

1 Introduced by (*Joint Legislative Justice Oversight Committee*)

2 Referred to Committee on

3 Date:

4 Subject: Health; therapeutic use of cannabis

5 Statement of purpose of bill as introduced: This bill proposes to waive the
6 three-month patient-health care professional relationship requirement when
7 then patient is referred to a specialist who completes a full examination and
8 signs the medical verification form; expand list of qualifying medical
9 conditions; increase the number of dispensaries from four to six and allow
10 dispensaries to serve patients and caregivers at more than one location; allow a
11 patient to possess up to three ounces of marijuana; clarify that a dispensary
12 may cultivate marijuana outdoors provided the marijuana is in an enclosed,
13 locked facility shielded from public view; allow a patient or caregiver to
14 cultivate marijuana even if the patient has designated a dispensary; allow a
15 dispensary to convert to a for-profit; require continuing medical education to
16 include training on the Medical Marijuana Registry.

17 An act relating to expanding patient access to the Medical Marijuana
18 Registry

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

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

1 § 4472. DEFINITIONS

2 As used in this subchapter:

3 (1)(A) “Bona fide health care professional-patient relationship” means a
4 treating or consulting relationship of not less than three months’ duration, in
5 the course of which a health care professional has completed a full assessment
6 of the registered patient’s medical history and current medical condition,
7 including a personal physical examination.

8 (B) The three-month requirement shall not apply if:

9 (i) a patient has been diagnosed with:

10 (I) a terminal illness;

11 (II) cancer;

12 (III) acquired immune deficiency syndrome; or

13 (IV) is currently under hospice care.

14 (ii) a patient had been diagnosed with a debilitating medical
15 condition by a health care professional in another jurisdiction in which the
16 patient had been formerly a resident and the patient, now a resident of
17 Vermont, has the diagnosis confirmed by a health care professional in this
18 State or a neighboring state as provided in subdivision (6) of this section, and
19 the new health care professional has completed a full assessment of the
20 patient’s medical history and current medical condition, including a personal
21 physical examination.

1 (iii) a patient who is already on the ~~registry~~ Registry changes
2 health care professionals three months or less prior to the annual renewal of the
3 patient’s registration, provided the patient’s new health care professional has
4 completed a full assessment of the patient’s medical history and current
5 medical condition, including a personal physical examination.

6 (iv) a patient is referred by his or her health care professional to a
7 health care professional who specializes in diagnosing and treating certain
8 debilitating medical conditions and that specialist has completed a full
9 assessment of the patient’s medical history and current medical condition,
10 including a personal physical examination.

11 * * *

12 (4) “Debilitating medical condition;” ~~provided that, in the context of the~~
13 ~~specific disease or condition described in subdivision (A) or (B) of this~~
14 ~~subdivision (4), reasonable medical efforts have been made over a reasonable~~
15 ~~amount of time to relieve the symptoms, means:~~

16 (A) cancer, multiple sclerosis, positive status for human
17 immunodeficiency virus, acquired immune deficiency syndrome, glaucoma,
18 post-traumatic stress disorder, Crohn’s disease, Parkinson’s disease, or the
19 treatment of these conditions, if the disease or the treatment results in severe,
20 persistent, and intractable symptoms; or

1 (B) a disease, medical condition, or its treatment that is chronic,
2 debilitating, and produces one or more of the following intractable symptoms:
3 cachexia or wasting syndrome; chronic pain; severe nausea; or seizures; or

4 (C) other disease, condition, or treatment as determined in writing by
5 a qualifying patient’s health care professional.

6 (5) “Dispensary” means a nonprofit entity registered under section
7 4474e of this title which acquires, possesses, cultivates, manufactures,
8 transfers, transports, supplies, sells, or dispenses marijuana, marijuana-infused
9 products, and marijuana-related supplies and educational materials for or to a
10 registered patient who has designated it as his or her center and to his or her
11 registered caregiver for the registered patient’s use for symptom relief. ~~A~~
12 ~~dispensary may provide marijuana for symptom relief to registered patients at~~
13 ~~only one facility or location, but may have a second location associated with~~
14 ~~the dispensary where the marijuana is cultivated or processed. Both locations~~
15 ~~are considered to be part of the same dispensary. A dispensary may serve~~
16 ~~patients and caregivers at more than one location, as approved by the~~
17 ~~Department in accordance with this chapter, and may cultivate and process~~
18 ~~marijuana at a separate location from where patients and caregivers are served.~~
19 ~~All locations shall be considered part of the same dispensary operation under~~
20 ~~one registration.~~

21 * * *

1 sudden onset, and the patient has not had a previous health care professional
2 who is able to verify the nature of the disease and its symptoms.

3 (ii) ~~A statement that reasonable medical efforts have been made~~
4 ~~over a reasonable amount of time without success to relieve the symptoms.~~

5 [Repealed.]

6 (iii) A statement that the patient has a debilitating medical
7 condition as defined in section 4472 of this title, including the specific disease
8 or condition which the patient has and whether the patient meets the criteria
9 under section 4472.

10 (iv) A signature line which provides in substantial part: “I certify
11 that I meet the definition of ‘health care professional’ under 18 V.S.A. § 4472,
12 that I am a health care professional in good standing in the State of
13 , and that the facts stated above are accurate to the best of
14 my knowledge and belief.”

15 (v) The health care professional’s contact information, license
16 number, category of his or her health care profession as defined in subdivision
17 4472(6) of this title, and contact information for the out-of-state licensing
18 agency, if applicable. The Department of Public Safety shall adopt rules for
19 verifying the goodstanding of out-of-state health care professionals.

