

1 S.226

2 Introduced by Senators Miller, White and Shumlin

3 Referred to Committee on

4 Date:

5 Subject: Health; therapeutic use of cannabis; dispensaries

6 Statement of purpose: This bill proposes to establish a system of dispensaries
7 from which patients in the medical marijuana program may legally obtain
8 marijuana.

9 An act relating to medical marijuana dispensaries

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 18 V.S.A. chapter 86, subchapter 2 is amended to read:

12 Subchapter 2. Marijuana for Medical Symptom Use by Persons
13 with Severe Illness

14 § 4472. DEFINITIONS

15 For the purposes of this subchapter:

16 (1) "Bona fide physician-patient relationship" means a treating or
17 consulting relationship of not less than six months duration, in the course of
18 which a physician has completed a full assessment of the registered patient's
19 medical history and current medical condition, including a personal physical
20 examination.

1 (2) “Compassion center” means a nonprofit entity registered under
2 section 4475 of this title that acquires, possesses, cultivates, manufactures,
3 delivers, transfers, transports, supplies, sells, or dispenses marijuana, or
4 related supplies and educational materials, to a registered patient who has
5 designated it, either by dispensing it directly to the registered patient or by
6 dispensing it to the registered patient’s registered caregiver.

7 (3) “Debilitating medical condition,” provided that, in the context of the
8 specific disease or condition described in subdivision (A) or (B) of this
9 subdivision ~~(2)~~(3), reasonable medical efforts have been made over a
10 reasonable amount of time without success to relieve the symptoms, means:

11 (A) cancer, multiple sclerosis, positive status for human
12 immunodeficiency virus, acquired immune deficiency syndrome, or the
13 treatment of these conditions, if the disease or the treatment results in severe,
14 persistent, and intractable symptoms; or

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

19 (4) “Immature marijuana plant” means a marijuana plant, whether male or
20 female, that has not yet flowered and which does not yet have buds that may
21 be readily observed by unaided visual examination.

1 ~~(3)~~(5) “Marijuana” shall have the same meaning as provided in
2 subdivision 4201(15) of this title.

3 (6) “Mature marijuana plant” means a marijuana plant, whether male
4 or female, that has flowered and which has buds that may be readily
5 observed by unaided visual examination.

6 ~~(4)~~(7) “Physician” means a person who is:

7 (A) licensed under chapter 23 or chapter 33 of Title 26, and is
8 licensed with authority to prescribe drugs under Title 26; or

9 (B) a physician, surgeon, or osteopathic physician licensed to
10 practice medicine and prescribe drugs under comparable provisions in New
11 Hampshire, Massachusetts, or New York.

12 ~~(5)~~(8) “Possession limit” means the amount of marijuana collectively
13 possessed between the registered patient and the patient’s registered caregiver
14 which is no more than two mature marijuana plants, seven immature plants,
15 and two ounces of usable marijuana.

16 ~~(6)~~(9) “Registered caregiver” means a person who is at least 21 years
17 old who has never been convicted of a drug-related crime and who has agreed
18 to undertake responsibility for managing the well-being of a registered patient
19 with respect to the use of marijuana for symptom relief.

20 ~~(7)~~(10) “Registered patient” means a person who has been issued a
21 registration card by the department of public safety identifying the person as

1 having a debilitating medical condition pursuant to the provisions of this
2 subchapter.

3 ~~(8)~~(11) “Secure indoor facility” means a building or room equipped with
4 locks or other security devices that permit access only by a registered caregiver
5 ~~or, registered patient, or compassion center principal officer, board member,~~
6 agent, volunteer, or employee.

7 ~~(9)~~(12) “Usable marijuana” means the dried leaves and flowers of
8 marijuana, and any mixture or preparation thereof, and does not include the
9 seeds, stalks, and roots of the plant.

10 ~~(10)~~(13) “Use for symptom relief” means the acquisition, possession,
11 cultivation, use, transfer, or transportation of marijuana or paraphernalia
12 relating to the administration of marijuana to alleviate the symptoms or effects
13 of a registered patient’s debilitating medical condition which is in compliance
14 with all the limitations and restrictions of this subchapter. For the purposes of
15 this definition, “transfer” is limited to the transfer of marijuana and
16 paraphernalia between a registered caregiver and a registered patient.

17 § 4473. REGISTERED PATIENTS; QUALIFICATION STANDARDS AND
18 PROCEDURES

19 (a) To become a registered patient, a person must be diagnosed with a
20 debilitating medical condition by a physician in the course of a bona fide
21 physician-patient relationship.

