

**VILLAGE OF ESSEX JUNCTION  
TRUSTEES MEETING  
JOINT MEETING WITH THE PLANNING COMMISSION  
MAY 19, 2022  
6:00 P.M.  
MEETING REMOTE ONLY  
Agenda**

*Due to Covid-19 pandemic, this meeting will be held remotely. Available options to watch or join the meeting:*

- **JOIN ZOOM MEETING:** [Click here to join the meeting](#)
- **JOIN CALLING:** Join via conference call (*audio only*): 1(888) 788-0099 (toll free) | Conference ID: 953 1240 7791
- **PROVIDE FULL NAME:** For minutes, please provide your full name whenever prompted.
- **MUTE YOUR MIC:** When not speaking, please mute your microphone on your computer/phone.

**I. Audience for Visitors**

**II. Additions or Amendments to Agenda**

**III. Village Trustees and Planning Commission Discussion**

- A. Discuss transition from Planning Commission to Development Review Board (DRB) effective July 1, 2022.
- B. Status update of process of Code update on retail cannabis.

**IV. Adjournment**

This meeting will be held in the conference room of the Essex Junction municipal building at 2 Lincoln St., Essex Jct., VT. Reasonable accommodations will be provided upon request to the Village, 878-6950, to assure that Village meetings are accessible to all individuals regardless of disability.

For information please contact the Community Development Department from 8 – 4:30 at 878-6950 or the website [www.essexjunction.org](http://www.essexjunction.org).

## Memo

**To:** Village Trustees

**From:** Brad Luck, Interim Co-Manager

**Meeting Date:** May 19, 2022 (Joint meeting with Planning Commission)

**Agenda Item:** IIIA. Transition to Planning Commission & Development Review Board (DRB) July 1, 2022

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### Issue

Now that the charter is confirmed, our current Planning Commission and Zoning Board of Adjustment (ZBA) will become the Planning Commission (PC) and Development Review Board (DRB), respectively, effective July 1. The Trustees should discuss what steps they would like to see happen to make this a successful transition.

### Discussion

There are many things to be discussed and determined, some of which include:

- How many members should be on the PC (3-9)?
- How long will the terms be for the PC?
- How many members should be on the DRB (5-9)? Terms are established in the charter as 3-years.
- What other questions need to be answered?
- Should there be further clarification/education on the roles of each?
- Do any policies/by-laws/ordinances/etc. need to be updated to reflect these changes?
- Is there specific language that can be used to advertise for vacancies (i.e. meeting frequency, what the role will be, who would be best in these roles)?
- Do you have specific people you can reach out to who would be good in these roles?

Below is the language that is in the city charter regarding the PC and DRB.

#### *City Charter Language*

#### **Subchapter 1: Transitional Provisions**

#### § 108 Planning and Development

- a. From the effective date of the Charter, the Village of Essex Junction Planning Commission and the Village of Essex Junction Zoning Board of Adjustment, shall become the Planning Commission and the Development Review Board of the City of Essex Junction, respectively.

## **Subchapter 8: Boards and Commissions**

### **§ 803 Planning Commission**

There shall be a Planning Commission and its powers, obligations, and operation shall be under and in accordance with Vermont Statutes Annotated, as they may be amended from time-to-time hereafter, and members will be appointed by the City Council from among the qualified voters of the City. Members of the Commission shall hold no other City office. The City Council shall have the authority pursuant to 24 V.S.A. §4323(a) to set the terms of the Planning Commission members.

### **§ 804 Development Review Board**

A Development Review Board shall be established, and its powers, obligations, and operation shall be under and in accordance with Vermont Statutes Annotated, as they may be amended from time-to-time hereafter, and members will be appointed by the City Council for terms of three years from among the qualified voters of the City.

#### **Cost**

NA.

#### **Recommendation**

It is recommended that the Trustees have a conversation and identify next steps.

#### **Recommended Motion**

No motion necessary.

#### **Attachments**

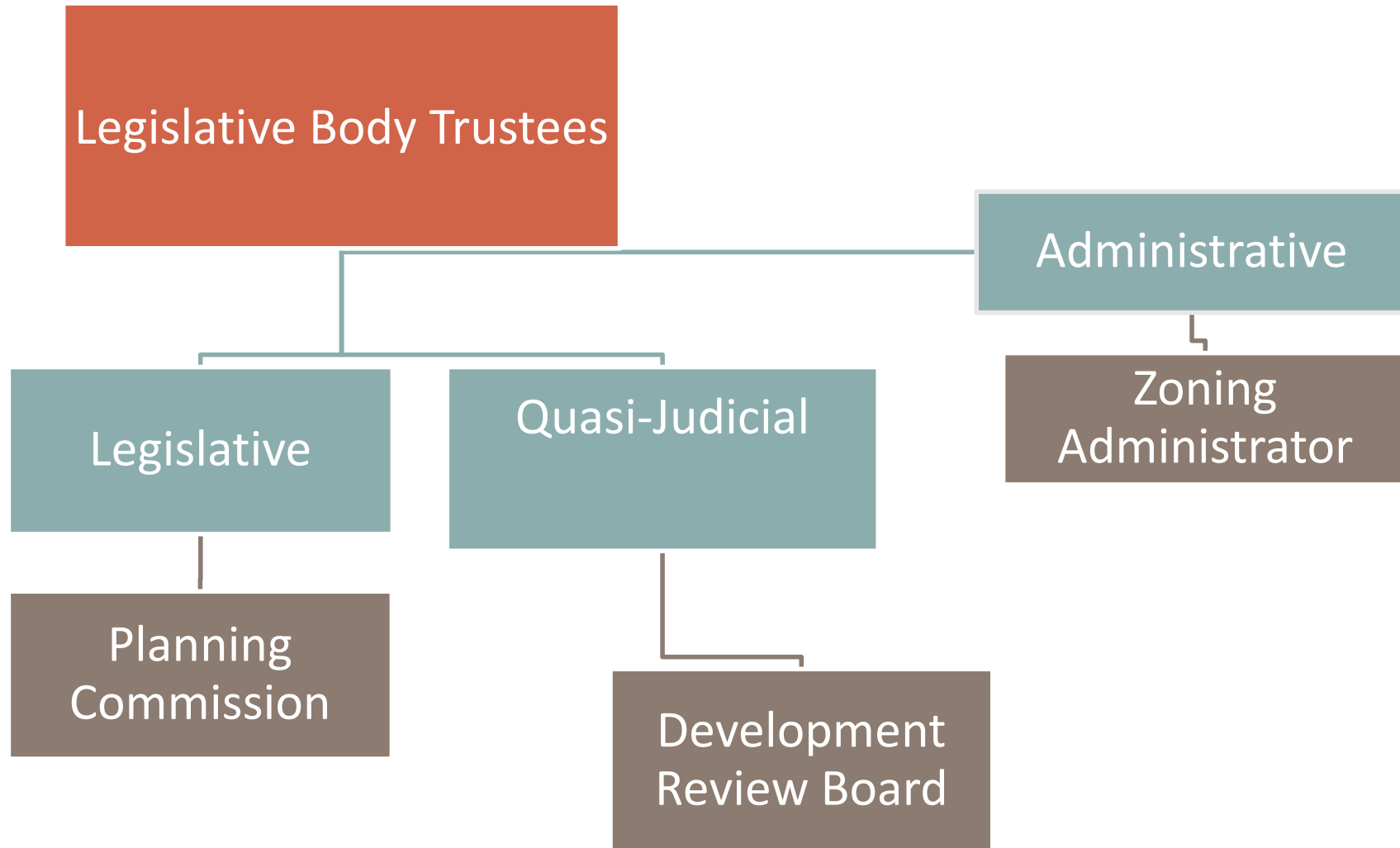
- PC & DRB Roles & Responsibilities from Robin Pierce
- PC/DRB Model - E-mail from Robin Pierce
- VT Statutes – Municipal Planning Commissions
- VT Statutes – Appropriate Municipal Panels

# ROLES AND RESPONSIBILITIES

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City of Essex Junction

# Local Roles and Responsibilities



# DRB Model

## Pros

- Clear separation of legislative and quasi-judicial powers
- Workload distribution
- Easier to explain to parties

## Cons

- Disconnect between writing rules and using rules

# Recommendations for DRB Model

- Create membership overlap
  - Recommend 5 members on both boards with 2 alternate members
- Have annual joint meeting with PC/DRB/Trustees
- Staff
  - Community Development Director
    - Town Planner – PC
    - Zoning Admin – DRB (except appeals)

## PC/DRB Model

Robin Pierce <robin@essexjunction.org>

Thu 4/28/2022 8:34 AM

To: Wendy Hysko <wendyh@brownelllibrary.org>; Brad Luck <bluck@ejrp.org>

Cc: Andrew Brown <abrown@essexjunction.org>; Raj Chawla <RChawla@essexjunction.org>; George Tyler <gtyler@essexjunction.org>; Daniel Kerin <dkerin@essexjunction.org>; Amber Thibeault <ATHibeault@essexjunction.org>; Terry Hass <terry@essexjunction.org>

Greetings. In the PC/DRB Model, the executive function is performed by the zoning administrator, the legislative (rule-making) is undertaken by the planning commission, and the (quasi) judicial function, i.e. making decisions on specific cases and applying the rules is carried out by the DRB. Basically in this model the PC proposes rules, the Trustees approve the rules, and DRB administers the rules.

