

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 512
3 entitled "An act relating to " respectfully reports that it has considered the
4 same and recommends that the Senate propose to the House that the bill be
5 amended by striking out all after the enacting clause and inserting in lieu
6 thereof the following:

7 Sec. 1. 12 V.S.A. § 5 is amended to read:

8 § 5. DISSEMINATION OF ELECTRONIC CASE RECORDS

9 (a) The Court shall not permit public access via the Internet to criminal, ~~or~~
10 family, or probate case records. The Court may permit criminal justice
11 agencies, as defined in 20 V.S.A. § 2056a, Internet access to criminal case
12 records for criminal justice purposes, as defined in section 2056a.

13 * * *

14 Sec. 2. 12 V.S.A. § 5169 is amended to read:

15 § 5169. JUDGMENT FOR PLAINTIFF; COMMISSIONERS; WAIVER

16 (a) When the issue is determined in favor of the plaintiff, or if the person
17 interested defaults, the court shall render judgment that partition be made and
18 appoint three disinterested residents of the county as commissioners. The
19 commissioners shall make partition of the estate and set off each share of the
20 several persons interested, according to their respective titles, and shall award
21 to the plaintiff reasonable costs against the adverse party.

1 (h)(1) In matters relating to a person who was charged with a criminal
2 offense or was the subject of a delinquency petition on or after July 1, 2006,
3 and prior to the person attaining the age of majority, the files and records of the
4 Court applicable to the proceeding shall be sealed immediately if the case is
5 dismissed.

6 * * *

7 Sec. 7. 15 V.S.A. § 752 is amended to read:

8 § 752. MAINTENANCE

9 (a) In an action under this chapter, the court may order either spouse to
10 make maintenance payments, either rehabilitative or ~~permanent~~ long-term in
11 nature, to the other spouse if it finds that the spouse seeking maintenance:

12 (1) lacks sufficient income or property, or both, including property
13 apportioned in accordance with section 751 of this title, to provide for his or
14 her reasonable needs; and

15 (2) is unable to support himself or herself through appropriate
16 employment at the standard of living established during the civil marriage or is
17 the custodian of a child of the parties.

18 (b) The maintenance order shall be in such amounts and for such periods of
19 time as the court deems just, after considering all relevant factors, including:

20 (1) the financial resources of the party seeking maintenance, the
21 property apportioned to the party, the party's ability to meet his or her needs

1 independently, and the extent to which a provision for support of a child living
2 with the party contains a sum for that party as custodian;

3 (2) the time and expense necessary to acquire sufficient education or
4 training to enable the party seeking maintenance to find appropriate
5 employment;

6 (3) the standard of living established during the civil marriage;

7 (4) the duration of the civil marriage;

8 (5) the age and the physical and emotional condition of each spouse;

9 (6) the ability of the spouse from whom maintenance is sought to meet
10 his or her reasonable needs while meeting those of the spouse seeking
11 maintenance;

12 (7) inflation with relation to the cost of living; ~~and~~

13 (8) the impact of both parties reaching the age of eligibility to receive
14 full retirement benefits under Title II of the federal Social Security Act or the
15 parties' actual retirement, including any expected discrepancies in federal
16 Social Security Retirement benefits; and

17 ~~(8)~~(9) the following guidelines:

18	Length of marriage	% of the difference	Duration of alimony award
19		between parties'	as % length of marriage
20		gross incomes	

1	0 to <5 years	0-20 <u>16%</u>	No alimony
2			or short-term alimony
3			up to one year
4	5 to <10 years	15-35 <u>12-29%</u>	20-50% (1-5 yrs)
5	10 to <15 years	20-40 <u>16-33%</u>	40-60% (34 -9 yrs)
6	15 to <20 years	24-45 <u>20-37%</u>	40-70% (6-14 yrs)
7	20+ years	30-50 <u>24-41%</u>	45% (9-20+ yrs)

8 (c)(1) In each order awarding maintenance, the court shall state whether
9 and how maintenance payments will be impacted by the payor either party
10 reaching the age ~~that he or she is eligible~~ of eligibility to receive full retirement
11 benefits under Title II of the federal Social Security Act or the payor's parties'
12 actual retirement will impact payments.

13 (2) Except as provided in subdivision (3) of this subsection,
14 maintenance orders shall end upon the payor reaching the age that he or she is
15 eligible to receive full retirement benefits under Title II of the federal Social
16 Security Act or the actual retirement of the payor, whichever is later, unless the
17 parties agree otherwise or the court finds that justice requires a different
18 termination date based on special circumstances under subsection (b) of this
19 section. The payor's ability to work beyond full retirement shall not of itself be
20 a reason to extend a maintenance award. The payor shall provide the payee at
21 least sixty days' notice in advance of retirement.

