

Considering Retail Cannabis in the Lamoille Valley

HEALTHY LAMOILLE VALLEY, A PROGRAM OF THE LAMOILLE FAMILY CENTER
LAMOILLE COUNTY PLANNING COMMISSION

This was last updated on November 2, 2021. If you are seeking more information and/or the most up to date version check out

<https://www.healthylamoillevalley.org/retail-cannabis/>

Thank you to Mt Ascutney Prevention Partnership and Two Rivers-Ottawaquechee Regional Commission for their work on an earlier version of this presentation.

Who we are

Healthy Lamoille Valley (HLV, <https://www.healthylamoillevalley.org/>) is a coalition of community organizations and individuals working collaboratively to reduce youth substance misuse and encourage youth to make substance free healthy choices. We are a program of the nonprofit Lamoille Family Center, one of 15 Parent Child Centers across the state providing a network of care for children, families and youth. Primarily grant-funded, we were awarded a Drug Free Communities Grant (DFC) in 2019.

The Lamoille County Planning Commission (LCPC, <https://www.lcpcvt.org/>) is one of **11 Regional Planning Commissions** serving Vermont's local communities. LCPC operates under the Vermont Municipal and Regional Planning & Development Act and its adopted bylaws. LCPC is a member of the Vermont Association of Planning & Development Agencies (VAPDA). The 2019 VAPDA brochure can be viewed **HERE**. All towns and villages are, by law, members of the regional planning commission. However, active participation is voluntary.

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HLV framing:

Science show us that young people who use alcohol, marijuana, tobacco and other substances are more likely to develop substance dependency in their lifetime than those who delay use until after age 21 or later. 40% of young people who begin using before the age of 15 will develop a substance dependency issue while the risk drops to 7% when use occurs after age 21.

In Lamoille County, 20% of youth report that they are using before the age of 13, and 26% of Lamoille County high school students report using marijuana in the last month. Recognizing that the adolescent years are one of the most critical for brain development, we come together as youth, parents, educators, health providers, and community members to reduce youth substance use in our communities, schools, and towns.

Our work at HLV is based on **identifying the risks that exist in our communities** that contribute to young people using during this critical time in their brain development. We also focus our work on **increasing the protective factors** in our communities that help to prevent youth use.

One risk factor that our data assessments have shown is important to focus on in our communities is around **community laws and norms that support substance use**. The more that substances are available and the more that “use” is normalized in our communities, directly correlates to our youth using during that critical brain development time.

The retail cannabis conversation in Vermont as put forth in Act 164 is relevant to our work. We feel there is a way for towns hosting retail cannabis to balance the needs of adults who choose to access and use cannabis while also protecting the health of those who should not (children/youth) or choose not to access or use. This change in law will make cannabis more accessible and likely make use more normed in our communities. So how can we move forward with this new law in a way that we can protect our youth from any negative impact?

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Words we use make a difference...a note on the terms we will use

- ◆ We don't call people addicts, but instead say a "person with substance use dependency"
- ◆ We don't say substance "abuse" which has a negative connotation and instead "substance use/or misuse"
- ◆ We use the term "adult-use cannabis" or "retail cannabis" and not "recreational cannabis", since "recreation" has an association, especially for our youth, of being positive and desired.
- ◆ We work towards using the term "cannabis" and not "marijuana" because of equity considerations.
- ◆ Cannabis- THC and CBD are different - This forum relates to Cannabis THC.
- ◆ Dispensary is a term used for where to get medical cannabis and not a retail establishment.

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Act 164 Summarized

- ❖ Legalizes sale / purchase / taxation of adult use cannabis with regulation (establishes a retail market)
- ❖ Creates an independent commission within the executive branch — the Cannabis Control Board — to regulate and license adult-use cannabis business in VT and make recommendations to legislature (Still a lot unknown)
- ❖ Retail sale may begin October 2022
- ❖ Minimum age is 21
- ❖ Public consumption is not allowed
- ❖ 30% THC limit for Cannabis flower, 60% limit for concentrates
- ❖ All sales (6%) and excise tax revenue (14%) sent to the State for funding universal afterschool and prevention initiatives
- ❖ Towns can vote to “Opt In” the retail sale of adult use cannabis (and integrated licenses)

Consider the following:

- ❖ How informed is your community about Act 164 and the implications?
- ❖ What do *your town's residents* think about having retail cannabis in town?
- ❖ What do *your town's businesses* think about having retail cannabis in town?
- ❖ Who are the stakeholders in your community who your town can engage on this topic? (schools, youth, parents, law enforcement, medical community, emergency services, retailers, community organizations, town entities)
- ❖ How might you plan to assess the demand on local and regional services? (law enforcement, medical, mental health, environmental, solid waste management, energy systems, traffic impacts) and what about the impact of potential ancillary businesses, etc?
- ❖ What is the best way for your town to provide for a comprehensive education and community conversation in advance of a vote to opt-in (or at this time in your town's process)?
- ❖ If your town opts in- what additional regulations would you like to see? (ex. buffer zones from schools and areas where youth congregate, buffer zones between other retail outlets, outlet density, site plan review standards, hours of operation, etc.)

