

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, post
7 traumatic stress disorder as defined by the American Psychiatric Association’s
8 Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition or
9 subsequent edition, or the treatment of these conditions, if the disease or the
10 treatment results in severe, persistent, and intractable symptoms; or

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

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

1 only one facility or location but may have a second location associated with the
2 dispensary where the marijuana is cultivated or processed. Both locations are
3 considered to be part of the same dispensary.

4 (6)(A) “Health care professional” means an individual licensed to
5 practice medicine under 26 V.S.A. chapter 23 or 33, an individual licensed as a
6 naturopathic physician under 26 V.S.A. chapter 81 who has a special license
7 endorsement authorizing the individual to prescribe, dispense, and administer
8 prescription medicines, an individual certified as a physician assistant under
9 26 V.S.A. chapter 31, or an individual licensed as an advanced practice
10 registered nurse under 26 V.S.A. chapter 28. For purposes of diagnosing post
11 traumatic stress disorder, health care professional only shall mean an
12 individual licensed to practice medicine under 26 V.S.A. chapter 23 who
13 specializes in the practice of psychiatry. This

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

17 * * *

18 (14) “Transport” means the movement of marijuana and
19 marijuana-infused products from registered growing locations to their
20 associated dispensaries, between dispensaries, to registered patients and

1 registered caregivers in accordance with delivery protocols, or as otherwise
2 allowed under this subchapter.

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

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

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

14 § 4474. REGISTERED CAREGIVERS; QUALIFICATION STANDARDS
15 AND PROCEDURES

16 (a) A person may submit a signed application to the ~~department of public~~
17 ~~safety~~ Department of Public Safety to become a registered patient’s registered
18 caregiver. The ~~department~~ Department shall approve or deny the application
19 in writing within 30 days. In accordance with rules adopted pursuant to
20 section 4474d of this title, the Department shall consider an individual’s
21 criminal history record when making a determination as to whether to approve

1 the application. An applicant shall not be denied solely on the basis of a
2 criminal conviction that is not listed in subsection 4474g(e) of this title or
3 13 V.S.A. chapter 28. The ~~department~~ Department shall approve a registered
4 caregiver's application and issue the person an authorization card, including
5 the caregiver's name, photograph, and a unique identifier, after verifying:

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

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

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

1 record exists. If the ~~department~~ Department disapproves an application, the
2 ~~department~~ Department shall promptly provide a copy of any record of
3 convictions and pending criminal charges to the applicant and shall inform the
4 applicant of the right to appeal the accuracy and completeness of the record
5 pursuant to rules adopted by the Vermont ~~criminal information center~~ Crime
6 Information Center. No person shall confirm the existence or nonexistence of
7 criminal record information to any person who would not be eligible to receive
8 the information pursuant to this subchapter.

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

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

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

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

18 (1) A patient with a debilitating medical condition shall submit, ~~under~~
19 ~~oath,~~ a signed application for registration to the ~~department~~ Department. A
20 patient's initial application shall be signed under oath and notarized, but
21 subsequent renewals shall not be required to be notarized. If the patient is

1 under ~~the age of~~ 18 years of age, the application must be signed by both the
2 patient and a parent or guardian. The application shall require identification
3 and contact information for the patient and the patient's registered caregiver
4 applying for authorization under section 4474 of this title, if any, and the
5 patient's designated dispensary under section 4474e of this title, if any. The
6 applicant shall attach to the application a medical verification form developed
7 by the ~~department~~ Department pursuant to subdivision (2) of this subsection.

8 * * *

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

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

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

18 (g) The Department shall adopt rules for granting a waiver of the
19 dispensary possession limits in section 4474e of this title upon application of a
20 dispensary for the purpose of developing and providing a product for symptom

1 relief to a registered patient who is under 18 years of age who suffers from
2 seizures.

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

4 § 4474e. DISPENSARIES; CONDITIONS OF OPERATION

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

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

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

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

3 (2) Acquire marijuana seeds or parts of the marijuana plant capable of
4 regeneration from or dispense them to registered patients or their caregivers or
5 acquire them from another registered Vermont dispensary, provided that
6 records are kept concerning the amount and the recipient.

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

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

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

1 of subdivision (A) of this subdivision (3) in accordance with rules adopted
2 pursuant to section 4474d of this title.

3 * * *

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

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

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

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

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

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

19 * * *

20 (n) Nothing in this subchapter shall prevent a dispensary from acquiring,
21 possessing, cultivating, manufacturing, transferring, transporting, supplying,

1 selling, and dispensing hemp and hemp-infused products for symptom relief.

2 “Hemp” shall have the same meaning as provided in 6 V.S.A. § 562. A

3 dispensary shall not be required to comply with the provisions of 6 V.S.A.

4 chapter 34.

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

6 § 4474f. DISPENSARY APPLICATION, APPROVAL, AND

7 REGISTRATION

8 * * *

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

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

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

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

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

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

**Sec. 8. DEPARTMENT OF PUBLIC SAFETY REPORT; POST-
TRAUMATIC STRESS DISORDER**

The Department of Public Safety, in consultation with the Department of Health, shall examine????? The Department shall report its findings and recommendations to the General Assembly on or before January, 15, 2015.

Sec. 9. EFFECTIVE DATES

This section and Sec. 4 shall take effect on passage and the remaining 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”

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6 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE