

1 S.16

2 Introduced by Senators Sears, Ashe, Benning, Campion, Degree, Lyons, and

3 White

4 Referred to Committee on Judiciary

5 Date: January 12, 2017

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 list of qualifying medical conditions;
11 increase the number of dispensaries from four to eight; allow dispensaries to
12 advertise; allow a patient to possess up to three ounces of marijuana; clarify
13 that a dispensary may cultivate marijuana outdoors provided the marijuana is
14 in an enclosed, locked facility shielded from public view; allow a patient or
15 caregiver to cultivate marijuana even if the patient has designated a dispensary;
16 allow a dispensary to convert to a for-profit; require continuing medical
17 education to include training on the Medical Marijuana Registry; require the
18 Agency of Agriculture, Food and Markets to independently test marijuana-
19 infused edible or potable products sold by a dispensary to ensure appropriate
20 labeling of the tetrahydrocannabinol content.

1 An act relating to expanding patient access to the Medical Marijuana
2 Registry

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

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

5 § 4472. DEFINITIONS

6 As used in this subchapter:

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

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

13 (i) a patient has been diagnosed with:

14 (I) a terminal illness;

15 (II) cancer;

16 (III) acquired immune deficiency syndrome; or

17 (IV) is currently under hospice care.

18 (ii) a patient had been diagnosed with a debilitating medical
19 condition by a health care professional in another jurisdiction in which the
20 patient had been formerly a resident and the patient, now a resident of
21 Vermont, has the diagnosis confirmed by a health care professional in this

22 State or a neighboring state as provided in subdivision (6) of this section, and

1 ~~the new health care professional has completed a full assessment of the~~
2 patient's medical history and current medical condition, including a personal
3 physical examination.

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

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

14 * * *

15 (4) "Debilitating medical condition," ~~provided that, in the context of the~~
16 ~~specific disease or condition described in subdivision (A) or (B) of this~~
17 ~~subdivision (4), reasonable medical efforts have been made over a reasonable~~
18 ~~amount of time to relieve the symptoms,~~ means:

19 (A) cancer, multiple sclerosis, positive status for human
20 immunodeficiency virus, acquired immune deficiency syndrome, glaucoma,
21 ~~post-traumatic stress disorder, Crohn's disease, Parkinson's disease, or the~~

1 ~~treatment of these conditions, if the disease or the treatment results in severe,~~
2 persistent, and intractable symptoms; or

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

6 (C) other disease, condition, or treatment as determined in writing by
7 a qualifying patient's health care professional.

8 (5) "Dispensary" means a nonprofit entity registered under section
9 4474e of this title ~~which~~ that acquires, possesses, cultivates, manufactures,
10 transfers, transports, supplies, sells, or dispenses marijuana, marijuana-infused
11 products, and marijuana-related supplies and educational materials for or to a
12 registered patient who has designated it as his or her center and to his or her
13 registered caregiver for the registered patient's use for symptom relief. A
14 dispensary may provide marijuana for symptom relief to registered patients at
15 only one facility or location, but may have a second location associated with
16 the dispensary where the marijuana is cultivated or processed. Both locations
17 are considered to be part of the same dispensary.

18 * * *

19 (10) "Possession limit" means the amount of marijuana collectively
20 possessed between the registered patient and the patient's registered caregiver
21 ~~which~~ that is no more than two mature marijuana plants, seven immature

1 ~~plants, and two three ounces of usable marijuana~~

2 * * *

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

4 § 4473. REGISTERED PATIENTS; QUALIFICATION STANDARDS AND
5 PROCEDURES

6 * * *

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

9 * * *

10 (2) The Department of Public Safety shall develop a medical
11 verification form to be completed by a health care professional and submitted
12 by a patient applying for registration in the program. The form shall include:

13 * * *

14 (B) A verification sheet ~~which~~ that includes the following:

15 (i) A statement that a bona fide health care professional-patient
16 relationship exists under section 4472 of this title, or that under subdivision
17 (3)(A) of this subsection (b), the debilitating medical condition is of recent or
18 sudden onset, and the patient has not had a previous health care professional
19 who is able to verify the nature of the disease and its symptoms.

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

1 ~~[Repealed]~~

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

6 (iv) A signature line which provides in substantial part: "I certify
7 that I meet the definition of 'health care professional' under 18 V.S.A. § 4472,
8 that I am a health care professional in good standing in the State of
9 , and that the facts stated above are accurate to the best of
10 my knowledge and belief."

11 (v) The health care professional's contact information, license
12 number, category of his or her health care profession as defined in subdivision
13 4472(6) of this title, and contact information for the out-of-state licensing
14 agency, if applicable. The Department of Public Safety shall adopt rules for
15 verifying the goodstanding of out-of-state health care professionals.

16 (3)(A) The Department of Public Safety shall transmit the completed
17 medical verification form to the health care professional and contact him or
18 her for purposes of confirming the accuracy of the information contained in
19 the form. The Department may approve an application, notwithstanding the
20 ~~six-month~~ three-month requirement in section 4472 of this title, if the

21 ~~Department is satisfied that the medical verification form confirms that the~~

1 ~~debilitating medical condition is of recent or sudden onset, and that the patient~~
2 ~~has not had a previous health care professional who is able to verify the nature~~
3 ~~of the disease and its symptoms.~~

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

7 * * *

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

9 § 4474e. DISPENSARIES; CONDITIONS OF OPERATION

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

11 * * *

12 (5) Advertise under the following conditions:

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

14 (i) is false or misleading;

15 (ii) promotes overconsumption; or

16 (iii) is designed to appeal to children or persons under 21 years
17 of age.

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

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

21 (i) For use only by adults 21 years of age or older. Keep out of

1 ~~the reach of children.”~~

2 (ii) “Marijuana has intoxicating effects and may impair
3 concentration, coordination, and judgment. Do not operate a motor vehicle or
4 heavy machinery or enter into any contractual agreement under the influence
5 of marijuana.”

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

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

11 * * *

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

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

7 * * *

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

10 * * *

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

14 * * *

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

16 § 4474f. DISPENSARY APPLICATION, APPROVAL, AND
17 REGISTRATION

18 * * *

19 (b) ~~Within 30 days of the adoption of rules, the Department shall begin~~
20 ~~accepting applications for the operation of dispensaries. Within 365 days of~~
21 ~~the effective date of this section, the Department shall grant registration~~

1 ~~certificates to four dispensaries, provided at least four applicants apply and~~
2 ~~meet the requirements of this section. No more than four eight dispensaries~~
3 ~~shall hold valid registration certificates at one time. Any time a dispensary~~
4 ~~registration certificate is revoked, is relinquished, or expires, the Department~~
5 ~~shall accept applications for a new dispensary. If at any time after one year~~
6 ~~after the effective date of this section fewer than four eight dispensaries hold~~
7 ~~valid registration certificates in Vermont, the Department of Public Safety shall~~
8 ~~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~~
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. 18 V.S.A. § 4474n is added to read:

7 § 4474n. TESTING; AGENCY OF AGRICULTURE, FOOD

8 MARKETS

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~~ that 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
19 of current professional competence in recognizing the need for timely
20 appropriate consultations and referrals to ~~assure~~ ensure fully informed patient
21 ~~choice of treatment options, including treatments such as those offered by~~

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
21 otherwise lawful performance of his or her official duties requiring the

1 ~~possession or control of regulated drugs.~~

2 ~~(b) The central testing laboratory shall obtain a certificate of approval from~~
3 ~~the Department of Health pursuant to 18 V.S.A. § 4207.~~

4 ~~(c) As used in this section, “regulated drug” shall have the same meaning~~
5 ~~as in 18 V.S.A. § 4201.~~

6 Sec. 10. EFFECTIVE DATE

7 ~~This act shall take effect on July 1, 2017.~~

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

~~§ 4472. DEFINITIONS~~

~~As used in this subchapter:~~

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

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

~~(i) *a patient has been diagnosed with:*~~

~~(I) *a terminal illness;*~~

~~(II) *cancer; or*~~

~~(III) *acquired immune deficiency syndrome; or*~~

~~(IV) *is currently under hospice care.*~~

~~(ii) *a patient is currently under hospice care.*~~

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

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

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

~~***~~

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

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

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

~~(5) "Dispensary" means a nonprofit entity registered under section 4474e of this title which that acquires, possesses, cultivates, manufactures, transfers, transports, supplies, sells, or dispenses 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 center and to his or her registered caregiver for the registered patient's use for symptom relief. A dispensary may provide marijuana for symptom relief to registered patients at only one facility or location, but may have a second location associated with the dispensary where the marijuana is cultivated or processed. Both locations are considered to be part of the same dispensary.~~

~~***~~

~~(10) "Ounce" means 28.35 grams.~~

~~(11) "Possession limit" means the amount of marijuana collectively possessed between the registered patient and the patient's registered caregiver which that is no more than two mature marijuana plants, seven immature~~

~~plants, and two three ounces of usable marijuana.~~

~~(11)(12) "Registered caregiver" means a person who is at least 21 years 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.~~

~~(12)(13) "Registered patient" means a resident of Vermont who has been issued a registration card by the Department of Public Safety, identifying the person as having a debilitating medical condition pursuant to the provisions of this subchapter. "Resident of Vermont" means a person whose domicile is Vermont.~~

~~(13)(14) "Secure indoor facility" means a building or room equipped with locks or other security devices that permit access only by a registered caregiver, registered patient, or a principal officer or employee of a dispensary.~~

~~(14)(15) "Transport" means the movement of marijuana and marijuana-infused products from registered growing locations to their associated dispensaries, between dispensaries, to registered patients and registered caregivers in accordance with delivery protocols, or as otherwise allowed under this subchapter.~~

