

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred Senate Bill No.  
3 247 entitled “An act relating to the regulation of medical marijuana  
4 dispensaries” respectfully reports that it has considered the same and  
5 recommends that the House propose to the Senate that the bill be amended by  
6 striking out all after the enacting clause and inserting in lieu thereof the  
7 following:

8 Sec. 1. 18 V.S.A. § 4472 is amended to read:

9 § 4472. DEFINITIONS

10 As used in this subchapter:

11 (1) “Bona fide health care professional-patient relationship” means a  
12 treating or consulting relationship of not less than six months’ duration, in the  
13 course of which a health care professional has completed a full assessment of  
14 the registered patient’s medical history and current medical condition,  
15 including a personal physical examination. The six-month requirement shall  
16 not apply if a patient has been diagnosed with:

17 (A) a terminal illness,

18 (B) cancer with distant metastases, or

19 (C) acquired immune deficiency syndrome.

20 \* \* \*

1           (4) “Debilitating medical condition,” provided that, in the context of the  
2           specific disease or condition described in subdivision (A) or (B) of this  
3           subdivision (4), reasonable medical efforts have been made over a reasonable  
4           amount of time without success to relieve the symptoms, means:

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

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

13          (5) “Dispensary” means a nonprofit entity registered under section  
14          4474e of this title which acquires, possesses, cultivates, manufactures,  
15          transfers, transports, supplies, sells, or dispenses marijuana, marijuana-infused  
16          products, and marijuana-related supplies and educational materials for or to a  
17          registered patient who has designated it as his or her center and to his or her  
18          registered caregiver for the registered patient’s use for symptom relief. A  
19          dispensary may provide marijuana for symptom relief to registered patients at  
20          only one facility or location but may have a second location associated with the

1 dispensary where the marijuana is cultivated or processed. Both locations are  
2 considered to be part of the same dispensary.

3 (6)(A) “Health care professional” means an individual licensed to  
4 practice medicine under 26 V.S.A. chapter 23 or 33, an individual licensed as a  
5 naturopathic physician under 26 V.S.A. chapter 81 who has a special license  
6 endorsement authorizing the individual to prescribe, dispense, and administer  
7 prescription medicines, an individual certified as a physician assistant under  
8 26 V.S.A. chapter 31, or an individual licensed as an advanced practice  
9 registered nurse under 26 V.S.A. chapter 28.

10 (B) Except for naturopaths, this definition includes individuals who  
11 are professionally licensed under substantially equivalent provisions in New  
12 Hampshire, Massachusetts, or New York.

13 \* \* \*

14 (14) “Transport” means the movement of marijuana and  
15 marijuana-infused products from registered growing locations to their  
16 associated dispensaries, between dispensaries, to registered patients and  
17 registered caregivers in accordance with delivery protocols, or as otherwise  
18 allowed under this subchapter.

19 (15) “Usable marijuana” means the dried leaves and flowers of  
20 marijuana, and any mixture or preparation thereof, and does not include the  
21 seeds, stalks, and roots of the plant.

1           ~~(15)~~(16) “Use for symptom relief” means the acquisition, possession,  
2           cultivation, use, transfer, or transportation of marijuana, or paraphernalia  
3           relating to the administration of marijuana to alleviate the symptoms or effects  
4           of a registered patient’s debilitating medical condition which is in compliance  
5           with all the limitations and restrictions of this subchapter. ~~For the purposes of~~  
6           ~~this definition, “transfer” is limited to the transfer of marijuana and~~  
7           ~~paraphernalia between a registered caregiver and a registered patient.~~

8           Sec. 2. 18 V.S.A. § 4474 is amended to read:

9           § 4474. REGISTERED CAREGIVERS; QUALIFICATION STANDARDS

10                           AND PROCEDURES

11           (a) A person may submit a signed application to the ~~department of public~~  
12           ~~safety~~ Department of Public Safety to become a registered patient’s registered  
13           caregiver. The ~~department~~ Department shall approve or deny the application  
14           in writing within 30 days. In accordance with rules adopted pursuant to  
15           section 4474d of this title, the Department shall consider an individual’s  
16           criminal history record when making a determination as to whether to approve  
17           the application. An applicant shall not be denied solely on the basis of a  
18           criminal conviction that is not listed in subsection 4474g(e) of this title or  
19           13 V.S.A. chapter 28. The ~~department~~ Department shall approve a registered  
20           caregiver’s application and issue the person an authorization card, including  
21           the caregiver’s name, photograph, and a unique identifier, after verifying:

