

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 is amended to read:

9 § 4472. DEFINITIONS

10 * * *

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

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

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(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~~

1 ~~decided by majority vote of the members of the Board~~ The Review Board shall
2 comprise three members:

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

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

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

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

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

19 (D) If an application under subdivision (1) of this subsection (b) is
20 denied, within seven days the patient may appeal the denial to the Board.
21 Review shall be limited to information submitted by the patient under

1 subdivision (1) of this subsection, and consultation with the patient’s treating
2 health care professional. All records relating to the appeal shall be kept
3 confidential. An appeal shall be decided by majority vote of the members of
4 the Board.

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

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

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.

19 (A) Marijuana-infused products shall include tinctures, oils, solvents,
20 and edible or potable goods. Only the portion of any marijuana-infused
21 product that is attributable to marijuana shall count toward the possession

1 limits of the dispensary and the patient. The Department of Public Safety shall
2 establish by rule the appropriate method to establish the weight of marijuana
3 that is attributable to marijuana-infused products. A dispensary shall dispense
4 marijuana-infused products in child-resistant packaging as defined in 7 V.S.A.
5 § 1012.

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

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

18 * * *

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

- 1 (1) the name, address, and date of birth of the person;
- 2 (2) the legal name of the dispensary with which the person is affiliated;
- 3 (3) a random identification number that is unique to the person;
- 4 (4) the date of issuance and the expiration date of the registry
5 identification card;
- 6 (5) a photograph of the person.

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

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

18 § 4474h. PATIENT DESIGNATION OF DISPENSARY

19 (a) A registered patient may obtain marijuana only from the patient's
20 designated dispensary and may designate only one dispensary. If a registered
21 patient designates a dispensary, the patient and his or her caregiver may not

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

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

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

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

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

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

7 Sec. 7. EFFECTIVE DATE

8 This act shall take effect on July 1, 2015.

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11 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE