1	H.489
2	Introduced by Representatives Emmons of Springfield, Grad of Moretown,
3	and Shaw of Pittsford
4	Referred to Committee on
5	Date:
6	Subject: Health; therapeutic use of cannabis
7	Statement of purpose of bill as introduced: This bill proposes to waive the
8	three-month patient-health care professional relationship requirement when the
9	patient is referred to a specialist who completes a full examination and signs
10	the medical verification form; expand the list of qualifying medical conditions
11	increase the number of dispensaries from four to six once the number of
12	registered patients who have designated a dispensary reaches 4,000; allow
13	dispensaries to serve patients and caregivers at more than one location; allow
14	dispensaries to advertise; allow a patient to possess up to three ounces of
15	marijuana; clarify that a dispensary may cultivate marijuana outdoors,
16	provided the marijuana is in an enclosed, locked facility shielded from public
17	view; allow a patient or caregiver to cultivate marijuana even if the patient has
18	designated a dispensary; allow a dispensary to convert to a for-profit; require
19	continuing medical education to include training on the Medical Marijuana
20	Registry; require the Agency of Agriculture, Food and Markets to test

2	dispensary to ensure appropriate labeling of the tetrahydrocannabinol content.
3 4	An act relating to expanding patient access to the Medical Marijuana Registry
5	It is hereby enacted by the General Assembly of the State of Vermont:
6	Sec. 1. 18 V.S.A. § 4472 is amended to read:
7	§ 4472. DEFINITIONS
8	As used in this subchapter:
9	(1)(A) "Bona fide health care professional-patient relationship" means a
10	treating or consulting relationship of not less than three months' duration, in
11	the course of which a health care professional has completed a full assessment
12	of the registered patient's medical history and current medical condition,
13	including a personal physical examination.
14	(B) The three-month requirement shall not apply if:
15	(i) a patient has been diagnosed with:
16	(I) a terminal illness;
17	(II) cancer;
18	(III) acquired immune deficiency syndrome; or
19	(IV) is currently under hospice care-;

independently marijuana-infused edible or potable products sold by a

1	(ii) a patient had been diagnosed with a debilitating medical
2	condition by a health care professional in another jurisdiction in which the
3	patient had been formerly a resident and the patient, now a resident of
4	Vermont, has the diagnosis confirmed by a health care professional in this
5	State or a neighboring state as provided in subdivision (6) of this section, and
6	the new health care professional has completed a full assessment of the
7	patient's medical history and current medical condition, including a personal
8	physical examination-;
9	(iii) a patient who is already on the registry Registry changes
10	health care professionals three months or less prior to the annual renewal of the
11	patient's registration, provided the patient's new health care professional has
12	completed a full assessment of the patient's medical history and current
13	medical condition, including a personal physical examination; or
14	(iv) a patient is referred by his or her health care professional to a
15	health care professional who specializes in diagnosing and treating certain
16	debilitating medical conditions and that specialist has completed a full
17	assessment of the patient's medical history and current medical condition,
18	including a personal physical examination.
19	* * *
20	(4) "Debilitating medical condition," provided that, in the context of the

specific disease or condition described in subdivision (A) or (B) of this

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1	subdivision (4), reasonable medical efforts have been made over a reasonable
2	amount of time to relieve the symptoms, means:
3	(A) cancer, multiple sclerosis, positive status for human
4	immunodeficiency virus, acquired immune deficiency syndrome, glaucoma,
5	post-traumatic stress disorder, Crohn's disease, Parkinson's disease, or the
6	treatment of these conditions, if the disease or the treatment results in severe,
7	persistent, and intractable symptoms; or
8	(B) a disease, medical condition, or its treatment that is chronic,
9	debilitating, and produces one or more of the following intractable symptoms:
10	cachexia or wasting syndrome; chronic pain; severe nausea; or seizures; or
11	(C) another disease, condition, or treatment as determined in writing
12	by a qualifying patient's health care professional.
13	(5) "Dispensary" means a nonprofit entity registered under section
14	4474e of this title which that acquires, possesses, cultivates, manufactures,
15	transfers, transports, supplies, sells, or dispenses marijuana, marijuana-infused
16	products, and marijuana-related supplies and educational materials for or to a
17	registered patient who has designated it as his or her center and to his or her
18	registered caregiver for the registered patient's use for symptom relief. A
19	dispensary may provide marijuana for symptom relief to registered patients at
20	only one facility or location, but may have a second location associated with

the dispensary where the marijuana is cultivated or processed. Both locations

1	are considered to be part of the same dispensary. A dispensary may serve
2	patients and caregivers at more than one location, as approved by the
3	Department in accordance with this chapter, and may cultivate and process
4	marijuana at a separate location from where patients and caregivers are served.
5	All locations shall be considered part of the same dispensary operation under
6	one registration.
7	* * *
8	(10) "Possession limit" means the amount of marijuana collectively
9	possessed between the registered patient and the patient's registered caregiver
10	which that is no more than two mature marijuana plants, seven immature
11	plants, and two three ounces of usable marijuana.
12	* * *
13	Sec. 2. 18 V.S.A. § 4473 is amended to read:
14	§ 4473. REGISTERED PATIENTS; QUALIFICATION STANDARDS AND
15	PROCEDURES
16	* * *
17	(b) The Department of Public Safety shall review applications to become a
18	registered patient using the following procedures:
19	* * *