~~(15)(16) "Usable marijuana" means the dried leaves and flowers of marijuana, and any mixture or preparation thereof, and does not include the seeds, stalks, and roots of the plant.~~

~~(16)(17) "Use for symptom relief" means the acquisition, possession, cultivation, use, transfer, or transportation of marijuana, or of paraphernalia relating to the administration of marijuana to alleviate the symptoms or effects of a registered patient's debilitating medical condition which that is in compliance with all the limitations and restrictions of this subchapter.~~

~~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:~~

~~(1) A patient with a debilitating medical condition shall submit a signed application for registration to the Department. A patient's initial application to the registry shall be notarized, but subsequent renewals shall not require notarization. If the patient is under 18 years of age, the application must be~~

~~igned by both the patient and a parent or guardian. The application shall require identification and contact information for the patient and the patient's registered caregiver applying for authorization under section 4474 of this title, if any, and the patient's designated dispensary under section 4474e of this title, if any. The applicant shall attach to the application a medical verification form developed by the Department pursuant to subdivision (2) of this subsection.~~

~~(2) The Department of Public Safety shall develop a medical verification form to be completed by a health care professional and submitted by a patient applying for registration in the program. The form shall include:~~

~~(A) A cover sheet which that includes the following:~~

~~(i) A statement of the penalties for providing false information.~~

~~(ii) Definitions of the following statutory terms:~~

~~(I) "Bona fide health care professional-patient relationship" as defined in section 4472 of this title.~~

~~(II) "Debilitating medical condition" as defined in section 4472 of this title.~~

~~(III) "Health care professional" as defined in section 4472 of this title.~~

~~(iii) A statement that the medical verification form is not considered a prescription and that the only purpose of the medical verification form is to confirm that the applicant patient has a debilitating medical condition.~~

~~(B) A verification sheet which that includes the following:~~

~~(i) A statement that a bona fide health care professional-patient relationship exists under section 4472 of this title, or that, under subdivision (3)(A) of this subsection (b), the debilitating medical condition is of recent or sudden onset, and the patient has not had a previous health care professional who is able to verify the nature of the disease and its symptoms.~~

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

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

~~(iv) A signature line which that provides in substantial part: “I certify that I meet the definition of ‘health care professional’ under 18 V.S.A. § 4472, 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 my 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 good standing of out-of-state health care professionals.~~

~~(vi) A statement that the medical verification form is not considered a prescription and that the only purpose of the medical verification form is to confirm that the applicant patient has a debilitating medical condition.~~

~~(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 ~~six-month~~ 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.~~

~~***~~

~~Sec. 3. 18 V.S.A. § 4474(c)(1) is amended to read:~~

~~(c)(1) Except as provided in subdivision (2) of this subsection, a registered caregiver may serve only one registered patient at a time, and a registered patient may have only one registered caregiver at a time. A registered patient may serve as a registered caregiver for one other registered patient.~~

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

~~§ 4474e. DISPENSARIES; CONDITIONS OF OPERATION~~

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

~~***~~

~~(5) Advertise under the following conditions:~~

~~(1) Advertising shall not contain any statement or illustration that:~~

~~(i) is false or misleading;~~

~~(ii) promotes overconsumption; or~~

~~(iii) is designed to appeal to children or persons under 18 years of age by portraying anyone under 18 years of age or objects suggestive of the presence of anyone under 18 years of age, or containing the use of a figure, a symbol, or language that is customarily associated with anyone under 18 years of age.~~

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

~~(C) All advertising shall contain the following warning: "Marijuana has intoxicating effects and may impair concentration, coordination, and judgment. Do not operate a motor vehicle or heavy machinery or enter into any contractual agreement under the influence 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 patients' registry Registry identification numbers to protect their confidentiality.~~

~~(b)(1) No dispensary, or principal officer, board member, or employee of a dispensary shall:~~

~~* * *~~

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

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

~~§ 4474f. DISPENSARY APPLICATION, APPROVAL, AND
REGISTRATION~~

~~* * *~~

~~(b) Within 30 days of the adoption of rules, the Department shall begin accepting applications for the operation of dispensaries. Within 365 days of the effective date of this section, the Department shall grant registration certificates to four dispensaries, provided at least four applicants apply and meet the requirements of this section. No more than four eight dispensaries shall hold valid registration certificates at one time. Any time a dispensary registration certificate is revoked, is relinquished, or expires, the Department shall accept applications for a new dispensary. If at any time after one year after the effective date of this section fewer than four eight dispensaries hold valid registration certificates in Vermont, the Department of Public Safety shall accept applications for a new dispensary.~~

~~* * *~~

~~Sec. 5a. DEPARTMENT OF PUBLIC SAFETY~~

~~The Department of Public Safety shall begin to accept applications for the additional four dispensaries on July 1, 2017.~~

~~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 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~~

