

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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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: Senators Ciccone, P Fogarty, Miller, and Goldin

Date Introduced: April 27, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 21-28.6-12 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 **21-28.6-12. Compassion centers.**

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

11 (b) Registration of compassion centers--authority of the departments of health and
12 business regulation:

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

1 (iv) Minimum security requirements for compassion centers; and
2 (v) Procedures for suspending, revoking, or terminating the registration of compassion
3 centers that violate the provisions of this section or the regulations promulgated pursuant to this
4 subsection.

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

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

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

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

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

21 (7) (i) Any time a compassion center registration certificate is revoked, is relinquished, or
22 expires on or before December 31, 2016, the department of health shall accept applications for a
23 new compassion center.

24 (ii) Any time a compassion center registration certificate is revoked, is relinquished, or
25 expires on or after January 1, 2017, the department of business regulation shall accept
26 applications for a new compassion center.

27 (8) If at any time after three (3) years after the effective date of this chapter and on or
28 before December 31, 2016, fewer than three (3) compassion centers are holding valid registration
29 certificates in Rhode Island, the department of health shall accept applications for a new
30 compassion center. If at any time on or after January 1, 2017, fewer than three (3) compassion
31 centers are holding valid registration certificates in Rhode Island, the department of business
32 regulation shall accept applications for a new compassion center. No more than three (3)
33 compassion centers may hold valid registration certificates at one time.

34 (9) Any compassion center application selected for approval by the department of health

1 on or before December 31, 2016, or selected for approval by the department of business
2 regulation on or after January 1, 2017, shall remain in full force and effect, notwithstanding any
3 provisions of this chapter to the contrary, and shall be subject to state law, [including requirements](#)
4 [for renewal applications](#), adopted herein and rules and regulations adopted by the departments of
5 health and business regulation subsequent to passage of this legislation.

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

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

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

10 (ii) The proposed legal name and proposed articles of incorporation of the compassion
11 center;

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

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

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

19 (vi) Proposed security and safety measures that shall include at least one security alarm
20 system for each location, planned measures to deter and prevent the unauthorized entrance into
21 areas containing marijuana and the theft of marijuana, as well as a draft, employee-instruction
22 manual including security policies, safety and security procedures, personal safety, and crime-
23 prevention techniques; ~~and~~

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

25 [\(viii\) Proposed employment standards, including education and training opportunities,](#)
26 [wage scale, health care coverage, paid sick and family leave, comprehensive nondiscrimination](#)
27 [language, plans to recruit and hire a diverse workforce from the local community and retirement](#)
28 [benefits; and](#)

29 [\(ix\) Proposed environmental and sustainability plan, including efforts to minimize the](#)
30 [carbon footprint, environmental impact, and resource needs of its facilities;](#)

31 (2) (i) For applications submitted on or before December 31, 2016, any time one or more
32 compassion center registration applications are being considered, the department of health shall
33 also allow for comment by the public and shall solicit input from registered qualifying patients,
34 registered primary caregivers; and the towns or cities where the applicants would be located;

1 (ii) For applications submitted on or after January 1, 2017, any time one or more
2 compassion center registration applications are being considered, the department of business
3 regulation shall also allow for comment by the public and shall solicit input from registered
4 qualifying patients, registered primary caregivers; and the towns or cities where the applicants
5 would be located. ;

6 (iii) The department of business regulation and the department of health, where
7 applicable, shall create a merit-based point system for scoring and ranking applications. All
8 applications shall be ranked from the most to the least points, and if two (2) applications receive
9 equal rankings, a public lottery shall determine which receives the registration certificate.

10 (3) Each time a compassion center certificate is granted or renewed, the decision shall be
11 based upon a competitive, merit-based scoring process established by the department that takes
12 into account the overall health needs of qualified patients and the safety of the public, including,
13 but not limited to, the following factors:

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

16 (ii) The applicant's ability to provide a steady supply to the registered qualifying patients
17 in the state, including evidence of any labor peace agreements with bona fide labor organizations
18 assuring an uninterrupted supply of medicine;

19 (iii) The applicant's experience running a non-profit or business;

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

22 (v) The interests of the city or town where the dispensary would be located, including the
23 interest of the local population as neighbors, employees and customers of the dispensary;

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

28 (vii) The sufficiency of the applicant's plans for safety, ~~and~~ security, safety equipment,
29 employee training on best practices, ventilation, ergonomics procedures, employee engagement,
30 and, where relevant, combustion safety and disaster plans for mold, pesticide and chemical
31 exposure; including proposed location, security devices employed, and staffing;

32 (viii) The applicant's ability to provide safe, secure, family-supporting jobs to local
33 residents at its facilities and in any related construction projects arising therefrom, including
34 paying a livable wage (three hundred percent (300%) of the federal poverty level for a family of