About one half of Vermont municipalities have moved to a DRB structure with general satisfaction. Most of the municipalities maintaining the PC/ZBA structure were smaller municipalities of less than 2,000 population, in either the Northeast Kingdom or southern Vermont.

The statute on "appropriate municipal panels" is 24 V.S.A. 4460. The statute does not require any public hearings. It just references the legislative body creating a DRB which can be done by resolution. The City Charter already has the DRB model included.

Thank you,

Robin

Robin Pierce

Community Development Director  
Village of Essex Junction

Sent from the copier



- ***Subchapter 2: Municipal Planning Commissions***
- **§ 4321. Creation of planning commissions**

(a) A planning commission may be created at any time by the act of the legislative body of a municipality.

(b) In any urban municipality, the legislative body may create a planning department headed by a planning director as a substitute for a planning commission, and, in that event all of the powers and duties of planning commissions set forth herein shall be exercised by such planning director, subject to such regulations as that executive body shall from time to time specify, and sections 4322 and 4323 of this title shall not apply to such director. In such event, that legislative body may further create an advisory planning council, which shall only function in an advisory capacity to the planning director in the exercise of his or her powers and duties, and shall have such other functions as that legislative body shall, by resolution, assign to such council. (Added 1967, No. 334 (Adj. Sess.), § 1, eff. March 23, 1968.)

- **§ 4322. Planning commission; membership**

A planning commission shall have not less than three nor more than nine voting members. All members may be compensated and reimbursed by the municipality for necessary and reasonable expenses. At least a majority of the members of a planning commission shall be residents of the municipality. The selectboard of a rural town, or not more than two elected or appointed officials of an urban municipality who are chosen by the legislative body of the urban municipality, shall be nonvoting ex officio members of a planning commission. If a municipality has an energy coordinator under chapter 33, subchapter 12 of this title, the energy coordinator may be a nonvoting ex officio member of the planning commission. (Added 1967, No. 334 (Adj. Sess.), § 1, eff. March 23, 1968; amended 1969, No. 116, § 3; 1973, No. 261 (Adj. Sess.), § 2, eff. July 1, 1974; 1979, No. 174 (Adj. Sess.), § 3.)

- **§ 4323. Appointment, term, and vacancy; rules**

(a) Members of a planning commission shall be appointed and any vacancy filled by the legislative body of a municipality. The length of the term of planning commission members shall be determined by the legislative body of a municipality. Any member may be removed at any

time by unanimous vote of the legislative body. Any appointment to fill a vacancy shall be for the unexpired term.

(b) A planning commission shall elect a chair and a clerk and, at its organization meeting, shall adopt by majority vote of those members present and voting such other rules as it deems necessary and appropriate for the performance of its functions. A planning commission shall keep a record of its resolutions and transactions, which shall be maintained as a public record of the municipality.

(c) As an alternative to appointment under subsection (a) of this section, municipalities may choose to elect planning commissioners for terms of one to four years. The proposal to elect and the length of terms to be filled shall be determined pursuant to a duly warned article at an annual or special meeting of the municipality. If a municipality chooses to elect planning commissioners:

(1) The length and spacing of terms shall be decided by vote of the municipality.

(2) Elections shall occur only as terms are completed, or as vacancies occur, or as new planning commissions are created.

(3) Vacancies may be filled by appointment of the legislative body only until the next meeting of the municipality, at which time the voters shall elect a commissioner to fill the unexpired term.

(4) Elected commissioners may not be removed by action of the legislative body. (Added 1967, No. 334 (Adj. Sess.), § 1, eff. March 23, 1968; 1989, No. 280 (Adj. Sess.), § 3a; 2003, No. 103 (Adj. Sess.), § 1.)

- **§ 4324. Existing commissions**

The members of any existing planning commission or body having similar powers and functions established under former laws shall continue in office until the end of their term as so established. New members shall be appointed and vacancies filled only under this chapter. Such commissions shall have, on March 23, 1968, all of the powers and duties of a planning commission created under this chapter. (Added 1967, No. 334 (Adj. Sess.), § 1, eff. March 23, 1968.)

- **§ 4325. Powers and duties of planning commissions**

Any planning commission created under this chapter may:

(1) Prepare a plan and amendments thereof for consideration by the legislative body and to review any amendments thereof initiated by others as set forth in subchapter 5 of this chapter.

(2) Prepare and present to the legislative body proposed bylaws and make recommendations to the legislative body on proposed amendments to such bylaws as set forth in subchapter 6 of this chapter.

(3) Administer bylaws adopted under this chapter, except to the extent that those functions are performed by a development review board.

(4) Undertake capacity studies and make recommendations on matters of land development, urban renewal, transportation, economic and social development, urban beautification and design improvements, historic and scenic preservation, the conservation of energy and the development of renewable energy resources, and wetland protection. Data gathered by the planning commission that is relevant to the geographic information system established under 3 V.S.A. § 20 shall be compatible with, useful to, and shared with that system.

(5) Prepare and present to the legislative body recommended building, plumbing, fire, electrical, housing, and related codes and enforcement procedures, and construction specifications for streets and related public improvements.

(6) Prepare and present a recommended capital budget and program for a period of five years, as set forth in section 4440 of this title, for action by the legislative body, as set forth under section 4443 of this title.

(7) Hold public meetings.

(8) Require from other departments and agencies of the municipality such available information as relates to the work of the planning commission.

(9) In the performance of its functions, enter upon land to make examinations and surveys.

(10) Participate in a regional planning program.

(11) Retain staff and consultant assistance in carrying out its duties and powers.

(12) Undertake comprehensive planning, including related preliminary planning and engineering studies.

(13) Perform such other acts or functions as it may deem necessary or appropriate to fulfill the duties and obligations imposed by, and the intent and purposes of, this chapter. (Added 1967, No. 334 (Adj. Sess.), § 1, eff. March 23, 1968; amended 1979, No. 174 (Adj. Sess.), § 4; 1985, No. 188 (Adj. Sess.), § 7; 1987, No. 200 (Adj. Sess.), § 18, eff. July 1, 1989; 1993, No. 232 (Adj. Sess.), § 45, eff. March 15, 1995; 2003, No. 115 (Adj. Sess.), § 85.)

• **§ 4326. Appropriations, reports, and records**

Every municipality may appropriate to and expend funds for its planning commission. The planning commission shall keep a record of its business and shall make an annual report to the municipality. A planning commission may accept and utilize any funds, personal or other assistance made available by this State or federal government or any of their agencies or from private sources. (Added 1967, No. 334 (Adj. Sess.), § 1, eff. March 23, 1968.)

• **§ 4327. Joint planning commissions**

(a) Any planning commission of a municipality which is a town having one or more municipalities contained within its area or which is one of such contained municipalities shall, upon the act of the legislative body of each municipality, be the planning commission under this chapter for such town and all such contained municipalities.

(b) A planning commission acting for more than one municipality shall be the planning commission for such town and all such contained municipalities until such joint arrangement is terminated by the act of the legislative body of any participating municipality.

(c) In any town containing one or more villages, any act required under this chapter to be taken by a legislative body or by the vote of a municipality shall be taken by the legislative body of the town or, as the case may be, the voters of the town, including the voters of any contained village.

(d) If a contained village adopts its own plan, capital budget, or program or one or more bylaws, then any act required under this chapter for the adoption shall be taken by the legislative body or voters of the village. Nevertheless, the voters of the village shall remain as

voters in the town for the adoption of town bylaws and capital budget and program, as provided in subsection (c) of this section.

(e) A single planning commission, appointed by the Board of Governors of the unified towns and gores of Essex County, namely Averill, Avery's Gore, Ferdinand, Lewis, Warner's Grant, and Warren's Gore, shall serve as the planning commission for these towns and gores. (Added 1967, No. 334 (Adj. Sess.), § 1, eff. March 23, 1968; amended 1973, No. 188 (Adj. Sess.), § 1, eff. July 1, 1974; 1973, No. 261 (Adj. Sess.), §§ 3, 7 eff. July 1, 1974; 1975, No. 164 (Adj. Sess.), § 3; 2005, No. 30, § 1; 2005, No. 105 (Adj. Sess.), § 1.)

- **§ 4328. Terms of office inconsistent with charter provisions**

When a charter of a municipality exists having terms respecting the appointment and authority of municipal officials, relating to their activities under this chapter, which terms are inconsistent with this chapter, those terms of that charter shall prevail. (Added 1967, No. 334 (Adj. Sess.), § 1, eff. March 23, 1968; amended 1969, No. 116, § 4.)

# The Vermont Statutes Online

## Title 24 : Municipal And County Government

### Chapter 117 : Municipal And Regional Planning And Development

#### Subchapter 010 : Appropriate Municipal Panels

(Cite as: 24 V.S.A. § 4460)

#### § 4460. Appropriate municipal panels

(a) If a municipality establishes a development review board and appoints members to that board, the development review board in that municipality, until its existence is terminated by act of the legislative body, shall exercise all of the functions otherwise exercised under this chapter by the board of adjustment. It also shall exercise the specified development review functions otherwise exercised under this chapter by the planning commission. In municipalities that have created development review boards, the planning commission shall continue to exercise its planning and bylaw development functions and other duties established under this chapter. In situations where this chapter refers to functions that may be performed by a development review board or a planning commission or functions that may be performed by a development review board or a board of adjustment, it is intended that the function in question shall be performed by the development review board if one exists and by the other specified body if a development review board does not exist.

(b) The board of adjustment or the development review board for a rural town or an urban municipality may consist of the members of the planning commission of that town or may include one or more members of the planning commission. The board of adjustment for a rural town or an urban municipality shall consist of not fewer than three nor more than nine persons, as the legislative body of the municipality determines, appointed by the legislative body of the municipality promptly after the first adoption of a bylaw by the municipality. If the legislative body of a municipality creates a development review board to perform all development review functions under this chapter, that board shall consist of not fewer than five nor more than nine persons, as the legislative body of the municipality determines, appointed by the legislative body of the municipality. A municipality may not have a board of adjustment and a development review board at the same time. Upon creation of a development review board, the existence of any board of adjustment shall terminate.

(c) In the case of an urban municipality or of a rural town where the planning commission does not serve as the board of adjustment or the development review board, members of the board of adjustment or the development review board shall be appointed by the legislative body, the number and terms of office of which shall be determined by the

legislative body subject to the provisions of subsection (a) of this section. The municipal legislative body may appoint alternates to a planning commission, a board of adjustment, or a development review board for a term to be determined by the legislative body. Alternates may be assigned by the legislative body to serve on the planning commission, the board of adjustment, or the development review board in situations when one or more members of the board are disqualified or are otherwise unable to serve. Vacancies shall be filled by the legislative body for the unexpired terms and upon the expiration of such terms. Each member of a board of adjustment or a development review board may be removed for cause by the legislative body upon written charges and after public hearing. If a development review board is created, provisions of this subsection regarding removal of members of the board of adjustment shall not apply.

(d) A joint board of adjustment or development review board may be created upon the act of each legislative body of those municipalities having joint planning commissions as provided in section 4327 of this title. The joint board of adjustment or development review board for these participating municipalities shall consist of persons who would have been the members of the board of adjustment or development review board of each of those municipalities. Joint entities created under this subsection may include a board of adjustment and a development review board, if those different entities exist in the participating municipalities.

(e) The following review functions shall be performed by the appropriate municipal panel authorized by a municipality as specified in the municipal bylaws and in accordance with this chapter, whether a zoning board of adjustment, planning commission, or development review board. Unless the matter is an appeal from the decision of the administrative officer, the matter shall come before the panel by referral from the administrative officer. Any such referral decision shall be appealable as a decision of the administrative officer.

(1) review of right-of-way or easement for land development without frontage as authorized in subdivision 4412(3) of this title;

(2) review of land development or use within an historic district or with respect to historic landmarks as authorized in subdivision 4414(1)(F) of this title;

(3) review of land development or use within a design control district as authorized in subdivision 4414(1)(E) of this title;

(4) review of proposed conditional uses as authorized in subdivision 4414(3) of this title;

(5) review of planned unit developments as authorized in section 4417 of this title;

(6) review of requests for waivers as authorized in subdivision 4414(9) of this title;

(7) site plan review as authorized in section 4416 of this title;

(8) review of proposed subdivisions as authorized in section 4418 of this title;

(9) review of wireless telecommunications facilities as authorized in subdivision 4414(12) of this title;

(10) appeals from a decision of the administrative officer pursuant to section 4465 of this title;

(11) review of requests for variances pursuant to section 4469 of this title;

(12) any other reviews required by the bylaws. (Added 2003, No. 115 (Adj. Sess.), § 103; amended 2013, No. 162 (Adj. Sess.), § 9.)



## Memo

**To:** Village Trustees

**From:** Brad Luck, Interim Co-Manager

**Meeting Date:** May 19, 2022 (Joint meeting with Planning Commission)

**Agenda Item:** IIIB. Status update of process of Code update on retail cannabis.

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### Issue

This is an opportunity to discuss with the Planning Commission progress to date and future plans of any Code language as it relates to retail cannabis.

### Discussion

This is the first discussion on this matter between the boards.

### Cost

NA.

### Recommendation

It is recommended the Trustees have a conversation and identify future questions and actions they would like on retail cannabis.

### Recommended Motion

No motion is necessary.

### Attachments

- Guidance for Municipalities
- Guidance on Buffer Zones
- Guidance for Local Cannabis Commissions
- Cannabis FAQ's



**VERMONT**

**CANNABIS CONTROL BOARD**

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

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# **GUIDANCE FOR MUNICIPALITIES**

**JANUARY 2022**

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

**BRYNN HARE, EXECUTIVE DIRECTOR**

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## **I. Introduction**

This guidance is provided to assist municipalities working with individuals and businesses seeking to establish a cannabis business pursuant to 7 V.S.A. chapter 33.

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

## **II. The Cannabis Control Board**

This section provides a brief overview of the Cannabis Control Board (“CCB” or “the Board”) and the types of cannabis businesses that state law allows the Board to license.

### **A. The Cannabis Control Board**

The Cannabis Control Board was created by [Act 164 in 2020](#). In 2021, the legislature clarified and expanded the CCB’s responsibilities in [Act 62](#). As outlined in [7 V.S.A. § 843](#), the mission of the CCB is *"to safely, equitably, and effectively implement and administer the laws enabling adult use and medical use of cannabis in Vermont."*

There are three full-time members of the Board. The inaugural members are James Pepper, who serves as Chair, Kyle Harris, and Julie Hulburd. You can learn more about the Board and its staff at: <https://ccb.vermont.gov/>.

### **B. Cannabis Control Board Authority**

The Legislature has tasked the Board *with "safely, equitably, and effectively implementing and administering the laws enabling adult use and medical use cannabis in Vermont"* [7 V.S.A. § 843](#).

The role of the Board includes implementing the laws governing the adult-use cannabis program, crafting all rules pertaining to the licensing and oversight of cannabis businesses, and overseeing compliance and enforcement of the program.

The proposed CCB rules are in the process of becoming final rules with legal force and effect. These rules can be found on the CCB website: <https://ccb.vermont.gov/>. The proposed rules will be updated on the website as they are amended during the rulemaking process. Final rules will be prominently displayed.

The CCB has also assumed responsibility for administering the medical cannabis program, formerly housed within the Department of Public Safety. This program oversees and administers Vermont’s therapeutic cannabis program, including dispensaries and the patient and caregiver registry.

### **III. Cannabis Establishments**

#### **A. Types of Cannabis Establishments**

7 V.S.A. chapter 33 creates different types of adult-use cannabis businesses, which the law calls “cannabis establishments.” People or entities that hold a cannabis establishment license may engage in the commercial cannabis activity (such as cultivating cannabis) that is allowed by the type of license. The Board has sole authority to issue these licenses.

The different types of licenses, and the activities the licensees are allowed to engage in, are as follows:

##### **1. Cultivator License**

Cultivator licensees may grow cannabis plants, either outdoors or indoors. [7 V.S.A. § 904](#).

##### **2. Manufacturer License**

Manufacturer licensees may produce cannabis products from cannabis plants, including edibles, oils, and other such products. [7 V.S.A. § 906](#).

##### **3. Wholesaler License**

Wholesaler licensees may purchase cannabis and cannabis products from other licensees and sell them to licensees. [7 V.S.A. § 905](#).

##### **4. Testing Laboratory License**

Testing Laboratory licensees may test cannabis and cannabis products obtained from a licensed cannabis establishment, dispensary, or a member of the public. [7 V.S.A. § 908](#).

##### **5. Retailer License**

Retailer licensees may sell cannabis and cannabis products to the general public. [7 V.S.A. § 907](#). No other license type may sell to the general public.

##### **6. Integrated License**

Integrated Licensees may engage in the activities of each of the license types listed above, but these licenses are only available to "an applicant and its affiliates that hold a dispensary registration on April 1, 2022." [7 V.S.A. § 909](#).

#### **B. Tiered License Types**

Cultivator, Manufacturer, and Retailer license types each have tiers relating to the size or the kind of operation. More information about these tiers can be found in Board Rule 1, which is available on the CCB’s website: <https://ccb.vermont.gov/>.

#### **C. Key Parameters of Cannabis Establishment Licenses**

1. A licensee may hold multiple licenses, but they may hold only one of each type of license. [7 V.S.A. § 901](#).

2. Each license allows for only one location of the cannabis establishment. [7 V.S.A. § 901](#).
3. Multiple licensees may operate at the same location, subject to limitations established by the Board, except that multiple retail operations may not operate at the same location.
4. All cannabis establishments are subject to comprehensive state regulations and inspections by CCB staff.

#### **IV. Municipal Authority and Cannabis Establishments**

This section provides an overview of municipal authority to regulate cannabis establishments.

##### **A. Opt-in Provision**

A municipality must opt in to host a retail cannabis establishment by majority vote. But the opt-in vote requirement applies only to retailer licenses and the retail portion of integrated licenses. It has no impact on the ability of other license types to operate in a particular municipality. These other license types include cultivators, wholesalers, manufacturers, and testing laboratories, none of which require an opt-in vote to operate in a municipality. [7 V.S.A. § 863\(a\)\(1\)](#).

A municipality can opt in at any time.

A municipality may vote to opt out from allowing retail cannabis establishments, but such a vote will not apply to any retail establishment operating in the municipality at the time of the opt-out vote. [7 V.S.A. § 863\(a\)\(2\)](#).

##### **B. Municipal Regulatory Authority**

###### **General rule:**

- Cannabis establishments are subject to the same zoning rules and municipal ordinances that apply to any business. Beyond municipalities' general authority to create and enforce zoning rules or ordinances that apply to all businesses, they do not have the power to create special rules for cannabis establishments.

###### **A municipality may:**

- Regulate cannabis establishments to the same extent they may regulate any other business under their authority to create zoning bylaws in [24 V.S.A. § 4414](#) and their authority to regulate signs or public nuisances in [24 V.S.A. § 2291](#). Municipalities may regulate any cannabis establishment license type in this manner. [7 V.S.A. § 863\(b\)](#).

###### **A municipality may not:**

- Regulate cannabis establishments to any greater extent than they could any other business. [7 V.S.A. § 863\(d\)](#).

- Place conditions on the operation of cannabis establishments, or create special rules for them, that is not within their zoning authority under [24 V.S.A. § 4414](#) or their authority to regulate signs or public nuisances under [24 V.S.A. § 2291](#), [7 V.S.A. § 863\(d\)\(2\)](#).
- Use their zoning power under [24 V.S.A. § 4414](#) or their ordinance power under [24 V.S.A. § 2291](#) in a way that will have the effect of prohibiting the operation of cannabis establishments. [7 V.S.A. § 863\(d\)\(1\)](#).

### **C. Local Cannabis Control Commissions**

Municipalities may create a local cannabis control commission, but they are not required to. Municipalities must give notice to the Cannabis Control Board if they have formed a local cannabis control commission.

The local commission may issue and administer local control licenses and may condition licenses on compliance with zoning bylaws under [24 V.S.A. § 4414](#) and ordinances regulating signs or public nuisances under [24 V.S.A. § 2291](#). The local commission may also deny, suspend, or revoke a local control license if it violates conditions placed on the license. Local commissions must inform the Board of such actions.

If a local control commission requires a license, a cannabis establishment must obtain one before being licensed by the Cannabis Control Board. A local control commission must promptly consider license applications and may not indefinitely delay consideration.

The conditions that local control commissions can place on a license are limited to compliance with zoning bylaws under [24 V.S.A. § 4414](#) and compliance with ordinances regulating signs or public nuisances under [24 V.S.A. § 2291](#). As explained further in subsection B of this section IV, placing additional conditions on a local license, or suspending or revoking licenses for any reason other than the allowable conditions, is a violation of state law.

The local commissioners may be members of the municipality’s legislative body.

If a municipality has not formed a local control commission, no local licensing approval will be required before the Board approves a license to operate.

Even without a local cannabis control commission a municipality may still regulate cannabis establishments in accordance with their general authority to regulate businesses. For more information on a municipality’s regulatory power with respect to cannabis businesses please see subsection B of this section IV.

### **D. No State-Mandated Zoning Designations for Cannabis Businesses**

There is no provision in state law or the Board’s rules that requires a particular zoning designation for any cannabis establishment.

A municipality’s zoning rules may require a certain type of cannabis establishment to operate within a particular zoning designation, but that will be determined on a town-by-town and business-by-business basis.



For example, there is nothing in state law requiring cannabis establishments to operate within a commercial zoning designation. A town’s zoning bylaws may require a particular cannabis establishment to be within a commercially zoned district, but that will result solely from the application of the town’s bylaws and not from any requirement in state law.

Nowhere does Vermont law state that cannabis is a “commercial product,” and nowhere does the law require that cannabis businesses operate within designated commercial zones.

#### **E. Agricultural Product Provisions Do Not Effect Zoning**

State law provides that cannabis cultivators will not be regulated as farming and cannabis will not be considered an agricultural product or crop. [7 V.S.A. § 869](#). As a result, cannabis and cannabis cultivators will not receive certain tax and regulatory benefits that farms and agricultural products are eligible to receive.

These provisions are not relevant to zoning laws and have no effect on zoning. A municipality’s zoning rules may require a certain type of cannabis establishment to operate within a particular zoning designation, but that will be determined on a town-by-town and business-by-business basis. State cannabis law does not determine any zoning designation.

#### **F. Buffer Zones**

Under Board rules, a retail cannabis establishment cannot operate in any location where it would be a violation of the drug-free school zone law to sell a regulated drug. This means cannabis retailers cannot operate if the store would be on a property that abuts a school property and if the retail operations would occur within 500 feet of the school property.

The Board’s buffer zone requirement applies only to retail cannabis establishments and not to any other type of cannabis establishment license.

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 general zoning power under [24 V.S.A. § 4414](#) in creating buffer zones that could apply to cannabis establishments.

For more information on a municipality’s regulatory power with respect to cannabis businesses please see subsection B of this section IV.

#### **G. Social Equity Criteria**

The Board has prioritized the processing of social equity applications at the state level and is working with partners and affected communities to establish programs that will provide additional support for social equity applicants.

Municipalities may not condition local license decisions upon social equity criteria, though towns are encouraged to support social equity applicants. For example, they may choose to hold local workshops or informational sessions to assist local applicants in moving through the local permitting and license process.

For more information on a municipality's regulatory power with respect to cannabis businesses please see subsection B of this section IV.

#### **H. Provisional Licenses**

If an applicant has received a provisional license from the Board, it means the applicant has submitted an initial application and is provisionally approved for a license. A provisional license does not allow an applicant to begin operations, nor does it guarantee that an applicant will receive a final license to operate a cannabis establishment. Not all provisional licenses will result in a final license.

The Board will not require local control commission approval to grant a provisional license.

#### **I. Environmental Regulations**

Cannabis establishments must abide by all generally applicable environmental regulations, whether state or municipal.

The Board will require some additional environmental standards, as provided in Board Rule 2, available at the [CCB's website](#). For example, larger cultivators who operate on municipal water will be required to obtain a notice that the municipal water authority has capacity to serve the cultivation operation.

Municipalities do not have authority to implement special environmental rules for cannabis establishments, beyond their authority to create zoning bylaws with general effect. For more information on a municipality's regulatory power with respect to cannabis businesses please see subsection B of this section IV.

#### **V. Taxes and Fees**

The legislature has the power to set taxes and fees and is considering relevant rates during the 2022 legislative session. This section will be updated after the legislature has made additional decisions on these matters.

##### **A. Excise Taxes**

The excise tax on cannabis products will be 14%. Under current law, municipalities do not receive a portion of the cannabis excise tax. [In its October 15, 2021 report to the legislature](#) the Board recommended that municipalities get a portion of the excise tax.

##### **B. Local Fees**

The legislature has not approved specific local cannabis fee rates. The CCB has recommended that the legislature approve a local fee of up to \$500 or, alternatively, allow municipalities to use the Uniform Fee Schedule set forth in 1 VSA 316(d) to charge applicants a variable fee based on the actual amount of time spent processing an application.

The process for collecting local fees is under consideration during the 2022 legislative session. Under Act 162 of 2020, the CCB would collect local license fees at the time an applicant applies or renews their application with the CCB and would pay them on a quarterly basis to the municipality in which the fees were collected. [7 V.S.A. § 846](#). This guidance will be updated with any process changes that may be legislated in 2022.

### **C. Local Option Taxes**

The Vermont Sales and Use Tax will apply to the retail sale of cannabis products in Vermont. Municipalities that have such a tax will receive local option tax revenue on retail sales of cannabis. The sales and use tax applies to all cannabis products.

Municipalities cannot add a local option sales tax solely for cannabis products. Municipalities that have a local option sales tax cannot exempt cannabis products from that tax. Municipalities must tax cannabis products as they would as any other good.

### **D. Meals and Rooms Taxes**

Meals and Rooms taxes do not apply to cannabis products, nor do they apply to edible cannabis products. Therefore, a local option tax on meals would not apply to the retail sale of any cannabis products.

## **VI. Public Health, Education, and Advertising**

### **A. Public Health and Education**

The CCB has developed detailed regulations to ensure that cannabis and cannabis products that are being sold at retail establishments are tested and free from harmful adulterants. The CCB has broad authority to stop sales and recall harmful products if identified.

All cannabis and cannabis products will be sold in opaque, child-resistant packaging that will be labeled with standard health warnings and symbols approved by the Vermont Department of Health.

The CCB will require retailers to provide customers an educational flyer at the point of sale that includes health and safety information. This flyer will be developed by the Department of Health and contain current, evidence-based information on the health effects of cannabis. Additionally, the Department of Health will have access to 30% of the cannabis excise tax (capped at \$10,000,000 annually) to fund substance misuse prevention programming throughout the state.

While the CCB does not have the authority to require additional trainings related to cannabis consumption for local police, fire, and rescue forces, the CCB will require training for employees for cannabis establishments that includes identifying signs of overconsumption.

### **B. Advertising**

Vermont's cannabis advertising laws are among the most restrictive in the country, and all advertisements will require CCB approval prior to publication.

Cannabis establishments may not advertise their products via any medium where more than 15 percent of the audience will be under 21 years of age. [7 V.S.A. § 864](#). More information about advertising regulations is available in Board Rule 2, available at [the Board's website](#).

## **VII. Public Safety, Compliance, and Enforcement**

### **A. Cannabis Establishment Security**

The Board has security requirements for all cannabis businesses, though the requirements vary depending on license type. License holders are required to report to the Board any issues of theft, property damage or loss. The Board will notify appropriate law enforcement and local officials as appropriate.

More information about the Board's security requirements can be found in Board Rule 2, available at [the Board's website](#).

The CCB does not intend to regulate maximum occupancy at cannabis establishments, however all establishments will be subject to all relevant fire and building safety codes.

