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H.549

Introduced by Representatives Dolan of Essex Junction and Houghton of
Essex Junction

Referred to Committee on

Date:

Subject: Cannabis cultivation; outdoor cultivation of cannabis; siting

Statement of purpose of bill as introduced: This bill proposes to establish a
siting requirement for the outdoor cultivation of cannabis. The bill would
prohibit the outdoor cultivation of cannabis in an area of a municipality with a
population density at or above 500 persons per square mile, in an area served
by municipal water and sewer infrastructure, or in an area prohibited by the
Cannabis Control Board by rule.

An act relating to the siting of outdoor cannabis cultivation

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 7 V.S.A. § 904(b) is amended to read:

(b) Cultivation of cannabis shall occur only:

(1) on property lawfully in possession of the cultivator or with the
written consent of the person in lawful possession of the property; ~~and~~

1 (2) in an area that is screened from public view and access is limited to
2 the cultivator and persons 21 years of age or older who have permission from
3 the cultivator; and

4 (3) in the following areas of a municipality when the property is used for
5 outdoor cultivation:

6 (A) an area with a population density below 500 persons per square
7 mile;

8 (B) an area that is not served by municipal water and sewer
9 infrastructure; or

10 (C) an area that is not prohibited from cultivation by the Board by
11 rule.

12 Sec. 2. 7 V.S.A. § 881(a) is amended to read:

13 (a) The Board shall adopt rules to implement and administer this chapter in
14 accordance with subdivisions (1)–(8) of this subsection.

15 * * *

16 (2)(A) Rules concerning cultivators shall include:

17 (i) creation of a tiered system of licensing based on the plant
18 canopy size of the cultivation operation or plant count for breeding stock;

19 (ii) pesticides or classes of pesticides that may be used by
20 cultivators, provided that any rules adopted under this subdivision shall

1 comply with and shall be at least as stringent as the Agency of Agriculture,
2 Food and Markets' Vermont Pesticide Control Regulations;
3 (iii) standards for indoor cultivation of cannabis;
4 (iv) procedures and standards for testing cannabis for
5 contaminants, potency, and quality assurance and control;
6 (v) labeling requirements for cannabis sold to retailers and
7 integrated licensees, including health warnings developed in consultation with
8 the Department of Health;
9 (vi) regulation of visits to the establishments, including the
10 number of visitors allowed at any one time and record keeping concerning
11 visitors; ~~and~~
12 (vii) facility inspection requirements and procedures; and
13 (viii) location or siting requirements for outdoor cultivation,
14 including areas where outdoor cultivation is prohibited because of population
15 density or other criteria.

16 (B) The Board shall consider the different needs and risks of small
17 cultivators when adopting rules and shall make an exception or
18 accommodation to such rules for cultivators of this size where appropriate.

19 * * *

20 Sec. 3. EFFECTIVE DATE

21 This act shall take effect on passage.