

1 S.216

2 Introduced by Senators Sears and Ashe

3 Referred to Committee on Health and Welfare

4 Date: January 3, 2018

5 Subject: Health; therapeutic use of cannabis

6 Statement of purpose of bill as introduced: This bill proposes to move  
7 responsibility for administration of Vermont's Medical Marijuana Registry  
8 from the Department of Public Safety to the Agency of Agriculture, Food and  
9 Markets.

10 An act relating to the administration of Vermont's Medical Marijuana  
11 Registry

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

13 ~~Sec. 1, 18 V.S.A., chapter 86, subchapter 2 is amended to read:~~

14 Subchapter 2. Marijuana for Medical Symptom Use by Persons

15 With Severe Illness

16 § 4472. DEFINITIONS

17 As used in this subchapter:

18 (1) "Agency" means the Agency of Agriculture, Food and Markets.

19 (2)(A) "Bona fide health care professional-patient relationship" means a  
20 ~~treating or consulting relationship of not less than three months' duration, in~~

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

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

5 (i) a patient has been diagnosed with:

6 (I) a terminal illness;

7 (II) cancer; or

8 (III) acquired immune deficiency syndrome;

9 (ii) a patient is currently under hospice care;

10 (iii) a patient had been diagnosed with a debilitating medical

11 condition by a health care professional in another jurisdiction in which the

12 patient had been formerly a resident and the patient, now a resident of

13 Vermont, has the diagnosis confirmed by a health care professional in this

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

15 the new health care professional has completed a full assessment of the

16 patient's medical history and current medical condition, including a personal

17 physical examination;

18 (iv) a patient who is already on the Registry changes health care

19 professionals three months or less prior to the annual renewal of the patient's

20 registration, provided the patient's new health care professional has completed

21 ~~a full assessment of the patient's medical history and current medical~~

1 condition, including a personal physical examination;

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

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

9 ~~(2)~~(3) "Clone" means a plant section from a female marijuana plant not  
10 yet root-bound, growing in a water solution, which is capable of developing  
11 into a new plant.

12 ~~(3)~~(4) "Criminal history record" means all information documenting an  
13 individual's contact with the criminal justice system, including data regarding  
14 identification, arrest or citation, arraignment, judicial disposition, custody, and  
15 supervision.

16 ~~(4)~~(5) "Debilitating medical condition" means:

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

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

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

7           ~~(5)(6) “Dispensary” means a business organization registered under~~  
8 section 4474e of this title that acquires, possesses, cultivates, manufactures,  
9 transfers, transports, supplies, sells, or dispenses marijuana, marijuana-infused  
10 products, and marijuana-related supplies and educational materials for or to a  
11 registered patient who has designated it as his or her center and to his or her  
12 registered caregiver for the registered patient’s use for symptom relief. A  
13 dispensary may serve patients and caregivers at not more than two locations, as  
14 approved by the ~~Department Agency~~ in consideration of factors provided in  
15 subsection 4474f(e) of this title, and may cultivate and process marijuana at a  
16 separate location from where patients and caregivers are served. All locations  
17 shall be considered part of the same dispensary operation under one  
18 registration.

19           ~~(6)(7) “Financier” means a person, other than a financial institution as~~  
20 defined in 8 V.S.A. § 11101, that makes an investment in, or a gift, loan, or  
21 ~~other financing to, another person with the expectation of a financial return. It~~

1 ~~a financier is a business organization, as used in this chapter, the term~~

2 “financier” includes each owner and principal of that organization.

3 ~~(7)(8)(A)~~ “Health care professional” means an individual licensed to  
4 practice medicine under 26 V.S.A. chapter 23 or 33, an individual licensed as a  
5 naturopathic physician under 26 V.S.A. chapter 81, an individual certified as a  
6 physician assistant under 26 V.S.A. chapter 31, or an individual licensed as an  
7 advanced practice registered nurse under 26 V.S.A. chapter 28.

8 (B) This definition includes individuals who are professionally  
9 licensed under substantially equivalent provisions in New Hampshire,  
10 Massachusetts, or New York.

11 ~~(8)(9)~~ “Immature marijuana plant” means a female marijuana plant that  
12 has not flowered and ~~which~~ that does not have buds that may be observed by  
13 visual examination.

14 ~~(9)(10)~~ “Marijuana” shall have the same meaning as provided in  
15 subdivision 4201(15) of this title.

16 ~~(10)(11)~~ “Mature marijuana plant” means a female marijuana plant that  
17 has flowered and that has buds that may be observed by visual examination.

18 ~~(11)(12)~~ “Mental health care provider” means a person licensed to  
19 practice medicine who specializes in the practice of psychiatry; a psychologist,  
20 a psychologist-doctorate, or a psychologist-master as defined in 26 V.S.A.

21 ~~§ 5001, a clinical social worker as defined in 26 V.S.A. § 5201, or a clinical~~

1 ~~mental health counselor as defined in 26 V.S.A. § 3261~~

2 ~~(12)(13)~~ “Ounce” means 28.35 grams.

3 ~~(13)(14)~~ “Owner” means:

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

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

11 ~~(14)(15)~~ “Possession limit” means the amount of marijuana collectively  
12 possessed between the registered patient and the patient’s registered caregiver  
13 that is ~~no~~ not more than two mature marijuana plants, seven immature plants,  
14 and two ounces of usable marijuana.

15 ~~(15)(16)~~ “Principal” means a person that has the authority to conduct,  
16 manage, or supervise the operation of a business organization, and includes the  
17 president, vice president, secretary, treasurer, manager, or similar executive  
18 officer of a business organization; a director of a business corporation,  
19 nonprofit corporation, or mutual benefit enterprise; a member of a nonprofit  
20 corporation, cooperative, or member-managed limited liability company; a  
21 ~~manager of a manager-managed limited liability company, and a general~~

1 ~~partner of a partnership, limited partnership, or limited liability partnership~~

2 ~~(16)(17)~~ “Registered caregiver” means a person who is at least 21 years  
3 of age, has met eligibility requirements as determined by the Department  
4 Agency in accordance with this chapter, and has agreed to undertake  
5 responsibility for managing the well-being of a registered patient with respect  
6 to the use of marijuana for symptom relief.

