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ARTICLE 14

RELATING TO EDWARD O. HAWKINS AND THOMAS C. SLATER MEDICAL MARIJUANA ACT

SECTION 1. Sections 21-28.6-3, 21-28.6-4, 21-28.6-6 and 21-28.6-12 of the General Laws in Chapter 21-28.6 entitled "The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act" are hereby amended as follows:

21-28.6-3. Definitions.

For the purposes of this chapter:

(1) "Authorized purchaser" means a natural person who is at least twenty-one (21) years old and who is registered with the department of health for the purposes of assisting a qualifying patient in purchasing marijuana from a compassion center. An authorized purchaser may assist no more than one patient, and is prohibited from consuming marijuana obtained for the use of the qualifying patient. An authorized purchaser shall be registered with the department of health and shall possess a valid registry identification card.

(2) "Cardholder" means a person who has been registered or licensed with the department of health or the department of business regulation pursuant to this chapter and possesses a valid registry identification card or license.

(3) "Commercial unit" means a building, office, suite, or room within a commercial or industrial building for use by one business or person and is rented or owned by that business or person.

(4) (i) "Compassion center" means a not-for-profit corporation, subject to the provisions of chapter 6 of title 7, and registered under § 21-28.6-12, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, or dispenses marijuana, and/or related supplies and educational materials, to patient cardholders and/or their registered caregiver cardholder or authorized purchaser.

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

(5) "Debilitating medical condition" means:

(i) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune

1 deficiency syndrome, Hepatitis C, post-traumatic stress disorder, or the treatment of these
2 conditions;

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

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

10 (6) "Department of business regulation" means the Rhode Island department of business
11 regulation or its successor agency.

12 (7) "Department of health" means the Rhode Island department of health or its successor
13 agency.

14 (8) "Department of public safety" means the Rhode Island department of public safety or
15 its successor agency.

16 (9) "Dried, useable marijuana" means the dried leaves and flowers of the marijuana plant
17 as defined by regulations promulgated by the department of health.

18 (10) "Dwelling unit" means the room, or group of rooms, within a dwelling used or
19 intended for use by one family or household, or by no more than three (3) unrelated individuals,
20 for living, sleeping, cooking, and eating.

21 (11) "Equivalent amount" means the portion of usable marijuana, be it in extracted, edible,
22 concentrated, or any other form, found to be equal to a portion of dried, usable marijuana, as defined
23 by regulations promulgated by the department of health.

24 (12) "Licensed cultivator" means a person, as identified in § 43-3-6, who has been licensed
25 by the department of business regulation to cultivate marijuana pursuant to § 21-28.6-16.

26 (13) "Marijuana" has the meaning given that term in § 21-28-1.02(29).

27 (14) "Mature marijuana plant" means a marijuana plant that has flowers or buds that are
28 readily observable by an unaided visual examination.

29 (15) "Medical use" means the acquisition, possession, cultivation, manufacture, use,
30 delivery, transfer, or transportation of marijuana or paraphernalia relating to the consumption of
31 marijuana to alleviate a patient cardholder's debilitating medical condition or symptoms associated
32 with the medical condition.

33 (16) "Medical marijuana testing laboratory" means a third party analytical testing
34 laboratory licensed by the department of health to collect and test samples of medical marijuana

1 [pursuant to regulations promulgated by the department.](#)

2 ~~(16)~~(17) "Practitioner" means a person who is licensed with authority to prescribe drugs
3 pursuant to ~~chapter 37~~ [chapters 34, 37 and 54](#) of title 5, [who may provide a qualifying patient with](#)
4 [a written certification in accordance with regulations promulgated by the department of health](#) or a
5 physician licensed with authority to prescribe drugs in Massachusetts or Connecticut.

6 ~~(17)~~(18) "Primary caregiver" means a natural person who is at least twenty-one (21) years
7 old. A primary caregiver may assist no more than five (5) qualifying patients with their medical
8 use of marijuana.

9 ~~(18)~~(19) "Qualifying patient" means a person who has been diagnosed by a practitioner as
10 having a debilitating medical condition and is a resident of Rhode Island.

11 ~~(19)~~(20) "Registry identification card" means a document issued by the department of
12 health that identifies a person as a registered qualifying patient, a registered primary caregiver, or
13 authorized purchaser, or a document issued by the department of business regulation that identifies
14 a person as a registered principal officer, board member, employee, volunteer, or agent of a
15 compassion center.

