

## **H. 167 Summary As Amended in the Vermont Senate**

### **Legalization for Adults — Adults 21 and Older Could:**

- Possess up to one ounce of marijuana;
- Cultivate up to two mature and four immature plants in a secure location, shielded from public view;
- Possess the marijuana produced by the plants at the same secure location; and
- Purchase up to a half-ounce of marijuana from retailers if they are Vermont residents, or up to a quarter-ounce if they are not Vermont residents.

### **Regulated Marijuana Production and Sales:**

- The Agency of Agriculture, Food and Markets would license and regulate retailers, growers, and testing laboratories. A board with representatives from the departments of Public Safety, Health, and Taxes would advise it.
- Until July 1, 2019, the agency would issue no more than the following number of licenses. After that, it could determine the appropriate number of licenses to undercut the illicit market.
  - Forty-two retailer licenses;
  - five testing laboratory licenses;
  - an unlimited number of cultivator licenses for under 500 square feet;
  - twenty cultivator licenses for 500-1,000 square feet;
  - fifteen cultivator licenses for 1,000-2,500 square feet;
  - ten cultivator licenses for 2,500-5,000 square feet; and
  - five cultivator licenses for 5,000-10,000 square feet.
- Non-refundable application fees would be from \$1,000 to \$30,000 for cultivators, depending on their size, \$15,000 for retailers, and \$500 for labs. The licensing fees would be identical except for the laboratory fee, which would increase to \$2,500.
- Regulations in the law would include: a 1,000 foot buffer from schools, a prohibition on advertising designed to appeal to children, state-issued ID cards for all staff, testing requirements, a mandatory enforcement seminar for licensees, and that marijuana must be stored behind the counter.
- Rules would include oversight, labeling, record keeping, training, security, health and safety, seed-to-sale tracking, storage, and transportation requirements, along with limits on the number of customers allowed at once.
- Retailers would be required to display agency-created safety information flyers, which would discuss the potential dangers of marijuana use, the symptoms of problem usage, and how to receive help for problem use.
- Dispensaries or their subsidiaries would be able to obtain one of each type of license. If they co-located with retailers, they would have to do so in a way that maintained patients' privacy, including by having separate entrances and common areas.
- All license applicants would have to be Vermont residents. The principals and financiers must have been Vermont residents for at least two years.
- The agency would perform background checks and would not issue ID cards if the person's work at the location would create a "demonstrable threat to

public safety.” Past nonviolent drug offenses would not be automatically disqualifying.

**Timeline:**

- The agency would begin issuing licenses to cultivators and testing laboratories by June 15, 2018, and would issue retail licenses by September 15, 2018.
- Marijuana possession and cultivation would become legal on January 2, 2019.

**Local Control:**

- Local governments would be able ban marijuana businesses.
- Marijuana businesses would be required to have a local permit.

**Limitations and Prohibitions:**

- Only flower could be sold. Edibles and concentrates would not be sold.
- Internet sales and deliveries would not be allowed.
- Public consumption would be punishable by a civil fine, as would be having an open container of marijuana in a vehicle or consuming marijuana in a vehicle.
- Landlords could still ban the possession and use of marijuana.
- Employers could still prohibit marijuana use at work and could still discharge employees for violating a policy prohibiting their marijuana use.
- The two mature and four immature plant limits would also be household limits.
- Dangerous methods of extraction — using butane and hexane — would be illegal, unless done by dispensaries complying with state law.

**Taxation and Appropriations:**

- Adult use marijuana sales would be taxed at a 25 percent rate.
- All taxes and fees would go into the Marijuana Regulation and Resource Fund. In addition to paying for administration of the program, the fund would be used for substance abuse treatment and prevention, and criminal justice efforts to combat the illicit drug market and impaired driving.

**Prevention and Education:**

- The health department would be directed to develop and launch an education and prevention program focused on youth under 25 years by September 15, 2018.
- The Agency of Transportation would be directed to shift the focus on drunk driving to include impaired driving by prescription and other drugs.

**Marijuana Program Review Commission and Workforce Study Committee:**

- The Marijuana Program Review Commission would be composed of four lawmakers, two members of the public, and the attorney general or designee.
- It would collect information on how the regulation law is working; monitor supply and demand — as well as youths’ access to marijuana — communicate with other states with similar laws; and look into issues including best

practices regarding impaired driving, whether Vermont could safely allow edibles and concentrates, and whether the state should allow additional types of licenses. It could make recommendations to the General Assembly.

- A Workforce Study Committee would be formed to examine the impacts of alcohol and drug use on the workplace and make recommendations.