1 (b) The department of public safety shall review applications to become a
2 registered patient using the following procedures:

3 (1) A patient with a debilitating medical condition shall submit, under
4 oath, a signed application for registration to the department. If the patient is
5 under the age of 18, the application must be signed by both the patient and a
6 parent or guardian. The application shall require identification and contact
7 information for the patient and the patient's registered caregiver applying for
8 authorization under section 4474 of this title, if any, and the patient's
9 designated compassion center under section 4475 of this title, if any. The
10 applicant shall attach to the application a medical verification form developed
11 by the department pursuant to subdivision (2) of this subsection.

12 (2) The department of public safety shall develop a medical verification
13 form to be completed by a physician and submitted by a patient applying for
14 registration in the program. The form shall include:

15 (A) A cover sheet which includes the following:

16 (i) A statement of the penalties for providing false information.

17 (ii) Definitions of the following statutory terms:

18 (I) "Bona fide physician-patient relationship" as defined in
19 subdivision 4472(1) of this title.

20 (II) "Debilitating medical condition" as defined in subdivision
21 ~~4472(2)~~ 4472(3) of this title.

1 (III) "Physician" as defined in subdivision ~~4472(4)~~ 4472(7) of
2 this title.

3 (B) A verification sheet which includes the following:

4 (i) A statement that a bona fide physician-patient relationship
5 exists under subdivision 4472(1) of this title, or that under subdivision (3)(A)
6 of this subsection (b), the debilitating medical condition is of recent or sudden
7 onset, and the patient has not had a previous physician who is able to verify the
8 nature of the disease and its symptoms.

9 (ii) A statement that reasonable medical efforts have been made
10 over a reasonable amount of time without success to relieve the symptoms.

11 (iii) A statement that the patient has a debilitating medical
12 condition as defined in subdivision ~~4472(2)~~ 4472(3) of this title, including the
13 specific disease or condition which the patient has and whether the patient
14 meets the criteria under subdivision ~~4472(2)(A) or (B)~~ 4472(3)(A) or (B).

15 (iv) A signature line which provides in substantial part: "I certify
16 that I meet the definition of "physician" under 18 V.S.A. § ~~4472(4)(A) or~~
17 ~~4472(4)(B)~~ § 4472(7)(A) or 4472(7)(B) (circle one), that I am a physician in
18 good standing in the state of, and that the facts stated above
19 are accurate to the best of my knowledge and belief."

20 (v) The physician's contact information.

1 (3)(A) The department of public safety shall transmit the completed
2 medical verification form to the physician and contact him or her for purposes
3 of confirming the accuracy of the information contained in the form. The
4 department may approve an application, notwithstanding the six-month
5 requirement in subdivision 4472(1) of this title, if the department is satisfied
6 that the medical verification form confirms that the debilitating medical
7 condition is of recent or sudden onset, and that the patient has not had a
8 previous physician who is able to verify the nature of the disease and its
9 symptoms.

10 (B) If the physician is licensed in another state as provided by
11 subdivision ~~4472(4)(B)~~ 4472(7)(B) of this title, the department shall contact
12 the state's medical practice board and verify that the physician is in good
13 standing in that state.

14 (4) The department shall approve or deny the application for registration
15 in writing within 30 days from receipt of a completed registration application.
16 If the application is approved, the department shall issue the applicant a
17 registration card which shall include the registered patient's name and
18 photograph, ~~as well as a unique identifier for law enforcement verification~~
19 ~~purposes under section 4474d of this title~~ the registered patient's designated
20 compassion center, if any, and a unique identifier for law enforcement
21 verification purposes under section 4474d of this title.

1 (5)(A) A review board is established. The medical practice board shall
2 appoint three physicians licensed in Vermont to constitute the review board. If
3 an application under subdivision (1) of this subsection is denied, within seven
4 days the patient may appeal the denial to the board. Review shall be limited to
5 information submitted by the patient under subdivision (1) of this subsection,
6 and consultation with the patient's treating physician. All records relating to
7 the appeal shall be kept confidential. An appeal shall be decided by majority
8 vote of the members of the board.

9 (B) The board shall meet periodically to review studies, data, and any
10 other information relevant to the use of marijuana for symptom relief. The
11 board may make recommendations to the general assembly for adjustments
12 and changes to this chapter.

13 (C) Members of the board shall serve for three-year terms, beginning
14 February 1 of the year in which the appointment is made, except that the first
15 members appointed shall serve as follows: one for a term of two years, one for
16 a term of three years, and one for a term of four years. Members shall be
17 entitled to per diem compensation authorized under section 1010 of Title 32.
18 Vacancies shall be filled in the same manner as the original appointment for
19 the unexpired portion of the term vacated.