### **B. Cannabis Age and Possession Limits and Retail Establishments**

A person 21 years of age or older may purchase up to one ounce of cannabis per transaction at a cannabis retail establishment and possess up to one ounce of cannabis on their person. [18 V.S.A. § 4230a](#). It is a civil violation for a person under 21 years of age to possess any amount of cannabis. [18 V.S.A. § 4230b](#).

No person under 21 will be permitted in a cannabis establishment. The Board has the power to enforce this rule with severe sanctions and civil penalties, up to and including revocation of an operating license.

### **C. Transportation of Cannabis Between Licensees**

If cannabis is being transported by vehicle between licensees, it needs to be done in an unmarked car to avoid unnecessary attention and threats of theft or diversion. Cannabis must be entered and tracked in inventory tracking software that indicates a transfer between license holders. Every time cannabis is transported, a manifest must be generated containing detailed information such as approximate time of departure, destination, estimated time of arrival, the transportation vehicle's make, model, and license plate number, and signature of an employee of the cannabis establishment receiving the product. Information about transports will not be shared with law enforcement each time a transfer happens. If there is an issue in transport, the Board must be notified within 24 hours, and the Board will contact officials as appropriate.

State and local police will not have authority to stop a driver who is lawfully transporting cannabis or cannabis products pursuant to the laws and rules of the regulated market unless the driver has committed a moving violation or some other offense. Cannabis establishment employees who are transporting cannabis must always have documentation on them demonstrating their lawful employment with a cannabis establishment.

#### **D. Tracking Cannabis Products**

The CCB will require each license holder to maintain tracking software that will track each cannabis plant from seed to sale. The Board will be able to remotely access all tracking data in real time. This will be a check on illegal diversion and inversion, and if there are inconsistencies in a license holder's operation the Board will investigate and take action as appropriate.

#### **E. Complaints About Cannabis Establishments**

The Board will have a system in place to receive reports from anyone, including municipal officials, regarding suspected issues and violations of a license holder. The Board will investigate and inform local officials as necessary of any violations and enforcement actions.

Municipalities retain authority to enforce ordinances regarding "public nuisances" under [24 V.S.A. § 2291](#). For more information on a municipality's regulatory power with respect to cannabis businesses please see subsection B of section IV.

#### **F. Investigations of Cannabis Establishments**

The Board will have enforcement personnel who can investigate complaints about the operations of any cannabis establishment and recommend sanctions to the Board, if appropriate.

#### **G. Sanctioning Cannabis Establishments**

The Board has authority to prescribe administrative and civil penalties to a license holder or other person who violates the rules or laws regulating the legal cannabis market. These penalties could range from a fine to a suspension or revocation of a license, depending on the type and severity of violation. The Board will inform a municipality of a suspension or revocation of a license after it has reached a final judgment.

More information about the Board's enforcement processes can be found in Board Rule 4, available at [the Board's website](#).

#### **H. Lawful Locations for Cannabis 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. [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. [18 V.S.A. § 4230a](#).

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

## **I. Commercial Driver's Licenses**

The requirements for getting and keeping a Commercial Driver's License are not impacted by the legalization of cannabis in Vermont. Any substance that was prohibited for use by CDL holders prior to cannabis legalization in Vermont is still prohibited.

## **J. Online Sales and Delivery to Consumers**

Online ordering is currently prohibited. The legislature may consider it in the future.

Delivery to consumers is currently prohibited. The legislature may consider it in the future.

## **K. Cannabis Product Manufacturing**

The Vermont Fire and Building Safety Code, as promulgated by the Department of Public Safety, will apply to all cannabis manufacturing operations. Towns may regulate cannabis manufacturing operations to the same extent they may regulate any business pursuant to their zoning authority, but may not place special conditions upon manufacturing operations beyond their general zoning authority.

For more information on a municipality's regulatory power with respect to cannabis businesses please see subsection B of section IV.

## **L. Changes of Ownership and Control of Cannabis Establishments**

Cannabis establishments are required to notify the Board of changes of ownership and control. Information about ownership will be public.

## **M. Highway Safety**

The Vermont Criminal Justice Council added Advanced Roadside Impaired Driving Enforcement (ARIDE) to the mandatory curriculum at the Vermont Police Academy in 2015, meaning all law enforcement officers who have graduated since 2015 are trained to detect drivers impaired by any substance, including cannabis. The Vermont Criminal Justice Training Council is currently working to train all remaining law enforcement officers that are involved in highway safety on ARIDE standards.

In addition to ARIDE-trained officers, Vermont utilizes approximately 45-55 trained Drug Recognition Experts (DRE) that are geographically dispersed around the state. DREs are specialized law enforcement officers that have completed a 40-hour course and field certification designed to detect not only impairment but also the impairing substance(s) a driver has consumed.

## **N. Novel Cannabinoids**

Currently, many intoxicating cannabinoids, including Delta-8 and synthetic Delta-9, exist in a regulatory grey area. The CCB has asked the legislature to grant it the authority to regulate all intoxicating cannabinoids to ensure that they are only sold to those authorized to purchase them, and that they are safe for consumers and patients. If granted the authority, the CCB intends to create a product registration process so that any new product containing a novel intoxicating

cannabinoid will be reviewed, including its packaging, labeling, ingredients, and health effects, before being released to the public.



**CANNABIS CONTROL BOARD**

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

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# **GUIDANCE ON BUFFER ZONES**

**APRIL 2022**

**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 general zoning power under 24 V.S.A. § 4414 in creating buffer zones that could apply to cannabis establishments. In accordance with that law, local governments may create districts and outline where retail businesses in town can locate. If that is the case, the town may require a cannabis retail establishment to operate in a pre-determined district to the same extent it requires any business to operate in that district. Local governments cannot create buffer zones or zoning districts that could apply only to cannabis establishments but not other businesses.

## Reference to Other Guidance

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



**CANNABIS CONTROL BOARD**

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

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# **GUIDANCE FOR LOCAL CANNABIS COMMISSIONS**

**APRIL 2022**

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

**BRYNN HARE, EXECUTIVE DIRECTOR**

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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](mailto: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](mailto: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.*



## Municipal Frequently Asked Questions

As the adult-use marketplace begins to unfold in Vermont, the Cannabis Control Board has received a number of questions from municipalities relating to their regulatory authority. Some of the more commonly asked questions are answered below. Don't see your question answered? [Contact us!](#)

<a href="#">What are the key Adult Use and Medical Use Laws?</a>	<a href="#">What is the role and authority of the CCB?</a>	<a href="#">What are the license types and tiers?</a>
<a href="#">Can a licensee hold more than one license?</a>	<a href="#">Does one license allow the licensee to operate multiple locations?</a>	<a href="#">Can "stacked" or "vertically integrated" licenses operate at the same location?</a>
<a href="#">Can multiple licensees operate at the same location?</a>	<a href="#">After a license is issued, when can a licensee begin operating?</a>	<a href="#">What are the rules, and where do we find them? How do we provide comments?</a>
<a href="#">Will the CCB provide additional guidance or training to towns on the rules?</a>	<a href="#">What is the extent of municipal authority to regulate cannabis businesses?</a>	<a href="#">What is Opt-In? Is opt-in always optional?</a>
<a href="#">If we don't opt-in, does that mean no cannabis establishment can operate in our town?</a>	<a href="#">What is a local Cannabis Control Commission?</a>	<a href="#">How does a town form a local commission, and who is on it?</a>
<a href="#">What authority does the local Cannabis Control Commission have?</a>	<a href="#">What discretion does a town have to revoke, suspend or deny a license?</a>	<a href="#">Can a municipality indefinitely delay the review of a local license?</a>
<a href="#">Is local approval required before issuing a license from the C.C.B.?</a>	<a href="#">Will municipalities approve licenses for non-retail license applicants, such as outdoor cultivation?</a>	<a href="#">Can cannabis establishments only operate in designated commercial zones?</a>
<a href="#">Is cannabis an agricultural product? If not, does that affect the zoning status of cannabis businesses?</a>	<a href="#">Does state law or the Board's rules ever effect a local zoning designation?</a>	<a href="#">Can a local government limit the types of licenses it issues?</a>
<a href="#">Are there fees for Cannabis Establishments for local control licenses?</a>	<a href="#">What role does the local cannabis control commission have in deciding how local options taxes or the cannabis excise tax is spent?</a>	<a href="#">What role do other town governing bodies have in zoning cannabis establishments?</a>
<a href="#">What role does a local cannabis control commission have in creating buffer zones or other rules and restrictions on cannabis establishments?</a>	<a href="#">Do the Board's buffer zones apply to license types other than retail establishments?</a>	<a href="#">Can a town allow only social equity licenses?</a>
<a href="#">What does it mean if an applicant has a provisional license from the CCB?</a>	<a href="#">Are all provisional licenses converted to operating licenses?</a>	<a href="#">Does the local government have to follow the same licensing priority as the CCB? What impact does the priority of licensure have on local permitting?</a>
<a href="#">What types of documents will cannabis establishments need from the town for</a>	<a href="#">Can cannabis establishments make donations to town parks or other local</a>	<a href="#">What if a municipality's local water and wastewater requirements are more</a>

