

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. For purposes of diagnosing post
10 traumatic stress disorder, health care professional only shall mean an
11 individual licensed to practice medicine under 26 V.S.A. chapter 23 who
12 specializes in the practice of psychiatry. This

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

16 * * *

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

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

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

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

12 § 4474. REGISTERED CAREGIVERS; QUALIFICATION STANDARDS
13 AND PROCEDURES

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

1 13 V.S.A. chapter 28. The ~~department~~ Department shall approve a registered
2 caregiver's application and issue the person an authorization card, including
3 the caregiver's name, photograph, and a unique identifier, after verifying:

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

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

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

1 convictions and pending criminal charges to the applicant and shall inform the
2 applicant of the right to appeal the accuracy and completeness of the record
3 pursuant to rules adopted by the Vermont ~~criminal information center~~ Crime
4 Information Center. No person shall confirm the existence or nonexistence of
5 criminal record information to any person who would not be eligible to receive
6 the information pursuant to this subchapter.

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

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

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

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

16 (1) A patient with a debilitating medical condition shall submit, ~~under~~
17 ~~oath,~~ a signed application for registration to the ~~department~~ Department. A
18 patient's initial application shall be signed under oath and notarized, but
19 subsequent renewals shall not be required to be notarized. If the patient is
20 under ~~the age of 18 years of age,~~ the application must be signed by both the
21 patient and a parent or guardian. The application shall require identification

1 and contact information for the patient and the patient's registered caregiver
2 applying for authorization under section 4474 of this title, if any, and the
3 patient's designated dispensary under section 4474e of this title, if any. The
4 applicant shall attach to the application a medical verification form developed
5 by the ~~department~~ Department pursuant to subdivision (2) of this subsection.

6 * * *

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

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

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

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

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

1 § 4474e. DISPENSARIES; CONDITIONS OF OPERATION

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

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

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

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

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

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

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

1 dispensary shall not be required to comply with the provisions of 6 V.S.A.
2 chapter 34.

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

4 § 4474f. DISPENSARY APPLICATION, APPROVAL, AND
5 REGISTRATION

6 * * *

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

20 * * *

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

3 * * *

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

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

7 § 4474m. DEPARTMENT OF PUBLIC SAFETY; PROVISION OF
8 EDUCATIONAL AND SAFETY INFORMATION

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

1 **Sec. 8. DEPARTMENT OF HEALTH REPORT; POST-TRAUMATIC**
2 **STRESS DISORDER**

3 The Department of Health shall review and report on the existing research
4 on the treatment of the symptoms of post traumatic stress disorder, as defined
5 by the American Psychiatric Association’s Diagnostic and Statistical Manual
6 of Mental Disorders, Fifth edition or subsequent edition, as well as the existing
7 research on the use of marijuana for relief of the symptoms of post traumatic
8 stress disorder. The Department shall report its findings to the General
9 Assembly on or before January, 15, 2015.

10 Sec. 9. EFFECTIVE DATES

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

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

15
16
17
18 (Committee vote: _____)

19 _____

20 Representative _____

21 FOR THE COMMITTEE