medical marijuana patients. Can they hold a job? Or should they receive disability payments? There is no clear guidance either for employers or for patients. And I think it should have been studied and developed in those two decades.
Ivo Skoric	ivo@balkansnet.org	6462752140	Rule 2: I am concerned by the proposed employee sample provisions. It's reasonable to expect that part of the CCB's task is to protect cannabis industry employees from development of cannabis use disorder and these provisions do not seem to square with that goal. Please consider revising with employee health in mind. Please also indicate which referral services for substance use disorders will be available to employees. Please indicate whether business owners will be required to offer these referral services or whether it is suggested (I'd recommend requiring as part of new employee onboarding). Consider which cannabis quit services will be available to employees and please consider speaking with VDH about the need for cannabis-specific quit services for cannabis industry employees.
Marielle Matthews	mmatthews@winooskiprevention.org		Hello, when reading through proposed changes to Rule 2, I noticed a small typo in the new narrative warning. "National Poison Control Center" - "Poison" is spelled as "Position" It's not a serious issue but I thought it best to bring it to your attention!
Harry Papali	Hpapali@hotmail.com	802-777-7237	Regarding proposed rule 2.1.3(r) about tinctures: 1) tinctures - in the both the herbal and pharmaceutical worlds - are defined as a drug or herb dissolved in alcohol. Alcohol must be the solvent for an extract to be considered a tincture, otherwise the solution is simply an extract. Using the word tincture to refer oil-based extracts is misleading, and makes this industry look un-informed. This misnomer is certainly not unique to the CCB - I've seen too many manufacturers conflate the two terms. But for so many people who are turning to the recreational cannabis market to fill the gaps in the medical market, it is a very important distinction. For example, people with a history of alcohol abuse likely know to steer clear of tinctures, because they contain alcohol. But, most "tinctures" in the VT market are oil-based and are not actually tinctures. This would be a great opportunity to further define product terms, and in turn educate and guide licensees. Regarding proposed rule 2.1.3(r) about tinctures: 2) Regarding the 500mg limit on "tinctures" - if VT is truly committed to reducing waste in the form of cannabis packaging, putting a cap on "tinctures" could effectively double the amount of packaging needed. It's inefficient and simply makes the product more expensive for the consumer, because they will have to buy multiple packages of the same product. This could become cost-prohibitive and effectively encourage people to turn back to black market sources for extracts. These "tinctures"/extracts are generally higher concentration to reach the consumers whose needs are not necessarily "recreational" but more for treatment of anxiety, pain, insomnia, etc but don't want to rely on the MSOs in the medical market to supply their relief.
Carly Monahan			Putting a cap on these extracts could hurt the people who need them most, while simultaneously increasing the amount packaging needed. I have called your office many times trying to get my renewal paperwork. My card expired on April 9 and no one will return my calls. What do I do?
Kerry Lansford			Hello, I would like to request that Outdoor Licensed Cultivators, be allowed to use artificial lighting past May 1 to keep plants in a vegetative state especially to address lighting challenges posed by neighboring trees, and to address possible rotation of new crops. (2.1.3.M) Thank you!
John Stern			

RE: Non-Ingestible, Non-Consummable, Non-intoxicating THC Product

The CCB's documentation regarding a Manufacturers License:

<https://ccb.vermont.gov/sites/ccb/files/ccb/files/2022-11/CannabisLicense101.pdf>

and our legislature's law on the same subject (7 VSA & 906):

<https://legislature.vermont.gov/statutes/section/07/033/00906>

are both vague as regards the above product description.

Does the Board intend to address this?

Robert Hoover

Thank you in advance for your consideration.

It has been a continuously frustrating time with product registration. Time management is of the utmost importance when it comes to finished cannabis products and getting fresh, terpene rich, product to the customer. Quality and freshness are diminished the longer the products wait on the shelves. It hurts the bottom line and can diminish quality by having such long registration times. It takes over a month to get a single product registered to be sold, sometimes longer. Product has been sitting longer than it should and the product can lose moisture even with proper moisture control and good packaging. Terpenes are one of the more beneficial components to cannabis flower and are the most volatile compounds found in cannabis. The longer these products sit on the shelves the more terpenes are lost. I agree products should be registered before sale, but the turnaround time needs to be faster. All of us are being negatively impacted by long registration times. We have done all the proper things required by the CCB but the longest and most frustrating part is waiting on the CCB to approve the registration. If the testing labs in VT can turnaround lab tests in 1-2 weeks the CCB should be able to do better than that for registering products. There were a lot of mistakes with previously registered products that got "lost" by the CCB. This is unprofessional and asking everyone to re-submit registration without a refund is unethical. It appears the CCB is adding another way to get more money from everyone by making them pay \$50 to register a product that sits in limbo for months on end. The best plan of action is to do away with the registration fees and speed up the registration approval process.

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Please make product registration and inventory submission more user friendly, it would save us all a lot of time if we could submit more than one product at a time as well as enter more than 10 products at a time for inventory.

I just want to point out to the control board that it seems with the bulk flower guidance that products will be on the floor that are never seen by the control board as they do not require registration. yet all other products require registration if they are packaged. It states that cultivators do not need to register flower sold as bulk. The retailer does one bulk flower registration and all bulk flower can be sold regardless of cultivator, cultivar or process lot. So if an unregistered flower is sold to a retailer as bulk and the retailer sells it as bulk there is no registration for the CCB to reference. This puts extra work on retailers to ensure compliance. It also seems that the product registration is mostly focused on packaging and not on the actual cannabis products. I see this as a potential area for errors to happen as retailers are the ones who are checking the products safety and compliance and the CCB does not see all products being sold to ensure public safety.

Austin Sachs
austin@magicmann.com

Where is all the CBN, CBG, CBD and other cannabinoids other than THC coming from? We are all required to track THC but there does not seem to be any regulation control on the other cannabinoids people are adding to their products. There can be benefits to these cannabinoids that can give customers a different experience but if manufacturers are not required to submit test results for these added cannabinoids it opens up a door for potential manipulation and contaminated products. These added cannabinoids are most likely coming from out of state and can be purchased online. This gives the consumer a false conception of the product as everyone is under the assumption that all cannabis products sold in VT are 100% from VT and not out of state. It would make sense for public health and safety to have an end product testing protocol for all cannabinoids and not just THC as well as keeping it in VT. If cannabinoids are coming from out of state The CCB should require a full panel of testing on manufactured final products, and I would love to see this written into the regulations.

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As the rules currently stand, companies are able to get a full panel of COAs for their distillate and rely on their formulation and calculations for final products.

This is a problem for a few of reasons:

- 1) There could be a large amount of variation in potency from batch to batch.
- 2) I have seen vape carts that have terpenes added and all have the same potency on the label. The terpenes, which are not included in the distillate COA, affect the potency and have the potential to introduce contaminants into the product if they are untested.
- 3) I have seen many companies utilizing a mixture of extracts from different sources to create products with THC, CBD, CBN, CBG, etc. If only the distillate COA for THC is required these other

sarah@magicmann.com

extracts are making it into the product without being tested for pesticides, heavy metals, or residual solvents. We are hoping to see Continuing Education and Tourism updates in the upcoming rules. We hope this will include changes regarding the viewing of licensed establishments by the public. The ability for licensed retailers to use Age Verification and dispensary access to be able to have viewing areas and interactive education exemplifying our processes. We have a long hallway from Retail down to cultivation that we would like to use as an educational tool and a timeline of sorts, to help the community understand the process from seed to sale and be informed consumers. This promotes best practices and transparency in processes. I see this as a potential tourism experience and can provide a firm understanding from seed to sale that can benefit the industry while following all rules and guidance provided by the control board. I believe this should only be allowed in retail establishments due to safety of staff, the public, ensuring safe regulated product, age verification and

meredith@magicmann.com

1) All operator license types, including tier 1 outdoor operations, should be subject to local zoning. The tier 1 outdoor exception to this has created a situation in Charlotte whereby a tier 1 operation was placed next to multiple family homes, with no input from neighbors or the town, and significantly degraded quality of life for those neighbors. Simple rules to prevent this will go a long way towards a sustainable cannabis industry in Vermont that is not intrusive to neighbors and can find it's rightful place.

2) All outdoor growers, including tier 1, should not be able to use any artificial lighting whatsoever. Because tier 1 outdoor is currently exempt from local zoning, such an operation can be right next to people's homes, with grow lights on through May 1, which is intrusive and a nuisance if so close to someone else's house. Outdoors should mean outdoors, not actually inside a hoophouse with artificial lights on for weeks and months up to May 1.

This guidance on packaging is misleading and doesn't accomplish the goal. As a community member who has visited multiple dispensaries in various states, and countries, this packaging guidance is contradictory and doesn't accomplish intended goals.

Most "reusable" packaging is a simple glass jars. There is no child safety deterrents to them besides the small warning labels and a sticker. They're a big burden on the heavily taxed recycling system, expensive to obtain by the cultivator or establishment packaging the product and can be dangerous. On top of these issues, the suggested packaging, glass, tin, cardboard, bamboo is very limited and specifically excludes reusable and other biodegradable packaging. The jars are a burden on consumers who now have a collection that have limited uses and constantly fill recycling bins.

Why not allow mylar or pla/biodegradable bags for packaging as a better solution. Why so limiting on this but not other consumable products like food?

As an independent outdoor grower in Vermont, we believe it is very important that Proposed Rule 1 Amendments Definition 1.1.1.3.J be modified to allow for 25% of supplemental lighting year round with no date restrictions. This is necessary to help local Vermont outdoor growers compete with multi-state operators and to help address the seasonal pricing imbalances that will arise in the market if more normative grow conditions that smooth supply are not allowed

With regards to Propagation licensing, perhaps a more educated guardrail is to prohibit a Propagation licensee from participating in flower sales altogether.

Because seeds come from flowers.

One cannot produce seeds without mature flowering (dioecious) female plants. This is how botany works.

I have stayed out of the mix for the most part, but I have perhaps the singular most knowledge and experience in Cannabis in Vermont after Dr. John McPartland and the recently deceased Dr. Bob Melamede. I will remain at the avail of the CCB for such expertise and to clarify my comments as needed.

I recently went to the Upstate Elevator Co. website to restock my CBD+THC. Lo and behold, it was no longer available. This product has been extremely helpful to me. It enabled me to use a lower overall dosage to deal with my pain from fibromyalgia. There was no harm in it. This product deserves to still be available.

I am a MA resident who has been purchasing Upstate Elevator's CBD & THC for sleep. I had to titrate off of a medication due to age this product is exactly what I need for sleep ease. My Doctor actually suggested this product (Williamsburg Medical Assoc) I could buy it locally, but with a compromised immune system I keep out of busy stores for the most part. I am not sure what you legislature is debating, but I'd love to see the product available again. I like this particular business (a Vt business!) and support it- thanks for

Hi,

I've found that a 2mg dose of hemp-derived THC is the best strength for me to enjoy the relaxing effects of cannabis without the more intense intoxicating effects I dislike.

I'm slightly disappointed that my favorite cannabis/hemp product, Upstate Elevator's "Elevated Spectrum", is no longer available due to the recent emergency regulation: https://ccb.vermont.gov/sites/ccb/files/2023-04/Emergency_Hemp_Rule_2023-4-24.pdf

While I support strong regulation of cannabis (particularly synthetic cannabinoids), I hope these new restrictions might be reevaluated. Thanks for the consideration! I am submitting this public comment on behalf of Doctors for Cannabis Regulation (DFCR) in support of the Vermont Cannabis Control Board's adoption of an ASTM D8441 compliant version of the International Intoxicating Cannabinoid Product Symbol (IICPS). We join the unanimous recommendation of stakeholder organizations for the adoption of this symbol to be used by all authorities having jurisdiction (AHJs) in the United States and abroad.

Given that the present Vermont symbol already utilizes the design of the IICPS in alternate colors, the Cannabis Control Board (CCB) only needs to change the colors to yellow and black to comply with the consensus standard ASTM D8441. Such a move would demonstrate the CCB's commitment to consensus standards and a long term vision for Vermont's regulated cannabis industry.

hale.andyt@gmail.com

mikebvt29@gmail.com

redclovercanopies@gmail.com

Joel Bedard

Roberta Healey

Pamela Stewart-Cothey

Aaron Lipman

David Nathan

dnathan@dfcr.org

609-688-0400

We are a CBD only business started in 2018. We grow, extract, manufacture and sell our products in Vermont and throughout the United States. We have reviewed the recent emergency rules and proposed CBD licensing regulations and have the following comments. We encourage to Board to make regulations that will keep all Vermont CBD business competitive in the national marketplace. We support the concern on cracking down on synthetic THC compounds derived from federally legal industrial hemp and folks using the cover of CBD to sell intoxicating products. We propose:

1. That the restriction on total THC of no more than 1.5mg per serving should be modified to a slightly higher 2mg and that packaging should clearly state that this is a non-intoxicating product.
2. That the 20:1 ratio of cannabidiol to THC in products already contemplated in the proposed regulations should control overall and that the 0.3% on a dry weight basis requires are consistent with the USDA requirements.

Seth Lapidow slapidow@verizon.net 802.897.4477

It does not make sense why cultivators can register flower and pre-rolls under the same registration, but it is not clear if retailers can do the same. Retailors have to pay extra for 2 registrations while a cultivator only pays for 1? It should be the same for retailers as it is for cultivators. Also the interface needs an update. It would make sense to submit all packaging for all products just one time. Then submit separate COA's/test results/full panel, and labels of the packaged product! It should be that simple. It takes a lot of time and resources to complete the registration process for each product and submit payment separately for each product. The portal also won't allow larger documents to be uploaded as 1 document. So a full panel test has to be separated and submitted in sections. Can we please submit multiple products and full panel test at the same time and just pay once for the total of them all? Also keeping it fair by having Cultivators/Retailors submit the same As a company that supports numerous independent growers in Vermont, we believe it is very important that Proposed Rule 1 Amendments Definition 1.1.1.3.J be modified to allow for 25% of supplemental lighting year round with no date restrictions. This is necessary to help local Vermont outdoor growers compete with multi-state operators and to help address the seasonal pricing imbalances that will arise in the market; if more normative grow conditions that smooth supply are not allowed.

Stephanie Waterm. stephanie@whiterivergrowprc 8022999427

A more detailed comment has been emailed.
 Pertaining to 1.1.3 (j) Definitions
 The proposed definition of "Outdoor Cultivator" only allows for artificial lighting to keep plants in the vegetative state while providing a clear cut off for when artificial light supplementation must cease. As an independent grower in Vermont, we believe this definition is unnecessarily restrictive for what is already the most challenging and restrictive cultivation method given Vermont's geographical location and climate. Market perception of Outdoor Cannabis is widely regarded as lower quality and is subject to a much lower price point than indoor or greenhouse grown. It is also typically the first to feel the effects of this price depreciation due to the nature of having only a single harvest that is brought to market at the same time as all other outdoor cultivators. We would like to see an artificial lighting allowance for Outdoor Cultivators of 25% regardless of plant stage or time of year.
 Hello,

Phillip Schilling Phil@loudcloudcc.com

I would like to comment on Rule 1.1.14, specifically the addition of language: "(b) Persons who engage in the transfer or sale of hemp-derived products that contain more than 1 milligram of tetrahydrocannabinol per serving."

This much broader standard differs from the boards emergency rules regarding hemp-derived products, and would place existing Vermont's CBD industry, including producers of non-intoxicating products such as tinctures & salves under the same set of rules as THC product manufacturers.

I urge the board to remove this language and adopt a ratio-based, and effects-based approach to CBD products similar to what was outlined in the emergency rules, and regulate the CBD industry in a way that protects consumers from high potency and synthetically-derived products without overly burdening Vermont's existing CBD & Hemp producers and driving consumers to purchase from out-of-state brands.

Sam Bellavance sam@sunsetakecbd.com 802-735-6705

Thank you for your consideration.

Bill Lofy bill@kriabotanicals.com 802-343-2627

Best,
 Kria Botanicals is writing in opposition to the proposed change in Rule 2.1.1.3 related to tinctures.

Reducing the allowable THC potency in tinctures from 1200 mg to 500 mg would negatively impact consumers and businesses in the market. The tincture category has been strong in Vermont, creating opportunities for small brands looking to differentiate themselves in the market. Consumers - especially low-income consumers - benefit from having an affordable, easily dosed product option. The reduction from 1200 mg to 500 mg appears arbitrary and unsupported by data, and would create hardship for consumers, manufacturers, and retail brands in Vermont. We urge the board to reconsider this change and maintain the current 1200 mg limit. Thank you for your consideration.

We are concerned about the addition of the language in rule 2, specifically: 2.1.3 (r) and the 500mg cap. Currently, the Cannabis Control Board allows for the registration and sale of the tinctures up to 1200mg THC per container. Decreasing the allowable amount of THC per tincture appears to be arbitrary given the lack of publicly available data showing that these regulated products have endangered the public health of Vermont consumers. Furthermore, given the statutory restrictions on potency for edible cannabis products, tinctures represent one of the few equitable options for consumers who cannot afford to purchase large volumes of edible cannabis products. This language would have the effect of increasing the price/mg of THC, which would disproportionately impact lower-income Vermonters. For these reasons we oppose the 500mg limit, and encourage the board

to maintain its existing policy and redraft this rule with a 1200mg THC limit per container. Thank you for your consideration.

Ana MacDuff macduff.ana@gmail.com 8024613807

Hello,

We, Sunday Drive, are concerned about the addition of the language in rule 2, specifically: 2.1.3 (r) "Tincture" means a solvent, such as alcohol or glycerin, infused with cannabis. A tincture may include additional plant material. Tinctures may be sold in any volume but the total milligrams of tetrahydrocannabinol per container must not exceed 500mg.

Currently, the Cannabis Control Board allows for the registration and sale of the tinctures up to 1200mg THC per container. Decreasing the allowable amount of THC per tincture appears to be arbitrary given the lack of publicly available data showing that these regulated products have endangered the public health of Vermont consumers. Furthermore, given the statutory restrictions on potency for edible cannabis products, tinctures represent one of the few equitable options for consumers who cannot afford to purchase large volumes of edible cannabis products. This language would have the effect of increasing the price/mg of THC

Patricia Eames
pi@vtsundaydrive.com

8022805287

We are concerned about the addition of the language in rule 2, specifically: 2.1.3 (r) and the 500mg cap.

Currently, the Cannabis Control Board allows for the registration and sale of the tinctures up to 1200mg THC per container. Decreasing the allowable amount of THC per tincture appears to be arbitrary given the lack of publicly available data showing that these regulated products have endangered the public health of Vermont consumers. Furthermore, given the statutory restrictions on potency for edible cannabis products, tinctures represent one of the few equitable options for consumers who cannot afford to purchase large volumes of edible cannabis products. This language would have the effect of increasing the price/mg of THC, which would disproportionately impact lower-income Vermonters. For these reasons we oppose the 500mg limit, and encourage the board to maintain its existing policy and redraft this rule with a 1200mg THC limit per container. Thank you for your consideration.

Kassidy Cummings
kassacummings99@gmail.com

8029528555

I'm concerned about the addition of the language in rule 2, specifically: 2.1.3 (r) and the 500mg cap.

Currently, the Cannabis Control Board allows for the registration and sale of the tinctures up to 1200mg THC per container. Decreasing the allowable amount of THC per tincture appears to be arbitrary given the lack of publicly available data showing that these regulated products have endangered the public health of Vermont consumers. Furthermore, given the statutory restrictions on potency for edible cannabis products, tinctures represent one of the few equitable options for consumers who cannot afford to purchase large volumes of edible cannabis products. This language would have the effect of increasing the price/mg of THC, which would disproportionately impact lower-income Vermonters. For these reasons we oppose the 500mg limit, and encourage the board to maintain its existing policy and redraft this rule with a 1200mg THC limit per container. Thank you for your consideration.

josh macduff
jmacandana@gmail.com

8023091693

We are concerned about the addition of the language in rule 2, specifically: 2.1.3 (r) and the 500mg cap.

Currently, the Cannabis Control Board allows for the registration and sale of the tinctures up to 1200mg THC per container. Decreasing the allowable amount of THC per tincture appears to be arbitrary given the lack of publicly available data showing that these regulated products have endangered the public health of Vermont consumers. Furthermore, given the statutory restrictions on potency for edible cannabis products, tinctures represent one of the few equitable options for consumers who cannot afford to purchase large volumes of edible cannabis products. This language would have the effect of increasing the price/mg of THC, which would disproportionately impact lower-income Vermonters. For these reasons we oppose the 500mg limit, and encourage the board to maintain its existing policy and redraft this rule with a 1200mg THC limit per container. Thank you for your consideration.

Cat M
catmillhole@gmail.com

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Currently, the Cannabis Control Board allows for the registration and sale of the tinctures up to 1200mg THC per container. Decreasing the allowable amount of THC per tincture appears to be arbitrary given the lack of publicly available data showing that these regulated products have endangered the public health of Vermont consumers. Furthermore, given the statutory restrictions on potency for edible cannabis products, tinctures represent one of the few equitable options for consumers who cannot afford to purchase large volumes of edible cannabis products. This language would have the effect of increasing the price/mg of THC, which would disproportionately impact lower-income Vermonters. For these reasons we oppose the 500mg limit, and encourage the board to maintain its existing policy and redraft this rule with a 1200mg THC limit per container. Thank you for your consideration

Brett Simpson
BSimpson0009@gmail.com

8022361657

Hello,

We at Winooski concerned about the addition of the language in rule 2, specifically:

2.1.3 (r) "Tincture" means a solvent, such as alcohol or glycerin, infused with cannabis. A tincture may include additional plant material. Tinctures may be sold in any volume but the total milligrams of tetrahydrocannabinol per container must not exceed 500mg.

ed furci
ed@winooskiorganics.com

Currently, the Cannabis Control Board allows for the registration and sale of the tinctures up to 1200mg THC per container. Decreasing the allowable amount of THC per tincture appears to be arbitrary given the lack of publicly available data showing that these regulated products have endangered the public health of Vermont consumers. Furthermore, this would directly effect the community that uses tinctures as medicine, like cancer patients or people with epilepsy.

We are concerned about the addition of the language in rule 2, specifically: 2.1.3 (r) and the 500mg cap.

Currently, the Cannabis Control Board allows for the registration and sale of the tinctures up to 1200mg THC per container. Decreasing the allowable amount of THC per tincture appears to be arbitrary given the lack of publicly available data showing that these regulated products have endangered the public health of Vermont consumers. Furthermore, given the statutory restrictions on potency for edible cannabis products, tinctures represent one of the few equitable options for consumers who cannot afford to purchase large volumes of edible cannabis products. This language would have the effect of increasing the price/mg of THC, which would disproportionately impact lower-income Vermonters. For these reasons we oppose the 500mg limit, and encourage the board to maintain its existing policy and redraft this rule with a 1200mg THC limit per container. Thank you

Chandler Volk
Cev1068@gmail.com

8027525234

Sarah Wallis	swallistv@outlook.com		4126545202	<p>We are concerned about the addition of the language in rule 2, specifically: 2.1.3 (r) and the 500mg cap. Currently, the Cannabis Control Board allows for the registration and sale of the tinctures up to 1200mg THC per container. Decreasing the allowable amount of THC per tincture appears to be arbitrary given the lack of publicly available data showing that these regulated products have endangered the public health of Vermont consumers. Furthermore, given the statutory restrictions on potency for edible cannabis products, tinctures represent one of the few equitable options for consumers who cannot afford to purchase large volumes of edible cannabis products. This language would have the effect of increasing the price/mg of THC, which would disproportionately impact lower-income Vermonters. For these reasons we oppose the 500mg limit, and encourage the board to maintain its existing policy and redraft this rule with a 1200mg THC limit per container. Thank you for your consideration.</p> <p>In response to proposed rule 2.2.4e, I urge the board to refrain from including this change.</p> <p>This rule is overly vague. There are no definitions included, nor is the rule accompanied by a list of banned substances. What is to be considered a dietary supplement or drug? For example, you can find the same substances in everyday foods and in supplement form. Caffeine- sold as a supplement and also in coca-cola. Ginger- sold as a digestive aid and also in ginger beer. Peppermint- sold in cookies and candies and also in nasal sprays.</p> <p>Many Vermont cannabis products are designed by herbalists, including myself. The use of herbs (so-call supplements) is crucial to the brand identity, flavor, and uniqueness of dozens of products on the market.</p> <p>Moreover, cannabis itself has many known drug interactions, so this seems quite contradictory and unnecessary. See article link.</p> <p>Take out this rule, it is unnecessary, vague, and harmful to small businesses.</p>
Emma Merritt	emerritvt@gmail.com		4126545202	<p>The legislature just verified their intent to increase the competitiveness and marketability of value-added cannabis products with passing Act 65 into law that increases the milligrams of THC allowed in such products as well as allowing cannabis producers to take back for resale products which they contracted manufacturers to produce from their plants. I'm asking the CCB to vote against those proposed changes to Rule 2.2.4 that would impede the development and marketability and thus competitiveness of value-added cannabis products manufactured in Vermont by banning those products that contain meat or dairy products or require temperature control for food safety. In the recent Board meeting on June 26, 2023, it was recognized by regulators that other state AU markets regulate and allow temperature-sensitive products and meat and dairy products and that Vermont should, too. I appreciate this comment opportunity as a 74-year user of multiple CBD value-added cannabis products manufactured in Vermont by banning those products that contain meat or dairy products or require temperature control for food safety. Please support our Vermont farmers after the floods and vote against those proposed changes to Rule 2.2.4 that would impede the development and marketability and thus competitiveness of value-added cannabis products manufactured in Vermont by banning those products that contain meat or dairy products or require temperature control for food safety. I would like to ask the CCB to vote AGAINST the proposed changes to Rule 2.2.4. These changes would severely and negatively impact cannabis product manufacturers, putting some of them out of business! This would also negatively impact our state by impeding the growth and development of the cannabis industry in Vermont. In the recent Board meeting on June 26, 2023, it was recognized by regulators that other state AU markets regulate and allow temperature-sensitive products and meat and dairy products and that Vermont should, too. We need to have collaboration among agencies to secure a successful implementation of the standing cannabis law and legislative intent.</p>
David Brandau	brandau49@gmail.com		8024317573	<p>Respectfully,</p>
Jean Kiewel	jean@kiewellaw.com		802.258.1465	<p>Lindsey Cole</p> <p>The legislature just verified their intent to increase the competitiveness and marketability of value-added cannabis products with passing Act 65 into law that increases the milligrams of THC allowed in such products as well as allowing cannabis producers to take back for resale products which they contracted manufacturers to produce from their plants. I'm asking the CCB to vote against the proposed changes to Rule 2.2.4 that would impede the development, marketability, and therefore, competitiveness of value-added cannabis products manufactured in Vermont by banning products that require time/temperature control for food safety. In the recent Board meeting on June 26, 2023, it was recognized by regulators that other state AU markets regulate and allow temperature-sensitive products and that Vermont should, too. I will also be asking the Governor to ensure the needed collaboration among agencies to secure a successful implementation of the standing Hello! I'm writing to ask you to please strike the proposed 2.24 rules changes regarding a ban on all value added and edible products that require refrigeration and temperature sensitive storage. There are some very useful and helpful products available that offer users a unique relief and experience that more traditional cannabis products do not. Thank you.</p> <p>Comment uploaded as URL:</p> <p>https://docs.google.com/document/d/12RR0L39FAIP8xYtdEugOsrXmZ53ahI/edit?usp=sharing&oid=108514747024089552972&tpof=true&sd=true</p> <p>The legislature just verified their intent to increase the competitiveness and marketability of value-added cannabis products with passing Act 65 into law that increases the milligrams of THC allowed in such products as well as allowing cannabis producers to take back for resale products which they contracted manufacturers to produce from their plants. I'm asking the CCB to vote against those proposed changes to Rule 2.2.4 that would impede the development and marketability and thus competitiveness of value-added cannabis products manufactured in Vermont by banning those products that contain meat or dairy products or require temperature control for food safety. In the recent Board meeting on June 26, 2023, it was recognized by regulators that other state AU markets regulate and allow temperature-sensitive products and meat and dairy products and that Vermont should, too.</p> <p>The proposed changes to 2.24 are at their core un-american and a spit in the face to every single mom and pop shop that has finally made a viable living for themselves through the production and sale of unique edibles cannabis offerings. This proposed change is an overreach by the state government and is actively hurting the prosperity and livelihoods of our fellow Vermonters.</p>
Lindsey Cole	lindsey.cole.802@gmail.com		6512357000	<p>Bill Lofy</p> <p>bill@kriabotanicals.com</p> <p>Katie Rader</p> <p>katrader05@gmail.com</p> <p>Kevin Barnum</p> <p>kevin.barnum99@gmail.com</p>

Removing the option for cannabis value-added products to contain meat and dairy will unfairly impact the ability of Vermont's licensed cannabis product manufacturers to compete with black market value added products and also to ultimately compete with out of state manufacturers when cannabis becomes federally legalized and regulated. What's more, it ignores and disrespects the culture of this state, with its rich and deep roots in dairy and livestock farming. This rule change would be a great disservice to everyone impacted.

8026892121 Emma Feigenbaum emfeigenbaum@gmail.com

Removing the option for cannabis value-added products to contain meat and dairy will unfairly impact the ability of Vermont's licensed cannabis product manufacturers to compete with black market value added products and also to ultimately compete with out of state manufacturers when cannabis becomes federally legalized and regulated. What's more, it ignores and disrespects the culture of this state, with its rich and deep roots in dairy and livestock farming. This rule change would be a great disservice to everyone impacted.

6175992810 Alex Nguyen lovespunhomestead@gmail.com

As a believer in all that is good in Vermont and all that this state has to offer in the cannabis industry, I really believe that the laws regarding edibles need to be highly reconsidered. For all parties involved, the CCB and the farmers, workers, etc...we all win with it being changed. Thank you for your time and I beg you to possibly change

Jack Paulin jackpaulin321@gmail.com

Dear members of the VT Cannabis Control Board,

Thank you for your efforts to keep consumers safe while protecting the livelihoods of Vermont cannabis producers and our environment. It is a significant balancing act!

First of all, I implore you to extend the public comment period to allow for input given that so many Vermonters are focused on the immediate physical and emotional labor of recovering from the devastating flood events of just a few days ago. I am concerned that you will not hear from many stakeholders if you stick to the current timeline.

Second, as a certified herbalist and faculty member of Plant and Soil Science at the University of Vermont, I have serious concerns about Article 2.2.4e which I do not have space to share in this limited text box so I will submit another comment.

8028700982 Katherine Elmer katherine.elmer@uvm.edu

I am a certified herbalist and faculty member of Plant and Soil Science at the University of Vermont

subarticle 2.2.4e ignores the long history and safety record of blending plants as nutritional supplements and would be detrimental to manufacturers and consumers. The national DSHEA standards provide sufficient guidance to manufacturers and protections for consumers without micromanaging the local industry which is largely composed of skilled and knowledgeable professionals. One example of a cannabis blend that would be restricted by the proposed policy is St John's Wort which has been shown to cause drug interactions when taken internally but is safe to combine with medications when applied topically (which is commonly how it is used in synergy with cannabis). Herbal medicine works best when there are opportunities for synergistic blends and the proposed policy, as written, would further isolate cannabis from other beneficial (and often more abundant and affordable) plant remedies.

I ask, along with the consumers, and license holders in the VT cannabis industry that the CCB reconsider their votes in favor of proposed amendment to Rule 2.2.4 banning the sale of refrigerated and frozen cannabis products as well as any cannabis products containing meat and dairy. This proposed amendment will have significant, far-reaching negative and deeply impactful consequences for licensees, stakeholders, and ultimately, Vermonters, who will not benefit from the significant tax revenue potentially generated by this sector of the Vermont cannabis industry.

thanks you for your time and consideration!

Sara Diaz

Inventory Manager

Sunday Drive Cannabis Dispensary

Woodstock, VT

I have a brand that is low dose THC tinctures made with small amounts of botanicals mixed in. I am already experiencing difficulty selling it due a number of hurdles that prohibit the ability to sell and market a product of this nature. Now I may not be able to sell the product bc it's blended with herbs that have been used since the dawn of humanity. It seems inconsistent that the state would prevent me from doing so while allowing apothecaries to operate. The health department and the FDA, medical association, etc are not on the same page re: the safety or cannabis, but you are allowing us to produce these products, but will ban product bc of the botanical additives? People should be speaking with their health care professional re: interaction concerns whenever they take a vitamin, drug, or supplement. My labels make this disclaimer.

8027343346 emilie M paquette emilie.paquette@gmail.com

Hello!

I'm curious about the strict testing requirements for Aspergillus. Many cultivators still seem to be failing this (pass/fail) test nationwide, as these spores are constantly airborne. I'm sure CCB has done its due diligence in researching this topic, but multiple states are having this same issue and it greatly affects the business and livelihood of cultivators and other connected license holders. I have hopes that we can raise the threshold for aspergillus testing, or possibly move to a total yeast and mold count test as other states have done. No one can eradicate aspergillus, and I feel less stringent regulations are in order.

8024900281 Ben St George benjamin.stgeorge@curraleaf.com

Thank you for your time!

The proposed rules functionally banning food products that can be time and temperature abused is a poor decision that is detrimental to Vermont's craft cannabis businesses.

The cannabis industry is new and rules regarding food safety are not offered to cannabis establishments. While these agencies are abnegating their responsibilities with cannabis products, I do not believe craft producers should be punished for this by being limited in such a way or unable to operate. Furthermore, most producers are competent manufacturers, some of which are at cGMP standards. The rules and guidelines these agencies provide are readily available and can be complied with relative ease. I implore you to strike down this proposed change as I believe it is unjust to punish us for things out of our control. Lets work together to build the rules we need to have a healthy and diverse cannabis industry; this one should be a slam dunk! Thank you.

