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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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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 Tomasso, Carnevale, Ucci, Costantino, and Phillips

Date Introduced: February 26, 2014

Referred To: House Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 21-28.6 of the General Laws entitled "The Edward O. Hawkins and
2 Thomas C. Slater Medical Marijuana Act" is hereby amended by adding thereto the following
3 sections:

4 **21-28.6-14. Certificate for the cultivation of medical marijuana. -- (a) Any**
5 **cardholder, who is not a compassion center cardholder, must receive a cultivation certificate from**
6 **the department to cultivate marijuana.**

7 **(b) A cardholder may apply for a cultivation certificate to cultivate medical marijuana for**
8 **themselves or their patients. A cardholder may obtain no more than one cultivation certificate,**
9 **which certificate may be issued for cultivation to occur in no more than one single location,**
10 **which shall be either the cardholder's primary residence, or other property owned by the**
11 **cardholder. Only one cultivation certificate may be issued for a given location, absent proof that**
12 **more than one cardholder currently resides at the location. Multiple cultivation certificates may**
13 **not be issued for non-residential locations.**

14 **(c) A cardholder shall provide the following in order to be considered for a cultivation**
15 **certificate:**

16 **(1) An appropriate non-refundable application fee;**

17 **(2) A description of the single indoor location that shall be used in the cultivation of**
18 **medical marijuana;**

1 (3) A written plan that ensures that the medical marijuana cultivation shall not be visible
2 from the street or other public areas;

3 (4) A description of any device or series of devices that may be used to provide security
4 and proof of the secure grounds;

5 (5) Documentation from the municipality where the single location is located that the
6 location and the cultivation has been inspected by the municipal building and/or zoning official
7 and the municipal fire department and is in compliance with any applicable state or municipal
8 housing and zoning codes; and

9 (6) A written acknowledgement of the limitations of the right to use and possess
10 marijuana for medical purposes in Rhode Island.

11 (d) Such certificate shall expire within one year of issuance. A cardholder who has been
12 issued a cultivation certificate shall apply for renewal of their certificate no less than thirty (30)
13 days prior to the expiration of the certificate by submitting a renewal application to the
14 department. A renewal application must include a fee and updated information as required in
15 subsection (c) of this section.

16 (e) A certificate shall expire at 11:59 p.m. on the day indicated on the certificate as the
17 expiration date, unless the certificate was renewed at an earlier date, suspended or revoked.

18 (f) The cardholder shall maintain the certificate prominently at the cultivation location
19 and be able to produce the certificate immediately upon request by the department or law
20 enforcement.

21 (g) Any violation of any provision of this chapter may result in the immediate revocation
22 of the cultivation certificate.

23 (h) Cardholders who have been granted a cultivation certificate shall not collectively
24 cultivate with any other cardholders who have been issued a cultivation certificate unless there is
25 evidence that they reside at the same location.

26 **21-28.6-15. Application fees. --** Any application fee for patient cardholders, caregiver
27 cardholders and cultivation certificates shall be retained by the department for adequate
28 regulation of this program.

29 SECTION 2. Sections 21-28.6-2, 21-28.6-3, 21-28.6-4, 21-28.6-6, 21-28.6-8, 21-28.6-9
30 and 21-28.6-12 of the General Laws in Chapter 21-28.6 entitled "The Edward O. Hawkins and
31 Thomas C. Slater Medical Marijuana Act" are hereby amended to read as follows:

32 **21-28.6-2. Legislative findings. --** The general assembly finds and declares that:

33 (1) Modern medical research has discovered beneficial uses for marijuana in treating or
34 alleviating pain, nausea and other symptoms associated with certain debilitating medical

1 conditions, as found by the National Academy of Sciences' Institute of Medicine in March 1999.

2 (2) According to the U.S. Sentencing Commission and the Federal Bureau of
3 Investigation, ninety-nine (99) out of every one hundred (100) marijuana arrests in the United
4 States are made under state law, rather than under federal law. Consequently, changing state law
5 will have the practical effect of protecting from arrest the vast majority of seriously ill people
6 who have a medical need to use marijuana.