Timeline:

Towns can opt in at any time by Australian ballot to:

1. Retail and/or
2. integrated licenses

There is not an opt-in by town for all other cannabis licenses.



CCB: Cannabis Control Board (State level)

Meetings continue for the Full Board and Sub-Committees. The meeting schedule can be found here:

<https://ccb.vermont.gov/calendar/month>

The CCB will establish regulations and administer compliance and enforcement. The CCB will oversee regulations for:

- Cultivators
- Testing laboratories
- Product manufacturers
- Wholesalers
- Retailers
- Integrated licenses

*While the CCB is creating baseline rules / regulations, towns may be given local control to craft rules/regulations that best fit what they want for their communities

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CCB: Cannabis Control Board (State level)

Recent CCB updates / current items up for consideration:

- Making recommendations for tax and regulate structure, considering:
- Capping local license fees at \$100
- Proposing to legislature a 1%-2% tax for towns opting in; currently NO tax revenue for towns that don't have local options tax
- Focusing on policies that address social equity to overcome negative impacts of the war on drugs
- Set new "buffer zone" rule prohibiting retail store within 500 ft. from school - 1000'; towns will be allowed to choose their own (reduce or expand) up to 1000'

Still a lot of rules that are yet to be made, another report will be out mid Nov.

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Option: Establish a cannabis research committee / working group for your town

- ❖ **Establish a workgroup of volunteers from multiple sectors, including youth (time bound, specific goals)**

- ❖ **Workgroup purpose:**

- ❖ Responsible for town survey and information sessions
- ❖ Link their data and research to the CCC or town planning commission, if a town votes to opt-in

- ❖ **Woodstock example**

- ❖ Woodstock created a cannabis research committee made up of volunteer committee members with help from project advisors within the fields of safety, health, schools, legislative, and town planning. Responsible for town survey and information sessions
- ❖ Worked together at weekly meetings to research, collect, and analyze data and statistics
- ❖ Remained objective and neutral, did not make policy recommendations

Here are some additional resources for your Town Workgroup:

- ❖ Resources around Act164 from Prevention Works VT: https://preventionworksvermont.org/?page_id=354
- ❖ Healthy Lamoille Valley's Community Planning Tool Kit: <https://www.healthylamoillevalley.org/community-policy-toolkit/>
- ❖ VLCT resource pending guidance from the CCB

Survey your town residents prior to a vote. Example questions:

- ❖ Zip code of residence
- ❖ Demographics: Select all that apply whether town resident, business owner, town employee, youth, parent, health sector, law enforcement, education, etc.
- ❖ Select age category
- ❖ Rate current awareness on Act 164
- ❖ Should the town schedule a vote on whether to opt in to retail cannabis?
- ❖ What factors will weigh into your decision when voting on retail cannabis in your town? (tax revenue, indirect revenue (tourism, grand list impact) , municipal services and infrastructure, tourism, youth prevention, impact on local systems, access and availability for youth, access and availability for adults, aesthetics of our town, safety, environmental considerations, other, etc)
- ❖ Would you be interested in attending informational sessions prior to an opt in vote?
- ❖ Which topics do you want more information about? (public safety, cannabis and health, cannabis use and youth, tourism, agricultural considerations, environmental considerations, details of Act 164/retail cannabis law, town regulations to limit youth exposure to cannabis, Act 164 tax revenue structure)
- ❖ What other substance related concerns would you like to address in your town on an educational and/or policy level (alcohol, tobacco, vaping, opioids, over the counter medicine, other trending substances?)

When surveying your town, ensure diverse participation (including youth).

Holding community information sessions

- ❖ Informational topics on issues residents are most interested in
- ❖ Examples include:
 - ❖ Tourism
 - ❖ Taxation/fees/indirect revenue/grand list impact
 - ❖ Health, environmental and safety impact
 - ❖ Youth prevention
 - ❖ Equity
 - ❖ Impact on local systems and services
 - ❖ Act 164 review
 - ❖ Cannabis: THC, CBD, medical, retail....
 - ❖ Other considerations

The vote

- ❖ Prior to a cannabis retailer operating within a municipality, the municipality shall affirmatively permit the operation of such cannabis establishments by majority vote of those present and voting by Australian ballot at an annual or special meeting warned for that purpose. A municipality may place **retailers or integrated licensees, or both**, on the ballot for approval.
- ❖ The question can be put on the ballot by the Selectboard or via the standard resident's 5% signature collection process
- ❖ If opt-in is the favorable choice, then work to establish local regulations based on Workgroup input and recommendations (e.g. zoning, local Cannabis Control Commission) depending on resident wishes.

