

Vermont Compliance & Enforcement Subcommittee Meeting Minutes – Sept 13th, 2021

Board members in attendance:

- James Pepper, Chair
- Julie Hulburd
- Kyle Harris
- Nellie Marvel
- Brynn Hare

Advisory members in attendance:

- Ingrid Jonas
- Cary Giguere
- Ashley Reynolds

Sub committee members in attendance:

- Tom Nolasco
- Mark Gorman
- Ashley Manning

Additional attendees:

- Deneka Scott
- Brandon King of Dept of liquor and lottery
- David Huber Chief Policy Enforcement Officer for the Agency of Agriculture
- David Silberman

Tom Nolasco calls the Board to order at 2:00pm.

Minutes recorded by Ashley Manning.

Motion to Approve Minutes are approved.

Tom Nolasco addressed priorities for compliance and enforcement and that model local ordinances will also overlap with market structure sub-committee. In other states, limits are set by the county and tiers for cultivators. Fees need to cover the counties and how it will affect them. We could Utilize what has happened with alcohol and measure if it is quantifiable.

Next, Cultivation was addressed

Tom Nolasco addressed the public comments regarding how we are ensuring protection for small cultivators and keeping that in mind during the drafting.

In 1 week, Tom Nolasco will have a more comprehensive draft model to be considered for outdoor and indoor grows.

Cary Giguere stated the outdoor model is more important than the indoor and represents what is in place already. There are currently 4 indoor growers and 600 outdoor growers. The estimated size of

outdoor is less than 5 acres, less than a dozen that are 20 acres, and the rest are reaching close to 100 acres. Medical is currently indoor and some have outdoor outback of their facility.

Tom Nolasco stated the recommendations will address indoor and outdoor.

Kyle Harris addressed that the board would like to see a mixture of both indoor and outdoor and where that line is drawn. A Majority of Vermont is small outdoor growers.

Cary Giguere stated that cultivation could work in a fashion that Summer is outdoor, and winter is indoor

Next, Seed to sale was discussed and concerns were addressed.

Next, Enforcement was discussed that the CCB is to make use of current VT strategic partnerships.

Kyle Harris introduced David Huber who heads enforcement for the Agency of Agriculture, including its Cannabis Quality Program.

David Huber discussed the Agency of Agriculture enforcement division and that the Agency of Agriculture currently enforces, water quality, pesticides, nursery, hemp and provide help to others who need enforcement such as maple, dairy, animal inspection, and have a robust subject matter or those needing enforcement. The Agency of Ag appeals have the ability to file through the superior court. The agency has MOUs in place with other agencies.

Cary Giguere feels the Agency of Ag would be a good fit for cannabis and added that there is currently 1 field agent for hemp and the dept public safety manages medical cannabis enforcement and that he could add 6 more field agents for cannabis without legislative approval.

Cary also added that currently, if there is a violation on medical cannabis it is being investigated by dept of public safety. Pesticide use violations and weights and measurements are handled by the agency of Ag.

Kyle Harris added that Agency of Ag could provide resources or devote more time possibly to cannabis. If there is only 1 person doing inspections at Agency of Ag for hemp, we will need more resources for cannabis.

David Huber discussed that the Agency of Ag enforcement agents are cross trained for other compliance areas, so the agency of Ag can make internal referrals if it is applicable to another violation in another area. This is also already in place for the agency of Ag.

Tom Nolasco proposed the question: What are the level of resources available to local particular to zoning?

Julie Hulburd stated that the league of cities of towns could give an overview of local zoning.

Tom Nolasco addressed action items that he will have a conversation with Tim Wessel to get data on towns and counties, he will send a more comprehensive version of outdoor and indoor cultivation. He will send reference materials on model seed to sale tracking and would like to continue the conversation on how enforcement will be handled.

Kyle Harris proposed the question: For a model of local ordinances for towns that do not have local government and rely on the state: what does local control actually look like? From a local perspective, what does this look like from local control?

Public comment:

Dave Silberman: The idea of pushing legislation fix from opt in to opt out will be wasting political capital on something that might not succeed. Its already opposed. You might find more success on focusing on getting stronger incentives for towns, such as local revenue sharing.