1	(2) The Department of Public Safety shall develop a medical
2	verification form to be completed by a health care professional and submitted
3	by a patient applying for registration in the program. The form shall include:
4	* * *
5	(B) A verification sheet which that includes the following:
6	(i) A statement that a bona fide health care professional-patient
7	relationship exists under section 4472 of this title, or that under subdivision
8	(3)(A) of this subsection (b), the debilitating medical condition is of recent or
9	sudden onset, and the patient has not had a previous health care professional
10	who is able to verify the nature of the disease and its symptoms.
11	(ii) A statement that reasonable medical efforts have been made
12	over a reasonable amount of time without success to relieve the symptoms.
13	[Repealed.]
14	(iii) A statement that the patient has a debilitating medical
15	condition as defined in section 4472 of this title, including the specific disease
16	or condition which the patient has and whether the patient meets the criteria
17	under section 4472.
18	(iv) A signature line which provides in substantial part: "I certify
19	that I meet the definition of 'health care professional' under 18 V.S.A. § 4472
20	that I am a health care professional in good standing in the State of

	, and that the facts stated above are accurate to the best of
m	y knowledge and belief."
	(v) The health care professional's contact information, license

- number, category of his or her health care profession as defined in subdivision 4472(6) of this title, and contact information for the out-of-state licensing agency, if applicable. The Department of Public Safety shall adopt rules for verifying the goodstanding of out-of-state health care professionals.
- (3)(A) The Department of Public Safety shall transmit the completed medical verification form to the health care professional and contact him or her for purposes of confirming the accuracy of the information contained in the form. The Department may approve an application, notwithstanding the sixmonth three-month requirement in section 4472 of this title, if the Department is satisfied that the medical verification form confirms that the debilitating medical condition is of recent or sudden onset, and that the patient has not had a previous health care professional who is able to verify the nature of the disease and its symptoms.
- (B) If the health care professional is licensed in another state as provided section 4472 of this title, the Department shall verify that the health care professional is in good standing in that state.

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1	Sec. 3. 18 V.S.A. § 4474e is amended to read:
2	§ 4474e. DISPENSARIES; CONDITIONS OF OPERATION
3	(a) A dispensary registered under this section may:
4	* * *
5	(5) Advertise under the following conditions:
6	(A) Advertising shall not contain any statement or illustration that:
7	(i) is false or misleading;
8	(ii) promotes overconsumption; or
9	(iii) is designed to appeal to children or persons under 21 years
10	of age.
11	(B) Outdoor advertising shall not be located within 1,000 feet of a
12	preexisting public or private school or licensed or regulated child care facility.
13	(C) All advertising shall contain the following warnings:
14	(i) "For use only by adults 21 years of age or older. Keep out of
15	the reach of children."
16	(ii) "Marijuana has intoxicating effects and may impair
17	concentration, coordination, and judgment. Do not operate a motor vehicle or
18	heavy machinery or enter into any contractual agreement under the influence
19	of marijuana."

(b)(1) A dispensary shall be operated on a nonprofit basis for the mutual benefit of its patients but need not be recognized as a tax-exempt organization by the Internal Revenue Service.

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

* *

(d)(1) A dispensary shall implement appropriate security measures to deter and prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana and shall ensure that each location has an operational security alarm system. All cultivation of marijuana shall take place in an enclosed, locked facility which is either indoors or otherwise outdoors, but not visible to the public, and which can only be accessed by principal officers and employees of the dispensary who have valid registry Registry identification cards. The Department of Public Safety shall perform an annual on-site assessment of each dispensary and may perform on-site assessments of a dispensary without limitation for the purpose of determining compliance with this subchapter and any rules adopted pursuant to this subchapter and may enter a dispensary at any time for such purpose. During an inspection, the Department may review the dispensary's confidential records, including its dispensing records, which shall track transactions according to registered

1	patients' registry Registry identification numbers to protect their
2	confidentiality.
3	* * *
4	(k)(1) No dispensary, principal officer, board member, or employee of a
5	dispensary shall:
6	* * *
7	(C) dispense more than two three ounces of usable marijuana to a
8	registered patient directly or through the qualifying patient's registered
9	caregiver during a 30-day period;
10	* * *
11	Sec. 4. 18 V.S.A. § 4474f is amended to read:
12	§ 4474f. DISPENSARY APPLICATION, APPROVAL, AND
13	REGISTRATION
14	* * *
15	(b) Within 30 days of the adoption of rules, the Department shall begin
16	accepting applications for the operation of dispensaries. Within 365 days of
17	the effective date of this section, the Department shall grant registration
18	certificates to four dispensaries, provided at least four applicants apply and
19	meet the requirements of this section. No more than four dispensaries shall
20	hold valid registration certificates at one time provided there are less than
21	4,000 patients on the Registry who have designated a dispensary. If the