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

3           ~~(2) the person has never been convicted of a drug related crime.~~

4           (b) Prior to acting on an application, the ~~department~~ Department shall  
5 obtain from the Vermont ~~criminal information center~~ Crime Information  
6 Center a Vermont criminal record, an out-of-state criminal record, and a  
7 criminal record from the Federal Bureau of Investigation for the applicant. ~~For~~  
8 ~~purposes of this subdivision, “criminal record” means a record of whether the~~  
9 ~~person has ever been convicted of a drug related crime.~~ Each applicant shall  
10 consent to release of criminal records to the ~~department~~ Department on forms  
11 substantially similar to the release forms developed by the ~~center~~ Center  
12 pursuant to 20 V.S.A. § 2056c. The ~~department~~ Department shall comply with  
13 all laws regulating the release of criminal history records and the protection of  
14 individual privacy. The Vermont ~~criminal information center~~ Crime  
15 Information Center shall send to the requester any record received pursuant to  
16 this section or inform the ~~department of public safety~~ Department that no  
17 record exists. If the ~~department~~ Department disapproves an application, the  
18 ~~department~~ Department shall promptly provide a copy of any record of  
19 convictions and pending criminal charges to the applicant and shall inform the  
20 applicant of the right to appeal the accuracy and completeness of the record  
21 pursuant to rules adopted by the Vermont ~~criminal information center~~ Crime

1 Information Center. No person shall confirm the existence or nonexistence of  
2 criminal record information to any person who would not be eligible to receive  
3 the information pursuant to this subchapter.

4 (c)(1) ~~A~~ Except as provided in subdivision (2) of this subsection, a  
5 registered caregiver may serve only one registered patient at a time, and a  
6 registered patient may have only one registered caregiver at a time.

7 (2) A registered patient who is under 18 years of age may have two  
8 registered caregivers.

9 Sec. 3. 18 V.S.A. § 4473(b) is amended to read:

10 (b) The ~~department of public safety~~ Department of Public Safety shall  
11 review applications to become a registered patient using the following  
12 procedures:

13 (1) A patient with a debilitating medical condition shall submit, ~~under~~  
14 ~~oath~~, a signed application for registration to the ~~department~~ Department. A  
15 patient's initial application to the registry shall be notarized, but subsequent  
16 renewals shall not require notarization. If the patient is under ~~the age of~~ 18  
17 years of age, the application must be signed by both the patient and a parent or  
18 guardian. The application shall require identification and contact information  
19 for the patient and the patient's registered caregiver applying for authorization  
20 under section 4474 of this title, if any, and the patient's designated dispensary  
21 under section 4474e of this title, if any. The applicant shall attach to the

1 application a medical verification form developed by the ~~department~~  
2 Department pursuant to subdivision (2) of this subsection.

3 \* \* \*

4 Sec. 4. 18 V.S.A. § 4474d(e)–(g) are added to read:

5 (e) The Department shall adopt rules for the issuance of a caregiver registry  
6 identification card that shall include standards for approval or denial of an  
7 application based on an individual’s criminal history record. The rules shall  
8 address whether an applicant who has been convicted of an offense listed in  
9 subsection 4474g(e) of this title or 13 V.S.A. chapter 28 has been rehabilitated  
10 and should be otherwise eligible for a caregiver registry identification card.

11 (f) The Department shall adopt rules establishing protocols for the safe  
12 delivery of marijuana to patients and caregivers.

13 (g) The Department shall adopt rules for granting a waiver of the  
14 dispensary possession limits in section 4474e of this title upon application of a  
15 dispensary for the purpose of developing and providing a product for symptom  
16 relief to a registered patient who is under 18 years of age who suffers from  
17 seizures.

