

2016 -- S 2113

=====
LC003859
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

—————
A N A C T

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

Introduced By: Senators Archambault, Satchell, Goldin, and Miller

Date Introduced: January 21, 2016

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 21-28.6-4 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 **21-28.6-4. Protections for the medical use of marijuana.** -- (a) A patient cardholder
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 patient cardholder 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 patient cardholder, who has in his or her possession a registry identification card,
12 shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or
13 privilege, including, but not limited to, civil penalty or disciplinary action by a business or
14 occupational or professional licensing board or bureau, for selling, giving, or distributing
15 marijuana of the type, and in an amount not to exceed, that set forth in subsection (a) above, that
16 he or she has cultivated or manufactured pursuant to this chapter, to a compassion center
17 cardholder.

18 (c) No school, employer, or landlord may refuse to enroll, employ, or lease to, or

1 otherwise penalize, a person solely for his or her status as a cardholder. Provided, however, due to
2 the safety and welfare concern for other tenants, the property, and the public, as a whole, a
3 landlord may have the discretion not to lease, or continue to lease, to a cardholder who cultivates
4 marijuana in the leased premises.

5 (d) A primary caregiver cardholder, who has in his or her possession, a registry
6 identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied
7 any right or privilege, including, but not limited to, civil penalty or disciplinary action by a
8 business or occupational or professional licensing board or bureau, for assisting a patient
9 cardholder, to whom he or she is connected through the department's registration process, with
10 the medical use of marijuana; provided, that the primary caregiver cardholder possesses an
11 amount of marijuana that does not exceed twelve (12) mature marijuana plants and two and one-
12 half (2.5) ounces of usable marijuana for each patient cardholder to whom he or she is connected
13 through the department's registration process.

14 (e) A patient cardholder shall be allowed to possess a reasonable amount of unusable
15 marijuana, including up to twelve (12) seedlings, that shall not be counted toward the limits in
16 this section. A primary caregiver cardholder shall be allowed to possess a reasonable amount of
17 unusable marijuana, including up to twelve (12) seedlings, that shall not be counted towards the
18 limits in this section.

19 (f) There shall exist a presumption that a cardholder is engaged in the medical use of
20 marijuana if the cardholder:

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

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

26 (g) A primary caregiver cardholder may receive reimbursement for costs associated with
27 assisting a patient cardholder's medical use of marijuana. Compensation shall not constitute sale
28 of controlled substances.

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

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

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

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

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

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

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

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

28 (n) Notwithstanding the provisions of § 21-28.6-4(d) ~~or § 21-28.6-4(e)~~, no primary
29 caregiver cardholder, other than a compassion center, shall possess an amount of marijuana in
30 excess of twenty-four (24) mature marijuana plants and five (5) ounces of usable marijuana for
31 patient cardholders to whom he or she is connected through the department's registration process.

32 (o) A cardholder may give marijuana to another cardholder to whom they are not
33 connected by the department's registration process, provided that no consideration is paid for the
34 marijuana, and that the recipient does not exceed the limits specified in § 21-28.6-4.

1 (p) For the purposes of medical care, including organ transplants, a patient cardholder's
2 authorized use of marijuana shall be considered the equivalent of the authorized use of any other
3 medication used at the direction of a physician, and shall not constitute the use of an illicit
4 substance.

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

=====
LC003859
=====

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 allow a primary caregiver cardholder to possess a reasonable amount of
2 unusable marijuana, including up to twelve (12) seedlings that would not be counted toward the
3 limits provided by law.

4 This act would take effect upon passage.

=====
LC003859
=====