

1 H.612

2 An act relating to miscellaneous cannabis amendments

3 The Senate proposes to the House to amend the bill as follows:

4 First: By striking out Sec. 2, 7 V.S.A. § 861(18), in its entirety and
5 inserting in lieu thereof the following:

6 Sec. 2. [Deleted.]

7 Second: By adding a new section to be Sec. 2a to read as follows:

8 Sec. 2a. 7 V.S.A. § 864 is amended to read:

9 § 864. ADVERTISING

10 * * *

11 (b) A cannabis establishment advertisement shall not contain any statement
12 or illustration that:

13 (1) is deceptive, false, or misleading;

14 (2) promotes overconsumption;

15 (3) represents that the use of cannabis has curative effects;

16 (4) ~~offers a prize, award, or inducement for purchasing cannabis or a~~
17 ~~cannabis product, except that price discounts are allowed;~~ [Repealed.]

18 (5) offers free samples of cannabis or cannabis products;

19 (6) depicts a person under 21 years of age consuming cannabis or
20 cannabis products; or

1 (7) is designed to be or has the effect of being particularly appealing to
2 persons under 21 years of age.

3 * * *

4 Third: In Sec. 4, 7 V.S.A. § 881, in subdivision (a)(5), by striking out
5 subdivision (G) in its entirety and inserting in lieu thereof a new subdivision
6 (G) to read as follows:

7 (G) requirements for a medical-use endorsement, including rules
8 regarding:

9 (i) protection of patient privacy and confidential records;

10 (ii) enhanced training and educational requirements for employees
11 who interact with patients;

12 (iii) segregation of cannabis products that are otherwise prohibited
13 for sale to nonmedical customers pursuant to subdivisions 868(a)(1) and (b)(1)
14 of this title;

15 (iv) record-keeping;

16 (v) delivery;

17 (vi) access for patients under 21 years of age; and

18 (vii) health and safety requirements.

19 Fourth: By adding a new section to be Sec. 7a to read as follows:

20 Sec. 7a. 7 V.S.A. § 952(e) is added to read:

1 (e)(1) A person who is 21 years of age or older who applies to be a
2 registered patient shall provide the Board with a Health Care Professional
3 Verification Form as required pursuant to rules adopted by the Board.

4 (2) A person who is under 21 years of age who applies to be a registered
5 patient shall provide the Board with a Health Care Professional Verification
6 Form from a health care professional who has a treating or consulting
7 relationship of not less than three months' duration with the applicant, in the
8 course of which the health care professional has completed a full assessment of
9 the applicant's medical history and current medical condition, including a
10 personal physical examination. The three-month requirement shall not apply
11 if:

12 (A) an applicant has been diagnosed with:

13 (i) a terminal illness;

14 (ii) cancer; or

15 (iii) acquired immune deficiency syndrome;

16 (B) an applicant is currently under hospice care;

17 (C) an applicant had been diagnosed with a qualifying medical
18 condition by a health care professional in another jurisdiction in which the
19 applicant had been formerly a resident and the patient, now a resident of
20 Vermont, has the diagnosis confirmed by a health care professional in this
21 State or a neighboring state as permitted by subdivision 951(5)(B) of this title,

1 and the new health care professional has completed a full assessment of the
2 patient's medical history and current medical condition, including a personal
3 physical examination;

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

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

14 (F) an applicant's qualifying medical condition is of recent or sudden
15 onset.

16 Fifth: By adding a new section to be Sec. 11a to read as follows:

17 Sec. 11a. CANNABIS CONTROL BOARD REPORTING; MEDICAL
18 CANNABIS REGISTRY

19 (a) The Cannabis Control Board shall work in consultation with the
20 Vermont Department of Health, the Vermont Medical Society, the Green
21 Mountain Patients' Alliance, the Cannabis Retailers Association of Vermont,

1 and other interested parties to assess the efficacy of the Medical Cannabis
2 Program in serving registered and prospective patients. The assessment shall
3 include recommendations regarding:

4 (1) improvements to the process of evaluating and approving new
5 qualifying conditions;

6 (2) improvements to how the use of cannabis is communicated to
7 patients and patients' providers; and

8 (3) appropriate regulations regarding electronic or battery-powered
9 devices that contain or are designed to deliver cannabis into the body through
10 the inhalation of vapor.

11 (b) The Board shall provide recommendations regarding the Medical
12 Cannabis Registry to the Senate Committee on Health and Welfare and the
13 House Committee on Human Services on or before November 15, 2024.

