

**DEFINITIONS:**

“Bona fide health care professional-patient relationship” means:

A treating or consulting relationship of not less than three months’ duration, in the course of which a health care professional has completed a full assessment of the registered patient’s medical history and current medical condition, including a personal physical examination. The three-month requirement shall not apply if:

1. a patient has been diagnosed with a terminal illness, cancer, or acquired immune deficiency syndrome.
2. a patient is currently under hospice care.
3. a patient had been diagnosed with a qualifying medical condition in another state and has moved to Vermont within the past 3 months. The new health care professional must have completed a full assessment of the patient's medical history and current medical condition, including a personal physical examination.
4. a renewal patient changes health care professionals three months or less prior to renewing their registration, provided the new health care professional has completed a full assessment of the patient's medical history and current medical condition, including a personal physical examination.
5. a patient is referred by his or her health care professional to another health care professional who has completed advanced education and clinical training in specific qualifying medical conditions, and that health care professional conducts a full assessment of the patient's medical history and current medical condition, including a personal physical examination; or
6. a patient's qualifying medical condition is of recent or sudden onset.

“Qualifying medical condition” means:

(A) cancer, multiple sclerosis, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, glaucoma, Crohn’s disease, Parkinson’s disease, post-traumatic stress disorder, or the treatment of these conditions, if the disease or the treatment results in severe, persistent, and intractable symptoms; or

(B) a disease or medical condition or its treatment that is chronic, debilitating, and produces one or more of the following intractable symptoms: cachexia or wasting syndrome, chronic pain, severe nausea, or seizures.

“Health care professional” means an individual who is:

- A. Licensed to practice medicine under 26 V.S.A. chapter 23 or 33,
- B. Licensed as a naturopathic physician under 26 V.S.A. chapter 81,
- C. Certified as a physician assistant under 26 V.S.A. chapter 31, or
- D. Licensed as an advanced practice registered nurse under 26 V.S.A. chapter 28.

This definition includes individuals who are professionally licensed under substantially equivalent provisions in New Hampshire, Massachusetts, or New York.

7 V.S.A. § 953 is amended to read:

### **§ 953 PATIENTS**

- (a) Pursuant to rules adopted by the Board, a person may register with the Board to obtain the benefits of the Registry as provided in section 952 of this title;
- (b) A person must submit a health care professional verification form completed by a health care professional with whom they have a bona fide health care professional patient relationship:
- (c) An application by a person under 18 years of age shall be signed by both the applicant and the applicant's parent or guardian.

#### (1) Patients 18 to 20 years of age:

(a) Notwithstanding any other provisions of this section to the contrary, a patient with a qualifying medical condition who is 18 to 20 years of age is not eligible for the medical cannabis program unless:

(i) two health care professionals from separate medical entities have diagnosed the patient as having a qualifying medical condition after an in-person consultation. The requirement that the two physicians be from separate medical entities does not apply if the patient is homebound or if the patient was on the medical cannabis registry before age 18; and

(ii) the patient attends follow-up appointments every six months after the initial appointment with one of the health care professionals referred to in subsection (5.5)(a)(i) of this section;

(b) this subsection (1) does not apply to a patient 18 to 20 years of age if the patient was on the registry prior to eighteen years of age.

(5) Rules concerning retailers shall include:

- (A) requirements for proper verification of age of customers;
- (B) restrictions that cannabis shall be stored behind a counter or other barrier to ensure a customer does not have direct access to the cannabis;
- (C) requirements that if the retailer sells hemp or hemp products, the hemp and hemp products are clearly labeled as such;
- (D) requirements for opaque, child-resistant packaging of cannabis products and child-deterrent packaging for cannabis at point of sale to customer; and

(E) requirements and procedures for facility inspection to occur at least annually;

(F) location or siting requirements that increase the geographic distribution of new cannabis retail establishments based on population and market needs; and

(G) requirements for a medical-use endorsement, including rules requiring:

- i. a bona-fide patient/health care provider relationship for all patients on the medical cannabis registry;
- ii. access for patients who are under 21 years of age;
- iii. patient confidentiality protections;
- iv. patient health information protections;
- v. disclosure that any consultation regarding medical interactions with cannabis and dosing is not evidence-based, medical advice;
- vi. all medical program advertising laws and rules are adhered to;
- vii. delivery must meet all patient verification rules; and
- viii. clearly delineated physical separation for sale of medical cannabis products and adult use products.

#### MEDICAL CANNABIS ADVISORY BOARD

(A) A Medical Cannabis Review Board shall be established and meet at least quarterly to review studies, data, and any other information relevant to the medical cannabis registry and to advise the Cannabis Control Board prior to changes to the medical cannabis registry.

(B) Prior to consideration by the General Assembly of any bill to materially amend the list of qualifying conditions for the Registry, and upon the request of the House or Senate Committee on Government Operations or the House Committee on Health Care or the Senate Committee on Health and Welfare or upon the direct petition from a individual, the Review Board shall make, in writing, a preliminary assessment of whether a proposed condition or symptom proposed for addition to the Registry is supported by current scientific or medical evidence.

(C) Membership:

- a. At least 4 Vermont-licensed medical professionals including those specializing in emergency medicine, psychiatry, addiction medicine and pediatrics;
- b. At least 2 with expertise in cannabis research or pharmacology;
- c. A medical cannabis patient and a parent of a medical cannabis patient.

(D) The Review Board shall be an independent advisory council housed in the Cannabis Control Board and have assistance from the Department of Health and the Areas on Health Education Centers at the Larner College of Medicine at the University of Vermont.

(E) The advisory board shall meet at least once per year for the purpose of reviewing petitions to add or remove qualifying medical conditions. The advisory board may consult with experts in Vermont and other states with medical cannabis programs, as well as review any available research. The advisory board may hold public hearings before voting on whether to add or remove a certain condition as a qualifying medical condition.

(F) Members of the advisory board may not receive compensation but are entitled to mileage, subsistence, and per diem as allowed by law for members of state boards, commissions, and committees.