

1 S.117

2 Introduced by Senators Sears and White

3 Referred to Committee on

4 Date:

5 Subject: Health; therapeutic use of cannabis

6 Statement of purpose of bill as introduced: This bill proposes to eliminate the
7 three-month requirement for a bona fide health care professional-patient
8 relationship; to expand the definition of debilitating medical condition to
9 include any disease, condition, or treatment as determined in writing by a
10 qualifying patient's health care professional; to increase a patient's possession
11 limit from two mature plants to three and from two ounces of useable
12 marijuana to three; to align patient cultivation rules with cultivation rules for
13 nonmedical adult use; to allow patients and caregivers to purchase marijuana
14 and marijuana-infused products from any registered dispensary; and to
15 eliminate the requirement that patients with chronic diseases reapply annually
16 to renew their Registry status.

17 An act relating to the therapeutic use of cannabis

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

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

3 § 4472. DEFINITIONS

4 As used in this subchapter:

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

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

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

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

13 ~~(II) cancer; or~~

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

15 ~~(ii) a patient is currently under hospice care;~~

16 ~~(iii) a patient had been diagnosed with a debilitating medical~~
17 ~~condition by a health care professional in another jurisdiction in which the~~
18 ~~patient had been formerly a resident and the patient, now a resident of~~
19 ~~Vermont, has the diagnosis confirmed by a health care professional in this~~
20 ~~State or a neighboring state as provided in subdivision (6) of this section, and~~
21 ~~the new health care professional has completed a full assessment of the~~

1 ~~patient's medical history and current medical condition, including a personal~~
2 ~~physical examination;~~

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

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

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

15 * * *

16 (4) "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 confirms
2 the applicant is undergoing psychotherapy or counseling with a licensed
3 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 ~~eachexia or wasting syndrome; chronic pain; severe nausea; or seizures~~ another
7 disease, condition, or treatment as determined in writing by a qualifying
8 patient's health care professional.

9 (5) "Dispensary" means a business organization registered under
10 section 4474e of this title that acquires, possesses, cultivates, manufactures,
11 transfers, transports, supplies, sells, or dispenses marijuana, marijuana-infused
12 products, and marijuana-related supplies and educational materials for or to a
13 registered patient ~~who has designated it as his or her center~~ and to his or her
14 registered caregiver for the registered patient's use for symptom relief.

15 A dispensary may serve patients and caregivers at not more than two locations,
16 as approved by the Department in consideration of factors provided in
17 subsection 4474f(e) of this title, and may cultivate and process marijuana at a
18 separate location from where patients and caregivers are served. All locations
19 shall be considered part of the same dispensary operation under one
20 registration.

21 * * *

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

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

9 * * *

10 (11) “Mental health care provider” means a person licensed to practice
11 medicine who specializes in the practice of psychiatry; a psychologist, a
12 psychologist-doctorate, or a psychologist-master as defined in 26 V.S.A.
13 § 3001; a clinical social worker as defined in 26 V.S.A. § 3201; or a clinical
14 mental health counselor as defined in 26 V.S.A. § 3261.

15 * * *

16 (14) “Possession limit” means the amount of marijuana collectively
17 possessed between the registered patient and the patient’s registered caregiver
18 that is no more than ~~two~~ three mature marijuana plants, seven immature plants,
19 and ~~two~~ three ounces of usable marijuana. Any marijuana harvested from the
20 plants shall not count toward the three-ounce possession limit, provided it is
21 stored in an indoor facility on the property where the marijuana was cultivated

1 and reasonable precautions are taken to prevent unauthorized access to the
2 marijuana.

3 * * *

4 (17) "Registered patient" means a ~~resident of Vermont~~ person who has
5 been issued a registration card by the Department, identifying the person as
6 having a debilitating medical condition pursuant to the provisions of this
7 subchapter. ~~"Resident of Vermont" means a person whose domicile is~~
8 ~~Vermont.~~

9 (18) "Secure indoor facility" means a building or room equipped with
10 locks or other security devices that permit access only by a registered caregiver
11 or registered patient.

12 * * *

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

14 § 4473. REGISTERED PATIENTS; QUALIFICATION STANDARDS AND
15 PROCEDURES

16 * * *

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

19 (1) A patient with a debilitating medical condition shall submit a signed
20 application for registration to the Department. If the patient is under 18 years
21 of age, the application must be signed by both the patient and a parent or

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

7 * * *

8 (4) The Department shall approve or deny the application for
9 registration in writing within 30 days from receipt of a completed registration
10 application. If the application is approved, the Department shall issue the
11 applicant a registration card, which shall include the registered patient's name
12 and photograph, ~~the registered patient's designated dispensary, if any,~~ and a
13 unique identifier for law enforcement verification purposes under section
14 4474d of this title.

15 * * *

16 Sec. 3. 18 V.S.A. § 4474a is amended to read:

17 § 4474a. REGISTRATION; FEES

18 (a) The Department shall collect a fee of \$50.00 for the application
19 authorized by sections 4473 and 4474 of this title. The fees received by the
20 Department shall be deposited into a registration fee fund and used to offset the
21 costs of processing applications under this subchapter.

1 (b)(1) ~~A~~ Except as provided in subdivision (2) of this subsection, a
2 registration card shall expire one year after the date of issue, with the option of
3 renewal, provided the patient submits a new application ~~which~~ that is approved
4 by the Department of ~~Public Safety~~, pursuant to section 4473 or 4474 of this
5 title, and pays the fee required under subsection (a) of this section.

6 (2) A patient who has a chronic disease shall not be required to renew
7 his or her application and the patient's registration card shall not expire during
8 the life of the patient unless the patient requests to be removed from the
9 Registry.

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

11 § 4474c. PROHIBITIONS, RESTRICTIONS, AND LIMITATIONS

12 REGARDING THE USE OF MARIJUANA FOR SYMPTOM
13 RELIEF

14 * * *

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

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

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

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

7 (B) Acquire, purchase, or borrow marijuana, marijuana-infused
8 products, or services from another registered Vermont dispensary or give, sell,
9 or lend marijuana, marijuana-infused products, or services to another registered
10 Vermont dispensary, provided that records are kept concerning the product, the
11 amount, and the recipient. ~~Each Vermont dispensary is required to adhere to~~
12 ~~all possession limits pertaining to cultivation as determined by the number of~~
13 ~~patients designating that dispensary and may not transfer eligibility to another~~
14 ~~dispensary.~~

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

1 patient with the use of marijuana for symptom relief directly or through the
2 qualifying patient's designated caregiver;

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

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

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

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

16 * * *

17 Sec. 6. 6 V.S.A. § 567 is amended to read:

18 § 567. AGENCY OF AGRICULTURE, FOOD AND MARKETS; TESTING

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

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

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

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

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

10 (b) For purposes of this section, a laboratory operating under a dispensary
11 registration pursuant to 18 V.S.A. chapter 86 that offers the services in
12 subdivisions (2) and (3) of subsection (a) of this section on July 1, 2019 shall
13 be deemed certified by the Agency.

14 (c) The Department of Public Safety shall be responsible for the cost of a
15 test of a product produced at a registered dispensary.

16 Sec. 7. REPEAL

17 18 V.S.A. § 4474h is repealed.

18 Sec. 8. EFFECTIVE DATE

19 This act shall take effect on July 1, 2019.