~~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 within 30 days of expiration. A registered patient shall not change his or her designated dispensary more than once in any 30-day period.~~

~~***~~

~~Sec. 7. 18 V.S.A. § 4474n is added to read:~~

~~§ 4474n. TESTING; AGENCY OF AGRICULTURE, FOOD AND MARKETS~~

~~The Agency of Agriculture, Food and Markets shall conduct periodic analytical sample testing of marijuana-infused edible or potable products sold by a dispensary to ensure appropriate labeling of the tetrahydrocannabinol content as required by subdivision 4474e(h)(2) of this chapter.~~

~~Sec. 8. 6 V.S.A. chapter 5 is amended to read:~~

~~CHAPTER 5. CENTRAL TESTING LABORATORY~~

~~§ 121. CREATION AND PURPOSE~~

~~There is created within the Agency of Agriculture, Food and Markets a central testing laboratory for the purpose of providing agricultural ~~and~~, environmental, and other necessary testing services.~~

~~§ 122. FEES~~

~~Notwithstanding 32 V.S.A. § 603, the Agency shall establish fees for providing agricultural ~~and~~, environmental, and other necessary testing services at the request of private individuals and State agencies. The fees shall be reasonably related to the cost of providing the services. Fees collected under this chapter shall be credited to a special fund which shall be established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and which shall be available to the Agency to offset the cost of providing the services.~~

~~§ 123. REGULATED DRUGS~~

~~(a) Except as provided in subsection (b) of this section, the provisions of 18 V.S.A. chapter 84 shall not apply to the Secretary or designee in the otherwise lawful performance of his or her official duties requiring the possession or control of regulated drugs.~~

~~(b) The central testing laboratory shall obtain a certificate of approval from the Department of Health pursuant to 18 V.S.A. § 4207.~~

~~(c) As used in this section, "regulated drug" shall have the same meaning as in 18 V.S.A. § 4201.~~

~~Sec. 9. AUTHORITY FOR CURRENTLY REGISTERED DISPENSARY
ORGANIZED AS A NONPROFIT CORPORATION TO CONVERT
TO FOR-PROFIT ENTITY.~~

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

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

Sec. 10. EFFECTIVE DATES

(a) Sec. 9 shall take effect on passage.

~~(b) The remaining sections of this act shall take effect on July 1, 2017.~~

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

§ 4472. DEFINITIONS

As used in this subchapter:

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

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

(i) a patient has been diagnosed with:

(I) a terminal illness;

(II) cancer; or

(III) acquired immune deficiency syndrome; ~~or~~

(IV) ~~is currently under hospice care.~~

(ii) a patient is currently under hospice care;

~~(iii) a patient had been diagnosed with a debilitating medical condition by a health care professional in another jurisdiction in which the~~

patient had been formerly a resident and the patient, now a resident of Vermont, has the diagnosis confirmed by a health care professional in this State or a neighboring state as provided in subdivision (6) of this section, and the new health care professional has completed a full assessment of the patient's medical history and current medical condition, including a personal physical examination;

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

(v) a patient is referred by his or her health care professional to another health care professional who has completed advanced education and clinical training in specific debilitating medical conditions, and that health care professional conducts a full assessment of the patient's medical history and current medical condition, including a personal physical examination; or

(vi) a patient's debilitating medical condition is of recent or sudden onset.

* * *

(4) "Debilitating medical condition," provided that, in the context of the specific disease or condition described in subdivision (A) or (B) of this subdivision (4), reasonable medical efforts have been made over a reasonable amount of time to relieve the symptoms, means:

(A) cancer, multiple sclerosis, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, glaucoma, Crohn's disease, Parkinson's disease, or the treatment of these conditions, if the disease or the treatment results in severe, persistent, and intractable symptoms; or

(B) post-traumatic stress disorder, provided the Department confirms the applicant is undergoing psychotherapy or counseling with a licensed mental health care provider; or

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

(5) "Dispensary" means a ~~nonprofit entity~~ business organization registered under section 4474e of this title ~~which~~ that acquires, possesses, cultivates, manufactures, transfers, transports, supplies, sells, or dispenses 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 center and to his or her registered caregiver for the registered patient's use for symptom relief. A dispensary may provide marijuana for symptom relief to registered patients at only one facility or location, but may have a second location associated with the dispensary where the marijuana is cultivated or processed. Both locations are considered to be part of the same dispensary. A dispensary may serve patients and caregivers at not more than two locations, as approved by the Department in consideration of factors provided in subsection 4474f(e) of this title, and may cultivate and process marijuana at a separate location from where patients and caregivers are served. All locations shall be considered part of the same dispensary operation under one registration.~~

~~(6) "Financier" means a person, other than a financial institution as defined in 8 V.S.A. § 11101, that makes an investment in, or a gift, loan, or other financing to, another person with the expectation of a financial return. If a financier is a business organization, as used in this chapter, the term "financier" includes each owner and principal of that organization.~~