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2	4,000, the Department shall accept applications for an additional two
3	dispensaries, bringing the total number of dispensaries to six. Any time a
4	dispensary registration certificate is revoked, is relinquished, or expires, the
5	Department shall accept applications for a new dispensary. If at any time after
6	one year after the effective date of this section fewer than four the statutorily
7	allowed number of dispensaries hold valid registration certificates in Vermont,
8	the Department of Public Safety shall accept applications for a 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

registered patient who wishes to change his or her dispensary shall notify the

Department of Public Safety in writing on a form issued by the Department

and shall submit with the form a fee of \$25.00. The 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

number of patients on the Registry who have designated a dispensary exceeds

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. 18 V.S.A. § 4474n is added to read:
7	§ 4474n. TESTING; AGENCY OF AGRICULTURE, FOOD AND
8	<u>MARKETS</u>
9	The Agency of Agriculture, Food and Markets shall conduct periodic
10	analytical sample testing of marijuana-infused edible or potable products sold
11	by a dispensary to ensure appropriate labeling of the tetrahydrocannabinol
12	content as required by subdivision 4474e(h)(2) of this chapter.
13	Sec. 7. AUTHORITY FOR CURRENTLY REGISTERED NONPROFIT
14	DISPENSARY TO CONVERT TO FOR-PROFIT ENTITY
15	(a) Notwithstanding any rule to the contrary, a nonprofit dispensary
16	registered pursuant to 18 V.S.A. chapter 86 may convert to a domestic
17	organization pursuant to and in accordance with 11A V.S.A. chapter 11 as if
18	the dispensary were a domestic corporation, except that the dispensary may
19	approve a conversion pursuant to 11A V.S.A. § 11.04 by a majority vote of its
20	board of directors and may otherwise disregard any provision of 11A V.S.A.
21	chapter 11 that relates to shareholders.

1	(b) Notwithstanding 18 V.S.A. § 4474e or any rule to the contrary, the
2	converted domestic organization may continue to operate on a for-profit basis
3	in accordance with the terms of its registration, 18 V.S.A. chapter 86, and any
4	rules adopted pursuant to that chapter.
5	Sec. 8. 26 V.S.A. § 1400 is amended to read:
6	§ 1400. RENEWAL OF LICENSE; CONTINUING MEDICAL
7	EDUCATION
8	* * *
9	(b) A licensee for renewal of an active license to practice medicine shall
10	have completed continuing medical education which shall meet minimum
11	criteria as established by rule, by the board Board, by August 31, 2012 and
12	which shall be in effect for the renewal of licenses to practice medicine
13	expiring after August 31, 2014. The board Board shall require a minimum of
14	10 hours of continuing medical education by rule. The training provided by
15	the continuing medical education shall be designed to assure ensure that the
16	licensee has updated his or her knowledge and skills in his or her own
17	specialties and also has kept abreast of advances in other fields for which
18	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 ensure fully informed patient

choice of treatment options, including treatments such as those offered by

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1	hospice, palliative care, and pain management services, and one hour
2	specifically devoted to the Medical Marijuana Registry.
3	* * *
4	Sec. 9. 6 V.S.A. chapter 5 is amended to read:
5	CHAPTER 5. CENTRAL TESTING LABORATORY
6	§ 121. CREATION AND PURPOSE
7	There is created within the Agency of Agriculture, Food and Markets a
8	central testing laboratory for the purpose of providing agricultural-and,
9	environmental, and other necessary testing services.
10	§ 122. FEES
11	Notwithstanding 32 V.S.A. § 603, the Agency shall establish fees for
12	providing agricultural and, environmental, and other necessary testing services
13	at the request of private individuals and State agencies. The fees shall be
14	reasonably related to the cost of providing the services. Fees collected under
15	this chapter shall be credited to a special fund which shall be established and
16	managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and which shall be
17	available to the Agency to offset the cost of providing the services.
18	§ 123. REGULATED DRUGS
19	(a) Except as provided in subsection (b) of this section, the provisions of
20	18 V.S.A. chapter 84 shall not apply to the Secretary or designee in the

1	otherwise lawful performance of his or her official duties requiring the
2	possession or control of regulated drugs.
3	(b) The central testing laboratory shall obtain a certificate of approval from
4	the Department of Health pursuant to 18 V.S.A. § 4207.
5	(c) As used in this section, "regulated drug" shall have the same meaning
6	as in 18 V.S.A. § 4201.
7	Sec. 10. EFFECTIVE DATE
8	This act shall take effect on July 1, 2017.