Grayson Glosser grayson@xtractvt.com

<p>Robert Connolly Meredith Mann</p>	<p>TirNaiNogCandies@gmail.com meredith@magicmann.com</p>	<p>18022996927 18023730701</p>	<p>I am writing to express my concerns about the proposed rule changes regarding the banning of food that can be time temp abused as well as the proposed rule banning supplements being added to edibles eg. lions mane mushrooms, melatonin, ect. These rules will not only hurt fledgling businesses now but will have a impact on the industry going forward. as the adult use market goes national in the coming years as it looks like it is going to why are we crippling two areas where Vermont really shines, its dairy and meat products as well as other natural food products, and it holistic offerings. please reconsider what you are proposing here as it will lead to shelves full of non descript generic products that do not showcase the amazing creativity and freshness Vermont is I would like to encourage the board to make the following changes: -RAISE ALL POTENCY CAPS -Create a definition for topical cannabis products. -Include mycotoxin testing as a testing criteria. -Allow for supplemental cannabis products. -Allow for temperature and time sensitive cannabis products, including dairy and meat products. By not allowing these changes we are continuing to support and encourage the legacy Market and creating an uphill battle for regulated cannabis businesses that care about compliance and providing our adult customers what they want and need. Please do not punish the consumers or retailers, by encouraging the legacy market. Consumers deserve access to these products safely and Social Equity public comment part 1: I am writing to share my opinion as public comment to the CCB regarding proposed changes to the Boards rules on Social Equity.</p>
<p>Meredith Mann</p>	<p>meredith@magicmann.com</p>	<p>18023730701</p>	<p>The purpose of social equity in the regulated cannabis industry is to give back to individuals who were harmed due to the injustice of cannabis prohibition. While it is true that this is largely to serve black and brown minority communities, who have been largely disproportionately targeted by the drug war, there are many other people and reasons that people have been harmed due to Cannabis prohibition. The CCB is taking an arbitrary stance to deny and prohibit many applicants, who would meet the requirements in most other states where social equity in Cannabis is available. Social equity public comment part 2: There is also confusion in the regulations between whether an applicant is applying as an individual or as a business, with each having separate rules. In fact, the CCB was miss-interpreting this until my attorney educated them on how the rules are interpreted based as they are written. There has been confusion amongst the CCB's attorneys on how the CCB itself has been interpreting its own rules regarding social equity. In most other states, having a cannabis conviction qualifies an applicant for social equity status. In Vermont the law reads an individual needs to show that they have been incarcerated for a cannabis crime. However, the CCB has denied many applicants who have proven they were incarcerated based on the definition of the word incarceration. The CCB is telling denied applicants that it is only intended for those who served prison (not jail) sentences of lengthy terms. None of this is part of the current rules or regulations, and the CCB does not have the legal right to deny applicants based on that reason. The CCB is now trying to change the law to meet the arbitrary and capricious requirements which they have been denying people for. Anybody who has been incarcerated and has been denied social equity status for not being incarcerated long enough, incarcerated only pre-trial, or in specifically a prison system should legally be given social equity approval based on the way the law currently reads. The CCB is also trying to change the language of a socially disadvantaged person, and being from a place that has been negatively impacted by cannabis prohibition. These proposed changes are being made after the fact, that the CCB is realizing they have been denying applicants that do qualify based on the current language of the social equity regulations in Vermont.</p>
<p>Dan Pomerantz</p>	<p>dan@rebelgown.com</p>	<p>6175498120</p>	<p>The CCB is taking an arbitrary stance to deny and prohibit many applicants, who would meet the requirements in most other states where social equity in Cannabis is available. Social equity public comment part 2: There is also confusion in the regulations between whether an applicant is applying as an individual or as a business, with each having separate rules. In fact, the CCB was miss-interpreting this until my attorney educated them on how the rules are interpreted based as they are written. There has been confusion amongst the CCB's attorneys on how the CCB itself has been interpreting its own rules regarding social equity. In most other states, having a cannabis conviction qualifies an applicant for social equity status. In Vermont the law reads an individual needs to show that they have been incarcerated for a cannabis crime. However, the CCB has denied many applicants who have proven they were incarcerated based on the definition of the word incarceration. The CCB is telling denied applicants that it is only intended for those who served prison (not jail) sentences of lengthy terms. None of this is part of the current rules or regulations, and the CCB does not have the legal right to deny applicants based on that reason. The CCB is now trying to change the law to meet the arbitrary and capricious requirements which they have been denying people for. Anybody who has been incarcerated and has been denied social equity status for not being incarcerated long enough, incarcerated only pre-trial, or in specifically a prison system should legally be given social equity approval based on the way the law currently reads. The CCB is also trying to change the language of a socially disadvantaged person, and being from a place that has been negatively impacted by cannabis prohibition. These proposed changes are being made after the fact, that the CCB is realizing they have been denying applicants that do qualify based on the current language of the social equity regulations in Vermont.</p>
<p>Dan Pomerantz</p>	<p>dan@rebelgown.com</p>	<p>6175498120</p>	<p>In my personal instance, I have been approved, and I am a social equity recipient in California, Social equity public comment part 4: yet in Vermont I have been denied three times, and I am currently under appeal, as the first appeal the CCB has undergone. The process has been extremely unprofessional. The previous head attorney for the CCB repeatedly told me this would be dealt with in a matter of weeks, that was well over 9 months ago.</p>
<p>Dan Pomerantz</p>	<p>dan@rebelgown.com</p>	<p>6175498120</p>	<p>I think anybody who knows me understands the depths of harm and damage that have become a permanent part of my personality and life, due to unjustified cannabis prohibition. I have daily flashbacks and anxiety, and weekly nightmares from the Northern Nevada drug task force aggressively getting in my face, telling me they're going to ruin my life, and yelling at my girlfriend, saying "look at what he did to your life, you need to find Jesus girl!!!". While they high-fived. I had less than 3 grams of cannabis, eventually pled guilty to a felony, and as part of my sentencing guidelines was given credit for time served pre-trial. Mycotoxin testing should be required for all flower due to the fact that pathogen testing is only picking up on live pathogens. It is possible for flower to have fungus and then be pasteurized where it will pass a pathogen test, but the fungi have already made metabolites that are very toxic to human health. Temperature sensitive products should be allowed in the supply chain as long as manufacturers, wholesalers, and retailers maintain an appropriate storage environment. This would entail licensees having fridges and freezers that are inspected with CCB inspections and must maintain compliance.</p>
<p>Sarah Monroe</p>	<p>sarah@magicmann.com</p>	<p>8643537127</p>	<p>Temperature sensitive products should be allowed in the supply chain as long as manufacturers, wholesalers, and retailers maintain an appropriate storage environment. This would entail licensees having fridges and freezers that are inspected with CCB inspections and must maintain compliance.</p>
<p>Sarah Monroe</p>	<p>sarah@magicmann.com</p>	<p>8643537127</p>	<p>Temperature sensitive products should be allowed in the supply chain as long as manufacturers, wholesalers, and retailers maintain an appropriate storage environment. This would entail licensees having fridges and freezers that are inspected with CCB inspections and must maintain compliance.</p>

Dan Pomerantz dan@rebelgown.com	Dan Pomerantz dan@rebelgown.com	6175498120 Dan Pomerantz 6175498120	<p>Social equity public comment part 5: as part of my sentencing guidelines was given credit for time served pre-trial. This meets the definition of incarceration based on the current Vermont social equity regulations, as written. The CCB is trying to makes changes to the current regulations that would make it so I do not qualify. There are dozens of other examples of how cannabis prohibition has harmed me personally. I believe it is wrong and find it unjust that I can be approved in one state yet denied in Vermont. The bigger problem is that I am not being denied in Vermont based on the laws that are currently written. I am being denied in Vermont based on arbitrary rules that do not exist yet that the CCB is hoping to change.</p> <p>I ask that the CCB simply follow their own regulations and rules as written, and that these proposed changes to the social equity regulations not be changed, and should be carefully audited by legislators, cannabis industry experts, and social equity experts.</p> <p>Social equity public comment part 6: Social equity in Cannabis is a very serious issue, as many of us have been very deeply harmed and damaged by Cannabis prohibition. New regulations should not be added or approved based off of subjective opinions of regulators and attorneys.</p> <p>If you have been convicted of a cannabis crime, and were incarcerated in any way or form, and were denied social equity status on your application, this is your chance to demand the CCB reverse their decision and approve your social equity status.</p> <p>Thank you,</p>
Dan Pomerantz	dan@rebelgown.com	6175498120 Dan Pomerantz	<p>As someone who remembers when growers here and rightfully called out the medical program for putting product ripe with aspergillus and other pathogens on the market, it is disheartening to see so many pushing to loosen up rules that protect consumers.</p>
Joshua Decatur	jadecatur@gmail.com	8029225981	<p>If a sample has dead aspergillus DNA, there is 100% living aspergillus DNA somewhere in the lot. It is not OK for our community to be hypocritical just because we don't like to do the extra work it takes to provide clean products.</p>
Geoffrey Pizzutillo	geoffrey@vermontgrowers.org	8029225981	<p>Please add mycotoxin testing and also do not remove testing for dead aspergillus dna. I have allergies to aspergillus, many other people do too. Medical patients especially should feel confident in the cleanliness of the products on shelves.</p> <p>The rules amendment process initiated in November 2022 represents the first time since initial rulemaking that the industry and the general public, at large, can participate and influence the regulations governing the adult-use cannabis market, marking a significant moment in the market's short lifespan. As the largest member-based cannabis nonprofit organization with members representing the entire supply chain, the following recommendations by Vermont Growers Association reflect the interests of our members, licensed cannabis farms and businesses, as well as the state's talented legacy market actors that wish to participate but do not see a fair and equitable market, just yet.</p> <p>I'm not sure which rule it is, but I urge the CCB to not change any regulations regarding edibles or food safety.</p> <p>Doing so will harm numerous small businesses who are already practicing adequate food safety standards.</p>
Dan Pomerantz	dan@rebelgown.com	6175498120 Dan Pomerantz	<p>Thank you,</p> <p>please ok upstate elevator to send cbd with thc it helps me go to the gym and talk to people i am 81 and have no friends so i made friends at the gym i have arthritis it helps me get out side i wouls be lost with out it</p>
Joseph rathbun	okjoeok@yahoo.com	8606568603	<p>thanks JOE RATHBUN</p> <p>I was disappointed to hear that you have abandoned the plans to update your labeling requirements. Simplifying the warning text would make producing clear labels that are appropriately sized for a small package of flower possible. The current required block of text makes it very difficult to make a label that fits an appropriately sized label for small packages.</p>
Jay Powell	jcpowell@umich.edu		<p>We had been holding off designing our labels until the new text was finalized, and the new plan not to update the text at this time seems to just be pushing off the dilemma of how small producers will transition from using old labels to new labels when you do come around to updating that text. Can we at least establish how you will handle the transition when the text is updated? Small runs of labels are more expensive, paying a designer is expensive, these issues all make it more difficult for small and very small cultivators and manufacturers.</p>
Robert Connolly	tiranograndies@gmail.com		<p>Thanks for your time</p> <p>I am a small manufacturer producing gummies and white labeling them for a few other companies. I originally packaged my product in paper boxes due to the plastic ban. All gummies stuck together due to the packaging. I then switched to safely lock bags and the problem went away. I have reviewed your recommendations and none are sufficient to keep my products fresh. I prefer not to use glass because it's heavy and I have back problems, preventing me from lifting the glass jar pallets. I deliver my own products and the Safety Lock bags have saved my product and my back. Are you trying to put small manufacturers like me out of business by canceling the Safety Lock waiver? This honestly makes me want to give up.</p>

I have spent over \$30k on Humidico lids and Safely Lock bags. I package products for dozens of companies that have found the Safely Lock pouches a perfect alternative to heavy glass that can be hard to manage for small manufacturers. The pouches are safer and I still have 9000 of them with warning labels printed on them. I cannot believe you wouldn't at least give a longer grace period for those of us who may put out of business because of this. These pre-printed pouches cannot be returned and we rely on our customers to purchase them from us as it is our business model. Why not give a longer grace period so we can plan accordingly?
Dear Sirs and Madam's

Christina Mager christina@ojorojocannabis.co

8027640807

Why are we allowing chemicals to process cannabis in Vermont. I learned yesterday this was the case? Why kill Vermonsters with OEM's trying to cut costs. I find this very disturbing. Only Live Rosin should be allowed in all products.

howiegoldfarb@gmail.com

Thank you

While most of the proposed clarifications of the Rules & Regulations make sense for this new Vermont industry, the addition of new rules regulating terpene content in 2.6.4(c) are ill-advised. The fact that other states regulate terpenes is not a good reason for Vermont to join this group. I have found no scientific studies that note any issues with naturally occurring terpenes and request that you cite any studies before placing excessive restrictions on Vermont producers.

There are no known health risks of terpenes, and these components enhance the character of Vermont products with fragrance and taste. There are many known beneficial effects from terpenes and a lot of small manufacturers have focused on water-based extraction to preserve as many of these benefits as possible. I can see no reason to ban high percentage terpenes for manufacturers. (Continue comment in part 2)

emeryr@gmail.com

Even derived directly from cannabis without any use of additives, a methodical processor can possibly reach levels as high as 40% terpene content, a highly desired extract. This new rule would also disallow people from harvesting natural terpenes from fruits and other natural substances. Allowing plant-based, naturally derived terpenes to be used without these unscientific restrictions added to the law would stimulate creation of value-added products that conform to Vermont's reputation for safe and tasty products. These unique Vermont creations will help Vermont producers stand out in a saturated marketplace and help put the Vermont cannabis industry on the map.

emeryr@gmail.com

I propose striking 2.6.4(c) in its entirety. Instead you might place a ban on only synthetic terpenes and or perhaps require labelling indicating when the product was harvested and how it was stored. Your rules should allow and encourage cannabis and botanical derived terpenes to be used unless you can cite an actual risk. The current regulation regarding testing standards for Aspergillus is unsustainable. Cultivators are being failed on false positives because the state does not require labs to use DNA kits which remove dead DNA from the test results. Creating an environment like we're seeing where nearly 20% of all tests are failing for aspergillus. Many incorrectly due to false positives.

There are known safe remediation methods which kills Aspergillus in the air before it can create mycotoxins that are acceptable and in use industry wide such as X-Rad, Ozone, and Free Radical(Reactive Oxygen Species) remediation.

I have proven through independent lab studies with both Bia Diagnostics and Onward Analytics that samples which fail under current testing standards, pass when using the DNA kit They also pass for mycotoxin testing.

Travis Mathis

Labs should be required to use all available equipment at their disposal to insure fair testing and clean cannabis for a healthy market

Meredith Mann

I am commenting today to request that the State of Vermont Hire a support staff for Inspectors as well as designated staff for product registration processing. By not swiftly processing product registrations the whole industry is left at a standstill from Cultivators to manufacturers to retailers. In the end, the customers deserve fresh quality product. Please consider giving you incredible staff the support they need to keep the industry flowing. Compliance officers need the support as well. Compliance is expensive and should be not exclusive to some not others.

chelsea sanders

I find it concerning that only 19.9% of the us cannabis market is owned by women . You asked for us to classify our selfs as economic empowerment in licensing but There is ZERO capital available from the Vermont small business association because it's a "cannabis business and we don't work with cannabis " . How come you classify us and separate women / minority owned licenses but theres no funding available for us . We are at a disadvantage just as much as social equity licenses . Will there be some sort of funding or loan in the future ?

Christina Mager christina@ojorojocannabis.co

8027640807

Hello, I'm writing to request that there be a pouch option for edibles . As our number of packaging clients increases, we are getting so many requests to package edibles in pouches. This is for several reasons: First, the pouches are less expensive to ship and therefore cheaper. Second, they are not as heavy as glass, allowing manufacturers to handle/distribute their products more easily. Walking down Church St. with heavy boxes of glass is dangerous and impossible for many. Third, The Safely Lock pouches kept product fresh. This is not possible with the Paper Tube Co products or other cardboard options unless a cellophane liner is used and that requires additional time to put each liner in the package. If not Safely Lock, then what? Elevate is not child resistant so that is not a it's my understanding that there are not testing requirements for mycotoxin levels in end products. I believe that this is a serious oversight with the potential for significant negative health impacts, especially for medical use. All the products that I have tried have a background taste of mold, especially outdoor. I believe that if the board was to randomly test products they would find that the mycotoxin levels are unacceptable, even when cfu levels are zero.

William Crossman w_crossman@msn.com

please ok upstate elevator to send cbd with thc it helps me go to the gym and talk to people i am 81 and have no friends so i made friends at the gym i have arthritis it helps me get out side i would be lost with out it

joseph rathbun okjpeok@yahoo.com

8606568603 thanks JOE RATHBUN

I was disappointed to hear that you have abandoned the plans to update your labeling requirements. Simplifying the warning text would make producing clear labels that are appropriately sized for a small package of flower possible. The current required block of text makes it very difficult to make a label that fits an appropriately sized label for small packages.

We had been holding off designing our labels until the new text was finalized, and the new plan not to update the text at this time seems to just be pushing off the dilemma of how small producers will transition from using old labels to new labels when you do come around to updating that text. Can we at least establish how you will handle the transition when the text is updated? Small runs of labels are more expensive, paying a designer is expensive, these issues all make it more difficult for small and very small cultivators and manufacturers.

Thanks for your time

Jay Powell jcpowell@umich.edu

2023 05 14 CCB Hemp Rules and Emergency Rule Feedback

Submitted by: Keith Knapp, PhD

President

802 Craft Cannabis, LLC

Sudbury, VT

Operating in Vermont since 2020

Comments for the CCB on the Draft Rules and the Emergency Rule:

I am very disappointed that the CCB implemented an Emergency Rule on Hemp products, and that they did this apparently without consulting industry experts, or requesting comments. The Emergency Rule is already causing problems in the market and decreasing our business productivity and income. It is also baffling why the CCB has moved so far from the hemp-related drafts provided in December and gotten much stricter in all respects related to hemp.

The CCB should remove hemp from the Emergency Rule immediately and take more time to gather facts about the actual risk of hemp products and consult the hemp industry to determine next steps and include them in the structured rule making process that allows for robust industry collaboration. If the fear of the unknown related to Delta 8 and Delta 10 are driving the risk, then focus the Emergency Rule only on them, not hemp.

Where is the problem that is being solved with the emergency rule? I am not aware of a single incident related to hemp derived products in Vermont. What justifies the inclusion of hemp in the Emergency Rule and the impact it is having on the Vermont Hemp Industry? The public and the industry deserve to hear the facts about the harm or risk that justifies the significant market disruption that the Emergency Rule and the Draft Rules have created with respect to hemp.

As for the Draft Rules, I do not think that the CCB should regulate hemp. But if it has to happen to resolve some actual problem that has not yet been shared, then regardless of the new rules to be implemented for hemp, there should be an implementation period of at least 6 months to avoid catastrophic impact to hemp organizations. As written, these draft rules will cause many hemp companies to either shut down or leave the state. It's already challenging enough to deal with excessive insurance rates, limited banking options with high fees, excessive charges for credit card transactions, FDA limitations, and ever-changing hemp regulations in Vermont over the years. Nobody expects hemp farming and production to be easy, but we don't need a state funded organization such as the CCB making it ever more difficult to do business and be competitive at a national level. The CCB should be an enabler of all cannabis related products and help Vermont lead the way.

It also appears that the CCB has only engaged a single large company for hemp related feedback. The CCB should not only work with big hemp companies on feedback. The CCB needs to work with other hemp companies and also include craft growers. Vermont needs a robust hemp industry and the craft companies are a critical part of that, our companies employ a large number of people in the state, pay taxes in the state, and are being hurt by the Emergency Rule and will also be hurt by the proposed rule changes. And don't confuse CBD, CBN, and CBG with THC, our customers purchase our products to

improve their lives with these cannabinoids. They are not buying them to get high or intoxicated. They want them for the therapeutic benefits. Any hemp product that gets forced into the dispensary will force us to stop selling in the other 49 states. This destroys the competitive nature of Vermont hemp on all of those products, drives up the cost of those hemp products for all consumers, and destroys the profitability of hemp in Vermont. This would severely limit our markets and crush our businesses. It would also put us at a huge competitive disadvantage with respect to other states that will continue to sell online.

The changes the CCB already implemented also puts the USDA Organic Certifications at risk with many of our products. We would likely have to reformulate many of them and those steps are not likely to be allowed under current certifications, and many will not be considered organic in terms of the ingredients and processes required to alter the products to comply with these rules and be sold in the open market.

The CCB should explicitly exclude hemp flower from their rules going forward. Hemp flower is regulated by the USDA. The current Rule 1 draft does not exclude hemp flower as the prior drafts did that the CCB shared.

Including hemp products in Rule 1 will also drive up the packaging and compliance costs for companies and consumers. Hemp products do not command the same high prices that adult use cannabis products do. Hemp products cannot afford to adhere to the same rules, it will destroy the industry and our competitiveness.

The CCB is also underestimating the impact of including hemp products in a dispensary setting with regard to business expense management, tax deductibility, and bookkeeping efforts. Most dispensaries were configured to handle adult use cannabis products in one area, and possibly also carry other products, including hemp products, in another area that is treated completely differently from a business perspective. Forcing hemp into a dispensary setting is complicated and will drive up costs across the board. And the CCB should not think that many CBD consumers will not want to visit a dispensary.

We should not be comparing hemp products to adult use cannabis products and seeing whether the basis of competition is fair. It is not and cannot be fair until adult-use cannabis is legal nationwide, the IRS regulations change at the federal level, and inter-state sale is allowed. The CCB should not be trying to create an equal playing field for hemp and adult use cannabis in Vermont as the federal government has already declared one legal and the other illegal. Do not punish hemp companies and consumers just because the fight for adult use cannabis at the federal level is not yet successful.

In the interest of moving forward in a more productive and collaborative manner, I am providing specific change suggestions to Rule 1 and the Emergency Rule below.

Suggested Changes for Emergency Rule:

STATE OF VERMONT

CANNABIS CONTROL BOARD

EMERGENCY RULE: SYNTHETIC and HEMP-DERIVED CANNABINOIDS

The Board shall have the authority to regulate synthetic cannabinoids and hemp-derived cannabinoids, including delta-8 and delta-10 tetrahydrocannabinol.

7 V.S.A. § 862a.

Emergency Rule 1: Prohibition

The production, manufacture, marketing, transfer, and sale of hemp-derived intoxicating cannabinoids and synthetic cannabinoids are hereby prohibited, except as set out in Emergency Rule 3. Prohibited cannabinoids include:

- (a) All isomers, variants, analogs, and mimetics of delta-9 tetrahydrocannabinol, including delta-8 and delta-10 tetrahydrocannabinol, created by chemical manipulation of any part or derivative of the plant *Cannabis sativa* L., regardless of the delta-9 tetrahydrocannabinol concentration level of the source plant or plants; and
- (b) delta-9 tetrahydrocannabinol that has been chemically or mechanically concentrated or otherwise derived from hemp and then sprayed, infused, or otherwise artificially introduced onto or into any product, including hemp or hemp products, so as to impart intoxicating properties mimicking those of cannabis and cannabis products.

Comment: The CCB should remove hemp from this rule and if necessary leave in only the sections related to delta 8 and 10.

Emergency Rule 2: Presumptions

A consumable product that is not cannabis or a cannabis product is presumptively prohibited regardless of the delta-9 tetrahydrocannabinol concentration of any plant from which the product is sourced, if the product, in the form offered to consumers:

- (a) contains total tetrahydrocannabinol in a concentration exceeding 0.3 percent on a dry weight basis; or

Comment: The 0.3% value is irrelevant in deciding whether any product intoxicating. Only the total THC is relevant. And this gets confusing with respect to hemp flower. (a) should be deleted.

- (b) contains more than 1.5 mg tetrahydrocannabinol per serving, where “serving” is the amount reasonably ingested by a typical consumer in a single instance; or

Comment: This is irrelevant to being intoxicating. Only the total THC decides whether it’s intoxicating. (b) should be deleted.

- (c) contains more than ~~10-30~~ mg total tetrahydrocannabinol per package, unless the ratio of ~~cannabinoid~~ total cannabinoids to tetrahydrocannabinol is at least 15:1; or

Comment: This is too low given that one of the more popular products in the market that is not intoxicating is as 1200mg CBD oil. Many 1200mg CBD tinctures will now be illegal if the ratio happens to fall <20 for a crop. We could add more CBD isolate but now you’re not getting the same product natural product that customers need, and alteration will jeopardize organic certifications.

A typical full spectrum 1,200mg CBD tincture with 30 mL could have 1.5mg/mL x 30mL = 45 mg THC total. I suspect it was not the CCB's objective to make that illegal even if the ratio were 17 for example.

(d) has the dominant market appeal of mimicking the intoxicating effects of tetrahydrocannabinol.

Emergency Rule 3: Exceptions

Rule 1 shall not apply to:

- (a) a product duly evaluated, registered, and regulated by the Board as a cannabis product;
- (b) an otherwise-prohibited cannabinoid-containing product that has been specifically authorized by the Board for sale at a licensed medical dispensary based upon a finding, pursuant to 7 V.S.A. § 971(b)(6), that the product is appropriate for use by a patient; or
- (c) manufactured pharmaceutical drugs approved by the United States Food & Drug Administration for therapeutic use upon the prescription of a medical provider, to include Epidiolex, Marinol, Syndros, Cesamet, and Sativex.

(d) Hemp flower and hemp derived products that contain less than 30 mg total THC with and total cannabinoid to THC ratio of at least 15:1.

Effective: April 24, 2023

Suggested Changes for Draft Rules:

Rule 1

The cover sheet does not do justice to the small business impact. The CCB should explain how devastating this rule will be to hemp companies, particularly the small hemp businesses.

Specific changes are shown below with change tracking enabled:

1.1.4 Applicability

This rule applies to:

(a) Persons who engage in the transfer or sale of Cannabis or Cannabis Products, including transfers or sales related to cultivating, manufacturing, wholesaling, or retailing Cannabis or Cannabis Products, except that this rule does not apply to activities regulated by Chapters 35 and 37 of Title 7 of the Vermont statutes and by Rule 3 of the Board's rules. This rule also applies to those who provide laboratory testing services to persons who engage in the transfer or sale of Cannabis or Cannabis Products.

(b) Persons who engage in the transfer or sale of hemp-derived products that contain more than 4-5 milligrams of tetrahydrocannabinol per serving, excluding hemp flower (which is already regulated by the USDA), and excluding hemp derived topical and consumable products that are full spectrum hemp products that have a Total Cannabinoid to THC ratio of greater than or equal to 15:1.

Comments: A CBD:THC ratio should not be considered as it does not take into consideration all of the other desired cannabinoids in hemp such as CBN and CGB. A Total Cannabinoid to THC ratio should be considered instead. A limit of 0.3% THC on a dry weight basis is also unrealistic to define an intoxicating product. The 0.3% THC standard is used for the pre-harvest compliance check. The USDA accepts that the TCH level will rise within the 30-day harvest window after sampling).

1.7 License Application Requirements for Retailers

The requirements in this section apply to applications for a retail license.

Retailers must comply with all relevant statutes and Board rules related to CBD, hemp, and hemp-derived compounds.

Comments: It should be clarified that CBD and hemp retailers across the board should not have to adhere to these rules if they meet the exceptions in section 1.1.4.

Rule 2:

There appears to be no mention of hemp or an intoxicating definition.

Rule 4:

There appears to be no mention of hemp or an intoxicating definition.



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April 13, 2023

Cannabis Control Board
89 Main St.
Montpelier, VT 05620
Attn: Gabriel Gilman, General Counsel

Re: Comments to Proposed Revised Rules 1 and 2

Dear Mr. Gilman,

After careful review of the Cannabis Control Board's proposed revisions to Rules 1 and 2, I write to offer suggestions for improvement and clarification intended to lift unnecessary regulatory burdens on applicants and licensed businesses, while ensuring a safe, orderly regulated market that promotes consumer and public safety.

1. *Tier Changes and Renewals (Rules 1.3.4, 1.15)*: I urge you to amend these Rules to allow licensees to apply for tier changes at any time, not only within narrow license renewal periods. While the proposed change to Rule 1.3.4 would allow this for Tier 1 outdoor cultivators, outdoor cultivators in other tiers, and mixed-light and indoor cultivators of any tier, would be required to wait until renewal. This rigidity will make it more difficult for the Board and existing licensees to respond quickly to shifts in market dynamics than if licensees were able to apply for tier adjustments at any time that applications for new licenses of the particular tier are open.

Please also consider changing Rule 1.15.1(c) to allow renewal applications to be submitted at any time that the renewal window is open. As currently drafted, notice of renewal is given at least 120 days prior to expiration, but a licensee must wait at least 30 days from notification before filing a renewal application, even if they are ready to submit on Day 1.

2. *Operating Plans (Rule 1.4.1)*: The CCB's license applications do not actually require submission of an "operating plan". Rather, the information listed in Rule 1.4.1 is provided via answering disparate questions found in various places in the application form. While I support the CCB's requirement that all of this information be submitted, describing this as an "Operating Plan" has already led to confusion among applicants, many of whom

incorrectly think that the CCB is requiring a “business plan”. For clarity, please eliminate the use of “operating plan” terminology.

3. *Record Checks (Rule 1.4.2)*: Part (e) requires submission of “a full set of fingerprints”, even though in practice the CCB has not required this for any principal or controlling owner due to the FBI refusing the CCB’s request for access to its fingerprint based background check system. For clarity, this provision should be revised to reflect our operating reality.

Additionally, I once again urge the CCB to eliminate parts (g) and (h). In (g), the CCB is requiring applicants to “describe” information that will appear on the applicant’s CSI background check, and thus the rule creates an unnecessary burden that only serves to trip people up. With respect to (h), the CCB is asking for information (description of civil actions) that has no bearing on a licensee’s qualification for a license, and which (if the CCB believes the information to somehow be useful) could be obtained directly by the CCB in a multi-state litigation search. The proposal (in Rule 1.18) to newly require this information upon renewal of Tier 1 Small Cultivator licenses will compound the problem.

Subsections (j) and (k) require disclosure of information related to “licenses”, without expressly limiting the scope to professional or occupational licenses. In my practice, I’ve encountered several applicants with driver’s license suspensions, which I felt were required by this Rule to be disclosed despite having no bearing on the applicant’s qualification for a cannabis license. I urge you to clarify that subsections (j) and (k) pertain only to professional and occupational licenses.

4. *Positive Impact Criteria Plans (Rule 1.4.9)*: This rule (which, to begin with, lacks statutory authority insofar as compliance is a prerequisite for licensing) requires all applicants with 10 or more employees to describe plans to address a minimum of 6 out of 8 listed criteria. The “environmental resiliency and sustainability” criteria are particularly difficult for non-cultivation applicants to address – for example, a retailer, wholesaler, or manufacturer does not engage in “agricultural practices” of any kind, let alone “sustainable” ones, nor are the CCB’s waste and efficiency standards applicable to such licensees. I urge the CCB to revise this rule accordingly.

5. *Wastewater Requirements (Rule 1.5.2)*: I recently assisted a cultivation license applicant whose agricultural property was served by a public water utility, but whose cultivation plan relied on an on-site irrigation pond without resort to the public water supply. I urge the CCB to allow similarly situated cultivators to certify that they will not draw on the public water supply in lieu of submitting a supply sufficiency letter from the utility.

6. *Application Acceptance Periods (Rule 1.10)*: Given the ongoing concern about potential over-supply, I urge the CCB to eliminate subparts (d)(i) and (d)(ii), such that the CCB would be able to impose a licensing moratorium without having to go through emergency rulemaking processes. We have seen, in practically every other state with a regulated cannabis market, that after an initial period of about 18 months, supply begins to eclipse demand, driving prices down quickly (most recently, prices in Massachusetts declined by approximately 50% over the course of 2022). Drastic price declines, in turn, put producers under tremendous stress, driving some out of business entirely, while creating a strong economic incentive for others to divert product into the illegal cross-state market. Having the ability to quickly impose a license moratorium is an important arrow in the CCB's quiver for maintaining an orderly, efficient market.

7. *Overcoming Presumptive Disqualifications (Rule 1.11.3)*: To avoid confusion, I recommend the proposed new language mirror the relevant statutory text: "a threat to public safety or the proper functioning of the market", rather than the proposed "threat to the safety of the legal cannabis market or the general public".

8. *Potency Limit on Tinctures (Rule 2.1.3(r))*: The Board proposes a new potency limit on tinctures of 500mg THC per container (regardless of container size).

Tinctures are "liquid concentrates" under 7 V.S.A. Chapters 31 and 33, are thus already subject to a statutory potency limit of 60% THC. This is equivalent to 1,800mg of THC per 30ml bottle, or 3,600mg of THC per 60ml bottle. The statute does not direct the CCB to implement any other limit on liquid concentrates.

While the Board's proposed potency limit is similar to the one imposed in Massachusetts, this proposal would not achieve regional regulatory harmony. Instead, this limit would put retailers near Vermont's border with New York at a significant disadvantage, as New York has proposed a 1,000mg limit on tinctures.

I urge the Board not to impose by rule any new potency limits not already imposed by statute, which only serves to strengthen the parallel unregulated market while increasing costs to consumers. If the Board believes that there is an urgent public safety rationale for imposing a limit, the Board should at the very least avoid imposing an arbitrary per-container limit (which in statute is only applicable to edible products), recognizing that tinctures come in various sizes of bottles, and instead allow up to 1,000mg per fluid ounce of liquid concentrate (effectively, a 33.3% potency limit).

Finally, the proposed definition omits MCT oil, which is a commonly used solvent in tinctures.

9. *Disposal (Rule 2.2.6)*: Subsection (e) seems to assume that all cannabis and cannabis products which are not sold to consumers are disposed of, which is not true. Growers, for example, will seek to sell trim and other biomass for extraction, while retailers will frequently convert excess inventory into employee samples. Kindly revise this provision to clarify that it only applies to products that are not repurposed in a manner otherwise allowed by rule or law.

10. *Delivery (Rule 2.2.7)*: I urge the CCB to eliminate the requirement, in subsection (c)(iii), that delivery vehicles be “unmarked”, a requirement that does not apply to alcohol delivery trucks in Vermont. I also urge the CCB to eliminate the requirement (in subsection (o)) that cannabis in transport be contained in a “secure, locked storage compartment”. This imposes a significant financial burden on the industry, which is dominated by small businesses whose proprietors make use of personal vehicles for product deliveries.

11. *Warning Labels and Packaging Changes (Rule 2.2.10)*:

Licensees have made large investments to comply with the CCB’s existing packaging and labeling rules, which are both strict and complex. The lengthy “black box” health warning, two additional lengthy text warnings, and two prominent warning labels collectively take up a lot of packaging “real estate”. The CCB now proposes to change these requirements, as well as the requirements as to where the warnings must be placed (“base layer” vs. “marketing layer”), but has not proposed any sell-through period during which previously-compliance packaging could continue to be used after the new rules go into effect. Without a lengthy grace period, these changes will likely lead to hundreds of thousands of dollars of losses industry-wide, as well as substantial landfill waste.

Thus, I urge the CCB to allow licensees to continue using any packaging and labeling created prior to the Rule change taking effect, for at least 12 months from the effective date of the Rule change.

On a more granular level, I urge elimination of the requirement that the Health Warning appear in all caps if printed at 6 pt. font. Contrary to the proposal’s text, capitalizing text does not “ease readability” in practice. As any contracts lawyer will attest, all-caps provisions are less likely to be read by the average person, not more.

Additionally, I urge the CCB to rethink its proposed requirement to add “AND PETS” to the lengthy “KEEP OUT OF REACH OF CHILDREN” disclaimer. To begin with, animal welfare is squarely outside of the CCB’s legislative remit. Also, the warning, which must be reproduced in 10-point, all caps, bolded font, currently takes up a minimum of two horizontal inches on a product’s label, and would take up an additional 9/16” with the new words added (using Arial, the smallest of the three allowed fonts). As the CCB demands more and more label space be

dedicated to warnings, licensees will shift towards larger packaging sizes, not only driving up prices, but increasing the amount of waste that ultimately ends up in landfills.

Finally, I urge you to incorporate the proposed changes proposed to Rule 2.6.3(b) to Rule 2.2.10 instead, so that all labeling requirements are contained in one place, and to incorporate the proposed new warnings into the Health Warning label.

12. *Advertising and Audience Composition (Rules 2.2.11 and 2.2.12):*

The proposal to eliminate the prohibition on use of “images or other text regarding products” on licensee social media accounts is welcome, but retains the word “only” in the immediately prior sentence, which could be interpreted as having the same meaning as the current rule, prior to the proposed change. I urge you to eliminate the word “only”.

I urge the CCB to amend Rule 2.2.12(a) to replace the word “must” with the word “may”. Many of our local independent newspapers, all of which are desperately struggling to stay in business and many of whom would like to take cannabis advertisements, do not have the kind of audience composition data that the Rule current requires. Changing “must” to “may” will afford the CCB’s staff greater discretionary authority in reviewing advertising submissions.

13. *Co-Location (Rule 2.2.18):* It would be helpful to clarify in this Rule that licensees who hold more than one license (e.g., FLORA Cannabis has both a retailer and a wholesaler license) need not maintain “distinct and identifiable spaces, areas, or plots” or maintain separate records for each type of licensed activities. This places a greater burden on holders of multiple licenses than is placed on Integrated licensees, despite the statutory guidance indicating that Integrated licensees should be held to the highest regulatory burden of any licensee.

14. *Product Registration (Rule 2.2.21):* I urge you to eliminate this proposed Rule in its entirety, as it does not add anything of substance beyond the CCB’s existing statutory authority, while cementing a process that is deeply broken.

15. *Retailer Employee Samples (Rule 2.8.8):* As proposed, this new Rule is unnecessarily restrictive, as it only allows retailers to provide samples to employees “to determine whether to make products available to sell”, and only allows samples of seven strains of cannabis per month. Retailers will typically use product samples as an educational tool, to help customer-facing employees be better able to educate customers and describe the products more authentically from experience, and will often roll out dozens of new strains in a given month. Additionally, giving employees a generous allocation of product samples is an important workforce retention tool.

For these reasons, I urge the Board to increase the amount of cannabis that can be given to an employee to two ounces per month (without any limit on the number of strains), and to allow samples to be given for educational purposes in addition to product evaluation purposes.

* * *

Thank you for your consideration of this feedback. I am available at your convenience to discuss any of the foregoing, and share further insight into the on-the-ground functioning of the regulated market.

Respectfully,

A handwritten signature in black ink, appearing to be 'DS' with a horizontal line through it, enclosed in a circular scribble.

Dave Silberman

Fw: Rule Change Public Comment (SAVE CRAFT EDIBLES!)

Fitch, Olga

Tue 7/18/2023 8:32 AM

To: Harris, Kyle <Kyle.Harris@vermont.gov>; Hulburd, Julie <Julie.Hulburd@vermont.gov>; Pepper, James <James.Pepper@vermont.gov>

Cc: Hare, Brynn <Brynn.Hare@vermont.gov>; Gilman, Gabriel <Gabriel.Gilman@vermont.gov>

Good Morning!

Another public comment that came in last night.

Thank you,

Olga

From: myvoice@oneclickpolitics.com <myvoice@oneclickpolitics.com>

Sent: Monday, July 17, 2023 4:26 PM

To: CCB - Info <CCB.Info@vermont.gov>

Subject: Rule Change Public Comment (SAVE CRAFT EDIBLES!)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Re: Rule Change Public Comment (SAVE CRAFT EDIBLES!)

Dear Cannabis Control Board,

Salutations, and apologies for the last minute submission! My name is Bobby Berg, I am one of the proprietors of Tier 2 Manufacturing licensee Formulation Station, and the owner/operator of Haute & Heady, a craft edible brand that we produce. When I founded Haute & Heady over a decade ago, my intention was to create high end fresh edibles with a local and seasonal focus. As the years went on, and our operation grew, so too did our team. I am now in the unique position where I can boast that every member of my team has extensive professional kitchen experience, decades so in fact, and most hold or have held SERVSAFE or other safe food handling and manufacturing training certifications. We approach production and cleaning very intentionally and professionally, and have even recently asked a friend who works for the department of Health as a Health Inspector to perform a mock audit of our facility and processes. I say all of this not to brag, but to impress upon you the steps that ourselves, and other manufacturers are already taking to ensure consumer safety. While I could likely write an entire thesis about the issues with these proposed rules changes, I will save us all some time by presenting the following points for your consideration in bullet list format. Industry fallout from these proposed changes will be immediate and long lasting This will destroy not just entire businesses, but entire market segments. The cat is out of the bag. You can't just shove it back in and arbitrarily bankrupt good intentioned business owners in the process "We'll fix it later" approach is exactly why we are still combatting THC caps and other issues If we are waiting for "interagency support" we are going to be waiting for decades There has to be some onus of responsibility on the end consumer. Manufacturers are already required to hold product liability insurance and follow existent food safety guidelines and manufacturing processes These are grown adults capable of following the same expiration dates and handling instructions they see on other, non-cannabis foodstuffs on a daily basis. We aren't reinventing the wheel! Understaffing issues shouldn't continue to hinder market growth and participation where avoidable If a regulatory body attempted to tell The Alchemist or Hill Farmstead that they can not make IPAs because they should be refrigerated and should be consumed quickly, Vermont would lose millions of dollars in annual tax revenue and would have a fraction of the credibility on the global stage that it currently boasts. Manufacturers are already working with some of

the strictest edible guidelines in the country. Why make it more restrictive when our state is known for craft artisans, especially in the food world? The proposed changes to Rule 2.24 greatly stifle innovation. As we approach a turning point that will likely see legal interstate cannabis commerce in the future, Vermont's value added craft cannabis producers will need to rely on innovation and leveraging access to our state's superior dairy and other ingredients in order to differentiate themselves on a crowded national stage. It is already difficult for regulated craft manufacturers to compete with the traditional market and large corporations with outsized resources, and a move like this will only serve to further impede our ability to thrive. Multiple beer styles straight up would not exist if VT approached regulating alcohol, a far more dangerous substance, as intensely as they do cannabis. If Greg Noonan were forced to only make established product types the Black IPA never would have been invented. Same goes for John Kimmich of The Alchemist and the New England IPA. We should be uplifting innovators in a nationally stagnant market segment. That is how our beer scene obtained the global notoriety it maintains. This is especially important in preparation for interstate commerce The board will outright fail to transition many legacy market operators and customers if this rule passes Not all aspects of the proposed changes to rule 2.24 are bad! The move to begin tracking water activity and PH of finished products is a commendable step towards ensuring consumer safety, and is something many producers with professional backgrounds like ourselves were already moving towards doing. We applaud this decision and support it wholeheartedly On another note, I also hoped to raise concern with the timeline associated with implementation of new warning label requirements. Please consider how your rulemaking processes impact businesses on a logistical and fiscal front. Printing often has months long lead times. The idea of changing warning label requirements and not providing ample lead time to producers to cycle through old stock can and will destroy businesses, and will create a mountain of waste that will stand in stark contrast to the board's stated sustainability initiatives. Thank you for taking the time to read my feedback, a regulatory body that actually engages with the stakeholders of the industry it resides over is truly rare, and I am grateful for the opportunity to convey some of my thoughts. I will make myself available at any time to discuss any of the aforementioned if there is an appetite to do so.

Sincerely,

Bobby Berg

formulationstationvt@gmail.com

2023740007 110 elm ct colchester, VT 05406 Constituent

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Vermont
Medical
Society

American Academy of Pediatrics

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Vermont Chapter

To: Cannabis Control Board

From: Jessa Barnard, Jill Sudhoff-Guerin & Stephanie Winters
Vermont Medical Society, American Academy of Pediatrics VT Chapter and
Vermont Psychiatric Association
Date: May 15, 2023
Re: Cannabis Regulation Comments

On behalf of the over 2,400 physician and physician assistant members of the Vermont Medical Society (VMS), the American Academy of Pediatrics Vermont Chapter (AAPVT) and the Vermont Psychiatric Association, we appreciate you considering our feedback on several areas of regulation currently before the Cannabis Control Board (CCB).

VMS submits comments at this time regarding:

- (1) Emergency.Hemp Rule 2023-4-24: Whether the Board should regulate synthetic cannabinoids and hemp-derived cannabinoids, including delta-8 and delta-10 tetrahydrocannabinol;
- (2) 2.2.10 Whether proposed warning label changes accurately relay physical and mental health risks from cannabis product use;
- (3) 2.2.11 Whether the loosening of social media advertising restrictions increases exposure of Vermonters under the age of 21 to cannabis advertising;
- (4) 2.6.3 Whether the Board should require additional warnings on solid cannabis concentrates and vape oil cartridges and prohibit the sale of disposable vape pens.

1. The VMS supports the Emergency Rule to regulate synthetic cannabinoids and hemp-derived cannabinoids, including delta-8 and delta-10 tetrahydrocannabinol:

With the understanding that in order for hemp and hemp products to be sold legally, they can only contain .03% of Delta-9 THC and that some hemp producers are synthetically isolating the Delta-8 THC cannabinoid to enhance the psycho-activity of hemp and hemp products, VMS supports the CCB's Emergency Rule regarding synthetic and hemp-derived cannabinoids adopted on April 24, 2023.

In September of 2021, the Centers for Disease Control (CDC) put out a health advisory warning that the increased availability of products containing Delta-8 THC, which is a cannabinoid isomer synthetically produced from hemp, has led to increased reported cases of adverse events that have resulted in the hospitalization and/or emergency department treatment of consumers of these products.¹ The US Cannabis Council called the increase in the manufacture and sale of the form of THC derived from unregulated industrial hemp as the "Delta-8 THC crisis" and urges prompt action by regulators to stop the unregulated manufacture and distribution of Delta-8 products. A July, 2022 New York Times article reported that tests done on these products often

¹ <https://emergency.cdc.gov/han/2021/han00451.asp>

show higher percentages of THC than reported and potentially harmful byproducts, including heavy metals, like lead and mercury.²

According to the CDC, the health effects of Delta-8 THC and other cannabinoid isolates have not been researched extensively and are not well-understood by regulators or consumers. Consumers who use these hemp products may experience unexpected or increased THC intoxication, as the total THC content is likely underestimated when they are sold as a legally produced hemp or CBD product. These products, which include vapes, gummies and infused chocolates, are also enticing to kids, as 39% (258 of 661 cases) of the adverse events reported in 2021 involved pediatric patients less than 18 years of age. Technically, as long as these products are derived from hemp and contain no more than 0.3% of Delta-9-THC, the limit under federal law, many retailers and regulators consider them legal.³

In April of 2021, the Vermont Agency of Agriculture, Foods and Markets published a clarification of Vermont Hemp Rule § 6.3, adopted in 2020, stating that while naturally occurring Delta-8 THC is not barred from hemp or hemp products, Vermont producers cannot manufacture the Delta-8 THC cannabinoid from hemp.⁴ Also, the Vermont Hemp Rules require solvent free mechanical extraction methods and prohibit the use of use of butane, propane, hexane and other hydrocarbons to isolate Delta-8 THC. The CCB Emergency Rule is consistent with this rule and establishes regulatory authority which will provide clarity for cannabis purveyors and consumers.

The VMS supports the CCB's Emergency Rule and the continued prohibition of synthetically isolated THC from hemp or CBD, as its health effects are largely unknown, and the chemicals used to isolate it are illegal and unhealthy.

2. 2.2.10 Warning labels need to include acute physical and mental health risks associated with cannabis use:

The VMS appreciates the CCB's proposed changes to the warning label, as the updated warning label appears more streamlined and concise and mentions mental health. Our organizations maintain support for the language below as it is comprehensive, succinct, and reflects evidence-based warnings, which should currently include:

WARNING: Cannabis/THC may cause: 1. Psychosis* 2. Impaired driving 3. Addiction 4. Suicide attempt* 5. Uncontrollable vomiting 6. Harm to fetus/nursing baby * This can occur in individuals with no previous history of psychosis or mental illness.

This product may be unlawful outside of the State of Vermont. Keep out of reach of children and pets. National Poison Control Center 800-222-1222.

Cannabis use is associated with increased urgent and emergency department psychiatric visits and increased mental health disorders including psychosis. According to a January 2020 report presented by the Vermont Department of Health, cannabis use can lead to the development of

² <https://www.nytimes.com/2022/07/01/well/mind/delta-8-thc-marijuana.html>

³ <https://kffhealthnews.org/news/article/hemp-delta-9-thc-products-legal-questions/>

⁴ <https://agriculture.vermont.gov/hemp-program/manufacture-delta-8-thc-or-its-use-hemp-products-permitted-under-vermont-hemp-program>

schizophrenia or other psychoses, as well as suicidal ideation and suicide completion.⁵ A 2019 study published in the *Lancet* found that the strongest independent predictors of whether any given individual would have a psychotic disorder or not were daily use of cannabis and use of high-potency cannabis.⁶ Currently, habitual users of marijuana are going to emergency rooms complaining of bouts of uncontrollable vomiting related to their frequent cannabis use. This condition, named “cannabis hyperemesis syndrome,” has been shown to subside when the consumer stops using cannabis products.⁷

Therefore, VMS, AAPVT and VPA urge that the warning labels include the risks of acute physical and mental health reactions in order to adequately warn new users of the increased occurrence of uncontrolled vomiting, psychosis, and suicide attempts associated with cannabis use. These warnings should also be included on all product packaging and advertising.

3. 2.2.11 The loosening of social media advertising restrictions could increase the exposure of Vermonters under the age of 21 to cannabis advertising;

The VMS does not support loosening any social media advertising restrictions. Access to cannabis retailer websites is already widely available due to the lack of efficacy of “age-gating” requirements, which only ask an individual to click a button stating they are 21 or over. Further, many webpages are already accessible without any age gating, like [google reviews](#) of cannabis shops, allowing anyone to read reviews of cannabis products and see up to 25+ pictures of these products. Youth have also reported being able to “get anything they want” on social media apps like Snapchat. The VMS urges the CCB to maintain the original intent of Vermont’s advertising restrictions to ensure that cannabis advertising does not promote the use of cannabis, that less than 15% of those exposed to cannabis advertising are under 21, and that consumer protection, public health and public safety take priority over creating an industry dependent on developing new users.

Social media is largely difficult to regulate and primarily targets younger users. With names like “Fruity Pebbles” and “Tangerine Dream” and brightly colored edibles, we need to be more restrictive if we want to protect our youth.

As Vermont builds out its retail system for cannabis, increases the availability of cannabis statewide and normalizes marijuana use among adults, there is an increased risk of youth and young adult use rates to rise. The February 2023, Vermont Department of Health Division of Substance Use Cannabis Data Pages report shows **Vermont continues to have some of the highest rates of young adult use of marijuana in the country**, with 41% of 18–25-year-olds using cannabis in the past 30 days, 22% of those 12 and older using cannabis in the past 30 days and Vermont high-schoolers having the second-highest use rate in the nation.⁸

⁵<https://legislature.vermont.gov/Documents/2020/WorkGroups/House%20Health%20Care/Regulation%20of%20Cannabis/W~Kelly%20Dougherty~Health%20Impacts%20of%20Marijuana~1-24-2020.pdf>

⁶ [https://www.thelancet.com/journals/lanpsy/article/PIIS2215-0366\(19\)30048-3/fulltext#seccetitle140](https://www.thelancet.com/journals/lanpsy/article/PIIS2215-0366(19)30048-3/fulltext#seccetitle140)

⁷ <https://www.cnn.com/2021/09/17/health/marijuana-vomiting-wellness/index.html>

⁸ <https://www.healthvermont.gov/sites/default/files/document/DSU-CannabisDataReport2023.pdf>

Data from Vermont prevention specialist, Dr. Andrea Villanti, shows a direct correlation with states that have legalized marijuana sales and a reduced perception of harm among youth and young adults. A CDC study from September 2020 looked at youth exposure to marijuana advertising after Oregon legalized retail sales of marijuana and found that about three-quarters of youths reported exposure to marijuana advertising, with exposure higher in youths in school districts with a closer average proximity to retail marijuana stores and persistent online exposure.⁹

A high level of online exposure continues in Oregon despite state-level regulations that restrict internet advertising to locations where at least 70% of the audience is 21 or older. Like tobacco advertising and alcohol advertising, marijuana advertising could work in the longer term to similarly increase the likelihood of initiation and heavier use among youths by fostering positive attitudes and expectations of cannabis use.

The Massachusetts' Cannabis Control Commission currently regulates approximately 150 cannabis retailers and similar to Vermont, requires that no more than 15% of an advertising audience are under the age of 21. In that state, if the retailer is found to be in violation of these exposure limitations, they are subject to a hefty fine. A recent article states that Massachusetts' cannabis retailers have turned to podcasts, digital streaming services and the use of high-profile influencers to market their products and that this is leading to "increased availability and rapid de-stigmatization."¹⁰

A Boston University School of Public Health study from October, 2019 found that in states with legal recreational cannabis markets, *one in three youth* engages with cannabis retailers on social media. The study results state that "adolescents who liked or followed marijuana marketing on social media were five times more likely to have used marijuana over the past year compared to those who did not, and adolescents who reported a favorite brand were eight times more likely." Pamela Trangenstein, who led the study analysis said, "When 45 percent of youth report being online almost constantly, exposure to marijuana marketing in social media may put their health and futures at risk."

Given that age-gating has been shown in the context of e-cigarettes and cannabis to be an inadequate barrier to youth viewing internet advertising, internet/digital/social media advertising should be prohibited unless and until an entity can demonstrate an effective method of ensuring over 85% of the audience is over 21. The VMS does not support the loosening of these restrictions which will result in the targeting of a younger user, as they are the predominant consumer of social media.

4. 2.6.3 Manufacturer Packaging and support for the Board to require additional warnings on solid cannabis concentrates and vape oil cartridges and the prohibition of disposable vape pens:

⁹ https://www.cdc.gov/pcd/issues/2020/19_0206.htm

¹⁰ <https://www.masslive.com/cannabis/2021/08/advertising-restrictions-lead-cannabis-companies-to-get-creative.html>

The VMS strongly supports the requirement of additional warnings for solid concentrates as outlined in the proposed rule 2.6.3.3 to label: “Use with caution. Exceeding recommended serving size can have severe adverse effects.”

The VMS has continued to outline the potential severe adverse effects of high potency, solid concentrates. The VMS applauds the legislature for voting down last session’s effort to remove the 60% THC potency cap on cannabis solid concentrates. States where they have legal commercial cannabis markets with no THC limits citizens are experiencing acute mental health and public health impacts.

The risks of physical dependence and addiction increase with exposure to high concentrations of THC, and higher doses of THC are more likely to produce anxiety, agitation, paranoia, suicidality, psychosis and uncontrollable vomiting.¹¹ According to a report produced in 2020 by the Washington State Prevention Research Subcommittee “higher potency cannabis, on average in the U.S., used at cannabis initiation was associated with over four times the risk of Cannabis Use Disorder (CUD).”

The VMS also strongly supports the requirement of additional warnings for vape oil cartridges as outlined in the proposed rule 2.6.3.4 to label: “Use with caution to avoid overconsumption. Start low and go slow.”

Oil-based THC products led to the EVALI crisis, as 82% of patients hospitalized with EVALI reported vaping a THC product. What the CDC found was that vaping THC oil, especially oil that contains vitamin E acetate, can be particularly harmful to your lungs when it is inhaled.¹² The VMS supports the continued prohibition of oil cannabis products (except for those that are sold prepackaged for use with battery-powered devices, which were exempted for medical cannabis for symptom relief users.)

We also support the prohibition of disposable vape pens and other disposable vaping devices. It is unclear whether this proposed addition relates to all cannabis products or just to Delta-8 disposable vape pens, but regardless, the impact of regular use of high potency cannabis is shown to produce schizophrenia, paranoia, psychosis, and mental agitation.

According to a July 2022 New York Times article, it can be very difficult to predict the impact of vaporizing cannabis, because “it’s not just the frequency of use and THC concentration that affect dosage, it’s also how fast the chemicals are delivered to the brain. In vaporizers, the speed of delivery can change depending on the base the THC is dissolved in, the strength of the device’s battery and how warm the product becomes when it’s heated up.”¹³

Thank you for considering our comments. Please let VMS know if you have any questions.

¹¹ Freeman TP, Winstock AR. Examining the profile of high-potency cannabis and its association with severity of cannabis dependence. *Psychol Med*. 2015;45(15):3181-9. doi: 10.1017/S0033291715001178

¹² https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html

¹³ <https://www.nytimes.com/2022/06/23/well/mind/teens-thc-cannabis.html?smid=url-share>

Written Transcript of Comments

Given by Stephanie Waterman at 5/10/23 Public Comment Hearing

My name is Stephanie Waterman, I am the co-owner of White River Growpro, a garden supply store that was founded in 2014 to cater to cannabis cultivators of all sizes. In 2015 we began selling CBD products, sourcing from both Vermont based and out of state producers. I have spent three years as a registered hemp farmer with the state, and am in my first year of working with the USDA to become registered to grow hemp under their program.

Today I'm here to comment on the board's proposed rules for the regulation of CBD products. The proposed limit of 1.5mg THC per serving will make Vermont one of the strictest states in the nation for access to CBD, and I urge the board to reconsider this limit.

Moving CBD products into adult use dispensaries, where they will carry the cannabis excise tax, and all the regulations that come with adult use products, will significantly increase the cost of Vermont made hemp products, and limit access to those who need these products the most.

For those producers who choose to reformulate, and remove THC from their products, making them weaker and less effective than products produced in other states, will reduce their ability to compete on the national market. These proposed rules put undo strain on an already struggling Vermont hemp industry, and is a total 180 to the hemp farmer friendly atmosphere Vermont has enjoyed since we implemented our hemp pilot program in 2013. These rules will force many out of business, or out of state, to continue to produce their trusted products.

I understand, intellectually, what the board is trying to do with its regulation of CBD. You are trying to limit the truly psychoactive hemp products that have been being produced under the so called "loop holes" of the 2018 Farm Bill. The issue is that until those products are regulated nationally, you won't stop the access to them, because Vermonters can still buy them online. Despite my store's history of selling those types of products, and the discussions I've had with the CCB surrounding hemp derived cannabinoids, I'm NOT here today to advocate for those truly psychoactive hemp products. Frankly, I see the value in regulating them.

What I am here today to say is that you are swinging the pendulum too far in the other direction by

choosing a limit of 1.5mg THC per serving. This limit seems not to be based in any scientific fact, and means that the 25-30mg CBD capsules and gummies that people have enjoyed access to in Vermont will no longer be available, as most full spectrum products in that range would carry between 1.5-2.5mg of THC. Vermonters using these types of products are not getting HIGH they are getting BETTER.

I find it ironic that the board acknowledges that the THC caps in the adult use market, handed to them by the legislature, are hindering the industry. You are working to change that, and rightfully so. Yet on the other side you are self-imposing some of the strictest caps in the nation on CBD. It doesn't make sense. Your proposed rule shows favoritism to the adult use industry, and negates the needs of Vermont's hemp producers, as well as the consumers and medical patients who depend on access to affordable full spectrum CBD products.

In the CBD/hemp space, producers have not traditionally labeled THC content in CBD products. They just say "contains less than .3% THC." This has left the majority of consumers of CBD totally unaware of how much THC is actually in their favorite CBD product. I challenge any consumer to go look at the lab results for your CBD product to understand the amount of THC in there so that you may have context when forming your opinions on the 1.5mg THC limit. I think you will be surprised at how much THC is really in a full spectrum hemp product. I certainly was when I started diving into lab results! Understanding the lab results, and how that product affects you, will prove that you are not getting high on those products. Science tells us we need the full spectrum, whole hemp extraction, to be most medicinally effective.

Please do not limit the value and effectiveness of Vermont made hemp products by imposing such a strict THC limit in hemp. The ratio disclaimer is a good start to protect true full spectrum products, but the individual serving limit of 1.5mg is too low, and needs to be increased at least by one more mg.

There is space in the Vermont cannabis industry for everyone: adult use, medical and hemp. Please remember that it is your job to regulate, and do so in a fair and equitable way for ALL of these factions of the cannabis industry.

We are circulating a petition to encourage the CCB to reconsider this stance. As of today, we have 200 signatures and growing, signed by people from all facets of the industry. I encourage anyone interested

in supporting our efforts to stop the THC caps in hemp products to sign it and show your support for Vermont hemp farmers and CBD consumers.

Thank you to the board for your time and consideration of my comments.



May 22, 2023

Cannabis Control Board
89 Main St.
Montpelier, VT 05620
Attn: Gabriel Gilman, General Counsel

Re: Comments to Proposed Revised Rules 1 and 2

Dear Mr. Gilman,

On behalf of the Cannabis Retailers Association of Vermont (CRAV) I'd like to submit comments in regard to proposed rules currently being considered by the Cannabis Control Board (CCB). We believe these suggestions will improve the cannabis market in Vermont.

These recommendations are critical for retailers across the state. If adopted they will help ensure Vermont's cannabis market is strong and help retailers run a more efficient business while ensuring they can meet all the regulatory requirements to operate their businesses in the state of Vermont.

1. *Positive Impact Criteria Plans (Rule 1.4.9)*: This rule requires all applicants with 10 or more employees to describe plans to address a minimum of 6 out of 8 listed criteria. Some of the criteria are particularly difficult for non-cultivation applicants to address. This is especially true of "environmental resiliency and sustainability" requirements. Retailers do not engage in "agricultural practices" of any kind and therefore are incapable of practicing "sustainable" ones, nor are the current waste and efficiency standards applicable to retailers. Please alter this rule accordingly and in away that would ensure Retailers are capable of achieving the goals based on criteria within their purview.

2. *Application Acceptance Periods (Rule 1.10)*: The potential for oversupply continues to be a legitimate and significant concern. Please eliminate subparts (d)(i) and (d)(ii), to allow for the CCB to impose a licensing moratorium without having to go through emergency rulemaking processes. We should be taking every step possible to avoid the significant price shock that has occurred in every other market across the country. Ensuring the CCB has greater flexibility is one way to help everyone - including retailers - in the Vermont cannabis marketplace.
3. *Overcoming Presumptive Disqualifications (Rule 1.11.3)*: The Cannabis Retailers Association of Vermont (CRAV) believes the language should be consistent with statutory text to avoid confusion. Please consider utilizing the following “a threat to public safety or the proper functioning of the market”, rather than the proposed “threat to the safety of the legal cannabis market or the general public”.
4. *Potency Limit on Tinctures (Rule 2.1.3(r))*: The Board proposes a new potency limit on tinctures of 500mg THC per container (regardless of container size).

Tinctures are “liquid concentrates” which means they are already subject to a statutory potency limit of 60% THC. This is equivalent to 1,800mg of THC per 30ml bottle, or 3,600mg of THC per 60ml bottle. The statute does not direct the CCB to implement any other limit on liquid concentrates.

While the Board’s proposed potency limit is similar to the one imposed in Massachusetts, this limit would put retailers near Vermont’s border with New York at a significant disadvantage, as New York has proposed a 1,000mg limit on tinctures.

CRAV asks the Board to not to impose by rule any new potency limits not already imposed by statute. We believe this will increase costs to consumers causing additional competitive disadvantages against our border states and worse, potentially drive consumers back to the black market.

5. *Disposal (Rule 2.2.6)*: Subsection (e) seems to assume that all cannabis and cannabis products which are not sold to consumers are disposed of, which is not true. Retailers will frequently convert excess inventory into employee samples. Please ensure this provision is clarified so that it only applies to products that are not repurposed in a manner otherwise allowed by rule or law.
6. *Delivery (Rule 2.2.7)*: CRAV requests the CCB eliminate the requirement, in subsection (c)(iii), that delivery vehicles be “unmarked”, which would set our

industry apart from other regulated substances in Vermont. Additionally we ask that the CCB eliminate the requirement (in subsection (o)) that cannabis in transport be contained in a “secure, locked storage compartment”. This could very likely create a significant financial burden on the CRAV’s members, which is dominated by small businesses whose owners make use of personal vehicles for product deliveries.

7. *Warning Labels and Packaging Changes (Rule 2.2.10)*: In many instances CRAV’s members have made significant investments to comply with the CCB’s existing packaging and labeling rules, which are complex, strict, and difficult to achieve. The lengthy “black box” health warning, two additional lengthy text warnings, and two prominent warning labels collectively take up a large portion of the packaging space. The CCB’s proposal to change these requirements, as well as the requirements as to where the warnings must be placed (“base layer” vs. “marketing layer”), without a subsequent proposal to allow a sell-through period during which previously-compliance packaging creates a significant and costly burden on CRAV’s members. It would be helpful to allow a sell-through date so products could continue to be used after the new rules go into effect. Without a lengthy grace period, these changes will likely lead to hundreds of thousands of dollars of losses industry-wide, as well as substantial landfill waste.

CRAV believes the CCB should allow retailers and other licensees to continue using any packaging and labeling created prior to the Rule change taking effect, for at least 12 months from the effective date of the Rule change.

8. *Advertising and Audience Composition (Rules 2.2.11 and 2.2.12)*: The proposal to eliminate the prohibition on use of “images or other text regarding products” on licensee social media accounts is a step in the right direction, but retains the word “only” in the immediately prior sentence, which could be interpreted as having the same meaning as the current rule, prior to the proposed change. Please consider removing the word “Only” from the proposed rule change.

CRAV also asks that Rule 2.2.12(a) be amended in a way that replaces the word “must” with the word “may”. Many of our local independent newspapers, all of which are desperately struggling to stay in business and many of whom would like to take cannabis advertisements, do not have the kind of audience

composition data that the Rule current requires. Changing “must” to “may” will afford the CCB’s staff greater discretionary authority in reviewing advertising submissions.

9. *Co-Location (Rule 2.2.18)*: It would be helpful to clarify in this Rule that licensees who hold more than one license - which many of CRAV’s members do - need not maintain “distinct and identifiable spaces, areas, or plots” or maintain separate records for each type of licensed activities. This places a greater burden on holders of multiple licenses than is placed on Integrated licensees and puts our members at a notable disadvantage.

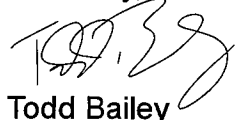
10. *Product Registration (Rule 2.2.21)*: CRAV believes the Board should eliminate this proposed Rule in its entirety, as it does not add anything of substance beyond the CCB’s existing statutory authority, while cementing a process that is incredibly challenging and time consuming for our Retailers.

11. *Retailer Employee Samples (Rule 2.8.8)*: CRAV believes this proposed Rule is overly restrictive because it only allows retailers to provide samples to employees “to determine whether to make products available to sell”, and only allows samples of seven strains of cannabis per month. Our members will typically use product samples as an educational tool, to help customer-facing employees be better able to educate customers and describe the products more accurately from experience, and will often roll out dozens of new strains in a given month. Additionally, giving employees a generous allocation of product samples is an important workforce retention tool.

CRAV requests the Board increase the amount of cannabis that can be given to an employee to two ounces per month (without any limit on the number of strains), and to allow samples to be given for educational purposes in addition to product evaluation purposes.

Thank you for your consideration of these recommendations.

Sincerely,



Todd Bailey

Executive Director, CRAV



May 22, 2023

Cannabis Control Board
89 Main St.
Montpelier, VT 05620
Attn: Gabriel Gilman, General Counsel

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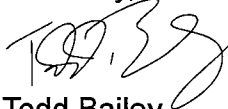
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Thank you for your consideration of these recommendations.

Sincerely,



Todd Bailey

Executive Director, CRAV



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May 22, 2023

Gabriel M. Gilman
Vermont Cannabis Control Board
89 Main Street
Montpelier, VT 05620
Email: gabriel.gilman@vermont.gov

Re: 2023 Draft Cannabis Control Board Rule 4: Compliance and Enforcement

Dear Mr. Gilman,

On behalf of ASTM International's Committee D37 on Cannabis, the D37.90 Executive Subcommittee has approved submission of the attached letter in response to the Vermont Cannabis Control Board 2023 Draft Rules, specifically Rule 4: Compliance and Enforcement.

Committee D37 is one of 147 ASTM technical committees composed of experts who represent producer, user, government, and academic stakeholder interests in the development of voluntary consensus standards for materials, products, systems, and services. Committee D37 adheres to well-regarded, industry-recognized, and time-tested principles for the development of consensus standards that reflect current technology and industry practice.

Thank you for the opportunity to submit these comments. Please feel free to contact Matthew Pezzella in the ASTM Washington Office at (202) 223-8399 or mpezzella@astm.org to discuss these comments or any issues related to this letter.

Sincerely,

Katharine E. Morgan

Katharine E. Morgan
President

cc: Jimmy Farrell, ASTM Staff Manager, Committee D37 on Cannabis



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May 22, 2023

Gabriel M. Gilman
Vermont Cannabis Control Board
89 Main Street
Montpelier, VT 05620
Email: gabriel.gilman@vermont.gov

Re: 2023 Draft Cannabis Control Board Rule 4: Compliance and Enforcement

Dear Mr. Gilman,

Thank you for the opportunity to provide the following comments in response to solicitation issued by the Vermont Cannabis Control Board regarding the 2023 Draft Rules, specifically Rule 4: Compliance and Enforcement.

Background on ASTM International

ASTM International is a leading, globally recognized, non-profit organization in the development and delivery of voluntary consensus standards. For more than 120 years, ASTM has served society by providing a global forum for the development and publication of voluntary consensus standards for materials, products, systems, and services. Today, over 13,000 ASTM standards are used by ninety industrial sectors in the United States and around the world to improve product quality, protect the environment, enhance health and safety, and strengthen market access and trade. Over 30,000 individuals from 149 countries, including manufacturers, retailers, consumers, regulators, academics, and researchers serve on ASTM's 147 technical committees.

ASTM International technical committees review each ASTM standard within their purview at least once every five years to ensure that they continue to meet industry needs and reflect the "state of the art." ASTM technical committees may also revise and update standards more frequently in response to new information, materials, or technologies. When no change to the standard is deemed necessary, the ASTM technical committee simply re-approves the document.

Voluntary consensus standards are a way to define the processes or procedures that can be used to demonstrate compliance to regulations that the U.S. Food and Drug Administration (FDA), or another federal or state agency, may promulgate in the cannabis sector. As it does for other sectors such as food and pharmaceuticals, FDA describes what needs to be done to meet a regulation and the regulated community then uses standards to demonstrate compliance with the regulation through the implementation of standardized analytical methods or process controls. ASTM works to develop standards driven by stakeholder needs that respond to specific regulatory and marketplace factors to ensure that useful voluntary standards options are available to all stakeholders.

Background of ASTM International Committee D37 on Cannabis

ASTM Committee D37 on Cannabis (D37) was formed in 2017 in response to the stakeholder need for standards that address the quality of cannabis products and to promote safety for the consumers, industry employees, and the environment. With a membership of over 1,000 individuals, including state regulators, scientists (including National laboratories such as the National Institute for Standards and Technology (NIST)), production operators, and cultivators located in 30 different countries, D37 is well positioned to meet emerging needs and would welcome the more active engagement of federal government scientists and experts in the Committee's ongoing development of consensus standards.

D37 is organized into the Subcommittees listed below. Each Subcommittee is currently working on consensus standards to raise the bar for the cannabis sector:

- D37.01 – Indoor and Outdoor Horticulture and Agriculture
- D37.02 – Quality Management Systems
- D37.03 – Laboratory
- D37.04 – Processing and Handling
- D37.05 – Security and Transportation
- D37.06 – Personnel Training, Assessment, Credentialing
- D37.07 – Industrial Hemp
- D37.08 – Cannabis Devices and Appliances
- D37.09 – Sustainability
- D37.10 – Financial Services and Insurance
- D37.90 – Executive
- D37.91 – Terminology
- D37.92 – Government Liaison
- D37.93 – Diversity Equity and Inclusion
- D37.94 – Strategic Planning

ASTM D8441/D8441M, *Specification for an International Symbol for Identifying Consumer Products Containing Intoxicating Cannabinoids*

ASTM International Technical Committee D37 on Cannabis has developed D8441/D8441M-22, *Standard Specification for an International Symbol for Identifying Consumer Products Containing Intoxicating Cannabinoids*, which defines specifications for a harmonized graphical symbol as a means of identifying consumer products containing intoxicating cannabinoids, such as THC and its stereoisomers.

This harmonized graphical symbol standard, also known as the international intoxicating cannabinoid product symbol (IICPS), is intended to be used by authorities having jurisdiction to clearly distinguish between consumer products containing intoxicating cannabinoids from those that do not.

The IICPS is intended to be used to identify all intoxicating cannabinoids regardless of if they are naturally derived, synthesized, or grown in a lab. The IICPS was developed by a group of diverse industry representatives from around the world and its meaning and intended reaction by the consumer validated through consumer analysis.

The IICPS will help improve consumer safety by providing (1) uniformity in identifying potential health and safety hazards associated with exposure to a substance, or substances, that may cause mind altering effects and (2) visual clarity and consistency, which results in improvement of recognition and comprehension for the end user.

The IICPS has already been used in Montana and New Jersey and is under consideration in Massachusetts and Alaska.

ASTM D8441/8441M outlines the specifications for creating the IICPS and the means for validation.

ASTM D8449-23, Standard Specification for Label Content and Style, Format, Location, and Prominence of Elements for Consumer Products Containing Cannabinoids

Committee D37 has approved a standard that defines labeling specifications for consumer products containing cannabinoids. D8449 is the first set of internationally harmonized label content specifications for consumer products containing cannabinoids to be published anywhere in the world.

D8449 will have many practical applications, including:

- Defining specifications for what can and cannot be classified as a consumer product containing cannabinoids.
- Defining the concept of a declaration of cannabinoids and how to present this information on a label.
- Defining a standard means of verifying cannabinoid content label claims.
- Outlining the specifications for making a cannabinoid dominance claim and how to verify this claim.
- Outlining the specifications for making a cannabinoid ratio claim and how to verify this claim

The committee plans to engage in continuous improvement of the new standard and invites all interested parties to join them.

ASTM D8440-22, Standard Specification for Food Safety and Quality of Hempseed Products Intended for Human Consumption

- Outlines expectations for food safety of hempseed products for consumers, and companies have a standard they can reference or add to
- The standard also outlines key elements related to quality and shelf-life stability and the standardized test methods that apply.
- This will help ensure there is integrity in the food supply chain prior to arriving at the retail shelf
- Identifies a safety threshold for delta-9 tetrahydrocannabinol (Δ -9 THC) in hempseed protein products and hemp seed oil destined for food ingredients

Conclusion

Thank you for your consideration and the opportunity to provide these comments. ASTM Committee D37 on Cannabis welcomes the opportunity to continue discussions on how to best avoid duplication of standards and align efforts to advance the industry. If you have any questions or would like more information, please feel free to reach me at kathleen@triskele-inc.com or contact Matthew Pezzella, ASTM International's Senior Manager, Government & Industry Affairs, at mpezzella@astm.org.

Respectfully,

Kathleen May

Kathleen May
Chair, ASTM Committee D37 on Cannabis

cc: Jimmy Farrell, ASTM Staff Manager

Date: Fri, Jun 9, 2023 at 10:57 AM

Subject: Public Comment on the Proposed Rule 2.2.4

To: CCB - Info <CCB.Info@vermont.gov>

Cc: <gabe.gilman@vermont.gov>, Emma Rose <emma@rosiesconfections.com>

Good morning, I hope this email finds you well.

Emma Rose, from XTract VT, and I are writing you today to express our concerns on proposed rule 2.2.4-- the prohibition of products that can be time/ temperature abused. While this proposal is not in the current draft of regulations that was made available for public comment on April 5, we found out about it from an email exchange with a compliance agent who commented on its likelihood to go into effect.

As we both run manufacturing businesses in which refrigerated and frozen products are part of the foundation of our product lines, we, along with many other manufacturers, would be heavily impacted by the regulation change. Not only would this ruling be detrimental to our businesses but we find there is no grounds for the change as we abide by all food safety requirements outlined by the Vermont Department of Health that keeps products such as these safe for consumers. Please read our entire comment, attached below.

While we will continue to gather support on this matter from the cannabis community we wanted to get you our comment as soon as possible as it is a time sensitive matter. We look forward to sitting down with the board and discussing this proposed rule in the event that this public comment does not suffice.

Sincerely,

Martha Bruhl- Owner Fog Valley Farm LLC

Emma Rose- Owner Rosie's Confections (XTract VT)



**UPSTATE
ELEVATOR
SUPPLY CO**

Upstate Elevator Supply Co. requests the Cannabis Control Board to consider the revised language to the Emergency rules on synthetic and hemp-derived cannabinoids:

Emergency Rule 1:

Prohibition The production, manufacture, marketing, transfer, and sale of hemp-derived intoxicating cannabinoids and synthetic cannabinoids are hereby prohibited, except as set out in Emergency Rule 3. Prohibited cannabinoids include:

(a) All isomers, variants, analogs, and mimetics of delta-9 tetrahydrocannabinol, including delta-8 and delta-10 tetrahydrocannabinol, created by chemical manipulation of any part or derivative of the plant *Cannabis sativa* L., regardless of the delta-9 tetrahydrocannabinol concentration level of the source plant or plants; and

~~(b) delta-9 tetrahydrocannabinol that has been chemically or mechanically concentrated or otherwise derived from hemp and then sprayed, infused, or otherwise artificially introduced onto or into any product, including hemp or hemp products, so as to impart intoxicating properties mimicking those of cannabis and cannabis products.~~

Emergency Rule 2: Presumptions

A consumable product that is not cannabis or a cannabis product is presumptively prohibited regardless of the delta-9 tetrahydrocannabinol concentration of any plant from which the product is sourced, if the product, in the form offered to consumers:

- (a) contains total tetrahydrocannabinol in a concentration exceeding 0.3 percent on a dry weight basis; or
- (b) contains more than ~~1.5~~ 2.5 mg tetrahydrocannabinol per serving, where “serving” is the amount reasonably ingested by a typical consumer in a single instance unless the ratio of cannabidiol to tetrahydrocannabinol is at least 20:1; or
- (c) contains more than 10 mg total tetrahydrocannabinol per package, unless the ratio of cannabidiol to tetrahydrocannabinol is at least 20:1; or
- (d) has the dominant market appeal of mimicking the intoxicating effects of tetrahydrocannabinol.

The Emergency Presumptions as written are detrimental to Vermont’s legal hemp and CBD industry:

1. Prohibition of synthetic cannabinoids, including delta-8 and delta-10 tetrahydrocannabinol (THC), can best protect consumers and public safety. This is a reasonable next step for Vermont hemp regulation as the federal regulations continue to evolve.
2. Strike emergency rule 1(b) which hinders interstate commerce and the ability for Vermont businesses to compete in a national market. Or at the very least provide an



**UPSTATE
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allowance for the continued manufacture and sale into States that do not intend to limit naturally occurring hemp derived THC

3. Emergency rule presumptions as written will drive hemp manufacturing out of state, reduce Vermont employment, and hurt retail sales. Upstate has always been a Vermont-based small business, but the rules as written may force the company to relocate to a state with more moderate hemp regulations.
4. Low dose hemp-derived delta-9 tetrahydrocannabinol products (less than 2.5mg) are overwhelmingly used for wellness, not intoxication. Customers rely on the products and commonly buy them in natural food stores and CBD retail stores.
5. Regulating the cannabinoid to THC ratio (20:1) is sufficient to ensure that hemp products are not intoxicating.

UPSTATE ELEVATOR SUPPLY CO.

699 Pine St. Burlington VT 05401

info@upstateelevator.com

888.640.2155

Preface:

Over the past nine years, Vermont has seen the development of a boutique industry in value-added agriculture. Vermont CBD producers take Hemp grown in the state and transform it into products that can be used as therapeutic supplements. By best estimates the industry employs at least 50 Vermonters across the state, and generates \$10+ million in revenue annually. Based on a survey conducted by the Vermont Agency of Agriculture in 2022 75% of CBD sales are products that contain trace amounts of naturally occurring THC. These products, often referred to as “Full-spectrum CBD” contain a variety of cannabinoids and are used for therapeutic purposes and unlike cannabis and cannabis products will not result in intoxication.

Unfortunately, since 2018 there has been an increase in brands usually using synthetic processes to create intoxicating THC products from legally harvested hemp. It is important to create a system of rules that provide additional protections for Vermont consumers against intoxicating hemp-derived products without disrupting Vermont businesses that have been operating successfully under the rules initially established by the Vermont Hemp Program. Overly restricting will reduce the competitiveness of Vermont CBD producers in the \$2 Billion national CBD market, and could result in consumers purchasing CBD from out-of-state companies that may be selling unsafe products. However, clear and enforceable rules from the CCB can protect Vermont Consumers, while simultaneously promoting the safety and quality of Vermont CBD brands within the national marketplace.