7 ~~(17)(18)~~ “Registered patient” means a resident of Vermont who has  
8 been issued a registration card by the ~~Department~~ Agency, identifying the  
9 person as having a debilitating medical condition pursuant to the provisions of  
10 this subchapter. “Resident of Vermont” means a person whose domicile is  
11 Vermont.

12 ~~(18)(19)~~ “Secure indoor facility” means a building or room equipped  
13 with locks or other security devices that permit access only by a registered  
14 caregiver or registered patient.

15 ~~(19)(20)~~ “Transport” means the movement of marijuana and marijuana-  
16 infused products from registered growing locations to their associated  
17 dispensaries, between dispensaries, to registered patients and registered  
18 caregivers in accordance with delivery protocols, or as otherwise allowed  
19 under this subchapter.

20 ~~(20)(21)~~ “Usable marijuana” means the dried leaves and flowers of  
21 ~~marijuana, and any mixture or preparation thereof, and does not include the~~

1 ~~seeds, stalks, and roots of the plant~~

2 ~~(21)(22) "Use for symptom relief" means the acquisition, possession,~~  
3 ~~cultivation, use, transfer, or transportation of marijuana or of paraphernalia~~  
4 ~~relating to the administration of marijuana to alleviate the symptoms or effects~~  
5 ~~of a registered patient's debilitating medical condition that is in compliance~~  
6 ~~with all of the limitations and restrictions of this subchapter.~~

7 ~~(23) "VCIC" means the Vermont Crime Information Center.~~

8 § 4473. REGISTERED PATIENTS; QUALIFICATION STANDARDS AND  
9 PROCEDURES

10 (a) To become a registered patient, a person must be diagnosed with a  
11 debilitating medical condition by a health care professional in the course of a  
12 bona fide health care professional-patient relationship.

13 (b) The ~~Department of Public Safety~~ Agency shall review applications to  
14 become a registered patient using the following procedures:

15 (1) A patient with a debilitating medical condition shall submit a signed  
16 application for registration to the ~~Department~~ Agency. If the patient is under  
17 18 years of age, the application must be signed by both the patient and a parent  
18 or guardian. The application shall require identification and contact  
19 information for the patient and the patient's registered caregiver applying for  
20 authorization under section 4474 of this title, if any, and the patient's  
21 ~~designated dispensary under section 4474e of this title, if any. The applicant~~



1 shall attach to the application a medical verification form developed by the  
2 Department Agency pursuant to subdivision (2) of this subsection.

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

6 (A) A cover sheet that includes the following:

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

8 (ii) Definitions of the following statutory terms:

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

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

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

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

19 (B) A verification sheet that includes the following:

20 (i) A statement that a bona fide health care professional-patient  
21 relationship exists under section 4472 of this title or that, under subdivision

1 ~~(3)(A) of this subsection (b), the debilitating medical condition is of recent or~~  
2 sudden onset.

3 (ii) [Repealed.]

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

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

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

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

1 ~~(3)(A) The Department Agency shall transmit the completed medical~~  
2 verification form to the health care professional and contact him or her for  
3 purposes of confirming the accuracy of the information contained in the form.

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

7 (4) The ~~Department~~ Agency shall approve or deny the application for  
8 registration in writing within 30 days from receipt of a completed registration  
9 application. If the application is approved, the ~~Department~~ Agency shall issue  
10 the applicant a registration card, which shall include the registered patient's  
11 name and photograph, the registered patient's designated dispensary, if any,  
12 and a unique identifier for law enforcement verification purposes under section  
13 4474d of this title.

14 (5)(A) ~~A~~ The Review Board is established. The Review Board shall  
15 comprise three members:

- 16 (i) a physician appointed by the Medical Practice Board;
- 17 (ii) a naturopathic physician appointed by the Office of  
18 Professional Regulation; and
- 19 (iii) an advanced practice registered nurse appointed by the Office  
20 of Professional Regulation.

21 ~~(B) The Board shall meet periodically to review studies, data, and~~

1 ~~any other information relevant to the use of marijuana for symptom relief~~

2 The Board may make recommendations to the General Assembly for  
3 adjustments and changes to this chapter.

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

11 (D) If an application under subdivision (1) of this subsection (b) is  
12 denied, within seven days the patient may appeal the denial to the Board.  
13 Review shall be limited to information submitted by the patient under  
14 subdivision (1) of this subsection, and consultation with the patient's treating  
15 health care professional. All records relating to the appeal shall be kept  
16 confidential. An appeal shall be decided by majority vote of the members of  
17 the Board.

18 § 4474. REGISTERED CAREGIVERS; QUALIFICATION STANDARDS  
19 AND PROCEDURES

20 (a) A person may submit a signed application to the Department of Public  
21 ~~Safety Agency~~ to become a registered patient's registered caregiver. The

1 ~~Department Agency shall approve or deny the application in writing within~~  
2 30 days. In accordance with rules adopted pursuant to section 4474d of this  
3 title, the ~~Department Agency~~ shall consider an individual's criminal history  
4 record when making a determination as to whether to approve the application.

5 An applicant shall not be denied solely on the basis of a criminal conviction  
6 that is not listed in subsection 4474g(e) of this title or 13 V.S.A. chapter 28.

7 The ~~Department Agency~~ shall approve a registered caregiver's application and  
8 issue the person an authorization card, including the caregiver's name,  
9 photograph, and a unique identifier, after verifying the person will serve as the  
10 registered caregiver for one registered patient only.