14 Sixth: In Sec. 12, 20 V.S.A. § 2730(b), by striking out subdivision (5) in its
15 entirety and inserting in lieu thereof a new subdivision (5) to read as follows:

16 (5) A building that is used in the outdoor cultivation of cannabis by a
17 person licensed pursuant to 7 V.S.A. chapter 33 in accordance with such
18 chapter and related rules with fewer than the equivalent of 10 full-time
19 employees who are not family members and who do not work more than
20 26 weeks a year.

1 (f) Notwithstanding subsection (a) of this section, a cultivator licensed
2 under this chapter who initiates cultivation of cannabis outdoors on a parcel of
3 land shall:

4 (1) be regulated in the same manner as “farming” and not as
5 “development” on the tract of land where cultivation occurs for the purposes of
6 permitting under 10 V.S.A. chapter 151;

7 (2) not be regulated by a municipal bylaw adopted under 24 V.S.A.
8 chapter 117 in the same manner that Required Agricultural Practices are not
9 regulated by a municipal bylaw under 24 V.S.A. § 4413(d)(1)(A), except that
10 there shall be the following minimum setback distance between the cannabis
11 plant canopy and a property boundary or edge of a highway:

12 (i) if the cultivation occurs in a cannabis cultivation district
13 adopted by a municipality pursuant to 24 V.S.A. § 4414a, the setback shall be
14 not larger than 25 feet as established by the municipality;

15 (ii) if the cultivation occurs outside of a cannabis cultivation
16 district adopted by a municipality pursuant to 24 V.S.A. § 4414a or no
17 cannabis cultivation district has been adopted by the municipality, the setback
18 shall be not larger than 50 feet as established by the municipality; and

19 (iii) if a municipality does not have zoning, the setback shall be 10
20 feet;

1 (3) be eligible to enroll in the Use Value Appraisal Program under
2 32 V.S.A. chapter 124 for the cultivation of cannabis;
3 (4) be exempt under 32 V.S.A. § 9741(3), (25), and (50) from the tax on
4 retail sales imposed under 32 V.S.A. § 9771; and
5 (5) be entitled to the rebuttable presumption that cultivation does not
6 constitute a nuisance under 12 V.S.A. chapter 195 in the same manner as
7 “agricultural activities” are entitled to the rebuttable presumption, provided
8 that, notwithstanding 12 V.S.A. § 5753(a)(1)(A), the cultivation is complying
9 with subsections (b) and (d) of this section.

10 Sec. 17. 24 V.S.A. § 4414a is added to read:

11 § 4414a. CANNABIS CULTIVATION DISTRICT

12 A municipality, after consultation with the municipal cannabis control
13 commission, if one exists, may adopt a bylaw identifying cannabis cultivation
14 districts where the outdoor cultivation of cannabis is preferred within the
15 municipality. Cultivation of cannabis within a cannabis cultivation district
16 shall be presumed not to result in an undue effect on the character of the area
17 affected. The adoption of a cannabis cultivation district shall not have the
18 effect of prohibiting cultivation of outdoor cannabis in the municipality.

1 Sec. 18. CANNABIS CONTROL BOARD REPORT; SITING OF
2 OUTDOOR CANNABIS CULTIVATION

3 (a) On or before December 15, 2024, the Cannabis Control Board shall
4 submit to the Senate Committees on Government Operations and on Economic
5 Development, Housing and General Affairs and the House Committees on
6 Government Operations and Military Affairs and on Commerce and Economic
7 Development a report regarding the siting and licensing of outdoor cannabis
8 cultivation. The report shall:

9 (1) summarize the current impact of outdoor cultivation on local
10 municipalities;

11 (2) summarize the impact of establishing various siting requirements to
12 existing licensed outdoor cultivators;

13 (3) address whether and how to authorize municipalities to establish
14 local cultivation districts;

15 (4) address whether and how outdoor cultivation of cannabis should be
16 entitled to the rebuttable presumption that cultivation does not constitute a
17 nuisance under 12 V.S.A. chapter 195; and

18 (5) recommend whether local cannabis control commissions established
19 pursuant to 7 V.S.A. chapter 33 should be granted additional authority to
20 regulate outdoor cannabis cultivators.

1 (b) The Cannabis Control Board shall consult with the Vermont League of
2 Cities and Towns, the Cannabis Equity Coalition, the Vermont Medical
3 Society, the Cannabis Retailers Association of Vermont, and other interested
4 stakeholders in developing the report required under subsection (a) of this
5 section.

6 (c) As part of the report required under subsection (a) of this section, the
7 Cannabis Control Board shall address the impact of modifying the law
8 governing cannabis advertising.

9 Sec. 19. EFFECTIVE DATES

10 This act shall take effect on passage, except that:

11 (1) Sec. 6, 7 V.S.A. § 910, shall take effect on July 1, 2025; and

12 (2) Sec. 16 (setbacks for cannabis cultivation) shall take effect on
13 January 1, 2025.