



TOWN MEETING 2022
QUESTIONS and ANSWERS
Retail Cannabis

Town of Essex
February 11, 2022

1. What are voters being asked about cannabis on the Town Meeting ballot?

The ballot asks whether retail cannabis can be sold in Essex, also known as whether Essex should “Opt In” to allowing retail cannabis: “Shall the Town of Essex authorize cannabis retailers and retail portions of integrated licensee establishments in town pursuant to 7 V.S.A. § 863?”

2. Will this question affect whether or not cannabis can be sold in the Village of Essex Junction?

That depends. The question on the Town Meeting ballot will determine whether cannabis can be sold in all of Essex, including the Village of Essex Junction. However, the Village Board of Trustees or a voter-backed petition could decide whether to put a similar question(s) on the Village Meeting ballot in April, and the results of such a vote would apply within the Village.

3. Are there other types of cannabis establishments in addition to retail?

Yes, there are six licences that enable the following activities. Please note that the Opt In vote applies *only* to Retail licenses and the retail portion of Integrated licenses.

1. Cultivator license: permits the growth of cannabis plants, indoors or outdoors.
2. Manufacturer license: Enables production of products from cannabis plants including edibles, oils and other such products.
3. Wholesaler license: Enables the purchase of cannabis and cannabis products from other licensees and the ability to sell on the other licensees.
4. Testing laboratory license: Enables the testing of cannabis and cannabis products obtained from a licensed cannabis establishment, dispensary, or a member of the public.
5. Retailer license: May sell cannabis and cannabis products to the general public in a municipality that has voted to permit

Retail cannabis; Opted In. No other license type may sell to the public.

6. Integrated license: May engage in all of the activities of all the other license types. This license is only available to an applicant or its affiliates that hold a dispensary registration on April 1, 2022. With this category there are tiered license types; cultivator, manufacturer, retailer each of which have tiers relating to the size or kind of operation.

4. Are there any parameters for establishment licenses?

A licensee may hold multiple licenses, but only one of each type. Each license is tied to one location. Multiple licenses may operate at the one location. All cannabis establishments are subject to comprehensive state regulations and inspections by staff with the State of Vermont's Cannabis Control Board.

5. What authority does a municipality have over cannabis establishments?

Firstly, a municipality must Opt In to host a retail cannabis establishment by a majority vote. The Opt In vote only applies to retail establishments, and the retail portion of an Integrated License. The municipality has no impact of other license types to operate in their jurisdiction except through public nuisance ordinances as well as zoning, which must treat cannabis establishments like any other business.

6. How does the Essex Police Chief feel about retail cannabis?

Chief Ron Hoague said, "I continue to have concerns about it:

- An increase in DUI drug arrests as a result of increased availability – Vermont has already seen an increase in drug involved fatal crashes since cannabis was legalized a few years ago. 2021 saw more cannabis involved fatal crashes in Vermont than ever before (21)
- A steady or increasing black market for cannabis as a result of the taxation of retail cannabis
- Increased access to cannabis by minors through straw purchasing or poor security measures by adults
- A general feeling of acceptance by society. This has been shown in studies since Colorado was the first to legalize.

"Law enforcement raised these concerns many times before the legislature voted for retail cannabis. The legislature already

discounted these concerns when they passed the law, and the time to address those may have already passed. I am concerned about the above but no matter what the Town/Village votes for, we will be affected since other Cities nearby have voted to allow it.”

7. Where can I learn about public health concerns about retail cannabis?

You can visit www.healthvermont.gov/alcohol-drugs/lets-talk-cannabis

8. When can a municipality Opt In?

At any time for retail cannabis.

9. Can an Opt In municipality opt out of having retail cannabis?

Yes. However, any cannabis establishment that opened during the Opt In period would be allowed to continue to operate even if a municipality votes to opt out.

10. What regulatory control will an Opt In municipality have over cannabis?

Retail cannabis establishments are subject to the same zoning rules and municipal ordinances that apply to any other businesses. They can regulate signs or public nuisance. They do not have the power to create special rules for cannabis establishments.

11. Who controls cannabis at the State Level?

The Cannabis Control Board (CCB), which was created by [Act 164](#) in 2020. In 2021, under [Act 62](#), the legislature expanded the CCB's responsibilities.

12. What is the CCB's mission and what does it do?

The mission of the CCB is “to safely, equitably, and effectively implement and administer the laws enabling adult use and medical use of cannabis in Vermont.” The CCB implements laws governing the adult use cannabis program. The CCBs craft all rules pertaining to licensing and oversight of cannabis businesses, and oversight of compliance and enforcement of the program. The CCB has also assumed responsibility for administering the medical cannabis program, which includes oversight and administration of Vermont's therapeutic cannabis program including dispensaries and the patient and caregiver registry.

For more information about the CCB, visit <https://ccb.vermont.gov/>. Laws, rules and regulations relating to cannabis are available at <https://ccb.vermont.gov/laws-rules-and-regulations>.

13. Can a municipality have a local cannabis control commission?

Yes. But they are not required to. If a municipality does establish a local Commission, they must give notice of same to the State CCB. The local commission may issue and administer local licenses for retail cannabis and may condition licenses on compliance with local zoning bylaws and ordinances relating to signs and public nuisances. The local commission may also deny, suspend or revoke a local control license if it violates conditions of approval. Local commissions must inform the State Board of such actions.

14. What if a municipality does not have a Local Cannabis Control Commission?

Even without a local cannabis control commission a municipality may still regulate cannabis establishments in accordance with their general authority to regulate businesses.

15. How can a municipality control where a retail cannabis establish locates?

A municipality's zoning rules may require a certain type of cannabis establishment to operate within a particular zoning district. For example, a particular cannabis establishment may only operate within a commercially zoned district.

16. Are there buffer zones for retail cannabis?

Under state law ([18 V.S.A. §4327](#)) a retail cannabis establishment cannot operate on a property that abuts a school, or if the retail operations would occur within 500 feet of a school.

17. Are there provisional licenses and who approves them?

Only the State CCB approves provision licenses. Such a license does not permit operations to commence, nor does it guarantee obtaining a final license.

18. When will cannabis establishments begin operating?

No cannabis establishment can begin operating without proper licensing by the CCB. Under [Act 164](#) of 2020, the Legislature created the following timeline for issuing licenses based on the type of establishment:

- Small cultivators, testing laboratories, and integrated licensees: applications accepted on or before April 1, 2022; licenses issued on or before May 1, 2022
- All cultivators: applications accepted on or before May 1, 2022; licenses issued on or before June 1, 2022
- Manufacturers and wholesalers: applications accepted on or before July 1, 2022; licenses issued on or before August 1, 2022
- Retailers: applications accepted on or before September 1, 2022; licenses issued on or before October 1, 2022

Retailer licenses will only be issued in municipalities that have voted to opt-in.

19. Will Opt In municipalities receive any cannabis excise tax?

Currently no, however it is under review. If a municipality sets up a local cannabis control board to review licenses, a local fee of up to \$500 could be collected only to recover costs of processing applications.

20. Can an Opt In municipality gain any tax from the sale of retail cannabis?

Municipalities with an across-the-board local option tax can receive tax revenue on retail sales of cannabis. The sales and use tax applies to all cannabis products. Neither the Town or Village currently have any local options taxes, though it has been discussed recently.

21. Where can I learn more about cannabis in Vermont and in Essex?

The State's informational website about cannabis is at <https://ccb.vermont.gov/>.

The Town of Essex and Village of Essex Junction held community cannabis forums on Tuesday, December 7 and Wednesday, February 16. Recordings, meeting materials, and other information can be found under the Public Outreach section of the Town Cannabis in the Community page: www.essexvt.org/1013/Cannabis-in-the-Community.