

1 S.247

2 Introduced by Senator White

3 Referred to Committee on

4 Date:

5 Subject: Health; therapeutic use of cannabis; dispensaries

6 Statement of purpose of bill as introduced: This bill proposes to eliminate the
7 restriction of a maximum of 1,000 registered patients who can obtain medical
8 marijuana through a licensed dispensary; add post-traumatic stress disorder as
9 a debilitating medical condition for purposes of the medical marijuana registry;
10 add naturopathic physicians to the list of health care providers who can attest
11 to a patient's illness; increase the limits of marijuana a dispensary may
12 possess; authorize additional dispensaries on an as-needed basis as determined
13 by the Department of Public Safety; and permit dispensaries to deliver to
14 patients pursuant to rules adopted by the Department of Public Safety.

15 An act relating to the regulation of medical marijuana dispensaries

16 It is hereby enacted by the General Assembly of the State of Vermont:

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

18 § 4472. DEFINITIONS

19 As used in this subchapter:

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

1 any person who would not be eligible to receive the information pursuant to
2 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(c) is added to read:

9 (c) Documents submitted by applicants and patients shall not be required
10 to be notarized.

11 Sec. 4. 18 V.S.A. § 4474e is amended to read:

12 § 4474e. DISPENSARIES; CONDITIONS OF OPERATION

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

14 (1) Acquire, possess, cultivate, manufacture, transfer, transport, supply,
15 sell, and dispense marijuana, marijuana-infused products, and
16 marijuana-related supplies and educational materials for or to a registered
17 patient who has designated it as his or her dispensary and to his or her
18 registered caregiver for the registered patient's use for symptom relief. ~~For~~
19 ~~purposes of~~ As used in this section, "transport" shall mean the movement of
20 marijuana or marijuana-infused products from registered growing locations to
21 their 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 * * *

4 (3) Cultivate and possess at any one time up to 28 mature marijuana
5 plants, 98 immature marijuana plants, and 28 ounces of usable marijuana.
6 However, if a dispensary is designated by more than 14 registered patients, the
7 dispensary may cultivate and possess at any one time ~~two~~ four mature
8 marijuana plants, ~~seven~~ 14 immature plants, and ~~two~~ six ounces of usable
9 marijuana for every registered patient for which the dispensary serves as the
10 designated dispensary.

11 (b)(1) A dispensary shall be operated on a nonprofit basis for the mutual
12 benefit of its patients ~~but need~~. A dispensary does not need to be recognized as
13 a tax-exempt organization by the Internal Revenue Service. Notwithstanding
14 any other provision of law, a dispensary shall be exempt from taxes imposed
15 by 32 V.S.A. §§ 5822 and 5832.

16 (2) A dispensary shall have a sliding-scale fee system that takes into
17 account a registered patient's ability to pay.

18 * * *

19 (d)(1) A dispensary shall implement appropriate security measures to deter
20 and prevent the unauthorized entrance into areas containing marijuana and the
21 theft of marijuana and shall ensure that each location has an operational

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

14 (2)(A) A registered patient or registered caregiver may obtain marijuana
15 from the dispensary ~~facility~~ by appointment only. The dispensary shall
16 schedule appointments so that no more than three patients or caregivers are
17 present at the dispensary at any one time.

18 (B) A dispensary may deliver marijuana to a registered patient or
19 registered caregiver. The marijuana shall be transported in a locked container.
20 The Department of Public Safety shall adopt rules establishing protocols for
21 the safe delivery of marijuana to patients and caregivers.

1 applicants apply and meet the requirements of this section. ~~No more than four~~
2 ~~dispensaries shall hold valid registration certificates at one time. The total~~
3 ~~statewide number of registered patients who have designated a dispensary shall~~
4 ~~not exceed 1,000 at any one time.~~ Any time a dispensary registration
5 certificate is revoked, is relinquished, or expires, the ~~department~~ Department
6 shall accept applications for a new dispensary. ~~If at any time after one year~~
7 ~~after the effective date of this section fewer than four dispensaries hold valid~~
8 ~~registration certificates in Vermont, the department of public safety shall~~
9 ~~accept applications for a new dispensary~~ The Department may grant
10 registration certificates to additional dispensaries on an as-needed basis as
11 determined by the Department.

12 Sec. 6. 18 V.S.A. § 4474h(a) is amended to read:

13 (a) A registered patient may obtain marijuana only from the patient's
14 designated dispensary and may designate only one dispensary. ~~A registered~~
15 ~~patient and his or her caregiver may not grow marijuana for symptom relief if~~
16 ~~the patient designates a dispensary.~~ A registered patient who wishes to change
17 his or her dispensary shall notify the ~~department of public safety~~ Department
18 of Public Safety in writing on a form issued by the ~~department~~ Department and
19 shall submit with the form a fee of \$25.00. The ~~department~~ Department shall
20 issue a new identification card to the registered patient within 30 days of
21 receiving the notification of change in dispensary. The registered patient's

1 previous identification card shall expire at the time the new identification card
2 takes effect. A registered patient shall submit his or her expired identification
3 card to the ~~department~~ Department within 30 days of expiration. A registered
4 patient shall not change his or her designated dispensary more than once in any
5 90-day period.

6 Sec. 7. REPEAL

7 2011 Acts and Resolves No. 65, Sec. 1a (patient designation of dispensary)
8 is repealed.

9 Sec. 8. 2011 Acts and Resolves No. 65, Sec. 4 is amended to read:

10 Sec. 4. EFFECTIVE DATE

11 ~~Sec. 1a of this act shall take effect July 1, 2014, and the remainder of the~~
12 This act shall take effect on passage.

13 Sec. 9. EFFECTIVE DATES

14 (a) This section and Secs. 7 (repeal) and 8 (amended effective date) shall
15 take effect on passage.

16 (b) All remaining sections shall take effect on July 1, 2014.