~~(6)(7)(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, 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) This definition includes individuals who are professionally licensed under substantially equivalent provisions in New Hampshire, Massachusetts, or New York.~~

~~(7)(8) "Immature marijuana plant" means a female marijuana plant that has not flowered and which does not have buds that may be observed by visual examination.~~

~~(8)(9) "Marijuana" shall have the same meaning as provided in subdivision 4201(15) of this title.~~

~~(9)(10) "Mature marijuana plant" means a female marijuana plant that has flowered and ~~which~~ that has buds that may be observed by visual examination.~~

~~(11) "Mental health care provider" means a person licensed to practice medicine who specializes in the practice of psychiatry; a psychologist, a psychologist-doctorate, or a psychologist-master as defined in 26 V.S.A. § 3001; a clinical social worker as defined in 26 V.S.A. § 3201; or a clinical mental health counselor as defined in 26 V.S.A. § 3261.~~

~~(12) "Ounce" means 28.35 grams.~~

(13) “Owner” means:

(A) a person that has a direct or beneficial ownership interest of ten percent or more in a business organization, including attribution of the ownership interests of a spouse or domestic partner, parent, spouse’s or domestic partner’s parent, sibling, and children; or

(B) a person that has the power to direct, or cause the direction of, the management and policies of a business organization, including through the ownership of voting securities, by contract, or otherwise.

~~(10)~~(14) “Possession limit” means the amount of marijuana collectively possessed between the registered patient and the patient’s registered caregiver which that is no more than two mature marijuana plants, seven immature plants, and two ounces of usable marijuana.

(15) “Principal” means a person that has the authority to conduct, manage, or supervise the operation of a business organization, and includes the president, vice president, secretary, treasurer, manager, or similar executive officer of a business organization; a director of a business corporation, nonprofit corporation, or mutual benefit enterprise; a member of a nonprofit corporation, cooperative, or member-managed limited liability company; a manager of a manager-managed limited liability company; and a general partner of a partnership, limited partnership, or limited liability partnership.

~~(11)~~(16) “Registered caregiver” means a person who is at least 21 years 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.

~~(12)~~(17) “Registered patient” means a resident of Vermont who has been issued a registration card by the Department of Public Safety, identifying the person as having a debilitating medical condition pursuant to the provisions of this subchapter. “Resident of Vermont” means a person whose domicile is Vermont.

~~(13)~~(18) “Secure indoor facility” means a building or room equipped with locks or other security devices that permit access only by a registered caregiver, or registered patient, or a principal officer or employee of a dispensary.

~~(14)~~(19) “Transport” means the movement of marijuana and marijuana-infused products from registered growing locations to their associated dispensaries, between dispensaries, to registered patients and registered caregivers in accordance with delivery protocols, or as otherwise allowed under this subchapter.

~~(15)~~(20) “Usable marijuana” means the dried leaves and flowers of marijuana, and any mixture or preparation thereof, and does not include the seeds, stalks, and roots of the plant.

~~(16)~~(21) “Use for symptom relief” means the acquisition, possession, cultivation, use, transfer, or transportation of marijuana, or of paraphernalia relating to the administration of marijuana to alleviate the symptoms or effects of a registered patient’s debilitating medical condition ~~which~~ that is in compliance with all the limitations and restrictions of this subchapter.

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:

(1) A patient with a debilitating medical condition shall submit a signed application for registration to the Department. ~~A patient’s initial application to the registry shall be notarized, but subsequent renewals shall not require notarization.~~ If the patient is under 18 years of age, the application must be signed by both the patient and a parent or guardian. The application shall require identification and contact information for the patient and the patient’s registered caregiver applying for authorization under section 4474 of this title, if any, and the patient’s designated dispensary under section 4474e of this title, if any. The applicant shall attach to the application a medical verification form developed by the Department pursuant to subdivision (2) of this subsection.

(2) The Department of Public Safety shall develop a medical verification form to be completed by a health care professional and submitted by a patient applying for registration in the program. The form shall include:

(A) A cover sheet ~~which~~ that includes the following:

(i) A statement of the penalties for providing false information.

(ii) Definitions of the following statutory terms:

(I) “Bona fide health care professional-patient relationship” as defined in section 4472 of this title.

(II) “Debilitating medical condition” as defined in section 4472 of this title.

(III) “Health care professional” as defined in section 4472 of

this title.

(iii) A statement that the medical verification form is not considered a prescription and that the only purpose of the medical verification form is to confirm that the applicant patient has a debilitating medical condition.

(B) A verification sheet ~~which~~ that includes the following:

(i) A statement that a bona fide health care professional-patient relationship exists under section 4472 of this title, or that, under subdivision (3)(A) of this subsection (b), the debilitating medical condition is of recent or sudden onset, ~~and the patient has not had a previous health care professional who is able to verify the nature of the disease and its symptoms.~~

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

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

(iv) A signature line ~~which~~ that provides in substantial part: "I certify that I meet the definition of 'health care professional' under 18 V.S.A. § 4472, 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 my 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.~~

(vi) A statement that the medical verification form is not considered a prescription and that the only purpose of the medical verification form is to confirm that the applicant patient has a debilitating medical condition.

