

GOVERNOR'S ADVISORY COMMISSION ON MARIJUANA

APRIL 1, 2018 STATUS REPORT

Pursuant to Executive Order 15-17 ("EO"), the Co-Chairs of the Governor's Advisory Commission on Marijuana submit this status report on the progress of the Commission in fulfilling the mandates of the EO. The Commission is charged with analyzing the best available data, studies and information and making recommendations on how Vermont can best address the issues and challenges posed by a potential taxed and regulated adult-use cannabis market. As set forth in the EO, the development of comprehensive protocols for education, prevention and highway safety are necessary prerequisites to the adoption of any regulated system of commercial cannabis use.

At the initial meeting of the Commission, each member was assigned to one of the three Subcommittees created by the EO addressing specific aspects of a taxed and regulated cannabis market.

Two months after the Commission was established, on November 14, 2017, the Commission received and adopted reports from its Subcommittees on Roadway Safety and Education & Prevention which presented the most current and reliable data available relevant to various health and safety issues. In conjunction with receiving these reports the Commission charged each Subcommittee with the task of updating the reports with any further developments in available information throughout the term of the Commission's existence.

On January 15, 2018, the Commission submitted its Report and Recommendations addressing twelve preliminary issues specifically delineated by the EO including the need for roadside impairment testing protocols and analyses of resources necessary to address cannabis use and availability in Vermont.

Since January 15, 2018, the Commission Subcommittees have continued to meet to hear testimony and presentations and have worked to gather information to update the information presented in the initial Commission reports. In addition, steps have been taken in the Legislature to pursue implementation of some recommendations proposed in the Commission's January 15 Report. *See, e.g.*, H.237, H. 819.

In preparation for the final phase of the Commission's work, the Taxation and Regulation Subcommittee held two meetings in March 2018. During the first meeting, the Subcommittee heard from Joe Veldon, a Vermonter who owns and runs a marijuana cultivation operation in Oregon for the recreational market. Mr. Veldon provided insight into the regulatory system in Oregon and shared his first-hand experiences with the transition from a medical marijuana system to a legalized recreational market. The Subcommittee also heard testimony from attorneys and policy advisors at Brownstein Hyatt Farber Schreck, a Denver, Colorado-based law firm with expertise in the marijuana legal and policy landscape. BHFS supplied the Subcommittee with an overview of important policy issues for state regulators to consider.

In the second meeting, the Tax and Regulation Subcommittee reviewed the work completed since the formation of the Commission and devised a plan to fulfill the requirements of the Executive Order. This included identifying key issues and doing a deep dive into the necessary components of an adult-use marijuana taxation and regulatory system. Specific issues were then assigned to Subcommittee members so that each issue has a lead member who is responsible for proposing recommended solutions for the final report due in December 2018. The Subcommittee plans to meet on a monthly basis throughout 2018 to compile and report recommendations to the Commission, including any necessary draft legislation.

As noted above, the Roadway Safety Subcommittee continues to track new scientific research relating to the health and safety endpoints in Executive Order 15-17 including the following questions:

- a. Is marijuana use, alone or in combination with other substances, associated with an increased risk of (1) motor vehicle crashes and (2) motor vehicle fatalities?
- b. Is marijuana legalization associated with an increased risk of (1) motor vehicle crashes and (2) motor vehicle fatalities?
- c. Do crime rates (i.e., rates of violent crime, property crimes or other collateral crimes) increase or decrease when marijuana is (1) decriminalized or (2) legalized for recreational use?

Over the next several months, the Roadway Safety Subcommittee will focus on the following tasks outlined in the Executive Order:

- a. “Recommend a business plan for a comprehensive regulatory and revenue system which completely self-funds the regulatory infrastructure at both the State and local level, including required equipment and/or staffing resources required to address impaired driving due to marijuana or marijuana and alcohol at both the State and local level. . .”;
- b. “Determine a set impairment threshold for operating a motor vehicle on State roads and highways, identify an appropriate impairment testing mechanism, and/or recommend increased DREs and training . . .”;
- c. “Recommend a plan for continued monitoring and reporting on impacts to public health, with specific reference to the health endpoints listed in Section III(1) [of Executive Order 15-17],” which for Roadway Safety included “injury and death” and “crime rates”; and
- d. “Other miscellaneous matters as determined necessary and appropriate by the Commission,” which may include additional search and seizure considerations.

The Education and Prevention Subcommittee has continued its work in updating the information presented in the Commission’s first two reports. This Subcommittee met on January 5, 2018 and heard a two-hour presentation from Mary Segawa, the Public Health

Education Liaison for the Washington State Liquor and Cannabis Board (WSLCB) and Jessica Neuwirth, of the Colorado Department of Public Health and Environment's Retail Marijuana Education and Youth Prevention Coordinator. The Subcommittee met again on March 28 to assess its plan of operations going forward and assigned specific subject matter tasks to members of the Sub-committee. Specifically, the Education and Prevention Subcommittee will work to provide a plan for the funding and implementation of the educational and prevention protocols that the EO sets forth as prerequisites to the consideration of an overall tax and regulated cannabis market.

Each Subcommittee plans to invite stakeholders and experts to present on the topics within their charge. For instance, the Roadway Safety Subcommittee plans to consult with Colorado law enforcement officials on topics relating to marijuana legalization and motor vehicle crashes and fatalities.

The Co-Chairs have been working with the chairs of the Subcommittees to ensure that the work prescribed by the EO continues at a pace that will allow the presentation of a comprehensive report to the Governor by December 15, 2018. As the Subcommittees develop their assigned projects the Co-Chairs will convene the Commission to hear updates, gather information and coordinate the work of the Subcommittees.

Respectfully submitted,

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