1 § 4474. REGISTERED CAREGIVERS; QUALIFICATION STANDARDS
2 AND PROCEDURES

3 (a) A person may submit a signed application to the department of public
4 safety to become a registered patient's registered caregiver. The department
5 shall approve or deny the application in writing within 30 days. The
6 department shall approve a registered caregiver's application and issue the
7 person an authorization card, including the caregiver's name, photograph, and
8 a unique identifier, after verifying:

9 (1) the person will serve as the registered caregiver for one registered
10 patient only; and

11 (2) the person has never been convicted of a drug-related crime.

12 (b) Prior to acting on an application, the department shall obtain from the
13 Vermont criminal information center a Vermont criminal record, an
14 out-of-state criminal record, and a criminal record from the Federal Bureau of
15 Investigation for the applicant. For purposes of this subdivision, "criminal
16 record" means a record of whether the person has ever been convicted of a
17 drug-related crime. Each applicant shall consent to release of criminal records
18 to the department on forms substantially similar to the release forms developed
19 by the center pursuant to section 2056c of Title 20. The department shall
20 comply with all laws regulating the release of criminal history records and the
21 protection of individual privacy. The Vermont criminal information center

1 shall send to the requester any record received pursuant to this section or
2 inform the department of public safety that no record exists. If the department
3 disapproves an application, the department shall promptly provide a copy of
4 any record of convictions and pending criminal charges to the applicant and
5 shall inform the applicant of the right to appeal the accuracy and completeness
6 of the record pursuant to rules adopted by the Vermont criminal information
7 center. No person shall confirm the existence or nonexistence of criminal
8 record information to any person who would not be eligible to receive the
9 information pursuant to this subchapter.

10 (c) A registered caregiver may serve only one registered patient at a time,
11 and a registered patient may have only one registered caregiver at a time.

12 § 4474a. REGISTRATION; FEES

13 (a) The department shall collect a fee of \$50.00 for the application
14 authorized by sections 4473 and 4474 of this title. The fees received by the
15 department shall be deposited into a registration fee fund and used to offset the
16 costs of processing applications under this subchapter.

17 (b) A registration card shall expire one year after the date of issue, with the
18 option of renewal, provided the patient submits a new application which is
19 approved by the department of public safety, pursuant to section 4473 or 4474
20 of this title, and pays the fee required under subsection (a) of this section.

1 caregiver to whom he or she is not connected by the department's registration
2 process, provided that no consideration is paid for the marijuana, and that the
3 recipient does not exceed the possession limits specified in this chapter.

4 § 4474c. PROHIBITIONS, RESTRICTIONS, AND LIMITATIONS

5 REGARDING THE USE OF MARIJUANA FOR SYMPTOM

6 RELIEF

7 (a) This subchapter shall not exempt any person from arrest or prosecution
8 for:

9 (1) Being under the influence of marijuana while:

10 (A) operating a motor vehicle, boat, or vessel, or any other vehicle
11 propelled or drawn by power other than muscular power;

12 (B) in a workplace or place of employment; or

13 (C) operating heavy machinery or handling a dangerous
14 instrumentality.

15 (2) The use or possession of marijuana by a registered patient or a
16 registered caregiver:

17 (A) for purposes other than symptom relief as permitted by this
18 subchapter; or

19 (B) in a manner that endangers the health or well-being of another
20 person.

21 (3) The smoking of marijuana in any public place, including:

1 (A) a school bus, public bus, or other public vehicle;

2 (B) a workplace or place of employment;

3 (C) any school grounds;

4 (D) any correctional facility; or

5 (E) any public park, public beach, public recreation center, or youth
6 center.

7 (b) This chapter shall not be construed to require that coverage or
8 reimbursement for the use of marijuana for symptom relief be provided by:

9 (1) a health insurer as defined by ~~section 9402~~ subdivision 9402(7) of
10 this title, or any insurance company regulated under Title 8;

11 (2) an employer; or

12 (3) for purposes of workers' compensation, an employer as defined in
13 subdivision 601(3) of Title 21.

14 (c) A registered patient or registered caregiver who elects to grow
15 marijuana to be used for symptom relief by the patient may do so only if the
16 marijuana is cultivated in a single, secure indoor facility.

17 (d) A registered patient or registered caregiver may not transport marijuana
18 in public unless it is secured in a locked container.

19 (e) Within 72 hours after the death of a registered patient, the patient's
20 registered caregiver shall return to the department of public safety for disposal
21 any marijuana or marijuana plants in the possession of the patient or registered

1 caregiver at the time of the patient's death. If the patient did not have a
2 registered caregiver, the patient's next of kin shall contact the department of
3 public safety within 72 hours after the patient's death and shall ask the
4 department to retrieve such marijuana and marijuana plants for disposal.

