

1 H.489

2 Introduced by Representatives Emmons of Springfield, Grad of Moretown,
3 and Shaw of Pittsford

4 Referred to Committee on

5 Date:

6 Subject: Health; therapeutic use of cannabis

7 Statement of purpose of bill as introduced: This bill proposes to waive the
8 three-month patient-health care professional relationship requirement when the
9 patient is referred to a specialist who completes a full examination and signs
10 the medical verification form; expand the list of qualifying medical conditions;
11 increase the number of dispensaries from four to six once the number of
12 registered patients who have designated a dispensary reaches 4,000; allow
13 dispensaries to serve patients and caregivers at more than one location; allow
14 dispensaries to advertise; allow a patient to possess up to three ounces of
15 marijuana; clarify that a dispensary may cultivate marijuana outdoors,
16 provided the marijuana is in an enclosed, locked facility shielded from public
17 view; allow a patient or caregiver to cultivate marijuana even if the patient has
18 designated a dispensary; allow a dispensary to convert to a for-profit; require
19 continuing medical education to include training on the Medical Marijuana
20 Registry; require the Agency of Agriculture, Food and Markets to test

1 independently marijuana-infused edible or potable products sold by a
2 dispensary to ensure appropriate labeling of the tetrahydrocannabinol content.

3 An act relating to expanding patient access to the Medical Marijuana
4 Registry

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

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

7 § 4472. DEFINITIONS

8 As used in this subchapter:

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

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

15 (i) a patient has been diagnosed with:

16 (I) a terminal illness;

17 (II) cancer;

18 (III) acquired immune deficiency syndrome; or

19 (IV) is currently under hospice care;

1 ~~subdivision (4), reasonable medical efforts have been made over a reasonable~~
2 ~~amount of time to relieve the symptoms, means:~~

3 (A) cancer, multiple sclerosis, positive status for human
4 immunodeficiency virus, acquired immune deficiency syndrome, glaucoma,
5 post-traumatic stress disorder, Crohn's disease, Parkinson's disease, or the
6 treatment of these conditions, if the disease or the treatment results in severe,
7 persistent, and intractable symptoms; ~~or~~

8 (B) a disease, medical condition, or its treatment that is chronic,
9 debilitating, and produces one or more of the following intractable symptoms:
10 cachexia or wasting syndrome; chronic pain; severe nausea; or seizures; or

11 (C) another disease, condition, or treatment as determined in writing
12 by a qualifying patient's health care professional.

13 (5) "Dispensary" means a nonprofit entity registered under section
14 4474e of this title ~~which~~ that acquires, possesses, cultivates, manufactures,
15 transfers, transports, supplies, sells, or dispenses marijuana, marijuana-infused
16 products, and marijuana-related supplies and educational materials for or to a
17 registered patient who has designated it as his or her center and to his or her
18 registered caregiver for the registered patient's use for symptom relief. A
19 ~~dispensary may provide marijuana for symptom relief to registered patients at~~
20 ~~only one facility or location, but may have a second location associated with~~
21 ~~the dispensary where the marijuana is cultivated or processed. Both locations~~

1 ~~are considered to be part of the same dispensary.~~ A dispensary may serve
2 patients and caregivers at more than one location, as approved by the
3 Department in accordance with this chapter, and may cultivate and process
4 marijuana at a separate location from where patients and caregivers are served.
5 All locations shall be considered part of the same dispensary operation under
6 one registration.

7 * * *

8 (10) "Possession limit" means the amount of marijuana collectively
9 possessed between the registered patient and the patient's registered caregiver
10 ~~which~~ that is no more than two mature marijuana plants, seven immature
11 plants, and ~~two~~ three ounces of usable marijuana.

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 , and that the facts stated above are accurate to the best of
2 my knowledge and belief.”

3 (v) The health care professional’s contact information, license
4 number, category of his or her health care profession as defined in subdivision
5 4472(6) of this title, and contact information for the out-of-state licensing
6 agency, if applicable. The Department of Public Safety shall adopt rules for
7 verifying the goodstanding of out-of-state health care professionals.

8 (3)(A) The Department of Public Safety shall transmit the completed
9 medical verification form to the health care professional and contact him or her
10 for purposes of confirming the accuracy of the information contained in the
11 form. The Department may approve an application, notwithstanding the ~~six-~~
12 ~~month~~ three-month requirement in section 4472 of this title, if the Department
13 is satisfied that the medical verification form confirms that the debilitating
14 medical condition is of recent or sudden onset, ~~and that the patient has not had~~
15 ~~a previous health care professional who is able to verify the nature of the~~
16 ~~disease and its symptoms.~~

17 (B) If the health care professional is licensed in another state as
18 provided section 4472 of this title, the Department shall verify that the health
19 care professional is in good standing in that state.

20 * * *

1 Sec. 3. 18 V.S.A. § 4474e is amended to read:

2 § 4474e. DISPENSARIES; CONDITIONS OF OPERATION

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

4 * * *

5 (5) Advertise under the following conditions:

6 (A) Advertising shall not contain any statement or illustration that:

7 (i) is false or misleading;

8 (ii) promotes overconsumption; or

9 (iii) is designed to appeal to children or persons under 21 years
10 of age.

11 (B) Outdoor advertising shall not be located within 1,000 feet of a
12 preexisting public or private school or licensed or regulated child care facility.

13 (C) All advertising shall contain the following warnings:

14 (i) “For use only by adults 21 years of age or older. Keep out of
15 the reach of children.”