18 Sec. 5. 18 V.S.A. § 4474e is amended to read:

19 § 4474e. DISPENSARIES; CONDITIONS OF OPERATION

20 (a) A dispensary registered under this section may:

1           (1) Acquire, possess, cultivate, manufacture, transfer, transport, supply,  
2           sell, and dispense marijuana, marijuana-infused products, and  
3           marijuana-related supplies and educational materials for or to a registered  
4           patient who has designated it as his or her dispensary and to his or her  
5           registered caregiver for the registered patient’s use for symptom relief. ~~For~~  
6           ~~purposes of this section, “transport” shall mean the movement of marijuana or~~  
7           ~~marijuana-infused products from registered growing locations to their~~  
8           ~~associated dispensaries, between dispensaries, or as otherwise allowed under~~  
9           ~~this subchapter.~~

10           (A) Marijuana-infused products shall include tinctures, oils, solvents,  
11           and edible or potable goods. Only the portion of any marijuana-infused  
12           product that is attributable to marijuana shall count toward the possession  
13           limits of the dispensary and the patient. ~~The department of public safety~~  
14           Department of Public Safety shall establish by rule the appropriate method to  
15           establish the weight of marijuana that is attributable to marijuana-infused  
16           products.

17           (B) Marijuana-related supplies shall include pipes, vaporizers, and  
18           other items classified as drug paraphernalia under chapter 89 of this title.

19           (2) Acquire marijuana seeds or parts of the marijuana plant capable of  
20           regeneration from or dispense them to registered patients or their caregivers or



1 acquire them from another registered Vermont dispensary, provided that  
2 records are kept concerning the amount and the recipient.

3 (3)(A) Cultivate and possess at any one time up to 28 mature marijuana  
4 plants, 98 immature marijuana plants, and 28 ounces of usable marijuana.

5 However, if a dispensary is designated by more than 14 registered patients, the  
6 dispensary may cultivate and possess at any one time two mature marijuana  
7 plants, seven immature plants, and ~~two~~ four ounces of usable marijuana for  
8 every registered patient for which the dispensary serves as the designated  
9 dispensary.

10 (B) Notwithstanding subdivision (A) of this subdivision, if a  
11 dispensary is designated by a registered patient under 18 years of age who  
12 qualifies for the registry because of seizures, the dispensary may apply to the  
13 Department for a waiver of the limits in subdivision (A) of this subdivision (3)  
14 if additional capacity is necessary to develop and provide an adequate supply  
15 of a product for symptom relief for the patient. The Department shall have  
16 discretion whether to grant a waiver and limit the possession amounts in excess  
17 of subdivision (A) of this subdivision (3) in accordance with rules adopted  
18 pursuant to section 4474d of this title.

19 \* \* \*

20 (d)(1) A dispensary shall implement appropriate security measures to deter  
21 and prevent the unauthorized entrance into areas containing marijuana and the

1 theft of marijuana and shall ensure that each location has an operational  
2 security alarm system. All cultivation of marijuana shall take place in an  
3 enclosed, locked facility which is either indoors or otherwise not visible to the  
4 public and which can only be accessed by principal officers and employees of  
5 the dispensary who have valid registry identification cards. The ~~department of~~  
6 ~~public safety~~ Department of Public Safety shall perform an annual on-site  
7 assessment of each dispensary and may perform on-site assessments of a  
8 dispensary without limitation for the purpose of determining compliance with  
9 this subchapter and any rules adopted pursuant to this subchapter and may  
10 enter a dispensary at any time for such purpose. During an inspection, the  
11 ~~department~~ Department may review the dispensary's confidential records,  
12 including its dispensing records, which shall track transactions according to  
13 registered patients' registry identification numbers to protect  
14 their confidentiality.

15 (2)(A) A registered patient or registered caregiver may obtain marijuana  
16 from the dispensary ~~facility~~ by appointment only.

17 (B) A dispensary may deliver marijuana to a registered patient or  
18 registered caregiver. The marijuana shall be transported in a locked container.

19 (3) The operating documents of a dispensary shall include procedures  
20 for the oversight of the dispensary and procedures to ensure accurate  
21 record-keeping.

