

1 H.757

2 Introduced by Representatives Bray of New Haven, Orr of Charlotte, Pellett of

3 Chester, Sharpe of Bristol and Taylor of Barre City

4 Referred to Committee on

5 Date:

6 Subject: Health; therapeutic use of cannabis; dispensaries; pharmacy study

7 Statement of purpose: This bill proposes to establish a system of dispensaries  
8 from which patients in the medical marijuana program may legally obtain  
9 marijuana; and to request a study of federal and state law changes needed to  
10 allow pharmacies to dispense medical marijuana.

11 An act relating to medical marijuana dispensaries

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

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

14 Subchapter 2. Marijuana for Medical Symptom Use by Persons

15 with Severe Illness

16 § 4472. DEFINITIONS

17 For the purposes of this subchapter:

18 (1) "Bona fide physician-patient relationship" means a treating or  
19 consulting relationship of not less than six months duration, in the course of  
20 which a physician has completed a full assessment of the registered patient's

1 medical history and current medical condition, including a personal physical  
2 examination.

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

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

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

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

21 (4) “Immature marijuana plant” means a marijuana plant, whether male or

1 female, that has not yet flowered and which does not yet have buds that may  
2 be readily observed by unaided visual examination.

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

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

8 ~~(4)~~(7) “Physician” means a person who is:

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

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

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

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

1           ~~(7)~~(10) “Registered patient” means a person who has been issued a  
2 registration card by the department of public safety identifying the person as  
3 having a debilitating medical condition pursuant to the provisions of this  
4 subchapter.

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

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

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

1 § 4473. REGISTERED PATIENTS; QUALIFICATION STANDARDS AND  
2 PROCEDURES

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

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

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

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

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

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

1 (ii) Definitions of the following statutory terms:

2 (I) “Bona fide physician-patient relationship” as defined in  
3 subdivision 4472(1) of this title.

4 (II) “Debilitating medical condition” as defined in subdivision  
5 ~~4472(2)~~ 4472(3) of this title.

6 (III) “Physician” as defined in subdivision ~~4472(4)~~ 4472(7) of  
7 this title.

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

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

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

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

20 (iv) A signature line which provides in substantial part: “I certify  
21 that I meet the definition of “physician’ under 18 V.S.A. § ~~4472(4)(A) or~~

1       ~~4472(4)(B)~~ § 4472(7)(A) or 4472(7)(B) (circle one), that I am a physician in  
2       good standing in the state of ....., and that the facts stated above  
3       are accurate to the best of my knowledge and belief.”

4               (v) The physician’s contact information.

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

14              (B) If the physician is licensed in another state as provided by  
15      subdivision ~~4472(4)(B)~~ 4472(7)(B) of this title, the department shall contact  
16      the state’s medical practice board and verify that the physician is in good  
17      standing in that state.

18              (4) The department shall approve or deny the application for registration  
19      in writing within 30 days from receipt of a completed registration application.  
20      If the application is approved, the department shall issue the applicant a  
21      registration card which shall include the registered patient’s name and

1 photograph, ~~as well as a unique identifier for law enforcement verification~~  
2 ~~purposes under section 4474d of this title~~ the registered patient's designated  
3 compassion center, if any, and a unique identifier for law enforcement  
4 verification purposes under section 4474d of this title.

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

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

17 (C) Members of the board shall serve for three-year terms, beginning  
18 February 1 of the year in which the appointment is made, except that the first  
19 members appointed shall serve as follows: one for a term of two years, one for  
20 a term of three years, and one for a term of four years. Members shall be  
21 entitled to per diem compensation authorized under section 1010 of Title 32.



1 Vacancies shall be filled in the same manner as the original appointment for  
2 the unexpired portion of the term vacated.

3 § 4474. REGISTERED CAREGIVERS; QUALIFICATION STANDARDS  
4 AND PROCEDURES

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

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

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

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

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

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

14 § 4474a. REGISTRATION; FEES

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

19 (b) A registration card shall expire one year after the date of issue, with the  
20 option of renewal, provided the patient submits a new application which is

1 approved by the department of public safety, pursuant to section 4473 or 4474  
2 of this title, and pays the fee required under subsection (a) of this section.

3 § 4474b. EXEMPTION FROM CRIMINAL AND CIVIL PENALTIES;

4 SEIZURE OF PROPERTY

5 (a) A person who has in his or her possession a valid registration card  
6 issued pursuant to this subchapter and who is in compliance with the  
7 requirements of this subchapter, including the possession limits in subdivision  
8 ~~4472(4)~~ 4472(8) of this title, shall be exempt from arrest or prosecution under  
9 subsection 4230(a) of this title.

10 (b) A physician who has participated in a patient's application process  
11 under subdivision 4473(b)(2) of this title shall not be subject to arrest,  
12 prosecution, or disciplinary action under chapter 23 of Title 26, penalized in  
13 any manner, or denied any right or privilege under state law, except for giving  
14 false information, pursuant to subsection 4474c(f) of this title.