5 (f) Notwithstanding any law to the contrary, a person who knowingly gives
6 to any law enforcement officer false information to avoid arrest or prosecution,
7 or to assist another in avoiding arrest or prosecution, shall be imprisoned for
8 not more than one year or fined not more than \$1,000.00 or both. This penalty
9 shall be in addition to any other penalties that may apply for the possession or
10 use of marijuana.

11 § 4474d. LAW ENFORCEMENT VERIFICATION OF INFORMATION;
12 RULEMAKING

13 (a) The department of public safety shall maintain and keep confidential,
14 except as provided in subsection (b) of this section and except for purposes of
15 a prosecution for false swearing under section 2904 of Title 13, the records of
16 all persons registered under this subchapter or registered caregivers in a secure
17 database accessible by authorized department of public safety ~~employee's~~
18 employees only.

19 (b) In response to a person-specific or property-specific inquiry by a law
20 enforcement officer or agency made in the course of a bona fide investigation
21 or prosecution, the department may verify the identities and registered property

1 addresses of the registered patient and the patient's registered caregiver, a
2 compassion center, or a compassion center principal officer, board member,
3 agent, volunteer, or employee.

4 (c) The department shall maintain a separate secure electronic database
5 accessible to law enforcement personnel 24 hours a day that uses a unique
6 identifier system to allow law enforcement to verify that a person or entity is a
7 registered patient or registered caregiver, compassion center, or compassion
8 center principal officer, board member, agent, volunteer, or employee.

9 (d) The department of public safety shall implement the requirements of
10 this act within 120 days of its effective date. The department may adopt rules
11 under chapter 25 of Title 3 and shall develop forms to implement this act.

12 § 4475. COMPASSION CENTERS

13 (a)(1) A compassion center registered under this section may acquire, possess,
14 cultivate, manufacture, deliver, transfer, transport, supply, sell, and dispense
15 marijuana related supplies, and educational materials to:

16 (A) a registered patient who has designated it as his or her compassion
17 center; and

18 (B) the registered patient's registered caregivers for the registered
19 patient's medical use.

20 (2) A compassion center may cultivate and possess whichever of the
21 following quantities is greater:

1 (A) 98 immature marijuana plants, 28 mature marijuana plants,
2 and 28 ounces of useable marijuana; or

3 (B) seven immature marijuana plants, two mature marijuana plants,
4 and two ounces of useable marijuana for each registered patient who has
5 designated the compassion center to provide him or her with marijuana for
6 medical use. A compassion center may also possess marijuana seeds, stalks,
7 and unusable roots.

8 (b)(1) Not later than 180 days after the effective date of this section, the
9 department of health shall adopt rules governing compassion centers and the
10 manner in which it shall consider applications for registration certificates for
11 compassion centers, including rules governing:

12 (A) The form and content of registration and renewal applications.

13 (B) Minimum oversight requirements for compassion centers.

14 (C) Minimum record-keeping requirements for compassion centers.

15 (D) Minimum security requirements for compassion centers,

16 which shall include that each compassion center location must be protected
17 by a fully operational security alarm system.

18 (E) Procedures for suspending or terminating the registration of
19 compassion centers that violate the provisions of this section or the rules
20 adopted pursuant to this section.

21 (F) The fees for the processing and review of applications submitted

1 by an applicant for a compassion center and the fees for the registering of a
2 compassion center after it has been approved by the department. Such
3 application and registration fees shall be established in an amount that
4 covers all costs of the department and other state agencies, as applicable, for
5 the review, registration, and oversight of compassion centers.

6 (G) The ability of compassion centers to advertise in any
7 appropriate medium or manner.

8 (2) The department shall adopt rules with the goal of protecting against
9 diversion and theft, without imposing an undue burden on the registered
10 compassion centers or compromising the confidentiality of registered patients
11 and their registered caregivers. Any dispensing records that a registered
12 compassion center is required to keep shall track transactions according to
13 registered patients', registered caregivers', and registered compassion
14 centers' registry identification numbers, rather than their names, to protect
15 their confidentiality.

16 (3) Within 30 days of the adoption of rules, the department shall
17 begin accepting applications for the operation of compassion centers.

18 (4) Within 230 days of the effective date of this section, the department
19 shall grant registration certificates to five compassion centers, provided at least
20 five applicants apply and meet the requirements of this section.

21 (5) Any time a compassion center registration certificate is revoked, is

1 relinquished, or expires, the department shall accept applications for a new
2 compassion center.

3 (6) If at any time after one year after the effective date of this section
4 fewer than five compassion centers hold valid registration certificates in
5 Vermont, the department of health shall accept applications for a new
6 compassion center. Except as provided in subdivision (7) of this
7 subsection, no more than five compassion centers may hold valid registration
8 certificates at one time.

