

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 216
3 entitled “An act relating to the administration of Vermont’s Medical Marijuana
4 Registry” respectfully reports that it has considered the same and recommends
5 that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

7 Sec. 1. 18 V.S.A. § 4230e is amended to read:

8 § 4230e. CULTIVATION OF MARIJUANA BY A PERSON 21 YEARS OF
9 AGE OR OLDER

10 (a)(1) Except as otherwise provided in this section, a person 21 years of age
11 or older who cultivates no more than two mature marijuana plants and four
12 immature marijuana plants shall not be penalized or sanctioned in any manner
13 by the State or any of its political subdivisions or denied any right or privilege
14 under State law.

15 (2)(A) Each dwelling unit shall be limited to two mature marijuana
16 plants and four immature marijuana plants regardless of how many persons
17 21 years of age or older reside in the dwelling unit.

18 (B) A person may not cultivate marijuana pursuant to this section if a
19 registered medical marijuana patient or caregiver cultivates marijuana in the
20 same dwelling unit pursuant to chapter 86 of this title.

1 Crohn’s disease, Parkinson’s disease, or the treatment of these conditions, if
2 the disease or the treatment results in severe, persistent, and intractable
3 symptoms;

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

7 (C) ~~a disease or medical condition or its treatment that is chronic,~~
8 ~~debilitating, and produces one or more of the following intractable symptoms:~~
9 ~~eachexia or wasting syndrome; chronic pain; severe nausea; or seizures other~~
10 ~~disease, condition, or treatment as determined in writing by a qualifying~~
11 ~~patient’s health care professional as defined in subdivision (7) of this section.~~

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

13 § 4474c. PROHIBITIONS, RESTRICTIONS, AND LIMITATIONS

14 REGARDING THE USE OF MARIJUANA FOR SYMPTOM

15 RELIEF

16 * * *

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

1 for every registered patient for which the dispensary serves as the designated
2 dispensary.

3 * * *

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

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

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

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

6 (4) A dispensary shall submit the results of a financial audit to the
7 Department of Public Safety no later than **60 90** days after the end of the
8 dispensary's first fiscal year, and every other year thereafter. The audit shall be
9 conducted by an independent certified public accountant, and the costs of any
10 such audit shall be borne by the dispensary. The Department may also
11 periodically require, within its discretion, the audit of a dispensary's financial
12 records by the Department.

13 * * *

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

15 § 4474m. ~~DEPARTMENT OF PUBLIC SAFETY;~~ PROVISION OF
16 EDUCATIONAL AND SAFETY INFORMATION

17 The Department of Public Safety shall provide educational and safety
18 information developed by the Vermont Department of Health, in consultation
19 with dispensaries, to each registered patient upon registration pursuant to
20 section 4473 of this title, and to each registered caregiver upon registration
21 pursuant to section 4474 of this title.

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

2 § 4474n. TESTING BY THE AGENCY OF AGRICULTURE, FOOD AND
3 MARKETS

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

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

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

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

13 (4) to certify testing laboratories **accredited by a third-party** that can
14 offer the services in subdivisions (2) and (3) of this section.

1 Sec. 8. EFFECTIVE DATE

2 (a) Sections 3-8 of this act shall take effect July 1, 2018.

3 (b) Secs. 1 and 2 of this act shall take effect July 2, 2018.

4

5 (Committee vote: _____)

6

7

Senator _____

8

FOR THE COMMITTEE