16 (ii) “Marijuana has intoxicating effects and may impair
17 concentration, coordination, and judgment. Do not operate a motor vehicle or
18 heavy machinery or enter into any contractual agreement under the influence
19 of marijuana.”

1 patients' ~~registry~~ Registry identification numbers to protect their
2 confidentiality.

3 * * *

4 (k)(1) No dispensary, principal officer, board member, or employee of a
5 dispensary shall:

6 * * *

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

10 * * *

11 Sec. 4. 18 V.S.A. § 4474f is amended to read:

12 § 4474f. DISPENSARY APPLICATION, APPROVAL, AND
13 REGISTRATION

14 * * *

15 (b) ~~Within 30 days of the adoption of rules, the Department shall begin~~
16 ~~accepting applications for the operation of dispensaries. Within 365 days of~~
17 ~~the effective date of this section, the Department shall grant registration~~
18 ~~certificates to four dispensaries, provided at least four applicants apply and~~
19 ~~meet the requirements of this section.~~ No more than four dispensaries shall
20 hold valid registration certificates at one time provided there are less than
21 4,000 patients on the Registry who have designated a dispensary. If the

1 number of patients on the Registry who have designated a dispensary exceeds
2 4,000, the Department shall accept applications for an additional two
3 dispensaries, bringing the total number of dispensaries to six. Any time a
4 dispensary registration certificate is revoked, is relinquished, or expires, the
5 Department shall accept applications for a new dispensary. ~~If at any time after~~
6 ~~one year after the effective date of this section~~ fewer than ~~four~~ the statutorily
7 allowed number of dispensaries hold valid registration certificates in Vermont,
8 the Department of ~~Public Safety~~ shall accept applications for a new dispensary.

9 * * *

10 Sec. 5. 18 V.S.A. § 4474h is amended to read:

11 § 4474h. PATIENT DESIGNATION OF DISPENSARY

12 (a) A registered patient may obtain marijuana only from the patient's
13 designated dispensary and may designate only one dispensary. ~~If a registered~~
14 ~~patient designates a dispensary, the patient and his or her caregiver may not~~
15 ~~grow marijuana or obtain marijuana or marijuana-infused products for~~
16 ~~symptom relief from any source other than the designated dispensary.~~ A
17 registered patient who wishes to change his or her dispensary shall notify the
18 Department of Public Safety in writing on a form issued by the Department
19 and shall submit with the form a fee of \$25.00. The Department shall issue a
20 new identification card to the registered patient within 30 days of receiving the
21 notification of change in dispensary. The registered patient's previous

1 identification card shall expire at the time the new identification card takes
2 effect. A registered patient shall submit his or her expired identification card
3 to the Department within 30 days of expiration. A registered patient shall not
4 change his or her designated dispensary more than once in any 30-day period.

5 * * *

6 Sec. 6. 18 V.S.A. § 4474n is added to read:

7 § 4474n. TESTING; AGENCY OF AGRICULTURE, FOOD AND
8 MARKETS

9 The Agency of Agriculture, Food and Markets shall conduct periodic
10 analytical sample testing of marijuana-infused edible or potable products sold
11 by a dispensary to ensure appropriate labeling of the tetrahydrocannabinol
12 content as required by subdivision 4474e(h)(2) of this chapter.

13 Sec. 7. AUTHORITY FOR CURRENTLY REGISTERED NONPROFIT
14 DISPENSARY TO CONVERT TO FOR-PROFIT ENTITY

15 (a) Notwithstanding any rule to the contrary, a nonprofit dispensary
16 registered pursuant to 18 V.S.A. chapter 86 may convert to a domestic
17 organization pursuant to and in accordance with 11A V.S.A. chapter 11 as if
18 the dispensary were a domestic corporation, except that the dispensary may
19 approve a conversion pursuant to 11A V.S.A. § 11.04 by a majority vote of its
20 board of directors and may otherwise disregard any provision of 11A V.S.A.
21 chapter 11 that relates to shareholders.

1 hospice, palliative care, and pain management services, and one hour
2 specifically devoted to the Medical Marijuana Registry.

3 * * *

4 Sec. 9. 6 V.S.A. chapter 5 is amended to read:

5 CHAPTER 5. CENTRAL TESTING LABORATORY

6 § 121. CREATION AND PURPOSE

7 There is created within the Agency of Agriculture, Food and Markets a
8 central testing laboratory for the purpose of providing agricultural ~~and,~~
9 environmental, and other necessary testing services.

10 § 122. FEES

11 Notwithstanding 32 V.S.A. § 603, the Agency shall establish fees for
12 providing agricultural ~~and,~~ environmental, and other necessary testing services
13 at the request of private individuals and State agencies. The fees shall be
14 reasonably related to the cost of providing the services. Fees collected under
15 this chapter shall be credited to a special fund which shall be established and
16 managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and which shall be
17 available to the Agency to offset the cost of providing the services.

18 § 123. REGULATED DRUGS

19 (a) Except as provided in subsection (b) of this section, the provisions of
20 18 V.S.A. chapter 84 shall not apply to the Secretary or designee in the

1 otherwise lawful performance of his or her official duties requiring the
2 possession or control of regulated drugs.

3 (b) The central testing laboratory shall obtain a certificate of approval from
4 the Department of Health pursuant to 18 V.S.A. § 4207.

5 (c) As used in this section, “regulated drug” shall have the same meaning
6 as in 18 V.S.A. § 4201.

7 Sec. 10. EFFECTIVE DATE

8 This act shall take effect on July 1, 2017.