

Governor's Marijuana Advisory Commission
Vermont State House, Montpelier, VT
1/16/2018, 9:00 AM

At 9:08 a.m. Co-Chair Jake Perkinson called the meeting to order, declaring a quorum present. Commissioners in attendance were:

- Jake Perkinson, Co-Chair
- Tom Little, Co-Chair
- Tom Anderson, Commissioner of the Department of Public Safety
- Kaj Samsom, Commissioner of the Department of Taxes
- Anson Tebbetts, Secretary of the Agency of Agriculture, Food and Markets
- Representative Ann Pugh
- David Scherr, Assistant Attorney General
- Dr. Mark Levine, Commissioner of the Department of Health
- Senator Joe Benning
- Michael Schirling, Secretary of the Agency of Commerce and Community Development

Colchester Police Chief Jennifer Morrison, a member of the Roadway Safety Subcommittee, was also attending the meeting by conference call.

2) Reports & Updates from Subcommittees

Thomas Anderson, Esq., Commissioner of Public Safety & Chair of the Roadway Safety Subcommittee

- Review of areas of focus in E.O.
- Saliva based fluid roadside testing recommended
 - o Screen for a number of drugs
 - o Either a positive or negative result, if positive then an evidentiary sample
 - o Would need amendments to current laws to allow, choose methods, and court admissibility hearing – ultimately the VT Supreme Court's decision
- DREs currently adequate for most of the state at least for the next few years, dependent somewhat on the volume of requests
 - o Funding – largely NHTSA currently, but still a cost to VT
- VT Forensic Lab
 - o Wasn't doing toxicology in-state, was being sent out of state; expensive
 - Building an in-house program
 - o Could handle a 20-30% uptick in samples, but logically there is expected to be larger uptick if there is marijuana legalization
 - Would put a large strain on staff
- Regional Impairment
 - o Needs further study – revisit issue in 6 months to a year
 - o Impairment standard laws in New England are all over the map, would need coordination between states
 - o Expert testimony: establishing a per se level of impairment rule is difficult
- Creating baselines in data

- Start collecting data now – at Colorado’s urging
 - Model off Colorado’s methods
 - Track:
 - Marijuana related crimes and quality of life complaints
 - arrests including amounts,
 - marijuana-related accidents and impaired driving generally,
 - out of state diversion,
 - postal service use for marijuana transfers,
 - youth data
- Impact on search & seizure laws
 - Will be some
 - Law enforcement will face new challenges in roadside stops
 - If a definitive court ruling holds that odor is no longer grounds for a search warrant, would limit what law enforcement can stop
 - Would have to decommission about 40 canines before planned retirement age because they’re trained in detecting marijuana scent
- H.511 dealt with a lot of changes to protect youths under 21, but
 - Did not include federal funding for testing
 - Retail sales should be limited to not near a school, should be criminal & in line with marijuana registry

Kaj Samsom, Commissioner of Tax and Chair of the Subcommittee on Taxation and Regulation:

- Adequacy of funding
 - If tax & regulate becomes a reality, municipalities should be authorized to largely decide their own destiny, like they do with alcohol
 - Municipalities don’t feel equipped to handle additional law enforcement needs with legalization, and if a tax & regulate structure is implemented they might struggle to handle that too
 - Not 100% consensus that marijuana legalization would create a strain on law enforcement
- Insurance related issues
 - Looked at other states
 - Currently adequate coverage available
 - Looking to pricing, home owner’s insurance, etc. - no noticeable increase

Q: did the subcommittee look at revenue?

A: not really, but last fall’s estimate produced a range of about \$14-25 million annually, depending on usage assumptions

Dr. Mark Levine, Commissioner of Health and Chair of the Education and Prevention Subcommittee:

- Impacts on developing brain
 - The Health Dept. published a health impact statement last year, something it does periodically; covered this issue
- Is there a need for creation, implementation, & funding of education programs?
 - Yes.

- Across substance use, not just for marijuana
- Marijuana-specific programs do not currently exist
 - Take time to develop
 - 12-18 month period reasonable
 - In other states, programs did not become realized until 12-18 months after legalization was implemented
- Significant concerns regarding potency
 - Can be 10x more potent than 10-15 years ago
 - More potentially addictive?
- Current funding for substance abuse programs adequate if legalization?
 - Legalization links to substance abuse disorders
 - 20% of users can account for 80% of the use
 - Users using more than before
 - Causal use decreasing, frequent use increasing
 - Would need to do further research to see if current facilities are adequate
 - Mental health facilities already strained
 - Marijuana treatment typically done in an outpatient setting
- Current broad-based messaging on dangers of marijuana
 - State wide education campaign directed at youths, young adults & pregnant women
 - Parents would need to be engaged
 - Assumes a lead-time, as opposed to immediate implementation of legalization
- Broad-based messaging on driving while impaired with marijuana
 - Non-legislative body to review data from scientific developments to look at if a per se limit can be adopted
 - Dangers of driving under the influent of stimulants in general
- Changes to laws to protect those under 21
 - Buffer zones around youths frequent: schools, playgrounds, colleges
 - Limiting sales to adult only-outlets
 - Local governments allowed to regulate where sold
 - Increasingly abundant literature on other forms of marijuana consumption: infused products like vaping, edibles, etc. – troubling, need to create regulations around forms that would be attractive to children
 - Would suggest the need to create two separate marketplaces for marijuana
 - Liquids used for vaping more potent, and vaping leads to cigarette smoking, as nicotine and THC often combined together in vaping
 - Studies show youths view vaping as non-harmful
- Recommended strongly that there be sufficient funding for studies & research

Thomas Anderson: The Governor's Opioid Coordination Council (OCC) looking at broad-based substance abuse prevention programs

H.511 passed while the Commission's report was being drafted

3) Presentation of Commission Report Under Section III (2) of the Executive Order

By unanimous consensus of the Commission members present, the Commission approved of the report being sent to the Governor.

4) Review Next Steps with emphasis on December 15, 2018 Final Report

- Pivot the commission's focus to working on the items to be covered in the December 15, 2018 report

6) The meeting was adjourned at 10:02 a.m.