



January 26, 2016

Dick Sears, Chair
Senate Judiciary Committee
Vermont State House
115 State Street
Montpelier, VT 05633-5301

Dear Senator Sears:

I am writing in response to your request for statutory language from the Vermont League of Cities and Towns that would help address some concerns we have with S.95 and S.241, two bills which propose to legalize recreational marijuana in Vermont. As you are aware, VLCT opposes the legalization of marijuana and instead requests the legislature to identify the effects legalization would have on cities, towns, and villages, including the impacts on local school populations, law enforcement, first responders, municipal governance, and municipal budgets. In response to your request, however, we have drafted language we believe is necessary to begin to address some basic concerns VLCT has with provisions in both bills.

Alaska, Colorado, Oregon, and Washington – the four states that have legalized marijuana – enjoy Home Rule legal authority at the local level, and therefore local governments enjoy significant autonomy and authority to self-govern. Vermont, on the other hand, is a Dillon’s Rule state, and our local governments have only the limited authority specifically granted to them by statute. Therefore it is vitally important that any proposed legislation thoroughly addresses the many concerns that municipalities have with regard to adequate local control and authority, and ensure legislation provides municipalities sufficient resources to implement legalization.

We strongly urge the legislature to take the time and make the critical analysis that are necessary to address the many concerns municipalities have with pending legislation. The legislature must ensure that all municipalities have the legislative authority and access to resources that will be necessary to fully comply with and implement legislation legalizing marijuana in Vermont.

Thank you for the opportunity to provide language on this pending legislation. We look forward to working with you on these bills.

Sincerely,

Gwynn Zakov, Esq.
Public Policy Advocate

enclosure

Sponsor of:

VLCT Employment
Resource and Benefits
Trust, Inc.

VLCT Municipal
Assistance Center

VLCT Property and
Casualty Intermunicipal

1 VLCT Proposals of Amendment to Provide for Municipal Choice Regarding
2 Hosting and Regulating Marijuana Commerce and Cultivation

3 Date: 1/ 26/16

4 Subject: Public safety; marijuana; regulation of marijuana establishments

5 Statement of purpose of bill as introduced: This bill proposes to:

6 An act relating to regulation and taxation of marijuana

7 It is hereby enacted by the General Assembly of the State of Vermont:

8 Sec. 1. 20 V.S.A. chapter 119 is added to read:

9 § 2105 APPLICATION FOR INITIAL REGISTRATIONS

10 The Board shall not issue a marijuana establishment license unless a permit has
11 been secured from the host municipality.

12 * * *

13 § 2141. BOARD OF MARIJUANA CONTROL; MEMBERS; AUTHORITY

14 (f) A municipality that hosts a marijuana establishment within its
15 boundaries may establish a board of marijuana commissioners, who shall be
16 the members of the legislative body. The marijuana control commission shall
17 administer local licenses, registrations, or permits of the marijuana
18 establishments in a municipality that has established such a commission.

19 * * *

20 § 2154. REGULATION BY MUNICIPALITIES

21 (a) A marijuana establishment shall obtain a license, registration, or permit
22 from a municipality prior to beginning operations.