11 (b) Prior to acting on an application, the ~~Department Agency~~ shall obtain  
12 from the Vermont Crime Information Center (VCIC) a Vermont criminal  
13 record, an out-of-state criminal record, and a criminal record from the Federal  
14 Bureau of Investigation for the applicant. Each applicant shall consent to  
15 release of criminal records to the ~~Department Agency~~ on forms developed by  
16 the ~~Center VCIC~~. The ~~Department Agency~~ shall comply with all laws  
17 regulating the release of criminal history records and the protection of  
18 individual privacy. ~~The Vermont Crime Information Center VCIC~~ shall send  
19 to the requester any record received pursuant to this section or inform the  
20 ~~Department of Public Safety Agency~~ that no record exists. If the ~~Department~~  
21 ~~Agency~~ disapproves an application, the ~~Department Agency~~ shall promptly

1 ~~provide a copy of any record of convictions and pending criminal charges to~~  
2 the applicant and shall inform the applicant of the right to appeal the accuracy  
3 and completeness of the record pursuant to rules adopted by the Vermont  
4 ~~Crime Information Center~~ VCIC. No person shall confirm the existence or  
5 nonexistence of criminal record information to any person who would not be  
6 eligible to receive the information pursuant to this subchapter.

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

11 (2) A registered patient who is under 18 years of age may have two  
12 registered caregivers.

13 § 4474a. REGISTRATION; FEES

14 (a) The ~~Department~~ Agency shall collect a fee of \$50.00 for the application  
15 authorized by sections 4473 and 4474 of this title. The fees received by the  
16 ~~Department~~ Agency shall be deposited into a registration fee fund and used to  
17 offset the costs of processing applications under this subchapter.

18 (b) A registration card shall expire one year after the date of issue, with the  
19 option of renewal, provided the patient submits a new application ~~which~~ that is  
20 approved by the ~~Department of Public Safety,~~ Agency pursuant to section  
21 ~~4473 or 4474 of this title, and pays the fee required under subsection (a) of this~~

1 section

2 § 4474b. EXEMPTION FROM CRIMINAL AND CIVIL PENALTIES;  
3 SEIZURE OF PROPERTY

4 (a) A person who has in his or her possession a valid registration card  
5 issued pursuant to this subchapter and who is in compliance with the  
6 requirements of this subchapter, including the possession limits in section 4472  
7 of this title, shall be exempt from arrest or prosecution under subsection  
8 4230(a) of this title and from seizure of marijuana, marijuana-infused  
9 products, and marijuana-related supplies.

10 (b) A health care professional who has participated in a patient's  
11 application process under subdivision 4473(b)(2) of this title shall not be  
12 subject to arrest, prosecution, or disciplinary action under 26 V.S.A.  
13 chapter 23, penalized in any manner, or denied any right or privilege under  
14 State law, except for giving false information, pursuant to subsection 4474c(f)  
15 of this title.

16 (c) No person shall be subject to arrest or prosecution for constructive  
17 possession, conspiracy, or any other offense for simply being in the presence  
18 or vicinity of a registered patient or registered caregiver engaged in use of  
19 marijuana for symptom relief.

20 (d) A law enforcement officer shall not be required to return marijuana,  
21 marijuana-infused products, and marijuana-related supplies seized from a

1 ~~registered patient or registered caregiver. However, if marijuana or marijuana-~~  
2 ~~infused products are seized by a law enforcement officer and if there is a~~  
3 ~~subsequent determination that the patient or caregiver was in compliance with~~  
4 ~~this subchapter, the seized marijuana and marijuana-infused products shall not~~  
5 ~~count toward the possession limits or dispensary allocation set forth in this~~  
6 ~~subchapter for the patient or caregiver.~~

7 (e) A dispensary may donate marijuana, marijuana-infused products, and  
8 marijuana-related supplies to another dispensary in Vermont, provided that no  
9 consideration is paid and that the recipient does not exceed the possession  
10 limits specified in this subchapter.

11 § 4474c. PROHIBITIONS, RESTRICTIONS, AND LIMITATIONS

12 REGARDING THE USE OF MARIJUANA FOR SYMPTOM

13 RELIEF

14 (a) This subchapter shall not exempt any person from arrest or  
15 prosecution for:

16 (1) Being under the influence of marijuana while:

17 (A) operating a motor vehicle, boat, or vessel, or any other vehicle  
18 propelled or drawn by power other than muscular power;

19 (B) in a workplace or place of employment; or

20 (C) operating heavy machinery or handling a dangerous

21 instrumentality.



1           ~~(2) The use or possession of marijuana or marijuana-infused products by~~  
2 a registered patient or the possession of marijuana or marijuana-infused  
3 products by a registered caregiver:

4           ~~(A) for purposes other than symptom relief as permitted by this~~  
5 subchapter; or

6           ~~(B) in a manner that endangers the health or well-being of another~~  
7 person.

8           (3) The smoking of marijuana in any public place, including:

9           (A) a school bus, public bus, or other public vehicle;

10           (B) a workplace or place of employment;

11           (C) any school grounds;

12           (D) any correctional facility; or

13           (E) any public park, public beach, public recreation center, or youth  
14 center.

15           (b) This chapter shall not be construed to require that coverage or  
16 reimbursement for the use of marijuana for symptom relief be provided by:

17           (1) a health insurer as defined by section 9402 of this title, or any  
18 insurance company regulated under Title 8;

19           (2) Medicaid or any other public health care assistance program;

20           (3) an employer; or

21           ~~(4) for purposes of workers' compensation, an employer as defined in~~

1 ~~21 V.S.A. § 601(3)~~

2 (c) A registered patient or registered caregiver who elects to grow  
3 marijuana to be used for symptom relief by the patient may do so only if the  
4 marijuana is cultivated in a single, secure indoor facility.

5 (d) A registered patient or registered caregiver ~~may~~ shall not transport  
6 marijuana in public unless it is secured in a locked container.