~~(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 six-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.~~

* * *

Sec. 3. 18 V.S.A. § 4474(c)(1) is amended to read:

~~(c)(1) Except as provided in subdivision (2) of this subsection, a registered caregiver may serve only one registered patient at a time, and a registered patient may have only one registered caregiver at a time. A registered patient may serve as a registered caregiver for one other registered patient.~~

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

§ 4474d. LAW ENFORCEMENT VERIFICATION OF INFORMATION;
RULEMAKING

* * *

~~(b) In response to a person-specific or property-specific inquiry by a law enforcement officer or agency made in the course of a bona fide investigation or prosecution, the Department may verify the identities and registered property addresses of the registered patient and the patient's registered caregiver; a dispensary, and the principal officer, the Board members, and an owner; a principal, a financier, and the employees of a dispensary.~~

~~(c) The Department shall maintain a separate secure electronic database accessible to law enforcement personnel 24 hours a day that uses a unique identifier system to allow law enforcement to verify that a person or entity is a registered patient, a registered caregiver, a dispensary, or the principal officer, a board member, an owner, a principal, a financier, or an employee of a dispensary.~~

* * *

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

§ 4474e. DISPENSARIES; CONDITIONS OF OPERATION

* * *

~~(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 a secure, locked facility which is either indoors or otherwise outdoors, but not visible to the public and which that can only be accessed by principal officers and the owners, principals, financiers, and employees of the dispensary who have valid registry identification cards. An outdoor facility is not required to have a roof, provided all other requirements are met. 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 patients' ~~registry~~ Registry identification numbers to protect their confidentiality.

** * **

(f) A person may be denied the right to serve as an owner, a principal officer, board member, financier, or employee of a dispensary because of the person's criminal history record in accordance with section 4474g of this title and rules adopted by the Department of Public Safety pursuant to that section.

(g)(1) A dispensary shall notify the ~~Department of Public Safety~~ within 10 days of when ~~a principal officer, board member, an owner, principal, financier, or employee~~ ceases to be associated with or work at the dispensary. His or her ~~registry~~ Registry identification card shall be deemed null and void, and the person shall be liable for any penalties that may apply.

(2) A dispensary shall notify the ~~Department of Public Safety~~ in writing of the name, address, and date of birth of any proposed new ~~principal officer, board member~~ owner, principal, financier, or employee and shall submit a fee for a new ~~registry~~ Registry identification card before a new ~~principal officer, board member~~ owner, principal, financier, or employee begins his or her official duties related to the dispensary and shall submit a complete set of fingerprints for the each prospective principal officer, board member owner, principal, financier, or employee who is a natural person.

** * **

(k)(1) No dispensary, ~~principal officer, board member~~ or owner, principal,

or financier of a dispensary shall:

* * *

(B) acquire usable marijuana or marijuana plants from any source other than registered dispensary ~~principal officers, board members~~ owners, principals, financiers, or employees who cultivate marijuana in accordance with this subchapter;

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

(D) dispense an amount of usable marijuana to a qualifying patient or a designated caregiver that the ~~principal officer, board member~~ owner, principal, financier, or employee knows would cause the recipient to possess more marijuana than is permitted under this subchapter;

(E) dispense marijuana to a person other than a registered patient who has designated the dispensary to provide for his or her needs or other than the patient's registered caregiver.

(2) A person found to have violated subdivision (1) of this subsection may no longer serve as a ~~principal officer, board member~~ an owner, principal, financier, or employee of any dispensary, and such person's ~~registry~~ Registry identification card shall be immediately revoked by the Department of Public Safety.

(l)(1) A registered dispensary shall not be subject to the following, provided that it is in compliance with this subchapter:

(A) prosecution for the acquisition, possession, cultivation, manufacture, transfer, transport, supply, sale, or dispensing of marijuana, marijuana-infused products, or marijuana-related supplies for symptom relief in accordance with the provisions of this subchapter and any rule adopted by the Department of ~~Public Safety~~ pursuant to this subchapter;

(B) inspection and search, except pursuant to this subchapter or upon a search warrant issued by a court or judicial officer;

(C) seizure of marijuana, marijuana-infused products, and marijuana-related supplies, except upon a valid order issued by a court;

(D) imposition of any penalty or ~~denied~~ denial of any right or privilege, including imposition of a civil penalty or disciplinary action by an occupational or professional licensing board or entity, solely for acting in accordance with this subchapter to assist registered patients or registered caregivers.

