

Substance Misuse Prevention Oversight and Advisory Council (SMPC)

March 2025 Meeting Minutes

Date: March 24, 2025 Time: 1-3 PM	Mtg. Facilitator: Nicole Rau Mitiguy Mtg. Recorder: Nicole Rau Mitiguy Where: Microsoft Teams
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	Name	Organization and Role
X	Dr Mark Levine	Department of Health, Chair
X	Amy Brewer	Northwestern Medical Center, Vice Chair
	Mourning Fox	Department of Public Safety, Executive Committee Member
X	Monica Hutt	Agency of Administration, Executive Committee Member
X	Kimberley Diamond	Big Brother Big Sister, Member
X	Kheya Ganguly	Department of Mental Health, Member
	Skyler Genest	Department of Liquor and Lottery, Member
X	Cindy Hayford	Deerfield Valley Community Partnership, Member
X	Maryann Morris	The Collaborative, Member
X	Janet Potter	Hartford Middle and High School, Member
X	John Searles, Ph.D.	Department of Health (Retired), Member
X	Stephen Von Sitas	Vermont Judiciary, Member

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Agenda Item	Lead	Minutes
Welcome, Introductions, and Quorum Determination	Amy Brewer	<ul style="list-style-type: none"> • Thank you Dr. Levine for all of your work with the SMPC and the Health Department, and for your advocacy of prevention!
Review and Approve January 2025 Minutes	Nicole Rau Mitiguy	<ul style="list-style-type: none"> • January minutes approved as written
Legislative Overview and Updates	Dr. Levine, Julie Hurlburd, James Pepper	<ul style="list-style-type: none"> • We have now come to the legislative and financial cross-over point in the legislative session. • An updated bill tracker will be sent to the SMPC to indicate which substance related bills have made it from one chamber to the next. • Though not all bills have made it through cross-over, this is the start of a new biennium, which means any active bills can continue into the next session. • Cannabis Control Board: <ul style="list-style-type: none"> ○ Advertising Suit: The plaintiff in this lawsuit—a licensed cannabis retail establishment—alleges his business is suffering irreparable harm by the CCB’s enforcement of potentially unconstitutional provisions of the cannabis advertising laws. He requested the court issue a temporary injunction enjoining the CCB from enforcing the law while the courts rule on the constitutional question. The court denied this request and set its next hearing for mid-April. It is our understanding that the plaintiff will be appealing the denial to the Vermont Supreme Court in the near future. Given that most commercial free speech jurisprudence involve the 1st Amendment of the US Constitution, which is inapplicable here given the illegality of cannabis at the federal level, the courts will have to determine the scope of commercial free speech in the context of a state licensed cannabis business under Article 13 of the Vermont Constitution. ○ H. 321: The bill was approved by the House on Tuesday, March 25th and is on its way to the Senate now. <ul style="list-style-type: none"> ▪ It may interest the SMPC that the bill includes a request for a <u>Chief Enforcement Officer</u>, which would be an attorney position at the Board. Currently the Board has one attorney, our General Counsel. As the market matures, predictably, compliance workloads have increased, and this role would have an essential

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		<p>role ensuring that the Board is able to act consistently and quickly when compliance issues arise. Further, this role is important for the quasi-judicial role of the Board when a licensee appeals and action of the compliance or licensing teams. In those cases, to ensure proceedings are conducted correctly, it is important for the Board's General Counsel guide the Board, and the Chief Enforcement Officer present the compliance/licensing team's case. I am happy to expand on that further, if needed.</p> <ul style="list-style-type: none"> ▪ The bill also proposes changes to the Board's Rule Making authority for <u>retail siting</u>, incorporating considerations for regional population and community input. While the Legislature reviews this change, the Board plans to maintain a hold on retail siting rule changes and keep the licensing window for retail establishments closed. When we revisit this section of the rules, public health impact data and knowledge from this group will be crucial. So, more updates to follow on that. ○ Excise Tax and Prevention Funding: In previous years, the 30% prevention funding was calculated after deducting CCB's operational expenses from the cannabis regulation fund. This year's budget proposes a significant shift, with the 30% being calculated from the total excise tax revenue, not after deducting the Board's operational expenses. Further the budget proposes developing a special fund to hold these monies in the Department of Health for use in prevention work. ○ Rule Making: The CCB proposed changes to all four of its rules in January 2025. Public comments were accepted through February 28th, with the public hearing held on February 20th. The CCB received roughly 300 pages of written feedback and a number of verbal comments during the Feb 20th hearing. This includes numerous informative comments from public health and prevention advocates, which are greatly appreciated. We talked about only a few of those with you this week and I've given a little synopsis below. If there are others that folks are interested in hearing more on, happy to provide more info. <ul style="list-style-type: none"> ▪ <u>Warning Labels</u>: Some comments suggested that the warning label language is too lengthy and wordy. One comment proposed an alternative. The warning label and its content is something the Board is spending a fair amount of time on. We often look to our peers in other states and countries to better understand the content and effectiveness of their warnings. We've also been following the work of ASTM's D37 committee which aims to create nationally

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		<p>adaptable safety standards.</p> <ul style="list-style-type: none"> ▪ <u>Age Verification</u>: The Board has proposed a change to this rule as well. Currently, rules require age verification at entry and at purchase for all customers. The Board has proposed visual ID checks for those entering the establishment, with required verification for those who appear under 27 (based on tobacco law). Age verification would still be required at the time of purchase for all customers. This change aims to accommodate staffing structures in cannabis retail establishments, which may face challenges due to low unemployment rates and may only have one staff member on duty, making double ID checking difficult. This proposed change is still under consideration.
Vermont Prevention Lead Organization and Tobacco Grantee Overview	Traci Sawyers, Jen Pistole, Tanya Wells	<ul style="list-style-type: none"> • The presentation can be found in the Meeting Materials.
Public Comment	Nicole Rau Mitiguy	<ul style="list-style-type: none"> • None

Next Steps or Assigned Tasks		
Task	Responsible	Due Date
No tasks identified.		