

2016 -- S 2545

=====
LC005251
=====

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 Ciccone, Algieri, McCaffrey, Walaska, and Kettle

Date Introduced: February 25, 2016

Referred To: Senate Judiciary

(Attorney General)

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 cardholder shall be allowed to possess a reasonable amount of unusable marijuana,
15 including up to twelve (12) seedlings, that shall not be counted toward the limits in this section.

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

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

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

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

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

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

34 (2) Each patient cardholder the caregiver cardholder is connected with through the

1 department's registration process has been provided an adequate amount of the marijuana to meet
2 his or her medical needs, not to exceed the limits of subsection (a) above.

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

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

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

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

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

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

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

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

1 substance.

2 [\(q\) Notwithstanding any other provisions of the general laws, the manufacture of](#)
3 [marijuana using a solvent extraction process that includes the use of a compressed, flammable gas](#)
4 [as a solvent by a cardholder shall not be subject to the protections of this chapter.](#)

5 SECTION 2. Section 21-28.6-12 of the General Laws in Chapter 21-28.6 entitled "The
6 Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act" is hereby amended to read as
7 follows:

8 **21-28.6-12. Compassion centers. --** (a) A compassion center registered under this
9 section may acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply, or
10 dispense marijuana, or related supplies and educational materials, to registered qualifying patients
11 and their registered primary caregivers who have designated it as one of their primary caregivers.
12 A compassion center is a primary caregiver. Except as specifically provided to the contrary, all
13 provisions of the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act, §§ 21-28.6-1
14 -- 21-28.6-11, apply to a compassion center unless they conflict with a provision contained in §
15 21-28.6-12.

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

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

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

21 (ii) Minimum oversight requirements for compassion centers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (vi) Proposed security and safety measures which shall include at least one security
33 alarm system for each location, planned measures to deter and prevent the unauthorized entrance
34 into areas containing marijuana and the theft of marijuana, as well as a draft employee instruction

1 manual including security policies, safety and security procedures, personal safety and crime
2 prevention techniques; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (5) The department shall track the number of registered qualifying patients who
2 designate each compassion center as a primary caregiver, and issue a written statement to the
3 compassion center of the number of qualifying patients who have designated the compassion
4 center to serve as a primary caregiver for them. This statement shall be updated each time a new
5 registered qualifying patient designates the compassion center or ceases to designate the
6 compassion center and may be transmitted electronically if the department's regulations so
7 provide. The department may provide by regulation that the updated written statements will not
8 be issued more frequently than twice each week;

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

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

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

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

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

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

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

34 (i) All registry identification card applicants shall apply to the state police for a national

1 criminal identification records check that shall include fingerprints submitted to the federal
2 bureau of investigation. Upon the discovery of a felony drug offense conviction or a plea of nolo
3 contendere for a felony drug offense with a sentence of probation, and in accordance with the
4 rules promulgated by the director, the state police shall inform the applicant, in writing, of the
5 nature of the felony and the state police shall notify the department, in writing, without disclosing
6 the nature of the felony, that a felony drug offense conviction or a plea of nolo contendere for a
7 felony drug offense with probation has been found.

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

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

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

18 (d) Expiration or termination of compassion center:

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

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

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

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

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

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

34 (3) If the department determines that any of the conditions listed in paragraphs (d)(2)(i) -

1 - (iv) have not been met, the department shall begin an open application process for the operation
2 of a compassion center. In granting a new registration certificate, the department shall consider
3 factors listed in subdivision (c)(3) of this section;

4 (4) The department shall issue a compassion center one or more thirty (30) day
5 temporary registration certificates after that compassion center's registration would otherwise
6 expire if the following conditions are all satisfied:

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

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

10 (iii) The compassion center has not had its registration certificate revoked due to
11 violations of this chapter or regulations issued pursuant to this chapter.

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

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

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

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

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

19 (e) Inspection. - Compassion centers are subject to reasonable inspection by the
20 department of health, division of facilities regulation. During an inspection, the department may
21 review the compassion center's confidential records, including its dispensing records, which shall
22 track transactions according to qualifying patients' registry identification numbers to protect their
23 confidentiality.

24 (f) Compassion center requirements:

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

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

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

34 (4) A compassion center shall notify the department in writing of the name, address, and

1 date of birth of any new principal officer, board member, agent, volunteer or employee and shall
2 submit a fee in an amount established by the department for a new registry identification card
3 before that person begins his or her relationship with the compassion center;

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

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

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

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

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

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

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

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

31 (11) Each compassion center shall maintain a personnel record for each employee, agent
32 and volunteer that includes an application and a record of 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 volunteer, at
5 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 (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, §§ 9-31-8 and 9-31-9 shall be
14 applicable to this section.

15 (i) Prohibitions:

16 (1) A compassion center must limit its inventory of seedlings, plants, and usable
17 marijuana to reflect the projected needs of registered qualifying patients.

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 (k) Notwithstanding any other provisions of the general laws, the manufacture of
19 marijuana using a solvent extraction process that includes the use of a compressed, flammable gas
20 as a solvent by a compassion center cardholder shall be subject to the protections of this chapter if
21 the compassion center cardholder manufactures in accordance with the department's regulations
22 that shall include, but not be limited to, safety checks prior to manufacture, written emergency
23 procedures, comprehensive training, and certification that the equipment, manufacturing room,
24 and standard operating procedures are in compliance with all applicable local and state building
25 codes, fire codes, electrical codes, and any other applicable laws.

26 SECTION 3. Section 1 shall take effect upon passage. Section 2 shall take effect on
27 January 1, 2017.

=====
LC005251
=====

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 provide that the manufacture of marijuana using solvent extraction
2 process, that includes the use of a compressed, flammable gas as a solvent, would not be subject
3 to the protections of the medical marijuana statute, except if a compassion center cardholder
4 manufactures in accordance with regulations.

5 Section 1 would take effect upon passage. Section 2 would take effect on January 1,
6 2017.

=====
LC005251
=====