

**From:** Michele Childs [MCHILDS@leg.state.vt.us]  
**Sent:** Tuesday, January 26, 2016 3:48 PM  
**To:** Pepper, James  
**Subject:** FW: Proposed language from VLCT re: marijuana legalization  
**Attachments:** Sen. Sears 1-26-2016 VLCT Marijuana Letter.docx; ATT00001.htm; Marijuana Bill Amendments VLCT 2016 - Copy.docx; ATT00002.htm

---

**From:** Richard Sears  
**Sent:** Tuesday, January 26, 2016 3:14 PM  
**To:** Michele Childs; Jeanette White  
**Subject:** Fwd: Proposed language from VLCT re: marijuana legalization

FYI  
What do you think?

Sen. Dick Sears  
343 Matteson Rd.  
North Bennington, VT 05257  
Chair Senate Judiciary Committee  
Appropriations Committee  
Sent from my iPad

Begin forwarded message:

**From:** Gwynn Zakov <[gzakov@vlct.org](mailto:gzakov@vlct.org)>  
**Date:** January 26, 2016 at 2:56:35 PM EST  
**To:** "[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)" <[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)>  
**Cc:** "[pcarpenter@leg.state.vt.us](mailto:pcarpenter@leg.state.vt.us)" <[pcarpenter@leg.state.vt.us](mailto:pcarpenter@leg.state.vt.us)>  
**Subject:** Proposed language from VLCT re: marijuana legalization

Dear Senator Sears,

Attached you will find a cover letter and changes VLCT proposes to address pending marijuana legalization legislation.

Please let me know if I can help answer any questions or address any concerns.

Regards,

*Gwynn Zakov, Esq.  
Municipal Policy Advocate  
Vermont League of Cities and Towns  
(802) 229-9111 x1945*

*Gwynn Zakov, Esq.*  
*Municipal Policy Advocate*  
*Vermont League of Cities and Towns*  
*(802) 229-9111 x1945*



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



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

Date: 1/ 26/16

Subject: Public safety; marijuana; regulation of marijuana establishments

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

An act relating to regulation and taxation of marijuana

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

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

§ 2105 APPLICATION FOR INITIAL REGISTRATIONS

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

\* \* \*

§ 2141. BOARD OF MARIJUANA CONTROL; MEMBERS; AUTHORITY

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

\* \* \*

§ 2154. REGULATION BY MUNICIPALITIES

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

(b) Nothing in this chapter shall be construed to prevent a municipality from prohibiting marijuana establishments, or any class of marijuana establishments, within its boundaries or from regulating the number, time, place, manner, or operations of marijuana establishments that are located in the municipality through local ordinances pursuant to 24 V.S.A. chapter 61 or land use bylaw pursuant to 24 V.S.A. chapter 117.

(c) A person engaged in personal possession or cultivation of marijuana is subject to applicable municipal zoning bylaws, fire codes, and building codes.

(d) Nothing in this chapter shall be construed to prevent a municipality from declaring that cultivation of marijuana which does not comply with local regulations, constitutes a nuisance pursuant to 24 V.S.A. § 2291(14).

(e) A municipality may impose a local option tax on the sale of marijuana within its boundaries. If a legislative body of a municipality by a majority vote recommends, the voters of municipality may, at annual or special meeting warned for that purpose, by a majority vote of those present and voting, assess a marijuana sales tax not to exceed five percent.

\* \* \*

## § 2163. MARIJUANA TAX FUND

(b)(3) 15 percent to municipalities with registered retailers in proportion to the amount of marijuana sold by retailers in each municipality during the previous fiscal quarter.



Any of the following types of regulations may be adopted by a municipality in its bylaws in conformance with the plan and for the purposes established in section 4302 of this title.

Notwithstanding any contrary provision of 20 V.S.A. chapter 119, a municipality may adopt bylaws for the purpose of regulating marijuana establishments and personal cultivation as those activities are defined in 20 V.S.A. chapter 119.



