

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 (C) As used in this section, “dwelling unit” means a building or the
2 part of a building that is used as a primary home, residence, or sleeping place
3 by one or more persons who maintain a household.

4 (3) Any marijuana harvested from the plants allowed pursuant to this
5 subsection shall not count toward the one-ounce possession limit in section
6 4230a of this title provided it is stored in an indoor facility on the property
7 where the marijuana was cultivated and reasonable precautions are taken to
8 prevent unauthorized access to the marijuana.

9 (4) Cultivation in excess of the limits provided in this subsection shall
10 be punished in accordance with section 4230 of this title.

11 * * *

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

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

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

17 § 4472. DEFINITIONS

18 * * *

19 (4) “Debilitating medical condition” means:

20 (A) cancer, multiple sclerosis, positive status for human
21 immunodeficiency virus, acquired immune deficiency syndrome, glaucoma,

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~~ another
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 * * *

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

14 § 4474c. PROHIBITIONS, RESTRICTIONS, AND LIMITATIONS
15 REGARDING THE USE OF MARIJUANA FOR SYMPTOM
16 RELIEF

17 * * *

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

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

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

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

8 * * *

9 (g) The use of marijuana by a registered patient shall not disqualify the
10 patient from any needed medical procedure or treatment, including organ and
11 tissue transplants.

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

13 § 4474e. DISPENSARIES; CONDITIONS OF OPERATION

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

15 (1) Acquire, possess, cultivate, manufacture, **test**, transfer, transport,
16 supply, sell, and dispense marijuana, marijuana-infused products, and
17 marijuana-related supplies and educational materials for or to a registered
18 patient who has designated it as his or her dispensary and to his or her
19 registered caregiver for the registered patient's use for symptom relief.

20 * * *

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

8 * * *

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

1 the dispensary's confidential records, including its dispensing records, which
2 shall track transactions according to registered patients' Registry identification
3 numbers to protect their confidentiality.

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

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

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

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

18 * * *

19 (n) Nothing in this subchapter shall prevent a dispensary from acquiring,
20 possessing, cultivating, manufacturing, testing, transferring, transporting,
21 supplying, selling, and dispensing hemp and hemp-infused products ~~for~~

1 ~~symptom relief.~~ “Hemp” shall have the same meaning as provided in 6 V.S.A.

2 § 562. A dispensary shall not be required to comply with the provisions of

3 6 V.S.A. chapter 34.

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

5 § 4474g. DISPENSARY REGISTRY IDENTIFICATION CARD;

6 CRIMINAL BACKGROUND CHECK

7 (a) ~~Except as provided in subsection (b) of this section, the~~ The Department
8 shall issue each owner, principal, financier, and employee of a dispensary a

9 Registry identification card or renewal card within 30 days ~~of~~ after receipt of

10 the person’s name, address, and date of birth and a fee of \$50.00. The fee shall

11 be paid by the dispensary and the cost shall not be passed on to an owner,

12 principal, financier, or employee. A Except as provided by subdivision (b)(2)

13 of this section, a person shall not serve as an owner, principal, financier, or

14 employee of a dispensary until that person has received a Registry

15 identification card issued under this section. Each card shall specify whether

16 the cardholder is an owner, principal, financier, or employee of a dispensary

17 and shall contain the following:

18 (1) the name, address, and date of birth of the person;

19 (2) the legal name of the dispensary with which the person is affiliated;

20 (3) a random identification number that is unique to the person;

1 (4) the date of issuance and the expiration date of the Registry
2 identification card; and

3 (5) a photograph of the person.

4 (b)(1) Prior to acting on an application for a Registry identification card,
5 the Department shall obtain with respect to the applicant a Vermont criminal
6 history record, an out-of-state criminal history record, and a criminal history
7 record from the Federal Bureau of Investigation. Each applicant shall consent
8 to the release of criminal history records to the Department on forms
9 developed by the Vermont Crime Information Center.

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

16 * * *

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

18 § 4474m. ~~DEPARTMENT OF PUBLIC SAFETY;~~ PROVISION OF
19 EDUCATIONAL AND SAFETY INFORMATION

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

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

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

5 § 4474n. TESTING BY THE AGENCY OF AGRICULTURE, FOOD AND
6 MARKETS

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

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

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

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

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

18 Sec. 9. EFFECTIVE DATES

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

20 (b) Secs. 1 and 2 shall take effect July 2, 2018.

21

1 (Committee vote: _____)

2

3

Senator _____

4

FOR THE COMMITTEE