

**2012 -- H 7888 SUBSTITUTE A**

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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2012**

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A N A C T

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

Introduced By: Representatives Slater, Newberry, Ajello, Edwards, and Diaz

Date Introduced: March 06, 2012

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 21-28.6-3, 21-28.6-4, 21-28.6-5, 21-28.6-6, 21-28.6-10 and 21-  
2   28.6-12 of the General Laws in Chapter 21-28.6 entitled "The Edward O. Hawkins and Thomas  
3   C. Slater Medical Marijuana Act" are hereby amended to read as follows:

4           **21-28.6-3. Definitions.** -- For the purposes of this chapter:

5           (1) "Cardholder" means a qualifying patient, a primary caregiver, or a principal officer,  
6   board member, employee, volunteer, or agent of a compassion center who has been issued and  
7   possesses a valid registry identification card.

8           (2) "Compassion center" means a not-for-profit ~~entity~~ corporation subject to the  
9   provisions of chapter 7-6, and registered under § 21-28.6-12 that acquires, possesses, cultivates,  
10   manufactures, delivers, transfers, transports, supplies or dispenses marijuana, and/or related  
11   supplies and educational materials, to registered qualifying patients and/or their registered  
12   primary caregivers who have designated it as one of their primary caregivers.

13          (3) "Debilitating medical condition" means:

14          (i) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired  
15   immune deficiency syndrome, Hepatitis C, or the treatment of these conditions;

16          (ii) A chronic or debilitating disease or medical condition or its treatment that produces  
17   one or more of the following: cachexia or wasting syndrome; severe, debilitating, chronic pain;  
18   severe nausea; seizures, including but not limited to, those characteristic of epilepsy; or severe

1 and persistent muscle spasms, including but not limited to, those characteristic of multiple  
2 sclerosis or Crohn's disease; or agitation of Alzheimer's Disease; or

3 (iii) Any other medical condition or its treatment approved by the department, as  
4 provided for in § 21-28.6-5.

5 (4) "Department" means the Rhode Island department of health or its successor agency.

6 (5) "Marijuana" has the meaning given that term in § 21-28-1.02(26).

7 (6) "Mature marijuana plant" means a marijuana plant which has flowers or buds that are  
8 readily observable by an unaided visual examination.

9 (7) "Medical use" means the acquisition, possession, cultivation, manufacture, use,  
10 delivery, transfer, or transportation of marijuana or paraphernalia relating to the consumption of  
11 marijuana to alleviate a registered qualifying patient's debilitating medical condition or symptoms  
12 associated with the medical condition.

13 (8) "Practitioner" means a person who is licensed with authority to prescribe drugs  
14 pursuant to chapter 37 of title 5 or a physician licensed with authority to prescribe drugs in  
15 Massachusetts or Connecticut.

16 (9) "Primary caregiver" means either a natural person who is at least twenty-one (21)  
17 years old or a compassion center. ~~Unless the primary caregiver is a compassion center, a~~ [A](#)  
18 natural [person](#) primary caregiver may assist no more than five (5) qualifying patients with their  
19 medical use of marijuana.

20 (10) "Qualifying patient" means a person who has been diagnosed by a practitioner as  
21 having a debilitating medical condition and is a resident of Rhode Island.

22 (11) "Registry identification card" means a document issued by the department that  
23 identifies a person as a registered qualifying patient, a registered primary caregiver, or a  
24 registered principal officer, board member, employee, volunteer, or agent of a compassion center.

25 [\(12\) "Seedling" means a marijuana plant with no observable flowers or buds.](#)

26 ~~(12)~~[\(13\)](#) "Unusable marijuana" means marijuana seeds, stalks, seedlings, and unusable  
27 roots. ~~"Seedling" means a marijuana plant with no observable flowers or buds.~~

28 ~~(13)~~[\(14\)](#) "Usable marijuana" means the dried leaves and flowers of the marijuana plant,  
29 and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the  
30 plant.

31 ~~(14)~~[\(15\)](#) "Written certification" means the qualifying patient's medical records, and a  
32 statement signed by a practitioner, stating that in the practitioner's professional opinion the  
33 potential benefits of the medical use of marijuana would likely outweigh the health risks for the  
34 qualifying patient. A written certification shall be made only in the course of a bona fide

1 practitioner-patient relationship after the practitioner has completed a full assessment of the  
2 qualifying patient's medical history. The written certification shall specify the qualifying patient's  
3 debilitating medical condition or conditions.

4 **21-28.6-4. Protections for the medical use of marijuana.** – (a) A qualifying patient  
5 who has in his or her possession a registry identification card shall not be subject to arrest,  
6 prosecution, or penalty in any manner, or denied any right or privilege, including but not limited  
7 to, civil penalty or disciplinary action by a business or occupational or professional licensing  
8 board or bureau, for the medical use of marijuana; provided, that the qualifying patient possesses  
9 an amount of marijuana that does not exceed twelve (12) mature marijuana plants and two and  
10 one-half (2.5) ounces of usable marijuana. Said plants shall be stored in an indoor facility.

11 (b) A registered qualifying patient, who has in his or her possession a registry  
12 identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied  
13 any right or privilege, including but not limited to, civil penalty or disciplinary action by a  
14 business or occupational or professional licensing board or bureau, for selling, giving, or  
15 distributing marijuana of the type and in an amount not to exceed that set forth in subsection (a)  
16 above, that he or she has cultivated or manufactured pursuant to this chapter, to a registered  
17 compassion center.

18 ~~(b)~~(c) No school, employer or landlord may refuse to enroll, employ or lease to or  
19 otherwise penalize a person solely for his or her status as a cardholder.

20 ~~(c)~~(d) A primary caregiver, who has in his or her possession, a registry identification card  
21 shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or  
22 privilege, including but not limited to, civil penalty or disciplinary action by a business or  
23 occupational or professional licensing board or bureau, for assisting a qualifying patient to whom  
24 he or she is connected through the department's registration process with the medical use of  
25 marijuana; provided, that the primary caregiver possesses an amount of marijuana which does not  
26 exceed twelve (12) mature marijuana plants and two and one-half (2.5) ounces of usable  
27 marijuana for each qualifying patient to whom he or she is connected through the department's  
28 registration process.

29 ~~(d)~~(e) Registered primary caregivers and registered qualifying patients shall be allowed to  
30 possess a reasonable amount of unusable marijuana, including up to twelve (12) seedlings, which  
31 shall not be counted toward the limits in this section.

32 ~~(e)~~(f) There shall exist a presumption that a qualifying patient or primary caregiver is  
33 engaged in the medical use of marijuana if the qualifying patient or primary caregiver:

34 (1) Is in possession of a registry identification card; and

1 (2) Is in possession of an amount of marijuana that does not exceed the amount permitted  
2 under this chapter. Such presumption may be rebutted by evidence that conduct related to  
3 marijuana was not for the purpose of alleviating the qualifying patient's debilitating medical  
4 condition or symptoms associated with the medical condition.

5 ~~(g)~~ A primary caregiver may receive reimbursement for costs associated with assisting  
6 a registered qualifying patient's medical use of marijuana. Compensation shall not constitute sale  
7 of controlled substances.

8 (h) A natural person registered as a primary caregiver who has in his or her possession a  
9 registry identification card shall not be subject to arrest, prosecution, or penalty in any manner, or  
10 denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a  
11 business or occupational or professional licensing board or bureau, for selling, giving, or  
12 distributing marijuana, of the type and in an amount not to exceed that set forth in subsection (d)  
13 above, to a registered compassion center if:

14 (1) The registered natural person primary caregiver cultivated the marijuana pursuant to  
15 this chapter, not to exceed the limits of paragraph (d) above; and

16 (2) Each qualified patient the caregiver is connected with through the department's  
17 registration process has been provided an adequate amount of the marijuana to meet his or her  
18 medical needs, not to exceed the limits of subsection (a) above.

19 ~~(i)~~ A practitioner shall not be subject to arrest, prosecution, or penalty in any manner,  
20 or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action  
21 by the Rhode Island Board of Medical Licensure and Discipline or by any ~~another~~ other business  
22 or occupational or professional licensing board or bureau solely for providing written  
23 certifications or for otherwise stating that, in the practitioner's professional opinion, the potential  
24 benefits of the medical marijuana would likely outweigh the health risks for a patient.

25 ~~(j)~~ Any interest in or right to property that is possessed, owned, or used in connection  
26 with the medical use of marijuana, or acts incidental to such use, shall not be forfeited.

27 ~~(k)~~ No person shall be subject to arrest or prosecution for constructive possession,  
28 conspiracy, aiding and abetting, being an accessory, or any other offense for simply being in the  
29 presence or vicinity of the medical use of marijuana as permitted under this chapter or for  
30 assisting a registered qualifying patient with using or administering marijuana.

31 ~~(l)~~ A practitioner nurse or pharmacist shall not be subject to arrest, prosecution or  
32 penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty  
33 or disciplinary action by a business or occupational or professional licensing board or bureau  
34 solely for discussing the benefits or health risks of medical marijuana or its interaction with other

1 substances with a patient.

2 ~~(m)~~(m) A registry identification card, or its equivalent, issued under the laws of another  
3 state, U.S. territory, or the District of Columbia to permit the medical use of marijuana by a  
4 patient with a debilitating medical condition, or to permit a person to assist with the medical use  
5 of marijuana by a patient with a debilitating medical condition, shall have the same force and  
6 effect as a registry identification card issued by the department.

7 ~~(n)~~(n) Notwithstanding the provisions of subsection ~~21-28.6-3(6)~~ [21-28.6-4\(d\)](#) or  
8 subsection ~~21-28.6-4(e)~~ [21-28.6-4\(e\)](#), no primary caregiver other than a compassion center shall  
9 possess an amount of marijuana in excess of twenty-four (24) marijuana plants and five (5)  
10 ounces of usable marijuana for qualifying patients to whom he or she is connected through the  
11 department's registration process.

12 ~~(o)~~(o) A registered qualifying patient or registered primary caregiver may give marijuana  
13 to another registered qualifying patient or registered primary caregiver to whom they are not  
14 connected by the department's registration process, provided that no consideration is paid for the  
15 marijuana, and that the recipient does not exceed the limits specified in § 21-28.6-4.

16 ~~(p)~~(p) For the purposes of medical care, including organ transplants, a registered  
17 qualifying patient's authorized use of marijuana shall be considered the equivalent of the  
18 authorized use of any other medication used at the direction of a physician, and shall not  
19 constitute the use of an illicit substance.

20 **21-28.6-5. Department to issue regulations.** -- (a) Not later than ninety (90) days after  
21 the effective date of this chapter, the department shall promulgate regulations governing the  
22 manner in which it shall consider petitions from the public to add debilitating medical conditions  
23 to those included in this chapter. In considering such petitions, the department shall include  
24 public notice of, and an opportunity to comment in a public hearing, upon such petitions. The  
25 department shall, after hearing, approve or deny such petitions within one hundred eighty (180)  
26 days of submission. The approval or denial of such a petition shall be considered a final  
27 department action, subject to judicial review. Jurisdiction and venue for judicial review are vested  
28 in the superior court. The denial of a petition shall not disqualify qualifying patients with that  
29 condition, if they have a debilitating medical condition [as defined in subdivision 21-28.6-3\(3\)](#).  
30 The denial of a petition shall not prevent a person with the denied condition from raising an  
31 affirmative defense.

32 (b) Not later than ninety (90) days after the effective date of this chapter, the department  
33 shall promulgate regulations governing the manner in which it shall consider applications for and  
34 renewals of registry identification cards for qualifying patients and primary caregivers. The

1 department's regulations shall establish application and renewal fees that generate revenues  
2 sufficient to offset all expenses of implementing and administering this chapter. The department  
3 may vary the application and renewal fees along a sliding scale that accounts for a qualifying  
4 patient's or caregiver's income. The department may accept donations from private sources in  
5 order to reduce the application and renewal fees.

6 **21-28.6-6. Administration of regulations.** -- (a) The department shall issue registry  
7 identification cards to qualifying patients who submit the following, in accordance with the  
8 department's regulations:

- 9 (1) Written certification as defined in § 21-28.6-3(14) of this chapter;
- 10 (2) Application or renewal fee;
- 11 (3) Name, address, and date of birth of the qualifying patient; provided, however, that if  
12 the patient is homeless, no address is required;
- 13 (4) Name, address, and telephone number of the qualifying patient's practitioner; and
- 14 (5) Name, address, and date of birth of each primary caregiver of the qualifying patient, if  
15 any.

16 (b) The department shall not issue a registry identification card to a qualifying patient  
17 under the age of eighteen (18) unless:

- 18 (1) The qualifying patient's practitioner has explained the potential risks and benefits of  
19 the medical use of marijuana to the qualifying patient and to a parent, guardian or person having  
20 legal custody of the qualifying patient; and
- 21 (2) A parent, guardian or person having legal custody consents in writing to:
  - 22 (i) Allow the qualifying patient's medical use of marijuana;
  - 23 (ii) Serve as one of the qualifying patient's primary caregivers; and
  - 24 (iii) Control the acquisition of the marijuana, the dosage, and the frequency of the  
25 medical use of marijuana by the qualifying patient.

26 (c) The department shall verify the information contained in an application or renewal  
27 submitted pursuant to this section, and shall approve or deny an application or renewal within  
28 fifteen (15) days of receiving it. The department may deny an application or renewal only if the  
29 applicant did not provide the information required pursuant to this section, or if the department  
30 determines that the information provided was falsified. Rejection of an application or renewal is  
31 considered a final department action, subject to judicial review. Jurisdiction and venue for  
32 judicial review are vested in the superior court.

33 (d) The department shall issue a registry identification card to each primary caregiver, if  
34 any, who is named in a qualifying patient's approved application, up to a maximum of two (2)

1 primary caregivers per qualifying patient. A person may not serve as a primary caregiver if he or  
2 she has a felony drug conviction, unless the department waives this restriction in respect to a  
3 specific individual at the department's discretion. Additionally, the department shall allow the  
4 person to serve as a primary caregiver if the department determines that the offense was for  
5 conduct that occurred prior to the enactment of the Edward O. Hawkins and Thomas C. Slater  
6 Medical Marijuana Act or that was prosecuted by an authority other than the state of Rhode  
7 Island and for which the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act  
8 would otherwise have prevented a conviction.

9 (e) The department shall issue registry identification cards within five (5) days of  
10 approving an application or renewal, which shall expire two (2) years after the date of issuance.  
11 Registry identification cards shall contain:

- 12 (1) The date of issuance and expiration date of the registry identification card;
- 13 (2) A random registry identification number; and
- 14 (3) A photograph; and
- 15 (4) Any additional information as required by regulation or the department.

16 (f) Persons issued registry identification cards shall be subject to the following:

17 (1) A qualifying patient who has been issued a registry identification card shall notify the  
18 department of any change in the qualifying patient's name, address, or primary caregiver; or if the  
19 qualifying patient ceases to have his or her debilitating medical condition, within ten (10) days of  
20 such change.

21 (2) A registered qualifying patient who fails to notify the department of any of these  
22 changes is responsible for a civil infraction, punishable by a fine of no more than one hundred  
23 fifty dollars (\$150). If the person has ceased to suffer from a debilitating medical condition, the  
24 card shall be deemed null and void and the person shall be liable for any other penalties that may  
25 apply to the person's nonmedical use of marijuana.

26 (3) A registered primary caregiver, principal officer, board member, employee, volunteer,  
27 or agent of a compassion center shall notify the department of any change in his or her name or  
28 address within ten (10) days of such change. A primary caregiver, principal officer, board  
29 member, employee, volunteer, or agent of a compassion center who fails to notify the department  
30 of any of these changes is responsible for a civil infraction, punishable by a fine of no more than  
31 one hundred fifty dollars (\$150).

32 (4) When a qualifying patient or primary caregiver notifies the department of any  
33 changes listed in this subsection, the department shall issue the registered qualifying patient and  
34 each primary caregiver a new registry identification card within ten (10) days of receiving the

1 updated information and a ten dollar (\$10.00) fee. When a principal officer, board member,  
2 employee, volunteer, or agent of a compassion center notifies the department of any changes  
3 listed in this subsection, the department shall issue the cardholder a new registry identification  
4 card within ten (10) days of receiving the updated information and a ten dollar (\$10.00) fee.

5 (5) When a qualifying patient who possesses a registry identification card changes his or  
6 her primary caregiver, the department shall notify the primary caregiver within ten (10) days. The  
7 primary caregiver's protections as provided in this chapter as to that patient shall expire ten (10)  
8 days after notification by the department.

9 (6) If a cardholder loses his or her registry identification card, he or she shall notify the  
10 department and submit a ten dollar (\$10.00) fee within ten (10) days of losing the card. Within  
11 five (5) days, the department shall issue a new registry identification card with new random  
12 identification number.

13 (7) If a cardholder willfully violates any provision of this chapter as determined by the  
14 department, his or her registry identification card may be revoked.

15 (g) Possession of, or application for, a registry identification card shall not constitute  
16 probable cause or reasonable suspicion, nor shall it be used to support the search of the person or  
17 property of the person possessing or applying for the registry identification card, or otherwise  
18 subject the person or property of the person to inspection by any governmental agency.

19 (h) (1) Applications and supporting information submitted by qualifying patients,  
20 including information regarding their primary caregivers and practitioners, are confidential and  
21 protected under the federal Health Insurance Portability and Accountability Act of 1996, and shall  
22 be exempt from the provisions of the RIGL chapter 38-2 et seq. the Rhode Island access to public  
23 records act and not subject to disclosure, except to authorized employees of the department as  
24 necessary to perform official duties of the department.

25 (2) The application for qualifying patient's registry identification card shall include a  
26 question asking whether the patient would like the department to notify him or her of any clinical  
27 studies about marijuana's risk or efficacy. The department shall inform those patients who answer  
28 in the affirmative of any such studies it is notified of, that will be conducted in Rhode Island. The  
29 department may also notify those patients of medical studies conducted outside of Rhode Island.

30 ~~(2)~~(3) The department shall maintain a confidential list of the persons to whom the  
31 department has issued registry identification cards. Individual names and other identifying  
32 information on the list shall be confidential, exempt from the provisions of Rhode Island Access  
33 to Public Information, chapter 2 of title 38, and not subject to disclosure, except to authorized  
34 employees of the department as necessary to perform official duties of the department.

1 (i) The department shall verify to law enforcement personnel whether a registry  
2 identification card is valid solely by confirming the random registry identification number.

3 (j) It shall be a crime, punishable by up to one hundred eighty (180) days in jail and a one  
4 thousand dollar (\$1,000) fine, for any person, including an employee or official of the department  
5 or another state agency or local government, to breach the confidentiality of information obtained  
6 pursuant to this chapter. Notwithstanding this provision, the department employees may notify  
7 law enforcement about falsified or fraudulent information submitted to the department.

8 (k) On or before January 1 of each odd numbered year, the department shall report to the  
9 House Committee on Health, Education and Welfare and to the Senate Committee on Health and  
10 Human Services on the use of marijuana for symptom relief. The report shall provide:

11 (1) The number of applications for registry identification cards, the number of qualifying  
12 patients and primary caregivers approved, the nature of the debilitating medical conditions of the  
13 qualifying patients, the number of registry identification cards revoked, and the number of  
14 practitioners providing written certification for qualifying patients;

15 (2) An evaluation of the costs permitting the use of marijuana for symptom relief,  
16 including any costs to law enforcement agencies and costs of any litigation;

17 (3) Statistics regarding the number of marijuana-related prosecutions against registered  
18 patients and caregivers, and an analysis of the facts underlying those prosecutions;

19 (4) Statistics regarding the number of prosecutions against physicians for violations of  
20 this chapter; and

21 (5) Whether the United States Food and Drug Administration has altered its position  
22 regarding the use of marijuana for medical purposes or has approved alternative delivery systems  
23 for marijuana.

24 ~~(6) The application for qualifying patients' registry identification card shall include a~~  
25 ~~question asking whether the patient would like the department to notify him or her of any clinical~~  
26 ~~studies about marijuana's risk or efficacy. The department shall inform those patients who answer~~  
27 ~~in the affirmative of any such studies it is notified of, that will be conducted in Rhode Island. The~~  
28 ~~department may also notify those patients of medical studies conducted outside of Rhode Island.~~

29 **21-28.6-10. Severability.** ~~-- Any section of this act being held invalid as to any person or~~  
30 ~~circumstances shall not affect the application of any other section of this act that can be given full~~  
31 ~~effect without the invalid section or application. If any provision of this chapter or its application~~  
32 ~~thereof to any person or circumstance is held invalid, such invalidity shall not affect other~~  
33 ~~provisions or applications of this chapter, which can be given effect without the invalid provision~~  
34 ~~or application, and to this end the provisions of this chapter are declared to be severable.~~

1           **21-28.6-12. Compassion centers.** -- (a) A compassion center registered under this  
2 section may acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply, or  
3 dispense marijuana, or related supplies and educational materials, to registered qualifying patients  
4 and their registered primary caregivers who have designated it as one of their primary caregivers.  
5 A compassion center is a primary caregiver. Except as specifically provided to the contrary, all  
6 provisions of the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act, sections 21-  
7 28.6-1 -- 21-28.6-11, apply to a compassion center unless they conflict with a provision contained  
8 in section 21-28.6-12.

9           (b) Registration of compassion centers--department authority:

10           (1) Not later than ninety (90) days after the effective date of this ~~act~~ [chapter](#), the  
11 department shall promulgate regulations governing the manner in which it shall consider  
12 applications for registration certificates for compassion centers, including regulations governing:

13           (i) The form and content of registration and renewal applications;

14           (ii) Minimum oversight requirements for compassion centers;

15           (iii) Minimum record-keeping requirements for compassion centers;

16           (iv) Minimum security requirements for compassion centers; and

17           (v) Procedures for suspending, [revoking](#) or terminating the registration of compassion  
18 centers that violate the provisions of this section or the regulations promulgated pursuant to this  
19 subsection.

20           (2) Within ninety (90) days of the effective date of this ~~act~~ [chapter](#), the department shall  
21 begin accepting applications for the operation of a single compassion center.

22           (3) Within one hundred fifty (150) days of the effective date of this ~~act~~ [chapter](#), the  
23 department shall provide for at least one public hearing on the granting of an application to a  
24 single compassion center.

25           (4) Within one hundred ninety (190) days of the effective date of this ~~act~~ [chapter](#), the  
26 department shall grant a single registration certificate to a single compassion center, providing at  
27 least one applicant has applied who meets the requirements of this ~~act~~ [chapter](#).

28           (5) If at any time after fifteen (15) months after the effective date of this ~~act~~ [chapter](#),  
29 there is no operational compassion center in Rhode Island, the department shall accept  
30 applications, provide for input from the public, and issue a registration certificate for a  
31 compassion center if a qualified applicant exists.

32           (6) Within two (2) years of the effective date of this ~~act~~ [chapter](#), the department shall  
33 begin accepting applications to provide registration certificates for two (2) additional compassion  
34 centers. The department shall solicit input from the public, and issue registration certificates if

1 qualified applicants exist.

2 (7) Any time a compassion center registration certificate is revoked, is relinquished, or  
3 expires, the department shall accept applications for a new compassion center.

4 (8) If at any time after three (3) years after the effective date of this ~~act~~ [chapter](#), fewer  
5 than three (3) compassion centers are holding valid registration certificates in Rhode Island, the  
6 department shall accept applications for a new compassion center. No more than three (3)  
7 compassion centers may hold valid registration certificates at one time.

8 [\(9\) Any compassion center application selected for approval by the department prior to](#)  
9 [January 1, 2012, shall remain in full force and effect, notwithstanding any provisions of this](#)  
10 [chapter to the contrary, and shall be subject to state law adopted herein and rules and regulations](#)  
11 [adopted by the department subsequent to passage of this legislation.](#)

12 (c) Compassion center and agent applications and registration:

13 (1) Each application for a compassion center shall include:

14 (i) A non-refundable application fee paid to the department in the amount of two  
15 hundred fifty dollars (\$250);

16 (ii) The proposed legal name and proposed articles of incorporation of the compassion  
17 center;

18 (iii) The proposed physical address of the compassion center, if a precise address has  
19 been determined, or, if not, the general location where it would be located. This may include a  
20 second location for the cultivation of medical marijuana;

21 (iv) A description of the enclosed, locked facility that would be used in the cultivation of  
22 marijuana;

23 (v) The name, address, and date of birth of each principal officer and board member of  
24 the compassion center;

25 (vi) Proposed security and safety measures which shall include at least one security  
26 alarm system for each location, planned measures to deter and prevent the unauthorized entrance  
27 into areas containing marijuana and the theft of marijuana, as well as a draft employee instruction  
28 manual including security policies, safety and security procedures, personal safety and crime  
29 prevention techniques; and

30 (vii) Proposed procedures to ensure accurate record keeping;

31 (2) Any time one or more compassion center registration applications are being  
32 considered, the department shall also allow for comment by the public and shall solicit input from  
33 registered qualifying patients, registered primary caregivers; and the towns or cities where the  
34 applicants would be located;

1 (3) Each time a compassion center certificate is granted, the decision shall be based upon  
2 the overall health needs of qualified patients and the safety of the public, including, but not  
3 limited to, the following factors:

4 (i) Convenience to patients from throughout the state of Rhode Island to the compassion  
5 centers if the applicant were approved;

6 (ii) The applicants' ability to provide a steady supply to the registered qualifying patients  
7 in the state;

8 (iii) The applicants' experience running a non-profit or business;

9 (iv) The ~~wishes~~ interests of qualifying patients regarding which applicant be granted a  
10 registration certificate;

11 (v) The ~~wishes~~ interests of the city or town where the dispensary would be located;

12 (vi) The sufficiency of the applicant's plans for record keeping and security, which  
13 records shall be considered confidential health care information under Rhode Island law and are  
14 intended to be deemed protected health care information for purposes of the Federal Health  
15 Insurance Portability and Accountability Act of 1996, as amended; and

16 (vii) The sufficiency of the applicant's plans for safety and security, including proposed  
17 location, security devices employed, and staffing;

18 (4) After a compassion center is approved, but before it begins operations, it shall submit  
19 the following to the department:

20 (i) A fee paid to the department in the amount of five thousand dollars (\$5,000);

21 (ii) The legal name and articles of incorporation of the compassion center;

22 (iii) The physical address of the compassion center; this may include a second address  
23 for the secure cultivation of marijuana;

24 (iv) The name, address, and date of birth of each principal officer and board member of  
25 the compassion center;

26 (v) The name, address, and date of birth of any person who will be an agent of ~~or~~  
27 employed by, employee or volunteer of the compassion center at its inception;

28 (5) The department shall track the number of registered qualifying patients who  
29 designate each compassion center as a primary caregiver, and issue a written statement to the  
30 compassion center of the number of qualifying patients who have designated the compassion  
31 center to serve as a primary caregiver for them. This statement shall be updated each time a new  
32 registered qualifying patient designates the compassion center or ceases to designate the  
33 compassion center and may be transmitted electronically if the department's regulations so  
34 provide. The department may provide by regulation that the updated written statements will not

1 be issued more frequently than twice each week;

2 (6) Except as provided in subdivision (7), the department shall issue each principal  
3 officer, board member, agent, volunteer and employee of a compassion center a registry  
4 identification card or renewal card within ten (10) days of receipt of the person's name, address,  
5 date of birth; ~~and~~ a fee in an amount established by the department; and notification to the  
6 department by the state police that the registry identification card applicant has not been  
7 convicted of a felony drug offense or has not entered a plea of nolo contendere for a felony drug  
8 offense and received a sentence of probation. Each card shall specify that the cardholder is a  
9 principal officer, board member, agent, volunteer, or employee of a compassion center and shall  
10 contain the following:

11 (i) The name, address, and date of birth of the principal officer, board member, agent,  
12 volunteer or employee;

13 (ii) The legal name of the compassion center to which the principal officer, board  
14 member, agent, volunteer or employee is affiliated;

15 (iii) A random identification number that is unique to the cardholder;

16 (iv) The date of issuance and expiration date of the registry identification card; and

17 (v) A photograph, if the department decides to require one;

18 (7) Except as provided in this subsection, the department shall not issue a registry  
19 identification card to any principal officer, board member, agent, volunteer, or employee of a  
20 compassion center who has been convicted of a felony drug offense or has entered a plea of nolo  
21 contendere for a felony drug offense and received a sentence of probation. ~~The department may~~  
22 ~~conduct a background check of each principal officer, board member, agent, volunteer, or~~  
23 ~~employee in order to carry out this provision.~~ The department shall notify the compassion center  
24 in writing of the purpose for denying the registry identification card. The department may grant  
25 such person a registry identification card if the department determines that the offense was for  
26 conduct that occurred prior to the enactment of the Edward O. Hawkins and Thomas C. Slater  
27 Medical Marijuana Act or that was prosecuted by an authority other than the state of Rhode  
28 Island and for which the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act  
29 would otherwise have prevented a conviction;

30 (i) All registry identification card applicants shall apply to the state police for a criminal  
31 background check with fingerprints. Upon the discovery of a felony drug offense conviction or a  
32 plea of nolo contendere for a felony drug offense with a sentence of probation, and in accordance  
33 with the rules promulgated by the director, the state police shall inform the applicant, in writing,  
34 of the nature of the felony and the state police shall notify the department, in writing, without

1 disclosing the nature of the felony, that a felony drug offense conviction or a plea of nolo  
2 contendere for a felony drug offense with probation has been found.

3 (ii) In those situations in which no felony drug offense conviction or plea of nolo  
4 contendere for a felony drug offense with probation has been found, the state police shall inform  
5 the applicant and the department, in writing, of this fact.

6 (iii) All registry identification card applicants shall be responsible for any expense  
7 associated with the criminal background check with fingerprints.

8 (8) A registry identification card of a principal officer, board member, agent, volunteer,  
9 or employee shall expire one year after its issuance, or upon the expiration of the registered  
10 organization's registration certificate, or upon the termination of the principal officer, board  
11 member, agent, volunteer or employee's relationship with the compassion center, whichever  
12 occurs first.

13 (d) Expiration or termination of compassion center:

14 (1) A compassion center's registration shall expire two (2) years after its registration  
15 certificate is issued. The compassion center may submit a renewal application beginning sixty  
16 (60) days prior to the expiration of its registration certificate;

17 (2) The department shall grant a compassion center's renewal application within thirty  
18 (30) days of its submission if the following conditions are all satisfied:

19 (i) The compassion center submits the materials required under subdivision (c)(4),  
20 including a five thousand dollar (\$5,000) fee;

21 (ii) ~~The department has not ever suspended the~~ The compassion center's registration has  
22 never been suspended for violations of this ~~act~~ chapter or regulations issued pursuant to this ~~act~~  
23 chapter;

24 (iii) The legislative oversight committee's report, if issued ~~pursuant to subsection (j)~~  
25 pursuant to subsection (4)(j), indicates that the compassion center is adequately providing patients  
26 with access to medical marijuana at reasonable rates; and

27 (iv) The legislative oversight committee's report, if issued ~~pursuant to subsection (j)~~  
28 pursuant to subsection (4)(j), does not raise serious concerns about the continued operation of the  
29 compassion center applying for renewal.

30 (3) If the department determines that any of the conditions listed in paragraphs (d)(2)(i) -  
31 - (iv) ~~exist~~ have not been met, the department shall begin an open application process for the  
32 operation of a compassion center. In granting a new registration certificate, the department shall  
33 consider factors listed in subdivision (c)(3) of this section;

34 (4) The department shall issue a compassion center one or more thirty (30) day

1 temporary registration certificates after that compassion center's registration would otherwise  
2 expire if the following conditions are all satisfied:

3 (i) The compassion center previously applied for a renewal, but the department had not  
4 yet come to a decision;

5 (ii) The compassion center requested a temporary registration certificate; and

6 (iii) The compassion center has not had its registration certificate revoked due to  
7 violations of this ~~act~~ [chapter](#) or regulations issued pursuant to this ~~act~~ [chapter](#).

8 (5) A compassion center's registry identification card shall be subject to revocation if the  
9 compassion center:

10 (i) Possesses an amount of marijuana exceeding the limits established by this chapter;

11 (ii) Is in violation of the laws of this state;

12 (iii) Is in violation of other departmental regulations; or

13 (iv) Employs or enters into a business relationship with a medical practitioner who  
14 provides written certification of a qualifying patient's medical condition.