With this in mind, a coalition of consumers, farmers, and Hemp/CBD Manufacturers are recommending that the board adopt the following rules and guidance.

1. Prohibit the production and sale of all isomers, variants, analogs, and mimetics of delta-9 tetrahydrocannabinol, including delta-8 and delta-10 tetrahydrocannabinol, created by chemical manipulation of any part or derivative of the plant *Cannabis sativa L.*, regardless of the delta-9 tetrahydrocannabinol concentration level of the source plant or plants. This prohibition is currently contained in *Emergency Rule: Synthetic and Hemp-Derived Cannabinoids, Emergency Rule 1*. We specifically support Emergency Rule 1(a). We do not support the overly broad scope of Emergency Rule 1(b) and feel it would have the unintended consequence of prohibiting Vermont’s CBD market
2. With regard to Emergency Rule 1(b) and Emergency Rule 2 (a-c), we believe the following would accomplish both consumer safety and maintaining Vermont’s robust CBD market:
 - a. We request that the Board establish clear guidelines that differentiate naturally derived, non-intoxicating, hemp products from intoxicating cannabis and cannabis products. We would suggest the following.
 - b. Hemp plant material sold directly to the public or used for CBD extraction may not contain over 0.3% Total THC on a dry weight basis 30 days prior to harvest, or 1% Total THC on a dry weight basis after harvest.
 - c. Manufactured hemp products may not contain total tetrahydrocannabinol in a concentration exceeding 0.3 percent on a dry weight basis

- d. Manufactured hemp products may not contain more than 1.5 mg tetrahydrocannabinol per serving, where “serving” is the amount reasonably ingested by a typical consumer in a single instance, unless the ratio of cannabidiol to tetrahydrocannabinol is at least 20:1
 - e. Manufactured hemp products may not contain more than 10 mg total tetrahydrocannabinol per package, unless the ratio of cannabidiol to tetrahydrocannabinol is at least 20:1
 - f. Manufactured hemp products may not have the dominant market appeal of mimicking the intoxicating effects of tetrahydrocannabinol.
3. Establish action limits on contaminants on hemp and hemp derived products, using the harvest lot, process lot system. Recommended limits are listed below:

Pesticide Parameters and Limits

Parameter	Action limits for harvest lots, trim flower, concentrates, products and infused products (ppm, mg/kg, mg/l)
Acephate	0.1
Acequinocyl	0.1
Abamectin (each isomer)	0.1
Azoxystrobin	0.1
Bifenazate	0.1
Bifenthrin	3.0
Carbaryl	0.5
Chlorpyrifos	0.04
Cypermethrin (zeta) sum of isomers	1.0
Etoxazole	0.1
Imazalil	0.04
Imidacloprid	5.0
Myclobutanil	0.1
Pyrethrins I and II (sum of isomers)	0.5
Spinosyn (each for Spinosad A & D)	0.1

Metal Parameters and Limits

Parameter	Action limits for harvest lot and trim flower (ppm, mg/kg)	Action limits for concentrates, products and infused products (ppm, mg/kg, mg/l)	Action limits for soil (ppm, mg/kg) for agricultural use (additional levels for Cr, Cu, Ni, and Zn, see Note 1)
Arsenic	0.200	1.500	---
Cadmium	0.200	0.500	0.43
Lead	0.500	1.000	200
Mercury	0.100	1.500	---

Note 1: Soil action limits for Agricultural use, (NYSDEC) as referenced in UVM table 2 :

http://www.uvm.edu/vtvegandberry/factsheets/interpreting_heavy_metals_soil_tests.pdf

Additional levels must also be met for Chromium (11 ppm), Copper (270), Nickel (72 ppm) and Zinc (1100 ppm).

Microbiological Parameters and Limits

Parameter	Action limits for trim flower	Action limits for concentrates	Action limits for products and infused products
Shiga-toxin producing Escherichia coli (STEC) – Bacteria	None Detected	None Detected	None Detected
Salmonella species – Bacteria	None Detected	None Detected	None Detected
Aspergillus fumigatus, Aspergillus flavus, Aspergillus niger, Aspergillus terreus – Fungus	None Detected	None Detected	None Detected

*CFU = Colony Forming Unit per gram or milliliter (CFU/g or CFU/ml)

Recommend the required microbial testing for cannabis and cannabis products are analyzed by **allowable methods** listed below:

1. A validated method using guidelines for food and environmental testing put forth by the USP, FDA, and AOAC Appendix J and cannabis as a sample type; or
2. (i) Another approved AOAC, FDA, or USP validated method using cannabis as a sample type.”

NOTE: "Another approved AOAC, FDA, or USP validated method using cannabis as a sample type" may include molecular methods, such as qPCR."

Residual Solvent Parameters and Limits

Parameter	Action limits for concentrates, products and infused products (ppm, mg/kg, mg/l)
Acetone	5000
Acetonitrile	410
Benzene	2
Chloroform	60
Ethanol	5000
Heptanes (total)	5000
Hexanes (total)	290
Isopropyl alcohol	5000
Methanol	3000
Methylene Chloride	600
Toluene	890
Xylenes (total)	2170
Any solvent not permitted for extraction	5000

Microbiological Parameters and Limits

Parameter	Action limits for trim flower	Action limits for concentrates	Action limits for products and infused products
Shiga-toxin producing Escherichia coli (STEC) – Bacteria	None Detected	None Detected	None Detected
Salmonella species – Bacteria	None Detected	None Detected	None Detected
Aspergillus fumigatus, Aspergillus flavus, Aspergillus niger, Aspergillus terreus – Fungus	None Detected	None Detected	None Detected

*CFU = Colony Forming Unit per gram or milliliter (CFU/g or CFU/ml)

Recommend the required microbial testing for cannabis and cannabis products are analyzed by **allowable methods** listed below:

1. A validated method using guidelines for food and environmental testing put forth by the USP, FDA, and AOAC Appendix J and cannabis as a sample type; or
2. (i) Another approved AOAC, FDA, or USP validated method using cannabis as a sample type.”

NOTE: "Another approved AOAC, FDA, or USP validated method using cannabis as a sample type" may include molecular methods, such as qPCR."

4. Hemp Manufacturers must place the following disclaimer on All CBD products manufactured or sold in Vermont:

The efficacy of this product has not been confirmed by FDA-approved research. This product is not intended to diagnose, treat, cure, or prevent any disease.

5. Hemp Manufacturers must place the following disclaimer on Full Spectrum CBD products manufactured or sold in Vermont:

This product contains <.3% THC by weight, which could result in a failed drug test.

6. Hemp manufacturers are required to keep records on inventory, including hemp flower and biomass, extracted CBD oil, distillate and isolate, and finished products. Inventory records must be kept in a format that can be easily shared with the cannabis control board its representatives.

7. Hemp & Hemp Derived products that meet the requirements listed above are exempt from the packaging and labeling, and product registration requirements of cannabis and cannabis products.
8. The Cannabis Control Board will issue annual licenses to Hemp manufacturers, including a unique license number. This license will be renewed annually after the board or a representative of the board conducts an inspection to ensure compliance with the rules stated above.

FW: Public Comment of Proposed Changes to Rule 2.2.4

Giguere, Cary

Mon 7/17/2023 2:26 PM

To: Gilman, Gabriel <Gabriel.Gilman@vermont.gov>

From: bridget@hifvt.com <bridget@hifvt.com>

Sent: Monday, July 17, 2023 2:25 PM

To: Giguere, Cary <Cary.Giguere@vermont.gov>

Subject: Fw: Public Comment of Proposed Changes to Rule 2.2.4

You don't often get email from bridget@hifvt.com. [Learn why this is important](#)

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Hello Cary,

Thanks for assisting in getting my public comment on 2.2.4 where it needs to go. I appreciate what the CCB is doing to protect consumer safety and I am hopeful that we can find solutions that do that while offering consumers a wide range of products and licensees the opportunity to innovate and grow their business.

Thanks!

Bridget

----- Forwarded Message -----

From: bridget@hifvt.com <bridget@hifvt.com>

Date: On Monday, July 17th, 2023 at 10:39 AM

Subject: Public Comment of Proposed Changes to Rule 2.2.4

To: CCB.Info@vermont.gov <CCB.Info@vermont.gov>

Good Morning,

Thank you for the opportunity to provide comment on the proposed rule changes for the Regulation of Cannabis Establishments. I am particularly interested in the changes proposed for rule 2.2.4. Health, safety and sanitation in the cannabis industry are of the utmost importance in my mind as both a consumer and a future licensed retailer. I want to have confidence that the products I am consuming or presenting to our customers are safe. As someone who has managed commercial kitchens for close to 30 years, I understand the concerns that you are trying to address in (f-j) and I greatly appreciate it. There is a lot that can go wrong in a commercial kitchen that can compromise consumer safety. However, I believe the solution lies not in banning these types of products, but partnering with the Department of Health to regulate the businesses that want to bring these products to market, both the manufacturers and the retailers. This is the responsibility of the health department and their refusal to license cannabis businesses not only puts consumer safety in jeopardy, it stifles business innovation and growth.

It also puts Vermont at a competitive disadvantage with other states that are safely regulating these types of products in partnership with their DOH. Banning them here will cause consumers to access the illicit market or travel out of state to purchase the products that they desire.

As a practicing herbalist for over 20 years, I would also like to address 2.2.4(e). This proposed ban discounts the long history and safety record of blending plants and fungi as

nutritional supplements. The lifting of cannabis prohibition creates the opportunity to legally work with cannabis within the framework of the complete herbal apothecary. Let's not go backwards here. The national standards set by the DSHEA provide both ample guidance for producers and protections for consumers in this domain. Let's allow these standards to do the work. Again, this proposed ban disadvantages both consumers and businesses and I feel goes against our collective desire to build a vibrant, craft cannabis marketplace here in Vermont.

Thank you for your attention to my concerns and for your continued work to ensure consumer safety in this new marketplace.

Sincerely,

Bridget Conry

Public Comment on Proposed Rule 2.2.4 (d)

Kerry Cassin <kerry@knrcanna.com>

Sat 6/10/2023 2:23 PM

To:CCB - Info <CCB.Info@vermont.gov>

Cc:Gilman, Gabriel <Gabriel.Gilman@vermont.gov>

You don't often get email from kerry@knrcanna.com. [Learn why this is important](#)

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To whom this may concern,

Please reconsider the proposed rule 2.2.4. I see the concern of the CCB to protect the public and prevent any further contamination issues. However, I believe it can be as simple as proposing some added compliance such as twice per day temperature monitoring and documentation. All licensees that this rule would directly affect, I am sure would rather have added compliance other than the alternative of possibly having to close doors on their business. Thank you for your time, consideration, and continued hard work.

--

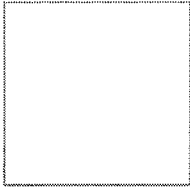
Best wishes,

Kerry Cassin

KnR Cannabis LLC

kerry@knrcanna.com

knrcanna.com



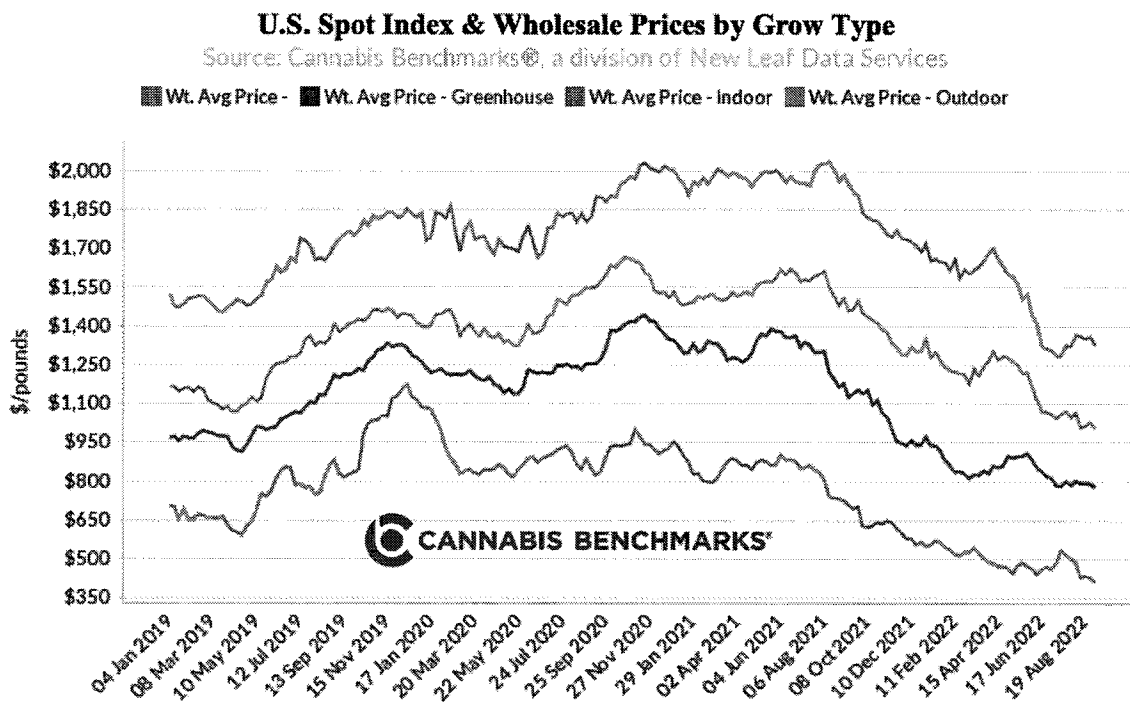


Public Comment: May 2023

Pertaining to 1.1.3 (j) Definitions

This proposed definition of “Outdoor Cultivator” only allows for artificial lighting to keep plants in the vegetative state while providing a clear cut off for when artificial light supplementation must cease. As an independent grower in Vermont, we believe this definition is unnecessarily restrictive for what is already the most challenging and restrictive cultivation method given Vermont’s geographical location and climate.

Whether true or not, market perception of Outdoor Cannabis is widely regarded as lower quality and is subject to a much lower price point than indoor or greenhouse grown. It is also typically the first to feel the effects of this price depreciation due to the nature of having only a single harvest that is brought to market at the same time as all other outdoor cultivators. The following metrics from Cannabis Benchmarks shows a clear disparity between different cultivation methods and their wholesale pricing:



Cannabis Benchmarks® US Spot Weighted Avg (Week Ending Mar 31, 2023)			
	This Week	Last Week	Week on Week Δ
Total	\$992	\$998	-0.6%
Indoor	\$1,251	\$1,239	1.0%
Greenhouse	\$671	\$673	-0.4%
Outdoor	\$472	\$486	-2.8%

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LC3 Incorporated
1535 Lime Kiln Road
Charlotte, VT 05445

Now the CCB is obviously not responsible for these market dynamics, nor do we think it is their responsibility to try and correct them. What the CCB can do, however, is change the definition of an Outdoor Cultivator to include a percentage of artificial light allowance regardless of plant stage or time of year. Keeping in mind that the metrics shown above are national averages in a variety of geographic climates, it becomes easier to see how Vermont's short season and harsher climate is at an even further disadvantage than most US markets and could lead to even greater price disparities as the market becomes saturated. By allowing Outdoor Cultivators to allocate their still limited artificial lighting as they see fit throughout the grow cycle, it will dramatically help these already disadvantaged businesses increase yields and overall quality to stay competitive in such a highly competitive marketplace. We would like to see an artificial lighting allowance of 25% for Outdoor Cultivators regardless of plant stage or time of year to make up for the disadvantage that growing outdoor in Vermont's geographical location and climate creates.

Thank you for your continued hard work and support for all cultivators, especially small craft cultivators.

Phil Schilling
Owner Operator
Loud Cloud Craft Cannabis

FW: Comment on proposed changes to CCB rules

CCB - Info

Thu 6/29/2023 1:04 PM

To: Pepper, James <James.Pepper@vermont.gov>; Hulburd, Julie <Julie.Hulburd@vermont.gov>; Harris, Kyle <Kyle.Harris@vermont.gov>

Cc: Hare, Brynn <Brynn.Hare@vermont.gov>; Gilman, Gabriel <Gabriel.Gilman@vermont.gov>

Public Comment from the info account.

--

Nellie Marvel

Outreach & Education Manager

Cannabis Control Board

From: Virginia Renfrew <renfrew@sover.net>

Sent: Tuesday, June 27, 2023 1:17 PM

To: CCB - Info <CCB.Info@vermont.gov>

Subject: Comment on proposed changes to CCB rules

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The Vermont Patients Alliance is submitting 2 comments on the Cannabis Control Board Rules, two of which related to Rule 1.9 License Application Requirements for Integrated Licensees.

Rule 1.9 License Application Requirements for Integrated Licensees The requirements in this section apply to applications for an integrated license. An integrated license applicant must meet all requirements in sections 1.4-1.8 of this rule, and must also submit: (a) A plan to provide reduced cost or free Cannabis to patients with documented, verified financial hardship who are utilizing the dispensary operation; **(b) a plan to ensure 25% of Cannabis flower sold is obtained from tier 1 cultivators**, (c) a list of products purchased by registered patients in the preceding 12 months; (d) plan to ensure continuity of products for patients accessing the dispensary operation; **(e) plan to contribute to the Cannabis business development fund**; and (f) attestation of good standing with respect to their medical Cannabis dispensary license in accordance with 7 V.S.A. § 903(a)(1). For the purposes of this subsection (f), good standing shall mean the dispensary is in compliance with Chapter 86 of Title 18 of the Vermont Statutes, and with all associated rules.

1. (b) a plan to ensure 25% of Cannabis flower sold is obtained from tier 1 cultivators

Act 62 (2021) allowed for an early start for integrated licenses. Because of this early start, the statute required that, "between August 1, 2022 and October 1, 2022, 25 percent of cannabis flower sold by an integrated licensee shall be obtained from a licensed small cultivator, if available."

The reason that this was added to Act 62 was because integrated licenses were going to get an earlier start than others. As it turned out, there were no early starts. There is no reason to retain this requirement. Everyone is on a level playing field. Integrated licensees do not have any advantage. There is no viable reason why integrated licensees should have this additional requirement. Retaining this requirement places integrated licensees at a distinct disadvantage. This is not being required of any other licenses and do not understand why it is being required of integrated licenses.

For your information, it has come to our attention that there are some cannabis retailers who are telling small cultivators not to sell to integrated licensees - if the cultivators do, they will not buy their products. We are not sure how widespread this is, but we feel you should know about this. This has the potential of significantly

interfering with our business practices. Requiring integrated licenses to buy 25% of cannabis flower will only serve to further exacerbate this problem.

2. (e) plan to contribute to the Cannabis business development fund

The second issue is requiring integrated licensees to contribute to the development fund. Under Rule 1.4.9(d) , all license holders with 10 or more employees have this as an option. We feel that this should be an option for us, not a requirement.

Virginia Renfrew
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renfrew@sover.net
www.zatzrenfrew.com

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Re: Public Comment on the Proposed Rule 2.2.4

Fog Valley Farm <fogvalleyfarm802@gmail.com>

Mon 6/26/2023 12:57 PM

To: Gilman, Gabriel <Gabriel.Gilman@vermont.gov>

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Thank you, Gabe!

On Mon, Jun 26, 2023 at 12:56 PM Gilman, Gabriel <Gabriel.Gilman@vermont.gov> wrote:

Hi Martha,

Just writing to confirm this came through. I expect the section to get a lot of discussion today.

Best,

Gabe

From: Fog Valley Farm <fogvalleyfarm802@gmail.com>

Sent: Monday, June 26, 2023 12:53 PM

To: Gilman, Gabriel <Gabriel.Gilman@vermont.gov>

Subject: Re: Public Comment on the Proposed Rule 2.2.4

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Dear Gabe,

Thank you for adding our original comment to your compilation of comments. We appreciate you and the board taking our thoughts into consideration on this matter. As a manufacturing community we got together and compiled a group comment on this change; 2.2.5 (d) as it is written and the additional refrigeration ban that is being contemplated. This comment, attached below, was signed not only by manufactures but 180 other members of the cannabis community. We want to thank you in advance for taking serious consideration on this matter and hope you fully consider the original comment as well as the additional points brought up by the community as a whole.

Best,

Martha Bruhl

Owner- Fog Valley Farm LLC

On Fri, Jun 9, 2023 at 11:16 AM Gilman, Gabriel <Gabriel.Gilman@vermont.gov> wrote:

Dear Ms. Rose,

This will confirm receipt of your below email and the attached PDF comments. We'll add them to the compilation.

The proposed addition of a subsection (d) to Rule 2.2.4 was included in our proposed rule filing. Jump [here](#) to see it in the context of the full rule filing. Consideration has been given to broadening the scope of subsection (d) to address shelf stability more broadly in a manner that would sweep in products that require refrigeration. It's understood that you would find that objectionable. Do you have any concerns about the meat-dairy prohibition as written?

Thanks,
Gabe

Gabriel M. Gilman

General Counsel

Vermont Cannabis Control Board

89 Main Street, Montpelier, VT 05620-7001

(m) 802.261.1510

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

From: Fog Valley Farm <fogvalleyfarm802@gmail.com>
Sent: Friday, June 9, 2023 11:02 AM
To: Gilman, Gabriel <Gabriel.Gilman@vermont.gov>
Subject: Fwd: Public Comment on the Proposed Rule 2.2.4

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----- Forwarded message -----

From: Fog Valley Farm <fogvalleyfarm802@gmail.com>
Date: Fri, Jun 9, 2023 at 10:57 AM
Subject: Public Comment on the Proposed Rule 2.2.4
To: CCB - Info <CCB.Info@vermont.gov>
Cc: <gabe.gilman@vermont.gov>, Emma Rose <emma@rosiesconfections.com>

Good morning, I hope this email finds you well.

Emma Rose, from XTract VT, and I are writing you today to express our concerns on proposed rule 2.2.4-- the prohibition of products that can be time/ temperature abused. While this proposal is not in the current draft of regulations that was made available for public comment on April 5, we found out about it from an email exchange with a compliance agent who commented on its likelihood to go into effect.

As we both run manufacturing businesses in which refrigerated and frozen products are part of the foundation of our product lines, we, along with many other manufacturers, would be heavily impacted by the regulation change. Not only would this ruling be detrimental to our businesses but we find there is no grounds for the change as we abide by all food safety requirements

outlined by the Vermont Department of Health that keeps products such as these safe for consumers. Please read our entire comment, attached below.

While we will continue to gather support on this matter from the cannabis community we wanted to get you our comment as soon as possible as it is a time sensitive matter. We look forward to sitting down with the board and discussing this proposed rule in the event that this public comment does not suffice.

Sincerely,

Martha Bruhl- Owner Fog Valley Farm LLC

Emma Rose- Owner Rosie's Confections (XTract VT)

October 10, 2022

State of Vermont Cannabis Control Board
89 Main Street
Montpelier, VT 05620-7001

(Submitted electronically at <https://ccb.vermont.gov/form/publicinputform>)

Re: Madison IAQ Comments in Response to State of VT Rule 2: Regulation of Cannabis Establishments

Dear State of Vermont Cannabis Control Board Staff:

Madison Indoor Air Quality (MIAQ) respectfully submits these comments in response to State of Vermont Cannabis Control Board's (CCB) Regulation of Cannabis Establishments.

MIAQ is one of the largest and most successful privately held companies in the world with a significant footprint in the HVAC market. MIAQ's mission is to make the world safer, healthier, and more productive by creating innovative solutions that deliver outstanding customer value. MIAQ's portfolio comprises of at least 15 companies including Therma-stor (brands: Quest, Santa Fe, Phoenix) and Dehumidified Air Solutions (brands: Dectron, Seresco, PoolPak and Agronomic IQ). Through these companies, MIAQ offers dehumidifiers to the residential, commercial, industrial, and agricultural markets that could be impacted by the State of Vermont's Rule 2 for the Regulation of Cannabis Establishments.

MIAQ greatly appreciates CCB's active stakeholder outreach and request for feedback on the regulation. Due to our continuous review of market demands and advancement to higher efficiency equipment, MIAQ feels uniquely qualified to provide feedback to Cannabis Control Board staff on the issues they wish to address. We thank CCB staff for taking time to read these comments and encourages them to work with Madison IAQ to address our thoughts and concerns during the rulemaking process.

§ 2.1.3 Definitions

MIAQ would like to point out a potential overlap between three definitions in the proposed regulation:

- (b) "Greenhouse" means a structure or a thermally isolated area of a building that maintains a specialized sunlit environment exclusively for, and essential to, the cultivation or maintenance of Cannabis plants and that is in use for a period of 180 days or more each calendar year.
- (e) "Indoor cultivation" means growing Cannabis using artificial lighting.
- (i) "Outdoor cultivation" means growing Cannabis in an expanse of open or cleared ground or in a structure that does not use artificial lighting and is not a greenhouse

MIAQ's interpretation of these definitions is that if a space has artificial lighting for the plants at any level, it would be considered an "indoor cultivation" and would have to meet the requirements of Sections 2.5.3 (a), 2.5.3 (c), 2.5.4 (a), and 2.5.5. The other two definitions preclude the use of artificial light.

Since there are requirements in Section 2.5.4 (b) for minimum lighting efficiency in greenhouses, it appears the authors of the *Regulation of Cannabis Establishments* did not intend to exclude all levels of artificial lighting from greenhouse structures.

While MIAQ does not have a specific revision recommendation, we request expanding the definition of "indoor cultivation" and "greenhouse" to indicate the cutoff on the amount of artificial light that moves a structure from one category to the other. This will dictate whether the structures lighting and space conditioning systems must meet the requirements of Sections 2.5.3 (a), 2.5.3 (c), 2.5.4 (a), and 2.5.5 for "indoor cultivation" or Sections 2.5.3 (b) and 2.5.4 (b) for "greenhouse".

MIAQ has another recommendation related to these overlapping definitions. "Greenhouse" facilities in the cannabis industry are known to include both artificial lighting and space conditioning equipment beyond evaporative cooling and ventilation. Therefore, we recommend the following change to Section 2.5.5:

Cannabis Establishments shall have one year from the date of licensure to come into compliance with the following requirements:

One of the following dehumidification systems must be used for indoor cultivation and greenhouse structures:

This would ensure that a facility constructed as a greenhouse, but with the ability to close up and operate using only space conditioning equipment, does not use excessive energy.

§ 2.5.5 Energy Standards for Dehumidification

The regulation includes the following language to permit the use of stand-alone dehumidifiers for indoor cultivation:

(a) Standalone dehumidifiers must meet the following minimum integrated energy factors:

- i. Minimum integrated energy factor of 1.77 L/kWh for product case volumes of 8.0 cubic feet or less, or
- ii. Minimum integrated energy factor of 2.41 L/kWh for product case volumes greater than 8.0 cubic feet.

The above requirement includes a minimum efficiency value; however, does not identify applicability to consumer products (i.e., products purchased in small quantities by individuals for residential use) or non-consumer products, nor does it provide a specific test method and incoming air conditions under which the minimum efficiency values are to be achieved. The U.S. Department of Energy (DOE) has identified Appendix X1 to Subpart B of 10 CFR Part 430 as the applicable test procedure for consumer product, stand-alone dehumidifiers. These regulations do not apply to the stand-alone dehumidifiers used in the cannabis industry since they are not considered consumer products.

Therefore, to eliminate any confusion on how to comply with the minimum efficiency requirements of Vermont's revised regulation of cannabis establishments, MIAQ recommends revising the above requirement to the following to ensure consistency between federal and state regulations:

(a) Standalone dehumidifiers must meet the following minimum integrated energy factors as measured by the test conditions in Appendix X1 to Subpart B of 10 CFR Part 430:

- i. Minimum integrated energy factor of 1.77 L/kWh for product case volumes of 8.0 cubic feet or less, or
- ii. Minimum integrated energy factor of 2.41 L/kWh for product case volumes greater than 8.0 cubic feet.

Madison Indoor Air Quality appreciates the opportunity to provide these comments. If you have any questions regarding this submission, please do not hesitate to contact me.

Sincerely,



Rupal Choksi
Regulatory Director, Innovation | Madison Indoor Air Quality (IAQ)
Madison, WI
(608) 237-8446
rchoksi@madisoniaq.com

PETITION FOR CBD ACCESS IN VERMONT:

Protect Vermont Hemp Farmers & Vermont Small Businesses by Opposing the proposed THC Caps in Vermont hemp products



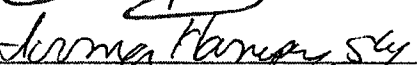
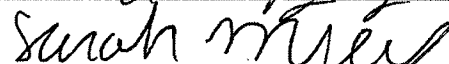

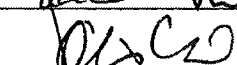
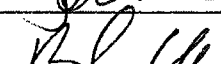
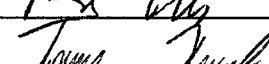
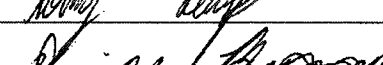

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<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>TOWN OF RESIDENCE</u>
Thalia Brown		Bellows Falls
Nathan Brown		Bellows Falls
Irma Hamrsky		Bradford VT
Sarah Myers		Colchester, VT
Jackie Mills		Mad River Valley
Chris Collier		Williamstown
Denwood Gilts		Williamstown
Anthony Kemp		Milton
Denise Bergman		Milton
JAHALA DUDLEY		Plainfield

PETITION FOR CBD ACCESS IN VERMONT:

Protect Vermont Hemp Farmers & Vermont Small Businesses by Opposing the proposed THC Caps in Vermont hemp products

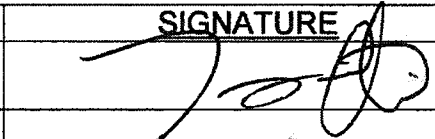

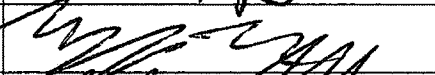
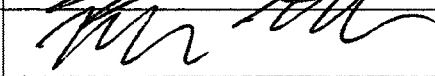
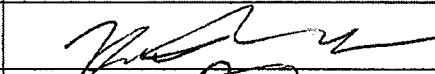

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TRAVIS MATHIS		HUNTINGTON
Tanner Driggers		Proctor
Tonya Sprano	Tonya Sprano	Milton
Eric Loesch	Eric Loesch	Milton
John Ritter	John Ritter	Waterbury
Mike Anglin	Mike Anglin	Morrisstown
Ben Maas		Richmond
BRYCE RADER		SOUTH BURLINGTON
Keith Clark		Williamstown, VT
Deane Southworth		Mendon

PETITION FOR CBD ACCESS IN VERMONT:

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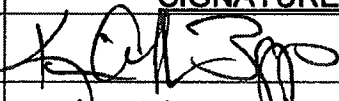


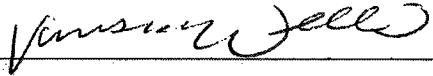

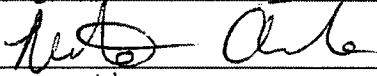

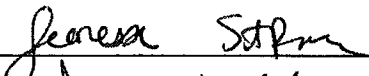
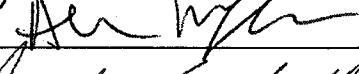
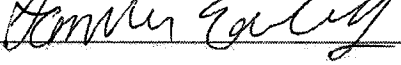
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Kevin Bopp		Stratton VT
Austin Underwood		Brookfield, VT
Edwin Wells		Rockingham, VT
Vanessa Wells		Rockingham, VT
Aimee Flanders		Derby, VT
Heather Arrudo		Derby, VT
Peter Farrell		Middlesex, VT
Jeanessa StPierre		Johnson, VT
Adriana NoxCS		Morrisville, VT
JAMISON EARLEY		MORRISVILLE, VT

PETITION FOR CBD ACCESS IN VERMONT:

Protect Vermont Hemp Farmers & Vermont Small Businesses by Opposing the proposed THC Caps in Vermont hemp products

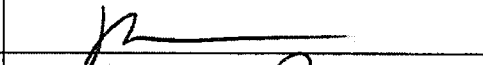




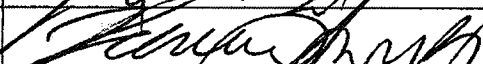


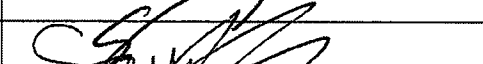
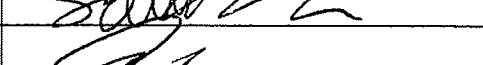
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Kierstin Wall		Burlington, VT
DAVID BASCH		South Hero, VT
Emma Carroll		Chelsea, VT
Sean Trombly		Chelsea, VT
Barry Gould		Milton, VT
Kevin Jeff		
Manika Ribero		Williston VT 05495
Erika #8500		Akron, CT
Sam Oshra		Colchester, VT
John DiGiuseppe		Waterbury VT

PETITION FOR CBD ACCESS IN VERMONT:

Protect Vermont Hemp Farmers & Vermont Small Businesses by Opposing the proposed THC Caps in Vermont hemp products

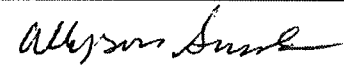
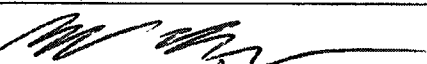
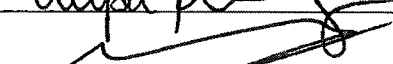

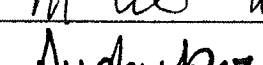


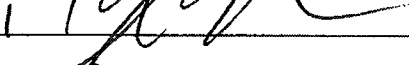

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ALLYSON SKINNER		CORNWALL
Nikki Belanger		Middlebury
Alyson Kennedy		Vergennes
Michael Kennedy		Vergennes
MICHAEL DECKER		
SYDNEY DECKER		BURLINGTON
Miriam Holt		White River
TAOUIK ELGUECHI		White River
STEPHEN MESSANO		SMITHBORO VT
Chris Foster		Barre

PETITION FOR CBD ACCESS IN VERMONT:

Protect Vermont Hemp Farmers & Vermont Small Businesses by Opposing the proposed THC Caps in Vermont hemp products

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Michael Bruce	Michael Bruce	Barre-Town
Kristin Kremer	Kristin Kremer	White River Junction
CHRIS ALKERS	Chris Alkers	W R J
Eli Wilson	Eli Wilson	Burlington, VT
SLASH FRIMMERMAN	SLASH FRIMMERMAN	BIRCHFORD, VT
Terry Downey	Terry Downey	Arlington, VT
Jeff Staab	Jeff Staab	Arlington VT
Devia Darnat	Devia Darnat	Eden, VT
Paul Butler	Paul Butler	Richmond, VT
John Dunlap	John Dunlap	BRANDON, VT

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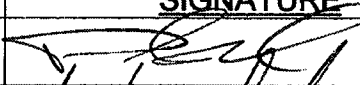
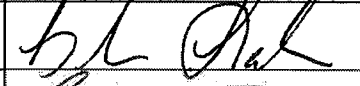
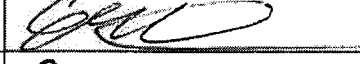
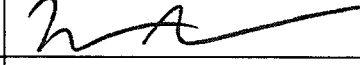



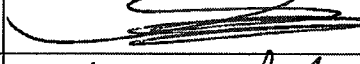
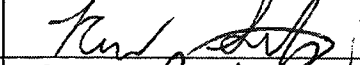

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Dylan Boisseau		Barre, VT
Branden Loughton		Barre, VT
Evika Almasika		WRJ VT
Matthew Weems		Wells River
William Heath		Milton, VT
Ryan Keating		Waterbury VT
Scott Bunzey		WRJ VT
Liam Fersing		Milton, VT
Reid Swartz		Shelburne, VT
Andrew Bavin		Sunderland, VT

PETITION FOR CBD ACCESS IN VERMONT:

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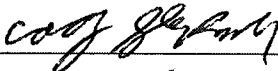
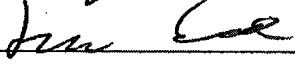

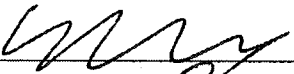


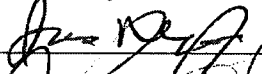



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PRINTED NAME	SIGNATURE	TOWN OF RESIDENCE
Cody Shepard		Georgia
Jordan Sweet		St. Albans
Nolan Madala		New Jersey
Cory [unclear]		St. Albans
Eric Lord		St. Albans
Angel Slaughter		St. Johnsbury
Jason Noyes		St. Johnsbury
Kate Rader		Fairlee
Chris Collier		Williamstown
Michael DeLuca		Stanton

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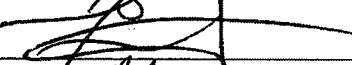



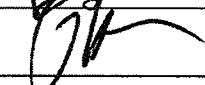

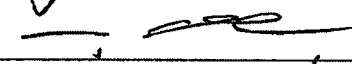

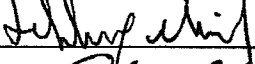
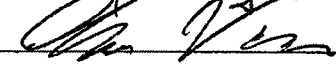
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PRINTED NAME	SIGNATURE	TOWN OF RESIDENCE
Holly Rossi		Huntington VT
Jacquie Almestica		Windsor, VT
Michelle Colzido		Burlington, VT.
MICHAELIE EROII		WINDSOR .VT.
Brookes Schriber		Jeffersonville VT
Thomas Schriber		Jeffersonville VT
		Swanton, VT
Jimmy Elvidge		Swanton VT
Tiffany Elvidge		Swanton VT
Chris Vickers		Danby VT

PETITION FOR CBD ACCESS IN VERMONT:

Protect Vermont Hemp Farmers & Vermont Small Businesses by Opposing the proposed THC Caps in Vermont hemp products

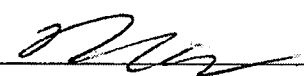





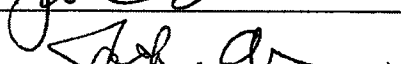
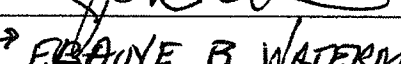
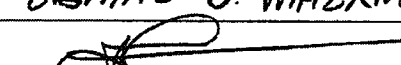
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Nick Costa		South Stratford
SAM MARSON		MARSHFIELD
JAN PLATZ		Sheldon
Leo Cohen		Rutland
John Jacobs		Rutland
Jane Sandelman		Weatherfield
Joshua Cleaver		Lyme, NH
Eraine B. Waterman	ERAINÉ B. WATERMAN	Norwich, VT
Sam Miller		LCRAW VT
Venus Fitz		Wells, VT

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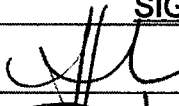
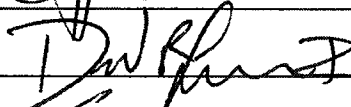
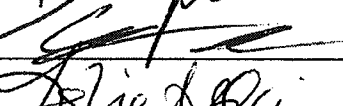
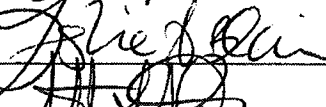
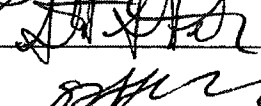


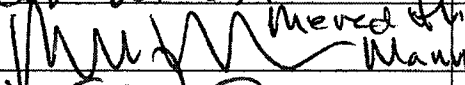


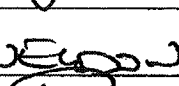

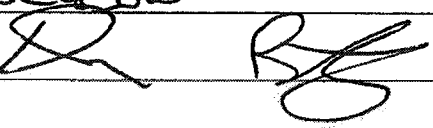
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Hannah Farnum		Weatherfield
Dave Farnum		Weatherfield
Scott Blair		Chester
Leslie Blair		Chester
Stu St Peter		Rutland
Scott Fouse		Rutland
Ben Wilcox		Sutton
 Mervyn Mervyn		South Burlington
 JOE		Morrisville
 Pomranck		Craftsbury

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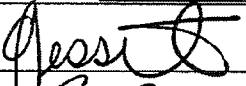
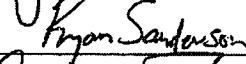
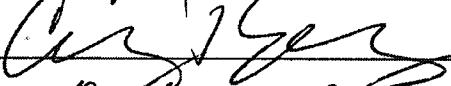
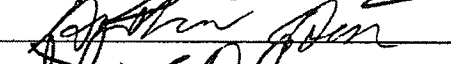



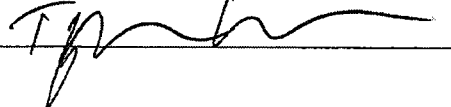
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Jessie Anderson		South Burlington
Ryan Sanderson <i>Ryan Sanderson</i>		Hartland
Cesey Bradley <i>Cesey Bradley</i>		Manchester VT
Adam Ben <i>Adam Ben</i>		S. Burlington
Steven Drexler <i>Steven Drexler</i>		Hartland VT
Joel Starnin <i>Joel Starnin</i>		Waterbury
Derrick Olson <i>Derrick Olson</i>		Manchester VT
Jimmy Vrees <i>Jimmy Vrees</i>	<i>Jimmy Vrees</i>	Colchester, VT
Elaine Waterman <i>Elaine Waterman</i>	<i>Elaine Waterman</i>	Norwich, VT
Tyler Hoese <i>Tyler Hoese</i>		Burlington, VT

PETITION FOR CBD ACCESS IN VERMONT:

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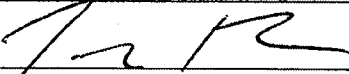
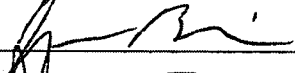
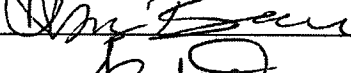
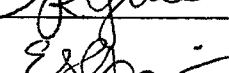
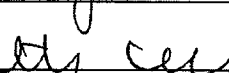
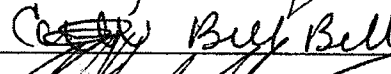
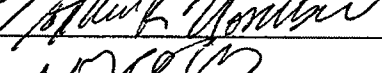
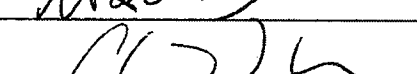


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James Becker		Williston, VT
Jordan Bourgeois		Stowe VT
Abigail Bourgeois		Stowe VT
Kylie Clancy		Burlington, VT
EMA Guinan		Burlington, VT
Cathy Langlais		Wincoast VT
Bill Billings		Wincoast VT
Matthew Morrison		Burlington VT
Niko Vroman		Battleboro, VT
Chris DiMuro		Richmond, VT.