15 (c) No person shall be subject to arrest or prosecution for constructive  
16 possession, conspiracy, or any other offense for simply being in the presence  
17 or vicinity of a registered patient or registered caregiver engaged in use of  
18 marijuana for symptom relief.

19 (d) A law enforcement officer shall not be required to return marijuana or  
20 paraphernalia relating to its use seized from a registered patient or registered  
21 caregiver.

1       (e) A registered patient, compassion center, or registered caregiver may  
2       donate marijuana to another registered patient, compassion center, or registered  
3       caregiver to whom he or she is not connected by the department's registration  
4       process, provided that no consideration is paid for the marijuana, and that the  
5       recipient does not exceed the possession limits specified in this chapter.

6       § 4474c. PROHIBITIONS, RESTRICTIONS, AND LIMITATIONS

7               REGARDING THE USE OF MARIJUANA FOR SYMPTOM

8               RELIEF

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

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

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

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

15               (C) operating heavy machinery or handling a dangerous  
16      instrumentality.

17           (2) The use or possession of marijuana by a registered patient or a  
18      registered caregiver:

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

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

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

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

5           (B) a workplace or place of employment;

6           (C) any school grounds;

7           (D) any correctional facility; or

8           (E) any public park, public beach, public recreation center, or youth  
9 center.

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

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

14           (2) an employer; or

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

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

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

1 (e) Within 72 hours after the death of a registered patient, the patient's  
2 registered caregiver shall return to the department of public safety for disposal  
3 any marijuana or marijuana plants in the possession of the patient or registered  
4 caregiver at the time of the patient's death. If the patient did not have a  
5 registered caregiver, the patient's next of kin shall contact the department of  
6 public safety within 72 hours after the patient's death and shall ask the  
7 department to retrieve such marijuana and marijuana plants for disposal.

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

14 § 4474d. LAW ENFORCEMENT VERIFICATION OF INFORMATION;

15 RULEMAKING

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

1 (b) In response to a person-specific or property-specific inquiry by a law  
2 enforcement officer or agency made in the course of a bona fide investigation  
3 or prosecution, the department may verify the identities and registered property  
4 addresses of the registered patient and the patient's registered caregiver, a  
5 compassion center, or a compassion center principal officer, board member,  
6 agent, volunteer, or employee.

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

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

15 § 4475. COMPASSION CENTERS

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

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

1           (B) the registered patient's registered caregivers for the registered  
2 patient's medical use.

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

5           (A) 1,400 immature marijuana plants, 560 mature marijuana  
6 plants, and 400 ounces of useable marijuana; or

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

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

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

17           (B) Minimum oversight requirements for compassion centers.

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

19           (D) Minimum security requirements for compassion centers,

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



1           (E) Procedures for suspending or terminating the registration of  
2           compassion centers that violate the provisions of this section or the rules  
3           adopted pursuant to this section.

4           (F) The fees for the processing and review of applications submitted  
5           by an applicant for a compassion center and the fees for the registering of a  
6           compassion center after it has been approved by the department. Such  
7           application and registration fees shall be established in an amount that  
8           covers all costs of the department and other state agencies, as applicable, for  
9           the review, registration, and oversight of compassion centers.

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

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

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

1           (4) Within 230 days of the effective date of this section, the department  
2           shall grant registration certificates to 15 compassion centers, two in Chittenden  
3           County and one in each other county, provided at least five applicants apply  
4           and meet the requirements of this section.

5           (5) Any time a compassion center registration certificate is revoked, is  
6           relinquished, or expires, the department shall accept applications for a new  
7           compassion center.

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

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

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

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

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

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

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

15               (E) The name, address, and date of birth of each principal officer and  
16 board member of the compassion center.

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

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

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

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

9                   (A) Geographic convenience to patients from throughout the  
10 state of Vermont to compassion centers if the applicant were  
11 approved.

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

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

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

18                   (E) The sufficiency of the applicant's plans for record keeping, which  
19 records shall be considered confidential health care information under  
20 Vermont law and are intended to be deemed protected health care information

1 for purposes of the federal Health Insurance Portability and Accountability  
2 Act of 1996, as amended.

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

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

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

9 (B) The legal name and articles of incorporation of the compassion  
10 center.

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

15 (D) The name, address, and date of birth of each principal officer and  
16 board member of the compassion center.

17 (E) The name, address, and date of birth of any person who will be an  
18 agent of or employed by the compassion center at its inception.

19 (5) Each time a compassion center registration is granted, the department of  
20 health shall notify the department of public safety and provide a copy of its  
21 registration. Each time a compassion center registration is revoked or

1 expires, the department of health shall notify the department of public  
2 safety. The department of public safety shall track the number of registered  
3 patients who have designated each compassion center and issue a monthly  
4 written statement to the compassion center identifying the number of  
5 registered patients who have designated that compassion center along with the  
6 registry identification numbers of each patient and each patient's designated  
7 caregivers, if any.

