

2021 -- H 5190

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO FOOD AND DRUGS -- THE EDWARD O. HAWKINS AND THOMAS C.
SLATER MEDICAL MARIJUANA ACT

Introduced By: Representatives Serpa, O'Brien, and S Lima

Date Introduced: January 27, 2021

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 21-28.6-3 of the General Laws in Chapter 21-28.6 entitled "The
2 Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act" is hereby amended to read as
3 follows:

4 **21-28.6-3. Definitions.**

5 For the purposes of this chapter:

6 (1) "Authorized purchaser" means a natural person who is at least twenty-one (21) years
7 old and who is registered with the department of health for the purposes of assisting a qualifying
8 patient in purchasing marijuana from a compassion center. An authorized purchaser may assist no
9 more than one patient, and is prohibited from consuming marijuana obtained for the use of the
10 qualifying patient. An authorized purchaser shall be registered with the department of health and
11 shall possess a valid registry identification card. ["Authorized purchaser" also means any person](#)
12 [assisting a domestic pet under the care of a veterinarian licensed by the department of health and](#)
13 [subject to regulation pursuant to chapter 25 of title 5, veterinary practice.](#)

14 (2) "Cannabis" means all parts of the plant of the genus marijuana, also known as marijuana
15 sativa L. whether growing or not; the seeds thereof; the resin extracted from any part of the plant;
16 and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds,
17 or resin regardless of cannabinoid content or cannabinoid potency including "marijuana," and
18 "industrial hemp" or "industrial hemp products" which satisfy the requirements of chapter 26 of

1 title 2.

2 (3) "Cannabis testing laboratory" means a third-party analytical testing laboratory licensed
3 by the department of health, in coordination with the department of business regulation, to collect
4 and test samples of cannabis.

5 (4) "Cardholder" means a person who has been registered or licensed with the department
6 of health or the department of business regulation pursuant to this chapter and possesses a valid
7 registry identification card or license.

8 (5) "Commercial unit" means a building, or other space within a commercial or industrial
9 building, for use by one business or person and is rented or owned by that business or person.

10 (6)(i) "Compassion center" means a not-for-profit corporation, subject to the provisions of
11 chapter 6 of title 7, and is licensed under § 21-28.6-12, that acquires, possesses, cultivates,
12 manufactures, delivers, transfers, transports, supplies, or dispenses medical marijuana, and/or
13 related supplies and educational materials, to patient cardholders and/or their registered caregiver
14 cardholder or authorized purchaser.

15 (ii) "Compassion center cardholder" means a principal officer, board member, employee,
16 volunteer, or agent of a compassion center who has registered with the department of business
17 regulation and has been issued and possesses a valid, registry identification card.

18 (7) "Debilitating medical condition" means:

19 (i) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune
20 deficiency syndrome, Hepatitis C, post-traumatic stress disorder, or the treatment of these
21 conditions;

22 (ii) A chronic or debilitating disease or medical condition, or its treatment, that produces
23 one or more of the following: cachexia or wasting syndrome; severe, debilitating, chronic pain;
24 severe nausea; seizures, including but not limited to, those characteristic of epilepsy; or severe and
25 persistent muscle spasms, including but not limited to, those characteristic of multiple sclerosis or
26 Crohn's disease; or agitation of Alzheimer's Disease; ~~or~~

27 (iii) Any other medical condition or its treatment approved by the department of health, as
28 provided for in § 21-28.6-5; or,

29 (iv) Any condition suffered by a domestic pet that would be a "debilitating medical
30 condition" if it were suffered by a person.

31 (8) "Department of business regulation" means the office of cannabis regulation within the
32 Rhode Island department of business regulation or its successor agency.

33 (9) "Department of health" means the Rhode Island department of health or its successor
34 agency.

1 (10) "Department of public safety" means the Rhode Island department of public safety or
2 its successor agency.

3 (11) "Dried marijuana" means the dried leaves and flowers of the marijuana plant as
4 defined by regulations promulgated by the department of business regulation.

5 (12) "Dwelling unit" means the room, or group of rooms, within a residential dwelling used
6 or intended for use by one family or household, or by no more than three (3) unrelated individuals,
7 with facilities for living, sleeping, sanitation, cooking, and eating.

8 (13) "Equivalent amount" means the portion of usable marijuana, be it in extracted, edible,
9 concentrated, or any other form, found to be equal to a portion of dried marijuana, as defined by
10 regulations promulgated by the department of business regulation.

11 (14) "Immature marijuana plant" means a marijuana plant, rooted or unrooted, with no
12 observable flower or buds.

13 (15) "Licensed medical marijuana cultivator" means a person or entity, as identified in §
14 43-3-6, who or that has been licensed by the department of business regulation to cultivate medical
15 marijuana pursuant to § 21-28.6-16.