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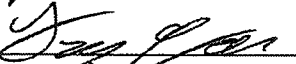
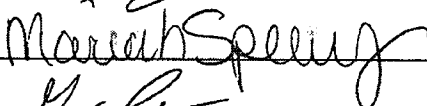
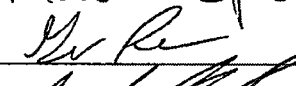
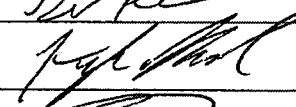
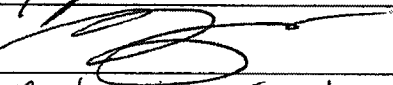
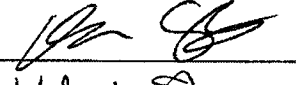
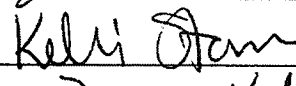
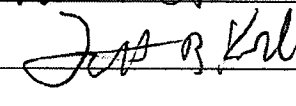
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Jeremiah Sperry		Randolph
Logan Coon		Williamstown
Mariah Sperry		Randolph
Grace Pease		Randolph
Kyle Reed		Salisbury
Tinika Lay		Colchester
Melinda Fuller	Melinda Fuller	St. Albans ^{TOWN OF} Georgia
Chris Story		Glover, VT
Kelli Story		Glover, VT
Scott Kelly		Essex

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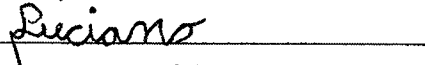
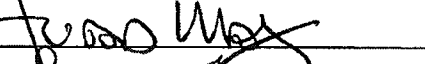

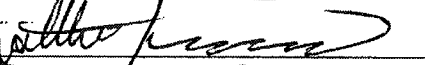


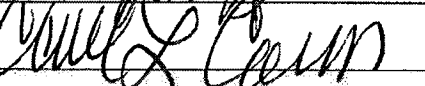
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Ryan Merritt		Burlington
Will Read		Burlington
SCOT SPARKS		Guilford
Vicky Luciano		South Burlington
Judd Mackey		Middlebury
SARAH TRAINO		Rye Lake
matt Traino		Rye Lake
Brandon Coulette		Manchester NH
Walter Flintrop		South Burlington VT
CAROL COULAN		BARRE, VT

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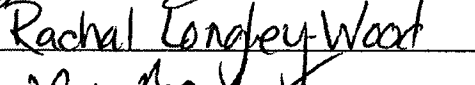
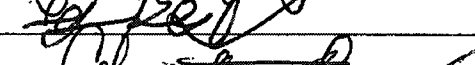

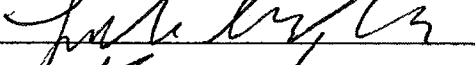
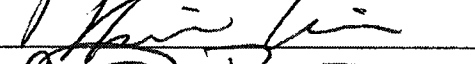


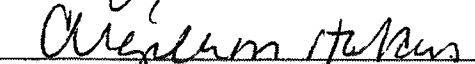
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Cheryl Underwood		Brook Swanton
Morgan Mannings		Johnson
Rachal Langley Wood		Eden
Larry Blissman		Hinsburg
Christina Giroux		Colchester
Larkin Cunningham		Colchester
Domonick Erwin		Burlington
Cynthia Baghosian		Saratoga
Alex Holcomb		Bakersfield
Angela Holcomb		Bakersfield

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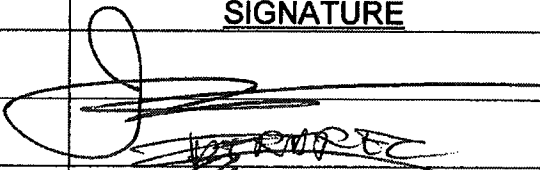

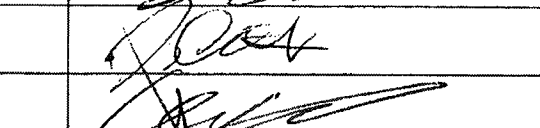

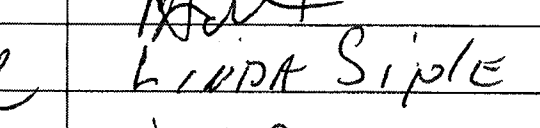
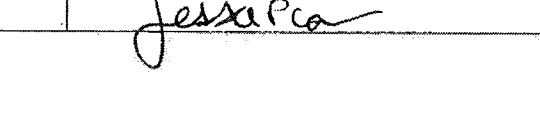

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Jessiah Verga		Burlington
Minis KERVAREC		Montreal
Charlotte Mallouren		S. Burlington
Erica Davis		Fairfax
JIA COURTS		Swanton
Aaron Carson		S Burlington
Tray Johnson		Jericho
Bonny Lebrica		Essex
Linda Siple	LINDA SIPLE	COLCHESTER
Jessa Pecor	Jessa Pecor	Milton

PETITION FOR CBD ACCESS IN VERMONT:

Protect Vermont Hemp Farmers & Vermont Small Businesses by Opposing the proposed THC Caps in Vermont hemp products


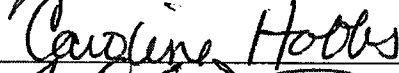
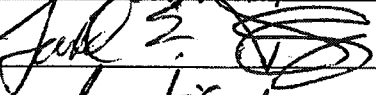
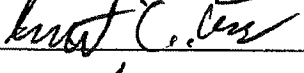
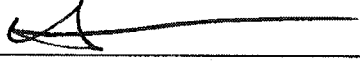

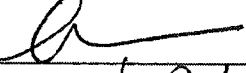

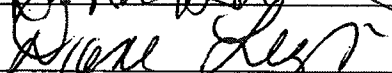
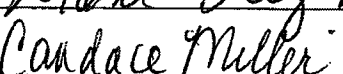
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Ryan Allen		Williston
Caroline Hobbs		Hartford, VT
Todd Dennis		Timothy, VT
Scott C. Adams		Thetford Center, VT
Chris Aker		Hartford, VT
Andrew Puchalik		White River Jct VT
Allison Belisce		Brookfield, VT
David VonHolden		Brookfield, VT
Diane Leigh		WPS Hartford VT
Candace Miller		Norwich, VT.

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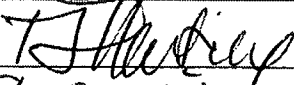
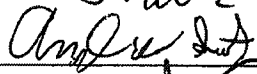





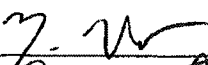
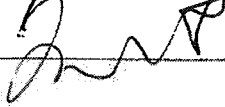
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PRINTED NAME	SIGNATURE	TOWN OF RESIDENCE
Luibe Salvaty		St. Albans
T. J. Hathaway		Greensboro Bend.
Andrew Switz		Sharon
Rachael Henne		South Payaton
Martin McLeod		Berlington
eduardo jime		Washington
Herdie Thunberg		Brownville
Casey Cole		White River Junction
Nora Welsh		White River Junction
Jordan Lockart		White river Junction

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Stephen Martellaro	St. Matt	Williston
Marie Cronin	Marie Cronin	Richmond
Mariah Hackney	Mariah Hackney	Milton
JACKSON LOCKART	Jackson Lockart	WHITE RIVER JUNCTION
Robert Shambo	Robert Shambo	Windsor VT.
Janet Farley	Janet Farley	So. Stafford VT
Michael Walsh	Michael Walsh	Rochester, VT
Penny Wiltz	Penny Wiltz	Hartland, VT
Richard Bushway	Richard Bushway	WRS, VT
Amanda Seidler-Williams	A. Seidler-Williams	Pomfret, VT

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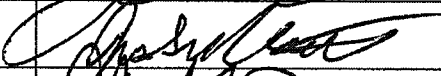
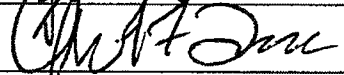
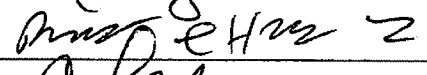
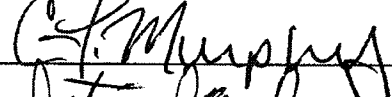

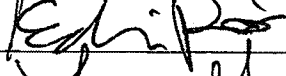
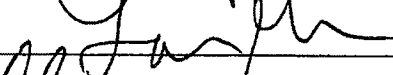

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John Morrissey		Chelsea
Justin Marcotte		Roxbury
Chris Beaver		South Royalton
Nancy Russell	Nancy Russell	WRS
Bands Holmes		Rockingham
Cassidy Murphy		S. Royalton
Justin Garner		Rockingham
Edwin Royce		Reading, VT
Carnie Goldsmith		Bethel, VT
Douglas Ladd JR		Harland VT

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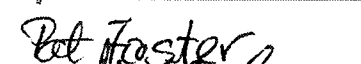

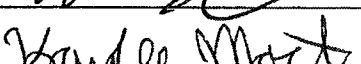
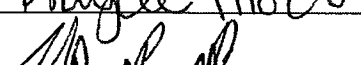


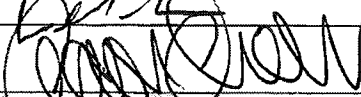
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John Courtemanche		Hartford
Tom EDMUNDSON		CORINTH
Andrew Potter		Hartford
Pat Foster		Hartford
ADAM Bakista		ORLEANS
Kaylee Martin		orleans
John Bull		Stratford
London Btwain		Hartford
William McKinney		Hartford
Aaron Gross		Hartford

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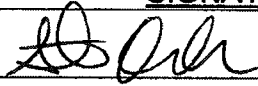

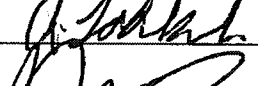


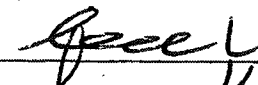
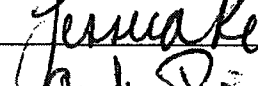
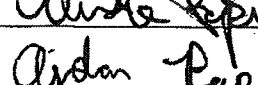


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Steven Drehber		Hartland VT
Brian Perant		Vermont VT
Anthony Laskovich		Hartford, VT
Michael Ord		Brantree, VT
JASON GULISANO		Brantree, VT
NICHOLAS COLEIRO		TUNBRIDGE, VT
Sean Williams		Pomfret, VT
Jessica Keenan		Hartland, VT
ANDRE PAPINEAU		ANDOVER, VT
Aidan Papineau		Andover, VT

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Clark		East Middlebury
MATT BROWN		HEPARD VT
FRANK FETTER		Tunbridge
MARK BABSON		BRADFORD
Colin Lyon		BURLINGTON
Denais Fontaine		SPRUCO
Gwendolyn Cook		WRT
Laura Jarosz		WRT
Paul Myra		WRJ
Shirley Dwey		Tunbridge

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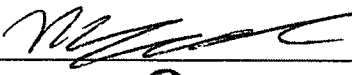

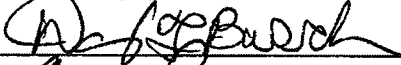





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Leah Olave		Essex
Louis Olave		Essex
Michael Olave		Essex
Megan Payne		Rochester
DAVID BASCH		South Hero
ROWAN ELLEMAN		Essex
Kyle Sheridan		Rutland
Amy Parker		Rutland
Jonathan Ward		Bomoseen
John Curtis		Brattleboro

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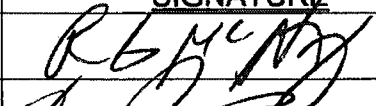
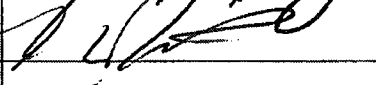

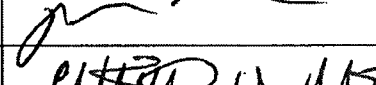
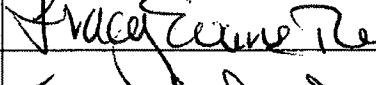
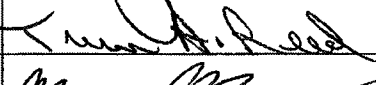


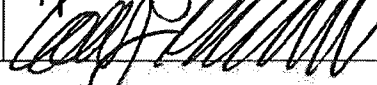
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Robert McNally		Sutton
Ronan Pierce		Lyndonville
Tamie Saddle		Lyndonville
Jordan Zhung		Williston
Elizabeth Reed		Swanton
Tracey Evans Reed		Swanton
TRACEY REED		Swanton
Morgan Manning		Johnson
MATTHEW LALLY		SAINT ALBANS
Cory Marceau		Colchester

PETITION FOR CBD ACCESS IN VERMONT:

Protect Vermont Hemp Farmers & Vermont Small Businesses by Opposing the proposed THC Caps in Vermont hemp products

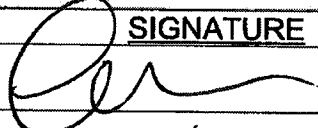
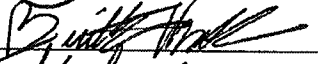


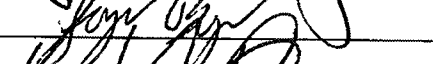





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Emily Kennedy		Burlington
Brittney Malik		Colchester
SeokD SIKIWOYO		Colchester
Amanda Pelkey		Keene
Logan Boyer		Bridport
KRISTOPHER BROWN		LANVILLE
Andrea Brown		Jeffersonville
Ramela Loeb		Shelburne
Phil Brochu		Fraserburg
Adam Heerscher		Westford



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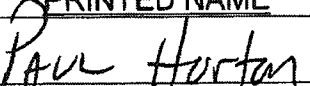
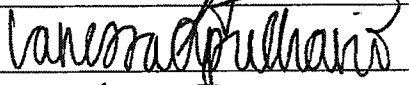

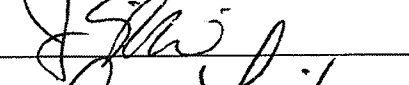
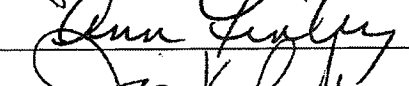
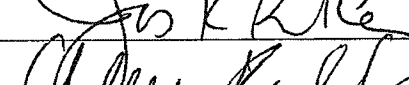
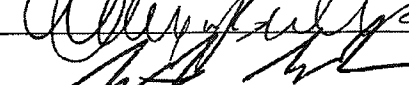
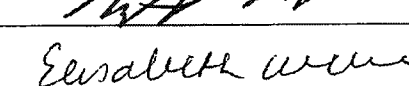
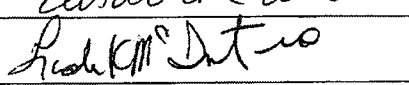

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Paul Horton		Benning
Vanessa Aprilliano		W. Rutland
Lois A. Miller		Rutland city
John Aprilliano		W. Rutland
Ann Finley		Fair Haven
Janis Reinke		Hubbardton
Alayna Bullantone		Hubbardton
Lawton Weber		Brandon
Elisabeth weber		Brandon
Linda McIntire		Rutland

PETITION FOR CBD ACCESS IN VERMONT:

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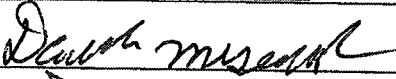

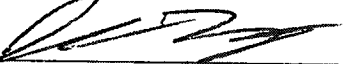
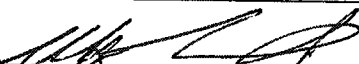





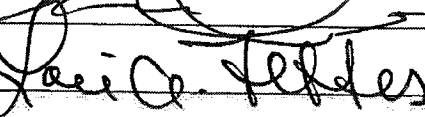
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David Miserak		Hardwick VT
Jen River		Vergennes VT
John Tucci		Essex VT
Wayne Greenwood		Derwich, VT
Lisa Mullerauh		Williston VT
Joan Genovart		Pawlet, VT
Melissa Genovart		Pawlet, VT
Andrew Swain		BURLINGTON, VT
Keith Dillon		Hardland, VT
Kori Fetters		Waltham, VT

REGULAT
KILL!!

PETITION FOR CBD ACCESS IN VERMONT:

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Jared Allen	Janet M. Allen	Hartford, VT
Lisa Leonard	LISA LEONARD	Hartford, VT
Tucker Westerfeld	Tucker Westerfeld	Hartland VT
Carmenlee Westerfeld	Carmenlee Westerfeld	Hartland, VT
Jeanne Amato	Jeanne Amato	Sham VT
Derek Garzenmiller	Derek Garzenmiller	Tunbridge, VT
Michael Uwin	Michael Uwin	BARRE, VT.
Greg Willis	Greg Willis	JERICHO, VT.
Robin Beane	Robin Beane	Richmond, VT
Raina Stone	Raina Stone	Hardwick, VT

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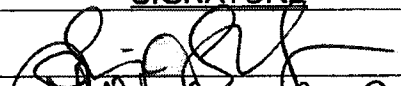



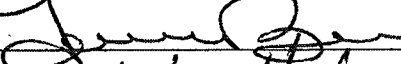
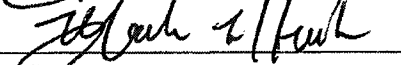
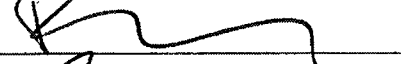
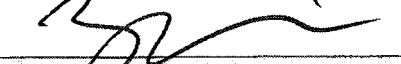
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PRINTED NAME	SIGNATURE	TOWN OF RESIDENCE
Sonia Salgado		Barnard
Aaron Gross		Hartford
Claine B. Waterman	Claine B. Waterman	Norwich
Miah Pease		Hartford
Michael Mann		Thetford
Carla A. Filiault	Carla A. Filiault	Pomfret
Tammi Barney		WRS
Miah Hochreiter		Norwich
BARRY J. DARES		NORTH AMFRET, VT
Zane Tillinghast		Windsor, VT

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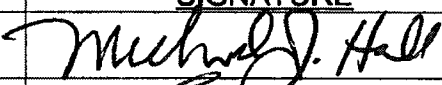
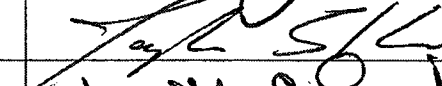
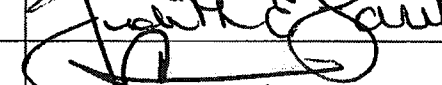
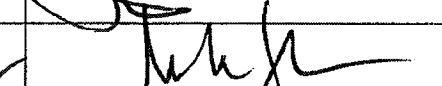
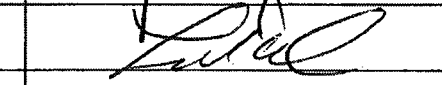
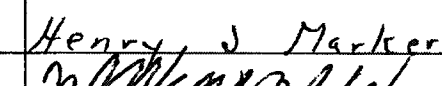

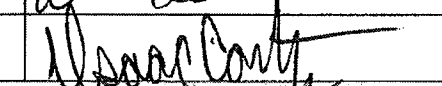


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Michael J. Hall		Thetford Center VT
JOSEPH SUKAS		POMERET VT
Judy Larabee		Wilden, VT
Colin Wherff		Chelsea, VT
Deborah Gruber		Woodstock VT
Fred Davis		WRE Jct
Henry J Markert		Springfield VT
NIGIS VANDEUSEN		BARNES VT
Aaron Settles		Randolph, VT
Isaac Carty		Tunbridge, VT

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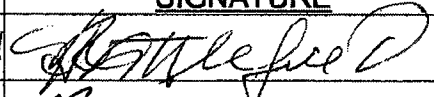



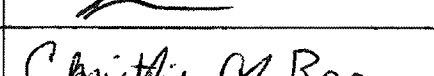




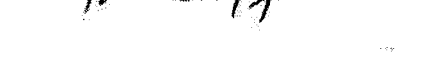
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Howard Littlefield		Frederickville
Roxane Sprague		Hartland, VT
Judd MacInzie		Norwich VT
Amari Newberry		
Michael Morris		Waltham VT
CHRISTINE A BROWN		BRAEFORD, VT
Jennifer Cote		Canaan NH
Yvonne Cady		Acute VT
Jared Mailhot		Mt. Holly, VT
Kristen Mathier		Mt. Holly, VT

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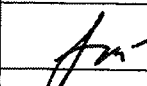
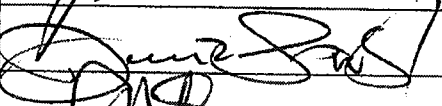
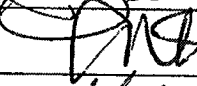
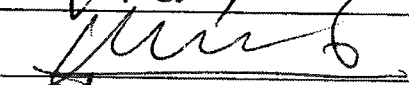



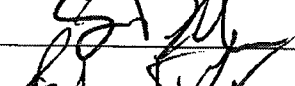


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James Swantz		Bradford, VT
Susan Katz		S. Royalton, VT
Peter Shvetsov		S. Royalton, VT
Sherry Gagne		Windsor, VT
ADAM MIKAS		Wilder, VT
Judy Tibodeau		Hartland, VT
ERIC DEFELICE		WRS, VT
Brad Defelice		Quechee, VT
Alicia Patten		Hartford, VT

PETITION FOR CBD ACCESS IN VERMONT:

Protect Vermont Hemp Farmers & Vermont Small Businesses by Opposing the proposed THC Caps in Vermont hemp products

The Vermont Cannabis Control Board (CCB) has proposed regulations for CBD/hemp products that will make Vermont one of the strictest states in the nation for access to CBD. Their proposed limits of 1.5mg THC/serving in hemp products will mean that many CBD products once purchased over the counter, will now only be available in Adult Use Cannabis Dispensaries and will carry the additional 14% cannabis excise tax on top of the 6% Vermont Sales Tax.

It also means that businesses who have been operating in the hemp space are being forced into the adult use market along with all of its fees. This action will significantly increase the cost of Vermont made hemp products, reduce the ability of Vermont hemp producers to compete on the national market, and force many producers and the retailers who sell their products out of business. These proposed rules put undo strain on an already struggling Vermont hemp industry.

The proposed THC caps in CBD products are based on FEAR and not on FACT, and make Vermont made hemp products weaker and less effective than products readily available nationally and easily accessible to purchase online. These proposed limits only hinder Vermont producers and the Vermont small businesses who sell their products.

The CCB, and the greater cannabis community, have been fighting the unjust caps imposed on the adult use cannabis market by our legislature. Now the CCB is imposing their own strict THC caps on the Vermont hemp industry, without any scientific reason for their actions. This is wrong and we must speak up to protect affordable hemp access in Vermont.

We, the undersigned Vermont Residents, urge the CCB to reconsider their proposed THC caps in hemp products and urge reason when imposing fees on Vermont hemp farmers so that they may continue to compete in the national industry.

PRINTED NAME	SIGNATURE	TOWN OF RESIDENCE
Danielle Yoder RN	<i>Danielle Yoder</i>	Bradford
Ellen Langtree	<i>Ellen Langtree</i>	Strafford
Jane & Greg Sabey	<i>Jane Sabey</i>	Hartland
Thomas Bryant	<i>Thomas Bryant</i>	Brandon, VT
Suzanne Affelot	<i>Suzanne Affelot</i>	Woodstock
Michael McBoveron	<i>Michael McBoveron</i>	St George
Troy Steisdell	<i>Troy Steisdell</i>	Randolph
Michelle Hargh	<i>Michelle Hargh</i>	Bridgewater
Dana Metes	<i>Dana Metes</i>	Hartland
Arnold Brown	<i>A.C. Brown</i>	Norwich

PETITION FOR CBD ACCESS IN VERMONT:

Protect Vermont Hemp Farmers & Vermont Small Businesses by Opposing the proposed THC Caps in Vermont hemp products

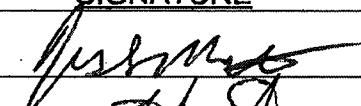
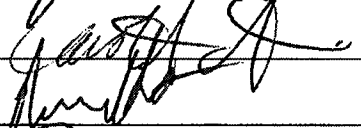
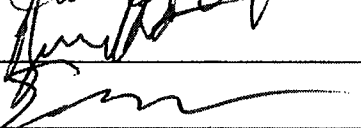
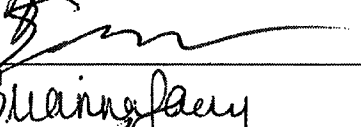
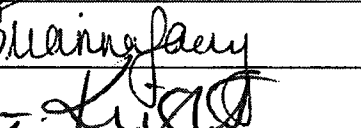
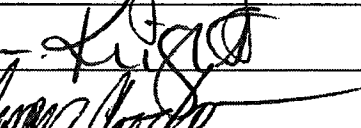
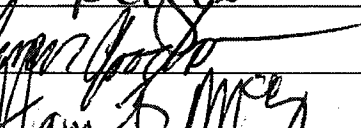
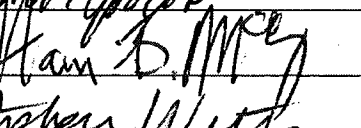
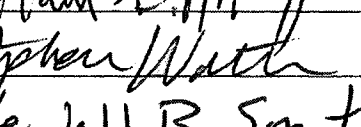
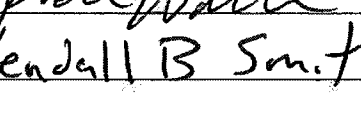
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PRINTED NAME	SIGNATURE	TOWN OF RESIDENCE
Justin Monaco		Roxbury Vt.
Carol Dillon		Hartford, VT
Ryan Abbott		Windsor VT
Ted Donlon		Barre VT
Brianna Lacey		
Amanda Knight		Perkinsville VT
Susan Goodwin		W.R. Set, VT
Aaron McCoy		W.R. Set, VT
STEPHANIE WATERMAN		W.R. Set, VT
Kendall B. Smith		W.R. Set, VT

Fw: CCB Update: Deadline to submit rule comments TODAY

Fitch, Olga

Mon 7/17/2023 5:06 PM

To: Hulburd, Julie <Julie.Hulburd@vermont.gov>; Pepper, James <James.Pepper@vermont.gov>; Harris, Kyle <Kyle.Harris@vermont.gov>

Cc: Hare, Brynn <Brynn.Hare@vermont.gov>; Gilman, Gabriel <Gabriel.Gilman@vermont.gov>

More public comments.

Thank you!

Olga

From: Pomerantzd <pomerantzd@gmail.com>

Sent: Monday, July 17, 2023 4:18 PM

To: CCB - Info <CCB.Info@vermont.gov>

Subject: Re: CCB Update: Deadline to submit rule comments TODAY

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Nellie,

I am having trouble making my public comment for the CCB's proposed rule changes. I am including it in this email in case I am unable to figure out doing it on the CCB's website.

Can you please pass this along?

I am writing to share my opinion as public comment to the CCB regarding proposed changes to the Boards rules on Social Equity.

The purpose of social equity in the regulated cannabis industry is to give back to individuals who were harmed due to the injustice of cannabis prohibition. While it is true that this is largely to serve black and brown minority communities, who have been largely disproportionately targeted by the drug war, there are many other people and reasons that people have been harmed due to Cannabis prohibition.

The CCB is taking an arbitrary stance to deny and prohibit many applicants, who would meet the requirements in most other states where social equity in Cannabis is available.

For instance, the Vermont social equity regulations have certain qualifications that are determined based off of federal recommendations, and others that are purely exclusive to Vermont.

There is also confusion in the regulations between whether an applicant is applying as an individual or as a business, with each having separate rules. In fact, the CCB was miss-interpreting this until my attorney educated them on how the rules are interpreted based as they are written.

There has been confusion amongst the CCB's attorneys on how the CCB itself has been interpreting its own rules regarding social equity.

In most other states, having a cannabis conviction qualifies an applicant for social equity status. In Vermont the law reads an individual needs to show that they have been incarcerated for a cannabis crime. However, the CCB

has denied many applicants who have proven they were incarcerated based on the definition of the word incarceration.

The CCB is telling denied applicants that it is only intended for those who served prison (not jail) sentences of lengthy terms. None of this is part of the current rules or regulations, and the CCB does not have the legal right to deny applicants based on that reason.

The CCB is now trying to change the law to meet the arbitrary and capricious requirements which they have been denying people for.

Anybody who has been incarcerated and has been denied social equity status for not being incarcerated long enough, incarcerated only pre-trial, or in specifically a prison system should legally be given social equity approval based on the way the law currently reads.

The CCB is also trying to change the language of a socially disadvantaged person, and being from a place that has been negatively impacted by cannabis prohibition. These proposed changes are being made after the fact, that the CCB is realizing they have been denying applicants that do qualify based on the current language of the social equity regulations in Vermont.

In my personal instance, I have been approved, and I am a social equity recipient in California, yet in Vermont I have been denied three times, and I am currently under appeal, as the first appeal the CCB has undergone. The process has been extremely unprofessional. The previous head attorney for the CCB repeatedly told me this would be dealt with in a matter of weeks, that was well over 9 months ago.

I think anybody who knows me understands the depths of harm and damage that have become a permanent part of my personality and life, due to unjustified cannabis prohibition.

I have daily flashbacks and anxiety, and weekly nightmares from the Northern Nevada drug task force aggressively getting in my face, telling me they're going to ruin my life, and yelling at my girlfriend, saying "look at what he did to your life, you need to find Jesus girl!!!" While they high-fived. I had less than 3 grams of cannabis, eventually pled guilty to a felony, and as part of my sentencing guidelines was given credit for time served pre-trial. This meets the definition of incarceration based on the current Vermont social equity regulations, as written.

The CCB is trying to make changes to the current regulations that would make it so I do not qualify.

There are dozens of other examples of how cannabis prohibition has harmed me personally. I believe it is wrong and find it unjust that I can be approved in one state yet denied in Vermont.

The bigger problem is that I am not being denied in Vermont based on the laws that are currently written. I am being denied in Vermont based on arbitrary rules that do not exist yet that the CCB is hoping to change.

I ask that the CCB simply follow their own regulations and rules as written, and that these proposed changes to the social equity regulations not be changed, and should be carefully audited by legislators, cannabis industry experts, and social equity experts.

Social equity in Cannabis is a very serious issue, as many of us have been very deeply harmed and damaged by Cannabis prohibition. New regulations should not be added or approved based off of subjective opinions of regulators and unformed attorneys.

If you have been convicted of a cannabis crime, and were incarcerated in any way or form, and were denied social equity status on your application, this is your chance to demand the CCB reverse their decision and approve your social equity status.

Thank you,

Dan Pomerantz

On Jul 17, 2023 at 10:00 AM, <[Nellie Marvel](#)> wrote:

[View this email in your browser](#)



July 17, 2023

Did you see our email from Thursday? Bumping it up today - there were a couple of important notes in it.

- Firstly - there's a Board Meeting on Wednesday!
- Secondly - the deadline for submitting comments on proposed changes to Board rules is TODAY! If you want your comment reviewed ahead of Wednesday's meeting, get it in today.
 - Information on submitting comments can be found in the email below.

**Passing Compliance Check Deadline
August 21, 2023**

The deadline to be on the register of staff recommendations for licensure for the August 30th Board Meeting will be on August 21, 2023.

The deadline to be on the register for next week's July 19th meeting has passed.

In order to be ready for approval at the August Board meeting, **an applicant must:**

- Have fully **completed their application**
- Received a **certificate of occupancy** from fire safety (when necessary), and
- Have passed their **initial compliance site review** by the CCB

The list of staff recommendations for licensure for the upcoming July Board meeting is available on the agenda for that meeting. That agenda is posted on our website, as well as included below.



The Board will convene at 1:00pm on Wednesday, July 19. Full agenda (along with list of applicants recommended for licensure) available on our website.

- Review (and possible vote) of **proposed amendments to the CCB's administrative rules**
- Staff recommendations for social equity status and licensure

The deadline for submitting comment on proposed changes to the CCB's rules is Monday, July 17! Comments may be submitted by emailing CCB.Info@vermont.gov or by using the form on our website.

Current List of Staff Recommendations for Licensure

Note: List is Subject to Change

Recommendations for Initial Licensure

Outdoor Cultivators

- Barking Dog Farm LLC
- Green Bee Pharms LLC
- Houghtonville Farm, LLC
- Mountain Traders
- New England Cannabis Partners, LLC d/b/a MothaPlant
- Phantom Farms LLC
- Snow Farm LLC
- Spruce Mountain Cannabis, LLC
- Vermont Greenery LLC
- Featherbed Farm

Manufacturers

- GMG Cannabis, LLC, or Green Mountain Gourmet Cannabis Company
- Rhize Cannabis Company, LLC
- RootLand Cannabis LLC
- Vermont Natural Extract

Retailers

- Timeline Products LLC - dba Rimeline

Indoor Cultivators

- Common Weal Cannabis LLC
- Fergie's Flavors, LLC DBA Northern LightsCannabis
- Grasstender LLC

Mixed-Use Cultivators

- Full Spectrum Botanics
- Hyde Park Headies LLC
- Milton Gardens LLC
- MoMark Farms, LLC
- Mont Vert Meadows LLC
- Seven Peaks LLC
- Shepard Brook Farm, LLC
- Sterling Cannabis LLC
- Vermont Bud Factory, LLC

Wholesalers

- Altius THC LLC

Staff Recommendations for License Renewal

Indoor Cultivators

- Clover Hill Cannabis, LLC
- Emerald Rose Farms LLC
- Emerald Visions LLC

Mixed-Use Cultivators

Outdoor Cultivators

- Bizzee Beez Organics L.L.C
- Cloudy Day Farm LLC
- Green Mountain Ganja Guys LLC

- Family Tree, LLC; Family Tree Hemp Company
- Green Mountain Synergy Farm LLC
- Island Pond Cannabis Company, LLC; Island Pond Cannabis Company

Integrated

- FWR, Inc. DBA Grassroots Vermont

- Green Mountain Grow Lab LLC DBA Edward's
- Mount Gay Farms LLC
- OK Organix LLC, dba OK Farms
- Purple Lark Farm LLC. DBA Motherflower
- Rising Sun Sensi LLC
- Sun Road Farms LLC; Sun Road Farms

Submit a Comment

Members of the public who require ADA accommodations or translation services should contact Nellie Marvel (nellie.marvel@vermont.gov) at least 24 hours in advance of any meeting.



