

**From:** Allen, Susan [Susan.Allen@vermont.gov]  
**Sent:** Thursday, March 17, 2016 2:26 PM  
**To:** Coriell, Scott; Pepper, James  
**Subject:** FW: DRAFT: Talking Points - Marijuana Legalization  
**Attachments:** Marijuana Legalization - AHS Talking Points (031716).docx

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**From:** Mudgett, Dean  
**Sent:** Thursday, March 17, 2016 1:08 PM  
**To:** Cohen, Hal <Hal.Cohen@vermont.gov>; Clark, Sarah <Sarah.Clark@vermont.gov>; Dragon, Paul <Paul.Dragon@vermont.gov>; Allen, Susan <Susan.Allen@vermont.gov>; O'Toole, Dawn <Dawn.OToole@vermont.gov>; Johnson, Christine M. <Christine.M.Johnson@vermont.gov>; Whitney, Katie <Katie.Whitney@vermont.gov>  
**Subject:** DRAFT: Talking Points - Marijuana Legalization

Please see the attached. It provides Agency leadership with consistent points about S.241 and marijuana legalization.

I had a call this morning with the 5<sup>th</sup> floor to make sure I understood what they have been saying on this issue.

If we feel the need – we can expand on these points to address AHS-specific issues related to legalization.

Thanks –

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## AHS TALKING POINTS

### Legalization of Marijuana & S.241

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In his 2016 State of the State Address, Gov Shumlin detailed five conditions that must be met for him to sign any legislation regulating the sale of marijuana. Those conditions are:

1. A legal market must keep marijuana and other drugs out of the hands of underage kids.
2. The tax imposed must be low enough to wipe out the black market and get rid of the illegal drug dealers.
3. Revenue from legalization must be used to expand addiction prevention programs.
4. Strengthen law enforcement's capacity to improve our response to impaired drivers under the influence of marijuana who are already on Vermont's roads.
5. Ban the sale of edibles until other states figure out how to do it right.

#### Key points of the regulation of marijuana in Vermont

- Prohibition has failed
- According to a Rand report commissioned two years ago and released last year, 80K Vermonters admit to using marijuana regularly (meaning at least monthly)
  - That figure represents only those who were willing to admit to marijuana use
- Marijuana use in Vermont represents some \$100-\$200M in black market revenue
  - Black market marijuana is unregulated, untested and purchasers have no way of knowing what else the black market drugs they purchase may contain
- S.241 will give Vermont a reasonable and cautious approach to creating a regulated retail market for marijuana sales
- The bill would:
  - License 27 cultivators, 30 retail outlets and a TBD # of testing facilities on 1/2/2018
  - An additional 27 cultivators, 30 retail outlets and additional testing facilities would be licensed on 1/1/2019
  - After 1/1/2019, these caps will be lifted
    - The State will then study the need for possible expansion of the program in order to degrade the black market in Vermont
  - Under the bill, home growing and edibles will not be permitted
  - Civil violations for possessing up to 1 oz. of marijuana would be eliminated
  - Marijuana would be added to the current open container criminal penalty
  - Issue of road safety is often mentioned as a concern with legalization
    - We currently have a problem with drugged driving on the roads, yet we have no revenue to address this risk

- S.241 funds 10 new drug recognition experts to State law enforcement to identify those driving under the influence of marijuana, as well as other drugs
- Department for Public Safety (DPS) would regulate and administer the State's retail program
  - Supporting and advising DPS would be a Marijuana Advisory Board
  - The Board would advise on aspects of the program
  - Board members would include representatives from:
    - DPS
    - Department of Taxation
    - Department of Public Health
    - Agency of Agriculture
    - Representation from local Law Enforcement agencies
- Tax Revenue
  - The monies generated through the regulated sale of marijuana under S.241 will be designated for:
    - Program administration (≈25%)
    - Prevention (≈25%)
    - Treatment (≈25%)
    - Law Enforcement at State and Local levels (≈25%)
- So why move to legalize marijuana now?
  - Vermont cannot be an island on this issue
  - NH House passed legalization in 2014
    - Will most likely move toward a state referendum
  - MA has a referendum that will be decided in November
    - MA's referendum is less controlled than what VT is proposing
      - Large home grow limit
      - Allows edibles
      - Possible inclusion of delivery services and smoking lounges
  - RI & ME are both looking at legalization referendums in the next few years
  - Canadian Prime Minister has promised to legalize within 1-2 years
  - If we do not move forward with a cautious, controlled approach to legalization, communities along our southern, eastern, and northern borders will find themselves living with the results of legalization without the revenue they need in order to address it properly.