15 (e) Inspection. - Compassion centers are subject to reasonable inspection by the  
16 department of health, division of facilities regulation. ~~The department shall give reasonable notice~~  
17 ~~of an inspection under this subsection.~~ During an inspection, the department may review the  
18 compassion center's confidential records, including its dispensing records, which ~~may~~ [shall](#) track  
19 transactions according to qualifying patients' registry identification numbers to protect their  
20 confidentiality.

21 (f) Compassion center requirements:

22 (1) A compassion center shall be operated on a not-for-profit basis for the mutual benefit  
23 of its patients. A compassion center need not be recognized as a tax-exempt organization by the  
24 Internal Revenue Services;

25 (2) A compassion center may not be located within ~~five hundred feet (500)~~ [one thousand](#)  
26 [feet \(1,000'\)](#) of the property line of a preexisting public or private school;

27 (3) A compassion center shall notify the department within ten (10) days ~~of~~ when a  
28 principal officer, board member, agent, volunteer or employee ceases to work at the compassion  
29 center. His or her card shall be deemed null and void and the person shall be liable for any ~~other~~  
30 penalties that may apply to ~~the person's~~ [any](#) nonmedical [possession or](#) use of marijuana [by the](#)  
31 [person](#);

32 (4) A compassion center shall notify the department in writing of the name, address, and  
33 date of birth of any new principal officer, board member, agent, volunteer or employee and shall  
34 submit a fee in an amount established by the department for a new registry identification card

1 before ~~a new agent or employee begins working at~~ that person begins his or her relationship with  
2 the compassion center;

3 (5) A compassion center shall implement appropriate security measures to deter and  
4 prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana and  
5 shall insure that each location has an operational security alarm system. Each compassion center  
6 shall request that the Rhode Island state police visit the compassion center to inspect the security  
7 of the facility and make any recommendations regarding the security of the facility and its  
8 personnel within ten (10) days prior to the initial opening of each compassion center. Said  
9 recommendations shall not be binding upon any compassion center, nor shall the lack of  
10 implementation of said recommendations delay or prevent the opening or operation of any center.  
11 If the Rhode Island state police do not inspect the compassion center within the ten (10) day  
12 period there shall be no delay in the compassion center's opening.

13 (6) The operating documents of a compassion center shall include procedures for the  
14 oversight of the compassion center and procedures to ensure accurate record keeping;

15 (7) A compassion center is prohibited from acquiring, possessing, cultivating,  
16 manufacturing, delivering, transferring, transporting, supplying, or dispensing marijuana for any  
17 purpose except to assist registered qualifying patients with the medical use of marijuana directly  
18 or through the qualifying ~~patients~~ patient's other primary caregiver;

19 (8) All principal officers and board members of a compassion center must be residents of  
20 the state of Rhode Island;

21 (9) Each time a new registered qualifying patient visits a compassion center, it shall  
22 provide the patient with a frequently asked questions sheet designed by the department, which  
23 explains the limitations on the right to use medical marijuana under state law;

24 (10) Each compassion center shall develop, implement, and maintain on the premises  
25 employee, volunteer and agent policies and procedures to address the following requirements:

26 (i) A job description or employment contract developed for all employees and agents and  
27 a volunteer agreement for all volunteers, which includes duties, authority, responsibilities,  
28 ~~qualification~~ qualifications, and supervision; and

29 (ii) Training in and adherence to state confidentiality laws.

30 (11) Each compassion center shall maintain a personnel record for each employee, agent  
31 and ~~each~~ volunteer that includes an application ~~for employment or to volunteer~~ and a record of  
32 any disciplinary action taken;

33 (12) Each compassion center shall develop, implement, and maintain on the premises an  
34 on-site training curriculum, or enter into contractual relationships with outside resources capable

1 of meeting employee training needs, which includes, but is not limited to, the following topics:

2 (i) Professional conduct, ethics, and patient confidentiality; and

3 (ii) Informational developments in the field of medical use of marijuana.

4 (13) Each compassion center entity shall provide each employee, agent and ~~each~~  
5 volunteer, at the time of his or her initial appointment, training in the following:

6 (i) The proper use of security measures and controls that have been adopted; and

7 (ii) Specific procedural instructions on how to respond to an emergency, including  
8 robbery or violent accident;

9 (14) All compassion centers shall prepare training documentation for each employee and  
10 volunteer and have employees and volunteers sign a statement indicating the date, time, and place  
11 the employee and volunteer received said training and topics discussed, to include name and title  
12 of presenters. The compassion center shall maintain documentation of an employee's and a  
13 volunteer's training for a period of at least six (6) months after termination of an employee's  
14 employment or the volunteer's volunteering.

15 (g) Maximum amount of usable marijuana to be dispensed:

16 (1) A compassion center or principal officer, board member, agent, volunteer or  
17 employee of a compassion center may not dispense more than two and one half ounces (2.5 oz) of  
18 usable marijuana to a qualifying patient directly or through a qualifying patient's other primary  
19 caregiver during a fifteen (15) day period;

20 (2) A compassion center or principal officer, board member, agent, volunteer or  
21 employee of a compassion center may not dispense an amount of usable marijuana or marijuana  
22 plants to a qualifying patient or a qualifying patient's other primary caregiver that the compassion  
23 center, principal officer, board member, agent, volunteer, or employee knows would cause the  
24 recipient to possess more marijuana than is permitted under the Edward O. Hawkins and Thomas  
25 C. Slater Medical Marijuana Act.

