

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. If a patient has a terminal illness,
16 the six-month requirement shall not apply.

17 * * *

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

1 (A) cancer, multiple sclerosis, positive status for human
2 immunodeficiency virus, acquired immune deficiency syndrome, post
3 traumatic stress disorder as defined by the Diagnostic and Statistical Manual of
4 Mental Disorders, Fifth Edition, or the treatment of these conditions, if the
5 disease or the treatment results in severe, persistent, and intractable
6 symptoms; or

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

11 (5) “Dispensary” means a nonprofit entity registered under section
12 4474e of this title which acquires, possesses, cultivates, manufactures,
13 transfers, transports, supplies, sells, or dispenses marijuana, marijuana-infused
14 products, and marijuana-related supplies and educational materials for or to a
15 registered patient who has designated it as his or her center and to his or her
16 registered caregiver for the registered patient’s use for symptom relief. A
17 dispensary may provide marijuana for symptom relief to registered patients at
18 only one facility or location but may have a second location associated with the
19 dispensary where the marijuana is cultivated or processed. Both locations are
20 considered to be part of the same dispensary.

1 relating to the administration of marijuana to alleviate the symptoms or effects
2 of a registered patient's debilitating medical condition which is in compliance
3 with all the limitations and restrictions of this subchapter. ~~For the purposes of~~
4 ~~this definition, "transfer" is limited to the transfer of marijuana and~~
5 ~~paraphernalia between a registered caregiver and a registered patient.~~

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

7 § 4474. REGISTERED CAREGIVERS; QUALIFICATION STANDARDS
8 AND PROCEDURES

9 (a) A person may submit a signed application to the ~~department of public~~
10 ~~safety~~ Department of Public Safety to become a registered patient's registered
11 caregiver. The ~~department~~ Department shall approve or deny the application
12 in writing within 30 days. The Department shall adopt rules for the issuance of
13 a registry identification card which shall include standards for approval or
14 denial of an application based on an individual's criminal history record. The
15 rules shall address whether an applicant who has been convicted of an offense
16 listed in subsection 4474g(e) of this title or 13 V.S.A. chapter 28 has been
17 rehabilitated and should be otherwise eligible for a registry identification card.
18 An applicant shall not be denied solely on the basis of a criminal conviction
19 that is not listed in subsection 4474g(e) of this title or 13 V.S.A. chapter 28.
20 The ~~department~~ Department shall approve a registered caregiver's application

1 and issue the person an authorization card, including the caregiver's name,
2 photograph, and a unique identifier, after verifying:

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

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

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

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

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

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

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

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

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

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

5 * * *

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

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

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

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

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

21 § 4474e. DISPENSARIES; CONDITIONS OF OPERATION

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

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

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

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

20 (2) Acquire marijuana seeds or parts of the marijuana plant capable of
21 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 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. 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