



**CANNABIS CONTROL BOARD**

**89 Main Street Montpelier, VT 05602 | [ccb.vermont.gov](http://ccb.vermont.gov)**

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# **LAW ENFORCEMENT GUIDANCE**

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## **Introduction**

While cannabis remains a Schedule I controlled substance pursuant to the federal Controlled Substances Act, Vermont has followed the example of the majority of other states and legalized the cultivation, manufacture, and sale of cannabis within the State.

The Cannabis Control Board (“CCB”) has broad authority to regulate the adult- and medical-use markets, including civil enforcement of violations of Board rules and related laws. Inevitably, situations will arise in which violations among both licensed and unlicensed operators will implicate state criminal laws. This document is intended to identify the most likely scenarios law enforcement agencies may encounter and provide guidance on how to respond when presented with evidence of a cannabis-related offense.

## **Authority of CCB**

State law gives the CCB the authority to enforce its rules and related statutes (see 7 VSA § 843). The CCB may suspend or revoke a cannabis establishment license or issue civil citations for violations of Board rules or laws governing the adult- and medical-use cannabis markets (7 VSA § 882). The CCB promulgated Rule 4: Compliance & Enforcement which details its authority to investigate and enforce Board rules and related law. The offenses enumerated in Title 18, Chapter 84, still apply to unlicensed cannabis operators as well as licensees operating outside the scope of their specific license. The CCB is not a law enforcement agency as defined in Title 20, Chapter 151, but it has partnered with the Compliance and Enforcement Division of the Department of Liquor and Lottery (“DLL”) to refer cases where criminal enforcement may be necessary.

All enforcement questions should be directed to the CCB Compliance and Enforcement Director Cary Giguere: 802-793-1706; CCB.Compliance@vermont.gov.

## **Enforcement Protocols**

### **Violations by Licensees**

Cannabis licensees are required to maintain compliance with all applicable regulations and laws regarding their license type. The CCB Compliance and Enforcement Agents will conduct regular inspections, both announced and unannounced, of all persons who engage in the licensed cultivation, sale, or transfer of cannabis or cannabis products to ensure compliance with Board rules. If CCB Compliance Agents see evidence of a violation during an inspection, the Board will initiate an investigation that may lead to a disciplinary action. The CCB will also accept complaints, including anonymous complaints, that may trigger an investigation and disciplinary action. If an investigation uncovers credible evidence of criminal activity, the CCB may refer the matter to the DLL’s Office of Compliance and Enforcement for further investigation.

### **Violations by Pending Cultivation Applicants**

The legislative intent of the General Assembly in authorizing the creation of a cannabis commercial industry in Vermont is “to move as much of the illegal cannabis market as possible into the regulated market for the purposes of consumer protection and public safety” (7 VSA §904a). While the Cannabis Control Board does not condone operating without a license, it believes penalizing pending applicants that are making a good faith effort to join the legal market would contravene this legislative intent.

If a LEA receives evidence of an illegal cannabis cultivation operation either through a complaint or incident to an investigation, the CCB requests that the law enforcement agency refer the matter to CCB Compliance Director who will review the case for the following conditions:

1. The cultivator has a pending application for cultivation before the CCB and is making a good faith effort to get licensed.
2. The cultivator is operating within the scope and limitations of the license they are seeking.
3. The cultivator is adhering to all other applicable regulations.
4. The cultivator is not committing crimes other than unlicensed cultivation, such as the unlicensed sale of cannabis.

If the operator is meeting these criteria, the CCB requests that the referring law enforcement agency not take an enforcement action against the individual. The CCB will continue to monitor the status of the applicant to ensure compliance with the criteria. If the operator falls out of compliance with these interim criteria, the CCB will refer the case to DLL for enforcement.

It is important to note that many of our licensed cultivators are home-based small operators. Law enforcement officers may encounter both indoor and outdoor cultivation sites that exceed the permitted home grow limits during a routine investigation or patrol. Any officer who encounters a suspicious cannabis cultivation site should contact CCB Compliance Director to determine the licensing status of the operator.

### **Evidence of Unlicensed Manufacture or Sale of Cannabis**

The CCB will not tolerate the unlicensed manufacture or sale of cannabis or cannabis products. If a law enforcement agency receives credible evidence of these activities, it encourages the agency to coordinate with the CCB Compliance Director. The CCB Compliance Division will be able to provide details regarding the licensing status of the subject of the complaint as well as the permitted activities and/or limitations of the subject's license. This information will be critical in determining what sort of enforcement action, if any, is warranted.