<a href="#">their CCB application?</a>	<a href="#">funds?</a>	<a href="#">stringent than the CCB's rules?</a>
<a href="#">Can a local government create additional rules for sustainability, energy, waste disposal or other environmental concerns? What if our town already has more stringent bylaws?</a>	<a href="#">Will local governments be notified of changes in control of a business?</a>	<a href="#">Will the CCB inspect cannabis businesses?</a>
<a href="#">How will the Board receive complaints about cannabis establishments?</a>	<a href="#">How will the Board investigate cannabis establishments?</a>	<a href="#">How could cannabis establishments be sanctioned for violations?</a>
<a href="#">Will a local police force know if cannabis is being lawfully transported through a town?</a>	<a href="#">What authority do local or state police have to stop and inspect licensed transportation vehicles?</a>	<a href="#">How much cannabis can an individual purchase from a retail cannabis business?</a>
<a href="#">What type of security is required? How will local law enforcement be notified of theft, property damage or loss?</a>	<a href="#">How many people can be in a retail cannabis establishment at once?</a>	<a href="#">Will towns receive a portion of the excise tax to cover costs associated with cannabis establishments?</a>
<a href="#">What are the fees a municipality may charge for reviewing CE applications?</a>	<a href="#">What is the town's role in collecting fees?</a>	<a href="#">Does a local option tax apply to cannabis sales?</a>
<a href="#">Can a town adopt a local option tax only for cannabis sales?</a>	<a href="#">Does a meals and rooms tax apply to cannabis sales?</a>	<a href="#">What public health and education measures are in place with respect to a legalized adult-use cannabis market?</a>
<a href="#">Will local police, fire, and rescue forces receive additional training related to cannabis overconsumption?</a>	<a href="#">What is the State doing to keep our roadways safe?</a>	<a href="#">Are novel cannabinoids such as Delta-8 synthetic Delta-9 regulated by the CCB? Can these products be sold in non-licensed establishments such as gas stations?</a>
<a href="#">Is cannabis consumption, such as smoking, vaping, or eating edibles, allowed in public?</a>	<a href="#">Can local governments limit where cannabis is consumed?</a>	<a href="#">Can cannabis be consumed on private property such as a restaurant, outdoor common area of an apartment complex, concert venues, or in a resident's private yard/porch/driveway?</a>
<a href="#">What type of public education on</a>	<a href="#">Can employees with Commercial Driver's Licenses (CDLs) use cannabis</a>	<a href="#">How do I contact the CCB? My question isn't</a>

## What are the key Adult Use and Medical Use Laws?

Cannabis is a Schedule I controlled substance under The Controlled Substances Act. As cannabis is federally illegal, the CCB's authority extends only to the regulation of cannabis in the State of Vermont.

Laws that govern therapeutic cannabis were enacted in 2004. Laws that govern adult-use cannabis were enacted in 2020 and 2021 with Acts 164 and 62. Act 164 also substantially changes the Medical Marijuana Program, moving the program from the Department of Public Safety to the Cannabis Control Board effective January of 2022. Medical Marijuana Program details are [here](#). The Laws and rules for governing cannabis in the state of Vermont can be found [here](#).

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## What is the role and authority of the CCB?

The Legislature has tasked the Board with "safely, equitably, and effectively implementing and administering the laws enabling adult use and medical use cannabis in Vermont" [7 V.S.A. § 843](#).

The role of the Board includes implementing the laws governing the adult-use cannabis program, crafting all rules pertaining to the licensing and oversight of cannabis businesses, and overseeing compliance and enforcement of the program.

The CCB has also assumed responsibility for administering the medical cannabis program, formerly housed within the Department of Public Safety. This program oversees and administers Vermont's therapeutic cannabis program, including dispensaries and the patient and caregiver registry.

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## **What are the license types and tiers?**

There are six license types – cultivators, manufacturers, retailers, wholesalers, testing laboratories, and integrated licenses. Of these, cultivators and manufacturer licenses are broken down into tiers.

More information on licenses, along with how much it costs to apply and be licensed by the Board, can be found on our [Application and Licensing Fees Guidance Document](#).

Only retail and integrated licensees may sell cannabis to the general public.

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## **Can a licensee hold more than one license?**

Yes. Except for the Integrated Licenses, licensees may hold more than one license. However, they may not hold more than one of any type of license. This is referred to as "stacking" or "vertically integrating" licenses.

Example: One licensee may hold one retailer license, one cultivator license, one manufacturer license, and one wholesaler license. However, one licensee may not hold two retailer licenses or two cultivator licenses.

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## **Does one license allow the licensee to operate multiple locations?**

No. There can only be one location per license.

Example: A retail licensee cannot open multiple retail locations within the State.

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## **Can "stacked" or "vertically integrated" licenses operate at the same location?**

The proposed rules allow for "stacked" or "vertically integrated" licenses to operate in the same location, as long as the operation for each license meets all of the requirements for each individual license held. The licensee must abide by all of the operational rules for each license and must meet all of the local zoning bylaws and local ordinances for that location. A "stacked" or "vertically integrated" licensee may not operate a retail license portion of a license in town that has not opted-in.

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## **Can multiple licensees operate at the same location?**

Except for retail licenses, yes. The rules allow multiple licenses to operate at the same location. However, specific operational requirements regarding co-location are included in Board Rule 2.2.18.

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## **After a license is issued, when can a licensee begin operating?**

Licensees may begin operating as soon as their license is approved if they are in compliance with all relevant state and local regulations.

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## What are the rules, and where do we find them? How do we provide comments?

Rules can be found here:

[ccb.vermont.gov/laws-rules-and-regulations](http://ccb.vermont.gov/laws-rules-and-regulations)

Comments can be provided through the [Board's public input form](#), or during the public comment period of any one of the Board's public meetings.

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## Will the CCB provide additional guidance or training to towns on the rules?

Yes, the CCB has developed these FAQs to assist towns, and has also created other policy guidance documents, available here:

<https://ccb.vermont.gov/guidance>

Town officials can also reach out to the CCB at [CCB.Info@vermont.gov](mailto:CCB.Info@vermont.gov) or 802-828-1010, ext. 3 for guidance.

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## What is the extent of municipal authority to regulate cannabis businesses?

### General rule:

- Cannabis establishments are subject to the same zoning rules and municipal ordinances that apply to any business. Beyond municipalities' general authority to create and enforce zoning rules or ordinances that apply to all businesses, they do not have the power to create special rules for cannabis establishments.

### A municipality may:

- Regulate cannabis establishments to the same extent they may regulate any other business under their authority to create zoning bylaws in [24 V.S.A. § 4414](#) and their authority to regulate signs or public nuisances in [24 V.S.A. § 2291](#). Municipalities may regulate any cannabis establishment license type in this manner. [7 V.S.A. § 863\(b\)](#).

### A municipality may not:

- Regulate cannabis establishments to any greater extent than they could any other business. [7 V.S.A. § 863\(d\)](#).
- Place conditions on the operation of cannabis establishments, or create special rules for them, that is not within their zoning authority under [24 V.S.A. § 4414](#) or their authority to regulate signs or public nuisances under [24 V.S.A. § 2291](#). [7 V.S.A. § 863\(d\)\(2\)](#).
- Use their zoning power under [24 V.S.A. § 4414](#) or their ordinance power under [24 V.S.A. § 2291](#) in a way that will have the effect of prohibiting the operation of cannabis establishments. [7 V.S.A. § 863\(d\)\(1\)](#).

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## What is Opt-In? Is opt-in always optional?

Before a retail establishment or the retail portion of an integrated license can operate in a town, the town must "opt-in." Opt-in votes can be held at a special election or Town Meeting Day as long as the vote is warned for that purpose.

There is no sunset to the opt-in provision. There is no date at which all towns automatically opt-in. Towns may choose to opt-in now or later.

Towns may rescind the opt-in vote. Such a vote will not apply to any retail establishment operating in the municipality at the time of the opt-out vote. [7 V.S.A. § 863\(a\)\(2\)](#).

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## If we don't opt-in, does that mean no cannabis establishment can operate in our town?

No. The opt-in requirement applies only to retail cannabis businesses and the retail portion of an integrated license. Even if a town does not opt-in, other cannabis establishments may still operate in the town as long as they meet all of the local zoning and ordinances, obtain all of the appropriate permits, and receive a license from the CCB. These other license types include cultivators, wholesalers, manufacturers, and testing laboratories, none of which require an opt-in vote to operate in a municipality. [7 V.S.A. § 863\(a\)\(1\)](#).

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## What is a local Cannabis Control Commission?

[7 V.S.A. § 863\(b\)](#) provides that: "Any municipality that hosts any cannabis establishment may establish a cannabis control commission composed of commissioners who may be members of the municipal legislative body."

Any municipality may form a local cannabis control commission. However, creating a local cannabis control commission is not required for a cannabis establishment to operate in any town. Municipalities must give notice to the Cannabis Control Board if they have formed a local cannabis control commission.

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## How does a town form a local commission, and who is on it?

Municipalities that choose to form a local commission may seat members of their legislative body on the commission or decide to create a commission with members of the community that are not part of the legislative body. The composition of the local commission is up to the local government. How a commission is formed at the local level depends on your local government's policy practices.

More information on local cannabis commissions, how to form one, and how to inform the Board of your town's choice to form one, may be found on our guidance page:

<https://ccb.vermont.gov/guidance>

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## What authority does the local Cannabis Control Commission have?

The local commission may issue and administer local control licenses and condition licenses to comply with bylaws under [24 V.S.A. §4414](#) and ordinances regulating signs or public nuisances under [24 V.S.A. §2291](#). The local commission may also deny, suspend, or revoke a local control license if it violates conditions placed on the license. Local commissions must inform the Board of such actions.

