

1 S.186

2 Introduced by Senator Sears

3 Referred to Committee on

4 Date:

5 Subject: Cannabis; Medical Cannabis Registry

6 Statement of purpose of bill as introduced: This bill proposes to delay the
7 implementation of the new medical cannabis statutes from March 1, 2022 to
8 July 1, 2022; eliminate the requirement that a patient diagnosed with PTSD be
9 engaged with psychotherapy or counseling with a licensed mental health care
10 provider to qualify for the Registry; increase the number of cannabis plants a
11 registered patient or the patient's caregiver may cultivate; eliminate the
12 requirement that caregivers be fingerprinted and have a criminal history record
13 check, but require that the Board check the caregivers' names against the Child
14 Protection Registry maintained by the Department for Children and Families
15 and from the Vulnerable Adult Abuse, Neglect, and Exploitation Registry
16 maintained by the Department of Disabilities, Aging, and Independent Living;
17 allow a caregiver to serve two patients; and eliminate the Registry annual
18 renewal fee for patients who have a qualifying condition other than chronic
19 pain and the caregivers who serve those patients.

20 An act relating to the Medical Cannabis Registry

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

2 Sec. 1. 2021 Acts and Resolves No. 62, Sec. 15 is amended to read:

3 Sec. 15. IMPLEMENTATION OF MEDICAL CANNABIS REGISTRY

4 (a) On January 1, 2022, the following shall transfer from the Department of
5 Public Safety to the Cannabis Control Board:

6 (1) the authority to administer the Medical Cannabis Registry and the
7 regulation of cannabis dispensaries pursuant to 18 V.S.A. chapter 86;

8 (2) the cannabis registration fee fund established pursuant to 18 V.S.A.
9 chapter 86; and

10 (3) the positions dedicated to administering 18 V.S.A. chapter 86.

11 (b) The Registry shall continue to be governed by 18 V.S.A. chapter 86 and
12 the rules adopted pursuant to that chapter until 7 V.S.A. chapters 35 and 37 and
13 the rules adopted by the Board pursuant to those chapters take effect on
14 ~~March 1, 2022~~ July 1, 2022 as provided in 2019 Acts and Resolves No. 164.

15 Sec. 2. 2019 Acts and Resolves No. 164, Sec. 33 is amended to read:

16 Sec. 33. EFFECTIVE DATES

17 * * *

18 (d) Secs. ~~9 (Medical Cannabis Registry chapter), except for 7 V.S.A. § 956~~
19 ~~(rulemaking); 11 (Repeal); 12 (Medical Cannabis Dispensaries), except for~~
20 ~~7 V.S.A. § 974 (rulemaking); 14 (creation of excise tax); 14a (tax license~~
21 ~~disclosure); 15 (sales tax exemption); 16 (tax exemption); 17 (tax expenditure);~~

1 17a (meals and rooms tax); 17b (meals and rooms tax expenditure); and 17c
2 (dedicated use of sales and use tax revenue) shall take effect March 1, 2022.

3 (e) ~~See. Secs.~~ 6d (Auditor of Accounts report); 9 (Medical Cannabis
4 Registry chapter), except for 7 V.S.A. § 956 (rulemaking); 11 (Repeal); and
5 12 (Medical Cannabis Dispensaries), except for 7 V.S.A. § 974 (rulemaking),
6 shall take effect on July 1, 2022.

7 * * *

8 Sec. 3. 7 V.S.A. chapter 35 is amended to read:

9 CHAPTER 35. MEDICAL CANNABIS REGISTRY

10 § 951. DEFINITIONS

11 As used in this chapter:

12 * * *

13 (8) “Qualifying medical condition” means:

14 (A) cancer, multiple sclerosis, positive status for human
15 immunodeficiency virus, acquired immune deficiency syndrome, glaucoma,
16 Crohn’s disease, Parkinson’s disease, post-traumatic stress disorder, or the
17 treatment of these conditions, if the disease or the treatment results in severe,
18 persistent, and intractable symptoms; or

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

1 (€) a disease or medical condition or its treatment that is chronic,
2 debilitating, and produces one or more of the following intractable symptoms:
3 cachexia or wasting syndrome, chronic pain, severe nausea, or seizures.