7 (e) Within 72 hours after the death of a registered patient, the patient's  
8 registered caregiver shall return to the ~~Department of Public Safety~~ Agency for  
9 disposal any marijuana or marijuana plants in the possession of the patient or  
10 registered caregiver at the time of the patient's death. If the patient did not  
11 have a registered caregiver, the patient's next of kin shall contact the  
12 ~~Department of Public Safety~~ Agency within 72 hours after the patient's death  
13 and shall ask the ~~Department~~ Agency to retrieve such marijuana and marijuana  
14 plants for disposal.

15 (f) Notwithstanding any law to the contrary, a person who knowingly gives  
16 to any law enforcement officer false information to avoid arrest or prosecution,  
17 or to assist another in avoiding arrest or prosecution, shall be imprisoned for  
18 not more than one year or fined not more than \$1,000.00<sub>2</sub> or both. This  
19 penalty shall be in addition to any other penalties that may apply for the  
20 possession or use of marijuana.

21 ~~§ 4474d. LAW ENFORCEMENT VERIFICATION OF INFORMATION,~~

1 RULEMAKING

2 (a) The ~~Department of Public Safety~~ Agency shall maintain and keep  
3 confidential, except as provided in subsection (b) of this section and except for  
4 purposes of a prosecution for false swearing under 13 V.S.A. § 2904, the  
5 records of all persons registered under this subchapter or registered caregivers  
6 in a secure database accessible by authorized ~~Department of Public Safety~~  
7 Agency employees only.

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

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

19 (d) ~~The Department of Public Safety shall implement the requirements of~~  
20 ~~this act within 120 days of its effective date.~~ The ~~Department~~ Agency may  
21 ~~adopt rules under 5 V.S.A. chapter 25 and shall develop forms to implement~~

1 ~~this act subchapter~~

2 (e) The ~~Department~~ Agency shall adopt rules for the issuance of a  
3 caregiver Registry identification card that shall include standards for approval  
4 or denial of an application based on an individual's criminal history record.  
5 The rules shall address whether an applicant who has been convicted of an  
6 offense listed in subsection 4474g(e) of this title or 13 V.S.A. chapter 28 has  
7 been rehabilitated and should be otherwise eligible for a caregiver registry  
8 Registry identification card.

9 (f) The ~~Department~~ Agency shall adopt rules establishing protocols for the  
10 safe delivery of marijuana to patients and caregivers.

11 (g) The ~~Department~~ Agency shall adopt rules for granting a waiver of the  
12 dispensary possession limits in section 4474e of this title upon application of a  
13 dispensary for the purpose of developing and providing a product for symptom  
14 relief to a registered patient who is under 18 years of age who suffers from  
15 seizures.

16 § 4474e. DISPENSARIES; CONDITIONS OF OPERATION

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

18 (1) Acquire, possess, cultivate, manufacture, transfer, transport, supply,  
19 sell, and dispense marijuana, marijuana-infused products, and marijuana-  
20 related supplies and educational materials for or to a registered patient who has  
21 ~~designated it as his or her dispensary and to his or her registered caregiver for~~

1 ~~the registered patient's use for symptom relief~~

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

10 (B) Marijuana-related supplies shall include pipes, vaporizers, and  
11 other items classified as drug paraphernalia under chapter 89 of this title.

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

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

21 ~~to adhere to all possession limits pertaining to cultivation as determined by the~~

1 ~~number of patients designating that dispensary and may not transfer eligibility~~  
2 to another dispensary.

3 (3)(A) Cultivate and possess at any one time up to 28 mature marijuana  
4 plants, 98 immature marijuana plants, and 28 ounces of usable marijuana.

5 However, if a dispensary is designated by more than 14 registered patients, the  
6 dispensary may cultivate and possess at any one time two mature marijuana  
7 plants, seven immature plants, and four ounces of usable marijuana for every  
8 registered patient for which the dispensary serves as the designated dispensary.

9 (B) Notwithstanding subdivision (A) of this subdivision, if a  
10 dispensary is designated by a registered patient under 18 years of age who  
11 qualifies for the ~~registry~~ Registry because of seizures, the dispensary may  
12 apply to the ~~Department~~ Agency for a waiver of the limits in subdivision (A)  
13 of this subdivision (3) if additional capacity is necessary to develop and  
14 provide an adequate supply of a product for symptom relief for the patient.

15 The ~~Department~~ Agency shall have discretion whether to grant a waiver and  
16 limit the possession amounts in excess of subdivision (A) of this subdivision  
17 (3) in accordance with rules adopted pursuant to section 4474d of this title.

18 (4) With approval from the ~~Department~~ Agency and in accordance with  
19 patient delivery protocols set forth in rule, transport and transfer marijuana to a  
20 Vermont postsecondary academic institution for the purpose of research.

21 ~~(b) A dispensary shall have a sliding-scale fee system that takes into~~

1 ~~account a registered patient's ability to pay~~

2 (c) A dispensary shall not be located within 1,000 feet of the property line  
3 of a pre-existing public or private school or licensed or regulated child care  
4 facility.

5 (d)(1) A dispensary shall implement appropriate security measures to deter  
6 and prevent the unauthorized entrance into areas containing marijuana and the  
7 theft of marijuana and shall ensure that each location has an operational  
8 security alarm system. All cultivation of marijuana shall take place in a  
9 secure, locked facility which is either indoors or outdoors, but not visible to  
10 the public and that can only be accessed by the owners, principals, financiers,  
11 and employees of the dispensary who have valid Registry identification cards.  
12 An outdoor facility is not required to have a roof, provided all other  
13 requirements are met. The ~~Department~~ Agency shall perform an annual on-  
14 site assessment of each dispensary and may perform on-site assessments of a  
15 dispensary without limitation for the purpose of determining compliance with  
16 this subchapter and any rules adopted pursuant to this subchapter and may  
17 enter a dispensary at any time for such purpose. During an inspection, the  
18 ~~Department~~ Agency may review the dispensary's confidential records,  
19 including its dispensing records, which shall track transactions according to  
20 registered patients' Registry identification numbers to protect their  
21 ~~confidentiality.~~

1           ~~(2)(A) A registered patient or registered caregiver may obtain marijuana~~  
2 from the dispensary by appointment only.