16 ~~(20)~~(21) "Seedling" means a marijuana plant with no observable flowers or buds.

17 ~~(21)~~(22) "Unusable marijuana" means marijuana seeds, stalks, seedlings, and unusable
18 roots.

19 ~~(22)~~(23) "Usable marijuana" means the dried leaves and flowers of the marijuana plant,
20 and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

21 ~~(23)~~(24) "Wet marijuana" means the harvested leaves and flowers of the marijuana plant
22 before they have reached a dry useable state, as defined by regulations promulgated by the
23 departments of health and business regulation.

24 ~~(24)~~(25) "Written certification" means the qualifying patient's medical records, and a
25 statement signed by a practitioner, stating that, in the practitioner's professional opinion, the
26 potential benefits of the medical use of marijuana would likely outweigh the health risks for the
27 qualifying patient. A written certification shall be made only in the course of a bona fide,
28 practitioner-patient relationship after the practitioner has completed a full assessment of the
29 qualifying patient's medical history. The written certification shall specify the qualifying patient's
30 debilitating medical condition or conditions.

31 **21-28.6-4. Protections for the medical use of marijuana.**

32 (a) A qualifying patient cardholder who has in his or her possession a registry identification
33 card shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or
34 privilege, including, but not limited to, civil penalty or disciplinary action by a business or

1 occupational or professional licensing board or bureau, for the medical use of marijuana; provided,
2 that the qualifying patient cardholder possesses an amount of marijuana that does not exceed twelve
3 (12) mature marijuana plants that are accompanied by valid medical marijuana tags, two and one-
4 half (2.5) ounces of usable marijuana, or its equivalent amount, and an amount of wet marijuana to
5 be set by regulations promulgated by the departments of health and business regulation. Said plants
6 shall be stored in an indoor facility.

7 (b) An authorized purchaser who has in his or her possession a registry identification card
8 shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege,
9 including, but not limited to, civil penalty or disciplinary action by a business or occupational or
10 professional licensing board or bureau, for the possession of marijuana; provided that the
11 authorized purchaser possesses an amount of marijuana that does not exceed two and one-half (2.5)
12 ounces of usable marijuana, or its equivalent amount, and this marijuana was purchased legally
13 from a compassion center for the use of their designated qualifying patient.

14 (c) A qualifying patient cardholder, who has in his or her possession a registry
15 identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied
16 any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business
17 or occupational or professional licensing board or bureau, for selling, giving, or distributing, on or
18 before December 31, 2016 to a compassion center cardholder, marijuana of the type, and in an
19 amount not to exceed, that set forth in subsection (a), that he or she has cultivated or manufactured
20 pursuant to this chapter.

21 (d) No school, employer, or landlord may refuse to enroll, employ, or lease to, or otherwise
22 penalize, a person solely for his or her status as a cardholder. Provided, however, due to the safety
23 and welfare concern for other tenants, the property, and the public, as a whole, a landlord may have
24 the discretion not to lease, or continue to lease, to a cardholder who cultivates marijuana in the
25 leased premises.

26 (e) A primary caregiver cardholder, who has in his or her possession a registry
27 identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied
28 any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business
29 or occupational or professional licensing board or bureau, for assisting a patient cardholder, to
30 whom he or she is connected through the department of health's registration process, with the
31 medical use of marijuana; provided, that the primary caregiver cardholder possesses an amount of
32 marijuana that does not exceed twelve (12) mature marijuana plants that are accompanied by valid
33 medical marijuana tags, two and one-half (2.5) ounces of usable marijuana, or its equivalent
34 amount, and an amount of wet marijuana set in regulations promulgated by the departments of

1 health and business regulation for each qualified patient cardholder to whom he or she is connected
2 through the department of health's registration process.

3 (f) A qualifying patient cardholder shall be allowed to possess a reasonable amount of
4 unusable marijuana, including up to twelve (12) seedlings that are accompanied by valid medical
5 marijuana tags. A primary caregiver cardholder shall be allowed to possess a reasonable amount of
6 unusable marijuana, including up to twenty-four (24) seedlings that are accompanied by valid
7 medical marijuana tags and an amount of wet marijuana set in regulations promulgated by the
8 departments of health and business regulation.