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

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

14 (B) An existing registered patient revokes the designation of the  
15 compassion center because he or she has designated a different compassion  
16 center instead; or

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

19 (7) Except as provided in subdivision (8) of this subsection, the  
20 department of public safety shall issue each principal officer, board member,  
21 agent, volunteer, and employee of a compassion center a registry

1 identification card or renewal card within 10 days of receipt of the person's  
2 name, address, and date of birth and a fee in an amount established by the  
3 department of public safety. Each card shall specify that the cardholder is a  
4 principal officer, board member, agent, volunteer, or employee of a  
5 compassion center and shall contain the following:

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

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

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

11 (D) The date of issuance and expiration date of the registry  
12 identification card.

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

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

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



1           (9) A registration identification card of a principal officer, board  
2           member, agent, volunteer, or employee shall expire one year after its  
3           issuance or upon the expiration of the registered organization's registration  
4           certificate, whichever occurs first.

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

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

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

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

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

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

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

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

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

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

3           (B) The compassion center requested a temporary registration  
4           certificate.

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

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

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

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

1           (3) A compassion center shall notify the department of public safety  
2           within 10 days of when a principal officer, board member, agent, volunteer,  
3           or employee ceases to be associated with or work at the compassion center.  
4           His or her registry identification card shall be deemed null and void, and the  
5           person shall be liable for any other penalties that may apply to the person's  
6           nonmedical use of marijuana.

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

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

18           (6) The operating documents of a compassion center shall include  
19           procedures for the oversight of the compassion center and procedures to  
20           ensure accurate record keeping.

21           (7) A compassion center is prohibited from acquiring, possessing,

1 cultivating, manufacturing, delivering, transferring, transporting, supplying,  
2 selling, and dispensing marijuana for any purpose except to assist patients,  
3 who are allowed to use marijuana pursuant to this chapter, with the medical use of  
4 marijuana directly or through the qualifying patients' designated caregiver, or to  
5 provide medical marijuana to another compassion center.

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

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

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

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

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

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

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

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

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

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

10                   (B) Informational developments in the field of the medical use of  
11           marijuana.

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

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

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

19           (14) All compassion centers shall prepare training documentation for each  
20           employee and have employees sign a statement indicating the date, time, and  
21           place the employee received the training and topics discussed, including the

1 name and title of presenters. The compassion center shall maintain  
2 documentation of an employee's and a volunteer's training for a period of at  
3 least six months after termination of an employee's employment or the  
4 volunteer's volunteering.

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

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

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

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

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

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

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

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



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

3                   (i) 98 immature marijuana plants, 28 mature marijuana plants, and  
4 28 ounces of useable marijuana; or

5                   (ii) seven immature marijuana plants, two mature marijuana plants,  
6 and two ounces per patient.

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

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

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

16           (4) No person who has been convicted of a drug-related offense shall be  
17 a principal officer, board member, agent, volunteer, or employee of a  
18 compassion center unless the department has determined that the person's  
19 conviction was for the medical use of marijuana or assisting with the medical use  
20 of marijuana and issued the person a registry identification card as provided  
21 under subdivision (c)(7) of this section. A person who is employed by or is an

1 agent, volunteer, principal officer, or board member of a compassion center in  
2 violation of this subdivision shall be guilty of a civil violation punishable by a  
3 fine of up to \$1,000.00. A subsequent violation of this subdivision shall be a  
4 misdemeanor.

5 (5) All cultivation of marijuana shall take place in an enclosed, locked  
6 facility, which can only be accessed by principal officers, board members,  
7 agents, volunteers, or employees of the registered compassion center who are  
8 cardholders.

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

16 § 4476. ANNUAL REPORT

17 (a)(1) The speaker of the house and the senate committee on committees shall  
18 together appoint a seven-member oversight committee comprising one member  
19 of the house of representatives; one member of the senate; one physician; one  
20 nurse; and three registered patients.

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

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

6           (B) The effectiveness of the registered compassion centers  
7 individually and together in serving the needs of qualifying patients and  
8 registered caregivers, including the provision of educational and support  
9 services.

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

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

15          (E) Research studies regarding health effects of medical  
16 marijuana for patients.

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

1       Sec. 2. REPORT ON FEDERAL AND STATE LAW REGARDING  
2                   DISTRIBUTION BY PHARMACIES IN VERMONT

3           The commissioner of health shall, with the assistance of the research staff of  
4           Vermont's United States Senators or Congressman, research the amendments  
5           to federal law necessary to allow dispensing of medical marijuana by Vermont  
6           pharmacies, and shall, by January 15, 2011, report these findings to the house  
7           committee on health care and the senate committee on health and welfare. The  
8           board of health shall research the amendments to Vermont law necessary to  
9           allow dispensing of medical marijuana by Vermont pharmacies, and shall, by  
10          January 15, 2011, report these findings to the house committee on health care  
11          and the senate committee on health and welfare.