



CANNABIS CONTROL BOARD

89 Main Street Montpelier, VT 05602 | ccb.vermont.gov

GUIDANCE FOR LOCAL CANNABIS COMMISSIONS

APRIL 2022

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Notifying the Board of an affirmative opt-in vote

When a municipality votes to opt-in to cannabis retail sales, the municipality should send a copy of the results to the Cannabis Control Board at ccb.info@vermont.gov. This can be accomplished by attaching a copy of the same document in which official results are recorded in the town and posted for residents to view. This may also be accomplished by sending a copy of the Official Return of Election Results (the same document provided to the Secretary of State's Office) as long as that document includes the results of the opt-in vote.

The Cannabis Control Board also requests that the email to the Board include the contact information of the person in the municipality who is the primary contact to receive information about local control as it relates to cannabis establishments.

If a municipality holds an election or convenes a meeting for an opt-in vote and the vote fails, no notice to the CCB is required.

Forming a Local Commission

If a municipality forms a local commission, it should do so by resolution of the legislative body of the municipality; this is the Selectboard, City Council or similar body. The town may choose to have the local legislative body serve as the Local Control Commission or may decide to have a separate body of appointees. These details should be included in the resolution. A sample resolution is attached. The key elements of a resolution forming a local commission are: 1) stating that the purpose of the resolution is to form a local control commission and 2) how the commission will be formed.

If a municipality adopts a resolution to form a Local Control Commission, the town should send a copy of the resolution, signed by the legislative body, to the Cannabis Control Board at ccb.info@vermont.gov. It is important that this information is communicated to the Cannabis Control Board as soon as possible. The Cannabis Control Board licensing team will only seek local licensing information from towns that have formed a local commission. If a town does not form a local commission, the Cannabis Control Board will rely on an attestation of the applicant or licensee to confirm that they are in compliance with all local permitting, zoning and applicable ordinances.

The Cannabis Control Board requests that the email to the Board include the contact information of the person in the municipality who is the primary contact to receive information about local control as it relates to cannabis establishments. This would be the person to receive licensing information for review by the Local Control Commission.

As a reminder, a town is not required to form a local commission. A town may form a local commission even if it has no cannabis establishments currently in the town and the town has not opted-in to host a retail cannabis establishment.

Local Licensing

When a completed application for any type of Cannabis Establishment License is received, the Cannabis Control Board will send a report to the Local Control Commission of the town, if one exists. If no Local Control Commission exists, the Board will not send a report to the town. The report will include the name of the cannabis establishment and the principal(s) of the cannabis establishment. The report is provided for the review of the Local Control Commission. The role of the Local Control Commission is to

review and approve or deny the local license. Approval or denial of a local license may be based on the following:

- (For new applications) The commissioners may condition the issuance of a local control license upon compliance with any bylaw adopted pursuant to 24 V.S.A. § 4414 or ordinances regulating signs or public nuisances adopted pursuant to 24 V.S.A. § 2291.
- (For annual renewals) If the Cannabis Establishment has complied with conditions placed on its local license by the local commission.

If the Local Control Commission approves the local license, it should return the report with details to that effect and include any conditions placed on the license.

If the Local Control Commission denies the local license, it should return the report with details describing the reason the application was denied. For example, if the Cannabis Establishment has not applied for the proper permits or followed applicable zoning laws.

A municipality may only condition the operation of a cannabis establishment, or the issuance or renewal of a municipal permit to operate a cannabis establishment, on the conditions stated in the first bullet point in this section.

A municipality may not prohibit the operation of a cannabis establishment within the municipality through an ordinance adopted pursuant to 24 V.S.A. § 2291 or a bylaw adopted pursuant to 24 V.S.A. § 4414.

Sample Resolution for A Local Cannabis Control Commission

Whereas, Title 7, Chapter 33 of Vermont State Statues was Amended in 2020 to provide for the safe, equitable, and effective regulation of Adult-Use Cannabis; and

Whereas, 7 VSA § 863(b) provides that a municipality that hosts any cannabis establishment may choose to establish a cannabis control commission; and

Whereas, a Local Control Commission may issue and administer local control license for cannabis establishment within the municipality; and

Whereas, the commission may condition the issuance of a local control license upon compliance with any bylaw adopted pursuant to 24 VSA §4414 or ordinance regulating signs or public nuisances adopted pursuant to 24 VSA §2291; and

Whereas, the Local Control Commission may suspend or revoke a local control license for a violation of any condition placed upon the license pursuant to 7 VSA §863(b); and

Whereas, prior to issuing a cannabis establishment license the State Cannabis Control Board must ensure that an applicant has obtained a local control license if a municipality as established a Local Control Commission;

Now Therefore Be It Resolved, that (*the legislative body of the town*) has voted affirmatively to form a Local Cannabis Control Commission effective as of the date of this resolution (*date*)

Be it further resolved that, the Local Commission will be comprised of (*members of the legislative body of the town or members of the community; if not members of the legislative body this section may also include any applicable details about how the commissioners are appointed*)

Be it further resolved, the Local Cannabis Control Commission of (the town) will:

- a) Review information provided by the State Cannabis Control Board;
- b) Review information provided by applicants for the approval or denial of a local control license;
- c) Will communicate approval, denial, or conditions placed on the local control license to licensees and to the State Cannabis Control Board; and
- d) Comply with the provisions of 7 V.S.A. § 863 and Cannabis Control Board Rule 2.14.

Signatures:

The resolution should be signed by the members of the town's legislative body upon passage.