7 (3) Although federal law currently prohibits any use of marijuana, the laws of Alaska,
8 California, Colorado, Hawaii, Maine, Montana, Nevada, Oregon, Vermont, and Washington
9 permit the medical use and cultivation of marijuana. Rhode Island joins in this effort for the
10 health and welfare of its citizens.

11 (4) States are not required to enforce federal law or prosecute people for engaging in
12 activities prohibited by federal law. Therefore, compliance with this chapter does not put the state
13 of Rhode Island in violation of federal law.

14 (5) State law should make a distinction between the medical and nonmedical use of
15 marijuana. Hence, the purpose of this chapter is to protect patients with debilitating medical
16 conditions, and their physicians and primary caregivers, from arrest and prosecution, criminal and
17 other penalties, and property forfeiture if such patients engage in the medical use of marijuana.

18 (6) The general assembly enacts this chapter pursuant to its police power to enact
19 legislation for the protection of the health of its citizens, as reserved to the state in the Tenth
20 Amendment of the United States Constitution.

21 (7) It is in the state's interests of public safety, public welfare and the integrity of the
22 medical marijuana program to ensure that the possession and cultivation of marijuana for the sole
23 purpose of medical use for alleviating symptoms caused by debilitating medical conditions is
24 adequately regulated.

25 **21-28.6-3. Definitions.** -- For the purposes of this chapter:

26 (1) "Cardholder" means a qualifying patient; or a primary caregiver; ~~or a principal~~
27 ~~officer, board member, employee, volunteer, or agent of a compassion center~~ who has registered
28 with the department and has been issued and possesses a valid registry identification card.

29 (2)(i) "Compassion center" means a not-for-profit corporation subject to the provisions
30 of chapter 7-6, and registered under section 21-28.6-12 that acquires, possesses, cultivates,
31 manufactures, delivers, transfers, transports, supplies or dispenses marijuana, and/or related
32 supplies and educational materials, to ~~registered qualifying patients~~ patient cardholders and/or
33 their registered ~~primary caregivers~~ caregiver cardholder who have designated it as one of their
34 primary caregivers.

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

4 (3) "Cultivation certificate" means a certificate issued by the department that allows that
5 cardholder to cultivate medical marijuana pursuant to this chapter.

6 ~~(3)~~(4) "Debilitating medical condition" means:

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

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

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

16 ~~(4)~~(5) "Department" means the Rhode Island department of health or its successor
17 agency.

18 ~~(5)~~(6) "Marijuana" has the meaning given that term in section 21-28-1.02(26).

19 ~~(6)~~(7) "Mature marijuana plant" means a marijuana plant which has flowers or buds that
20 are readily observable by an unaided visual examination.

21 ~~(7)~~(8) "Medical use" means the acquisition, possession, cultivation, manufacture, use,
22 delivery, transfer, or transportation of marijuana or paraphernalia relating to the consumption of
23 marijuana to alleviate a ~~registered-qualifying-patient's~~ patient cardholder's debilitating medical
24 condition or symptoms associated with the medical condition.

25 ~~(8)~~(9) "Practitioner" means a person who is licensed with authority to prescribe drugs
26 pursuant to chapter 37 of title 5 or a physician licensed with authority to prescribe drugs in
27 Massachusetts or Connecticut.

28 ~~(9)~~(10) "Primary caregiver" means either a natural person who is at least twenty-one (21)
29 years old or a compassion center. A natural person primary caregiver may assist no more than
30 five (5) qualifying patients with their medical use of marijuana.

31 ~~(10)~~(11) "Qualifying patient" means a person who has been diagnosed by a practitioner
32 as having a debilitating medical condition and is a resident of Rhode Island.

33 ~~(11)~~(12) "Registry identification card" means a document issued by the department that
34 identifies a person as a registered qualifying patient, a registered primary caregiver, or a

1 registered principal officer, board member, employee, volunteer, or agent of a compassion center.

2 ~~(12)~~(13) "Seedling" means a marijuana plant with no observable flowers or buds.

3 ~~(13)~~(14) "Unusable marijuana" means marijuana seeds, stalks, seedlings, and unusable
4 roots.