4 * * *

5 § 952. REGISTRY

6 * * *

7 (b) A person who is a registered patient or a registered caregiver on behalf
8 of a patient may:

9 (1) Cultivate not more than ~~two~~ six mature and ~~seven~~ 12 immature
10 cannabis plants. Any cannabis harvested from the plants shall not count
11 toward the two-ounce possession limit in subdivision (2) of this subsection,
12 provided it is stored in an indoor facility on the property where the cannabis
13 was cultivated and reasonable precautions are taken to prevent unauthorized
14 access to the cannabis.

15 (2) Possess not more than two ounces of cannabis.

16 (3) Purchase cannabis and cannabis products at a licensed medical
17 cannabis dispensary. Pursuant to chapter 37 of this title, a dispensary may
18 offer goods and services that are not permitted at a cannabis establishment
19 licensed pursuant to chapter 33 of this title.

20 * * *

1 § 953. PATIENTS

2 (a) Pursuant to rules adopted by the Board, a person may register with the
3 Board to obtain the benefits of the Registry as provided in section 952 of this
4 title.

5 (b) An application by a person under 18 years of age shall be signed by
6 both the applicant and the applicant's parent or guardian.

7 § 954. CAREGIVERS

8 (a) Pursuant to rules adopted by the Board, a person may register with the
9 Board as a caregiver of a registered patient to obtain the benefits of the
10 Registry as provided in section 952 of this title.

11 ~~(b)(1) The Board shall adopt rules that set forth standards for determining~~
12 ~~whether an applicant should be denied a caregiver card because of his or her~~
13 ~~criminal history record. An applicant shall not be denied solely on the basis of~~
14 ~~a criminal conviction that is not listed in 13 V.S.A. chapter 25 or 28 shall~~
15 conduct a name and date of birth Vermont criminal conviction record
16 background check and obtain information from the Child Protection Registry
17 maintained by the Department for Children and Families and from the
18 Vulnerable Adult Abuse, Neglect, and Exploitation Registry maintained by the
19 Department of Disabilities, Aging, and Independent Living (collectively, the
20 Registries) for any person who applies to be a caregiver. The Departments for
21 Children and Families and of Disabilities, Aging, and Independent Living shall

1 adopt rules governing the process for obtaining information from the Registries
2 and for disseminating and maintaining records of that information under this
3 subsection.

4 ~~(2) The Board shall obtain from the Vermont Crime Information Center~~
5 ~~a copy of the caregiver applicant's fingerprint based Vermont criminal history~~
6 ~~records, out of state criminal history records, and criminal history records from~~
7 ~~the Federal Bureau of Investigation.~~

8 (c) The Board shall adopt rules that set forth standards for determining
9 whether an applicant should be denied a ~~cannabis establishment license~~
10 caregiver card because of ~~his or her criminal history record~~ the applicant's
11 status on either Registry.

12 (d)(1) Except as provided in subdivision (2) of this subsection, a caregiver
13 ~~shall serve only one patient~~ may serve not more than two patients at a time,
14 and a patient shall have only one registered caregiver at a time. A patient may
15 serve as a caregiver for one other patient.

16 (2) A patient who is under 18 years of age may have two caregivers.

17 § 955. REGISTRATION; FEES

18 (a) A registration card shall expire one year after the date of issuance. A
19 patient or caregiver may renew the card according to protocols adopted by the
20 Board.

1 (b) The Board shall charge and collect fees for annual registration for
2 patients and caregivers. Patients with a qualifying medical condition other
3 than chronic pain and the caregivers who serve those patients shall not be
4 required to pay an annual renewal fee. Fees shall be deposited in the Cannabis
5 Regulation Fund as provided in section 845 of this title.

6 * * *

7 Sec. 4. EFFECTIVE DATE

8 This act shall take effect on passage.