9 (g) There shall exist a presumption that a cardholder is engaged in the medical use of
10 marijuana if the cardholder:

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

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

16 (h) A primary caregiver cardholder may receive reimbursement for costs associated with
17 assisting a qualifying patient cardholder's medical use of marijuana. Compensation shall not
18 constitute sale of controlled substances.

19 (i) A primary caregiver cardholder, who has in his or her possession a registry identification
20 card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or
21 privilege, including, but not limited to, civil penalty or disciplinary action by a business or
22 occupational or professional licensing board or bureau, for selling, giving, or distributing, on or
23 before December 31, 2016 to a compassion center cardholder, marijuana, of the type, and in an
24 amount not to exceed that set forth in subsection (e), if:

25 (1) The primary caregiver cardholder cultivated the marijuana pursuant to this chapter, not
26 to exceed the limits of subsection (e); and

27 (2) Each qualifying patient cardholder the primary caregiver cardholder is connected with
28 through the department of health's registration process has been provided an adequate amount of
29 the marijuana to meet his or her medical needs, not to exceed the limits of subsection (a).

30 (j) A practitioner shall not be subject to arrest, prosecution, or penalty in any manner, or
31 denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by
32 the Rhode Island board of medical licensure and discipline, or by any other business or occupational
33 or professional licensing board or bureau solely for providing written certifications, or for otherwise
34 stating that, in the practitioner's professional opinion, the potential benefits of the medical

1 marijuana would likely outweigh the health risks for a patient.

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

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

8 (m) A practitioner, ~~nurse, nurse practitioner, physician's assistant,~~ [licensed with authority](#)
9 [to prescribe drugs pursuant to chapter 34, 37, and 54 of title 5,](#) or pharmacist, [licensed under chapter](#)
10 [19.1 of title 5,](#) shall not be subject to arrest, prosecution, or penalty in any manner, or denied any
11 right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or
12 occupational or professional licensing board or bureau solely for discussing the benefits or health
13 risks of medical marijuana or its interaction with other substances with a patient.

14 (n) A qualifying patient or primary caregiver registry identification card, or its equivalent,
15 issued under the laws of another state, U.S. territory, or the District of Columbia, to permit the
16 medical use of marijuana by a patient with a debilitating medical condition, or to permit a person
17 to assist with the medical use of marijuana by a patient with a debilitating medical condition, shall
18 have the same force and effect as a registry identification card.

19 (o) Notwithstanding the provisions of § 21-28.6-4(e), no primary caregiver cardholder shall
20 possess an amount of marijuana in excess of twenty-four (24) mature marijuana plants that are
21 accompanied by valid medical marijuana tags and five (5) ounces of usable marijuana, or its
22 equivalent, and an amount of wet marijuana set in regulations promulgated by the departments of
23 health and business regulation for patient cardholders to whom he or she is connected through the
24 department of health's registration process.

25 (p) A qualifying patient or primary caregiver cardholder may give marijuana to another
26 qualifying patient or primary caregiver cardholder to whom they are not connected by the
27 department's registration process, provided that no consideration is paid for the marijuana, and that
28 the recipient does not exceed the limits specified in § 21-28.6-4.

29 (q) Qualifying patient cardholders and primary caregiver cardholders electing to grow
30 marijuana shall only grow at one premises, and this premises shall be registered with the department
31 of health. Except for compassion centers, cooperative cultivations, and licensed cultivators, no
32 more than twenty-four (24) mature marijuana plants that are accompanied by valid medical
33 marijuana tags shall be grown or otherwise located at any one dwelling unit or commercial unit.
34 The number of qualifying patients or primary caregivers residing, owning, renting, growing, or

1 otherwise operating at a dwelling or commercial unit does not affect this limit. The department of
2 health shall promulgate regulations to enforce this provision.

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

7 (s) Notwithstanding any other provisions of the general laws, the manufacture of marijuana
8 using a solvent extraction process that includes the use of a compressed, flammable gas as a solvent
9 by a patient cardholder or primary caregiver cardholder shall not be subject to the protections of
10 this chapter.

11 (t) Notwithstanding any provisions to the contrary, nothing in this chapter or the general
12 laws shall restrict or otherwise affect the manufacturing, distribution, transportation, sale,
13 prescribing and dispensing of a product that has been approved for marketing as a prescription
14 medication by the U.S. Food and Drug Administration and legally prescribed, nor shall hemp, as
15 defined in § 2-26-3, be defined as marijuana or marihuana pursuant to this chapter, chapter 21-28
16 or elsewhere in the general laws.

17 **21-28.6-6. Administration of department of health and business regulation**
18 **regulations.**

19 (a) The department of health shall issue registry identification cards to qualifying patients
20 who submit the following, in accordance with the department's regulations: Applications shall
21 include but not be limited to:

- 22 (1) Written certification as defined in § 21-28.6-3~~(24)~~(25) of this chapter;
- 23 (2) Application ~~or renewal~~ fee;
- 24 (3) Name, address, and date of birth of the qualifying patient; provided, however, that if
25 the patient is homeless, no address is required;
- 26 (4) Name, address, and telephone number of the qualifying patient's practitioner;
- 27 (5) Whether the patient elects to grow medical marijuana plants for himself or herself; and
- 28 (6) Name, address, and date of birth of one primary caregiver of the qualifying patient and
29 ~~one any~~ authorized ~~purchaser~~ purchasers for the qualifying patient, if any is chosen by the patient
30 or allowed in accordance with regulations promulgated by the department of health.

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

- 33 (1) The qualifying patient's practitioner has explained the potential risks and benefits of the
34 medical use of marijuana to the qualifying patient and to a parent, guardian, or person having legal

1 custody of the qualifying patient; and

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

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

4 (ii) Serve as the qualifying patient's primary caregiver or authorized purchaser; and

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

7 (c) The department of health shall renew registry identification cards to qualifying patients
8 in accordance with regulations promulgated by the department of health.

9 (d) The department of health shall not issue a registry identification card to a qualifying
10 patient seeking treatment for post-traumatic stress disorder (PTSD) under the age of eighteen (18).

11 ~~(e)~~(e) The department of health shall verify the information contained in an application or
12 renewal submitted pursuant to this section, and shall approve or deny an application or renewal
13 within thirty-five (35) days of receiving it. The department may deny an application or renewal
14 only if the applicant did not provide the information required pursuant to this section, or if the
15 department determines that the information provided was falsified. Rejection of an application or
16 renewal is considered a final department action, subject to judicial review. Jurisdiction and venue
17 for judicial review are vested in the superior court.

18 ~~(f)~~(f) If the qualifying patient's practitioner notifies the department in a written statement
19 that the qualifying patient is eligible for hospice care or chemotherapy, the department of health
20 shall give priority to these applications when verifying the information in accordance with
21 subsection ~~(e)(c)~~ ~~Effective January 1, 2017, the department of health shall approve or deny and~~
22 issue a registry identification card to these qualifying patients, primary caregivers and authorized
23 purchasers within ~~five (5) days~~ seventy-two (72) hours of receipt of ~~an~~ the completed application.
24 The departments shall not charge a registration fee to the patient, caregivers or authorized
25 purchasers named in the application. The department of health may identify through regulation a
26 list of other conditions qualifying a patient for expedited application processing.

27 ~~(g)~~(g) The department of health shall issue a registry identification card to the qualifying
28 patient cardholder's primary caregiver, if any, who is named in the qualifying patient's approved
29 application

30 (1) A primary caregiver applicant or an authorized purchaser applicant shall apply to the
31 bureau of criminal identification of the department of attorney general, department of public safety
32 division of state police, or local police department for a national criminal records check that shall
33 include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any
34 disqualifying information as defined in subdivision ~~(e)(4)~~ (g)(4), and in accordance with the rules

1 promulgated by the director, the bureau of criminal identification of the department of attorney
2 general, department of public safety division of state police, or the local police department shall
3 inform the applicant, in writing, of the nature of the disqualifying information; and, without
4 disclosing the nature of the disqualifying information, shall notify the department, in writing, that
5 disqualifying information has been discovered.

6 (2) In those situations in which no disqualifying information has been found, the bureau of
7 criminal identification of the department of attorney general, department of public safety division
8 of state police, or the local police shall inform the applicant and the department in writing, of this
9 fact.

