

## Vermont Compliance & Enforcement Subcommittee Meeting Minutes – October 4, 2021

### Board members and staff in attendance:

- Kyle Harris – Member
- Brynn Hare – Executive Director

### Advisory Subcommittee in attendance:

- Sivan Cotel
- Ingrid Jonas
- Cary Giguere
- Ashley Reynolds
- Tim Wessel

### Additional attendees:

- David Huber – Agency of Agriculture, Food and Markets
- Wendy Knight – Department of Liquor and Lottery
- Brandon Knight – Department of Liquor and Lottery

### NACB staff in attendance:

- Tom Nolasco
- Mark Gorman
- Gina Kranwinkel

4 members of the public present

Minutes recorded by Mark Gorman

Tom calls the meeting to order at 2:00

Kyle Harris - announces a motion to approve 09.30.21 minutes will be made at the October 7 meeting by which time members will have had a chance to review them

Kyle Harris – Welcomed Sivan Cotel to the Compliance & Enforcement Subcommittee discussion. He explained he would like to continue the discussion on outdoor cultivation security – fencing, cameras, lights, security systems – that was begun last week. Seems like rules might be similar across most legal cannabis jurisdictions but we should explore areas where Vermont might take a different approach. We don't want to be overly prescriptive from cost perspective on smaller cultivators but are there areas where we could recommend alternative approaches while keeping in mind consumer safety and theft protection are still our main goals.

Ashley – just curious if we could consider smaller cultivators specifically, possibly not requiring fencing. Wants to hear from Cary how it's working out for hemp growers where some are not using fencing, but some are. Others might be using guards. There's a variety.

Tom Nolasco – from what we've seen from the research memo that was circulated, fencing is seen as critical for security, so if we do away with a fencing requirement then everything else seems optional. Protects against theft and damage from animals as well.

Sivan – I'm brand new to the discussion so take this with a grain of salt. I'm not a big, paternalistic regulation guy, but it seems like fencing would be a bare minimum. I think the other subcommittees have been working on the assumption that the state would require a certain level of fencing.

Mark – I would be concerned that if a cultivator does not at least install fences or other basic security systems, the police and the insurance companies will not be all that sympathetic when theft or other crop losses do occur. There will be calls to the police, drawing on their resources, when the grower may be perceived as having failed to take normal precautions.

Cary – the only real concerns about theft of cannabis crops would be during the last few weeks of the season when the plants are maturing. I haven't seen any less support from the police for hemp growers without fences.

Ashley – safety is a huge concern but it's not one-size-fits-all. Farmers know how to look after their crops.

Ingrid – would fencing be required by insurers?

Tom – most cultivators aren't insured. It's expensive.

Cary – I like the standard of just keeping grow sites out of sight. If it's alongside the road, you're going to put up a fence.

David Huber – dangerous animals are a real concern. You need to protect employees. Maybe you make fencing the first level of security, then allow the growers to select from a menu of other security options.

Kyle – I would like to present the subcommittee with options, a suite of best practices, fencing versus no fencing for example.

Tom – the options are in our research paper. There are no security regs for Vermont hemp right now so we can't rely on that example.

Kyle – we need a broad list of alternative security arrangements to choose from.

Kyle – let's move the discussion to indoor security.

Tom – there's video, limiting access, alarm systems, monitoring services.

Sivan – Acts 62 and 164 try to create opportunity for smaller operators. It needs to be "Vermonty." Security depends on the situation. If you're a retailer maybe you just need an armed guard Friday and Saturday nights.

Kyle – let's keep this discussion to cultivation site security for today.

Tom – there are options that are not as costly as others. Access control is not cost-prohibitive, for example. The bigger costs come with video systems, alarm systems and how much monitoring is required.

Sivan – good regulation is clear and imposes the lowest costs to achieve its goals. What a business can do should be broadly defined. What it cannot do should be specifically defined.

Ashley – the focus needs to be on keeping cannabis broadly available and accessible.

Cary – not sure what level of security is appropriate.

Tom – the industry wants access to be normalized, but in some cases it's getting more restrictive.

Kyle – I want to ask NACB to get our best options on paper. We need to dig into the indoor systems and regulations, and the retail security systems, for our next meeting.

The meeting was adjourned at 2:55 PM Eastern.