

# Senate Calendar

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WEDNESDAY, FEBRUARY 18, 2015

SENATE CONVENES AT: 1:00 P.M.

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**ACTION CALENDAR**

**UNFINISHED BUSINESS OF TUESDAY, FEBRUARY 17, 2015**

**Third Reading**

**H. 17.**

An act relating to identification and notification of Public Records Act exemptions in administrative rules.

**NEW BUSINESS**

**Third Reading**

**H. 7.**

An act relating to miscellaneous amendments to laws regarding law enforcement officer certification.

**Second Reading**

**Favorable with Recommendation of Amendment**

**S. 14.**

An act relating to single dose, child-resistant packaging and labeling of marijuana-infused edible or potable products sold by a registered dispensary.

**Reported favorably with recommendation of amendment by Senator White for the Committee on Government Operations.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

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

§ 4472. DEFINITIONS

\* \* \*

(6)(A) Health care professional means an individual licensed to practice medicine under 26 V.S.A. chapter 23 or 33, an individual licensed as a naturopathic physician under 26 V.S.A. chapter 81 ~~who has a special license endorsement authorizing the individual to prescribe, dispense, and administer prescription medicines to the extent that a diagnosis provided by a naturopath under this chapter is within the scope of his or her practice~~, an individual certified as a physician assistant under 26 V.S.A. chapter 31, or an individual licensed as an advanced practice registered nurse under 26 V.S.A. chapter 28.

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

\* \* \*

(11) “Registered caregiver” means a person who is at least 21 years old ~~who has never been convicted of a drug-related crime~~ of age, has met eligibility requirements as determined by the Department in accordance with this chapter, and who has agreed to undertake responsibility for managing the well-being of a registered patient with respect to the use of marijuana for symptom relief.

Sec. 2. 18 V.S.A. § 4473 is amended to read:

§ 4473. REGISTERED PATIENTS; QUALIFICATION STANDARDS AND PROCEDURES

\* \* \*

(b) The Department of Public Safety shall review applications to become a registered patient using the following procedures:

\* \* \*

(5)(A) A Review Board is established. ~~The Medical Practice Board shall appoint three physicians licensed in Vermont to constitute the Review Board. If an application under subdivision (1) of this subsection is denied, within seven days the patient may appeal the denial to the Board. Review shall be limited to information submitted by the patient under subdivision (1) of this subsection, and consultation with the patient’s treating health care professional. All records relating to the appeal shall be kept confidential. An appeal shall be decided by majority vote of the members of the Board~~ The Review Board shall comprise three members:

(i) a physician appointed by the Medical Practice Board;

(ii) a naturopathic physician appointed by the Office of Professional Regulation; and

(iii) an advanced practice registered nurse appointed by the Office of Professional Regulation.

(B) The Board shall meet periodically to review studies, data, and any other information relevant to the use of marijuana for symptom relief. The Board may make recommendations to the General Assembly for adjustments and changes to this chapter.

(C) Members of the Board shall serve for three-year terms, beginning February 1 of the year in which the appointment is made, except that the first members appointed shall serve as follows: one for a term of two years, one for a term of three years, and one for a term of four years. Members shall be entitled to per diem compensation authorized under 32 V.S.A. § 1010. Vacancies shall be filled in the same manner as the original appointment for the unexpired portion of the term vacated.

(D) If an application under subdivision (1) of this subsection (b) is denied, within seven days the patient may appeal the denial to the Board. Review shall be limited to information submitted by the patient under subdivision (1) of this subsection, and consultation with the patient's treating health care professional. All records relating to the appeal shall be kept confidential. An appeal shall be decided by majority vote of the members of the Board.

Sec. 3. 18 V.S.A. § 4474a subsection (b) is amended to read:

(b) A registration card shall expire one year after the date of issue, with the option of renewal, provided the patient submits a new application which is approved by the ~~department of public safety~~ Department of Public Safety, pursuant to section 4473 or 4474 of this title, and pays the fee required under subsection (a) of this section.

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

§ 4474e. DISPENSARIES; CONDITIONS OF OPERATION

(a) A dispensary registered under this section may:

(1) Acquire, possess, cultivate, manufacture, transfer, transport, supply, sell, and dispense marijuana, marijuana-infused products, and marijuana-related supplies and educational materials for or to a registered patient who has designated it as his or her dispensary and to his or her registered caregiver for the registered patient's use for symptom relief.

(A) Marijuana-infused products shall include tinctures, oils, solvents, and edible or potable goods. Only the portion of any marijuana-infused product that is attributable to marijuana shall count toward the possession limits of the dispensary and the patient. The Department of Public Safety shall establish by rule the appropriate method to establish the weight of marijuana that is attributable to marijuana-infused products. A dispensary shall dispense marijuana-infused products in child-resistant packaging as defined in 7 V.S.A. § 1012.

(2)(A) Acquire marijuana seeds or parts of the marijuana plant capable of regeneration from or dispense them to registered patients or their caregivers

or acquire them from another registered Vermont dispensary, provided that records are kept concerning the amount and the recipient.