16 (16) "Marijuana" has the meaning given that term in § 21-28-1.02.

17 (17) "Marijuana establishment licensee" means any person or entity licensed by the
18 department of business regulation under this chapter whose license permits it to engage in or
19 conduct activities in connection with the medical marijuana program. "Marijuana establishment
20 licensees" shall include compassion centers, medical marijuana cultivators, and cannabis testing
21 laboratories.

22 (18) "Mature marijuana plant" means a marijuana plant that has flowers or buds that are
23 readily observable by an unaided visual examination.

24 (19) "Medical marijuana emporium" means any establishment, facility or club, whether
25 operated for-profit or nonprofit, or any commercial unit, at which the sale, distribution, transfer, or
26 use of medical marijuana or medical marijuana products is proposed and/or occurs to, by or among
27 registered patients, registered caregivers, authorized purchaser cardholders or any other person.
28 This shall not include a compassion center regulated and licensed by the department of business
29 regulation pursuant to the terms of this chapter.

30 (20) "Medical marijuana" means marijuana and marijuana products that satisfy the
31 requirements of this chapter and have been given the designation of "medical marijuana" due to
32 dose, potency, form. Medical marijuana products are only available for use by patient cardholders,
33 and may only be sold to or possessed by patient cardholders, or their registered caregiver, or
34 authorized purchaser in accordance with this chapter. Medical marijuana may not be sold to,

1 possessed by, manufactured by, or used except as permitted under this chapter.

2 (21) "Medical marijuana plant tag set" or "plant tag" means any tag, identifier, registration,
3 certificate, or inventory tracking system authorized or issued by the department or which the
4 department requires be used for the lawful possession and cultivation of medical marijuana plants
5 in accordance with this chapter.

6 (22) "Medical use" means the acquisition, possession, cultivation, manufacture, use,
7 delivery, transfer, or transportation of medical marijuana or paraphernalia relating to the
8 consumption of marijuana to alleviate a patient cardholder's debilitating medical condition or
9 symptoms associated with the medical condition in accordance with the provisions of this chapter.
10 "Medical use" also shall mean consumption of marijuana by a domestic pet pursuant to a written
11 certification by a veterinarian licensed pursuant to chapter 25 of title 5.

12 (23) "Practitioner" means a person who is licensed with authority to prescribe drugs
13 pursuant to chapters 34, 37, and 54 of title 5, and chapter 25 of title 5, who may provide a qualifying
14 patient with a written certification in accordance with regulations promulgated by the department
15 of health.

16 (24) "Primary caregiver" means a natural person who is at least twenty-one (21) years old
17 who is registered under this chapter in order to, and who may assist one qualifying patient, but no
18 more than five (5) qualifying patients, with their medical use of marijuana, provided that a qualified
19 patient may also serve as his or her own primary caregiver subject to the registration and
20 requirements set forth in § 21-28.6-4.

21 (25) "Qualifying patient" means a person or domestic pet who has been certified by a
22 practitioner as having a debilitating medical condition and is a resident of Rhode Island.

23 (26) "Registry identification card" means a document issued by the department of health
24 or the department of business regulation, as applicable, that identifies a person as a registered
25 qualifying patient, a registered primary caregiver, or authorized purchaser, or a document issued
26 by the department of business regulation that identifies a person as a registered principal officer,
27 board member, employee, volunteer, or agent of a compassion center, licensed medical marijuana
28 cultivator, cannabis testing lab, or any other medical marijuana licensee.

29 (27) "Unusable marijuana" means marijuana seeds, stalks, and unusable roots and shall not
30 count towards any weight-based possession limits established in this chapter.

31 (28) "Usable marijuana" means the leaves and flowers of the marijuana plant, and any
32 mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

33 (29) "Wet marijuana" means the harvested leaves and flowers of the marijuana plant before
34 they have reached a dry state, as defined by regulations promulgated by the department of health

1 and department of business regulation.

2 (30) "Written certification" means a statement signed by a practitioner, stating that, in the
3 practitioner's professional opinion, the potential benefits of the medical use of marijuana would
4 likely outweigh the health risks for the qualifying patient. A written certification shall be made only
5 in the course of a bona fide, practitioner-patient relationship after the practitioner has completed a
6 full assessment of the qualifying patient's medical history. The written certification shall specify
7 the qualifying patient's debilitating medical condition or conditions which may include the
8 qualifying patient's relevant medical records.

9 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO FOOD AND DRUGS -- THE EDWARD O. HAWKINS AND THOMAS C.
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- 1 This act would include domestic pets as eligible to use medical marijuana if certified by a
- 2 licensed veterinarian.
- 3 This act would take effect upon passage.

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