3           (B) A dispensary may deliver marijuana to a registered patient or  
4 registered caregiver. The marijuana shall be transported in a locked container.

5           (3) The operating documents of a dispensary shall include procedures  
6 for the oversight of the dispensary and procedures to ensure accurate record-  
7 keeping record keeping.

8           (4) A dispensary shall submit the results of a financial audit to the  
9 Department of Public Safety ~~Agency~~ not later than 60 days after the end of  
10 the dispensary's first fiscal year, and every other year thereafter. The audit  
11 shall be conducted by an independent certified public accountant, and the costs  
12 of any such audit shall be borne by the dispensary. The ~~Department~~ Agency  
13 may also periodically require, within its discretion, the audit of a dispensary's  
14 financial records by the ~~Department~~ Agency.

15           (5) A dispensary shall destroy or dispose of marijuana, marijuana-  
16 infused products, clones, seeds, parts of marijuana that are not usable for  
17 symptom relief or are beyond the possession limits provided by this  
18 subchapter, and marijuana-related supplies only in a manner approved by rules  
19 adopted by the ~~Department of Public Safety~~ Agency.

20           (e) A registered patient shall not consume marijuana for symptom relief on  
21 ~~dispensary property.~~



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

5 (g)(1) A dispensary shall notify the ~~Department~~ Agency within 10 days of  
6 when an owner, principal, financier, or employee ceases to be associated with  
7 or work at the dispensary. His or her Registry identification card shall be  
8 deemed null and void, and the person shall be liable for any penalties that may  
9 apply.

10 (2) A dispensary shall notify the ~~Department~~ Agency in writing of the  
11 name, address, and date of birth of any proposed new owner, principal,  
12 financier, or employee and shall submit a fee for a new Registry identification  
13 card before a new owner, principal, financier, or employee begins his or her  
14 official duties related to the dispensary and shall submit a complete set of  
15 fingerprints for each prospective owner, principal, financier, or employee who  
16 is a natural person.

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

19 (1) Identify the particular strain of marijuana. Cannabis strains shall be  
20 either pure breeds or hybrid varieties of cannabis and shall reflect properties of  
21 ~~the plant.~~

1 ~~(2) Identify the amount of tetrahydrocannabinol in each single dose~~

2 marijuana-infused edible or potable product.

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

5 (i) Each dispensary shall develop, implement, and maintain on the  
6 premises employee policies and procedures to address the following  
7 requirements:

8 (1) a job description or employment contract developed for all  
9 employees that includes duties, authority, responsibilities, qualification, and  
10 supervision;

11 (2) training in and adherence to confidentiality laws; and

12 (3) training for employees required by subsection (j) of this section.

13 (j) Each dispensary shall maintain a personnel record for each employee  
14 that includes an application for employment and a record of any disciplinary  
15 action taken. Each dispensary shall provide each employee, at the time of his  
16 or her initial appointment, training in the following:

17 (1) the proper use of security measures and controls that have been  
18 adopted; and

19 (2) specific procedural instructions on how to respond to an emergency,  
20 including robbery or violent incident.

21 ~~(k)(1) No dispensary or owner, principal, or financier of a dispensary shall.~~

1           ~~(A) acquire, possess, cultivate, manufacture, transfer, transport,~~  
2 supply, sell, or dispense marijuana for any purpose except to assist a registered  
3 patient with the use of marijuana for symptom relief directly or through the  
4 qualifying patient's designated caregiver;

5           (B) acquire usable marijuana or marijuana plants from any source  
6 other than registered dispensary owners, principals, financiers, or employees  
7 who cultivate marijuana in accordance with this subchapter;

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

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

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

18           (2) A person found to have violated subdivision (1) of this subsection  
19 may no longer serve as an owner, principal, financier, or employee of any  
20 dispensary, and such person's Registry identification card shall be immediately  
21 ~~revoked by the Department Agency.~~

1           (3) The board of a dispensary shall be required to report to the  
2 Department of Public Safety Agency any information regarding a person who  
3 violates this section.

4           (1)(1) A registered dispensary shall not be subject to the following,  
5 provided that it is in compliance with this subchapter:

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

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

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

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

20           (2) No owner, principal, financier, or employee of a dispensary shall be  
21 subject to arrest, prosecution, search, seizure, or penalty in any manner or

1 ~~denial of any right or privilege, including civil penalty or disciplinary action~~  
2 by an occupational or professional licensing board or entity, solely for working  
3 for or with a dispensary to engage in acts permitted by this subchapter.

4 (m) [Repealed.]

5 (n) Nothing in this subchapter shall prevent a dispensary from acquiring,  
6 possessing, cultivating, manufacturing, transferring, transporting, supplying,  
7 selling, and dispensing hemp and hemp-infused products for symptom relief.

8 "Hemp" shall have the same meaning as provided in 6 V.S.A. § 562. A  
9 dispensary shall not be required to comply with the provisions of 6 V.S.A.  
10 chapter 34.

11 § 4474f. DISPENSARY APPLICATION, APPROVAL, AND  
12 REGISTRATION

13 (a)(1) ~~The Department of Public Safety Agency~~ shall adopt rules on the  
14 following:

15 (A) The form and content of dispensary registration and renewal  
16 applications.

17 (B) Minimum oversight requirements for a dispensary.

18 (C) Minimum record-keeping requirements for a dispensary.

19 (D) Minimum security requirements for a dispensary, which shall  
20 include a fully operational security alarm system. This provision shall apply to  
21 ~~each location where marijuana will be grown, cultivated, harvested, or~~

1 ~~otherwise prepared for distribution by the dispensary or will be distributed by~~  
2 the dispensary.

3 (E) Procedures for suspending or terminating the registration of a  
4 dispensary that violates the provisions of this subchapter or the rules adopted  
5 pursuant to this subchapter.

6 (F) The medium and manner in which a dispensary may notify  
7 registered patients of its services.