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Our mailing address is:

Vermont Cannabis Control Board
89 Main St
Montpelier, VT 05602-3168

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June 26, 2023

A Public Comment to the Cannabis Control Board from the cannabis manufacturing community regarding the change to rule 2.2.4 (d):

We the undersigned are writing in opposition to the proposed change to rule 2.2.4 (d)-- the prohibition of food that can be time/ temperature abused. We oppose not only the way it is currently written “Cannabis establishments shall not produce or sell products with perishable meat or dairy content”, but also the additional change being considered to ban all products that require refrigeration and freezing. As members of the cannabis community, while we understand the complications with dairy and meat products, we see no reason for such a rule and find it would be detrimental to our businesses and the market we have been building for a year. Eliminating this market segment would be damaging to not only the businesses that currently specialize in these products but to the Vermont market as a whole especially as we near federally legality and a federal market. For the following reasons we oppose this proposed change:

- Edibles are an important part of the cannabis market and support consumers who don't want to or can't smoke for health reasons. Minimizing the selection of products available to this population, especially those who rely on cannabis products for medical reasons, could leave consumers in need.
- This prohibition could result in tax losses as consumers who only consume these types of products find other sources (whether on the legacy market or out of state) to meet their needs.
- Prohibiting these products could also keep producers in the legacy market rather than support them in transitioning to the legal market where these products can be better regulated.
- Federal legality is nearing, and we must utilize this time to mature Vermont businesses and prepare them for the federal market. Vermont has dominated federal industries such as the craft brewing industry by supporting craft manufacturers. We have the opportunity to dominate the federal edibles scene in the same way if regulators work with manufacturers to support unique, craft products.
- These products already exist on the Vermont market and prohibiting them moving forward would be detrimental to businesses that have them as the foundation of their product lines. This rule change has the potential to shutter businesses that have done nothing wrong and have invested a year or more of time and money into their products.
- The regulations needed to keep food products safe are already in place. All manufacturers and retailers are required to follow all food safety guidelines developed by the Vermont Department of Health. Any failure to follow these procedures should result in individual corrective action and products should only be prohibited to be made by a certain

producer if they have demonstrated they are unable to protect consumers from foodborne illness.

- **A note about dairy and meat products specifically:** We recognize that dairy and meat product production is largely overseen by the Department of Agriculture, posing challenges related to interagency cooperation and oversight. We urge the board to find a way to address these concerns without putting the burden on producers. Again, there are blueprints in place to ensure food safety and a solution can be found to guarantee correct inspection and food safety without outright prohibition.
- In the event of an unsafe product being brought to market, the Control Board already has the tools necessary to resolve the issue and keep consumers safe. As with the Holland Cannabis pesticide concern, the product was swiftly removed from market and corrective action was taken. Food concerns are no different. Manufacturers are also required to carry product liability insurance to cover the cost of all damages if necessary.

In conclusion, it is irresponsible and unnecessary to include the proposed change 2.2.4 (d) in the final regulations. Not only would this change be detrimental to businesses whose success relies on these products, but it would take options away from consumers who seek alternatives to smoking. It would also set the Vermont market behind as we approach federal legality. Going to a federal market with unique products will give Vermont producers a leg up to find success nationwide, which will in turn bring money and jobs back to the state.

Sincerely,

The Cannabis Manufacturing
Community

(Signatures Attached Below)

Name	City	State	Postal Cod	Country	Signed On
Emma Rose				US	6/20/2023
Christina Mager	Williston	VT	5495	US	6/21/2023
Nicole LaBonte	Richford	VT	5476	US	6/21/2023
Elysa Olson	Proctorsville	VT	5153	US	6/21/2023
Matt Bartlett	Bristol	VT	5443	US	6/21/2023
Korrine Lochner	Las Vegas		89101	US	6/21/2023
Evan Dunn	Frostburg		21532	US	6/21/2023
Hratch Arsenian	Palmdale		93551	US	6/21/2023
Greg Newman	Bristol	VT	5443	US	6/21/2023
Harold Bates	North Hero	VT	5474	US	6/21/2023
Lydia Rose	Natick	MA	1760	US	6/21/2023
Robert Connolly	Waitsfield	VT	5673	US	6/21/2023
Sarah Willey	St Johnsbury	VT	5819	US	6/21/2023
Robert Berg	Milton	VT	5468	US	6/21/2023
Erin Cash	Vergennes	VT	5491	US	6/21/2023
Meredith Mann	Boston	MA	2125	US	6/21/2023
Tulsi Erin	Burlington	VT	5403	US	6/21/2023
Lauren Blum	White Plains	NY	5401	US	6/21/2023
Bailey Evans	Morrisville	VT	5661	US	6/21/2023
Deborah Sickmueller	Melbourne	FL	32940	US	6/21/2023
Lynette Vallecillo	Waterbury Center	VT	5677	US	6/21/2023
Andrea Olson	Winooski	VT	5404	US	6/21/2023
Allyson Donnelly	South Burlington	VT	5403	US	6/21/2023
carly monahan	Wolcott	VT	5680	US	6/21/2023
Nathaniel Reitman	Brandon	VT	5733	US	6/21/2023
Abigail Silin	Burlington	VT	5401	US	6/21/2023
Dove Sharp	Shelburne	VT	5482	US	6/21/2023
Bronwen Cobden	Winooski	VT	5404	US	6/21/2023
Aaron Lipman	Burlington	VT	5401	US	6/21/2023
Rebekah Martin	Indianapolis	IN	46259	US	6/21/2023
Jonathon Farmer	Colchester	VT	5446	US	6/21/2023
Grayson Glosser	St. Albans	VT	5478	US	6/21/2023
Adam Blanchard	Thetford Center	VT	5075	US	6/21/2023
Andrew Floyd				US	6/21/2023
Kylian Dennison	Franklin		26807	US	6/21/2023
Jahala Dudley	East Montpelier	VT	5651	US	6/21/2023
ashley sorrentino	Saint Albans	VT	5478	US	6/21/2023
Erica Clark	johnson	VT	5656	US	6/21/2023
Shakayla Thomas	Compton		90220	US	6/21/2023
Andrew Evans	Grand Isle	VT	5458	US	6/21/2023
Patricia Eames	woodstock	VT	5091	US	6/21/2023
Josh Puopolo	Morrisville	VT	5661	US	6/21/2023
Y Stein	Spring Valley		10977	US	6/21/2023
Dennis D.carter	Albany		31705	US	6/21/2023
Kate Schaub	Boston	MA	2114	US	6/21/2023
Nico Hill	Burlington	VT	5408	US	6/21/2023

Andrée-Anne Gingras-Roy	QuÃ©bec		G2G	Canada	6/21/2023
Sara Piette	Burlington	VT	5401	US	6/21/2023
ed furci	Shelburne	VT	5482	US	6/21/2023
Adam Khadar	Minneapolis		55406	US	6/21/2023
Sarah Clark	Burlington	VT	5401	US	6/21/2023
Edward Henson	London		40741	US	6/21/2023
Fadumo Musse	Columbia Heights		55421	US	6/21/2023
Joaquin Courneya	Minneapolis		55407	US	6/21/2023
Joshua Curphey	Peterborough		PE7	US	6/21/2023
Evan Klein	Central Islip		11722	US	6/21/2023
Bernardo de Souza e Silva	Waterbury	VT	5676	US	6/21/2023
Daniella DeLong	Elizabethtown	NY	12932	US	6/21/2023
Jessica Jesiolowski	Danville	VT	5828	US	6/21/2023
Liz Dion	Hanover	NH	3755	US	6/21/2023
Chris Phillips	Colchester	VT	5446	US	6/21/2023
Diana Childs	Sudbury	VT	5733	US	6/21/2023
Heidi Smith	Rutland	VT	5701	US	6/21/2023
Colleen McQuade	Bennington	VT	5201	US	6/21/2023
Matthew Brogan	Wolcott	VT	58	US	6/21/2023
Olivia Turner	Burlington	VT	5401	US	6/21/2023
Ethan Caldwell	Oklahoma City		73118	US	6/21/2023
Mulugeta Gebru	St Paul		55116	US	6/21/2023
G. Diane Matthews-Marcelin	Carson		90746	US	6/21/2023
Kassandra Arreguin	Oceanside		92056	US	6/21/2023
Michelle Brennan	Tempe		85284	US	6/21/2023
Gordon Poston	Kingstree		29556	US	6/21/2023
Prudence Krasofski	Glover		5839	US	6/21/2023
Andrew Peterson	Winooski	VT	5404	US	6/21/2023
Quinn Gervia	Burlington	VT	5401	US	6/21/2023
Cara Johnson	South Burlington	VT	5403	US	6/22/2023
Katie Rader	Fairlee	VT	5045	US	6/22/2023
Kaela Thurber	Lincoln	VT	5443	US	6/22/2023
Greg Yelnosky	Rutland	VT	5701	US	6/22/2023
Ronnie Kreth	Rutland	VT	5701	US	6/22/2023
Adam Fasoli	Middlebury	VT	5753	US	6/22/2023
Adam Battista	Newport	VT	5855	US	6/22/2023
Susan Oldenburg	Wilmington	DE	19809	US	6/22/2023
California Rutherford	Friday Harbor		98250	US	6/22/2023
spencer rey	Tucson		85711	US	6/22/2023
Raelyn Davis	Ottumwa		52501	US	6/22/2023
Keshia Williams	Newport News		23601	US	6/22/2023
Dante Medori	Jenkintown		19046	US	6/22/2023
Aubrianna Thompson	Marlin		76661	US	6/22/2023
Araveis Hill	Modesto		95355	US	6/22/2023
Julia Berg	Minneapolis		55422	US	6/22/2023
Mike Rimicci	Norman		73069	US	6/22/2023
George Washington	Salt Lake City		84138	US	6/22/2023

Lisa Watson	Ladera Ranch	CA	92694 US	6/22/2023
Christina Rathburn	West Windsor	VT	5089 US	6/22/2023
Larry Ladd	Chico		95928 US	6/22/2023
Raschelle Nedens	Billings		59102 US	6/22/2023
Betim Hajdari			US	6/22/2023
Desiree Burton	Hot Springs National Park		71913 US	6/22/2023
Danielle Steiner	Ozone Park		11417 US	6/22/2023
Herb Rose	VALHALLA	NY	10595 US	6/22/2023
Barbara Hauzinger	Burlington	VT	5401 US	6/22/2023
Judith Worrall		CA	US	6/22/2023
Milton Hampton	Russellville		42276 US	6/22/2023
Sanita Alfred	Flushing		11358 US	6/22/2023
Cassandra Rose	East Calais	VT	5651 US	6/22/2023
Leighann Kaan	Dekalb		75559 US	6/22/2023
Adam McPadden	Johnson	VT	5656 US	6/22/2023
Kyle Tebidor	Colchester	VT	5446 US	6/22/2023
Liz Wiley	Colchester	VT	5446 US	6/22/2023
Sam Hoffer	South Hero	VT	5486 US	6/22/2023
Martha Bruhl	New Haven	VT	5472 US	6/22/2023
Jeff White	Burlington	VT	5401 US	6/22/2023
Lily Spechler	Burlington	VT	5401 US	6/22/2023
Anthony Sanchez	Hialeah		33018 US	6/22/2023
Catherine Teran	Los Angeles		90062 US	6/22/2023
helena trnka	Minneapolis		55412 US	6/22/2023
Dana Davitt	Washington		20068 US	6/22/2023
Ginger Gabbert	Ormond Beach		32174 US	6/22/2023
Samir Vau	Kerrville		78028 US	6/22/2023
Carlos B	Dallas		75234 US	6/22/2023
Jessica Kline	Denver		80224 US	6/22/2023
Sean Taylor	Burlington	VT	5401 US	6/22/2023
Tyler Miller	Weybridge	VT	5753 US	6/22/2023
Kate N	Shelburne	VT	5482 US	6/23/2023
Susie Salinas	Montpelier	VT	5602 US	6/23/2023
Simon Teece	Montpelier	VT	5602 US	6/23/2023
Paige Pierson	Middlebury (village)	VT	5753 US	6/23/2023
Cheszana Placido Costales			US	6/23/2023
Finley Cole	Lincoln		68502 US	6/23/2023
Ryan LeBlanc	Arlington		76006 US	6/23/2023
Wilie KURTZ	Hazelhurst		31539 US	6/23/2023
Dusty Kenney	Jeffersonville	VT	5464 US	6/23/2023
kevin dempsey	newtown square	PA	19073 US	6/23/2023
Em and Alex Lovespun Homestead	New York	NY	10118 US	6/23/2023
Cheyenne Jones	Randolph	VT	5060 US	6/23/2023
Carolyn Bowen	Barre	VT	5641 US	6/23/2023
Cheyenne Taylor	Burlington	VT	5401 US	6/23/2023
christian theberge	wolcott	VT	US	6/23/2023
Jen Moses	Woodstock	VT	5091 US	6/23/2023

Kerry Cassin	Roanoke	VA	24018 US	6/23/2023
Brady Dunkle	Essex Junction	VT	5452 US	6/23/2023
Freya Young	Honolulu	HI	96819 US	6/23/2023
Dominique Austin	Schenectady	NY	12308 US	6/23/2023
Adam Kaluba	Burleson	TX	76028 US	6/23/2023
Matt Shea	Saxtons River	VT	5154 US	6/24/2023
Generic Peanut			US	6/24/2023
Jayna Hawkes	Lake Orion		48360 US	6/24/2023
Bee Hulmann	Pompano Beach		33060 US	6/24/2023
Krsna Bogdanoff	San Diego		92106 US	6/24/2023
Margaret Parks	Vidalia		30474 US	6/24/2023
Cynthia Phillips	Danville	VT	5828 US	6/24/2023
Sarah Long	Woodstock	VT	5091 US	6/24/2023
Carrie Fredette	Burlington	VT	5401 US	6/24/2023
Nick Brownlee	Barre	VT	5641 US	6/24/2023
Andy Hull	Windsor	CT	6006 US	6/24/2023
Jennifer Morton	Montpelier	VT	5602 US	6/24/2023
Stephen Coggio	South Burlington	VT	5403 US	6/24/2023
Tim Webber	Morrisville	VT	5661 US	6/24/2023
Cella Rose	Milton	VT	05468 US	6/24/2023
Trainer T	Burlington	VT	5401 US	6/24/2023
Allison Ruarks	Burlington	VT	5401 US	6/24/2023
Jayne Mowery	Blanco		78606 US	6/24/2023
Jordyn DeLawrence	Kittanning		16201 US	6/24/2023
Evan De La Rosa	San Marcos		92078 US	6/24/2023
Lauren Valenti	Salisbury		21804 US	6/24/2023
James Rice	Acworth	GA	30102 US	6/24/2023
Raquel Diamond	Long Beach		90802 US	6/24/2023
Mark Stevens	Tampa		33610 US	6/24/2023
Ian Wheeler	Shelburne	VT	5482 US	6/24/2023
Edwin Menjivar	Roseville		95628 US	6/24/2023
DHAVAL PATEL			US	6/24/2023
Olivia Moskwa	Brick		8724 US	6/24/2023
Tamra Premo	Newark		94560 US	6/24/2023
DL Bettencourt			US	6/24/2023
Alex Bergeron	Lake Orion		48360 US	6/24/2023
Kris Gruen	Worcester	VT	5672 US	6/25/2023
Anthony Sorrentino	Saint Albans	VT	5478 US	6/25/2023
Samantha Jones	Moreno Valley	CA	92557 US	6/25/2023
Adriana Noyes	Johnson	VT	5680 US	6/25/2023
Widline Germain	New York		13901 US	6/25/2023
Antonia Centofante	Minneapolis		55415 US	6/25/2023
Jack Nichol	St Albans	VT	5478 US	6/25/2023
Tesha Buss	Etna	NH	3750 US	6/26/2023

June 8, 2023

Public Comment to the Cannabis Control Board Regulatory Committee:

We are writing you to express our concerns around the proposed amendment to food safety rule 2.2.4 --- the prohibition of food products that can be time/ temperature abused. We would first like to convey our disapproval of how this change has been proposed following the period of public comment. This change in regulation was not in the proposed regulation changes released on April 5 and was therefore not available to be publicly commented on, cutting the public and businesses who produce such products out of the loop on a matter that greatly concerns them. Making major amendments following the period of public comment is unacceptable and should not be a precedent that we set as a new industry. As for our concerns on the proposal, while we appreciate your attention to food safety, we feel that a blanket prohibition of all products that can be time/ temperature abused is highly detrimental to our businesses. As delineated below, there are steps that can be taken, (and are already being taken), to mitigate these concerns. Guidelines for food safety are already in place and are expected to be followed within the cannabis community, therefore, with proper enforcement of these guidelines prohibition of certain food products is not necessary to keep consumers safe.

Manufacturers are already complying with food safety regulations, which include taking actions and following procedures to prevent time/ temperature abuse, set forth by the Department of Health as stated in the current rule 2.2.4. While we are not directly inspected by the Department of Health, we are still required to keep our kitchen and food handling practices safe from foodborne illness and food-related dangers. Beyond inspections, as food handlers we pride ourselves in safety and putting care into our products, and we understand what it takes to keep food safe. At Fog Valley Farm food handlers are required to have completed food handling safety training before working with food products. These regulations are in place for a reason, to ensure that small businesses produce safe products. There is no reason to outright ban such products when there is no data suggesting there is a current, valid risk to consumers.

On the retail front of food handling, the regulations set forth in the current rule 2.2.4 remain valid and are simple to address and regulate if there is concern around food safety in retail establishments. Time/ temperature abuse is avoided in retail locations when there are clear handling procedures for deliveries and storage that staff are trained on upon hiring. If retail locations are abiding by the current rule 2.2.4, all freezers and refrigerators have thermometers that are checked regularly to ensure the internal temperature is staying at or below 40°F (for refrigerated products) or at or below 0°F (for frozen products). This is a simple step that protects food in retail locations that can easily be added to an inspection checklist to ensure compliance.

In short, there are already blueprints for maintaining food safety established by the Department of Health that manufacturers and retailers are already expected to be following that will prevent time/ temperature abuse. There are even inspection checklists available to be utilized by compliance agents if they are unfamiliar. When it comes to failure to comply or complaints relating to food safety these concerns should be handled in the manner that

any regulation issue is handled, with an investigation followed by steps to remediate the issue and retrain establishments to prevent the issue from occurring again. Manufacturers should only be prohibited from producing certain food products if the product or the practices used to make the product are deemed unsafe by an inspection agent. Similarly, retailers should only be prevented from selling such products if they have proven they are unable to safely handle food products. Your swift action taken with the pesticide incident in Holland Cannabis flower is an excellent example of keeping consumers safe and having regulatory guidelines in place and enforced to ensure safety. Food is no different, and the blueprint is already in place. We can make safe, unique products in Vermont--- other local establishments do it every day, the only difference is we add cannabis infusions in addition to common ingredients. That addition in and of itself possess no threat, so why should we be limited?

Banning food products that can be time/temperature abused would severely limit the creativity and product variety available on the cannabis market and have a detrimental impact on businesses that pride themselves on unique, craft products. Currently 100% of Fog Valley Farm's sales are of frozen products; in other words, **your control board** has approved 100% of Fog Valley Farm products that are required to be frozen and there have been no complaints that have been shared with me as to their safety since their approval. With this approval, numerous investments have been made into these products, customer bases have been built and time has been invested into these products that are now the foundation of Fog Valley Farm and companies like us. Prohibiting these products would result in small businesses like ours having to shut their doors, despite following all food safety expectations and receiving zero complaints or failed inspections, after spending a year finding and investing in their place in the market. Edibles manufacturers have had to navigate strict packaging requirements and limitations, THC caps, and many other barriers to get their products to market. It is an unfair burden on small businesses to further limit the products they can offer simply due to concerns that can be addressed without outright prohibition.

We appreciate your consideration and would love to meet with you to discuss this further.

Sincerely,

Martha Bruhl
Owner/ Operator Fog Valley Farm


Emma Rose
Owner/ Operator Rosie's Confections at Xtract VT

Public comment: Petition to the CCB: Protect access to affordable hemp products

Stephanie Waterman <stephanie@whiterivergrowpro.com>

Sun 7/16/2023 11:22 AM

To:CCB - Info <CCB.Info@vermont.gov>;Harris, Kyle <Kyle.Harris@vermont.gov>;Hulburd, Julie <Julie.Hulburd@vermont.gov>;Pepper, James <James.Pepper@vermont.gov>;Gilman, Gabriel <Gabriel.Gilman@vermont.gov>

 1 attachments (2 MB)

PETITION Protect Access to Affordable Hemp Products.pdf;

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Greetings CCB!

I'm writing today to submit a final public comment, along with my petition asking the CCB to reconsider their THC limits in hemp products. I strongly believe the 1.5mg/serving is just a bit too limiting and would like to see the CCB raise that closer to 2mg, while maintaining the requirement of the 20:1 CBD:THC ratio. We know that the effects of ingested THC are highly individual, but we also know that when we maintain the 20:1 ratio, the intoxicating effects of THC are reduced.

Despite the study that the CCB cited, of high levels of CBD increasing effects of THC, it should be noted that study relied on very very high levels, many hundreds of mg of CBD to get this effect. We really do not see products like that produced on the market.

I see you have settled towards 1.54mg in your revisions, and I'm giving one last comment, supported by my petition, to encourage you to bring that up just a bit more. We have a unique opportunity here in Vermont to set the stage for the nation in how to best regulate these products, and I believe we can do so while still maintaining a competitive edge for our producers and small businesses, and protecting consumers.

The petition we have been circulating is titled "PETITION FOR CBD ACCESS IN VERMONT: Protect Vermont Hemp Farmers & Vermont Small Business by Opposing the THC Caps in Hemp Products" and to date we have collected 435 signatures from Vermont residents, 360 physical signatures (ATTACHED) as well as 75 signatures (at the time of writing this email) on our [online petition linked here](#). I have signatures from producers and farmers, both from the hemp and rec markets, as well as consumers.

I hope that this number of signatories will show you that there is strong support for the CCB to reconsider their position on THC limits in hemp. Until we have national regulations, these limits only hinder Vermont producers and small businesses, and sends sales for these products out of state/online, versus through Vermont based businesses.

I believe you can accomplish what you want, keeping "intoxicating" products in dispensaries, by setting the THC limit in hemp to 2mg per serving, while requiring the 20:1 ratio, and potentially capping the maximum THC allowed per package. Even increasing to 1.75mg per package as Colorado has done, would give a little bit of wiggle room for our hemp producers and batches that run a little over.

I appreciate your consideration of our petition, and thank you for the work you are doing to ensure a fair and equitable cannabis economy for all Vermonters.

Sincerely,

Stephanie Waterman
Co-Owner
White River Growpro
230 South Main St.
White River Jct., VT 05001
Ph: 802-281-6186

WhiteRiverGrowpro.com

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Satori Cannabis

Comments on Rules 2.2.10 and 2.6.3: Labeling and Packaging

Dear Chair Pepper and Members of the Vermont Cannabis Control Board,

I am writing on behalf of Satori, a dedicated and responsible cannabis company operating in the state of Vermont. We have always strived to comply with all regulations set forth by the Vermont Cannabis Control Board (CCB) in order to ensure the safety and quality of our products.

Making adjustments to labels and packaging is a complex process that requires careful planning, significant resources, and coordination with suppliers. As a result, we have accumulated a substantial stock of labels and packaging materials in anticipation of future demand. The proposed changes, if implemented without an adequate transition period, would render this inventory unusable and result in financial losses for our company.

While we fully support the intention to improve consumer safety, promote transparency, and align with evolving industry standards, we would like to respectfully request an extension of one full year to allow us to exhaust our existing inventory of labels and packaging materials.

A prolonged transition period would minimize waste by allowing us to use up our existing inventory of labels and packaging materials instead of discarding them prematurely. Satori is committed to sustainable practices, and we firmly believe that utilizing our current supplies before transitioning to the new requirements would align with our environmental objectives.

We understand that the CCB's priority is to safeguard consumer interests and promote the responsible growth of the cannabis industry in Vermont. By granting this extension, you would not only support our company's efforts to comply with the proposed changes but also demonstrate a commitment to fostering a supportive environment for established businesses.

We greatly appreciate your consideration of our request and would welcome the opportunity to discuss this matter further or provide any additional information that may be required. We remain committed to working collaboratively with the CCB and other stakeholders to ensure the continued success of the cannabis industry in our great state.

Sincerely,

Scott MacGuffie

Partner, Satori

FW: Public Comment Relating to Proposed Board Rules

CCB - Info

Wed 5/10/2023 3:09 PM

To: Pepper, James <James.Pepper@vermont.gov>; Harris, Kyle <Kyle.Harris@vermont.gov>; Hulburd, Julie <Julie.Hulburd@vermont.gov>

Cc: Gilman, Gabriel <Gabriel.Gilman@vermont.gov>; Hare, Brynn <Brynn.Hare@vermont.gov>

--

Nellie Marvel
Outreach & Education Manager
Cannabis Control Board

-----Original Message-----

From: Seth Lapidow <seth@vermontpurecbd.com>

Sent: Wednesday, May 10, 2023 12:48 PM

To: CCB - Info <CCB.Info@vermont.gov>

Subject: Public Comment Relating to Proposed Board Rules

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

I attempted to post our comments on the online form but have no confidence that it went through. I am seeking to comment on the CCB's CBD rules hearing on the 10th.

We are Vermont Pure CBD a fully integrated CBD grower, manufacturer and retailer of CBD products in operation since 2018.

We approve of the pursuit of those companies using industrial hemp to create intoxicating products and hope that significant enforcement will be forthcoming.. We fully support the non-intoxicating, wellness based full spectrum CBD business in Vermont but are concerned that the proposed rules will place burdens on Vermont producers of CBD wellness products which will increase costs and limit our ability to compete in the national market.

Minor modifications to the proposed rules will allow Vermont producers to thrive without posing any risk to consumers.

We believe the 1.5mg per serving limit to be too low. 2mg would be more reasonable, would protect Vermonters and enable Vermont CBD companies to compete in the national market.

We suggest that there be labelling enhancement of "non-intoxicating" to make clear to the buying public that our products are not intended to get people high.

We suggest that the 20 to 1 ratio already contemplated by the proposed rules control both the per serving and per container restrictions where the 10mg limit would be too restrictive.

We believe that the 0.3 percent THC limit for CBD flower be the same in all respects as the USDA

compliance rules.

Seth Lapidow

Hello,

We at Vermont Bud Barn are concerned about the addition of the language in rule 2, specifically:

2.1.3 (r) "Tincture" means a solvent, such as alcohol or glycerin, infused with cannabis. A tincture may include additional plant material. Tinctures may be sold in any volume but the total milligrams of tetrahydrocannabinol per container must not exceed 500mg.

Currently, the Cannabis Control Board allows for the registration and sale of the tinctures up to 1200mg THC per container. Decreasing the allowable amount of THC per tincture appears to be arbitrary given the lack of publicly available data showing that these regulated products have endangered the public health of Vermont consumers. Furthermore, given the statutory restrictions on potency for edible cannabis products, tinctures represent one of the few equitable options for consumers who cannot afford to purchase large volumes of edible cannabis products. This language would have the effect of increasing the price/mg of THC, which would disproportionately impact lower-income Vermonters. For these reasons we oppose the 500mg limit, and encourage the board to maintain its existing policy and redraft this rule with a 1200mg THC limit per container.

Thank you for your consideration,

Scott Sparks – owner

Vermont Bud Barn

Brattleboro, VT

scott@vthempicurean.com

802-246-4367

2023 05 14 CCB Hemp Rules and Emergency Rule Feedback

Scott Sparks – Proprietor

Vermont Hempicurean

Brattleboro, VT

scott@vthempicurean.com

Vermont Hempicurean opened in April 2018, on the cusp of hemp and cannabis legalization. The mission of Vermont Hempicurean has always been to support the local hemp farmers and producers in the state of Vermont. I have sold Vermont products, almost exclusively, and helped to support many people in the process. Vermont Hempicurean not only has a brick and mortar retail location but sells Vermont hemp products across the country.

Given the new emergency rule and probable new regulations, Vermont Hempicurean will be forced to shut down operations and lay off two employees. I do not understand what was broken and needed this dramatic fix, beyond making Delta-8 and Delta-10 illegal to sell (which I support).

This truly saddens and frankly angers me. Vermont helped to create one of the most vibrant and sustainable hemp programs in the country, only to tear it down five years later. Why? How does this help the Vermont economy?

I also own Vermont Bud Barn dispensary. The VT CCB wants me to sell CBD from there. They are distinctly different clientele. They generally have no interest in cannabis. The customer base for CBD does not want to now have to show their license in order to purchase product and pay 21% tax on top of that.

I challenge anyone reading this to go to the reviews section of our website, Google reviews, or Facebook reviews, and find anyone who ever said they were harmed by, or got intoxicated from, the products we sold. You will find almost universal praise for the relief people have received from using VT CBD products.

I hope the VT CCB sees the error in their decision. It would have been so easy to ask one of the only Vermont based CBD stores in the state what I thought, rather than taking input from the largest CBD producer, who primarily sells out of state. I hope you reverse course and let me continue to operate as I have for the past 5+ years.



VERMONT GROWERS ASSOCIATION'S RECOMMENDATIONS
AND COMMENTS ON THE CANNABIS CONTROL BOARD'S
PROPOSED CHANGES TO RULE 2

July 17, 2023

Recommendations and Comments on the Cannabis Control Board's Proposed Changes to Rule 2

The rules amendment process initiated in November 2022 represents the first time since initial rulemaking that the industry and the general public, at large, can participate and influence the regulations governing the adult-use cannabis market, marking a significant moment in the market's short lifespan. As the largest member-based cannabis nonprofit organization with members representing the entire supply chain, the following recommendations by Vermont Growers Association reflect the interests of our members, licensed cannabis farms and businesses, as well as the state's talented legacy market actors that wish to participate but do not see a fair and equitable market, just yet.

RECOMMENDATION #1

2.1.3 Definitions

(c) "Clone" means a plant section from a female cannabis plant not yet root-bound, growing in a water solution, which is capable of developing into a new plant.

Comment

A clone can and should be more than just a female plant, such that, it is of the interest of market competitiveness to foster regional genetic diversity which involves breeding using a male and female plant, males should not be exempt from the definition of a clone.

RECOMMENDATION #2

2.1.3 Definitions

(t) "Topical cannabis products" are a substance or substances, not injected or ingested, used on the skin or other membranes, or are applied to the exterior or exposed surfaces. Examples include lotions, creams, balms, and patches.

Comment

Subdividing topical cannabis products from the broader cannabis product category and



VERMONT GROWERS ASSOCIATION'S RECOMMENDATIONS
AND COMMENTS ON THE CANNABIS CONTROL BOARD'S
PROPOSED CHANGES TO RULE 2

July 17, 2023

definition represents the unique qualities and regulations required for safe and effective oversight of these products, which are not digestible.

RECOMMENDATION #3

Rule 2.2.4 Health, Safety, and Sanitation

Cannabis Establishments shall:

- (a) develop safe and sanitary handling procedures for all products;
- (b) develop recall procedures appropriate to ensure that adulterated or dangerous product can be called back from the point of cultivation or manufacturing through efficient communication with downstream trading partners;
- (c) provide regular training on health, safety, and sanitation procedures;
- (d) ensure that employees follow procedures;
- (e) not produce any product that includes a nutritional supplement, drug product, or additive that may provoke drug interaction, undermine shelf stability, or suggest curative Effects;
- (f) not produce any product that contains any meat or meat products;
- (g) not produce any dairy product as defined in 6 V.S.A. § 2672;
- (h) not produce any product that requires time and temperature control for safety;
- (i) ~~(e)~~ provide documentation of product pH and Water Activity (Aw) if requested by the Board;
- (j) ~~(f)~~ provide documentation of process authority review for products where the Board has requested documentation that there are no biological concerns with product manufacturing process,
- (g) comply with applicable health, safety, and sanitation rules, including, but not limited to, the Vermont Occupational and Safety and Health Administration Rules, applicable fire safety rules, applicable building standards and occupancy rules, and the Good Manufacturing Practices for Food Rule, as adopted by the Vermont Department of Health.



**VERMONT GROWERS ASSOCIATION'S RECOMMENDATIONS
AND COMMENTS ON THE CANNABIS CONTROL BOARD'S
PROPOSED CHANGES TO RULE 2**

July 17, 2023

Comment

The legislature just verified their intent to increase the competitiveness and marketability of value-added cannabis products with passing Act 65 into law that increases the milligrams of THC allowed in such products as well as allowing cannabis producers to take back for resale products which they contracted manufacturers to produce from their plants. To vote for the proposed changes to Rule 2.2.4 that would impede the development and marketability and thus competitiveness of value-added cannabis products manufactured in Vermont by banning those products that contain meat or dairy products or require temperature control for food safety. In the recent Board meeting on June 26, 2023, it was recognized by regulators that other state adult-use markets regulate and allow temperature-sensitive products and meat and dairy products and that Vermont should, too.

RECOMMENDATION #4

2.6.3 Manufacturer Packaging

(b)(v)(2) Disposable vape pens are prohibited. Disposable vape pens are defined as all-in-one, pre-charged vape pens that include a battery and are not rechargeable, do not allow for refilling of e-liquids, oils, extracts, or distillates or intended for multiple uses.

Comment

This is a rewrite of 2.6.3 Manufacturer Packaging (b)(v)(2) to explicitly include a battery in the definition and to better reflect the unique qualities of disposable vape for greater effective oversight of these products.

RECOMMENDATION #5

2.6.4 Additives

(c) The total terpene content of a manufactured cannabis product intended for inhalation of vaporized formulation may not exceed 10 percent by weight in added terpenes. All terpenes added to a cannabis product must be naturally occurring in the cannabis plant. Any concentrated terpenes added to a cannabis product shall be disclosed on the label. (if a manufacturer is not adding terpenes that are not naturally occurring in that source material, they should not be



VERMONT GROWERS ASSOCIATION'S RECOMMENDATIONS
AND COMMENTS ON THE CANNABIS CONTROL BOARD'S
PROPOSED CHANGES TO RULE 2

July 17, 2023

required to test for terpenes content).

Comment

This is a rewrite of 2.6.4 Additives (c) to bring greater clarity and distinction to the definition of added terpenes to cannabis products and to make explicit testing requirements.

RECOMMENDATION #6

2.9.1 Testing Requirements

- (b) For mechanically extracted or infused process lots
 - i. Final potency of extract must be tested, and
 - ii. Harvest lot pesticide and pathogen COAs must travel with extract,;
 - iii. Pesticides.

Comment

It is in the interest of market competitiveness and public safety for pesticide analysis to follow mechanically-separated extraction in regulation as it does with solvent extraction. Neither process remediates the presence of potentially-harmful pesticides, and this is standard practice in states with more sophisticated markets, Vermont should follow.

RECOMMENDATION #7

2.9.1 Testing Requirements

- (a) General harvest lot parameters
 - i. All cultivars must be individually tested for potency, mycotoxin, and pathogens;

Comment

Mycotoxin testing is critical to the safety and efficacy of smokable and non-smokable flowers. This testing criterion is common in states without total testing criteria, which Vermont is. In addition, it should be noted that mycotoxins, if found, may not be remediated out of the cannabis and the cannabis product will be required to be destroyed.



VERMONT GROWERS ASSOCIATION'S RECOMMENDATIONS
AND COMMENTS ON THE CANNABIS CONTROL BOARD'S
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July 17, 2023

RECOMMENDATION #8

2.9.4 Microbiological Parameters

The following human pathogens will be measured *as living and viable cells*, and the limits set, in accordance with guidance issued by the Board. Such guidance will not be altered without at least 90 days of notice to licensees and the general public.

- (a) Shiga, --toxin producing escherichia coli (STEC) – Bacteria
- (b) Salmonella species – Bacteria
- (c) Aspergillus flavus, Aspergillus fumigatus, Aspergillus niger, Aspergillus terreus
Fungus

Comment

It is in the interest of market competitiveness and public safety to have effective and robust testing criteria, and testing dead cells in microbiological testing does not satisfy those standards. In this recommendation, we aim to improve safety and testing processes by specifying living and viable cells in microbiological testing. Vermont's licensed cannabis labs have expressed support for this rule change. In practice, this means if cannabis flower tests positive for Aspergillus, the lab will then retest a new sample of the same flower but first pass it through a pre-wash step to remove any free or dead cells before testing.

RECOMMENDATION #9

2.9.9 Mycotoxin Parameters

Mycotoxins will be measured and the limits set in accordance with guidance issued by the Board. Such guidance will not be altered without at least 90 days of notice to licensees and the general public.

Comment

Providing mycotoxin testing criteria with its own parameters section in rule 2. It should be noted that mycotoxins, if found, may not be remediated out of the cannabis and the cannabis product will be required to be destroyed.