26 (h) Immunity:

27 (1) No registered compassion center shall be subject to prosecution; search, except by  
28 the department pursuant to subsection (e); seizure; or penalty in any manner or denied any right  
29 or privilege, including, but not limited to, civil penalty or disciplinary action by a business,  
30 occupational, or professional licensing board or entity, solely for acting in accordance with this  
31 section to assist registered qualifying patients to whom it is connected through the department's  
32 registration process with the medical use of marijuana;

33 (2) No registered compassion center shall be subject to prosecution; seizure or penalty in  
34 any manner or denied any right or privilege, including, but not limited to, civil penalty or

1 disciplinary action by a business, occupational, or professional licensing board or entity, for  
2 selling, giving or distributing marijuana in whatever form and within the limits established by the  
3 department to another registered compassion center;

4 ~~(2)~~(3) No principal officers, board members, agents, volunteers, or employees of a  
5 registered compassion center shall be subject to arrest, prosecution, search, seizure, or penalty in  
6 any manner or denied any right or privilege, including, but not limited to, civil penalty or  
7 disciplinary action by a business, occupational, or professional licensing board or entity, solely  
8 for working for or with a compassion center to engage in acts permitted by this section.

9 (4) No state employee shall be subject to arrest, prosecution or penalty in any manner, or  
10 denied any right or privilege, including, but not limited to, civil penalty, disciplinary action,  
11 termination, or loss of employee or pension benefits, for any and all conduct that occurs within  
12 the scope of his or her employment regarding the administration, execution and/or enforcement of  
13 this act, and the provisions of Rhode Island general laws, sections 9-31-8 and 9-31-9 shall be  
14 applicable to this section.

15 (i) Prohibitions:

16 (1) A compassion center ~~may~~ shall not possess an amount of marijuana at any given time  
17 that exceeds the following limitations: ~~total of the allowable amount of marijuana for the~~  
18 ~~registered qualifying patients for whom the compassion center is a registered primary caregiver;~~

19 (i) One hundred fifty (150) marijuana plants of which no more than ninety-nine (99) shall  
20 be mature; and

21 (ii) One thousand five hundred ounces (1500 oz.) of usable marijuana.

22 (2) A compassion center may not dispense, deliver, or otherwise transfer marijuana to a  
23 person other than a qualifying patient who has designated the compassion center as a primary  
24 caregiver or to such patient's other primary caregiver;

25 (3) A person found to have violated paragraph (2) of this subsection may not be an  
26 employee, agent, volunteer, principal officer, or board member of any compassion center, ~~and~~  
27 such person's registry identification card shall be immediately revoked;

28 (4) An employee, agent, volunteer, principal officer or board member of any compassion  
29 center found in violation of paragraph (2) above shall have his or her registry identification  
30 revoked immediately; and

31 ~~(4)~~(5) No person who has been convicted of a felony drug offense or has entered a plea of  
32 nolo contendere for a felony drug offense with a sentence or probation may be the principal  
33 officer, board member, agent, volunteer, or employee of a compassion center unless the  
34 department has determined that the person's conviction was for the medical use of marijuana or

1 assisting with the medical use of marijuana ~~and issued the person a registry identification card as~~  
2 ~~provided under subdivision (e)(7)~~ in accordance with the terms and conditions of this chapter. A  
3 person who is employed by or is an agent, volunteer, principal officer, or board member of a  
4 compassion center in violation of this section is guilty of a civil violation punishable by a fine of  
5 up to one thousand dollars (\$1,000). A subsequent violation of this section is a ~~gross~~  
6 misdemeanor:

7 (j) Legislative oversight committee:

8 (1) The general assembly shall appoint a nine (9) member oversight committee  
9 comprised of: one member of the house of representatives; one member of the senate; one  
10 physician to be selected from a list provided by the Rhode Island medical society; one nurse to be  
11 selected from a list provided by the Rhode Island state nurses association; two (2) registered  
12 qualifying patients; one registered primary caregiver; one patient advocate to be selected from a  
13 list provided by the Rhode Island patient advocacy coalition; and the superintendent of the Rhode  
14 Island state police or his/her designee ~~and one representative of the law enforcement community.~~

15 (2) The oversight committee shall meet at least six (6) times per year for the purpose of  
16 evaluating and making recommendations to the general assembly regarding:

- 17 (i) Patients' access to medical marijuana;
- 18 (ii) Efficacy of compassion center;
- 19 (iii) Physician participation in the Medical Marijuana Program;
- 20 (iv) The definition of qualifying medical condition;
- 21 (v) Research studies regarding health effects of medical marijuana for patients.

22 (3) On or before January 1 of every even numbered year, the oversight committee shall  
23 report to the general assembly on its findings.

24 SECTION 2. Chapter 21-28.6 of the General Laws entitled "The Edward O. Hawkins and  
25 Thomas C. Slater Medical Marijuana Act" is hereby amended by adding thereto the following  
26 section:

27 **21-28.6-13. Construction.** -- This chapter shall be liberally construed so as to effectuate  
28 the purposes thereof.

29 SECTION 3. This act shall take effect upon passage.

=====  
LC01988/SUB A  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

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

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1           This act would add restrictions to the medical marijuana compassion center program,  
2 including provisions to limit the amount of marijuana that a center may possess and to add a  
3 required criminal background check of operators and employees of the centers.

4           This act would take effect upon passage.

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LC01988/SUB A  
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