8 (G) Procedures to guide reasonable determinations as to whether an  
9 applicant would pose a demonstrable threat to public safety if he or she were  
10 to be associated with a dispensary.

11 (H) Procedures for providing notice to applicants regarding federal  
12 law with respect to marijuana.

13 (2) ~~The Department of Public Safety~~ Agency shall adopt such rules with  
14 the goal of protecting against diversion and theft without imposing an undue  
15 burden on a registered dispensary or compromising the confidentiality of  
16 registered patients and their registered caregivers. Any dispensing records that  
17 a registered dispensary is required to keep shall track transactions according to  
18 registered patients' and registered caregivers' Registry identification numbers,  
19 rather than their names, to protect confidentiality.

20 (b)(1) Except as provided in subdivision (2) of this subsection, ~~no~~ not more  
21 ~~than five dispensaries shall hold valid registration certificates at one time. Any~~

1 ~~time a dispensary registration certificate is revoked, is relinquished, or expires,~~  
2 the ~~Department~~ Agency shall accept applications for a new dispensary.

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

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

8 (1) a nonrefundable application fee in the amount of \$2,500.00 paid to  
9 the ~~Department~~ Agency;

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

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

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

18 (5) the name, address, and date of birth of each owner, principal, and  
19 financier of the dispensary who is a natural person and a complete set of  
20 fingerprints for each of them;

21 ~~(6) proposed security and safety measures, which shall include at least~~

1 ~~one security alarm system for each location and planned measures to deter and~~  
2 prevent the unauthorized entrance into areas containing marijuana and the theft  
3 of marijuana; and

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

6 (d) Any time one or more dispensary registration applications are being  
7 considered, the ~~Department~~ Agency shall solicit input from registered patients  
8 and registered caregivers.

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

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

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

16 (3) the entity's ability to demonstrate that its owners, principals, and  
17 financiers have sufficient experience running a business;

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

20 (5) the sufficiency of the applicant's plans for ~~record-keeping~~, record  
21 keeping, including which records shall be considered confidential health care



1 ~~information under Vermont law and are intended to be deemed protected~~

2 health care information for purposes of the federal Health Insurance Portability  
3 and Accountability Act of 1996, as amended;

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

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

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

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

15 (2) the physical address of the dispensary;

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

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

20 § 4474g. DISPENSARY REGISTRY IDENTIFICATION CARD;

21 ~~CRIMINAL BACKGROUND CHECK~~

1 ~~(a) Except as provided in subsection (b) of this section, the Department~~  
2 ~~Agency shall issue each owner, principal, financier, and employee of a~~  
3 ~~dispensary a Registry identification card or renewal card within 30 days of~~  
4 ~~receipt of the person's name, address, and date of birth and a fee of \$50.00.~~  
5 ~~The fee shall be paid by the dispensary and the cost shall not be passed on to~~  
6 ~~an owner, principal, financier, or employee. A person shall not serve as an~~  
7 ~~owner, principal, financier, or employee of a dispensary until that person has~~  
8 ~~received a Registry identification card issued under this section. Each card~~  
9 ~~shall specify whether the cardholder is an owner, principal, financier, or~~  
10 ~~employee of a dispensary and shall contain the following:~~  
11 ~~(1) the name, address, and date of birth of the person;~~  
12 ~~(2) the legal name of the dispensary with which the person is affiliated;~~  
13 ~~(3) a random identification number that is unique to the person;~~  
14 ~~(4) the date of issuance and the expiration date of the Registry~~  
15 ~~identification card; and~~  
16 ~~(5) a photograph of the person.~~  
17 ~~(b) Prior to acting on an application for a Registry identification card, the~~  
18 ~~Department Agency shall obtain with respect to the applicant a Vermont~~  
19 ~~criminal history record, an out-of-state criminal history record, and a criminal~~  
20 ~~history record from the Federal Bureau of Investigation. Each applicant shall~~  
21 ~~consent to the release of criminal history records to the Department Agency on~~

1 forms developed by the Vermont Crime Information Center VCIC

2 (c) When the Department Agency obtains a criminal history record, the  
3 Department Agency shall promptly provide a copy of the record to the  
4 applicant and to the owner, principal, or financier of the dispensary if the  
5 applicant is to be an employee. The Department Agency shall inform the  
6 applicant of the right to appeal the accuracy and completeness of the record  
7 pursuant to rules adopted by the Department Agency.

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

13 (e) The Department Agency shall not issue a Registry identification card to  
14 any applicant who has been convicted of a drug-related offense or a violent  
15 felony or who has a pending charge for such an offense. As used in this  
16 subchapter, "violent felony" means a listed crime as defined in 13 V.S.A.  
17 § 5301(7) or an offense involving sexual exploitation of children in violation  
18 of 13 V.S.A. chapter 64.

19 (f) The Department Agency shall adopt rules for the issuance of a Registry  
20 identification card and shall set forth standards for determining whether an  
21 applicant should be denied a Registry identification card because his or her

1 ~~criminal history record indicates that the person's association with a dispensary~~  
2 would pose a demonstrable threat to public safety. The rules shall consider  
3 whether a person who has a conviction for an offense not listed in subsection  
4 (e) of this section has been rehabilitated. A conviction for an offense not listed  
5 in subsection (e) of this section shall not automatically disqualify a person for  
6 a Registry identification card. A dispensary may deny a person the  
7 opportunity to serve as a board member or an employee based on his or her  
8 criminal history record. An applicant who is denied a Registry identification  
9 card may appeal the ~~Department's~~ Agency's determination in Superior Court  
10 in accordance with Rule 75 of the Vermont Rules of Civil Procedure.