~~(2) No principal officer, board member owner, principal, financier, or employee of a dispensary shall be subject to arrest, prosecution, search, seizure, or penalty in any manner or denied denial of any right or privilege, including civil penalty or disciplinary action by an occupational or professional licensing board or entity, solely for working for or with a dispensary to engage in acts permitted by this subchapter.~~

* * *

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

§ 4474f. DISPENSARY APPLICATION, APPROVAL, AND
REGISTRATION

* * *

~~(b)(1) Within 30 days of the adoption of rules, the Department shall begin accepting applications for the operation of dispensaries. Within 365 days of the effective date of this section, the Department shall grant registration certificates to four dispensaries, provided at least four applicants apply and meet the requirements of this section. No Except as provided in subdivision (2) of this subsection, no more than four five dispensaries shall hold valid registration certificates at one time. Any time a dispensary registration certificate is revoked, is relinquished, or expires, the Department shall accept applications for a new dispensary. If at any time after one year after the effective date of this section fewer than four dispensaries hold valid registration certificates in Vermont, the Department of Public Safety shall accept applications for a new dispensary.~~

(2) Once the Registry reaches 7,000 registered patients, the number of dispensary registrations shall expand to six and the Department shall begin accepting applications forthwith.

* * *

(c) Each application for a dispensary registration certificate shall include all of the following:

(1) a nonrefundable application fee in the amount of \$2,500.00 paid to the Department of Public Safety;

(2) the legal name, articles of incorporation, and bylaws of the dispensary and the organizational documents that create the dispensary, govern its operation and internal affairs, and govern relations between and among its owners;

(3) the proposed physical address of the dispensary, if a precise address has been determined or, if not, the general location where it would be located;

(4) a description of the ~~enclosed~~ secure, locked facility where marijuana will be grown, cultivated, harvested, or otherwise prepared for distribution by the dispensary;

(5) the name, address, and date of birth of each ~~principal officer and board member~~ owner, principal, and financier of the dispensary who is a natural person and a complete set of fingerprints for each of them;

(6) proposed security and safety measures, which shall include at least one security alarm system for each location and planned measures to deter and prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana;

(7) proposed procedures to ensure accurate record-keeping.

(d) Any time one or more dispensary registration applications are being considered, the Department of ~~Public Safety~~ shall solicit input from registered patients and registered caregivers.

(e) Each time a dispensary certificate is granted, the decision shall be based on the overall health needs of qualified patients. The following factors shall weigh heavily in the consideration of an application:

(1) geographic convenience to patients from throughout the State of Vermont to a dispensary if the applicant were approved;

(2) the entity's ability to provide an adequate supply to the registered patients in the State;

(3) the entity's ability to demonstrate ~~its board members'~~ that its owners, principals, and financiers have sufficient experience running a ~~nonprofit organization or~~ business;

(4) the comments, if any, of registered patients and registered caregivers regarding which applicant should be granted a registration certificate;

(5) the sufficiency of the applicant's plans for record-keeping, which records shall be considered confidential health care information under Vermont law and are intended to be deemed protected health care information for purposes of the federal Health Insurance Portability and Accountability Act of 1996, as amended;

(6) the sufficiency of the applicant's plans for safety and security, including the proposed location and security devices employed.

(f) The Department of ~~Public Safety~~ may deny an application for a dispensary if it determines that an applicant's criminal history record indicates that the ~~person's~~ association of an owner, principal, or financier with a dispensary would pose a demonstrable threat to public safety.

(g) After a dispensary is approved but before it begins operations, it shall submit the following to the Department:

(1) the legal name and articles of incorporation of the dispensary and the organizational documents that create the dispensary, govern its operation and internal affairs, and govern relations between and among its owners;

(2) the physical address of the dispensary;

(3) the name, address, and date of birth of each ~~principal officer and board member~~ owner, principal, and financier of the dispensary along with a complete set of fingerprints for each;

(4) a registration fee of \$20,000.00 for the first year of operation, and an annual fee of \$25,000.00 in subsequent years.

Sec. 7. 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~~ owner, principal, financier, and employee of a dispensary a ~~registry~~ 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~~ an owner, principal, financier, or employee. A person shall not serve as ~~principal officer, Board member~~ an owner, principal, financier, or employee of a dispensary until that person has received a ~~registry~~ Registry identification card issued under this section. Each card shall specify whether the cardholder is a ~~principal officer, Board member~~ an owner, principal, financier, 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~~ Registry identification card; and

(5) a photograph of the person.

(b) Prior to acting on an application for a ~~registry~~ 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.

(c) When the Department of ~~Public Safety~~ obtains a criminal history record, the Department shall promptly provide a copy of the record to the applicant and to the ~~principal officer and Board~~ owner, principal, or financier of the dispensary if the applicant is to be an employee. The Department shall inform the applicant of the right to appeal the accuracy and completeness of the record pursuant to rules adopted by the Department.