1 ~~(3) The court may extend a maintenance award past the payor reaching~~
2 ~~the age that he or she is eligible to receive full retirement benefits under Title II~~
3 ~~of the federal Social Security Act or the actual retirement of the payor up to an~~
4 ~~amount that equalizes the parties' gross benefits under Title II of the federal~~
5 ~~Social Security Act. If the court extends a maintenance award in accordance~~
6 ~~with this subdivision, the requirements of subdivision (2) of this subsection~~
7 ~~shall not apply.~~

8 Sec. 8. Vermont Rule of Criminal Procedure 3(k) is amended to read:

9 (k) Temporary Release. ~~Either a~~ A law enforcement officer arresting a
10 ~~person or the prosecuting attorney~~ shall contact a judicial officer for
11 ~~determination of temporary release pursuant to Rule 5(b) of these rules without~~
12 ~~unnecessary delay. The law enforcement officer or prosecuting attorney shall~~
13 ~~provide the judicial officer with an affidavit or sworn statement as required by~~
14 ~~Rule 4(a) of these rules, and information upon which the determination as to~~
15 ~~temporary release may be made. The affidavit or sworn statement must~~
16 ~~indicate the charge(s) the prosecuting attorney intends to file.~~

17 Sec. 9. 18 V.S.A. § 4472 is amended to read:

18 § 4472. DEFINITIONS

19 As used in this subchapter:

20 (1)~~(A)~~ “Bona fide health care professional-patient relationship” means a
21 ~~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~~

1 a full assessment of the patient's medical history and current medical
2 condition, including a personal physical examination;

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

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

10 * * *

11 (4) "Debilitating medical condition" means:

12 (A) cancer, multiple sclerosis, positive status for human
13 immunodeficiency virus, acquired immune deficiency syndrome, glaucoma,
14 Crohn's disease, Parkinson's disease, or the treatment of these conditions, if
15 the disease or the treatment results in severe, persistent, and intractable
16 symptoms;

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

20 (C) a disease or medical condition or its treatment that is chronic,
21 debilitating, and produces one or more of the following intractable symptoms:

1 ~~eachexia or wasting syndrome; chronic pain; severe nausea; or seizures~~ another
2 disease, condition, or treatment as determined in writing by a qualifying
3 patient's health care professional.

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

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

16 * * *

17 (7)(A) "Health care professional" means an individual licensed to
18 practice medicine under 26 V.S.A. chapter 23 or 33, an individual licensed as a
19 naturopathic physician under 26 V.S.A. chapter 81, an individual certified as a
20 physician assistant under 26 V.S.A. chapter 31, or an individual licensed as an
21 advanced practice registered nurse under 26 V.S.A. chapter 28.

1 (B) This definition includes individuals who are professionally
2 licensed under substantially equivalent provisions in New Hampshire,
3 Massachusetts, or New York.

4 * * *

5 (11) “Mental health care provider” means a person licensed to practice
6 medicine who specializes in the practice of psychiatry; a psychologist, a
7 psychologist-doctorate, or a psychologist-master as defined in 26 V.S.A.
8 § 3001; a clinical social worker as defined in 26 V.S.A. § 3201; or a clinical
9 mental health counselor as defined in 26 V.S.A. § 3261.

10 * * *

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

19 * * *

20 (17) “Registered patient” means a ~~resident of Vermont~~ person who has
21 been issued a registration card by the Department, identifying the person as

1 having a debilitating medical condition pursuant to the provisions of this
2 subchapter. ~~“Resident of Vermont” means a person whose domicile is~~
3 ~~Vermont.~~

4 (18) “Secure indoor facility” means a building or room equipped with
5 locks or other security devices that permit access only by a registered caregiver
6 or registered patient.

7 * * *

8 Sec. 10. 18 V.S.A. § 4473 is amended to read:

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

11 * * *

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

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

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

3 * * *

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

11 * * *

12 Sec. 11. 18 V.S.A. § 4474a is amended to read:

13 § 4474a. REGISTRATION; FEES

14 (a) The Department 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 shall be deposited into a registration fee fund and used to offset the
17 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 patient may renew his or
20 her registration card as follows:

1 (1) A patient may submit a new application which is approved by to the
2 Department of Public Safety, pursuant to section 4473 or 4474 of this title, and
3 pays pay the fee required under subsection (a) of this section.

4 (2) If the medical verification form submitted by a patient pursuant to
5 subdivision 4473(b)(2) of this chapter states that the debilitating medical
6 condition is incurable, a patient who chooses to renew shall not be required to
7 submit a new application but shall be required to pay the fee required under
8 subsection (a) of this section.