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

14 § 4474h. PATIENT DESIGNATION OF DISPENSARY

15 (a) A registered patient or his or her caregiver may obtain marijuana only  
16 from the patient's designated dispensary and may designate only one  
17 dispensary. A registered patient who wishes to change his or her dispensary  
18 shall notify the ~~Department~~ Agency in writing on a form issued by the  
19 ~~Department~~ Agency and shall submit with the form a fee of \$25.00. The  
20 ~~Department~~ Agency shall issue a new identification card to the registered  
21 ~~patient within 30 days of receiving the notification of change in dispensary.~~

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

6 (b) The ~~Department of Public Safety~~ Agency shall track the number of  
7 registered patients who have designated each dispensary. The ~~Department~~  
8 Agency shall issue a monthly written statement to the dispensary identifying  
9 the number of registered patients who have designated that dispensary and the  
10 Registry identification numbers of each patient and each patient's designated  
11 caregiver, if any.

12 (c) In addition to the monthly reports, the ~~Department of Public Safety~~  
13 Agency shall provide written notice to a dispensary whenever any of the  
14 following events ~~occurs~~ occur:

15 (1) a qualifying patient designates the dispensary to serve his or her  
16 needs under this subchapter;

17 (2) an existing registered patient revokes the designation of the  
18 dispensary because he or she has designated a different dispensary; or

19 (3) a registered patient who has designated the dispensary loses his or  
20 her status as a registered patient under this subchapter.

21 ~~§ 4474I. CONFIDENTIALITY OF INFORMATION REGARDING~~

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~~DISPENSARIES AND REGISTERED PATIENTS~~

~~The confidentiality provisions in section 4474d of this title shall apply to records of all registered patients and registered caregivers within dispensary records in the Department of Public Safety Agency.~~

~~§ 4474j. ANNUAL REPORT~~

~~(a)(1) There is established the Marijuana for Symptom Relief Oversight Committee. The Committee shall be composed of the following members:~~

~~(A) one registered patient appointed by each dispensary;~~

~~(B) one registered nurse and one registered patient appointed by the Governor;~~

~~(C) one physician appointed by the Vermont Medical Society;~~

~~(D) one member of a local zoning board appointed by the Vermont League of Cities and Towns;~~

~~(E) one representative appointed jointly by the Vermont Sheriffs' Association and the Vermont Association of Chiefs of Police; and~~

~~(F) the Commissioner of Public Safety or his or her designee.~~

~~(2) The Oversight Committee shall meet at least two times per year for the purpose of evaluating and making recommendations to the General Assembly regarding:~~

~~(A) the ability of qualifying patients and registered caregivers in all areas of the State to obtain timely access to marijuana for symptom relief;~~

1 ~~(B) the effectiveness of the registered dispensaries individually and~~  
2 together in serving the needs of qualifying patients and registered caregivers,  
3 including the provision of educational and support services; and

4 ~~(C) sufficiency of the regulatory and security safeguards contained in~~  
5 this subchapter and adopted by the ~~Department of Public Safety~~ Agency to  
6 ensure that access to and use of cultivated marijuana is provided only to  
7 cardholders authorized for such purposes.

8 (b) On or before January 1 of each year, beginning in 2013, the Oversight  
9 Committee shall provide a report on its findings to the ~~Department of Public~~  
10 ~~Safety~~ Agency, the House Committee on Human Services, the Senate  
11 Committee on Health and Welfare, the House and Senate Committees on  
12 Judiciary, and the House and Senate Committees on Government Operations  
13 ~~on its findings~~.

14 § 4474k. FEES; DISPOSITION

15 All fees collected by the ~~Department of Public Safety~~ Agency relating to  
16 dispensaries and pursuant to this subchapter shall be deposited in the  
17 registration fee fund as ~~referenced in~~ under section 4474a of this title.

18 § 4474l. REGULATION BY MUNICIPALITIES

19 Nothing in this subchapter shall be construed to prevent a municipality  
20 from prohibiting the establishment of a dispensary within its boundaries or  
21 ~~from regulating the time, place, and manner of dispensary operation through~~

1 ~~zoning or other local ordinances~~

2 ~~§ 4474m. DEPARTMENT OF PUBLIC SAFETY AGENCY OF~~

3 ~~AGRICULTURE, FOOD AND MARKETS; PROVISION OF~~

4 ~~EDUCATIONAL AND SAFETY INFORMATION~~

5 ~~The Department of Public Safety Agency shall provide educational and~~  
6 ~~safety information developed by the Vermont Department of Health to each~~  
7 ~~registered patient upon registration pursuant to section 4473 of this title, and to~~  
8 ~~each registered caregiver upon registration pursuant to section 4474 of this~~  
9 ~~title.~~

10 ~~Sec. 2. TRANSFER OF POSITIONS; TRANSITIONAL PROVISIONS;~~

11 ~~MEDICAL MARIJUANA REGISTRY~~

12 ~~(a) After March 15, 2019 but not later than July 1, 2019, the Secretary of~~  
13 ~~Administration shall transfer to and place under the supervision of the~~  
14 ~~Secretary of Agriculture, Food and Markets all employees, professional and~~  
15 ~~support staff, consultants, positions, and all balances of all appropriation~~  
16 ~~amounts for personal services and operating expenses for the administration of~~  
17 ~~the Medical Marijuana Registry currently contained in the Department of~~  
18 ~~Public Safety. On or before January 15, 2019, the Secretary of Administration~~  
19 ~~shall provide to the Senate Committees on Judiciary and on Government~~  
20 ~~Operations and the House Committees on Judiciary and on Human Services a~~  
21 ~~plan for transferring the positions and funds.~~



1 ~~(b) On July 1, 2019, individuals and entities regulated under 18 V.S.A.~~  
2 ~~chapter 86, subchapter 2 shall be regulated by the Agency of Agriculture, Food~~  
3 ~~and Markets as provided in Sec. 1 of this act.~~

4 Sec. 3. EFFECTIVE DATES

5 (a) This section and Sec. 2 shall take effect on passage.