10 (3) The department of health shall maintain on file evidence that a criminal records check
11 has been initiated on all applicants seeking a primary caregiver registry identification card or an
12 authorized purchaser registry identification card and the results of the checks. The primary
13 caregiver cardholder shall not be required to apply for a national criminal records check for each
14 patient he or she is connected to through the department's registration process, provided that he or
15 she has applied for a national criminal records check within the previous two (2) years in
16 accordance with this chapter. The department shall not require a primary caregiver cardholder or
17 an authorized purchaser cardholder to apply for a national criminal records check more than once
18 every two (2) years.

19 (4) Information produced by a national criminal records check pertaining to a conviction
20 for any felony offense under chapter 28 of title 21 ("Rhode Island Controlled Substances Act"),
21 murder, manslaughter, rape, first-degree sexual assault, second-degree sexual assault, first-degree
22 child molestation, second-degree child molestation, kidnapping, first-degree arson, second-degree
23 arson, mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon, assault
24 or battery involving grave bodily injury, and/or assault with intent to commit any offense
25 punishable as a felony or a similar offense from any other jurisdiction shall result in a letter to the
26 applicant and the department of health disqualifying the applicant. If disqualifying information has
27 been found, the department may use its discretion to issue a primary caregiver registry identification
28 card or an authorized purchaser registry identification card if the applicant's connected patient is an
29 immediate family member and the card is restricted to that patient only.

30 ~~(5)~~(5) The primary caregiver or authorized purchaser applicant shall be responsible for any
31 expense associated with the national criminal records check.

32 ~~(6)~~(6) For purposes of this section, "conviction" means, in addition to judgments of
33 conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances
34 where the defendant has entered a plea of nolo contendere and has received a sentence of probation

1 and those instances where a defendant has entered into a deferred sentence agreement with the
2 attorney general.

3 ~~(h)~~(i) On or before December 31, 2016, the department of health shall issue registry
4 identification cards within five (5) business days of approving an application or renewal that shall
5 expire two (2) years after the date of issuance.

6 (ii) Effective January 1, 2017, and thereafter, the department of health shall issue registry
7 identification cards within five (5) business days of approving an application or renewal that shall
8 expire one year after the date of issuance.

9 (iii) Registry identification cards shall contain:

- 10 (1) The date of issuance and expiration date of the registry identification card;
- 11 (2) A random registry identification number;
- 12 (3) A photograph; and
- 13 (4) Any additional information as required by regulation or the department of health.

14 ~~(e)~~(i) Persons issued registry identification cards by the department of health shall be
15 subject to the following:

16 (1) A qualifying patient cardholder shall notify the department of health of any change in
17 his or her name, address, primary caregiver, or authorized purchaser; or if he or she ceases to have
18 his or her debilitating medical condition, within ten (10) days of such change.

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

24 (3) A primary caregiver cardholder or authorized purchaser shall notify the department of
25 health of any change in his or her name or address within ten (10) days of such change. A primary
26 caregiver cardholder or authorized purchaser who fails to notify the department of any of these
27 changes is responsible for a civil infraction, punishable by a fine of no more than one hundred fifty
28 dollars (\$150).

29 (4) When a qualifying patient cardholder or primary caregiver cardholder notifies the
30 department of health of any changes listed in this subsection, the department of health shall issue
31 the qualifying patient cardholder and each primary caregiver cardholder a new registry
32 identification card within ten (10) days of receiving the updated information and a ten-dollar
33 (\$10.00) fee.

34 (5) When a qualifying patient cardholder changes his or her primary caregiver or authorized

1 purchaser, the department of health shall notify the primary caregiver cardholder or authorized
2 purchaser within ten (10) days. The primary caregiver cardholder's protections as provided in this
3 chapter as to that patient shall expire ten (10) days after notification by the department. If the
4 primary caregiver cardholder or authorized purchaser is connected to no other qualifying patient
5 cardholders in the program, he or she must return his or her registry identification card to the
6 department.

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

11 (7) Effective January 1, 2019, if a patient cardholder chooses to alter his or her registration
12 with regard to the growing of medical marijuana for himself or herself, he or she shall notify the
13 department prior to the purchase of medical marijuana tags or the growing of medical marijuana
14 plants.

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

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

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

34 (3) The department of health shall maintain a confidential list of the persons to whom the

1 department of health has issued registry identification cards. Individual names and other identifying
2 information on the list shall be confidential, exempt from the provisions of Rhode Island access to
3 public information, chapter 2 of title 38, and not subject to disclosure, except to authorized
4 employees of the department of health as necessary to perform official duties of the department.

5 ~~(j)~~(l) Notwithstanding subsections (k) the department of health shall verify to law
6 enforcement personnel whether a registry identification card is valid solely by confirming the
7 random registry identification number or name. This verification may occur through the use of a
8 shared database, provided that any confidential information in this database is protected in
9 accordance with subdivision ~~(j)~~(k)(1).

10 ~~(k)~~(m) It shall be a crime, punishable by up to one hundred eighty (180) days in jail and a
11 one thousand dollar (\$1,000) fine, for any person, including an employee or official of the
12 departments of health, business regulation, public safety, or another state agency or local
13 government, to breach the confidentiality of information obtained pursuant to this chapter.
14 Notwithstanding this provision, the department [of health and department of business regulation](#)
15 employees may notify law enforcement about falsified or fraudulent information submitted to the
16 department [or violations of this chapter](#).

17 ~~(l)~~(n) On or before the fifteenth day of the month following the end of each quarter of the
18 fiscal year, the department shall report to the governor, the speaker of the House of Representatives,
19 and the president of the senate on applications for the use of marijuana for symptom relief. The
20 report shall provide:

21 (1) The number of applications for registration as a qualifying patient, primary caregiver,
22 or authorized purchaser that have been made to the department [of health](#) during the preceding
23 quarter, the number of qualifying patients, primary caregivers, and authorized purchasers approved,
24 the nature of the debilitating medical conditions of the qualifying patients, the number of
25 registrations revoked, and the number and specializations, if any, of practitioners providing written
26 certification for qualifying patients.

27 ~~(m)~~(o) On or before September 30 of each year, the department of health shall report to the
28 governor, the speaker of the House of Representatives, and the president of the senate on the use
29 of marijuana for symptom relief. The report shall provide:

30 (1) The total number of applications for registration as a qualifying patient, primary
31 caregiver, or authorized purchaser that have been made to the department [of health](#), the number of
32 qualifying patients, primary caregivers, and authorized purchasers approved, the nature of the
33 debilitating medical conditions of the qualifying patients, the number of registrations revoked, and
34 the number and specializations, if any, of practitioners providing written certification for qualifying

1 patients;

2 (2) The number of active qualifying patient, primary caregiver, and authorized purchaser
3 registrations as of June 30 of the preceding fiscal year;

4 (3) An evaluation of the costs permitting the use of marijuana for symptom relief, including
5 any costs to law enforcement agencies and costs of any litigation;

6 (4) Statistics regarding the number of marijuana-related prosecutions against registered
7 patients and caregivers, and an analysis of the facts underlying those prosecutions;

8 (5) Statistics regarding the number of prosecutions against physicians for violations of this
9 chapter; and

10 (6) Whether the United States Food and Drug Administration has altered its position
11 regarding the use of marijuana for medical purposes or has approved alternative delivery systems
12 for marijuana.

13 (p) After June 30, 2018, the department of business regulation shall report to the speaker
14 of the house, senate president, the respective fiscal committee chairman and fiscal advisors within
15 60 days of the close of the prior fiscal year. The report shall provide:

16 (1) The number of applications for registry identification cards to compassion center staff,
17 the number approved, denied and the number of registry identification cards revoked, and the
18 number of replacement cards issued

19 (2) The number of applications for compassion centers and licensed cultivators

20 (3) The number of marijuana plant tag sets ordered, delivered, and currently held within
21 the state;

22 (4) The total revenue collections of any monies related to its regulator activities for the
23 prior fiscal year, by the relevant category of collection, including enumerating specifically the total
24 amount of revenues foregone or fees paid at reduced rates pursuant to this chapter.

25 **21-28.6-12. Compassion centers.**

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

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

34 (1) Not later than ninety (90) days after the effective date of this chapter, the department

1 of health shall promulgate regulations governing the manner in which it shall consider applications
2 for registration certificates for compassion centers, including regulations governing:

- 3 (i) The form and content of registration and renewal applications;
- 4 (ii) Minimum oversight requirements for compassion centers;
- 5 (iii) Minimum record-keeping requirements for compassion centers;
- 6 (iv) Minimum security requirements for compassion centers; and
- 7 (v) Procedures for suspending, revoking, or terminating the registration of compassion
8 centers that violate the provisions of this section or the regulations promulgated pursuant to this
9 subsection.

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

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

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

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

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

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

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

32 (8) If at any time after three (3) years after the effective date of this chapter and on or before
33 December 31, 2016, fewer than three (3) compassion centers are holding valid registration
34 certificates in Rhode Island, the department of health shall accept applications for a new

1 compassion center. If at any time on or after January 1, 2017, fewer than three (3) compassion
2 centers are holding valid registration certificates in Rhode Island, the department of business
3 regulation shall accept applications for a new compassion center. No more than three (3)
4 compassion centers may hold valid registration certificates at one time.

5 (9) Any compassion center application selected for approval by the department of health
6 on or before December 31, 2016, or selected for approval by the department of business regulation
7 on or after January 1, 2017, shall remain in full force and effect, notwithstanding any provisions of
8 this chapter to the contrary, and shall be subject to state law adopted herein and rules and regulations
9 adopted by the departments of health and business regulation subsequent to passage of this
10 legislation.

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

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

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

15 (ii) The proposed legal name and proposed articles of incorporation of the compassion
16 center;

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

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

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

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

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

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

34 (ii) For applications submitted on or after January 1, 2017, any time one or more

1 compassion center registration applications are being considered, the department of business
2 regulation shall also allow for comment by the public and shall solicit input from registered
3 qualifying patients, registered primary caregivers; and the towns or cities where the applicants
4 would be located.

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

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

10 (ii) The applicant's ability to provide a steady supply to the registered qualifying patients
11 in the state;

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

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

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

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

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

22 (4) A compassion center approved by the department of health on or before December 31,
23 2016, shall submit the following to the department before it may begin operations:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (7) Except as provided in this subsection, neither the department of health nor the
27 department of business regulation shall issue a registry identification card to any principal officer,
28 board member, agent, volunteer, or employee of a compassion center who has been convicted of a
29 felony drug offense or has entered a plea of nolo contendere for a felony drug offense and received
30 a sentence of probation. If a registry identification card is denied, the compassion center will be
31 notified in writing of the purpose for denying the registry identification card. A registry
32 identification card may be granted if the offense was for conduct that occurred prior to the
33 enactment of the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act or that was
34 prosecuted by an authority other than the state of Rhode Island and for which the Edward O.

1 Hawkins and Thomas C. Slater Medical Marijuana Act would otherwise have prevented a
2 conviction.

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

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

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

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

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

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

33 (11) If a compassion center cardholder loses his or her registry identification card, he or
34 she shall notify the department of health or the department of business regulation and submit a ten

1 dollar (\$10.00) fee within ten (10) days of losing the card. Within five (5) days, the department
2 shall issue a new registry identification card with new random identification number.

3 (12) On or before December 31, 2016, a compassion center cardholder shall notify the
4 department of health of any disqualifying criminal convictions as defined in subdivision (c)(7). The
5 department of health may choose to suspend and/or revoke his or her registry identification card
6 after such notification.

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

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

14 (d) Expiration or termination of compassion center:

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

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

23 (i) The compassion center submits the materials required under subdivisions (c)(4) and
24 (c)(5), including a ~~five thousand dollar (\$5,000)~~ two hundred fifty thousand dollar (\$250,000) fee;

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

27 (iii) The department of health and the department of business regulation find that the
28 compassion center is adequately providing patients with access to medical marijuana at reasonable
29 rates;

30 (3) If the department of health or the department of business regulation determines that any
31 of the conditions listed in paragraphs (d)(2)(i) -- (iii) have not been met, the department shall begin
32 an open application process for the operation of a compassion center. In granting a new registration
33 certificate, the department of health or the department of business regulation shall consider factors
34 listed in subdivision (c)(3);

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

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

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

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

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

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

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

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

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

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

21 (f) Compassion center requirements:

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

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

27 (3) On or before December 31, 2016, a compassion center shall notify the department of
28 health within ten (10) days of when a principal officer, board member, agent, volunteer, or
29 employee ceases to work at the compassion center. On or after January 1, 2017, a compassion
30 center shall notify the department of business regulation within ten (10) days of when a principal
31 officer, board member, agent, volunteer, or employee ceases to work at the compassion center. His
32 or her card shall be deemed null and void and the person shall be liable for any penalties that may
33 apply to any nonmedical possession or use of marijuana by the person;

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

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

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

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

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

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

26 (8) All principal officers and board members of a compassion center must be residents of
27 the state of Rhode Island.

