

1 S.188

2 Introduced by Senators Sears, Benning, Chittenden and Pollina

3 Referred to Committee on

4 Date:

5 Subject: Cannabis; cultivation; environmental and land use

6 Statement of purpose of bill as introduced: This bill proposes to regulate the
7 activities by a licensed small cannabis cultivator as “farming”; amend the
8 criteria regarding the area for cultivating cannabis commercially and for
9 personal cultivation; and allow licensed cultivators to purchase and sell seeds
10 and immature plants to one another and licensed wholesalers to sell such
11 products to licensed cultivators.

12 An act relating to regulating licensed small cannabis cultivation as farming

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

14 Sec. 1. 7 V.S.A. § 861(19) is amended to read:

15 (19) ~~“Enclosed, locked facility” means a building, room, greenhouse,~~
16 ~~outdoor fenced in area, or other location that is enclosed on all sides and~~
17 ~~prevents cannabis from easily being viewed by the public. The facility shall be~~
18 ~~equipped with locks or other security devices that permit access only by:~~

19 ~~(A) Employees, agents, or owners of the cultivator, all of whom shall~~
20 ~~be 21 years of age or older.~~

1 ~~(B) Government employees performing their official duties.~~

2 ~~(C) Contractors performing labor that does not include cannabis~~
3 ~~cultivation, packaging, or processing. Contractors shall be accompanied by an~~
4 ~~employee, agent, or owner of the cultivator when they are in areas where~~
5 ~~cannabis is being grown, processed, packaged, or stored.~~

6 ~~(D) Registered employees of other cultivators, members of the~~
7 ~~media, elected officials, and other individuals 21 years of age or older visiting~~
8 ~~the facility, provided they are accompanied by an employee, agent, or owner of~~
9 ~~the cultivator. [Repealed]~~

10 Sec. 2. 7 V.S.A. § 869 is amended to read:

11 § 869. CULTIVATION OF CANNABIS; ENVIRONMENTAL AND LAND
12 USE STANDARDS

13 (a)(1) A Unless otherwise provided in this chapter, a cannabis establishment
14 shall not be regulated as “farming” under the Required Agricultural Practices,
15 6 V.S.A. chapter 215, or other State law, and cannabis produced from
16 cultivation shall not be considered an agricultural product, farm crop, or
17 agricultural crop for the purposes of 32 V.S.A. chapter 124, 32 V.S.A. § 9741,
18 or other relevant State law.

19 ~~(2) Notwithstanding subdivision (1) of this subsection, the cultivation of~~
20 ~~cannabis on agricultural land and the use of farm buildings to dry or process~~
21 ~~that cannabis shall not disqualify the land or buildings from the use value~~

1 ~~appraisal program or constitute “development” under 32 V.S.A. § 3752(5),~~
2 ~~provided that:~~

3 ~~(A) the agricultural land or farm building is enrolled in the use value~~
4 ~~appraisal program at the time cannabis cultivation commences;~~

5 ~~(B) the agricultural land or farm building is not transferred to another~~
6 ~~owner;~~

7 ~~(C) the cultivation, drying, or processing of cannabis is done by a~~
8 ~~licensed small cultivator on 1,000 square feet or less of agricultural land; and~~

9 ~~(D) all other requirements under 32 V.S.A. chapter 124 continue to~~
10 ~~be met.~~

11 (b) The cultivation, processing, and manufacturing of cannabis regulated
12 under this chapter shall comply with all applicable State, federal, and local
13 environmental, energy, or public health law, unless otherwise provided under
14 this chapter.

15 (c) A cannabis establishment regulated under this chapter shall be subject
16 to regulation under 24 V.S.A. chapter 117 as authorized by this chapter.

17 (d)(1) The cultivation, processing, and manufacturing of cannabis regulated
18 under this chapter shall comply with the following sections of the Required
19 Agricultural Practices:

20 (A) section 6, regarding conditions, restriction, and operating
21 standards;

1 (B) section 8, regarding groundwater quality and groundwater quality
2 investigations; and

3 (C) section 12, regarding subsurface tile drainage.

4 (2) Application of or compliance with the Required Agricultural
5 Practices under subdivision (1) of this subsection shall not be construed to
6 provide a presumption of compliance with or exemption to any applicable
7 State, federal, and local environmental, energy, public health, or land use law
8 required under subsections (b) and (c) of this section.

9 (e) Persons cultivating cannabis or handling pesticides for the purposes of
10 the manufacture of cannabis products shall comply with the worker protection
11 standard of 40 C.F.R. part 170.

12 Sec. 3. 7 V.S.A. § 870 is added to read:

13 § 870. SMALL CULTIVATORS; REGULATED AS FARMING

14 The cultivation of cannabis by a small cultivator licensed under this chapter
15 shall be:

16 (1) regulated as “farming” under the Required Agricultural Practices and
17 6 V.S.A. chapter 215;

18 (2) exempt from regulation under 10 V.S.A. chapter 151 as “farming”;

19 (3) considered the production of an agricultural product, farm crop, or
20 agricultural crop for the purposes of 32 V.S.A. chapter 124 and 32 V.S.A.

1 § 9741, provided that the agricultural land or farm building was enrolled in the
2 use value appraisal program at the time cannabis cultivation commenced; and
3 (4) considered farming or production of agricultural products under all
4 other State law.

5 Sec. 4. 7 V.S.A. § 904 is amended to read:

6 § 904. CULTIVATOR LICENSE

7 (a) A cultivator licensed under this chapter may cultivate, process, package,
8 label, transport, test, and sell cannabis to a licensed wholesaler, product
9 manufacturer, retailer, integrated licensee, and dispensary and may purchase
10 and sell cannabis seeds and immature cannabis plants to another licensed
11 cultivator.

12 (b) Cultivation of cannabis shall occur only ~~in an enclosed, locked facility;~~

13 (1) on property lawfully in possession of the cultivator or with the
14 written consent of the person in lawful possession of the property; and

15 (2) in an area that is screened from public view and access is limited to
16 the cultivator and persons 21 years of age or older who have permission from
17 the cultivator.

18 * * *

19 Sec. 5. 7 V.S.A. § 905 is amended to read:

20 § 905. WHOLESALER LICENSE

21 A wholesaler licensed under this chapter may:

1 unit” means a building or the part of a building that is used as a primary home,
2 residence, or sleeping place by one or more persons who maintain a household.

3 (3) Any cannabis harvested from the plants allowed pursuant to this
4 subsection shall not count toward the one-ounce possession limit in section
5 4230a of this title, provided it is stored in an indoor facility on the property
6 where the cannabis was cultivated and reasonable precautions are taken to
7 prevent unauthorized access to the cannabis.

8 (4) Cultivation in excess of the limits provided in this subsection shall
9 be punished in accordance with section 4230 of this title.

10 (b)(1) Personal cultivation of cannabis only shall occur:

11 (A) on property lawfully in possession of the cultivator or with the
12 written consent of the person in lawful possession of the property; and

13 (B) in an ~~enclosure~~ area that is screened from public view and ~~is~~
14 ~~secure so that~~ access is limited to the cultivator and persons 21 years of age or
15 older who have permission from the cultivator.

16 (2) A person who violates this subsection shall be assessed a civil
17 penalty as follows:

18 (A) not more than \$100.00 for a first offense;

19 (B) not more than \$200.00 for a second offense; and

20 (C) not more than \$500.00 for a third or subsequent offense.

1 Sec. 7. EFFECTIVE DATE

2 This act shall take effect on passage.