

VERMONT

MEDICAL CANNABIS ACCESS STATE REPORT CARD 2015



Issue.....	Possible Points		
PATIENT RIGHTS & CIVIL PROTECTION (total)	100	45	
Arrest protection	40	20	
Affirmative defense	15	13	
Child custody	10	0	
DUID protections	5	0	
Employment	5	0	
Explicit privacy standards.....	7	7	
Housing protections	5	0	
Does not create new criminal penalties for patients	5	5	
Organ transplants	5	0	
Reciprocity	3	0	
EASE OF NAVIGATION (total).....	100	75	
Comprehensive qualifying conditions.....	50	44	
Adding new conditions (total).....	10	0	
Law/Regs allow for new conditions	5	0	
System works for adding new conditions.....	5	0	
Reasonable access for minors.....	10	9	
Reasonable caregiver background check requirements..	4	3	
Number of caregivers.....	2	2	
Patient/Practitioner focused task force/advisory Board ..	2	2	
Reasonable fees (patients & caregivers).....	10	8	
Allows multiple-year registrations	2	0	
Reasonable physician requirements.....	5	4	
Does not classify cannabis as medicine of last resort.....	5	3	
ACCESS TO MEDICINE (total)	100	82	
Allows distribution programs (total).....	40	30	
Allows access to dried flowers.....	15	15	
Allows delivery	5	5	
No sales tax or reasonable sales tax.....	5	5	
Reasonable number of dispensing facilities	5	2	
Does not require vertical integration	2	2	
Ownership/Employment restrictions	2	1	
Provisions for labor standards	2	0	
Environmental impact regulations	2	0	
Unrestricted choice of dispensary	2	0	
Non-commercial cultivation (total)	20	15	
Personal cultivation.....	15	15	
Collective gardens	5	0	
Explicit right to edibles/concentrates/other forms	10	10	
Does not impose limits or bans on THC	10	10	
Does not impose minimum CBD requirements.....	10	10	
Municipal bans/zoning	10	7	
FUNCTIONALITY (total).....	100	81	
Patients are able to obtain medicine	50	45	
Free of significant administrative or supply problems..	15	12	
Legal protections within reasonable time frame	10	8	
Reasonable possession limit (ounces)	5	4	
Reasonable purchase limits.....	5	3	
Allows patients to medicate where they chose	5	4	
Covered by insurance/state health aide.....	3	0	
Financial hardship (fee waivers/discount medicine).....	7	5	
PRODUCT SAFETY (total - see back for details).....	100	39	
Dispensing	25	9	
Cultivation	25	11	
Manufacturing	25	12	
Lab.....	25	7	
Improvement Bonus.....		25	
Total out of 500.....		347	
Score percentage		69	

Final Grade = D+

Areas for improvement: Vermont made some solid improvements to its medical program by lifting the cap on the number of patients able to use its dispensary program and by issuing new regulations. Unfortunately, the state still has restrictive language concerning the patient-physician relationship and is lacking in the areas of product safety and civil discrimination protections for housing, employment, organ transplants, and child custody. In addition to fixing these components, the state should expand the number of medical dispensaries and allow physicians the right to recommend medical cannabis to any patient for whom the benefits outweigh the risks.

Background: In 2004, Vermont Senate Bill 76 established a patient registry that provided legal protections for qualifying patients and their primary caregivers who possess or cultivate small amounts of medical cannabis. Patients and their designated caregivers may possess up to two ounces of usable cannabis. In 2007, Senate Bill 7 increased the cultivation limits to two mature and seven immature plants and allowed licensed physicians in neighboring states to recommend cannabis for Vermont residents. SB7 also expanded the qualifying conditions to include any chronic, debilitating condition, or its treatment that produces cachexia or wasting syndrome, severe pain, severe nausea, or seizures. In June 2011, Senate Bill 17 authorized up to four state-licensed distribution facilities to serve up to 1,000 patients each. Once dispensaries are operating in the state, patients may designate one for accessing medicine but may no longer cultivate cannabis. In 2014, the program was expanded through S. 247, and new rules were issued in November 2015.

PRODUCT SAFETY point breakdown

(Point totals by section included in grade calculation on reverse)

Issue	Possible Points		
DISPENSING (total)	25	12	
Dispensary training	5	15	
Operating Procedures and Protocols.....	5	3	
Facility sanitary conditions	Y or N	N	
Storage protocols	Y or N	Y	
Reasonable security protocols	Y or N	Y	
Inventory control	Y or N	Y	
Recall protocol and adverse event reporting	5	0	
Product Labeling	5	2	
Product contents including source material ID	Y or N	Y	
Allergens	Y or N	N	
Potency/compound identification	Y or N	N	
Required Testing	5	2	
Active ingredient identification	Y or N	N	
Contaminants	Y or N	N	
Potency	Y or N	Y	
Shelf life testing	Y or N	N	
Sample retention	Y or N	N	
Recall protocol and adverse event reporting:	5	3	
CULTIVATION (total).....	25	11	
Cultivation training.....	5	5	
Standard Operating Procedures and Protocols	5	3	
Facility and equipment sanitary conditions ..	Y or N	N	
Workforce safety protocols	Y or N	N	
Storage protocols (short and long term)	Y or N	Y	
Reasonable security protocols	Y or N	Y	
Batch and lot tracking	Y or N	Y	
Disposal/waste	Y or N	Y	
Water management	Y or N	N	
Pesticide Guidance and Protocols	5	3	
Pesticide guidance.....	Y or N	Y	
Product labeling	Y or N	Y	
Required testing	5	0	
Active ingredient identification	Y or N	N	
Contaminants	Y or N	N	
Potency	Y or N	N	
Sample retention	Y or N	N	
Recall protocol and adverse event reporting.....	5	0	
MANUFACTURING (total).....	25	12	
Manufacturing training	5	5	
Standard Operating Procedures and Protocols.....	5	3	
Facility and equipment sanitary conditions ..	Y or N	N	
Workforce safety protocols	Y or N	N	
Storage protocols	Y or N	Y	
Reasonable security protocols	Y or N	Y	
Batch and lot tracking	Y or N	Y	
Product Labeling	5	2	
Product contents with source material ID	Y or N	Y	
Allergens	Y or N	Y	
Potency/compound identification	Y or N	Y	
Required Testing	5	2	
Active ingredient identification	Y or N	N	
Contaminants	Y or N	N	
Potency	Y or N	Y	
Shelf life testing	Y or N	N	
Sample retention	Y or N	N	
Recall protocol and adverse event reporting:	5	3	
LABORATORY (total).....	25	7	
Lab operations training	5	0	
Method validation in accordance with AHP guidelines ..	5	0	
Result reporting - disclose the type of testing used.....	5	0	
Independent or third party certification.....	5	5	
Standard Operating Procedures and Protocols	5	2	
Equipment and instrument calibration	Y or N	N	
Sample tracking	Y or N	N	
Facility and equipment sanitary conditions ..	Y or N	N	
Disposal/waste protocols	Y or N	N	
Storage protocols	Y or N	N	
Workforce safety protocols	Y or N	N	
Total out of 100			39

Tools for Success:

Improving your state law has never been easier. In the appendix of this report you will find model legislation and regulators guides for product safety protocols. ASA staff are all also available to draft and/or review legislative and regulatory language. Our website has many resources online including access to our policy shop at http://www.safeaccessnow.org/policy_shop, information for regulators available at <http://patientfocusedcertification.org/about/information-for-regulators/> and a breakdown of all the state laws at http://www.safeaccessnow.org/state_and_federal_law.