The conditions that local control commissions can place on a license are limited to compliance with zoning bylaws under [24 V.S.A. §4414](#) and compliance with ordinances regulating signs or public nuisances under [24 V.S.A. §2291](#). Placing additional conditions on a local license, or suspending or revoking licenses for any reason other than the allowable conditions, is a violation of state law.

More information on local cannabis commissions, how to form one, and how to inform the Board of your town's choice to form one, may be found on our guidance page:

<https://ccb.vermont.gov/guidance>

Towns may also contact the Board in advance of the revocation or suspension. Please note that while the Board has the authority to grant and revoke state licenses and ensure compliance with the State's rules governing Cannabis Establishments, the Board does not have the authority to enforce compliance with local zoning bylaws.

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## What discretion does a town have to revoke, suspend or deny a license?

If the town creates a local cannabis control commission, the commission may suspend or revoke a local license for failure to comply with zoning bylaws under [24 V.S.A. §4414](#) or with ordinances regulating signs or public nuisances under [24 V.S.A. §2291](#).

The conditions that local control commissions can place on a license are limited to compliance with zoning bylaws under [24 V.S.A. §4414](#) and compliance with ordinances regulating signs or public nuisances under [24 V.S.A. §2291](#). Placing additional conditions on a local license, or suspending or revoking licenses for any reason other than the allowable conditions, is a violation of state law.

More information about municipal authority can be found in the Board’s municipal guidance document, available on the Board’s website, [linked here](#).

If a town does not create a local commission, the local license provisions do not apply. However, all other health, life, safety, zoning, and ordinance enforcement mechanisms remain in force. Should an establishment not comply with local rules, the local government may still follow processes as it would with any other type of business.

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## **Can a municipality indefinitely delay the review of a local license?**

No. Local governments must process all permits and local licenses promptly and consistent with other statutory requirements. An indefinite delay would exceed the authority granted under 7 VSA 863.

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## **Is local approval required before issuing a license from the C.C.B.?**

If the town has created a local commission, yes. If a town chooses not to create a local commission, no such approval is required.

Even if no local cannabis control commission exists, all cannabis establishments must comply with local regulations applicable to any business.

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## **Will municipalities approve licenses for non-retail license applicants, such as outdoor cultivation?**

Yes. If the local government chooses to create a local control commission, that body will review all types of licenses. If no local control commission is in place, the establishment will still need to follow all the typical processes for opening a business in the town. Still, a specific local cannabis license will not be required.

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## **Can cannabis establishments only operate in designated commercial zones?**

No, there is nothing in state law or the Board’s rules requiring cannabis establishments to operate within a commercial zoning designation.

A town’s zoning bylaws may require a particular cannabis establishment to be within a commercially zoned district, but that will result solely from the application of the town’s bylaws and not from any requirement in state law.

Nowhere does Vermont law state that cannabis is a “commercial product,” and nowhere does the law require that cannabis businesses operate within designated commercial zones.

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## **Is cannabis an agricultural product? If not, does that affect the zoning status of cannabis businesses?**

No and no.

State law provides that cannabis is not an agricultural product and that cannabis cultivators will not be regulated as farming. [7 V.S.A. § 869](#). As a result, cannabis and cannabis cultivators will not receive certain tax and regulatory benefits that farms and agricultural products are eligible to receive.

These provisions are not relevant to zoning laws and have no effect on zoning. A municipality's zoning rules may require a certain type of cannabis establishment to operate within a particular zoning designation, but that will be determined on a town-by-town and business-by-business basis.

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## **Does state law or the Board's rules ever effect a local zoning designation?**

No, state cannabis law and Board's rules do not determine any zoning designation. There is nothing in state law or the Board's rules requiring cannabis establishments to operate within a commercial zoning designation or any other zoning designation.

A town's zoning bylaws may require a particular cannabis establishment to be within a specifically zoned district, but that will result solely from the application of the town's bylaws and not from any requirement in state law.

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## **Can a local government limit the types of licenses it issues?**

*Example: Can an opt-in town only allow tier 1 retail licenses? Can a town allow for manufacturing licenses but not cultivation licenses?*

No. Other than retail and the retail portion of an integrated license, which requires a town to opt-in, towns may not specifically limit the types of licensees operating in their town.

A municipality may regulate cannabis establishments to the same extent they may regulate any other business under their authority to create zoning bylaws in [24 V.S.A. § 4414](#) and their authority to regulate signs or public nuisances in [24 V.S.A. § 2291](#). Municipalities may regulate any cannabis establishment license type in this manner. [7 V.S.A. § 863\(b\)](#).

More information about municipal authority can be found in the Board's municipal guidance document, available on the Board's website, [linked here](#).

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## **Are there fees for Cannabis Establishments for local control licenses?**

Yes. There is a local licensing fee of \$100, to be paid by the licensed cannabis establishment to the Board. The Board will then distribute that fee to the town in which the cannabis establishment is licensed.

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## **What role does the local cannabis control commission have in deciding how local options taxes or the cannabis excise tax is spent?**

The local commission has no direct authority related to appropriations of the State's Cannabis Excise Tax. The authority to direct the revenue from the local options tax or any fees for local license processing is up to the town.

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## **What role do other town governing bodies have in zoning cannabis establishments?**

A municipality may regulate cannabis establishments to the same extent they may regulate any other business under their authority to create zoning bylaws in [24 V.S.A. § 4414](#) and their authority to regulate signs or public nuisances in [24 V.S.A. § 2291](#). Municipalities may regulate any cannabis establishment license type in this manner. [7 V.S.A. § 863\(b\)](#).

*For example, an establishment that wishes to renovate or construct a building must obtain all the proper local approvals and permits, just as any other business would.*

Per [7 V.S.A. §863\(d\)](#), towns may not create local bylaws or ordinances that have the effect of prohibiting the operation of cannabis establishments.

More information about municipal authority can be found in the Board's municipal guidance document, available on the Board's website, [linked here](#).

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## **What role does a local cannabis control commission have in creating buffer zones or other rules and restrictions on cannabis establishments?**

Under Board rules, a retail cannabis establishment cannot operate in any location where it would be a violation of the drug-free school zone law to sell a regulated drug. This means cannabis retailers cannot operate if the store would be on a property that abuts a school property and if the retail operations would occur within 500 feet of the school property.

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 general zoning power under 24 V.S.A. § 4414 in creating buffer zones that could apply to cannabis establishments.

More information about municipal authority can be found in the Board's municipal guidance document, available on the Board's website, [linked here](#).

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## **Do the Board's buffer zones apply to license types other than retail establishments?**

The Board's buffer zone rule applies only to retail cannabis establishments and the retail portion of an integrated licenses.

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## **Can a town allow only social equity licenses?**

The Board has prioritized the processing of social equity applications at the state level and is working with partners and affected communities to establish programs that will provide additional support for social equity applicants.

Municipalities, however, may not condition local license decisions upon social equity criteria. Nevertheless, towns are encouraged to support social equity applicants. For example, they may choose to hold local workshops or informational sessions to assist local applicants in moving through the local permitting and license process.

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## **What does it mean if an applicant has a provisional license from the CCB?**

If an applicant has received a provisional license (also known as pre-qualification) from the Board, it means the applicant has submitted an initial application and is provisionally approved for a license. A provisional license does not allow an applicant to begin operations, nor does it guarantee that an applicant will receive a final license to operate a cannabis establishment.

The provision licensing program is intended to allow interested applicants an opportunity to begin the application process and to have a provisional approval that may allow them to more effectively engage in commercial activities like contracting, negotiating potential leases with commercial building owners, and securing funding. The provisional license does not obligate the local government to approve a local license or any other type of permit.

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## **Are all provisional licenses converted to operating licenses?**

No. Provisional licensees will still be required to submit a final application for the Board's approval.

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## **Does the local government have to follow the same licensing priority as the CCB? What impact does the priority of licensure have on local permitting?**

7 V.S.A. § 903(a) outlines a system of priorities for the Board when issuing licenses. This does not directly impact the processing of local licenses. However, local governments are encouraged to engage with prospective cannabis establishments to discuss shared community values. Further, towns are encouraged to support Social Equity Applicants. They may choose to hold local workshops or informational sessions to assist local applicants in moving through the local permitting and license process.

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## **What types of documents will cannabis establishments need from the town for their CCB application?**

The Board is in the process of determining the details of the license application submittal. While the rules outline the general requirements for license applications, the Board is still determining the specifics of how applications, and proof of local approval, will be submitted. Once the Board has decided on this process information will be clearly displayed on the Board's website.

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## **Can cannabis establishments make donations to town parks or other local funds?**

There is no law or rule requiring that cannabis establishments donate funds to local parks or other funds. A town does not have the authority to condition a license on any donation. It is up to the town and local C.E.s to determine this type of donation. Further, it is important for the town to review the warning and advertising sections of proposed Board Rule 2 for limitations on the types of advertising and signage allowed in exchange for such a donation.

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## **What if a municipality's local water and wastewater requirements are more stringent than the CCB's rules?**

Larger cultivators who operate on municipal water will be required to obtain a notice that the municipal water authority has capacity to serve the cultivation operation.

