

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 American Psychiatric Association's
4 Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition or
5 subsequent edition, or the treatment of these conditions, if the disease or the
6 treatment results in severe, persistent, and intractable 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 (6) “Health care professional” means an individual licensed to practice
2 medicine under 26 V.S.A. chapter 23 or 33, an individual licensed as a
3 naturopathic physician under 26 V.S.A. chapter 81 who has a special license
4 endorsement authorizing the individual to prescribe, dispense, and administer
5 prescription medicines, an individual certified as a physician assistant under
6 26 V.S.A. chapter 31, or an individual licensed as an advanced practice
7 registered nurse under 26 V.S.A. chapter 28. ~~This~~ Except for naturopaths, this
8 definition includes individuals who are professionally licensed under
9 substantially equivalent provisions in New Hampshire, Massachusetts, or
10 New York.

11 * * *

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

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

20 ~~(15)~~(16) “Use for symptom relief” means the acquisition, possession,
21 cultivation, use, transfer, or transportation of marijuana, or paraphernalia

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

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

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

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

1 criminal record information to any person who would not be eligible to receive
2 the information pursuant to this subchapter.

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

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

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

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

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

1 applicant shall attach to the application a medical verification form developed
2 by the ~~department~~ 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. 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

21

Representative _____

FOR THE COMMITTEE