6 ~~(b) Sec. 1 shall take effect on July 1, 2019.~~

*Sec. 1. [Deleted.]*

*Sec. 2. 18 V.S.A. § 4230f(f) is amended to read:*

*(f) This section shall not apply to a dispensary that lawfully provides marijuana to a registered patient or caregiver or a registered caregiver who provides marijuana to a registered patient pursuant to chapter 86 of this title.*

*Sec. 3. 18 V.S.A. § 4472 is amended to read:*

*§ 4472. DEFINITIONS*

*\* \* \**

*(4) "Debilitating medical condition" 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;*

*(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: eachexia or wasting syndrome; chronic pain; severe nausea; or seizures~~ another disease, condition, or treatment as determined in writing by a qualifying patient's health care professional as defined in subdivision (7) of this section.*

*\* \* \**

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

*§ 4474c. PROHIBITIONS, RESTRICTIONS, AND LIMITATIONS  
REGARDING THE USE OF MARIJUANA FOR SYMPTOM  
RELIEF*

*\* \* \**

*(c) A registered patient or registered caregiver who elects to grow marijuana to be used for symptom relief by the patient may do so only if the marijuana is cultivated in a single, secure indoor facility. Personal cultivation of marijuana by a patient or caregiver on behalf of a patient only shall occur:*

*(1) on property lawfully in possession of the cultivator or with the written consent of the person in lawful possession of the property; and*

*(2) in an enclosure that is screened from public view and is secure so that access is limited to the cultivator and persons 21 years of age or older who have permission from the cultivator.*

*(d) A registered patient or registered caregiver may not transport marijuana in public unless it is secured in a locked container. [Repealed.]*

*\* \* \**

*(g) The use of marijuana by a registered patient shall not be the sole factor disqualifying the patient from any needed medical procedure or treatment, including organ and tissue transplants.*

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

*§ 4474e. DISPENSARIES; CONDITIONS OF OPERATION*

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

*(1) Acquire, possess, cultivate, manufacture, test, transfer, transport, supply, sell, and dispense 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 dispensary and to his or her registered caregiver for the registered patient's use for symptom relief.*

*\* \* \**

*(3)(A) Cultivate and possess at any one time up to 28 mature marijuana plants, 98 immature marijuana plants, and 28 ounces of usable marijuana. However, if a dispensary is designated by more than 14 registered patients, the dispensary may cultivate and possess at any one time ~~two~~ three mature marijuana plants, seven immature plants, and four ounces of usable marijuana for every registered patient for which the dispensary serves as the designated dispensary.*

\* \* \*

*(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 a secure, locked facility which is either indoors or outdoors, but not visible to the public and that can only be accessed by 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 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 identification numbers to protect their confidentiality.*

*(2)(A) A registered patient or registered caregiver may obtain marijuana from the dispensary by appointment only.*

*(B) A dispensary may deliver marijuana to a registered patient or registered caregiver. The marijuana shall be transported in a locked container.*

*(3) The operating documents of a dispensary shall include procedures for the oversight of the dispensary and procedures to ensure accurate record-keeping.*

*(4) A dispensary shall submit the results of a financial audit to the Department of Public Safety ~~no~~ not later than ~~60~~ 90 days after the end of the dispensary's first fiscal year, and every other year thereafter. The audit shall be conducted by an independent certified public accountant, and the costs of any such audit shall be borne by the dispensary. The Department may also periodically require, within its discretion, the audit of a dispensary's financial records by the Department.*

\* \* \*

*(n) Nothing in this subchapter shall prevent a dispensary from acquiring, possessing, cultivating, manufacturing, testing, transferring, transporting, supplying, selling, and dispensing hemp and hemp-infused products ~~for symptom relief~~. "Hemp" shall have the same meaning as provided in 6 V.S.A. § 562. A dispensary shall not be required to comply with the provisions of 6 V.S.A. chapter 34.*

*Sec. 6. 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 The Department shall issue each owner, principal, financier, and employee of a dispensary a Registry identification card or renewal card within 30 days of after 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 an owner, principal, financier, or employee. A Except as provided by subdivision (b)(2) of this section, a person shall not serve as an owner, principal, financier, or employee of a dispensary until that person has received a Registry identification card issued under this section. Each card shall specify whether the cardholder is 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 identification card; and~~
- ~~(5) a photograph of the person.~~

~~(b)(1) Prior to acting on an application for a Registry identification card, the Department 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.~~

~~(2) Once a Registry card application has been submitted, a person may serve as an owner, principal, financier, or employee of a dispensary pending the background check, provided the person is supervised in his or her duties by someone who is a cardholder. The Department shall issue a temporary permit to the person for this purpose, which shall expire upon the issuance of the Registry card or disqualification of the person in accordance with this section.~~

\* \* \*

Sec. 7. 18 V.S.A. § 4474m is amended to read:

§ 4474m. ~~DEPARTMENT OF PUBLIC SAFETY; PROVISION OF  
EDUCATIONAL AND SAFETY INFORMATION~~

~~The Department of Public Safety shall provide educational and safety information developed by the Vermont Department of Health, in consultation~~

with dispensaries, to each registered patient upon registration pursuant to section 4473 of this title, and to each registered caregiver upon registration pursuant to section 4474 of this title.

Sec. 8. 18 V.S.A. § 4474n is added to read:

§ 4474n. TESTING BY THE AGENCY OF AGRICULTURE, FOOD AND  
MARKETS

The Agency of Agriculture, Food and Markets shall establish a cannabis quality control program for the following purposes:

(1) to develop potency and contaminant testing protocols for hemp, hemp-infused products, marijuana, and marijuana-infused products;

(2) to verify cannabinoid label guarantees of hemp, hemp-infused products, marijuana, and marijuana-infused products;

(3) to test for pesticides, solvents, heavy metals, mycotoxins, and bacterial and fungal contaminants in hemp, hemp-infused products, marijuana, and marijuana-infused products; and

(4) to certify testing laboratories that can offer the services in subdivisions (2) and (3) of this section.

Sec. 9. EFFECTIVE DATES

(a) This section and Secs. 3-8 shall take effect July 1, 2018.

(b) Sec. 2 shall take effect on July 2, 2018.