(d) The Department of ~~Public Safety~~ shall comply with all laws regulating the release of criminal history records and the protection of individual privacy. No person shall confirm the existence or nonexistence of criminal history record information to any person who would not be eligible to receive the information pursuant to this subchapter.

(e) The Department of ~~Public Safety~~ shall not issue a ~~registry~~ Registry identification card to any applicant who has been convicted of a drug-related offense or a violent felony or who has a pending charge for such an offense. ~~For purposes of~~ As used in this subchapter, "violent felony" means a listed crime as defined in 13 V.S.A. § 5301(7) or an offense involving sexual exploitation of children in violation of 13 V.S.A. chapter 64.

(f) The Department of ~~Public Safety~~ shall adopt rules for the issuance of a ~~registry~~ Registry identification card and shall set forth standards for determining whether an applicant should be denied a ~~registry~~ Registry identification card because his or her criminal history record indicates that the person's association with a dispensary would pose a demonstrable threat to public safety. The rules shall consider whether a person who has a conviction for an offense not listed in subsection (e) of this section has been rehabilitated. A conviction for an offense not listed in subsection (e) of this section shall not automatically disqualify a person for a ~~registry~~ Registry identification card. A dispensary may deny a person the opportunity to serve as a ~~Board~~ board member or an employee based on his or her criminal history record. An applicant who is denied a ~~registry~~ Registry identification card may appeal the ~~Department of Public Safety's~~ Department's determination in Superior Court in accordance with Rule 75 of the Vermont Rules of Civil Procedure.

(g) A ~~registration~~ Registry identification card of a ~~principal officer, Board member~~ an owner, principal, or financier, or employee shall expire one year after its issuance or upon the expiration of the registered organization's registration certificate, whichever occurs first.

Sec. 8. 18 V.S.A. § 4474h is amended to read:

§ 4474h. PATIENT DESIGNATION OF DISPENSARY

(a) A registered patient or his or her caregiver 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 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 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 within 30 days of expiration. A registered patient shall not change his or her designated dispensary more than once in any 30-day period.

* * *

Sec. 9. 6 V.S.A. chapter 5 is amended to read:

CHAPTER 5. CENTRAL TESTING LABORATORY

§ 121. CREATION AND PURPOSE

There is created within the Agency of Agriculture, Food and Markets a central testing laboratory for the purpose of providing agricultural ~~and~~ environmental, and other necessary testing services.

§ 122. FEES

Notwithstanding 32 V.S.A. § 603, the Agency shall establish fees for providing agricultural ~~and~~ environmental, and other necessary testing services at the request of private individuals and State agencies. The fees shall be reasonably related to the cost of providing the services. Fees collected under this chapter shall be credited to a special fund which shall be established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and which shall be available to the Agency to offset the cost of providing the services.

§ 123. REGULATED DRUGS

(a) Except as provided in subsection (b) of this section, the provisions of 18 V.S.A. chapter 84 shall not apply to the Secretary or designee in the otherwise lawful performance of his or her official duties requiring the possession or control of regulated drugs.

(b) The central testing laboratory shall obtain a certificate of approval from the Department of Health pursuant to 18 V.S.A. § 4207.

(c) As used in this section, "regulated drug" shall have the same meaning as in 18 V.S.A. § 4201.

Sec. 10. MARIJUANA-INFUSED PRODUCT TESTING; REPORT

The General Assembly recognizes the importance of independent testing of marijuana-infused products sold by dispensaries to determine proper labeling of products in compliance with 18 V.S.A. § 4474e. Therefore, the Agency of Agriculture, Food and Markets and the Department of Public Safety, in consultation with registered dispensaries, shall report their recommendations to the Joint Legislative Justice Oversight Committee and the General Assembly no later than October 15, 2017 on the following:

(1) Who should be responsible for testing marijuana-infused products.

(2) The approved methods and frequency of testing.

(3) Estimated costs associated with such testing and how these costs should be funded.

(4) If testing will be done through an independent testing entity, the process by which the State will certify such entities and oversee such testing.

(5) How to implement a weights and measures program for medical marijuana dispensaries.

Sec. 11. AUTHORITY FOR CURRENTLY REGISTERED DISPENSARY ORGANIZED AS A NONPROFIT CORPORATION TO CONVERT TO FOR-PROFIT ENTITY.

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

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

Sec. 12. MEDICAL MARIJUANA REGISTRY; WEB PAGE

The Department of Public Safety and the Agency of Digital Services shall develop an independent web page for the Medical Marijuana Registry, separate from any other registry or program administered by the Department,

that is up-to-date and user-friendly on or before September 30, 2017 and shall report to the General Assembly on activation of the web page at such time.

Sec. 13. DEPARTMENT OF PUBLIC SAFETY

The Department of Public Safety shall begin to accept applications for the additional dispensary on July 1, 2017.

Sec. 14. EFFECTIVE DATES

(a) This section and Secs. 9–13 shall take effect on passage.

(b) The remaining sections of this act shall take effect on July 1, 2017.