20 (3)(A) The Department of Public Safety shall transmit the completed
21 medical verification form to the health care professional and contact him or her

1 for purposes of confirming the accuracy of the information contained in the
2 form. The Department may approve an application, notwithstanding the
3 ~~six-month~~ three-month requirement in section 4472 of this title, if the
4 Department is satisfied that the medical verification form confirms that the
5 debilitating medical condition is of recent or sudden onset, ~~and that the patient~~
6 ~~has not had a previous health care professional who is able to verify the nature~~
7 ~~of the disease and its symptoms.~~

8 (B) If the health care professional is licensed in another state as
9 provided section 4472 of this title, the Department shall verify that the health
10 care professional is in good standing in that state.

11 * * *

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

13 § 4474e. DISPENSARIES; CONDITIONS OF OPERATION

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

15 * * *

16 (5) Advertise under the following conditions:

17 (A) Advertising shall not contain any statement or illustration that:

18 (i) is false or misleading;

19 (ii) promotes overconsumption; or

20 (iii) is designed to appeal to children or persons under 21 years

21 of age.

1 (B) Outdoor advertising shall not be located within 1,000 feet of a
2 preexisting public or private school or licensed or regulated child care facility.

3 (C) All advertising shall contain the following warnings:

4 (i) For use only by adults 21 years of age or older. Keep out of the
5 reach of children.

6 (ii) Marijuana has intoxicating effects and may impair
7 concentration, coordination, and judgment. Do not operate a motor vehicle or
8 heavy machinery or enter into any contractual agreement under the influence
9 of marijuana.

10 * * *

11 (d)(1) A dispensary shall implement appropriate security measures to deter
12 and prevent the unauthorized entrance into areas containing marijuana and the
13 theft of marijuana and shall ensure that each location has an operational
14 security alarm system. All cultivation of marijuana shall take place in an
15 enclosed, locked facility which is either indoors or ~~otherwise~~ outdoors, but not
16 visible to the public, and which can only be accessed by principal officers and
17 employees of the dispensary who have valid ~~registry~~ Registry identification
18 cards. The Department of Public Safety shall perform an annual on-site
19 assessment of each dispensary and may perform on-site assessments of a
20 dispensary without limitation for the purpose of determining compliance with
21 this subchapter and any rules adopted pursuant to this subchapter and may

1 enter a dispensary at any time for such purpose. During an inspection, the
2 Department may review the dispensary's confidential records, including its
3 dispensing records, which shall track transactions according to registered
4 patients' ~~registry~~ Registry identification numbers to protect their
5 confidentiality.

6 * * *

7 (k)(1) No dispensary, principal officer, board member, or employee of a
8 dispensary shall:

9 * * *

10 (C) dispense more than ~~two~~ three ounces of usable marijuana to a
11 registered patient directly or through the qualifying patient's registered
12 caregiver during a 30-day period;

13 * * *

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

15 § 4474f. DISPENSARY APPLICATION, APPROVAL, AND

16 REGISTRATION

17 * * *

18 (b) ~~Within 30 days of the adoption of rules, the Department shall begin~~
19 ~~accepting applications for the operation of dispensaries. Within 365 days of~~
20 ~~the effective date of this section, the Department shall grant registration~~
21 ~~certificates to four dispensaries, provided at least four applicants apply and~~

1 ~~meet the requirements of this section. No more than four dispensaries shall~~
2 ~~hold valid registration certificates at one time. There shall be a maximum of~~
3 ~~six registered dispensaries.~~ Any time a dispensary registration certificate is
4 revoked, is relinquished, or expires, the Department shall accept applications
5 for a new dispensary. ~~If at any time after one year after the effective date of~~
6 ~~this section fewer than four six dispensaries hold valid registration certificates~~
7 in Vermont, the Department of Public Safety shall accept applications for a
8 new dispensary.

9 * * *

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

11 § 4474h. PATIENT DESIGNATION OF DISPENSARY

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

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

5 * * *

6 Sec. 6. AUTHORITY FOR CURRENTLY REGISTERED NONPROFIT
7 DISPENSARY TO CONVERT TO FOR-PROFIT ENTITY

8 (a) Notwithstanding any rule to the contrary, a nonprofit dispensary
9 registered pursuant to 18 V.S.A. chapter 86 may convert to a domestic
10 organization pursuant to and in accordance with Title 11A , chapter 11 as if the
11 dispensary were a domestic corporation, except that the dispensary may
12 approve a conversion pursuant to 11A V.S.A. § 11.04 by a majority vote of its
13 board of directors and may otherwise disregard any provision of chapter 11
14 that relates to shareholders.

15 (b) Notwithstanding 18 V.S.A. § 4474e or any rule to the contrary, the
16 converted domestic organization may continue to operate on a for-profit basis
17 in accordance with the terms of its registration, 18 V.S.A. chapter 86, and any
18 rules adopted pursuant to that chapter.

19 Sec. 7. 26 V.S.A. § 1400 is amended to read:

20 § 1400. RENEWAL OF LICENSE; CONTINUING MEDICAL
21 EDUCATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

* * *

(b) A licensee for renewal of an active license to practice medicine shall have completed continuing medical education which shall meet minimum criteria as established by rule, by the ~~board~~ Board, by August 31, 2012 and which shall be in effect for the renewal of licenses to practice medicine expiring after August 31, 2014. The ~~board~~ Board shall require a minimum of 10 hours of continuing medical education by rule. The training provided by the continuing medical education shall be designed to assure that the licensee has updated his or her knowledge and skills in his or her own specialties and also has kept abreast of advances in other fields for which patient referrals may be appropriate. The ~~board~~ Board shall require evidence of current professional competence in recognizing the need for timely appropriate consultations and referrals to assure fully informed patient choice of treatment options, including treatments such as those offered by hospice, palliative care, ~~and~~ pain management services, and the Medical Marijuana Registry.

* * *

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2017.