1 (4) A dispensary shall submit the results of ~~an annual~~ a financial audit to  
2 the ~~department of public safety~~ Department of Public Safety no later than  
3 60 days after the end of the dispensary's first fiscal year, and every other year  
4 thereafter. The ~~annual~~ audit shall be conducted by an independent certified  
5 public accountant, and the costs of any such audit shall be borne by the  
6 dispensary. The ~~department~~ Department may also periodically require, within  
7 its discretion, the audit of a dispensary's financial records by the ~~department~~  
8 Department.

9 (5) A dispensary shall destroy or dispose of marijuana,  
10 marijuana-infused products, clones, seeds, parts of marijuana that are not  
11 usable for symptom relief or are beyond the possession limits provided by this  
12 subchapter, and marijuana-related supplies only in a manner approved by rules  
13 adopted by the ~~department of public safety~~ Department of Public Safety.

14 \* \* \*

15 (n) Nothing in this subchapter shall prevent a dispensary from acquiring,  
16 possessing, cultivating, manufacturing, transferring, transporting, supplying,  
17 selling, and dispensing hemp and hemp-infused products for symptom relief.  
18 "Hemp" shall have the same meaning as provided in 6 V.S.A. § 562. A  
19 dispensary shall not be required to comply with the provisions of 6 V.S.A.  
20 chapter 34.

1 Sec. 6. 18 V.S.A. § 4474f is amended to read:

2 § 4474f. DISPENSARY APPLICATION, APPROVAL, AND  
3 REGISTRATION

4 \* \* \*

5 (b) Within 30 days of the adoption of rules, the ~~department~~ Department  
6 shall begin accepting applications for the operation of dispensaries. Within  
7 365 days of the effective date of this section, the ~~department~~ Department shall  
8 grant registration certificates to four dispensaries, provided at least four  
9 applicants apply and meet the requirements of this section. No more than four  
10 dispensaries shall hold valid registration certificates at one time. ~~The total~~  
11 ~~statewide number of registered patients who have designated a dispensary shall~~  
12 ~~not exceed 1,000 at any one time.~~ Any time a dispensary registration  
13 certificate is revoked, is relinquished, or expires, the ~~department~~ Department  
14 shall accept applications for a new dispensary. If at any time after one year  
15 after the effective date of this section fewer than four dispensaries hold valid  
16 registration certificates in Vermont, the ~~department of public safety~~  
17 Department of Public Safety shall accept applications for a new dispensary.

18 \* \* \*

19 (g) After a dispensary is approved but before it begins operations, it shall  
20 submit the following to the ~~department of public safety~~ Department:

21 \* \* \*

1           (4) A registration fee of \$20,000.00 for the first year of operation, and  
2           an annual fee of \$30,000.00 in subsequent years.

3           Sec. 7. 18 V.S.A. § 4474m is added to read:

4           § 4474m. DEPARTMENT OF PUBLIC SAFETY; PROVISION OF  
5                                   EDUCATIONAL AND SAFETY INFORMATION

6           The Department of Public Safety shall provide educational and safety  
7           information developed by Vermont Department of Health to each registered  
8           patient upon registration pursuant to section 4473 of this title, and to each  
9           registered caregiver upon registration pursuant to section 4474 of this title.

10          Sec. 8. DEPARTMENT OF HEALTH REPORT; POST-TRAUMATIC  
11                                   STRESS DISORDER

12          The Department of Health shall review and report on the existing research  
13          on the treatment of the symptoms of post traumatic stress disorder, as defined  
14          by the American Psychiatric Association’s Diagnostic and Statistical Manual  
15          of Mental Disorders, as well as the existing research on the use of marijuana  
16          for relief of the symptoms of post traumatic stress disorder. The Department  
17          shall report its findings to the General Assembly on or before January 15,  
18          2015.

19          Sec. 9. EFFECTIVE DATES

20          This section and Sec. 4 shall take effect on passage and the remaining  
21          sections shall take effect on July 1, 2014.

1 and that after passage the title of the bill be amended to read: “An act relating  
2 to the regulation of marijuana for symptom relief and dispensaries”

3

4

5

6 (Committee vote: \_\_\_\_\_)

7

\_\_\_\_\_

8

Representative \_\_\_\_\_

9

FOR THE COMMITTEE