

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 14 entitled “An act relating to single dose, child-resistant packaging
4 and labeling of marijuana-infused edible or potable products sold by a
5 registered dispensary” respectfully reports that it has considered the same and
6 recommends that the bill be amended by striking out all after the enacting
7 clause and inserting in lieu thereof the following:

8 Sec. 1. 18 V.S.A. § 4472(11) is amended to read:

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

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

16 § 4473. REGISTERED PATIENTS; QUALIFICATION STANDARDS AND
17 PROCEDURES

18 * * *

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

21 * * *

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

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

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

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

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

19 (C) Members of the Board shall serve for three-year terms, beginning
20 February 1 of the year in which the appointment is made, except that the first
21 members appointed shall serve as follows: one for a term of two years, one for

1 a term of three years, and one for a term of four years. Members shall be
2 entitled to per diem compensation authorized under 32 V.S.A. § 1010.

3 Vacancies shall be filled in the same manner as the original appointment for
4 the unexpired portion of the term vacated.

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

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

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

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

18 § 4474e. DISPENSARIES; CONDITIONS OF OPERATION

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

20 (1) Acquire, possess, cultivate, manufacture, transfer, transport, supply,
21 sell, and dispense marijuana, marijuana-infused products, and

1 marijuana-related supplies and educational materials for or to a registered
2 patient who has designated it as his or her dispensary and to his or her
3 registered caregiver for the registered patient’s use for symptom relief.

4 (A) Marijuana-infused products shall include tinctures, oils, solvents,
5 and edible or potable goods. Only the portion of any marijuana-infused
6 product that is attributable to marijuana shall count toward the possession
7 limits of the dispensary and the patient. The Department of Public Safety shall
8 establish by rule the appropriate method to establish the weight of marijuana
9 that is attributable to marijuana-infused products. A dispensary shall dispense
10 marijuana-infused products in child-resistant packaging as defined in 7 V.S.A.
11 § 1012.

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

16 (B) Acquire, purchase, or borrow marijuana, marijuana-infused
17 products, or services from another registered Vermont dispensary or give, sell,
18 or loan marijuana, marijuana-infused products, or services to another registered
19 Vermont dispensary, provided that records are kept concerning the product, the
20 amount, and the recipient.

21 * * *

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

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

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

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

10 * * *

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

12 § 4474g. DISPENSARY REGISTRY IDENTIFICATION CARD;

13 CRIMINAL BACKGROUND CHECK

14 (a) Except as provided in subsection (b) of this section, the Department of
15 Public Safety shall issue each principal officer, Board member, and employee
16 of a dispensary a registry identification card or renewal card within 30 days of
17 receipt of the person's name, address, and date of birth and a fee of \$50.00.

18 The fee shall be paid by the dispensary and the cost shall not be passed on to a
19 principal officer, Board member, or employee. A person shall not serve as
20 principal officer, Board member, or employee of a dispensary until that person
21 has received a registry identification card issued under this section. Each card

1 shall specify whether the cardholder is a principal officer, Board member, or
2 employee of a dispensary and shall contain the following:

3 (1) the name, address, and date of birth of the person;

4 (2) the legal name of the dispensary with which the person is affiliated;

5 (3) a random identification number that is unique to the person;

6 (4) the date of issuance and the expiration date of the registry
7 identification card;

8 (5) a photograph of the person.

9 (b) Prior to acting on an application for a registry identification card, the
10 Department of Public Safety shall obtain with respect to the applicant a
11 Vermont criminal history record, an out-of-state criminal history record, and a
12 criminal history record from the Federal Bureau of Investigation. Each
13 applicant shall consent to the release of criminal history records to the
14 Department on forms developed by the Vermont Crime Information Center. A
15 fingerprint-supported, out-of-state criminal history record and a criminal
16 history record from the Federal Bureau of Investigation are not required for
17 renewal of a card.

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

19 § 4474h. PATIENT DESIGNATION OF DISPENSARY

20 (a) A registered patient may obtain marijuana only from the patient's
21 designated dispensary and may designate only one dispensary. If a registered

1 patient designates a dispensary, the patient and his or her caregiver may not
2 grow marijuana or obtain marijuana or marijuana-infused products for
3 symptom relief from any source other than the designated dispensary. A
4 registered patient who wishes to change his or her dispensary shall notify the
5 ~~department of public safety~~ Department of Public Safety in writing on a form
6 issued by the ~~department~~ Department and shall submit with the form a fee of
7 \$25.00. The ~~department~~ Department shall issue a new identification card to
8 the registered patient within 30 days of receiving the notification of change in
9 dispensary. The registered patient's previous identification card shall expire at
10 the time the new identification card takes effect. A registered patient shall
11 submit his or her expired identification card to the ~~department~~ Department
12 within 30 days of expiration. A registered patient shall not change his or her
13 designated dispensary more than once in any ~~90-day~~ 30-day period.

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

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

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

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

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

10 Sec. 7. EFFECTIVE DATE

11 This act shall take effect on July 1, 2015

12

13

14 (Committee vote: _____)

15

16

Senator _____

17

FOR THE COMMITTEE