
MARIJUANA FOR SYMPTOM RELIEF OVERSIGHT COMMITTEE



Title 18 Chapter 86: Therapeutic Use of Cannabis

2017

Annual Report

Submitted Date: January 22, 2018

2017 Annual Report on the Therapeutic Use of Cannabis

I. PREAMBLE

The General Assembly recently passed H.511, an act relating to eliminating penalties for possession of limited amounts of marijuana by adults 21 years of age or older. This Committee respectfully recommends the General Assembly review Title 18 Chapter 86 and consider amendments to remove any undue burdens placed on a person registered a patient that would not be required of a person who is not registered as a patient, and is 21 years of age or older. The Committee will be evaluating H.511 and the impacts to Title 18 Chapter 86 this year. The Committee Chairperson is available to discuss this report and/or any amendments proposed by the General Assembly. The Committee Chairperson may be contact by emailing DPS.MJRegistry@vermont.gov.

II. INTRODUCTION

During the 2011 session, the Legislature amended Title 18 Chapter 86. This amendment included the creation of the Marijuana for Symptom Relief Oversight Committee and requires the Committee to provide an annual report 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.
- (B) The effectiveness of the registered dispensaries individually and together in serving the needs of qualifying patients and registered caregivers, including the provision of educational and support services.
- (C) Sufficiency of the regulatory and security safeguards contained in this subchapter and adopted by the Department of Public Safety to ensure that access to and use of cultivated marijuana is provided only to cardholders authorized for such purposes.

III. ANALYSIS

Pursuant to the annual report requirements contained in Title 18 Chapter 86 the following recommendations are respectfully submitted on behalf of the Marijuana for Symptom Relief Oversight Committee.

- In Act 65 (2017), the General Assembly recognized the importance of independent testing of marijuana-infused products sold by registered dispensaries to determine proper labeling of products in compliance with 18 V.S.A. § 4474e. The Committee supports requiring laboratory sampling and testing of all marijuana products sold at the registered dispensaries.
 - Additionally, the Committee recommends cannabidiol and terpenes be added the labeling requirements contained in 18 V.S.A. § 4474e(h). These compounds are important for registered patients selecting products to relieve their symptoms.
- The Committee proposes requiring registered dispensaries to develop and supply registered patients and caregivers with educational materials in lieu of the material developed by the Vermont Department of Health. The required information should address the following topics: safe storage of marijuana; dosing information for tolerance purposes; all routes of administration; and edible consumption.
- Require the Vermont Department of Health Food and Lodging Program to license and perform sanitary inspections of registered dispensaries who prepare and sell edible marijuana-infused products.
- Edible packaging must: not be attractive to minors; not contain any untruthful or misleading information; protect product from contamination; and contain a label stating, “contains cannabis”.
- Amend the definition of possession limit to three ounces of usable marijuana and allow for a waiver of the maximum amount of marijuana dispensed during a 30-day period with authorization from the patient’s treating or consulting health care professional.

Additionally, the Marijuana for Symptom Relief Oversight Committee requests the following adjustments to the composition of the Marijuana for Symptom Relief Oversight Committee:

1. There has been a request from the jointly appointed representative of the Vermont Sheriffs' Association and the Vermont Association of Chiefs of Police to remove the language below contained in 18 V.S.A § 4474j(a)(1)(E).
 - a. “one representative appointed jointly by the Vermont Sheriffs' Association and the Vermont Association of Chiefs of Police”
2. Amend 18 V.S.A § 4474j(a)(1)(D) to read “one local official appointed by the Vermont League of Cities and Town”.
3. Add two registered caregivers: one registered caregiver assisting a registered patient over 18 years of age, and one registered caregiver assisting a registered patient under 18 years of age.

(A) The ability of qualifying patients and registered caregivers in all areas of the state to obtain timely access to marijuana for symptom relief.

Registered patients and caregivers who utilize one of the registered dispensaries can typically schedule an appointment to occur within 48 – 72 hours. The Committee is looking forward to the increased number of dispensing sites, resulting from the passage of Act 65 (2016).

(B) The effectiveness of the registered dispensaries individually and together in serving the needs of qualifying patients and registered caregivers, including the provision of educational and support services.

The Department of Public Safety has issued four registration certificates, soon to be five, to dispensaries operating throughout the state. Currently, the four registered dispensaries, located in Burlington, Brandon, Brattleboro, and Montpelier, offer a variety of Indica, Sativa and Hybrid strains of marijuana and products for symptom relief. Additional dispensing sites that have been proposed for Bennington, Hartford, Middlebury, and St. Albans. In addition to the traditional dried marijuana flower, dispensaries are offering patients smokeless options such as tinctures, edibles, CO2 oil extracts, teas, salves, transdermal patches, and lozenges.

The Committee recommends relieving the Department from providing educational and safety information developed by Vermont Department of Health to each registered patient and caregiver upon registration, as contained in 18 V.S.A. § 4474m. The Committee advocates transitioning this responsibility from the Department of Public Safety and Vermont Department of Health to the registered dispensaries. The required educational material should include the following topics to effectively serve the needs of registered patients:

- a) Safe storage
- b) Dosing information (tolerance)
- c) Routes of administration
- d) Edibles consumption (start low and go slow).

This recommendation is proposed due to the inadequacy of the educational and safety information developed by the Vermont Department of Health. The current document does not provide practical information suitable for the needs of registered patients and his or her caregiver.

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

The current regulatory and security safeguards contained in statute and rules adopted by the Department of Public Safety have been demonstrated to be largely effective in protecting against diversion and theft without imposing an undue burden on the registered dispensaries or compromising the confidentiality of registered patients and caregivers.

The Committee is proposing the following recommendations and modifications to further improve the sufficiency of the regulatory and security safeguards contained in Title 18 Chapter 86 to ensure access to and use of cultivated marijuana to cardholders:

- 1) Add an exemption from criminal and civil penalties; seizure of property for hospitals and schools administering cannabis oil.
- 2) Amend the statute to address health care professionals, such as Canna Care Docs, whose sole purpose is charging patients a \$210 flat fee¹ for completing the Health Care Professional Verification Form. The Committee is concerned with such practices not meeting the intent of the “bona fide health care professional-patient relationship” as defined in statute.

A graph depicting the growth in the number of registered patients and caregivers has been attached (Attachment A).

¹ Hirschfeld, Peter. “The (Medical Marijuana) Doctor Will See You Now: 'Canna Care' Connects Patients With Pot.” *Vermont Public Radio* 10 Oct. 2017 <http://digital.vpr.net/post/medical-marijuana-doctor-will-see-you-now-canna-care-connects-patients-pot#stream/0>

Vermont Marijuana Registry
Registered Patients and Caregivers Progression Diagram
5313 Registered Patients and 624 Registered Caregivers as of December 18, 2017