1 two (2)), providing employer-paid health insurance benefits for its employees, offering training
2 and educational opportunities for employee development, signing a labor peace agreement or
3 collective bargaining agreement with a bona fide labor organization, providing paid sick and
4 family leave, providing employer-paid retirement benefits, and whether the applicant has a
5 previous record of violating federal or state laws or regulations relating to employment,
6 workplace safety, wages and compensation, discrimination, or union activity;

7 (ix) The sufficiency of the applicant's plans to minimize the environmental impact of its
8 operations, including efforts it will take to minimize its carbon footprint, such as using renewable
9 energy sources, minimizing water usage, employing organic cultivation methods and other
10 sustainable business practices; and

11 (x) Where an applicant, its principals or managerial employees own or operate other
12 businesses, including medical marijuana facilities in other jurisdictions, evidence that they have
13 never been cited, sanctioned, investigated, suspended or had their license, permit, registration or
14 authorization revoked for any reason, including criminal, patient safety, workplace safety, wage
15 and hour, discrimination, human rights, labor, employment, tax or other violations relevant to its
16 business operations.

17 (4) A compassion center approved by the department of health on or before December
18 31, 2016, shall submit the following to the department before it may begin operations:

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

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

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

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

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

27 (5) A compassion center approved by the department of business regulation on or after
28 January 1, 2017, shall submit the following to the department before it may begin operations:

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

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

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

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

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

3 (vi) Copies of any handbooks, benefits plans, labor peace and/or collective bargaining
4 agreements covering its employees.

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

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

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

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

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

21 (v) A photograph, if the department of health or the department of business regulation
22 decides to require one.

23 (7) Except as provided in this subsection, ~~neither~~ the department of health ~~nor~~ or the
24 department of business regulation shall not issue a registry identification card to any principal
25 officer, board member, agent, ~~volunteer~~, or employee of a compassion center who has been
26 convicted of a felony drug offense or has entered a plea of nolo contendere for a felony drug
27 offense and received a sentence of probation. If a registry identification card is denied, the
28 compassion center will be notified in writing of the purpose for denying the registry identification
29 card. A registry identification card may be granted if the offense was for conduct that occurred
30 prior to the enactment of the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act
31 or that was prosecuted by an authority other than the state of Rhode Island and for which the
32 Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act would otherwise have
33 prevented a conviction.

34 (i) All registry identification card applicants shall apply to the department of public safety

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

10 (ii) In those situations in which no felony drug offense conviction or plea of nolo
11 contendere for a felony drug offense with probation has been found, the department of public
12 safety division of state police shall inform the applicant and the department of health or the
13 department of business regulation, in writing, of this fact.

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

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

21 (9) A compassion center cardholder shall notify and request approval from the
22 department of business regulation of any change in his or her name or address within ten (10)
23 days of such change. A compassion center cardholder who fails to notify the department of
24 business regulation of any of these changes is responsible for a civil infraction, punishable by a
25 fine of no more than one hundred fifty dollars (\$150).

26 (10) When a compassion center cardholder notifies the department of health or the
27 department of business regulation of any changes listed in this subsection, the department shall
28 issue the cardholder a new registry identification card within ten (10) days of receiving the
29 updated information and a ten-dollar (\$10.00) fee.

30 (11) If a compassion center cardholder loses his or her registry identification card, he or
31 she shall notify the department of health or the department of business regulation and submit a ten
32 dollar (\$10.00) fee within ten (10) days of losing the card. Within five (5) days, the department
33 shall issue a new registry identification card with new random identification number.

34 (12) On or before December 31, 2016, a compassion center cardholder shall notify the

1 department of health of any disqualifying criminal convictions as defined in subdivision (c)(7).
2 The department of health may choose to suspend and/or revoke his or her registry identification
3 card after such notification.

4 (13) On or after January 1, 2017, a compassion center cardholder shall notify the
5 department of business regulation of any disqualifying criminal convictions as defined in
6 subdivision (c)(7). The department of business regulation may choose to suspend and/or revoke
7 his or her registry identification card after such notification.

8 (14) If a compassion center cardholder violates any provision of this chapter or
9 regulations promulgated hereunder as determined by the departments of health ~~and~~ or business
10 regulation, his or her registry identification card may be suspended and/or revoked.

11 (d) Expiration or termination of compassion center:

12 (1) On or before December 31, 2016, a compassion center's registration shall expire two
13 (2) years after its registration certificate is issued. On or after January 1, 2017, a compassion
14 center's registration shall expire one year after its registration certificate is issued. The
15 compassion center may submit a renewal application beginning sixty (60) days prior to the
16 expiration of its registration certificate;

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

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

22 (ii) The compassion center, including its principals and management employees acting in
23 the official capacities, have not violated any local, state or federal tax, environmental, consumer
24 protection, food safety, workplace safety, discrimination, human rights, employment, labor or
25 other laws relevant to the operation of a medical marijuana business in the state;

26 (iii) The compassion center has not violated any material commitment in its previous
27 application for a registration;

28 ~~(ii)(iv)~~ (iv) The compassion center's registration has never been suspended for violations of
29 this chapter or regulations issued pursuant to this chapter; and

30 ~~(iii)(v)~~ (v) The department of health and the department of business regulation find that the
31 compassion center is adequately providing patients with access to a steady supply of medical
32 marijuana at reasonable rates;

33 (3) If the department of health or the department of business regulation determines that
34 any of the conditions listed in paragraphs (d)(2)(i) -- ~~(iii)(v)~~ have not been met, the department

1 shall begin an open, competitive, merit-based application process for the operation of a
2 compassion center. In granting a new registration certificate, the department of health or the
3 department of business regulation shall consider factors listed in subdivision (c)(3);

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

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

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

11 (iii) The compassion center has not had its registration certificate revoked, or is not
12 currently under investigation for ~~due to~~ violations of this chapter or regulations issued pursuant to
13 this chapter.

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

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

17 (ii) Is in violation of the laws of this state or the locality in which it operates;

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

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

21 (e) Inspection. Compassion centers are subject to reasonable inspection by the department
22 of health, division of facilities regulation and the department of business regulation to ensure
23 compliance with this chapter and corresponding regulations, protection of worker and public
24 safety, patient confidentiality, environmental protection and any other relevant concern. During
25 an inspection, the departments may review the compassion center's confidential records,
26 including its dispensing records, which shall track transactions according to qualifying patients'
27 registry identification numbers to protect their confidentiality.

28 (f) Compassion center requirements:

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

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

34 (3) On or before December 31, 2016, a compassion center shall notify the department of

1 health within ten (10) days of when a principal officer, board member, agent, ~~volunteer~~, or
2 employee ceases to work at the compassion center. On or after January 1, 2017, a compassion
3 center shall notify the department of business regulation within ten (10) days of when a principal
4 officer, board member, agent, volunteer, or employee ceases to work at the compassion center.
5 His or her card shall be deemed null and void and the person shall be liable for any penalties that
6 may apply to any nonmedical possession or use of marijuana by the person;

7 (4) (i) On or before December 31, 2016, a compassion center shall notify the department
8 of health in writing of the name, address, and date of birth of any new principal officer, board
9 member, agent, volunteer or employee and shall submit a fee in an amount established by the
10 department for a new registry identification card before that person begins his or her relationship
11 with the compassion center;

12 (ii) On or after January 1, 2017, a compassion center shall notify the department of
13 business regulation, in writing, of the name, address, and date of birth of any new principal
14 officer, board member, agent, ~~volunteer~~, or employee and shall submit a fee in an amount
15 established by the department for a new registry identification card before that person begins his
16 or her relationship with the compassion center;

17 (5) A compassion center shall implement appropriate security measures to deter and
18 prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana and
19 shall insure that each location has an operational security alarm system. Each compassion center
20 shall request that the department of public safety division of state police visit the compassion
21 center to inspect the security of the facility and make any recommendations regarding the security
22 of the facility and its personnel within ten (10) days prior to the initial opening of each
23 compassion center. Said recommendations shall not be binding upon any compassion center, nor
24 shall the lack of implementation of said recommendations delay or prevent the opening or
25 operation of any center. If the department of public safety division of state police does not inspect
26 the compassion center within the ten-day (10) period, there shall be no delay in the compassion
27 center's opening.

28 (6) The operating documents of a compassion center shall include procedures for the
29 oversight of the compassion center and procedures to ensure accurate record keeping.

30 (7) A compassion center is prohibited from acquiring, possessing, cultivating,
31 manufacturing, delivering, transferring, transporting, supplying, or dispensing marijuana for any
32 purpose except to assist registered qualifying patients with the medical use of marijuana directly
33 or through the qualifying patient's primary caregiver or authorized purchaser.

34 (8) All principal officers and board members of a compassion center must be residents of

1 the state of Rhode Island.

2 (9) Each time a new, registered, qualifying patient visits a compassion center, it shall
3 provide the patient with a frequently asked questions sheet, designed by the department, that
4 explains the limitations on the right to use medical marijuana under state law.

5 (10) Effective July 1, 2016, each compassion center shall be subject to any regulations
6 promulgated by the department of health that specify how usable marijuana must be tested for
7 items included but not limited to cannabinoid profile and contaminants.

8 (11) Effective January 1, 2017, each compassion center shall be subject to any product
9 labeling requirements promulgated by the department of business regulation.