9 Sec. 12. DEPARTMENT OF PUBLIC SAFETY

10 The Department of Public Safety shall amend the medical verification form
11 as necessary to implement Sec. 3 of this act.

12 Sec. 13. 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 shall only 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 * * *

7 Sec. 14. 18 V.S.A. § 4474e is amended to read:

8 § 4474e. DISPENSARIES; CONDITIONS OF OPERATION

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

- 10 (1) Acquire, possess, cultivate, manufacture, process, transfer, transport,
- 11 supply, sell, and dispense marijuana, marijuana-infused products, and
- 12 marijuana-related supplies and educational materials for or to a registered
- 13 patient who has designated it as his or her dispensary and to his or her
- 14 registered caregiver for the registered patient's use for symptom relief.

15 (A) Marijuana-infused products shall include tinctures, oils, solvents,

16 and edible or potable goods. Only the portion of any marijuana-infused

17 product that is attributable to marijuana shall count toward the possession

18 limits of the dispensary and the patient. The Department of Public Safety shall

19 establish by rule the appropriate method to establish the weight of marijuana

20 that is attributable to marijuana-infused products. A dispensary shall dispense

1 marijuana-infused products in child-resistant packaging as defined in 7 V.S.A.
2 § 1012.

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

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

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

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

1 plants, seven immature plants, and four ounces of usable marijuana for every
2 registered patient for which the dispensary serves as the designated dispensary.

3 (B) Notwithstanding subdivision (A) of this subdivision, if a
4 dispensary is designated by a registered patient under 18 years of age who
5 qualifies for the registry because of seizures, the dispensary may apply to the
6 Department for a waiver of the limits in subdivision (A) of this subdivision (3)
7 if additional capacity is necessary to develop and provide an adequate supply
8 of a product for symptom relief for the patient. The Department shall have
9 discretion whether to grant a waiver and limit the possession amounts in excess
10 of subdivision (A) of this subdivision (3) in accordance with rules adopted
11 pursuant to section 4474d of this title.

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

15 (5) Acquire, possess, manufacture, process, transfer, transport, market,
16 and test hemp provided by persons registered with the Secretary of
17 Agriculture, Food and Markets under 6 V.S.A. chapter 34 to grow or cultivate
18 hemp.

19 * * *

1 (k)(1) No dispensary or owner, principal, or financier of a dispensary shall:

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

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

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

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

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

19 * * *

20 Sec. 15. 6 V.S.A. § 567 is amended to read:

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

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

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

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

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

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

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

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

18 Sec. 16. REPEAL

19 18 V.S.A. § 4474h is repealed.

1 Sec. 17. 18 V.S.A. § 4474n is added to read:

2 § 4474n. USE OF U.S. FOOD AND DRUG ADMINISTRATION-

3 APPROVED DRUGS CONTAINING ONE OR MORE

4 CANNABINOIDS

5 (a) Upon approval by the U.S. Food and Drug Administration (FDA) of
6 one or more prescription drugs containing one or more cannabinoids, the
7 following activities shall be lawful in Vermont:

8 (1) the clinically appropriate prescription for a patient of an FDA-
9 approved prescription drug containing one or more cannabinoids by a health
10 care provider licensed to prescribe medications in this State and acting within
11 his or her authorized scope of practice;

12 (2) the dispensing, pursuant to a valid prescription, of an FDA-approved
13 prescription drug containing one or more cannabinoids to a patient or a
14 patient's authorized representative by a pharmacist or by another health care
15 provider licensed to dispense medications in this State and acting within his or
16 her authorized scope of practice;

17 (3) the possession and transportation of an FDA-approved prescription
18 drug containing one or more cannabinoids by a patient to whom a valid
19 prescription was issued or by the patient's authorized representative;

20 (4) the possession and transportation of an FDA-approved prescription
21 drug containing one or more cannabinoids by a licensed pharmacy or

1 wholesaler in order to facilitate the appropriate dispensing and use of the drug;

2 and

3 (5) the use of an FDA-approved prescription drug containing one or

4 more cannabinoids by a patient to whom a valid prescription was issued,

5 provided the patient uses the drug only for legitimate medical purposes in

6 conformity with instructions from the prescriber and dispenser.

7 (b) Upon approval by the U.S. Food and Drug Administration of one or

8 more prescription drugs containing one or more cannabinoids, the Department

9 of Health shall amend its rules to conform to the provisions of subsection (a) of

10 this section.

11 **Sec. 18. REPEAL**

12 2017 Act and Resolves No. 62, Sec. 8 (use of U.S. Food and Drug

13 Administration-approved drugs containing cannabidiol) is repealed.

14 **Sec. 19. EFFECTIVE DATE**

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

16

17

18

19

20

21

1 (Committee vote: _____)

2

3

Senator _____

4

FOR THE COMMITTEE