5 ~~(14)~~(15) "Usable marijuana" means the dried leaves and flowers of the marijuana plant,
6 and any mixture or preparation thereof, including freshly harvested wet marijuana, but does not
7 include the seeds, stalks, and roots of the plant.

8 ~~(15)~~(16) "Written certification" means the qualifying patient's medical records, and a
9 statement signed by a practitioner, stating that in the practitioner's professional opinion the
10 potential benefits of the medical use of marijuana would likely outweigh the health risks for the
11 qualifying patient. A written certification shall be made only in the course of a bona fide
12 practitioner-patient relationship after the practitioner has completed a full assessment of the
13 qualifying patient's medical history. The written certification shall specify the qualifying patient's
14 debilitating medical condition or conditions.

15 **21-28.6-4. Protections for the medical use of marijuana.** -- (a) A ~~qualifying~~ patient
16 cardholder who has in his or her possession a registry identification card shall not be subject to
17 arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not
18 limited to, civil penalty or disciplinary action by a business or occupational or professional
19 licensing board or bureau, for the medical use of marijuana; provided, that the ~~qualifying~~ patient
20 cardholder possesses an amount of marijuana that does not exceed ~~twelve (12) mature marijuana~~
21 ~~plants and two and one half (2.5) ounces~~ five (5) ounces of usable marijuana. If the patient
22 cardholder has been issued a cultivation certificate as provided in § 21-28.6-14, the patient
23 cardholder may possess up to three (3) mature marijuana plants. ~~Said plants shall be stored in an~~
24 ~~indoor facility.~~

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

32 (c) No school, employer or landlord may refuse to enroll, employ or lease to or otherwise
33 penalize a person solely for his or her status as a cardholder. Provided, however, due to the safety
34 and welfare concern for other tenants, the property, and the public, as a whole, a landlord may

1 [have the discretion not to lease or continue to lease to a cardholder who cultivates marijuana in](#)
2 [the leased premises.](#)

3 (d) A primary caregiver [cardholder](#), who has in his or her possession, a registry
4 identification card shall not be subject to arrest, prosecution, or penalty in any manner, or denied
5 any right or privilege, including but not limited to, civil penalty or disciplinary action by a
6 business or occupational or professional licensing board or bureau, for assisting a ~~qualifying~~
7 patient [cardholder](#) to whom he or she is connected through the department's registration process
8 with the medical use of marijuana; provided, that the primary caregiver [cardholder](#) possesses an
9 amount of marijuana which does not exceed ~~twelve (12) mature marijuana plants and two and~~
10 ~~one-half (2.5) ounces~~ [five \(5\) ounces](#) of usable marijuana for each ~~qualifying~~ patient [cardholder](#)
11 to whom he or she is connected through the department's registration process. [If the primary](#)
12 [caregiver cardholder has been issued a cultivation certificate as provided in § 21-28.6-14, they](#)
13 [may possess up to three \(3\) mature marijuana plants for each patient cardholder to whom he or](#)
14 [she is connected through the department's registration process, subject to the possession limits in](#)
15 [§ 21-28.6-4\(n\).](#)

16 (e) ~~Registered primary caregivers and registered qualifying patients~~ [A cardholder](#) shall
17 be allowed to possess a reasonable amount of unusable marijuana, including up to ~~twelve (12)~~
18 [three \(3\)](#) seedlings, [if the cardholder has been issued a cultivation certificate as provided in § 21-](#)
19 [28.6-14](#), which shall not be counted toward the limits in this section.

20 (f) There shall exist a presumption that a ~~qualifying patient or primary caregiver~~
21 [cardholder](#) is engaged in the medical use of marijuana if the ~~qualifying patient or primary~~
22 ~~caregiver~~ [cardholder](#):

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

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

28 (g) A primary caregiver [cardholder](#) may receive reimbursement for costs associated with
29 assisting a ~~registered qualifying patient's~~ [patient cardholder's](#) medical use of marijuana.
30 Compensation shall not constitute sale of controlled substances.

31 (h) A natural person ~~registered as a~~ primary caregiver [cardholder](#) who has in his or her
32 possession a registry identification card shall not be subject to arrest, prosecution, or penalty in
33 any manner, or denied any right or privilege, including, but not limited to, civil penalty or
34 disciplinary action by a business or occupational or professional licensing board or bureau, for

1 selling, giving, or distributing marijuana, of the type and in an amount not to exceed that set forth
2 in subsection (d) above, to a ~~registered~~ compassion center [cardholder](#) if:

3 (1) The ~~registered~~ natural person primary caregiver [cardholder](#) cultivated the marijuana
4 pursuant to this chapter, not to exceed the limits of paragraph (d) above; and

5 (2) Each ~~qualified~~ patient [cardholder](#) the caregiver [cardholder](#) is connected with through
6 the department's registration process has been provided an adequate amount of the marijuana to
7 meet his or her medical needs, not to exceed the limits of subsection (a) above.

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

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

16 (k) No person shall be subject to arrest or prosecution for constructive possession,
17 conspiracy, aiding and abetting, being an accessory, or any other offense for simply being in the
18 presence or vicinity of the medical use of marijuana as permitted under this chapter or for
19 assisting a ~~registered-qualifying~~ patient [cardholder](#) with using or administering marijuana.

20 (l) A practitioner nurse or pharmacist shall not be subject to arrest, prosecution or
21 penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty
22 or disciplinary action by a business or occupational or professional licensing board or bureau
23 solely for discussing the benefits or health risks of medical marijuana or its interaction with other
24 substances with a patient.

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

30 (n) Notwithstanding the provisions of subsection 21-28.6-4(d) or subsection 21-28.6-
31 4(e), no ~~primary~~ caregiver [cardholder](#) other than a compassion center shall possess an amount of
32 marijuana in excess of ~~twenty-four (24) marijuana plants and five (5) ounces~~ [ten \(10\) ounces](#) of
33 usable marijuana for ~~qualifying patients~~ [patient cardholders](#) to whom he or she is connected
34 through the department's registration process. [If the primary caregiver cardholder has been issued](#)

1 [a cultivation certificate as provided in § 21-28.6-14, they may possess no more than up to six \(6\)](#)
2 [mature marijuana plants, for patient cardholders to whom he or she is connected through the](#)
3 [department's registration process.](#)

4 (o) A ~~registered qualifying patient or registered primary caregiver~~ [cardholder](#) may give
5 marijuana to another ~~registered qualifying patient or registered primary caregiver~~ [cardholder](#) to
6 whom they are not connected by the department's registration process, provided that no
7 consideration is paid for the marijuana, and that the recipient does not exceed the limits specified
8 in section 21-28.6-4.

9 (p) For the purposes of medical care, including organ transplants, a ~~registered qualifying~~
10 ~~patient's~~ [patient cardholder's](#) authorized use of marijuana shall be considered the equivalent of the
11 authorized use of any other medication used at the direction of a physician, and shall not
12 constitute the use of an illicit substance.

13 **21-28.6-6. Administration of regulations.** -- (a) The department shall issue registry
14 identification cards to qualifying patients who submit the following, in accordance with the
15 department's regulations:

16 (1) Written certification as defined in ~~section 21-28.6-3(14)~~ [§ 21-28.6-3\(16\)](#) of this
17 chapter;

18 (2) Application or renewal fee;

19 (3) Name, address, and date of birth of the qualifying patient; provided, however, that if
20 the patient is homeless, no address is required;

21 (4) Name, address, and telephone number of the qualifying patient's practitioner; and

22 (5) Name, address, and date of birth of each primary caregiver of the qualifying patient,
23 if any.

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

26 (1) The qualifying patient's practitioner has explained the potential risks and benefits of
27 the medical use of marijuana to the qualifying patient and to a parent, guardian or person having
28 legal custody of the qualifying patient; and

29 (2) A parent, guardian or person having legal custody consents in writing to:

30 (i) Allow the qualifying patient's medical use of marijuana;

31 (ii) Serve as one of the qualifying patient's primary caregivers; and

32 (iii) Control the acquisition of the marijuana, the dosage, and the frequency of the
33 medical use of marijuana by the qualifying patient.

34 (c) The department shall verify the information contained in an application or renewal

1 submitted pursuant to this section, and shall approve or deny an application or renewal within
2 fifteen (15) days of receiving it. The department may deny an application or renewal only if the
3 applicant did not provide the information required pursuant to this section, or if the department
4 determines that the information provided was falsified. Rejection of an application or renewal is
5 considered a final department action, subject to judicial review. Jurisdiction and venue for
6 judicial review are vested in the superior court.

7 (d) The department shall issue a registry identification card to each primary caregiver, if
8 any, who is named in a qualifying patient's approved application, up to a maximum of two (2)
9 primary caregivers per qualifying patient. ~~A person may not serve as a primary caregiver if he or
10 she has a felony drug conviction, unless the department waives this restriction in respect to a
11 specific individual at the department's discretion. Additionally, the department shall allow the
12 person to serve as a primary caregiver if the department determines that the offense was for
13 conduct that occurred prior to the enactment of the Edward O. Hawkins and Thomas C. Slater
14 Medical Marijuana Act or that was prosecuted by an authority other than the state of Rhode
15 Island and for which the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act
16 would otherwise have prevented a conviction.~~

17 (1) The primary caregiver applicant shall apply to the bureau of criminal identification of
18 the department of attorney general, state police or local police department for a national criminal
19 records check that shall include fingerprints submitted to the Federal Bureau of Investigation.
20 Upon the discovery of any disqualifying information as defined in § 21-28.6-6(d)(4), and in
21 accordance with the rules promulgated by the director, the bureau of criminal identification of the
22 department of attorney general, state police or the local police department shall inform the
23 applicant, in writing, of the nature of the disqualifying information; and, without disclosing the
24 nature of the disqualifying information, shall notify the department, in writing, that disqualifying
25 information has been discovered.

26 (2) In those situations in which no disqualifying information has been found, the bureau
27 of criminal identification of the department of attorney general, state police or the local police
28 shall inform the applicant and the department, in writing, of this fact.

29 (3) The department shall maintain on file evidence that a criminal records check has been
30 initiated on all applicants seeking a primary caregiver registry identification card and the results
31 of the checks.

32 (4) Information produced by a criminal records check pertaining to a conviction for any
33 felony offense under chapter 21-28 ("Rhode Island Controlled Substances Act") or a similar
34 offense from any other jurisdiction shall result in a letter to the applicant and the department

1 disqualifying the applicant. If disqualifying information has been found, the department may use
2 their discretion to issue a primary caregiver card if the applicant's connected patient is an
3 immediate family member and the card is restricted to that patient only.

4 (5) The primary caregiver applicant shall be responsible for any expense associated with
5 the national criminal records check.

6 (6) For purposes of this section "conviction" means, in addition to judgments of
7 conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances
8 where the defendant has entered a plea of nolo contendere and has received a sentence of
9 probation and those instances where a defendant has entered into a deferred sentence agreement
10 with the attorney general.

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

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

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

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

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

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

1 (4) When a ~~qualifying~~ patient cardholder or primary caregiver cardholder notifies the
2 department of any changes listed in this subsection, the department shall issue the ~~registered~~
3 ~~qualifying~~ patient cardholder and each primary caregiver cardholder a new registry identification
4 card within ten (10) days of receiving the updated information and a ten dollar (\$10.00) fee.

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

9 (5) When a ~~qualifying patient who possesses a registry identification card~~ patient
10 cardholder changes his or her primary caregiver, the department shall notify the primary caregiver
11 cardholder within ten (10) days. The primary ~~caregiver's~~ caregiver cardholder's protections as
12 provided in this chapter as to that patient shall expire ten (10) days after notification by the
13 department. If the primary caregiver cardholder is connected to no other patient cardholders in the
14 program, he or she must return his or her registry identification card to the department.

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

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

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

25 (h)(1) Applications and supporting information submitted by qualifying patients,
26 including information regarding their primary caregivers and practitioners, are confidential and
27 protected under the federal Health Insurance Portability and Accountability Act of 1996, and shall
28 be exempt from the provisions of the RIGL chapter 38-2 et seq. the Rhode Island access to public
29 records act and not subject to disclosure, except to authorized employees of the department as
30 necessary to perform official duties of the department and pursuant to subsection (i) of this
31 section.

32 (2) The application for qualifying patient's registry identification card shall include a
33 question asking whether the patient would like the department to notify him or her of any clinical
34 studies about marijuana's risk or efficacy. The department shall inform those patients who answer

1 in the affirmative of any such studies it is notified of, that will be conducted in Rhode Island. The
2 department may also notify those patients of medical studies conducted outside of Rhode Island.

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

8 (i) Notwithstanding subsection (h) of this section, the ~~The~~ department shall ~~verify to law~~
9 ~~enforcement personnel whether a registry identification card is valid solely by confirming the~~
10 ~~random registry identification number~~ maintain a twenty four (24) hour automated verification
11 system for law enforcement personnel to verify the validity of a cardholder by confirming a
12 random registry number or name and the street address of the location granted a cultivation
13 certificate under § 21-28.6-14.

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

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

23 (1) The number of applications for registry identification cards, the number of qualifying
24 patients and primary caregivers approved, the nature of the debilitating medical conditions of the
25 qualifying patients, the number of registry identification cards revoked, and the number of
26 practitioners providing written certification for qualifying patients;

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

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

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

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

1 for marijuana.

2 **21-28.6-8. Affirmative defense and dismissal.** -- (a) Except as provided in section 21-
3 28.6-7, a ~~person~~ qualifying patient ~~and a person's primary caregiver, if any,~~ may assert the
4 medical purpose for using marijuana as a defense to any prosecution involving marijuana, and
5 such defense shall be presumed valid where the evidence shows that:

6 (1) The qualifying patient's practitioner has stated that, in the practitioner's professional
7 opinion, after having completed a full assessment of the person's medical history and current
8 medical condition made in the course of a bona fide practitioner-patient relationship, the potential
9 benefits of using marijuana for medical purposes would likely outweigh the health risks for the
10 qualifying patient; and

11 (2) The ~~person~~ qualifying patient ~~and the person's primary caregiver, if any, were~~
12 ~~collectively~~ was in possession of a quantity of marijuana that was not more than what is permitted
13 under this chapter to ensure the uninterrupted availability of marijuana for the purpose of
14 alleviating the person's medical condition or symptoms associated with the medical condition.

15 (b) A person may assert the medical purpose for using marijuana in a motion to dismiss,
16 and the charges shall be dismissed following an evidentiary hearing where the defendant shows
17 the elements listed in subsection (a) of this section.

18 (c) Any interest in or right to property that was possessed, owned, or used in connection
19 with a ~~person's~~ qualifying patient's use of marijuana for medical purposes shall not be forfeited if
20 the ~~person~~ qualifying patient ~~or the person's primary caregiver~~ demonstrates the ~~person's~~
21 qualifying patient's medical purpose for using marijuana pursuant to this section.

22 **21-28.6-9. Enforcement.** -- (a) If the department fails to adopt regulations to implement
23 this chapter within one hundred twenty (120) days of the effective date of this act, a qualifying
24 patient may commence an action in a court of competent jurisdiction to compel the department to
25 perform the actions mandated pursuant to the provisions of this chapter.

26 (b) If the department fails to issue a valid registry identification card in response to a
27 valid application submitted pursuant to this chapter within thirty-five (35) days of its submission,
28 the registry identification card shall be deemed granted and a copy of the registry identification
29 application shall be deemed valid registry identification card.

30 (c) The department shall revoke and shall not reissue the registry identification card of
31 any cardholder who is convicted of, placed on probation, whose case is filed pursuant to § 12-10-
32 12 where the defendant pleads nolo contendere or whose case is deferred pursuant to § 12-19-19
33 where the defendant pleads nolo contendere for any felony offense under chapter 21-28 ("Rhode
34 Island Controlled Substances Act") or a similar offense from any other jurisdiction.

1 [\(d\) If a cardholder exceeds the possessions limits set forth in § 21-28.6-4 or cultivates](#)
2 [marijuana without a cultivation certificate, he or she shall be subject to arrest and prosecution](#)
3 [under chapter 21-28 \("Rhode Island Controlled Substances Act"\).](#)

4 **21-28.6-12. Compassion centers.** -- (a) A compassion center registered under this
5 section may acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply, or
6 dispense marijuana, or related supplies and educational materials, to registered qualifying patients
7 and their registered primary caregivers who have designated it as one of their primary caregivers.
8 A compassion center is a primary caregiver. Except as specifically provided to the contrary, all
9 provisions of the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act, sections 21-
10 28.6-1 -- 21-28.6-11, apply to a compassion center unless they conflict with a provision contained
11 in section 21-28.6-12.

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

13 (1) Not later than ninety (90) days after the effective date of this chapter, the department
14 shall promulgate regulations governing the manner in which it shall consider applications for
15 registration certificates for compassion centers, including regulations governing:

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

17 (ii) Minimum oversight requirements for compassion centers;

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

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

20 (v) Procedures for suspending, revoking or terminating the registration of compassion
21 centers that violate the provisions of this section or the regulations promulgated pursuant to this
22 subsection.

23 (2) Within ninety (90) days of the effective date of this chapter, the department shall
24 begin accepting applications for the operation of a single compassion center.

25 (3) Within one hundred fifty (150) days of the effective date of this chapter, the
26 department shall provide for at least one public hearing on the granting of an application to a
27 single compassion center.

28 (4) Within one hundred ninety (190) days of the effective date of this chapter, the
29 department shall grant a single registration certificate to a single compassion center, providing at
30 least one applicant has applied who meets the requirements of this chapter.

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

1 (6) Within two (2) years of the effective date of this chapter, the department shall begin
2 accepting applications to provide registration certificates for two (2) additional compassion
3 centers. The department shall solicit input from the public, and issue registration certificates if
4 qualified applicants exist.

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

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

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

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

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

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

19 (ii) The proposed legal name and proposed articles of incorporation of the compassion
20 center;

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

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

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

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

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

34 (2) Any time one or more compassion center registration applications are being

1 considered, the department shall also allow for comment by the public and shall solicit input from
2 registered qualifying patients, registered primary caregivers; and the towns or cities where the
3 applicants would be located;

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

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

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

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

12 (iv) The interests of qualifying patients regarding which applicant be granted a
13 registration certificate;

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

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

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

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

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

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

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

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

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

31 (5) The department shall track the number of registered qualifying patients who
32 designate each compassion center as a primary caregiver, and issue a written statement to the
33 compassion center of the number of qualifying patients who have designated the compassion
34 center to serve as a primary caregiver for them. This statement shall be updated each time a new

1 registered qualifying patient designates the compassion center or ceases to designate the
2 compassion center and may be transmitted electronically if the department's regulations so
3 provide. The department may provide by regulation that the updated written statements will not
4 be issued more frequently than twice each week;

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

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

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

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

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

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

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

30 (i) All registry identification card applicants shall apply to the state police for a national
31 criminal identification records check that shall include fingerprints submitted to the federal
32 bureau of investigation. Upon the discovery of a felony drug offense conviction or a plea of nolo
33 contendere for a felony drug offense with a sentence of probation, and in accordance with the
34 rules promulgated by the director, the state police shall inform the applicant, in writing, of the

1 nature of the felony and the state police shall notify the department, in writing, without disclosing
2 the nature of the felony, that a felony drug offense conviction or a plea of nolo contendere for a
3 felony drug offense with probation has been found.

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

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

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

14 (d) Expiration or termination of compassion center:

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

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

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

22 (ii) The compassion center's registration has never been suspended for violations of this
23 chapter or regulations issued pursuant to this chapter;

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

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

30 (3) If the department determines that any of the conditions listed in paragraphs (d)(2)(i) -
31 - (iv) have not been met, the department shall begin an open application process for the operation
32 of a compassion center. In granting a new registration certificate, the department shall consider
33 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 chapter or regulations issued pursuant to this 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. During an inspection, the department may
17 review the compassion center's confidential records, including its dispensing records, which shall
18 track transactions according to qualifying patients' registry identification numbers to protect their
19 confidentiality.