9 (7) If at any time after 18 months after the effective date of this section the
10 report issued pursuant to section 4476 of this title determines that five
11 compassion centers are not sufficient to ensure access for registered patients
12 throughout the state, the department of health shall accept applications for
13 additional compassion centers. The number of additional compassion centers
14 shall be determined by the department of health, based on the report issued
15 pursuant to section 476 of this title.

16 (c)(1) Each application for a compassion center registration certificate shall
17 include all of the following:

18 (A) A nonrefundable application fee paid to the department of
19 health in accordance with the rules adopted by the department of health.

20 (B) The legal name, articles of incorporation, and bylaws of the
21 compassion center.

1 (C) The proposed physical address of the compassion center, if a
2 precise address has been determined or, if not, the general location where it
3 would be located. This may include a second secured location where medical
4 marijuana will be grown, cultivated, harvested, or otherwise prepared for
5 distribution by the compassion center.

6 (D) A description of the enclosed, locked facility where medical
7 marijuana will be grown, cultivated, harvested, or otherwise prepared for
8 distribution by the compassion center.

9 (E) The name, address, and date of birth of each principal officer and
10 board member of the compassion center, and a complete set of fingerprints
11 for each of them.

12 (F) Proposed security and safety measures, which shall include at least
13 one security alarm system for each location and planned measures to deter and
14 prevent the unauthorized entrance into areas containing marijuana and the theft
15 of marijuana.

16 (G) Proposed procedures to ensure accurate record keeping.

17 (2) Any time one or more compassion center registration applications
18 are being considered, the department of health shall also allow for comment in
19 writing by the public and shall solicit input from registered patients,
20 registered caregivers, and the towns or cities where the applicants would be
21 located.

1 (3) Each time a compassion center certificate is granted, the decision shall
2 be based on the overall health needs of qualified patients and the safety of the
3 public, including the following factors:

4 (A) Geographic convenience to patients from throughout the
5 state of Vermont to compassion centers if the applicant were
6 approved.

7 (B) The entity's ability to provide an adequate supply to the
8 registered patients in the state.

9 (C) The entity's ability to demonstrate its board members'
10 experience running a nonprofit organization or business.

11 (D) The comments, if any, of qualifying patients regarding which
12 applicant should be granted a registration certificate.

13 (E) The sufficiency of the applicant's plans for record keeping, which
14 records shall be considered confidential health care information under
15 Vermont law and are intended to be deemed protected health care information
16 for purposes of the federal Health Insurance Portability and Accountability
17 Act of 1996, as amended.

18 (F) The sufficiency of the applicant's plans for safety and security,
19 including proposed location and security devices employed.

20 (4) After a compassion center is approved, but before it begins operations,
21 it shall submit the following to the department of health:

1 (A) A registration fee paid to the department of health in accordance
2 with the rules adopted by the department.

3 (B) The legal name and articles of incorporation of the compassion
4 center.

5 (C) The physical address of the compassion center; this may
6 include a second address of a secured facility where medical marijuana will be
7 grown, cultivated, harvested, or otherwise prepared for distribution by the
8 compassion center.

9 (D) The name, address, and date of birth of each principal officer and
10 board member of the compassion center, along with a complete set of
11 fingerprints for each.

12 (E) The name, address, and date of birth of any person who will be an
13 agent of or employed by the compassion center at its inception, along with a
14 complete set of fingerprints for each such person.

15 (5) Each time a compassion center registration is granted, the department of
16 health shall notify the department of public safety and provide a copy of its
17 registration. Each time a compassion center registration is revoked or
18 expires, the department of health shall notify the department of public
19 safety. The department of public safety shall track the number of registered
20 patients who have designated each compassion center and issue a monthly
21 written statement to the compassion center identifying the number of

1 registered patients who have designated that compassion center along with the
2 registry identification numbers of each patient and each patient's designated
3 caregivers, if any.

4 (6) In addition to the monthly reports, the department of public safety
5 shall also provide written notice to a compassion center which identifies the
6 names and registration identification numbers of a qualifying patient and his or
7 her designated caregivers whenever any of the following events occur:

8 (A) A qualifying patient designates the compassion center to serve his
9 or her needs under this chapter;

10 (B) An existing registered patient revokes the designation of the
11 compassion center because he or she has designated a different compassion
12 center instead; or

13 (C) A registered patient who has designated the compassion center
14 loses his or her status as a registered patient under this chapter.

15 (7) Except as provided in subdivision (8) of this subsection, the
16 department of public safety shall issue each principal officer, board member,
17 agent, volunteer, and employee of a compassion center a registry
18 identification card or renewal card within 10 days of receipt of the person's
19 name, address, and date of birth and a fee in an amount established by the
20 department of public safety. Each card shall specify that the cardholder is a

1 principal officer, board member, agent, volunteer, or employee of a
2 compassion center and shall contain the following:

3 (A) The name, address, and date of birth of the principal officer,
4 board member, agent, volunteer, or employee.

5 (B) The legal name of the compassion center to which the principal
6 officer, board member, agent, volunteer, or employee is affiliated.

7 (C) A random identification number that is unique to the cardholder.

8 (D) The date of issuance and expiration date of the registry
9 identification card.

10 (E) A photograph, if the department decides to require one.

11 (8) Except as provided in this section, the department of public safety
12 shall not issue a registry identification card to any principal officer, board
13 member, agent, volunteer, or employee of a compassion center who has
14 been convicted of a drug-related offense. Prior to acting on an application, the
15 department of public safety shall obtain from the Vermont criminal
16 information center a Vermont criminal record, an out-of-state criminal
17 record, and a criminal record from the Federal Bureau of Investigation for each
18 principal officer, board member, agent, volunteer, or employee. For purposes of this
19 subdivision, "criminal record" means a record of whether the person has ever
20 been convicted of a drug-related crime. Each applicant shall consent to release
21 of criminal records to the department on forms substantially similar to the

1 release forms developed by the center pursuant to section 2056c of Title 20.
2 The department shall comply with all laws regulating the release of criminal
3 history records and the protection of individual privacy. The Vermont criminal
4 information center shall send to the requester any record received pursuant to
5 this section or inform the department of public safety that no record exists. If
6 the department disapproves an application, the department shall promptly
7 provide a copy of any record of convictions and pending criminal charges to
8 the applicant principal officer, board member, agent, volunteer, or employee
9 and shall inform the applicant of the right to appeal the accuracy and
10 completeness of the record pursuant to rules adopted by the Vermont criminal
11 information center. No person shall confirm the existence or nonexistence of
12 criminal record information to any person who would not be eligible to receive
13 the information pursuant to this subchapter. The department of public safety
14 may grant a person a registry identification card if the department
15 determines that the offense was for conduct that occurred prior to the effective
16 date of this chapter or that was prosecuted by an authority other than the state of
17 Vermont and for which the provisions of this chapter would otherwise have
18 prevented a conviction.

19 (9) A registration identification card of a principal officer, board
20 member, agent, volunteer, or employee shall expire one year after its
21 issuance or upon the expiration of the registered organization's registration

1 certificate, whichever occurs first.

2 (10) Notwithstanding any other provision of law, information required to be
3 submitted to the department of health or department of public safety on an
4 application for a compassion center identifying the locations where marijuana is
5 proposed to be grown, cultivated, harvested, and otherwise prepared for
6 distribution to qualifying patients, registered caregivers, and compassion
7 centers, if such location is different from the location of the compassion
8 center, and any other department records identifying such location, shall be
9 considered to be confidential information and not subject to disclosure,
10 provided that such information may be disclosed to a law enforcement
11 agency upon request for purposes of enforcement under this chapter.

12 (d)(1) A compassion center's registration shall expire two years after its
13 registration certificate is issued. The compassion center may submit a
14 renewal application beginning 60 days prior to the expiration of its
15 registration certificate.

16 (2) The department shall grant a compassion center's renewal
17 application within 30 days of its submission if the following conditions are all
18 satisfied:

19 (A) The compassion center submits the materials required under
20 subdivision (c)(4) of this section, including the required fee, which shall be
21 refunded within 30 days if the renewal application is rejected.

1 (B) The department has not suspended the compassion center's
2 registration for violations of this chapter or rules adopted pursuant to this
3 chapter.

4 (C) The compassion center is complying with the requirements in
5 subsection (g) of this section.

6 (D) The inspections authorized by subsection (e) of this section and
7 the report provided pursuant to subdivision (f)(8) of this section do not raise
8 serious concerns about the continued operation of the compassion center
9 applying for renewal.

10 (3) If the department of health determines that any of the conditions listed
11 in subdivisions (2)(A)–(D) of this subsection do not exist, the department shall
12 begin an open application process for the operation of a compassion center.
13 In granting a new registration certificate, the department shall consider factors
14 listed in subdivision (c)(3) of this section.

15 (4) The department of health shall issue a compassion center one or
16 more 30-day temporary registration certificates after that compassion center's
17 registration would otherwise expire if all the following conditions are
18 satisfied:

19 (A) The compassion center previously applied for a renewal, but the
20 department had not yet come to a decision.

21 (B) The compassion center requested a temporary registration

1 certificate.

2 (C) The compassion center has not had its registration certificate
3 revoked due to violations of this chapter or rules adopted pursuant to this
4 chapter.