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## **Can a local government create additional rules for sustainability, energy, waste disposal or other environmental concerns? What if our town already has more stringent bylaws?**

Cannabis establishments must abide by all generally applicable environmental regulations, whether state or municipal. The Board will require some additional environmental standards, as provided in Board Rule 2, available at the [CCB's website](#).

Municipalities do not have authority to implement special environmental rules for cannabis establishments beyond their authority to create zoning bylaws with general effect.

More information about municipal authority can be found in the Board's municipal guidance document, available on the Board's website, [linked here](#).

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## **Will local governments be notified of changes in control of a business?**

Cannabis establishments are required to notify the Board of changes of ownership and control. Information about ownership will be public.

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## Will the CCB inspect cannabis businesses?

Yes, the CCB will aim to inspect each cannabis establishment annually.

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## How will the Board receive complaints about cannabis establishments?

The Board will have a system in place to receive reports from anyone, including municipal officials, regarding suspected issues and violations of a license holder. The Board will investigate and inform local officials as necessary of any violations and enforcement actions.

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## How will the Board investigate cannabis establishments?

The Board will have enforcement personnel who can investigate complaints about the operations of any cannabis establishment and recommend sanctions to the Board, if appropriate.

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## How could cannabis establishments be sanctioned for violations?

The Board has authority to prescribe administrative and civil penalties to a license holder or other person who violates the rules or laws regulating the legal cannabis market. These penalties could range from a fine to a suspension or revocation of a license, depending on the type and severity of violation. The Board will inform a municipality of a suspension or revocation of a license after it has reached a final judgment.

More information about the Board's enforcement processes can be found in Board Rule 4, available at [the Board's website](#).

Municipalities retain authority to enforce ordinances regarding "public nuisances" under [24 V.S.A. § 2291](#). For more information on a municipality's regulatory power with respect to cannabis businesses please see subsection B of section IV.

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## Will a local police force know if cannabis is being lawfully transported through a town?

If transported in accordance with Board rules, cannabis transports will not be apparent to anyone outside of the cannabis businesses involved. Information about transports will not generally be shared with law enforcement each time a transfer happens, but there will be strict rules in place regarding the transfer of cannabis between cannabis businesses.

Among other regulations, if cannabis is being transported by vehicle between licensees, it needs to be done in an unmarked car to avoid unnecessary attention and threats of theft or diversion. Cannabis must be entered and tracked in inventory tracking software that indicates a transfer between license holders. Every time cannabis is transported, a manifest must be generated containing detailed information such as approximate time of departure, destination, estimated time of arrival, the transportation vehicle's make, model, and license plate number, and signature of an employee of the cannabis establishment receiving the product. If there is an issue in transport, the Board must be notified within 24 hours, and the Board will contact officials as appropriate.

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## What authority do local or state police have to stop and inspect licensed transportation vehicles?

None, unless the driver has committed a moving violation or some other offense.

Cannabis establishment employees who are transporting cannabis must always have documentation on them demonstrating their lawful employment with a cannabis establishment.

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## How much cannabis can an individual purchase from a retail cannabis business?

A person 21 years of age or older may purchase up to one ounce of cannabis per transaction at a cannabis retail establishment and possess up to one ounce of cannabis on their person. [18 V.S.A. § 4230a](#). It is a civil violation for a person under 21 years of age to possess any amount of cannabis. [18 V.S.A. § 4230b](#).

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## What type of security is required? How will local law enforcement be notified of theft, property damage or loss?

The Board has security requirements for all cannabis businesses, though the requirements vary depending on license type. License holders are required to report to the Board any issues of theft, property damage or loss. The Board will notify appropriate law enforcement and local officials as appropriate.

More information about the Board's security requirements can be found in Board Rule 2, available at [the Board's website](#).

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## How many people can be in a retail cannabis establishment at once?

The CCB does not intend to regulate maximum occupancy at cannabis establishments, however all establishments will be subject to all relevant fire and building safety codes.

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## Will towns receive a portion of the excise tax to cover costs associated with cannabis establishments?

The excise tax on cannabis products will be 14%. Under current law, municipalities do not receive a portion of the cannabis excise tax. [In its October 15, 2021 report to the legislature](#) the Board recommended that municipalities get a portion of the excise tax.

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## What are the fees a municipality may charge for reviewing CE applications?

The legislature has not approved specific local cannabis fee rates. The CCB has recommended that the legislature approve a local fee of up to \$500 or, alternatively, allow municipalities to use the Uniform Fee Schedule set forth in 1 VSA 316(d) to charge applicants a variable fee based on the actual amount of time spent processing an application.

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## What is the town's role in collecting fees?

Under Act 162 of 2020, the CCB would collect local license fees at the time an applicant applies or renews their application with the CCB and would pay them on a quarterly basis to the municipality in which the fees were collected. [7 V.S.A. § 846](#). This guidance will be updated with any process changes that may be legislated in 2022.

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## Does a local option tax apply to cannabis sales?

The Vermont Sales and Use Tax will apply to the retail sale of cannabis products in Vermont. Municipalities that have such a tax will receive local option tax revenue on retail sales of cannabis. The sales and use tax applies to all cannabis products.

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## **Can a town adopt a local option tax only for cannabis sales?**

Municipalities cannot add a local option sales tax solely for cannabis products. Municipalities that have a local option sales tax cannot exempt cannabis products from that tax. Municipalities must tax cannabis products as they would as any other good.

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## **Does a meals and rooms tax apply to cannabis sales?**

Meals and Rooms taxes do not apply to cannabis products, nor do they apply to edible cannabis products. Therefore, a local option tax on meals would not apply to the retail sale of any cannabis products.

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## **What public health and education measures are in place with respect to a legalized adult-use cannabis market?**

The CCB has developed detailed regulations to ensure that cannabis and cannabis products that are being sold at retail establishments are tested and free from harmful adulterants. The CCB has broad authority to stop sales and recall harmful products if identified.

All cannabis and cannabis products will be sold in opaque, child-resistant packaging that will be labeled with standard health warnings and symbols approved by the Vermont Department of Health.

The CCB will require retailers to provide customers an educational flyer at the point of sale that includes health and safety information. This flyer will be developed by the Department of Health and contain current, evidence-based information on the health effects of cannabis. Additionally, the Department of Health will have access to 30% of the cannabis excise tax (capped at \$10,000,000 annually) to fund substance misuse prevention programming throughout the state.

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## **Will local police, fire, and rescue forces receive additional training related to cannabis overconsumption?**

While the CCB does not have the authority to require additional trainings related to cannabis consumption for local police, fire, and rescue forces, the CCB will require training for employees for cannabis establishments that includes identifying signs of overconsumption.

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## **What is the State doing to keep our roadways safe?**

The Vermont Criminal Justice Council added Advanced Roadside Impaired Driving Enforcement (ARIDE) to the mandatory curriculum at the Vermont Police Academy in 2015, meaning all law enforcement officers who have graduated since 2015 are trained to detect drivers impaired by any substance, including cannabis. The Vermont Criminal Justice Training Council is currently working to train all remaining law enforcement officers that are involved in highway safety on ARIDE standards.

In addition to ARIDE-trained officers, Vermont utilizes approximately 45-55 trained Drug Recognition Experts (DRE) that are geographically dispersed around the state. DREs are specialized law enforcement officers that have completed a 40-hour course and field certification designed to detect not only impairment but also the impairing substance(s) a driver has consumed.

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## **Are novel cannabinoids such as Delta-8 synthetic Delta-9 regulated by the CCB? Can these products be sold in non-licensed establishments such as gas stations?**

Currently, many intoxicating cannabinoids, including Delta-8 and synthetic Delta-9, exist in a regulatory grey area. The CCB has asked the legislature to grant it the authority to regulate all intoxicating cannabinoids to ensure that they are only sold to those authorized to purchase them, and that

they are safe for consumers and patients. If granted the authority, the CCB intends to create a product registration process so that any new product containing a novel intoxicating cannabinoid will be reviewed, including its packaging, labeling, ingredients, and health effects, before being released to the public.

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## **Is cannabis consumption, such as smoking, vaping, or eating edibles, allowed in public?**

Public consumption of cannabis in any form is prohibited by state law 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.

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## **Can local governments limit where cannabis is consumed?**

Under state law, cannabis consumption is prohibited in any public place. A public place means 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. [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. [18 V.S.A. § 4230a](#).

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## **Can cannabis be consumed on private property such as a restaurant, outdoor common area of an apartment complex, concert venues, or in a resident's private yard/porch/driveway?**

Cannabis consumption is prohibited by state law in all places of public accommodation, and some places of public accommodation can be private property. 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.

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

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## **What type of public education on cannabis use will the CCB provide?**

The CCB will require retailers to provide customers an educational flyer at the point of sale that includes health and safety information. This flyer will be developed by the Department of Health and contain current, evidence-based information on the health effects of cannabis. Additionally, the Department of Health will have access to 30% of the cannabis excise tax (capped at \$10,000,000 annually) to fund substance misuse prevention programming throughout the state.

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## **Can employees with Commercial Driver's Licenses (CDLs) use cannabis now that it is legal in Vermont?**

The requirements for getting and keeping a Commercial Driver's License are not impacted by the legalization of cannabis in Vermont. Any substance that was prohibited for use by CDL holders prior to cannabis legalization in Vermont is still prohibited.

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## **How do I contact the CCB? My question isn't answered here.**

Please visit our contact us page to find out how to best direct your question.

## Board Events



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## Contact Information

### Cannabis Control Board

89 Main Street  
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