

From: Schmalz, Tim [Tim.Schmalz@vermont.gov]
Sent: Monday, October 24, 2016 2:13 PM
To: Pepper, James
CC: Ross, Chuck; Schwartz, Thea; Leland, Jim; Giguere, Cary
Subject: DRAFT Hemp MOU
Attachments: 20161021 DRAFT Memorandum of Understanding AAFM and DPS re THC tfs read.docx

Hello Pepper,

Good to see you in the hallway today, and as promised, here is our draft mou for DPS markup

Thank you very much,

Tim

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Memorandum of Understanding
between
the Vermont Department of Public Safety
and
the Vermont Agency of Agriculture, Food and Markets
with regard to
the administration of 6 V.S.A. Chapter 34 Hemp

This Memorandum of Understanding (MOU) is between the Vermont Agency of Agriculture, Food and Markets (AAFM) and the Vermont Department of Public Safety (DPS) the Vermont laws relating to the cultivation of hemp as an agricultural product under 6 V.S.A. Chapter 34.

1. Authority

AAFM has the authority pursuant to 6 V.S.A. Chapter 34 to require hemp cultivated as an agricultural product to be tested during growth for tetrahydrocannabinol (THC) levels and to require inspection and supervision of hemp during sowing, growing season, harvest, storage, and processing.

As part of this authority, AAFM's employees will be sampling and testing hemp to ensure the material produced (stems, leaves, seeds, flowers, and other plant parts) does not contain a level of THC greater than the allowable limit established in 6 V.S.A. Chapter 34. See 6 V.S.A. § 562 ("Hemp" means the plant Cannabis sativa L. and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.)

2. Exemption from Prosecution and Storage and Use of Appropriate Laboratory Standards

A. The sampling and testing of hemp will necessitate that AAFM employees collect, transport and handle cannabis material that may contain concentrations of THC greater than the statutorily allowable limit.

B. The recognized testing methods require testing laboratories to procure and maintain a calibration standard of pure THC (100%), without which a laboratory is unable to competently and accurately assess the concentration of THC in sampled material(s).

C. Therefore, it is necessary that AAFM employees in the performance of their official duties relative to the hemp program are afforded an exemption from prosecution similar to that provided in 18 V.S.A. § 4203 for public officers and employees.

D. Pursuant to its authority in CITE STATUTE DPS will not prosecute AAFM employees who in the performance of their official duties relative to the hemp program for XXX.

E. Pursuant to its authority in CITE STATUTE DPS allows the use and storage of appropriate laboratory standard(s) necessary for the identification and quantification of THC in hemp samples by the AAFM/ANR laboratory.

3. Provision of THC Test Results

AAFM shall provide the results of THC testing to the State Police and the Criminal Information Center in the event analyses indicate THC levels in excess of 0.3% in a hemp lot.

- A. specify any process or particulars
- B.
- C.

5. Disposal of Cannabis Material

AAFM employees shall dispose of all cannabis material that is found through its testing program to contain greater than 0.3% THC by (*incineration, deep burial, return to grower, denaturing with solvents, comingling with unrelated/unregulated organic wastes and composting, transfer to DPS?*)

- A. specify any process or particulars
- B.

6. Confirmatory Analytical Services

AAFM will provide confirmatory analytical services to DPS, Medical marijuana registry for the purposes of ensuring accurate labeling of medicinal marijuana offered by Vermont Dispensaries to the enrollees, as required by 18 V.S.A. Chapter 86 and related rules.

- A. spell out tests for services to be requested if necessary
- B.
- C.

7. Effectiveness

This MOU is effective upon signing and will remain in effect until it is revoked or amended in writing by AAFM and DPS.

Keith Flynn, Commissioner
Department of Public Safety

Date

Chuck Ross, Jr., Secretary
Agency of Agriculture, Food and Markets

Date