5 (e) Compassion centers shall be subject to reasonable inspection by the
6 department of health. The department shall give one business day's notice
7 before an inspection under this subsection. During an inspection, the
8 department may review the compassion center's confidential records,
9 including its dispensing records, which shall track transactions according to
10 registered patients' registry identification numbers to protect their
11 confidentiality. The department may also review training materials, safety
12 inserts, and other materials that are required to be maintained or distributed
13 pursuant to this chapter and the rules adopted pursuant to it.

14 (f)(1) A compassion center shall be operated on a nonprofit basis for the
15 mutual benefit of its patients. A compassion center need not be recognized as
16 a tax-exempt organization by the Internal Revenue Service.

17 (2) A compassion center may not be located within 500 feet of the
18 property line of a pre-existing public or private school.

19 (3) A compassion center shall notify the department of public safety
20 within 10 days of when a principal officer, board member, agent, volunteer,
21 or employee ceases to be associated with or work at the compassion center.

1 His or her registry identification card shall be deemed null and void, and the
2 person shall be liable for any other penalties that may apply to the person's
3 nonmedical use of marijuana.

4 (4) A compassion center shall notify the department of public safety
5 in writing of the name, address, and date of birth of any proposed new principal
6 officer, board member, agent, volunteer, or employee and shall submit a fee in
7 an amount established by the department for a new registry identification card
8 before a new agent, volunteer, or employee begins working at the compassion
9 center, and shall submit a complete set of fingerprints for the prospective
10 principal officer, board member, agent, volunteer, or employee.

11 (5) A compassion center shall implement appropriate security measures
12 to deter and prevent the unauthorized entrance into areas containing marijuana
13 and the theft of marijuana, and shall ensure that each location has an
14 operational security alarm system.

15 (6) The operating documents of a compassion center shall include
16 procedures for the oversight of the compassion center and procedures to
17 ensure accurate record keeping.

18 (7) A compassion center is prohibited from acquiring, possessing,
19 cultivating, manufacturing, delivering, transferring, transporting, supplying,
20 selling, and dispensing marijuana for any purpose except to assist patients
21 who are allowed to use marijuana pursuant to this chapter with the medical use of

1 marijuana directly or through the qualifying patients' designated caregiver.

2 (8) A compassion center shall provide to each registered patient and
3 registered caregiver receiving marijuana a safety insert, which the
4 department of health may, at its discretion, inspect and approve, which shall
5 include but not be limited to:

6 (A) methods for administration of medical marijuana; and

7 (B) a description of potential side-effects qualified patients could
8 experience while using medical marijuana.

9 (9) A compassion center shall include labels on all marijuana
10 that is dispensed, which must include the percent of THC contained in
11 the marijuana.

12 (10) Each compassion center shall develop, implement, and maintain on
13 the premises employee and agent policies and procedures to address the
14 following requirements:

15 (A) A job description or employment contract developed for all
16 employees and a volunteer agreement for all volunteers, which includes
17 duties, authority, responsibilities, qualification, and supervision; and

18 (B) Training in and adherence to confidentiality laws.

19 (11) Each compassion center shall maintain a personnel record for each
20 employee and each volunteer that includes an application for employment or to
21 volunteer and a record of any disciplinary action taken;

1 (12) Each compassion center shall develop, implement, and maintain
2 on-site training curricula, or enter into contractual relationships with outside
3 resources capable of meeting employee training needs, which include the
4 following topics:

5 (A) Professional conduct, ethics, and patient confidentiality; and

6 (B) Informational developments in the field of the medical use of
7 marijuana.

8 (13) Each compassion center entity shall provide each employee and
9 each volunteer, at the time of his or her initial appointment, training in the
10 following:

11 (A) The proper use of security measures and controls that have
12 been adopted; and

13 (B) Specific procedural instructions on how to respond to an
14 emergency, including robbery or violent accident.

15 (14) All compassion centers shall prepare training documentation for each
16 employee and have employees sign a statement indicating the date, time, and
17 place the employee received the training and topics discussed, including the
18 name and title of presenters. The compassion center shall maintain
19 documentation of an employee's and a volunteer's training for a period of at
20 least six months after termination of an employee's employment or the
21 volunteer's volunteering.

1 (g)(1) A compassion center or principal officer, board member, agent,
2 volunteer, or employee of a compassion center shall not dispense more than two
3 ounces of usable marijuana to a registered patient directly or through the
4 qualifying patient's registered caregiver during a 10-day period. A
5 compassion center or principal officer, board member, agent, volunteer, or
6 employee of a compassion center may dispense seeds or cuttings to a registered
7 patient. For purposes of this subsection, a "cutting" is defined as a plant section
8 originating from the stem, leaf, or root of a marijuana plant and which is capable
9 of developing into a new plant.

