



CANNABIS CONTROL BOARD

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GUIDANCE ON BUFFER ZONES

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**JAMES PEPPER, CHAIR
JULIE HULBURD, COMMISSIONER
KYLE HARRIS, COMMISSIONER**

BRYNN HARE, EXECUTIVE DIRECTOR

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Introduction

Vermont law prohibits cannabis sales within 500 feet of a school. The Cannabis Control Board has included buffer zone requirements in Rule 2 (the Regulation of Cannabis Establishments) to address this issue. This section of guidance will assist cannabis retail establishments in understanding these requirements.

This guidance is not legal advice. If cannabis establishments have questions regarding their legal responsibilities, they are encouraged to consult their legal counsel.

Application of Buffer Zones

Buffer zone requirements only apply to cannabis retail establishments, the retail portion of integrated licenses, and medical dispensaries. They do not apply to cannabis cultivation, manufacturing, testing, or wholesaling. When more than one license type operates from the same location, the buffer zones apply if one of those licenses is a retail license.

Cannabis retailers cannot operate if the store is on a property that abuts a school property and if the retail operations would occur within 500 feet of the school property. This includes property adjacent to a school and by a river, stream or a public highway.

Because Vermont law prohibits the sale of cannabis within 500 feet of a school, buffer zones cannot be waived under any circumstance.

Important Definitions and References

Cannabis Control Board Rule 2.8.1 says: *"Retail Cannabis Establishments shall not be located at a place where the sale of a regulated drug would constitute a violation of 18 V.S.A. §4237(d)."*

18 V.S.A. §4237(d) says: *"The selling or dispensing of a regulated drug to a person on property abutting school property is a violation under this section only if it occurs within 500 feet of the school property. Property shall be considered abutting school property if: (1) it shares a boundary with school property; or (2) it is adjacent to school property and is separated only by a river, stream, or public highway."*

Under these laws, cannabis is considered a regulated drug. A school is a public or independent elementary or secondary school (such as a high school) or a property owned by a school.

Suggestions on Determining Distances for a Buffer Zone

There is no other direction in the law or rule for measuring the buffer zone.

It is suggested that buffer zones be measured by measuring the distance from the nearest entrance or exit of the retail establishment to the nearest point on the school property line.

Example:

Suppose the cannabis retail establishment is in a shopping center that is located next to a school. In that case, it is suggested that buffer zones be measured from the nearest exit or entrance of the cannabis retail establishment to the nearest point on the school property line.

Example:

Suppose the cannabis retail establishment is in a free-standing building that is located next to a school. In that case, it is suggested buffer zones be measured from the nearest exit or entrance to the cannabis retail establishment to the nearest point on the school property line.

A school and property owned by a school are defined in Vermont Law in this way:

"Public school" means an elementary school or secondary school operated by a school district. A public school may maintain evening or summer schools for its students, and it shall be considered a public school. (16 V.S.A. §11(b)(7))

"Independent school" means a school other than a public school, which provides a program of elementary or secondary education, or both. An "independent school meeting education quality standards" means an independent school in Vermont that undergoes the education quality standards process and meets the requirements of subsection 165(b) of this title. (16 V.S.A. §11(b)(7))

"Owned by a school" means owned, leased, controlled, or subcontracted by a school and used frequently by students for educational or recreational activities. (18 V.S.A. §4237(f)(2))

A school is not a college, church, library, or daycare unless that property is owned by an independent or public elementary or secondary school as defined above.

Example:

Suppose a school owns a church. The school uses that building frequently for assemblies, classrooms, or recreational activities. In that case, that building may be included in calculating a buffer zone.

For this reason, it is recommended that cannabis retail establishments know their neighborhood and the uses of the buildings surrounding their location. It's best to do this research before selecting a space.

Buffer Zones in Your Town

A municipality may regulate the location of cannabis establishments to the same extent it may regulate the placement of any other business under its zoning powers, but a municipality does not have authority to go beyond its zoning power under 24 V.S.A. § 4414 in creating buffer zones that could apply to cannabis establishments. That statute allows municipalities to create districts where categories of property use are permitted or restricted. The town may also set conditions on categories of property use in the district. In accordance with 7 V.S.A. 863(d)(1), however, 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."

Reference to Other Guidance

The Cannabis Control Board's [Guidance for Municipalities](#) contains additional information about buffer zones.