It is important to note that the Board created a small-scale manufacturing license type that permits the production of a limited amount of cannabis products using non-solvent based extraction procedures for sale to other licensees—not the general public—in a home occupancy. Law enforcement officers may encounter home-based product manufacturers during a routine investigation or patrol. Any officer who encounters a suspicious cannabis manufacturing operation should contact CCB Compliance Director to determine the licensing status of the operator.

### **Transportation of Cannabis and Cannabis Products between Licensees**

The rules regarding the transportation of cannabis between licensed operators can be found in [CCB Rule 2](#). Pursuant to this rule, anyone transporting cannabis or cannabis products must:

1. Be a current licensed cannabis establishment employee and carry their employee identification card at all times while transporting cannabis or cannabis products.
2. With a very limited exception, transport cannabis in an unmarked vehicle that is current in its registration, inspection, and insurance.
3. Cannabis and cannabis products must be secure, concealed from public view, and inaccessible from the driver's seat.

4. Carry a transport manifest that includes all information about their inventory, where the cannabis and cannabis products originated, the receiving cannabis establishment(s), and the time of departure and approximate time of arrival at the receiving establishments.
5. To the extent possible, stay with their vehicle.
6. Not cross state borders with cannabis or cannabis products.

Cannabis licensees are required to submit a copy of their transport manifest to the CCB prior to departure. Law enforcement officers who identify an operator transporting cannabis or cannabis products should review the driver's employee identification card and transport manifest to ensure compliance with these basic regulations. A law enforcement officer who has concerns about the legitimacy of the transport or compliance with transportation regulations should contact the CCB Compliance Director.

It is important to note that the delivery of cannabis and cannabis products from a medical dispensary directly to registered medical patients is permitted. Medical delivery operators must be employees of a licensed medical dispensary, must carry their employee identification cards, and must store cannabis and cannabis products in a secured, locked place within the vehicle. A law enforcement officer who has concerns about the legitimacy of delivery should contact the CCB Compliance Director.

### **Evidence of crime committed against a licensee**

It is likely that a local law enforcement agency may receive complaints of theft or other crimes perpetrated against a licensed cannabis operation. The investigation and enforcement of these types of offenses is not under the jurisdiction of the CCB and should be handled by the law enforcement agency receiving the complaint. The CCB will share information about the licensed operation with the responding agency where appropriate.

### **Non-permitted Activities**

#### **a. Delivery**

While permitted in the medical-use program, the delivery of cannabis and cannabis products directly to customers is not currently a permitted activity of adult-use cannabis licensees. Individuals over the age of 21 may possess cannabis in their vehicles subject to the limitations set forth in Title 18, Chapter 84 (18 V.S.A. § 4230a) and Title 23, Chapter 13 (23 V.S.A. § 1134a), but are not permitted to dispense cannabis to members of the public unless they are a licensed employee of a medical dispensary and they are delivering to a registered medical patient. Law enforcement officers with credible evidence of a delivery occurring should contact the CCB Compliance Director to determine the legality of the delivery.

#### **b. Public Consumption and On-Site Consumption**

Under state law, cannabis consumption is prohibited in any public place, meaning any street, alley, park, sidewalk, public building other than individual dwellings, any place of public accommodation, and any place where the use or possession of a lighted tobacco product, tobacco product, or tobacco substitute is prohibited by law.

Places of public accommodation can include restaurants, stores, or other facilities at which services, facilities, goods, privileges, advantages, benefits, or accommodations are offered to the general public. Pursuant to 18 V.S.A. § 4230a, public consumption of cannabis in any form is prohibited and is subject to civil penalties capped at \$100 for a first offense, \$200 for a second offense, and \$500 for a third or

subsequent offense. Consumption of cannabis at a licensed cannabis establishment is currently prohibited by statute and by CCB rule.

Cannabis consumption on private property that is not a place of public accommodation is not prohibited by state law.

c. Direct-to-consumer sales

Retail licensees are the only operators permitted to sell cannabis and cannabis products to the public, and they must do so in compliance with all age verification, security, and consumer safety regulations that appear in CCB rules. Cannabis and cannabis products may not be sold at farm stands, farmers' markets, gas stations, or anywhere accessible to people under 21 years of age. Online ordering for in-store pick-up at a cannabis retail shop is permitted.