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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: Representative Scott Slater

Date Introduced: March 26, 2014

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

4 **21-28.6-3. Definitions.** -- 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 corporation subject to the provisions of
9 chapter 7-6, and registered under section 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, post-traumatic stress disorder, or the treatment of
16 these conditions;

17 (ii) A chronic or debilitating disease or medical condition or its treatment that produces
18 one or more of the following: cachexia or wasting syndrome; severe, debilitating, chronic pain;

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

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

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

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

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

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

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

17 (9) "Primary caregiver" means either a natural person who is at least twenty-one (21)
18 years old or a compassion center. A natural person primary caregiver may assist no more than
19 five (5) qualifying patients with their 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 (13) "Unusable marijuana" means marijuana seeds, stalks, seedlings, and unusable roots.

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

29 (15) "Written certification" means the qualifying patient's medical records, and a
30 statement signed by a practitioner, stating that in the practitioner's professional opinion the
31 potential benefits of the medical use of marijuana would likely outweigh the health risks for the
32 qualifying patient. A written certification shall be made only in the course of a bona fide
33 practitioner-patient relationship after the practitioner has completed a full assessment of the
34 qualifying patient's medical history. The written certification shall specify the qualifying patient's

1 debilitating medical condition or conditions.

2 **21-28.6-6. Administration of regulations.** -- (a) The department shall issue registry
3 identification cards to qualifying patients who submit the following, in accordance with the
4 department's regulations:

5 (1) Written certification as defined in section 21-28.6-3(14) of this chapter;

6 (2) Application or renewal fee;

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

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

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

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

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

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

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

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

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

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

29 (d) If the qualifying patient's practitioner notifies the department in a written statement
30 that the qualifying patient is eligible for hospice care, the department shall verify the application
31 information in accordance with subsection (c) and issue a registry identification card to the
32 qualifying patient and primary caregivers named in the patient's application within seventy-two
33 (72) hours of receipt of the completed application. The department shall not charge a registration
34 fee to the patient or caregivers named in the application.

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

11 ~~(e)~~ (f) 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)~~ (g) Persons issued registry identification cards shall be subject to the following:

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

23 (2) A registered qualifying patient who fails to notify the department of any of these
24 changes is responsible for a civil infraction, punishable by a fine of no more than one hundred
25 fifty dollars (\$150). If the person has ceased to suffer from a debilitating medical condition, the
26 card shall be deemed null and void and the person shall be liable for any other penalties that may
27 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 shall notify the department of any change in his or her
30 name or address within ten (10) days of such change. A primary caregiver, principal officer,
31 board member, employee, volunteer, or agent of a compassion center who fails to notify the
32 department of any of these changes is responsible for a civil infraction, punishable by a fine of no
33 more than one hundred fifty dollars (\$150).

34 (4) When a qualifying patient or primary caregiver notifies the department of any

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

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

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

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

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

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

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

32 (3) The department shall maintain a confidential list of the persons to whom the
33 department has issued registry identification cards. Individual names and other identifying
34 information on the list shall be confidential, exempt from the provisions of Rhode Island Access

1 to Public Information, chapter 2 of title 38, and not subject to disclosure, except to authorized
2 employees of the department as necessary to perform official duties of the department.

3 ~~(j)~~ (l) The department shall verify to law enforcement personnel whether a registry
4 identification card is valid solely by confirming the random registry identification number.

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

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

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

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

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

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

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

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

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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 add post-traumatic stress disorder to the definition of "debilitating
2 medical condition" for purposes of qualifying for medical marijuana. It would also accelerate the
3 issuance of an approved medical marijuana use application if the patient is eligible for hospice
4 care.

5 This act would take effect upon passage.

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