10 (2) A compassion center or principal officer, board member, agent,
11 volunteer, or employee of a compassion center shall not dispense an amount of
12 usable marijuana to a qualifying patient or a designated caregiver that the
13 compassion center, principal officer, board member, agent, volunteer, or
14 employee knows would cause the recipient to possess more marijuana than is
15 permitted under this chapter.

16 (h)(1) No registered compassion center shall be subject to the following:

17 (A) Prosecution for the acquisition, possession, cultivation,
18 manufacture, delivery, transfer, transport, supply, sale, or dispensing of
19 marijuana, paraphernalia, or related supplies for medical purposes in
20 accordance with the provisions of this chapter and any rule adopted by the
21 department of health pursuant to this chapter.

1 (B) Inspection and search, except pursuant to subsection (e) of
2 this section or upon a search warrant issued by a court or judicial officer.

3 (C) Seizure of marijuana, except upon valid order issued by a
4 court or judicial officer.

5 (D) Imposition of any penalty or denied any right or privilege,
6 including imposition of a civil penalty or disciplinary action by an
7 occupational or professional licensing board or entity, solely for acting in
8 accordance with this chapter to assist registered patients or registered
9 caregivers with the medical use of marijuana.

10 (2) No principal officers, board members, agents, volunteers, or
11 employees of a compassion center shall be subject to arrest, prosecution,
12 search, seizure, or penalty in any manner, or denied any right or privilege,
13 including civil penalty or disciplinary action by a business, occupational, or
14 professional licensing board or entity, solely for working for or with a
15 compassion center to engage in acts permitted by this chapter.

16 (i)(1)(A) A compassion center shall not possess an amount of marijuana for
17 medical use that exceeds whichever of the following quantities is greater:

18 (i) 98 immature marijuana plants, 28 mature marijuana plants, and
19 28 ounces of useable marijuana; or

20 (ii) seven immature marijuana plants, two mature marijuana plants,
21 and two ounces per patient.

1 (B) A compassion center may possess marijuana seeds, stalks, and
2 unusable roots.

3 (2) A compassion center shall not dispense, deliver, or otherwise
4 transfer marijuana to a person other than a registered patient who has
5 designated it or such patient's registered caregiver.

6 (3) A person found to have violated subdivision (2) of this subsection
7 shall not be an employee, volunteer, agent, principal officer, or board member of
8 any compassion center, and such person's registry identification card shall be
9 immediately revoked.

10 (4) No person who has been convicted of a drug-related offense shall be
11 a principal officer, board member, agent, volunteer, or employee of a
12 compassion center unless the department has determined that the person's
13 conviction was for the medical use of marijuana or assisting with the medical use
14 of marijuana and issued the person a registry identification card as provided
15 under subdivision (c)(7) of this section. A person who is employed by or is an
16 agent, volunteer, principal officer, or board member of a compassion center in
17 violation of this subdivision shall be guilty of a civil violation punishable by a
18 fine of up to \$1,000.00. A subsequent violation of this subdivision shall be a
19 misdemeanor.

20 (5) All cultivation of marijuana shall take place in an enclosed, locked
21 facility, which can only be accessed by principal officers, board members,

1 agents, volunteers, or employees of the registered compassion center who are
2 cardholders.

3 (j) Nothing shall prohibit local governments from enacting ordinances or
4 regulations not in conflict with this section or with health department rules,
5 regulating the time, place, and manner of compassion center operations,
6 provided that no local government may prohibit compassion center operation
7 altogether, either expressly or through the enactment of ordinances or
8 regulations which make compassion center operation unreasonably
9 impracticable.

10 § 4476. ANNUAL REPORT

11 (a)(1) The legislature shall appoint a seven-member oversight committee
12 comprising one member of the house of representatives; one member of the
13 senate; one physician; one nurse; and three registered patients.

14 (2) The oversight committee shall meet at least two times per year for
15 the purpose of evaluating and making recommendations to the general assembly
16 regarding:

17 (A) The ability of qualifying patients and registered caregivers in all
18 areas of the state to obtain timely access to medical marijuana.

19 (B) The effectiveness of the registered compassion centers
20 individually and together in serving the needs of qualifying patients and
21 registered caregivers, including the provision of educational and support

1 services.

2 (C) Sufficiency of the regulatory and security safeguards contained in
3 this chapter and adopted by the department of health to ensure that access to
4 and use of cultivated marijuana is provided only to cardholders authorized for
5 such purposes.

6 (D) The definition of “qualifying medical condition.”

7 (E) Research studies regarding health effects of medical
8 marijuana for patients.

9 (b) On or before January 1 of each year, beginning in 2012, the oversight
10 committee shall provide a report to the health department, the house
11 committee on health care, and the senate committee on health and welfare on
12 its findings.