If opting in, next steps:

- ❖ Establish a local Cannabis Control Commission (CCC) (This group make take on some of the considerations in previous slides)
- ❖ Review your town's existing regulations
- ❖ Consider strengthening or expanding regulations
- ❖ Look towards creating and/or adding goals and objectives to your Town Plan on the topic of Health and Wellness, Substance Use
- ❖ Create a Health and Wellness Committee (consider adding a youth voice)

Establishing a local Cannabis Control Commission (CCC)

- ❖ A municipality that hosts any cannabis establishment may establish a cannabis control commission composed of commissioners who *may* be members of the municipal legislative body.
- ❖ The local cannabis control commission may issue and administer local control licenses under this subsection for cannabis establishments within the municipality.
- ❖ 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.
- ❖ The commission may suspend or revoke a local control license for a violation of any condition placed upon the license.

If opted in, municipalities may...

- ❖ Develop regulations and municipal licensing requirements and create a Local Cannabis Commission to oversee such rules
- ❖ Establish density rules for retail sales locations or minimum distances from certain establishments e.g. schools, other retail cannabis locations
- ❖ Establish permitting fees (amounts to be clarified by CCB)
- ❖ Call another vote on the topic of retail cannabis in the future
- ❖ If Opt In is defeated, existing retail operations are grandfathered in.
- ❖ May not establish zoning rules that would de facto prohibit the establishment of such retail businesses; may not prohibit any cannabis business type using their local ordinances or permitting

Your town's current policy approaches

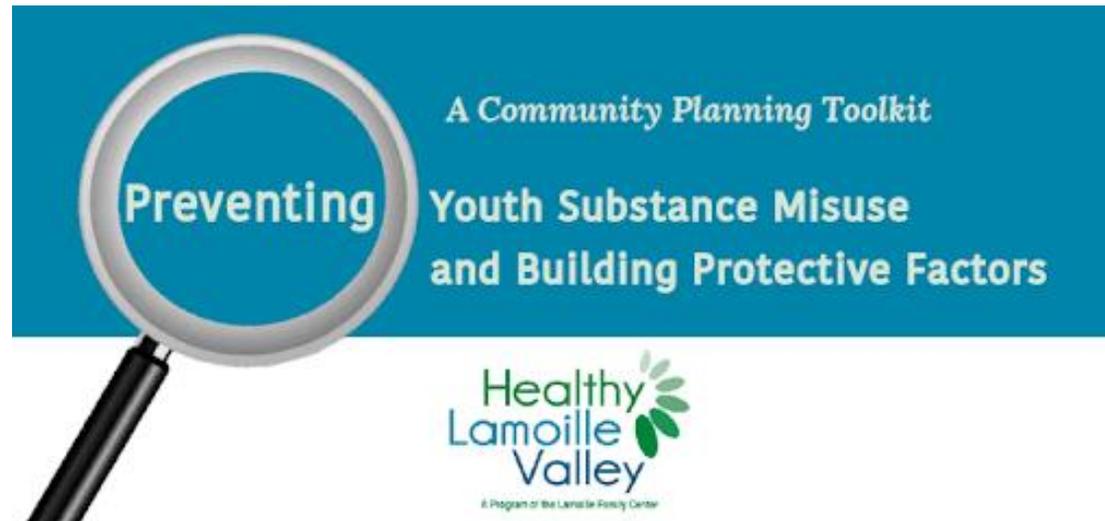
- ❖ Advertising/signage ordinance
- ❖ Use ordinances
- ❖ Zoning
 - ❖ Site Plan Review
 - ❖ Buffer zones
 - ❖ Outlet density or number of licenses
 - ❖ Ancillary businesses
 - ❖ Hours of operation
 - ❖ Security requirements
 - ❖ How much product can be stored on location

Policy options

- ❖ **Zoning** can be a useful protective tool, as it allows a town to place a “buffer zone” of a certain distance between businesses focused on age-restricted products -- such as vape shops, cannabis dispensaries, and adult entertainment stores (and each other) – and/or child- and family-centered establishments such as schools, churches, libraries, and daycares. (Note that existing businesses may be grandfathered in.) Site plan review
- ❖ **Substance Ordinances** can be adopted to regulate the use and consumption of certain substances in public places in town and may include an Alcohol Ordinance and a Smoking/Vaping Ordinance for both tobacco and cannabis.
- ❖ **Sign ordinances** can be adopted to help minimize the impact of messaging for age-restricted products by controlling aspects of types of signage allowed. The ordinance must be content-neutral, meaning the regulations cannot be based on the content of the sign, and the regulations will apply to all businesses. Minimized signage for age-restricted products is also a feature of recovery-friendly and sobriety-friendly communities.
- ❖ **Health Chapters in town plans** allow the town to set forth its goals, policies, and recommended actions relating to public health in a document that is then adopted by the town.
- ❖ **Town Health and Wellness Committees** of town citizens can be formed to advocate for healthy town policies and implement town-identified action items of the town plan’s health chapter.

Community Planning

Our Community Planning Toolkit is a resource for towns to address substance prevention at a community level. <https://www.healthylamoillevalley.org/community-policy-toolkit/>



Our staff and coalition members are available for ongoing support to your community.

Assistance is available – How can we best support you?

❖ Alison Link, Policy and Community Outreach Coordinator, Healthy Lamoille Valley alison@healthylamoillevalley.org

❖ Seth Jensen, Deputy Director, Lamoille County Planning Commission, seth@lcpcvt.org

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