Amended
text

**STATE OF VERMONT
CANNABIS CONTROL BOARD**

RULE 4: COMPLIANCE AND ENFORCEMENT

- 4.1 Section 1: General Provisions
 - 4.1.1 Authority
 - 4.1.2 Scope and Purpose
 - 4.1.3 Definitions
 - 4.1.4 Applicability
 - 4.1.5 Time
- 4.2 Complaints and Investigations
 - 4.2.1 Investigations
 - 4.2.2 Complaints
- 4.3 Duty to Cooperate
 - 4.3.1 General Duty
 - 4.3.2 Cooperation with Inspections
- 4.4 Violations and Penalties
 - 4.4.1 Violations Generally
 - 4.4.2 Penalties
- 4.5 Categories of Violations and Associated Penalties
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 - 4.5.2 Category II Violations and Penalties
 - 4.5.3 Category III Violations and Penalties
 - 4.5.4 Category IV Violations and Penalties
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- 4.6 Health and Safety Orders
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 - 4.6.3 Disposal, Quarantine, and Assignment of Costs
- 4.7 Mitigating and Aggravating Factors
- 4.8 Issuance of a Notice of Violation
 - 4.8.1 Notice of Violation
 - 4.8.2 Content of A Notice of Violation
 - 4.8.3 Waiver Amount
 - 4.8.4 Sufficiency of Service
- 4.9 Process for Notices of Violation Without Immediate Effect

4.10 Process for Notices of Violation with Immediate Effect

4.11 Extensions and Consolidations

4.12 Health and Safety Notices

4.12.1 Purpose of a Health and Safety Notice

4.12.2 Content of a Health and Safety Notice

4.12.3 Process for a Health and Safety Notice

4.13 Administrative Appeals Process

4.14 Letter of Warning

4.15 Confidentiality

~~4.1 Section 1: General Provisions~~

~~4.1.1 Authority~~

~~4.1.2 Scope and Purpose~~

~~4.1.3 Definitions~~

~~4.1.4 Applicability~~

~~4.1.5 Time~~

~~4.2 Complaints and Investigations~~

~~4.2.1 Investigations~~

~~4.2.2 Complaints~~

~~4.3 Duty to Cooperate~~

~~4.3.1 General Duty~~

~~4.3.2 Cooperation with Inspections~~

~~4.4 Violations and Penalties~~

~~4.4.1 Violations Generally~~

~~4.4.2 Penalties~~

~~4.5 Categories of Violations and Associated Penalties~~

~~4.5.1 Category I Violations and Penalties~~

~~4.5.2 Category II Violations and Penalties~~

~~4.5.3 Category III Violations and Penalties~~

~~4.5.4 Category IV Violations and Penalties~~

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~~4.6 Health and Safety Orders~~

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4 Rule 4: Compliance and Enforcement

4.1 Section 1: General Provisions

4.1.1 Authority

The Cannabis Control Board adopts this rule pursuant to 7 V.S.A. §§ 863, 864, 881, 882, 32 V.S.A. § 7906, and other applicable law.

4.1.2 Scope and Purpose

The Board is charged with implementing and regulating a legal market for Cannabis in Vermont. This rule provides for enforcing compliance with the Board's rules.

4.1.3 Definitions

All definitions in 7 V.S.A. §§ 861 and 951 shall apply to this rule. The following definitions shall also apply:

- (a) "Administrative penalty" means a monetary fine.
- (b) "Board designee" means a person designated by the Board to act as its agent for the purpose of executing the Board's responsibilities. This may be an employee of the Board or of another government agency.
- (c) "Caregiver" means a resident of Vermont who has been issued a Caregiver registration card by the Board, identifying the person as someone who has agreed to undertake responsibility for managing the well-being of a Patient with respect to the use of Cannabis or Cannabis Products for symptom relief.
- (d) "Corrective action plan" means a required set of actions imposed by the Board upon a Cannabis Establishment or dispensary for the purpose of curing a violation of Board Rules or of 7 V.S.A. chapter 33, 35, 37, or 39.
- (e) "Inventory Tracking System" means a method implemented by the Board for tracing all Cannabis and Cannabis Products grown, manufactured, and sold in Vermont.
- (f) "Licensee" means a person who has been issued a license pursuant to Board Rule 1 or Board Rule 3. A licensee does not include a person who has been issued a provisional license.
- (g) "Notice of Violation" means a document in which the Board informs a licensee or a person engaged in the transfer or sale of Cannabis or Cannabis Product that they are the subject of an enforcement action by the Board and includes such other information as required by this rule.
- (h) "Patient" means a resident of Vermont who has been issued a registration card by the Board, identifying the person as having a qualifying medical condition pursuant to the provisions of this rule.
- (i) "Pesticide" shall have the same meaning as "economic poison" as defined in 6 V.S.A. § 911(5).
- (j) "Physical site of operations" means:

- i. a cultivator's grow site,
- ii. a wholesaler's product storage facility,
- iii. a manufacturer's site of manufacture,
- iv. a retailer's store location, or
- v. a testing laboratory's testing facility.

4.1.4 Applicability

This rule applies to persons who engage in the sale or transfer of Cannabis or Cannabis Products, including sales or transfers related to cultivating, manufacturing, wholesaling, or retailing Cannabis or Cannabis Products. This rule also applies to those who provide testing services to persons who engage in the sale or transfer of Cannabis or Cannabis Products.

4.1.5 Time

(a) In computing any time period, measured in days, that is established or allowed by this rule or by order of the Board or Chair:

- (1) the day of the act or event that triggers the period shall be excluded;
- (2) every day, including intermediate Saturdays, Sundays, and legal holidays shall be counted;
- (3) the last day of the period shall be counted, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

(b) A "legal holiday" means:

- (1) any day declared a holiday by the President or Congress of the United States; and
- (2) any day declared a holiday by the State of Vermont.

4.2 Complaints and Investigations

4.2.1 Investigations

The Board shall be empowered to conduct investigations of all persons who engage in the sale or transfer of Cannabis or Cannabis Products to ensure compliance with Board rules or of 7 V.S.A. chapter 33, 35, 37, or 39. The Board shall further be empowered to conduct investigations of those who provide testing services to persons who engage in the sale or transfer of Cannabis or Cannabis Products. Such investigations may include undercover investigations. Investigations shall be carried out by Board designees.

4.2.2 Complaints

The Board may accept complaints from any person regarding compliance with these rules, provided that a complaint without further corroboration will not comprise the basis for disciplinary action by the Board. Anyone may file a complaint in a manner determined by the Board and made readily available to the public. Complainants do not have a right to receive updates on disciplinary actions.

4.3 Duty to Cooperate

4.3.1 General Duty

Licenses and Cannabis Establishment identification card holders shall cooperate with the Board and Board designees who are conducting investigations relevant to the enforcement of the Board's rules and related law.

4.3.2 Cooperation with Inspections

Licenses and Cannabis Establishment identification card holders shall cooperate with the Board and Board designees who are conducting inspections and shall give the Board and Board designees immediate access to facilities and records upon request, including access to their physical site of operations.

4.4 Violations and Penalties

4.4.1 Violations Generally

Any violation may be subject to an enforcement action by the Board. The Board will assess the penalty and the severity of the penalty as provided in this rule.

4.4.2 Penalties

One or more of the following penalties may be imposed for a violation in accordance with the categories defined in section 4.5 of this rule:

- (a) Requirement to produce or comply with a corrective action plan.
- (b) Administrative penalty.
- (c) Suspension of a license or Cannabis Establishment identification card.
- (d) Revocation of a license or Cannabis Establishment identification card.

4.5 Categories of Violations and Associated Penalties

The Board will levy administrative penalties and other penalties in accordance with the following categories, provided that the maximum administrative penalties for violations associated with the operations of tier I cultivators and tier I manufacturers shall be half the amount provided for in the categories.

To the extent a violation is not listed in this section the Board shall have discretion to assign the violation to an appropriate category and issue a penalty accordingly.

4.5.1 Category I Violations and Penalties

Category I violations are of a severity that could make a person ineligible to receive, renew, or maintain a license or Cannabis Establishment identification card and include, but are not limited to:

- (a) Operating without all required permits, Board approvals, certificates, registrations and/or licenses;
- (b) Making an intentionally false statement to the Board or a Board designee;
- (c) Intentionally destroying or concealing evidence of a violation;
- (d) Failure to abide by a corrective action plan;
- (e) Failure to pay taxes to the Department of Taxes;
- (f) Knowingly permitting unlawful activity on the premises of a Cannabis Establishment or dispensary, or during transportation of Cannabis or Cannabis Product, that results in death or serious physical injury;
- (g) Operating a Cannabis Establishment or dispensary while the license for the Cannabis Establishment or dispensary is suspended or revoked;
- (h) Attempting to change control of a licensee without prior approval of the Board in accordance with Rule 1.17;
- (i) Transporting Cannabis or Cannabis Product outside of the boundaries of this State;
- (j) Making verbal or physical threats to the Board or a Board designee;
- (k) Refusing to allow an inspection or obstructing a Board designee from performing his or her official duties;
- (l) Purchasing, selling, or transferring Cannabis or Cannabis Product that has not passed the required analysis by an independent testing laboratory;
- (m) Labeling Cannabis or Cannabis Products with potency limits that do not match independent laboratory test results;
- (n) Purchasing, manufacturing, selling or otherwise utilizing Cannabis or Cannabis Products from a source that is not a licensed Cannabis Establishment or dispensary;
- (o) Purchasing, manufacturing, selling or otherwise utilizing Cannabis or Cannabis Products from a Cannabis Establishment or dispensary whose license has been suspended or revoked;
- (p) Purchasing or selling Cannabis or Cannabis Product not found in the Inventory Tracking System;
- (q) Failure to properly collect taxes;
- (r) Transporting or storing Cannabis or Cannabis Product from an unlicensed source or diversion of Cannabis or Cannabis Products; or
- (s) Intentionally selling or transferring unauthorized or unlawful Cannabis Products.

Before consideration of the factors described in section 4.7 of this rule, the Board will presume that the following are appropriate penalties for Category I violations. In no event shall a Category I penalty be greater than those permitted in this section.

For a category I violation which is the:

- (t) First violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$20,000, a suspension of a license or Cannabis Establishment identification card for not more than 60 days, and/or revocation of a license or Cannabis Establishment identification card.
- (u) Second or subsequent violation in the immediately preceding 3 years, a corrective action plan, a suspension of license or Cannabis Establishment identification card for a length of time to be determined by the Board, and/or revocation of a license or Cannabis Establishment identification card.

4.5.2 Category II Violations and Penalties

Category II violations are violations of a severity that create a threat to public health or safety and include, but are not limited to:

- (a) Making an unintentional false statement or representation of fact to the Board or Board designee;
- (b) Unintentionally destroying or concealing evidence of a violation;
- (c) Failing to verify the age of, or selling or otherwise providing Cannabis or Cannabis Products to, a person who is less than 21 years, provided that patients with registry cards may purchase Cannabis or Cannabis Products at dispensary retail operations in accordance with Board Rule 3 and 7 V.S.A. chapters 35 and 37;
- (d) Allowing a person under 21 years of age to enter a transport vehicle or a building or enclosure on the premises of a Cannabis Establishment where Cannabis or Cannabis Product is located, provided that Patients with registry cards may enter dispensary retail operations in accordance with Board Rule 3 and 7 V.S.A. chapters 35 and 37;
- (e) Permitting employment or otherwise accepting work by a person without a Cannabis Establishment identification card or temporary work permit;
- (f) Allowing a person who is less than 21 years of age to work at a Cannabis Establishment or dispensary;
- (g) Failure to separate medical Cannabis or Cannabis Product sales from adult use retail sales;
- (h) Unlawful transfer of Cannabis or Cannabis Product from a dispensary into the adult use market;
- (i) Selling or transferring Cannabis or Cannabis Product in excess of transaction limits;
- (j) Failing to maintain required security systems;
- (k) Any intentional variance from approved procedures in a testing laboratory;
- (l) Failing to notify the Board of theft of Cannabis or Cannabis Products as required by Rule 2.2.17;
- (m) Using unauthorized pesticides, soil amendments, fertilizers or other crop production aids;
- (n) Transferring, moving, or disturbing Cannabis or Cannabis Product which has been placed on stop sale or quarantined by the Board without Board approval; or
- (o) Failing to destroy, selling, or transferring Cannabis or Cannabis Product that has been ordered destroyed by the Board, or that has been adulterated or contaminated without successful remediation;

- (p) ~~S~~elling or transferring unauthorized or unlawful Cannabis Products;
- (q) ~~A~~ltering, manipulating, or falsifying a certificate of analysis;
- ~~(p)~~(r) ~~F~~ailing to report lost, stolen, or adulterated cannabis or cannabis products; or
- ~~(q)~~(s) ~~F~~ailing to abide by Cannabis and Cannabis Product testing requirements.

Before consideration of the factors described in section 4.7 of this rule, the Board will presume that the following are appropriate penalties for Category II violations. In no event shall a Category II penalty be greater than those permitted in this section.

For a category II violation which is the:

- ~~(r)~~(t) ~~F~~irst violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$15,000, and/or a suspension for not more than 20 days of a license or Cannabis Establishment identification card.
- ~~(s)~~(u) ~~S~~econd violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$20,000, and/or a suspension for not more than 30 days of a license or Cannabis Establishment identification card.
- ~~(t)~~(v) ~~T~~hird or subsequent violation in the immediately preceding 3 years, a corrective action plan, a suspension of license or cannabis establishment identification card for a length of time to be determined by the Board, and/or revocation of a license or Cannabis Establishment identification card.

4.5.3 Category III Violations and Penalties

Category III violations are violations of a severity that create a potential threat to public health or safety and include, but are not limited to:

- (a) Allowing consumption by any person of alcohol, Cannabis, or other intoxicants on the premises of the Cannabis Establishment or dispensary, or in areas adjacent to the premises of the Cannabis Establishment or dispensary that are under the licensee's control, except as authorized by the Board;
- (b) Failing to keep any required records, including updating the Inventory Tracking System;
- (c) Failing to respond to a Notice of Violation or failing to pay administrative penalties;
- (d) Knowingly permitting any activity on the premises of the Cannabis Establishment or dispensary, or during the transport of Cannabis or Cannabis Products from the premises, that violates Vermont law and that the licensee or an employee has knowledge of;
- (e) Selling or transferring unauthorized products or using unauthorized ingredients;
- (f) Failing to notify the Board of a modification or expansion of the facilities of the Cannabis Establishment or dispensary;
- (g) Violating packaging or labeling requirements, provided that the person or licensee who created the nonconforming label, and any retailer who allows the nonconforming label to be available for sale to a consumer, may both be liable for a violation under this subsection;
- (h) Violating advertising laws or regulations;
- (i) Storing or delivering Cannabis or Cannabis Products outside the Inventory Tracking System;

- (j) Failing to meet requirements for the disposal of Cannabis or Cannabis Product waste;
- (k) Violating restrictions on employee and vendor sampling;
- (l) Exceeding maximum serving requirements for Cannabis or Cannabis Products;
- (m) Failing to comply with requirements for employee hygiene;
- (n) Failing to maintain a reasonably sanitary Cannabis Establishment or dispensary in line with industry standards or applicable regulations;
- (o) Failing to maintain adequate food safety standards, where relevant;
- (p) Selling or failing to dispose of Cannabis, Cannabis Products or food items that are spoiled;
- (q) Failing to properly update the licensee's point of contact with the Board;
- (r) Failure to maintain quality assurance/quality control program in a testing laboratory; or
- (s) Failure to maintain current standard operating procedures, where relevant.

Before consideration of the factors described in section 4.7 of this rule, the Board will presume that the following are appropriate penalties for Category III violations. In no event shall a Category III penalty be greater than those permitted in this section.

For a category III violation which is the:

- (t) First violation in the immediately preceding 3 years, a corrective action plan and/or an administrative penalty of not more than \$10,000.
- (u) Second violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$15,000, and/or a suspension for not more than 10 days of a license or Cannabis Establishment identification card.
- (v) Third violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$20,000 and/or a suspension for not more than 20 days of a license or Cannabis Establishment identification card.
- (w) Fourth or subsequent violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$20,000, a suspension of license or Cannabis Establishment identification card for a length of time to be determined by the Board, and/or a revocation of license or Cannabis Establishment identification card.

4.5.4 Category IV Violations and Penalties

Category IV violations create a climate which is conducive to abuses associated with the sale or production of Cannabis or Cannabis Products and include, but are not limited to:

- (a) Failing to have in the immediate possession of each Cannabis Establishment or dispensary employee, while on the premises of a Cannabis Establishment or dispensary, a Cannabis Establishment identification card or temporary work permit;
- (b) Removing, altering or covering any required notice or sign;
- (c) Failing to post any required signs;
- (d) Failure to meet employee training and supervision requirements;
- (e) Improper storage of Cannabis, Cannabis Products, or other foods;
- (f) Failure to take reasonable steps to address pest infestations;

- (g) Lack of compliance with the statutory and regulatory requirements for the operation of a Cannabis Establishment or dispensary in another jurisdiction;
- (h) Violating Cannabis and Cannabis Product transportation regulations.

Before consideration of the factors described in section 4.7 of this rule, the Board will presume that the following are appropriate penalties for Category IV violations. In no event shall a Category IV penalty be greater than those permitted in this section.

For a category IV violation which is the:

- (i) First violation in the immediately preceding 3 years, a corrective action plan and/or an administrative penalty of not more than \$5,000.
- (j) Second violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$10,000, and/or a suspension for not more than 10 days of a license or Cannabis Establishment identification card.
- (k) Third violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$15,000, and/or a suspension for not more than 20 days of a license or Cannabis Establishment identification card.
- (l) Fourth or subsequent violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$20,000, and/or a suspension for not more than 30 days of a license or Cannabis Establishment identification card.

4.5.5 Category V Violations and Penalties

Category V violations are inconsistent with the orderly regulation of the sale or production of Cannabis or Cannabis Products and include, but are not limited to:

- (a) Failing to notify the Board of any change in Cannabis Establishment or dispensary contact information;
- (b) Making a payment with a check returned for insufficient funds;
- (c) Failing to properly submit reports required by the Board; or
- (d) Failure to pay for costs involved in screening or testing related to required testing within 60 days.

Before consideration of the factors described in section 4.7 of this rule, the Board will presume that the following are appropriate penalties for Category V violations. In no event shall a Category V penalty be greater than those permitted in this section.

For a category V violation which is the:

- (e) First violation in the immediately preceding 3 years, a corrective action plan and/or an administrative penalty of not more than \$2,500.
- (f) Second violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$5,000, and/or a suspension for not more than 5 days of a license or Cannabis Establishment identification card.

- (g) Third violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$10,000, and/or a suspension for not more than 10 days of a license or Cannabis Establishment identification card.
- (h) Fourth or subsequent violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$15,000, and/or a suspension for not more than 20 days of a license or Cannabis Establishment identification card.

4.6 Health and Safety Orders

4.6.1 Health and Safety Orders Generally

The Board may issue one or more of the following health and safety orders for a violation related to public health and safety. These orders may be issued in addition to Rule 4.4.2 penalties.

- (a) Stop-sale order.
- (b) Quarantine of Cannabis or Cannabis Product.
- (c) Destruction and, if necessary, the prohibition of Cannabis or Cannabis Product.
- (d) Cease and desist order.

4.6.2 Limitations on Health and Safety Orders

The Board may issue health and safety orders only when there is a threat or potential threat to health and safety.

4.6.3 Disposal, Quarantine, and Assignment of Costs

- (a) Licensees who are required to destroy Cannabis or Cannabis Product must dispose of it in accordance with applicable regulations in Board Rule 2.
- (b) The Cannabis Establishment or dispensary in possession of Cannabis or Cannabis Product that the Board orders destroyed or quarantined is responsible for the destruction or quarantine. The Board shall not be a tribunal for determining any potential assignment of costs among licensees for such destruction or quarantine.

4.7 Mitigating and Aggravating Factors

The Board may consider mitigating and aggravating factors when considering the severity of a penalty. Factors may include, but are not limited to:

- (a) Any prior violations that the person has admitted to or was found to have engaged in.
- (b) Whether the violation impacted public health and safety.
- (c) Whether the violation is ongoing or has stopped.
- (d) Good faith measures by the person to prevent the violation, including but not limited to the following:
 - i. Proper supervision;
 - ii. Consistent and documented employee training; and

- iii. Standard operating procedures established prior to the Board's investigation that include procedures directly addressing the conduct for which imposition of a penalty is being considered.
- (e) Person's history of success or failure with compliance checks or prior corrective action plans.
- (f) Corrective action(s) taken by the person related to the current violation or prior violations.
- (g) Willfulness and deliberateness of the violation.
- (h) Circumstances surrounding the violation.
- (i) The size of the licensee or operation.
- (j) The revenues of the licensee or operation.
- (k) Person self-reporting the violation(s).
- (l) Owner or management personnel is the violator or has directed an employee or other individual to violate these rules or the law.

4.8 Issuance of a Notice of Violation

4.8.1 Notice of Violation

If the Board finds that a person has violated any board rule or related law, the Board may issue a Notice of Violation.

4.8.2 Content of A Notice of Violation

A Notice of Violation shall contain the following:

- (a) A concise statement of the nature of the violation.
- (b) The factual basis for the violation.
- (c) The penalty or penalties to be imposed.
- (d) Health and safety orders, if necessary.
- (e) Information about how to contest the violation, pay a waiver penalty if applicable, and submit a corrective action plan if applicable.

4.8.3 Waiver Amount

If the Board assesses an administrative penalty, the amount assessed on the Notice of Violation shall be the waiver amount. Paying the waiver amount will constitute acceptance of the Board's administrative penalty.

4.8.4 Sufficiency of Service

- (a) The Board may accomplish service of a Notice of Violation in any of the following ways:
 - i. By delivering the notice using certified mail to a licensee's business address provided in accordance with Board Rule 1.

- ii. By delivering the notice using certified mail to the registered agent of a licensee as recorded in the licensee's business registration with the Vermont Secretary of State.
 - iii. By delivering the notice using certified mail to a Cannabis Establishment identification card holder's address, as provided pursuant to Board Rule 1.16.3.
 - iv. By hand delivery to:
 - 1. a Cannabis Establishment identification card holder;
 - 2. a person who controls a licensee; or
 - 3. a person acting in violation of Board rules or of 7 V.S.A. chapter 33, 35, 37, or 39.
- (b) The Board shall also deliver a Notice of Violation by electronic mail provided pursuant to Board Rule 1, provided that this shall not constitute service unless a licensee chooses to accept service of a Notice of Violation by electronic mail.

4.9 Process for Notices of Violation Without Immediate Effect

Except as provided in section 4.10 of this rule, penalties imposed by a Notice of Violation will not take effect until the Board has rendered a final decision in accordance with the following process:

- (a) Within 15 days after service of a Notice of Violation, a person may contest the violation and/or the penalty to the Board by filing a response in writing. The response must specifically identify each issue and fact in dispute and state the position of the person, the pertinent facts to be determined by the Board, and the reasons supporting the person's position.
- (b) A failure to contest the violation within 15 days will constitute an admission of the violation and acceptance of the penalty.
- (c) The Board shall consider the person's response and issue a final decision in writing within 15 days after receiving the person's response.
- (d) A person who faces suspension or revocation of their license or Cannabis Establishment identification card may request a hearing before the Board. The hearing shall take place within 20 days of the Board receiving the request for a hearing unless the person waives the timeline. Evidence may be introduced at the hearing in accordance with 3 V.S.A. § 810. The Board may issue a final decision on the record at the hearing or may issue a final decision in writing within 15 days after the hearing is complete.
- (e) To the extent a person is contesting whether a violation occurred, the Board may not find that a violation occurred unless such a finding is supported by a preponderance of the evidence.
- (f) The Board's final decision may uphold its original Notice of Violation, may revise the penalty or penalties to be less severe, or may dismiss the Notice of Violation.
- (g) A person who is aggrieved by the Board's final decision may appeal in accordance with 7 V.S.A. 847.

4.10 Process for Notices of Violation with Immediate Effect

Suspensions, revocations, or health and safety orders imposed by Notices of Violation will have immediate effect if they are accompanied by a written finding that the licensee's violation poses an imminent threat to public health, safety, or welfare.

If an administrative penalty or a requirement to produce a corrective action plan accompanies a penalty imposed with immediate effect, the administrative penalty or corrective action plan will not take effect until the conclusion of the process provided for in this section.

- (a) The Board's initial Notice of Violation will plainly state that the penalty takes effect immediately. The Board will confirm the Notice of Violation and penalty within 7 days.
- (b) Within 15 days of service of such a violation, a person may contest the violation and/or the penalty to the Board by filing a response in writing. The response must specifically identify each issue and fact in dispute and state the position of the person, the pertinent facts to be determined by the Board, and the reasons supporting the person's position.
- (c) A failure to contest the violation within 15 days will constitute an admission of the violation and acceptance of the penalty.
- (d) The Board shall consider the person's response and issue a final decision in writing within 10 days after receiving the licensee's response.
- (e) A person who faces suspension or revocation of their license or Cannabis Establishment identification card may request a hearing before the Board. The hearing shall take place within 10 days of the Board receiving the request for a hearing unless the licensee waives the timeline. Evidence may be introduced at the hearing in accordance with 3 V.S.A. § 810. The Board may issue a final decision on the record at the hearing or may issue a final decision in writing within 10 days after the hearing is complete.
- (f) To the extent a person is contesting whether a violation occurred, the Board may not find that a violation occurred unless such a finding is supported by a preponderance of the evidence.
- (g) The Board's final decision may uphold its original Notice of Violation, may revise the penalty or penalties to be less severe, or may dismiss the Notice of Violation.
- (h) A person who is aggrieved by the Board's final decision may appeal in accordance with 7 V.S.A. 847.

4.11 Extensions and Consolidations

- (a) The Board may extend a deadline contained in section 4.9 or section 4.10 of this rule only for good cause. The Board must give written notice of the finding of good cause to the person who is the subject of the Notice of Violation prior to the expiration of the relevant deadline.
- (b) The Board may consolidate decisions and hearings for multiple persons to the extent that the disputed issues in the Notices of Violations relate to substantially similar facts.

4.12 Health and Safety Notices

4.12.1 Purpose of a Health and Safety Notice

The Board may find that, even without finding a violation by a person or license holder, the Board must act to protect public health and safety.

4.12.2 Content of a Health and Safety Notice

If the Board finds that Cannabis or a Cannabis Product is or may be unsafe to the public, it may issue a Health and Safety Notice to any Cannabis Establishment and include within it a health and safety order, as provided for in section 4.6 of this rule.

The Health and Safety Notice will contain the following:

- (a) The identity of the Cannabis or Cannabis Product at issue and a concise statement of the nature of the threat to public health.
- (b) The factual basis for the threat to public health.
- (c) The health and safety order(s) to be imposed.
- (d) Information about how to contest the Health and Safety Notice.

4.12.3 Process for a Health and Safety Notice

All Health and Safety Notices will have immediate effect. Licensees may contest the notice pursuant to the process established by section 4.10 of this rule.

4.13 Administrative Appeals Process

- (a) Appeal to Appellate Officer. A party to a contested case may appeal a final decision of The Cannabis Control Board (Board) to an Appellate Officer by filing with the Executive Director of the Board a written notice of appeal within 30 days of the decision in accordance with 7 V.S.A. § 847. The notice of appeal shall include a statement of questions to be determined by the Appellate Officer. Thereafter, every time a party files a paper, they must send a copy to the other party. The Director shall assign the case to an Appellate Officer. Board staff shall prepare the record of the proceeding or decision and deliver it to the assigned Appellate Officer.
- (b) Composition of record on appeal. The record on appeal shall consist of any original documents listed in 3 V.S.A. § 809(e), including exhibits, any transcript of the proceedings, if any, and any other relevant documents submitted by the appellant to the Board. The record shall be produced within 14 days of the notice of appeal unless good cause is shown for a delay.
- (c) Transcript of the proceedings. Tape-recordings of any oral proceedings shall be sufficient for a transcript. If a stenographic record of the oral proceedings was made the Board shall file the transcript with the Appellate Officer.

- (d) Appellate Prehearing Conference. In any appeal, upon 14 days' notice to the parties, the Appellate Officer may direct the parties to appear for a conference to consider simplification of the issues, possibility of settlement, and such other matters as may aid in disposition of the proceedings by the Appellate Officer.
- (e) Briefs; Oral Argument. The appellant must submit a brief within 30 days after the date on the notice that the record is complete. The Board must file any responsive brief within 21 days after the appellant's brief is filed. Briefs shall not exceed 15 double-spaced pages. A case shall be deemed ripe for oral argument when the responsive brief is filed or when the time for filing the responsive brief has expired. Oral argument may be scheduled in advance of the filing of the responsive brief consistent with the requirements of this Rule. Each party will be allowed 15 minutes for oral argument.
- (f) Taking Additional Evidence on Appeal. Upon motion and good cause shown, the Appellate Officer may schedule a hearing to take additional evidence on whether irregularities in procedure occurred that are not otherwise of record. The hearing on those irregularities is to be limited to those matters not of record. The Appellate Officer is not authorized to rehear substantive evidence that otherwise was or could have been raised before the hearing authority.
- (g) Decision. The Appellate Officer shall issue a written decision within 45 days of final hearing affirming the order of the Board, or reversing and remanding with instructions to the hearing authority on requirements to conform the Board's order to the law.
- (h) Further Appeal. An individual aggrieved by a decision of the Appellate Officer may appeal directly to the Supreme Court as authorized by 7 V.S.A. § 847(c) and in accordance with the Vermont Rules of Appellate Procedure.

4.134.14 Letter of Warning

The Board may issue a letter of warning to a person instead of a Notice of Violation or other order. Letters of warning will notify a person of a concern with their compliance or operating standards and will be a part of the person's record with the Board. No penalty will be associated with a letter of warning.

4.144.15 Confidentiality

The Board abide by the confidentiality requirements of 7 V.S.A. §§ 901~~a(h)~~, 952(c), and 973(b).

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**STATE OF VERMONT
CANNABIS CONTROL BOARD**

RULE 4: COMPLIANCE AND ENFORCEMENT

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4 Rule 4: Compliance and Enforcement

4.1 Section 1: General Provisions

4.1.1 Authority

The Cannabis Control Board adopts this rule pursuant to 7 V.S.A. §§ 863, 864, 881, 882, 32 V.S.A. § 7906, and other applicable law.

4.1.2 Scope and Purpose

The Board is charged with implementing and regulating a legal market for Cannabis in Vermont. This rule provides for enforcing compliance with the Board's rules.

4.1.3 Definitions

All definitions in 7 V.S.A. §§ 861 and 951 shall apply to this rule. The following definitions shall also apply:

- (a) "Administrative penalty" means a monetary fine.
- (b) "Board designee" means a person designated by the Board to act as its agent for the purpose of executing the Board's responsibilities. This may be an employee of the Board or of another government agency.
- (c) "Caregiver" means a resident of Vermont who has been issued a Caregiver registration card by the Board, identifying the person as someone who has agreed to undertake responsibility for managing the well-being of a Patient with respect to the use of Cannabis or Cannabis Products for symptom relief.
- (d) "Corrective action plan" means a required set of actions imposed by the Board upon a Cannabis Establishment or dispensary for the purpose of curing a violation of Board Rules or of 7 V.S.A. chapter 33, 35, 37, or 39.
- (e) "Inventory Tracking System" means a method implemented by the Board for tracing all Cannabis and Cannabis Products grown, manufactured, and sold in Vermont.
- (f) "Licensee" means a person who has been issued a license pursuant to Board Rule 1 or Board Rule 3. A licensee does not include a person who has been issued a provisional license.
- (g) "Notice of Violation" means a document in which the Board informs a licensee or a person engaged in the transfer or sale of Cannabis or Cannabis Product that they are the subject of an enforcement action by the Board and includes such other information as required by this rule.
- (h) "Patient" means a resident of Vermont who has been issued a registration card by the Board, identifying the person as having a qualifying medical condition pursuant to the provisions of this rule.
- (i) "Pesticide" shall have the same meaning as "economic poison" as defined in 6 V.S.A. § 911(5).
- (j) "Physical site of operations" means:

- i. a cultivator's grow site,
- ii. a wholesaler's product storage facility,
- iii. a manufacturer's site of manufacture,
- iv. a retailer's store location, or
- v. a testing laboratory's testing facility.

4.1.4 Applicability

This rule applies to persons who engage in the sale or transfer of Cannabis or Cannabis Products, including sales or transfers related to cultivating, manufacturing, wholesaling, or retailing Cannabis or Cannabis Products. This rule also applies to those who provide testing services to persons who engage in the sale or transfer of Cannabis or Cannabis Products.

4.1.5 Time

(a) In computing any time period, measured in days, that is established or allowed by this rule or by order of the Board or Chair:

- (1) the day of the act or event that triggers the period shall be excluded;
- (2) every day, including intermediate Saturdays, Sundays, and legal holidays shall be counted;
- (3) the last day of the period shall be counted, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

(b) A "legal holiday" means:

- (1) any day declared a holiday by the President or Congress of the United States; and
- (2) any day declared a holiday by the State of Vermont.

4.2 Complaints and Investigations

4.2.1 Investigations

The Board shall be empowered to conduct investigations of all persons who engage in the sale or transfer of Cannabis or Cannabis Products to ensure compliance with Board rules or of 7 V.S.A. chapter 33, 35, 37, or 39. The Board shall further be empowered to conduct investigations of those who provide testing services to persons who engage in the sale or transfer of Cannabis or Cannabis Products. Such investigations may include undercover investigations. Investigations shall be carried out by Board designees.

4.2.2 Complaints

The Board may accept complaints from any person regarding compliance with these rules, provided that a complaint without further corroboration will not comprise the basis for disciplinary action by the Board. Anyone may file a complaint in a manner determined by the Board and made readily available to the public. Complainants do not have a right to receive updates on disciplinary actions.

4.3 Duty to Cooperate

4.3.1 General Duty

Licenses and Cannabis Establishment identification card holders shall cooperate with the Board and Board designees who are conducting investigations relevant to the enforcement of the Board's rules and related law.

4.3.2 Cooperation with Inspections

Licenses and Cannabis Establishment identification card holders shall cooperate with the Board and Board designees who are conducting inspections and shall give the Board and Board designees immediate access to facilities and records upon request, including access to their physical site of operations.

4.4 Violations and Penalties

4.4.1 Violations Generally

Any violation may be subject to an enforcement action by the Board. The Board will assess the penalty and the severity of the penalty as provided in this rule.

4.4.2 Penalties

One or more of the following penalties may be imposed for a violation in accordance with the categories defined in section 4.5 of this rule:

- (a) Requirement to produce or comply with a corrective action plan.
- (b) Administrative penalty.
- (c) Suspension of a license or Cannabis Establishment identification card.
- (d) Revocation of a license or Cannabis Establishment identification card.

4.5 Categories of Violations and Associated Penalties

The Board will levy administrative penalties and other penalties in accordance with the following categories, provided that the maximum administrative penalties for violations associated with the operations of tier I cultivators and tier I manufacturers shall be half the amount provided for in the categories.

To the extent a violation is not listed in this section the Board shall have discretion to assign the violation to an appropriate category and issue a penalty accordingly.

4.5.1 Category I Violations and Penalties

Category I violations are of a severity that could make a person ineligible to receive, renew, or maintain a license or Cannabis Establishment identification card and include, but are not limited to:

- (a) Operating without all required permits, Board approvals, certificates, registrations and/or licenses;
- (b) Making an intentionally false statement to the Board or a Board designee;
- (c) Intentionally destroying or concealing evidence of a violation;
- (d) Failure to abide by a corrective action plan;
- (e) Failure to pay taxes to the Department of Taxes;
- (f) Knowingly permitting unlawful activity on the premises of a Cannabis Establishment or dispensary, or during transportation of Cannabis or Cannabis Product, that results in death or serious physical injury;
- (g) Operating a Cannabis Establishment or dispensary while the license for the Cannabis Establishment or dispensary is suspended or revoked;
- (h) Attempting to change control of a licensee without prior approval of the Board in accordance with Rule 1.17;
- (i) Transporting Cannabis or Cannabis Product outside of the boundaries of this State;
- (j) Making verbal or physical threats to the Board or a Board designee;
- (k) Refusing to allow an inspection or obstructing a Board designee from performing his or her official duties;
- (l) Purchasing, selling, or transferring Cannabis or Cannabis Product that has not passed the required analysis by an independent testing laboratory;
- (m) Labeling Cannabis or Cannabis Products with potency limits that do not match independent laboratory test results;
- (n) Purchasing, manufacturing, selling or otherwise utilizing Cannabis or Cannabis Products from a source that is not a licensed Cannabis Establishment or dispensary;
- (o) Purchasing, manufacturing, selling or otherwise utilizing Cannabis or Cannabis Products from a Cannabis Establishment or dispensary whose license has been suspended or revoked;
- (p) Purchasing or selling Cannabis or Cannabis Product not found in the Inventory Tracking System;
- (q) Failure to properly collect taxes;
- (r) Transporting or storing Cannabis or Cannabis Product from an unlicensed source or diversion of Cannabis or Cannabis Products; or
- (s) Intentionally selling or transferring unauthorized or unlawful Cannabis Products.

Before consideration of the factors described in section 4.7 of this rule, the Board will presume that the following are appropriate penalties for Category I violations. In no event shall a Category I penalty be greater than those permitted in this section.

For a category I violation which is the:

- (t) First violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$20,000, a suspension of a license or Cannabis Establishment identification card for not more than 60 days, and/or revocation of a license or Cannabis Establishment identification card.
- (u) Second or subsequent violation in the immediately preceding 3 years, a corrective action plan, a suspension of license or Cannabis Establishment identification card for a length of time to be determined by the Board, and/or revocation of a license or Cannabis Establishment identification card.

4.5.2 Category II Violations and Penalties

Category II violations are violations of a severity that create a threat to public health or safety and include, but are not limited to:

- (a) Making an unintentional false statement or representation of fact to the Board or Board designee;
- (b) Unintentionally destroying or concealing evidence of a violation;
- (c) Failing to verify the age of, or selling or otherwise providing Cannabis or Cannabis Products to, a person who is less than 21 years, provided that patients with registry cards may purchase Cannabis or Cannabis Products at dispensary retail operations in accordance with Board Rule 3 and 7 V.S.A. chapters 35 and 37;
- (d) Allowing a person under 21 years of age to enter a transport vehicle or a building or enclosure on the premises of a Cannabis Establishment where Cannabis or Cannabis Product is located, provided that Patients with registry cards may enter dispensary retail operations in accordance with Board Rule 3 and 7 V.S.A. chapters 35 and 37;
- (e) Permitting employment or otherwise accepting work by a person without a Cannabis Establishment identification card or temporary work permit;
- (f) Allowing a person who is less than 21 years of age to work at a Cannabis Establishment or dispensary;
- (g) Failure to separate medical Cannabis or Cannabis Product sales from adult use retail sales;
- (h) Unlawful transfer of Cannabis or Cannabis Product from a dispensary into the adult use market;
- (i) Selling or transferring Cannabis or Cannabis Product in excess of transaction limits;
- (j) Failing to maintain required security systems;
- (k) Any intentional variance from approved procedures in a testing laboratory;
- (l) Failing to notify the Board of theft of Cannabis or Cannabis Products as required by Rule 2.2.17;
- (m) Using unauthorized pesticides, soil amendments, fertilizers or other crop production aids;
- (n) Transferring, moving, or disturbing Cannabis or Cannabis Product which has been placed on stop sale or quarantined by the Board without Board approval; or
- (o) Failing to destroy, selling, or transferring Cannabis or Cannabis Product that has been ordered destroyed by the Board, or that has been adulterated or contaminated without successful remediation;

- (p) Selling or transferring unauthorized or unlawful Cannabis Products;
- (q) Altering, manipulating, or falsifying a certificate of analysis;
- (r) Failing to report lost, stolen, or adulterated cannabis or cannabis products; or
- (s) Failing to abide by Cannabis and Cannabis Product testing requirements.