(B) Acquire, purchase, or borrow marijuana, marijuana-infused products, or services from another registered Vermont dispensary or give, sell, or lend marijuana, marijuana-infused products, or services to another registered Vermont dispensary, provided that records are kept concerning the product, the amount, and the recipient. Each Vermont dispensary is required to adhere to all possession limits pertaining to cultivation as determined by the number of patients designating that dispensary and may not transfer eligibility to another dispensary.

\* \* \*

(h) A dispensary shall include a label on the packaging of all marijuana that is dispensed. The label shall:

(1) identify ~~Identify~~ the particular strain of marijuana ~~contained therein~~. Cannabis strains shall be either pure breeds or hybrid varieties of cannabis and shall reflect properties of the plant. ~~The label also shall~~

(2) Identify the amount of tetrahydrocannabinol in each single dose marijuana-infused edible or potable product.

(3) contain ~~Contain~~ a statement to the effect that the State of Vermont does not attest to the medicinal value of cannabis.

\* \* \*

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

§ 4474g. DISPENSARY REGISTRY IDENTIFICATION CARD;  
CRIMINAL BACKGROUND CHECK

(a) Except as provided in subsection (b) of this section, the Department of Public Safety shall issue each principal officer, Board member, and employee of a dispensary a registry identification card or renewal card within 30 days of receipt of the person's name, address, and date of birth and a fee of \$50.00. The fee shall be paid by the dispensary and the cost shall not be passed on to a principal officer, Board member, or employee. A person shall not serve as principal officer, Board member, or employee of a dispensary until that person has received a registry identification card issued under this section. Each card shall specify whether the cardholder is a principal officer, Board member, or employee of a dispensary and shall contain the following:

- (1) the name, address, and date of birth of the person;
- (2) the legal name of the dispensary with which the person is affiliated;

- (3) a random identification number that is unique to the person;
- (4) the date of issuance and the expiration date of the registry identification card;
- (5) a photograph of the person.

(b) Prior to acting on an application for a registry identification card, the Department of Public Safety shall obtain with respect to the applicant a Vermont criminal history record, an out-of-state criminal history record, and a criminal history record from the Federal Bureau of Investigation. Each applicant shall consent to the release of criminal history records to the Department on forms developed by the Vermont Crime Information Center. A fingerprint-supported, out-of-state criminal history record and a criminal history record from the Federal Bureau of Investigation shall be required only every three years for renewal of a card for a dispensary principal or Board member.

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

§ 4474h. PATIENT DESIGNATION OF DISPENSARY

(a) A registered patient may obtain marijuana only from the patient's designated dispensary and may designate only one dispensary. If a registered patient designates a dispensary, the patient and his or her caregiver may not grow marijuana or obtain marijuana or marijuana-infused products for symptom relief from any source other than the designated dispensary. A registered patient who wishes to change his or her dispensary shall notify the ~~department of public safety~~ Department of Public Safety in writing on a form issued by the ~~department~~ Department and shall submit with the form a fee of \$25.00. The ~~department~~ Department shall issue a new identification card to the registered patient within 30 days of receiving the notification of change in dispensary. The registered patient's previous identification card shall expire at the time the new identification card takes effect. A registered patient shall submit his or her expired identification card to the ~~department~~ Department within 30 days of expiration. A registered patient shall not change his or her designated dispensary more than once in any ~~90-day~~ 30-day period.

(b) The ~~department of public safety~~ Department of Public Safety shall track the number of registered patients who have designated each dispensary. The ~~department~~ Department shall issue a monthly written statement to the dispensary identifying the number of registered patients who have designated that dispensary and the registry identification numbers of each patient and each patient's designated caregiver, if any.

(c) In addition to the monthly reports, the ~~department of public safety~~ Department of Public Safety shall provide written notice to a dispensary whenever any of the following events occurs:

(1) ~~A~~ a qualifying patient designates the dispensary to serve his or her needs under this subchapter;

(2) ~~An~~ an existing registered patient revokes the designation of the dispensary because he or she has designated a different dispensary; ~~or~~

(3) ~~A~~ a registered patient who has designated the dispensary loses his or her status as a registered patient under this subchapter.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2015.

(Committee vote: 5-0-0)

**NOTICE CALENDAR**

**Committee Bill for Second Reading**

**S. 92.**

An act relating to mediation in medical malpractice actions.

By the Committee on Finance.

**Second Reading**

**Favorable with Recommendation of Amendment**

**S. 23.**

An act relating to required disclosures for workers' compensation settlements.

**Reported favorably with recommendation of amendment by Senator Sirotkin for the Committee on Finance.**

The Committee recommends that the bill be amended as follows:

In Sec. 1, 21 V.S.A. § 662a, in subdivision (1)(B) after the words "describe the employee's injury, including any rating assigned to that injury" by striking out the words "and the approximate amount of compensation that the employer would be required to pay to the employee under the provisions of this chapter if the employer and employee did not enter into the agreement"

(Committee vote: 6-0-1)

**Joint Resolution for Second Reading  
Favorable with Proposal of Amendment**

**J.R.H. 1.**

Joint resolution expressing support for the Public Service Board's establishment of FairPoint Communications service investigation docket and urging the management of FairPoint Communications to settle the current employee strike in order to restore reliable telecommunications services in Vermont.