20 (f) Compassion center requirements:

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

24 (2) A compassion center may not be located within one thousand feet (1000') of the
25 property line of a preexisting public or private school;

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

30 (4) A compassion center shall notify the department in writing of the name, address, and
31 date of birth of any new principal officer, board member, agent, volunteer or employee and shall
32 submit a fee in an amount established by the department for a new registry identification card
33 before that person begins his or her relationship with the compassion center;

34 (5) A compassion center shall implement appropriate security measures to deter and

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

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

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

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

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

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

23 (i) A job description or employment contract developed for all employees and agents and
24 a volunteer agreement for all volunteers, which includes duties, authority, responsibilities,
25 qualifications, and supervision; and

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

27 (11) Each compassion center shall maintain a personnel record for each employee, agent
28 and volunteer that includes an application and a record of any disciplinary action taken;

29 (12) Each compassion center shall develop, implement, and maintain on the premises an
30 on-site training curriculum, or enter into contractual relationships with outside resources capable
31 of meeting employee training needs, which includes, but is not limited to, the following topics:

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

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

34 (13) Each compassion center entity shall provide each employee, agent and volunteer, at

1 the time of his or her initial appointment, training in the following:

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

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

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

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

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

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

22 (h) Immunity:

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

29 (2) No registered compassion center shall be subject to prosecution; seizure or penalty in
30 any manner or denied any right or privilege, including, but not limited to, civil penalty or
31 disciplinary action by a business, occupational, or professional licensing board or entity, for
32 selling, giving or distributing marijuana in whatever form and within the limits established by the
33 department to another registered compassion center;

34 (3) No principal officers, board members, agents, volunteers, or employees of a

1 registered compassion center shall be subject to arrest, prosecution, search, seizure, or penalty in
2 any manner or denied any right or privilege, including, but not limited to, civil penalty or
3 disciplinary action by a business, occupational, or professional licensing board or entity, solely
4 for working for or with a compassion center to engage in acts permitted by this section.

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

11 (i) Prohibitions:

12 (1) A compassion center must limit its inventory of seedlings, plants, and usable
13 marijuana to reflect the projected needs of registered qualifying patients. ~~shall not possess an~~
14 ~~amount of marijuana at any given time that exceeds the following limitations:~~

15 ~~(i) One hundred fifty (150) marijuana plants of which no more than ninety nine (99)~~
16 ~~shall be mature; and~~

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

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

21 (3) A person found to have violated paragraph (2) of this subsection may not be an
22 employee, agent, volunteer, principal officer, or board member of any compassion center;

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

26 (5) No person who has been convicted of a felony drug offense or has entered a plea of
27 nolo contendere for a felony drug offense with a sentence or probation may be the principal
28 officer, board member, agent, volunteer, or employee of a compassion center unless the
29 department has determined that the person's conviction was for the medical use of marijuana or
30 assisting with the medical use of marijuana in accordance with the terms and conditions of this
31 chapter. A person who is employed by or is an agent, volunteer, principal officer, or board
32 member of a compassion center in violation of this section is guilty of a civil violation punishable
33 by a fine of up to one thousand dollars (\$1,000). A subsequent violation of this section is a
34 misdemeanor:

1 (j) Legislative oversight committee:

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

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

11 (i) Patients' access to medical marijuana;

12 (ii) Efficacy of compassion center;

13 (iii) Physician participation in the Medical Marijuana Program;

14 (iv) The definition of qualifying medical condition;

15 (v) Research studies regarding health effects of medical marijuana for patients.

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

18 SECTION 3. This act shall take effect on September 1, 2014.

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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

1 This act would make various changes to the medical marijuana act. This act would also
2 require all cardholders who wish to cultivate marijuana to apply for a cultivation certificate from
3 the department of health. It would further reduce the allowable limits of plants, seedlings and
4 usable marijuana which may be cultivated or possessed by cardholders, and would provide
5 landlords the option not to lease to a cardholder who chooses to cultivate marijuana. This act
6 would also require national criminal background checks on all applications for a primary
7 caregiver, provide for the permanent mandatory revocation of an issued registry identification
8 card upon the conviction of a felony and would require the department of health to maintain a
9 twenty-four (24) hour automated verification system for law enforcement personnel to verify the
10 validity of a cardholder.

11 This act would take effect on September 1, 2014.

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