Before consideration of the factors described in section 4.7 of this rule, the Board will presume that the following are appropriate penalties for Category II violations. In no event shall a Category II penalty be greater than those permitted in this section.

For a category II violation which is the:

- (t) First violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$15,000, and/or a suspension for not more than 20 days of a license or Cannabis Establishment identification card.
- (u) Second violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$20,000, and/or a suspension for not more than 30 days of a license or Cannabis Establishment identification card.
- (v) Third or subsequent violation in the immediately preceding 3 years, a corrective action plan, a suspension of license or cannabis establishment identification card for a length of time to be determined by the Board, and/or revocation of a license or Cannabis Establishment identification card.

4.5.3 Category III Violations and Penalties

Category III violations are violations of a severity that create a potential threat to public health or safety and include, but are not limited to:

- (a) Allowing consumption by any person of alcohol, Cannabis, or other intoxicants on the premises of the Cannabis Establishment or dispensary, or in areas adjacent to the premises of the Cannabis Establishment or dispensary that are under the licensee's control, except as authorized by the Board;
- (b) Failing to keep any required records, including updating the Inventory Tracking System;
- (c) Failing to respond to a Notice of Violation or failing to pay administrative penalties;
- (d) Knowingly permitting any activity on the premises of the Cannabis Establishment or dispensary, or during the transport of Cannabis or Cannabis Products from the premises, that violates Vermont law and that the licensee or an employee has knowledge of;
- (e) Selling or transferring unauthorized products or using unauthorized ingredients;
- (f) Failing to notify the Board of a modification or expansion of the facilities of the Cannabis Establishment or dispensary;
- (g) Violating packaging or labeling requirements, provided that the person or licensee who created the nonconforming label, and any retailer who allows the nonconforming label to be available for sale to a consumer, may both be liable for a violation under this subsection;
- (h) Violating advertising laws or regulations;
- (i) Storing or delivering Cannabis or Cannabis Products outside the Inventory Tracking System;

- (j) Failing to meet requirements for the disposal of Cannabis or Cannabis Product waste;
- (k) Violating restrictions on employee and vendor sampling;
- (l) Exceeding maximum serving requirements for Cannabis or Cannabis Products;
- (m) Failing to comply with requirements for employee hygiene;
- (n) Failing to maintain a reasonably sanitary Cannabis Establishment or dispensary in line with industry standards or applicable regulations;
- (o) Failing to maintain adequate food safety standards, where relevant;
- (p) Selling or failing to dispose of Cannabis, Cannabis Products or food items that are spoiled;
- (q) Failing to properly update the licensee's point of contact with the Board;
- (r) Failure to maintain quality assurance/quality control program in a testing laboratory; or
- (s) Failure to maintain current standard operating procedures, where relevant.

Before consideration of the factors described in section 4.7 of this rule, the Board will presume that the following are appropriate penalties for Category III violations. In no event shall a Category III penalty be greater than those permitted in this section.

For a category III violation which is the:

- (t) First violation in the immediately preceding 3 years, a corrective action plan and/or an administrative penalty of not more than \$10,000.
- (u) Second violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$15,000, and/or a suspension for not more than 10 days of a license or Cannabis Establishment identification card.
- (v) Third violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$20,000 and/or a suspension for not more than 20 days of a license or Cannabis Establishment identification card.
- (w) Fourth or subsequent violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$20,000, a suspension of license or Cannabis Establishment identification card for a length of time to be determined by the Board, and/or a revocation of license or Cannabis Establishment identification card.

4.5.4 Category IV Violations and Penalties

Category IV violations create a climate which is conducive to abuses associated with the sale or production of Cannabis or Cannabis Products and include, but are not limited to:

- (a) Failing to have in the immediate possession of each Cannabis Establishment or dispensary employee, while on the premises of a Cannabis Establishment or dispensary, a Cannabis Establishment identification card or temporary work permit;
- (b) Removing, altering or covering any required notice or sign;
- (c) Failing to post any required signs;
- (d) Failure to meet employee training and supervision requirements;
- (e) Improper storage of Cannabis, Cannabis Products, or other foods;
- (f) Failure to take reasonable steps to address pest infestations;

- (g) Lack of compliance with the statutory and regulatory requirements for the operation of a Cannabis Establishment or dispensary in another jurisdiction;
- (h) Violating Cannabis and Cannabis Product transportation regulations.

Before consideration of the factors described in section 4.7 of this rule, the Board will presume that the following are appropriate penalties for Category IV violations. In no event shall a Category IV penalty be greater than those permitted in this section.

For a category IV violation which is the:

- (i) First violation in the immediately preceding 3 years, a corrective action plan and/or an administrative penalty of not more than \$5,000.
- (j) Second violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$10,000, and/or a suspension for not more than 10 days of a license or Cannabis Establishment identification card.
- (k) Third violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$15,000, and/or a suspension for not more than 20 days of a license or Cannabis Establishment identification card.
- (l) Fourth or subsequent violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$20,000, and/or a suspension for not more than 30 days of a license or Cannabis Establishment identification card.

4.5.5 Category V Violations and Penalties

Category V violations are inconsistent with the orderly regulation of the sale or production of Cannabis or Cannabis Products and include, but are not limited to:

- (a) Failing to notify the Board of any change in Cannabis Establishment or dispensary contact information;
- (b) Making a payment with a check returned for insufficient funds;
- (c) Failing to properly submit reports required by the Board; or
- (d) Failure to pay for costs involved in screening or testing related to required testing within 60 days.

Before consideration of the factors described in section 4.7 of this rule, the Board will presume that the following are appropriate penalties for Category V violations. In no event shall a Category V penalty be greater than those permitted in this section.

For a category V violation which is the:

- (e) First violation in the immediately preceding 3 years, a corrective action plan and/or an administrative penalty of not more than \$2,500.
- (f) Second violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$5,000, and/or a suspension for not more than 5 days of a license or Cannabis Establishment identification card.

- (g) Third violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$10,000, and/or a suspension for not more than 10 days of a license or Cannabis Establishment identification card.
- (h) Fourth or subsequent violation in the immediately preceding 3 years, a corrective action plan, an administrative penalty of not more than \$15,000, and/or a suspension for not more than 20 days of a license or Cannabis Establishment identification card.

4.6 Health and Safety Orders

4.6.1 Health and Safety Orders Generally

The Board may issue one or more of the following health and safety orders for a violation related to public health and safety. These orders may be issued in addition to Rule 4.4.2 penalties.

- (a) Stop-sale order.
- (b) Quarantine of Cannabis or Cannabis Product.
- (c) Destruction and, if necessary, the prohibition of Cannabis or Cannabis Product.
- (d) Cease and desist order.

4.6.2 Limitations on Health and Safety Orders

The Board may issue health and safety orders only when there is a threat or potential threat to health and safety.

4.6.3 Disposal, Quarantine, and Assignment of Costs

- (a) Licensees who are required to destroy Cannabis or Cannabis Product must dispose of it in accordance with applicable regulations in Board Rule 2.
- (b) The Cannabis Establishment or dispensary in possession of Cannabis or Cannabis Product that the Board orders destroyed or quarantined is responsible for the destruction or quarantine. The Board shall not be a tribunal for determining any potential assignment of costs among licensees for such destruction or quarantine.

4.7 Mitigating and Aggravating Factors

The Board may consider mitigating and aggravating factors when considering the severity of a penalty. Factors may include, but are not limited to:

- (a) Any prior violations that the person has admitted to or was found to have engaged in.
- (b) Whether the violation impacted public health and safety.
- (c) Whether the violation is ongoing or has stopped.
- (d) Good faith measures by the person to prevent the violation, including but not limited to the following:
 - i. Proper supervision;
 - ii. Consistent and documented employee training; and

- iii. Standard operating procedures established prior to the Board's investigation that include procedures directly addressing the conduct for which imposition of a penalty is being considered.
- (e) Person's history of success or failure with compliance checks or prior corrective action plans.
- (f) Corrective action(s) taken by the person related to the current violation or prior violations.
- (g) Willfulness and deliberateness of the violation.
- (h) Circumstances surrounding the violation.
- (i) The size of the licensee or operation.
- (j) The revenues of the licensee or operation.
- (k) Person self-reporting the violation(s).
- (l) Owner or management personnel is the violator or has directed an employee or other individual to violate these rules or the law.

4.8 Issuance of a Notice of Violation

4.8.1 Notice of Violation

If the Board finds that a person has violated any board rule or related law, the Board may issue a Notice of Violation.

4.8.2 Content of A Notice of Violation

A Notice of Violation shall contain the following:

- (a) A concise statement of the nature of the violation.
- (b) The factual basis for the violation.
- (c) The penalty or penalties to be imposed.
- (d) Health and safety orders, if necessary.
- (e) Information about how to contest the violation, pay a waiver penalty if applicable, and submit a corrective action plan if applicable.

4.8.3 Waiver Amount

If the Board assesses an administrative penalty, the amount assessed on the Notice of Violation shall be the waiver amount. Paying the waiver amount will constitute acceptance of the Board's administrative penalty.

4.8.4 Sufficiency of Service

- (a) The Board may accomplish service of a Notice of Violation in any of the following ways:
 - i. By delivering the notice using certified mail to a licensee's business address provided in accordance with Board Rule 1.

- ii. By delivering the notice using certified mail to the registered agent of a licensee as recorded in the licensee's business registration with the Vermont Secretary of State.
 - iii. By delivering the notice using certified mail to a Cannabis Establishment identification card holder's address, as provided pursuant to Board Rule 1.16.3.
 - iv. By hand delivery to:
 - 1. a Cannabis Establishment identification card holder;
 - 2. a person who controls a licensee; or
 - 3. a person acting in violation of Board rules or of 7 V.S.A. chapter 33, 35, 37, or 39.
- (b) The Board shall also deliver a Notice of Violation by electronic mail provided pursuant to Board Rule 1, provided that this shall not constitute service unless a licensee chooses to accept service of a Notice of Violation by electronic mail.

4.9 Process for Notices of Violation Without Immediate Effect

Except as provided in section 4.10 of this rule, penalties imposed by a Notice of Violation will not take effect until the Board has rendered a final decision in accordance with the following process:

- (a) Within 15 days after service of a Notice of Violation, a person may contest the violation and/or the penalty to the Board by filing a response in writing. The response must specifically identify each issue and fact in dispute and state the position of the person, the pertinent facts to be determined by the Board, and the reasons supporting the person's position.
- (b) A failure to contest the violation within 15 days will constitute an admission of the violation and acceptance of the penalty.
- (c) The Board shall consider the person's response and issue a final decision in writing within 15 days after receiving the person's response.
- (d) A person who faces suspension or revocation of their license or Cannabis Establishment identification card may request a hearing before the Board. The hearing shall take place within 20 days of the Board receiving the request for a hearing unless the person waives the timeline. Evidence may be introduced at the hearing in accordance with 3 V.S.A. § 810. The Board may issue a final decision on the record at the hearing or may issue a final decision in writing within 15 days after the hearing is complete.
- (e) To the extent a person is contesting whether a violation occurred, the Board may not find that a violation occurred unless such a finding is supported by a preponderance of the evidence.
- (f) The Board's final decision may uphold its original Notice of Violation, may revise the penalty or penalties to be less severe, or may dismiss the Notice of Violation.
- (g) A person who is aggrieved by the Board's final decision may appeal in accordance with 7 V.S.A. 847.

4.10 Process for Notices of Violation with Immediate Effect

Suspensions, revocations, or health and safety orders imposed by Notices of Violation will have immediate effect if they are accompanied by a written finding that the licensee's violation poses an imminent threat to public health, safety, or welfare.

If an administrative penalty or a requirement to produce a corrective action plan accompanies a penalty imposed with immediate effect, the administrative penalty or corrective action plan will not take effect until the conclusion of the process provided for in this section.

- (a) The Board's initial Notice of Violation will plainly state that the penalty takes effect immediately. The Board will confirm the Notice of Violation and penalty within 7 days.
- (b) Within 15 days of service of such a violation, a person may contest the violation and/or the penalty to the Board by filing a response in writing. The response must specifically identify each issue and fact in dispute and state the position of the person, the pertinent facts to be determined by the Board, and the reasons supporting the person's position.
- (c) A failure to contest the violation within 15 days will constitute an admission of the violation and acceptance of the penalty.
- (d) The Board shall consider the person's response and issue a final decision in writing within 10 days after receiving the licensee's response.
- (e) A person who faces suspension or revocation of their license or Cannabis Establishment identification card may request a hearing before the Board. The hearing shall take place within 10 days of the Board receiving the request for a hearing unless the licensee waives the timeline. Evidence may be introduced at the hearing in accordance with 3 V.S.A. § 810. The Board may issue a final decision on the record at the hearing or may issue a final decision in writing within 10 days after the hearing is complete.
- (f) To the extent a person is contesting whether a violation occurred, the Board may not find that a violation occurred unless such a finding is supported by a preponderance of the evidence.
- (g) The Board's final decision may uphold its original Notice of Violation, may revise the penalty or penalties to be less severe, or may dismiss the Notice of Violation.
- (h) A person who is aggrieved by the Board's final decision may appeal in accordance with 7 V.S.A. 847.

4.11 Extensions and Consolidations

- (a) The Board may extend a deadline contained in section 4.9 or section 4.10 of this rule only for good cause. The Board must give written notice of the finding of good cause to the person who is the subject of the Notice of Violation prior to the expiration of the relevant deadline.
- (b) The Board may consolidate decisions and hearings for multiple persons to the extent that the disputed issues in the Notices of Violations relate to substantially similar facts.

4.12 Health and Safety Notices

4.12.1 Purpose of a Health and Safety Notice

The Board may find that, even without finding a violation by a person or license holder, the Board must act to protect public health and safety.

4.12.2 Content of a Health and Safety Notice

If the Board finds that Cannabis or a Cannabis Product is or may be unsafe to the public, it may issue a Health and Safety Notice to any Cannabis Establishment and include within it a health and safety order, as provided for in section 4.6 of this rule.

The Health and Safety Notice will contain the following:

- (a) The identity of the Cannabis or Cannabis Product at issue and a concise statement of the nature of the threat to public health.
- (b) The factual basis for the threat to public health.
- (c) The health and safety order(s) to be imposed.
- (d) Information about how to contest the Health and Safety Notice.

4.12.3 Process for a Health and Safety Notice

All Health and Safety Notices will have immediate effect. Licensees may contest the notice pursuant to the process established by section 4.10 of this rule.

4.13 Administrative Appeals Process

- (a) **Appeal to Appellate Officer.** A party to a contested case may appeal a final decision of The Cannabis Control Board (Board) to an Appellate Officer by filing with the Executive Director of the Board a written notice of appeal within 30 days of the decision in accordance with 7 V.S.A. § 847. The notice of appeal shall include a statement of questions to be determined by the Appellate Officer. Thereafter, every time a party files a paper, they must send a copy to the other party. The Director shall assign the case to an Appellate Officer. Board staff shall prepare the record of the proceeding or decision and deliver it to the assigned Appellate Officer.
- (b) **Composition of record on appeal.** The record on appeal shall consist of any original documents listed in 3 V.S.A. § 809(e), including exhibits, any transcript of the proceedings, if any, and any other relevant documents submitted by the appellant to the Board. The record shall be produced within 14 days of the notice of appeal unless good cause is shown for a delay.
- (c) **Transcript of the proceedings.** Tape-recordings of any oral proceedings shall be sufficient for a transcript. If a stenographic record of the oral proceedings was made the Board shall file the transcript with the Appellate Officer.
- (d) **Appellate Prehearing Conference.** In any appeal, upon 14 days' notice to the parties, the Appellate Officer may direct the parties to appear for a conference to consider

simplification of the issues, possibility of settlement, and such other matters as may aid in disposition of the proceedings by the Appellate Officer.

- (e) Briefs; Oral Argument. The appellant must submit a brief within 30 days after the date on the notice that the record is complete. The Board must file any responsive brief within 21 days after the appellant's brief is filed. Briefs shall not exceed 15 double-spaced pages. A case shall be deemed ripe for oral argument when the responsive brief is filed or when the time for filing the responsive brief has expired. Oral argument may be scheduled in advance of the filing of the responsive brief consistent with the requirements of this Rule. Each party will be allowed 15 minutes for oral argument.
- (f) Taking Additional Evidence on Appeal. Upon motion and good cause shown, the Appellate Officer may schedule a hearing to take additional evidence on whether irregularities in procedure occurred that are not otherwise of record. The hearing on those irregularities is to be limited to those matters not of record. The Appellate Officer is not authorized to rehear substantive evidence that otherwise was or could have been raised before the hearing authority.
- (g) Decision. The Appellate Officer shall issue a written decision within 45 days of final hearing affirming the order of the Board, or reversing and remanding with instructions to the hearing authority on requirements to conform the Board's order to the law.
- (h) Further Appeal. An individual aggrieved by a decision of the Appellate Officer may appeal directly to the Supreme Court as authorized by 7 V.S.A. § 847(c) and in accordance with the Vermont Rules of Appellate Procedure.

4.14 Letter of Warning

The Board may issue a letter of warning to a person instead of a Notice of Violation or other order. Letters of warning will notify a person of a concern with their compliance or operating standards and will be a part of the person's record with the Board. No penalty will be associated with a letter of warning.

4.15 Confidentiality

The Board abide by the confidentiality requirements of 7 V.S.A. §§ 901a, 952(c), and 973(b).

The Vermont Statutes Online

Title 7 : Alcoholic Beverages, Cannabis, And Tobacco

Chapter 031 : Cannabis

Subchapter 002 : Cannabis Control Board

(Cite as: 7 V.S.A. § 843)

Londeree, Vicki (LNG-HBE) Londeree, Vicki (LNG-HBE) 2 0 2023-03-03T11:58:00Z 2023-03-03T11:58:00Z 4 1121 5679 47 13 6787 16.00 Print 135 Clean false false false EN-US X-NONE X-NONE /* Style Definitions */ table.MsoNormalTable {mso-style-name:"Table Normal"; mso-tstyle-rowband-size:0; mso-tstyle-colband-size:0; mso-style-noshow:yes; mso-style-priority:99; mso-style-parent:""; mso-padding-alt:0in 5.4pt 0in 5.4pt; mso-para-margin:0in; mso-pagination:widow-orphan; font-size:10.0pt; font-family:"Times New Roman",serif;}

[Section 843 repealed effective July 1, 2024.]

843. Cannabis Control Board; duties; members

(a) Creation. There is created within the Executive Branch an independent commission named the Cannabis Control Board for the purpose of safely, equitably, and effectively implementing and administering the laws enabling access to adult-use cannabis in Vermont.

(b) Duties. The duties of the Board shall be:

(1) rulemaking in accordance with this chapter, chapters 33-37 of this title, and 3 V.S.A. chapter 25;

(2) administration of a program for licensed cannabis establishments, which shall include compliance and enforcement;

(3) administration of the Medical Cannabis Registry on and after March 1, 2022;

(4) administration of a program for licensed medical cannabis dispensaries, which shall include compliance and enforcement, on and after March 1, 2022; and

(5) submission of an annual budget to the Governor.

(c) Membership.

(1) The Board shall be composed of a chair and two members appointed by the Governor in accordance with sections 841 and 842 of this title.

(2) All Board members shall serve for a term of three years or until a successor is appointed and shall be eligible for reappointment, provided that no member may serve

more than three terms.

(3) A vacancy created before the expiration of a term shall be filled in the same manner as the original appointment for the unexpired portion of the term. A member appointed to fill a vacancy created before the expiration of a term shall not be deemed to have served a term for the purpose of subdivision (2) of this subsection.

(4) A member may be removed only for cause by the remaining members of the Commission in accordance with the Vermont Administrative Procedure Act. The Board shall adopt rules pursuant to 3 V.S.A. chapter 25 to define the basis and process for removal.

(d) Conflicts of interest.

(1) No Board member shall, during his or her term or terms on the Board, be an officer of, director of, organizer of, employee of, consultant to, or attorney for any person subject to regulation by the Board.

(2) No Board member shall participate in creating or applying any law, rule, or policy or in making any other determination if the Board member, individually or as a fiduciary, or the Board member's spouse, parent, or child wherever residing or any other member of the Board member's family residing in his or her household has an economic interest in the matter before the Board or has any more than a de minimus interest that could be substantially affected by the proceeding.

(3) No Board member shall, during his or her term or terms on the Board, solicit, engage in negotiations for, or otherwise discuss future employment or a future business relationship of any kind with any person subject to supervision or regulation by the Board.

(4) No Board member may appear before the Board or any other State agency on behalf of a person subject to supervision or regulation by the Board for a period of one year following his or her last day as a member of the Cannabis Control Board.

(e) Salaries. The Chair and all members of the Board shall be full-time State employees and shall be exempt from the State classified system. The Chair shall receive compensation equal to two-thirds that of a Superior Court judge, and other members shall receive compensation equal to one-half that of a Superior Court judge.

(f) Executive Director. The Board shall appoint an Executive Director who shall be an attorney with experience in legislative or regulatory matters. The Director shall be a full-time State employee, shall be exempt from the State classified system, and shall serve at the pleasure of the Board. The Director shall be responsible for:

(1) supervising and administering the operation and implementation of this chapter and chapters 35 and 37 of this title and the rules adopted by the Board as directed by the Board;

(2) assisting the Board in its duties and administering the licensing requirements of this chapter and chapters 35 and 37 of this title;

(3) acting as Secretary to the Board, but as a nonvoting member of the Board;

(4) employing such staff as may be required to carry out the functions of the Board;
and

(5) preparing an annual budget for submission to the Board.

(g) Consultant. The Board is authorized to hire a consultant as needed to assist with its duties under this section.

(h) Advisory committee.

(1) There is an advisory committee established within the Board that shall be composed of members with expertise and knowledge relevant to the Board's mission. The Board shall collaborate with the advisory committee on recommendations to the General Assembly. The advisory committee shall be composed of the following 14 members:

(A) one member with an expertise in public health, appointed by the Governor;

(B) the Secretary of Agriculture, Food and Markets or designee;

(C) one member with an expertise in laboratory science or toxicology, appointed by the Governor;

(D) one member with an expertise in systemic social justice and equity issues, appointed by the Speaker of the House;

(E) one member with an expertise in women- and minority-owned business ownership, appointed by the Speaker of the House;

(F) the Chair of the Substance Misuse Prevention Oversight and Advisory Council or designee;

(G) one member with an expertise in the cannabis industry, appointed by the Senate Committee on Committees;

(H) one member with an expertise in business management or regulatory compliance, appointed by the Treasurer;

(I) one member with an expertise in municipal issues, appointed by the Senate Committee on Committees;

(J) one member with an expertise in public safety, appointed by the Attorney General;

(K) one member with an expertise in criminal justice reform, appointed by the Attorney General;

(L) the Secretary of Natural Resources or designee;

(M) the Chair of the Cannabis for Symptom Relief Oversight Committee or designee; and

(N) one member appointed by the Vermont Cannabis Trade Association.

(2) Initial appointments to the advisory committee as provided in subdivision (1) of this subsection (h) shall be made on or before July 1, 2021.

(3) The Board may establish subcommittees within the advisory committee to accomplish its work.

(4) Members of the advisory committee who are not otherwise compensated by the member's employer for attendance at meetings shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. 1010 for not more than six meetings annually. These payments shall be made from the Cannabis Regulation Fund. (Added 2019, No. 164 (Adj. Sess.), 2, eff. Oct. 7, 2020; amended 2021, No. 62, 2, eff. June 7, 2021; repealed on July 1, 2024 by 2019, No. 164 (Adj. Sess.), 6e(3).)

VERMONT **GENERAL ASSEMBLY**

The Vermont Statutes Online

Title 7 : Alcoholic Beverages, Cannabis, And Tobacco

Chapter 033 : Cannabis Establishments

Subchapter 002 : Administration

(Cite as: 7 V.S.A. § 882)

§ 882. Suspension and revocation of licenses; civil penalties

(a) The Board shall have the authority to suspend or revoke a cannabis establishment license for violations of this chapter in accordance with rules adopted pursuant to this chapter.

(b) The Board shall have authority to issue civil citations for violations of this chapter in accordance with rules adopted pursuant to this chapter. Any proposed rule under this section shall include the full, minimum, and waiver penalty amounts for each violation.

(Added 2019, No. 164 (Adj. Sess.), § 7, eff. Oct. 7, 2020.)



Proposed Rules Postings

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Deadline For Public Comment

Deadline: May 22, 2023

Please submit comments to the agency or primary contact person listed below, before the deadline.

Rule Details

Rule Number:	23P013
Title:	Rule 4: Compliance and Enforcement.
Type:	Standard
Status:	Proposed
Agency:	Vermont Cannabis Control Board
Legal Authority:	7 V.S.A. § 843(b)(1) and 7 V.S.A. § 882.
Summary:	This rule provides the enforcement mechanisms, procedures, and penalties for the Cannabis Control Board's Rules 1 through 3, which govern the licensing and regulation of commercial cannabis businesses and patient access to therapeutic cannabis. The most substantial proposed amendment

adds a section governing the administrative appeals process. The new section controls the content and management of the record on appeal, provides for appellate prehearing conferences, explains briefing and argument procedures, and ensures licensees are made aware of further statutory rights.

All potential cannabis businesses, as well as currently registered participants in Vermont's therapeutic cannabis system will be affected by this rule. This includes currently registered patients, caregivers, and dispensaries. Ancillary businesses that service cannabis operations will see significant commercial opportunities with the implementation of the legalized market. The rule may affect government entities such as the Department of Health, the Agency of Agriculture, Food, and Markets, the Board of Natural Resources, the Agency of Natural Resources, and others.

Persons Affected:

There will be no economic impact from the proposed amendment. The amendment adds a rule governing appellate procedure for those who choose to appeal a final decision of the Board in accordance with 7 V.S.A. 847. This amendment codifies in rule a pre-existing policy on appeals. Administrative appeal--that is, independent review within the agency prior to judicial review--is required by statute. Although administrative appeals burden agency resources, each instance in which error is identified and resolved without judicial intervention may tend to save the appellant licensee and the appellee agency between \$3,000 and \$5,000, in addition to relieving the Judiciary's case burden.

Economic Impact:

Posting date:

Apr 05,2023

Hearing Information

Information for Hearing # 1

Hearing date:

05-10-2023 10:00 AM

[ADD TO YOUR CALENDAR](#)

Location:

City Center

Address:

89 Main Street

City:

Montpelier

State:

VT

Zip:

05620-7001

Hearing Notes:

Information for Hearing # 2

Hearing date: 05-15-2023 6:00 PM [ADD TO YOUR CALENDAR](#)

Location: City Center
Address: 89 Main Street
City: Montpelier
State: VT
Zip: 05620-7001
Hearing Notes:

Contact Information

Information for Contact # 1

Level: Primary
Name: Gabriel Gilman
Agency: Vermont Cannabis Control Board
Address: 89 Main Street
City: Montpelier
State: VT
Zip: 05620-7001
Telephone: 802-261-1510
Fax:
Email: gabriel.gilman@vermont.gov
[SEND A COMMENT](#)

Website Address: <https://ccb.vermont.gov>
[VIEW WEBSITE](#)

Information for Contact # 2

Level: Secondary
Name: Kimberley Lashua
Agency: Vermont Cannabis Control Board
Address: 89 Main Street
City: Montpelier
State: VT
Zip: 05620-7001
Telephone: 802-836-7708
Fax:
Email: kimberley.lashua@vermont.gov
[SEND A COMMENT](#)

Keyword Information

Keywords:

Cannabis
Compliance
Enforcement
Penalty
Fine

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(802) 828-2863

MEMORANDUM

OFFICE OF THE SECRETARY OF STATE

Primary Contact: Gabriel M. Gilman, Cannabis Control Board, 89 Main Street, Montpelier, VT 05620-7001 Tel: 802-261-1510
Email: gabriel.gilman@vermont.gov

Secondary Contact: Kimberley Lashua, Cannabis Control Board, 89 Main Street, Montpelier, VT 05620-7001 Tel: 802-836-7708
Email: kimberley.lashua@vermont.gov.

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

From: APA Coordinator, VSARA

RE: Rule 4: Compliance and Enforcement.

Date 03/31/2023

We received Proposed Rule on 03/31/2023
Final Proposed Rule on
Adopted Rule on

We have assigned the following rule number(s):

Proposed Rule Number: 23P013

Adopted Rule Number:

(Final Proposals are not assigned a new number; they retain the Proposed Rule Number.)

The following problems were taken care of by phone/should be

taken care of immediately: Proposed Filing: the submission was made on out-dated forms, however, the filing is accepted as is because the rule was prefiled prior to the release of the new forms and the expiration of the grace period therefore, no action necessary.

We cannot accept this filing until the following problems are taken care of:

The notice for this proposed rule appeared/will appear online on: 4/5/2023 and in the newspapers of record on 4/13/2023.

This rule takes effect on
Adoption Deadline: 11/30/2023

Please note:

If you have any questions, please call me at 828-2863. OR
E-Mail me at: sos.statutoryfilings@vermont.gov

cc: Charlene Dindo

OFFICE OF THE SECRETARY OF STATE
VERMONT STATE ARCHIVES & RECORDS ADMINISTRATION (VSARA)
(802) 828-2863

TO: Seven Days Legals (legals@sevendaysvt.com) Kaitlin Montgomery(kaitlin@sevendaysvt.com)	Tel: (802) 865-1020 x110. Attn: Kaitlin Montgomery
The Caledonian Record Julie Poutré (adv@caledonian-record.com)	Tel: 748-8121 FAX: 748-1613
Times Argus / Rutland Herald Melody Hudson (classified.ads@rutlandherald.com) Elizabeth Marrier elizabeth.marrier@rutlandherald.com)	Tel: 802-747-6121 ext 2238 FAX: 802-776-5600
The Valley News (advertising@vnews.com)	Tel: 603-298-8711 FAX: 603-298-0212
The Addison Independent (legals@addisonindependent.com)	Tel: 388-4944 FAX: 388-3100 Attn: Display Advertising
The Bennington Banner / Brattleboro Reformer Lylah Wright (lwright@reformer.com)	Tel: 254-2311 ext. 132 FAX: 447-2028 Attn: Lylah Wright
The Chronicle (ads@bartonchronicle.com)	Tel: 525-3531 FAX: 525-3200
Herald of Randolph (ads@ourherald.com)	Tel: 728-3232 FAX: 728-9275 Attn: Brandi Comette
Newport Daily Express (jlafoe@newportvermontdailyexpress.com)	Tel: 334-6568 FAX: 334-6891 Attn: Jon Lafoe
News & Citizen (mike@stowereporter.com) Irene Nuzzo (irene@newsandcitizen.com and ads@stowereporter.com removed from distribution list per Lisa Stearns.	Tel: 888-2212 FAX: 888-2173 Attn: Bryan
St. Albans Messenger Legals (legals@samessenger.com)	Tel: 524-9771 ext. 117 FAX: 527-1948 Attn: Ben Letourneau
The Islander (islander@vermontislander.com)	Tel: 802-372-5600 FAX: 802-372-3025
Vermont Lawyer (hunter.press.vermont@gmail.com)	Attn: Will Hunter

FROM: APA Coordinator, VSARA

Date of Fax: April 4, 2023

RE: The "Proposed State Rules " ad copy to run on

April 13, 2023

PAGES INCLUDING THIS COVER MEMO:

4

***NOTE* 8-pt font in body. 12-pt font max. for headings - single space body. Please include dashed lines where they appear in ad copy. Otherwise minimize the use of white space. Exceptions require written approval.**

If you have questions, or if the printing schedule of your paper is disrupted by holiday etc., please contact VSARA at 802-828-3700, or E-Mail sos.statutoryfilings@vermont.gov, Thanks.

PROPOSED STATE RULES

By law, public notice of proposed rules must be given by publication in newspapers of record. The purpose of these notices is to give the public a chance to respond to the proposals. The public notices for administrative rules are now also available online at <https://secure.vermont.gov/SOS/rules/>. The law requires an agency to hold a public hearing on a proposed rule, if requested to do so in writing by 25 people or an association having at least 25 members.

To make special arrangements for individuals with disabilities or special needs please call or write to the contact person listed below as soon as possible.

To obtain further information concerning any scheduled hearing(s), obtain copies of proposed rule(s) or submit comments regarding proposed rule(s), please call or write to the contact person listed below. You may also submit comments in writing to the Legislative Committee on Administrative Rules, State House, Montpelier, Vermont 05602 (802-828-2231).

2022 Vermont Residential Rental Housing Health and Safety Code.

Vermont Proposed Rule: 23P009

AGENCY: Department of Public Safety

CONCISE SUMMARY: The primary intent and focus of this rule is to update and transfer responsibility of the Vermont Residential Rental Housing Rule from the Department of Health to the Department of Public Safety, Division of Fire Safety. These rules are only amended to identify address changes and contact information. These rules otherwise are not changed.

FOR FURTHER INFORMATION, CONTACT: Michael Desrochers, Executive Director, Division of Fire Safety, 45 State Drive, Waterbury, VT 05671 Tel: 802-479-7539 Fax: 802-479-7562 Email: michael.desrochers@vermont.gov URL: <https://firesafety.vermont.gov/>.

FOR COPIES: Robert T. Sponable, Deputy Director, Division of Fire Safety, 45 State Drive, Waterbury, VT 05671 Tel: 802-479-7566 Fax: 802-479-7562 Email: robert.sponable@vermont.gov.

Rule Governing Outage Reporting Requirements for Originating Carriers and Electric Power Companies.

Vermont Proposed Rule: 23P010

AGENCY: Vermont Enhanced 9-1-1 Board

CONCISE SUMMARY: This rule establishes outage reporting protocols for originating carriers providing voice service in Vermont and for electric power companies operating in Vermont in order to enable the Enhanced 911 Board to assess 911 service availability during such outages. The updates proposed in March 2023 change the requirements for the second outage notification and require the carriers to report outage information in a format approved by the Board which will allow the Board to automate the handling of these reports.

FOR FURTHER INFORMATION, CONTACT: Barbara Neal, Vermont Enhanced 911 Board, 6 Baldwin St, 2nd Floor, Montpelier, VT-05633-7960 Tel: 802-828-4911 Fax: 802-828-4109 Email: barbara.neal@vermont.gov URL: <https://e911.vermont.gov/>.

FOR COPIES: Soni Johnson, Vermont Enhanced 911 Board, 6 Baldwin St, 2nd Floor, Montpelier, VT-05633-7960 Tel: 802-828-4911 Fax: 802-828-4109 Email: soni.johnson@vermont.gov.

Rule 1: Licensing of Cannabis Establishments.

Vermont Proposed Rule: 23P011

AGENCY: Cannabis Control Board.

CONCISE SUMMARY: 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.

FOR FURTHER INFORMATION, CONTACT: Gabriel M. Gilman, Cannabis Control Board, 89 Main Street, Montpelier, VT 05620-7001 Tel: 802-261-1510 Email: gabriel.gilman@vermont.gov URL: <https://ccb.vermont.gov/>.

FOR COPIES: Kimberley Lashua, Cannabis Control Board, 89 Main Street, Montpelier, VT 05620-7001 Tel: 802-836-7708 Email: kimberley.lashua@vermont.gov.

Rule 2: Regulation of Cannabis Establishments

Vermont Proposed Rule: 23P012

AGENCY: Cannabis Control Board.

CONCISE SUMMARY: Rule 2 regulates the operation of any entity that has received a license to participate in the legal market for cannabis. Proposed amendments improve upon omitted or ambiguous definitions; address the need of outdoor cultivators to use artificial lighting in limited circumstances; clarify the entities to which the rule applies; refine escrow requirements; update the text of mandated health warnings; clarify location requirements; recognize personal-use cultivation; allow for the sale of clones; and refine rules pertaining to laboratories.

FOR FURTHER INFORMATION, CONTACT: Gabriel M. Gilman, Cannabis Control Board, 89 Main Street, Montpelier, VT 05620-7001 Tel: 802-261-1510 Email: gabriel.gilman@vermont.gov URL: <https://ccb.vermont.gov/>.

FOR COPIES: Kimberley Lashua, Cannabis Control Board, 89 Main Street, Montpelier, VT 05620-7001 Tel: 802-836-7708 Email: kimberley.lashua@vermont.gov.

Rule 4: Compliance and Enforcement.

Vermont Proposed Rule: 23P013

AGENCY: Cannabis Control Board.

CONCISE SUMMARY: This rule provides the enforcement mechanisms, procedures, and penalties for the

Cannabis Control Board's Rules 1 through 3, which govern the licensing and regulation of commercial cannabis businesses and patient access to therapeutic cannabis. The most substantial proposed amendment adds a section governing the administrative appeals process. The new section controls the content and management of the record on appeal, provides for appellate prehearing conferences, explains briefing and argument procedures, and ensures licensees are made aware of further statutory rights.

FOR FURTHER INFORMATION, CONTACT: Gabriel M. Gilman, Cannabis Control Board, 89 Main Street, Montpelier, VT 05620-7001 Tel: 802-261-1510 Email: gabriel.gilman@vermont.gov URL: <https://ccb.vermont.gov/>.

FOR COPIES: Kimberley Lashua, Cannabis Control Board, 89 Main Street, Montpelier, VT 05620-7001 Tel: 802-836-7708 Email: kimberley.lashua@vermont.gov.