**Reported favorably with recommendation of proposal of amendment by Senator Sirotkin for the Committee on Finance.**

The Committee recommends that the Senate propose to the House to amend the resolution by striking out the resolution in its entirety and inserting in lieu thereof the following:

Joint resolution expressing support for the Public Service Board's establishment of a FairPoint Communications service investigation docket and urging the settlement of the current employee strike

Whereas, in October 2014, FairPoint and its employees' two unions, the International Brotherhood of Electrical Workers Local 2326 and the Communications Workers of America Local 1400, reached an impasse in their negotiations and a strike was authorized, and

Whereas, since the strike started, consumer complaints have risen approximately 500 percent, resulting in much personal and commercial inconvenience, and

Whereas, the Vermont Public Service Department has received more than 1,200 complaints about Internet and telephone service since the strike began, and

Whereas, on November 28, 2014, the State's E-911 system missed 83 calls, and

Whereas, the Vermont Public Service Department has said that the numbers show FairPoint staffing has been insufficient, and

Whereas, FairPoint is the only choice for telecommunications service for between 15,000 and 20,000 Vermonters, and

Whereas, at the request of the Department of Public Service, the Public Service Board, on December 9, 2014, established Docket 8390 to investigate the service problems FairPoint has encountered, and

Whereas, Governor Peter Shumlin and the congressional delegation have written letters to FairPoint's CEO Paul Sunu calling on FairPoint to return in good faith to the negotiating table, and

Whereas, on January 4, 2015, in Washington, D.C., the Federal Mediation and Conciliation Service convened a meeting between the parties at which the Service assumed a more proactive role than in a prior session, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly expresses support for the Public Service Board's establishment of a FairPoint Communications service investigation docket and urges the settlement of the current employee strike in order to restore reliable telecommunications services in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to FairPoint Communications CEO Paul Sunu, FairPoint Vermont President Beth Fastiggi, Governor Peter Shumlin, the Public Service Department, the Public Service Board, the International Brotherhood of Electrical Workers Local 2326, and the Communications Workers of America Local 1400.

(Committee vote: 6-0-1)

(For House amendments, see House Journal for January 22, 2015, page 56.)

### **CONFIRMATIONS**

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Service Board shall be fully and separately acted upon.

Sue Minter of Waterbury – Secretary, Agency of Transportation – By Sen. Westman for the Committee on Transportation. (2/3/15)

Michel Consejo of Sheldon Springs – Member of the Vermont State Lottery Commission – By Sen. Mullin for the Committee on Econ. Dev., Housing and General Affairs. (2/19/15)

## **PUBLIC HEARINGS**

**Wednesday, February 18, 2015** – Room 11 - 7:00 P.M. – 8:00 P.M. - Joint Committee on Judicial Retention – Re: Retention of Superior Court Judges Brian J. Grearson, Mary Miles Teachout, Howard E. VanBenthuisen, Nancy Waples and Magistrates Mary Gleason Harlow and Christine A. Hoyt. Members of the public interested in testifying may sign up 30 minutes prior to the hearing, with 5 minutes allowed per person for testimony.

**Tuesday, February 24, 2015** - 2:30 P.M. - 3:30 P.M. - Room 11 - Re: Governor's Proposed FY 2016 State Budget - House Committee on Appropriations.

**Wednesday, February 25, 2015** - 9:30 A.M. - 10:30 A.M. - Room 11 - Re: Governor's Proposed FY 2016 State Budget - House Committee on Appropriations.

## **NOTICE OF JOINT ASSEMBLY**

**Thursday, February 19, 2015 - 10:30 A.M. – House Chamber** - Election of a Sergeant at Arms, of an Adjutant and Inspector General, and of three (3) trustees for the University of Vermont, and Vermont and State Agricultural College.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.

## **FOR INFORMATION ONLY**

### **CROSSOVER DEADLINES**

The Senate Rules Committee established the following Crossover deadlines:

(1) All **Senate** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 13, 2015**, and filed with the Secretary of the Senate so that they may be placed on the Calendar for Notice the next legislative day.

(2) All **Senate** bills referred pursuant to Senate Rule 31 to the Committees on Appropriations and Finance must be reported out by the last of those committees on or before **Friday, March 20, 2015**, and filed with the Secretary of the Senate so that they may be placed on the Calendar for Notice the next legislative day.

These deadlines may be waived for any bill or committee only with the consent of the Committee on Rules.

**Note:** The Senate will not act on House bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

**Exceptions to the foregoing deadlines include the major money bills (Appropriations “Big Bill”, Transportation Spending Bill, Capital Construction Bill, and Miscellaneous Tax Bill).**