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

12 (i) A job description or employment contract developed for all employees and agents, ~~and~~
13 ~~a volunteer agreement for all volunteers~~, that includes duties, authority, responsibilities,
14 qualifications, training programs, safety measures, and supervision; and

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

16 (13) Each compassion center shall maintain a personnel record for each employee, and
17 ~~agent, and volunteer~~ that includes an application and a record of any disciplinary action taken.

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

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

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

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

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

26 (ii) Specific procedural instructions on how to respond to an emergency, including
27 robbery or violent accident; and

28 (iii) The proper use of safety equipment, regular procedures to minimize repetitive strain
29 injuries and, where relevant, exposure to mold, pesticides and any chemicals or potentially
30 dangerous processes in the growing, extraction or preparation of medicine.

31 (16) All compassion centers shall prepare training documentation for each employee ~~and~~
32 ~~volunteer~~ and have employees ~~and volunteers~~ sign a statement indicating the date, time, and place
33 the employee ~~and volunteer~~ received said training and topics discussed, to include name and title
34 of presenters. The compassion center shall maintain documentation of an employee's ~~and a~~

1 ~~volunteer's~~ training for a period of at least six (6) months after termination of an employee's
2 employment ~~or the volunteer's volunteering.~~

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

4 (1) A compassion center or principal officer, board member, agent, ~~volunteer,~~ or
5 employee of a compassion center may not dispense more than two and one half ounces (2.5 oz.)
6 of usable marijuana, or its equivalent, to a qualifying patient directly or through a qualifying
7 patient's primary caregiver or authorized purchaser during a fifteen-day (15) period;

8 (2) A compassion center or principal officer, board member, agent, ~~volunteer,~~ or
9 employee of a compassion center may not dispense an amount of usable marijuana, or its
10 equivalent, seedlings, or mature marijuana plants, to a qualifying patient, a qualifying patient's
11 primary caregiver, or a qualifying patient's authorized purchaser that the compassion center,
12 principal officer, board member, agent, ~~volunteer,~~ or employee knows would cause the recipient
13 to possess more marijuana than is permitted under the Edward O. Hawkins and Thomas C. Slater
14 Medical Marijuana Act.

15 (3) Compassion centers shall utilize a database administered by the departments of health
16 and business regulation. The database shall contains all compassion centers' transactions
17 according to qualifying patients', authorized purchasers', and primary caregivers', registry
18 identification numbers to protect the confidentiality of patient personal and medical information.
19 Compassion centers will not have access to any applications or supporting information submitted
20 by qualifying patients, authorized purchasers or primary caregivers. Before dispensing marijuana
21 to any patient or authorized purchaser, the compassion center must utilize the database to ensure
22 that a qualifying patient is not dispensed more than two and one half ounces (2.5 oz.) of usable
23 marijuana or its equivalent directly or through the qualifying patient's primary caregiver or
24 authorized purchaser during a fifteen-day (15) period.

25 (h) Immunity:

26 (1) No registered compassion center shall be subject to prosecution; search, except by the
27 departments pursuant to subsection (e); seizure; or penalty in any manner, or denied any right or
28 privilege, including, but not limited to, civil penalty or disciplinary action by a business,
29 occupational, or professional licensing board or entity, solely for acting in accordance with this
30 section to assist registered qualifying patients.

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

1 the department of health or the department of business regulation to another registered
2 compassion center.

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

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

13 (i) Prohibitions:

14 (1) A compassion center must limit its inventory of seedlings, plants, and usable
15 marijuana to reflect the projected needs of qualifying patients;

16 (2) A compassion center may not dispense, deliver, or otherwise transfer marijuana to a
17 person other than a qualifying patient or to such patient's primary caregiver or authorized
18 purchaser;

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

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

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

33 (j) Legislative oversight committee:

34 (1) The general assembly shall appoint a ~~nine-member (9)~~ ten (10) member oversight

1 committee comprised of: one member of the house of representatives; one member of the senate;
2 one physician to be selected from a list provided by the Rhode Island medical society; one nurse
3 to be selected from a list provided by the Rhode Island state nurses association; two (2) registered
4 qualifying patients; one registered primary caregiver; one patient advocate to be selected from a
5 list provided by the Rhode Island patient advocacy coalition; one representative of medical
6 marijuana workers; and the superintendent of the department of public safety, or his/her designee.

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

9 (i) Patients' access to medical marijuana;

10 (ii) Efficacy of compassion centers;

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

12 (iv) The definition of qualifying medical condition; ~~and~~

13 (v) Research studies regarding health effects of medical marijuana for patients- ; and

14 (vi) Impact on the local community, including job creation, safety, security, the
15 environment and public health.

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 2. This act shall take effect upon passage.

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LC002398
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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 amend the Edward O. Hawkins and Thomas C. Slater Medical Marijuana
- 2 Act to provide for more protection for workers employed by the medical marijuana industry and
- 3 improve public safety.
- 4 This act would take effect upon passage.

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LC002398
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