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

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

34 (11) Effective January 1, 2017, each compassion center shall be subject to any product

1 labeling requirements promulgated by the department of business regulation.

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

4 (i) A job description or employment contract developed for all employees and agents, and
5 a volunteer agreement for all volunteers, that includes duties, authority, responsibilities,
6 qualifications, and supervision; and

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

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

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

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

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

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

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

18 (ii) Specific procedural instructions on how to respond to an emergency, including robbery
19 or violent accident.

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

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

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

31 (2) A compassion center or principal officer, board member, agent, volunteer, or employee
32 of a compassion center may not dispense an amount of usable marijuana, or its equivalent,
33 seedlings, or mature marijuana plants, to a qualifying patient, a qualifying patient's primary
34 caregiver, or a qualifying patient's authorized purchaser that the compassion center, principal

1 officer, board member, agent, volunteer, or employee knows would cause the recipient to possess
2 more marijuana than is permitted under the Edward O. Hawkins and Thomas C. Slater Medical
3 Marijuana Act.

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

14 (h) Immunity:

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

20 (2) No registered compassion center shall be subject to prosecution, seizure, or penalty in
21 any manner, or denied any right or privilege, including, but not limited to, civil penalty or
22 disciplinary action, by a business, occupational, or professional licensing board or entity, for
23 selling, giving, or distributing marijuana in whatever form, and within the limits established by, the
24 department of health or the department of business regulation to another registered compassion
25 center.

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

31 (4) No state employee shall be subject to arrest, prosecution or penalty in any manner, or
32 denied any right or privilege, including, but not limited to, civil penalty, disciplinary action,
33 termination, or loss of employee or pension benefits, for any and all conduct that occurs within the
34 scope of his or her employment regarding the administration, execution and/or enforcement of this

1 act, and the provisions of §§ 9-31-8 and 9-31-9 shall be applicable to this section.

2 (i) Prohibitions:

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

5 (2) A compassion center may not dispense, deliver, or otherwise transfer marijuana to a
6 person other than a ~~qualifying~~ patient cardholder or to such patient's primary caregiver or
7 authorized purchaser;

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

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

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

21 (j) Legislative oversight committee:

22 (1) The general assembly shall appoint a nine-member (9) oversight committee comprised
23 of: one member of the house of representatives; one member of the senate; one physician to be
24 selected from a list provided by the Rhode Island medical society; one nurse to be selected from a
25 list provided by the Rhode Island state nurses association; two (2) registered qualifying patients;
26 one registered primary caregiver; one patient advocate to be selected from a list provided by the
27 Rhode Island patient advocacy coalition; and the superintendent of the department of public safety,
28 or his/her designee.

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

31 (i) Patients' access to medical marijuana;

32 (ii) Efficacy of compassion centers;

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

34 (iv) The definition of qualifying medical condition; and

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

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

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

7 **21-28.6-16.2. Medical marijuana testing laboratories -- Immunity.**

8 (a) No medical marijuana laboratory shall be subject to prosecution; search (except by the
9 departments pursuant to regulations); seizure; or penalty in any manner, or denied any right or
10 privilege, including, but not limited to, civil penalty or disciplinary action by a business,
11 occupational, or professional licensing board or entity, solely for acting in accordance with the act
12 and regulations promulgated hereunder to assist licensees.

13 (b) No medical marijuana testing laboratory shall be subject to prosecution, search (except
14 by the departments pursuant to regulations), seizure, or penalty in any manner, or denied any right
15 or privilege, including, but not limited to, civil penalty or disciplinary action, by a business,
16 occupational, or professional licensing board or entity, for selling, giving, or distributing marijuana
17 in whatever form, and within the limits established by, the department of health to another medical
18 marijuana testing laboratory.

19 (c) No principal officers, board members, agents, volunteers, or employees of a medical
20 marijuana testing laboratory shall be subject to arrest, prosecution, search, seizure, or penalty in
21 any manner, or denied any right or privilege, including, but not limited to, civil penalty or
22 disciplinary action by a business, occupational, or professional licensing board or entity, solely for
23 working for or with a medical marijuana testing laboratory to engage in acts permitted by the act
24 and the regulations promulgated hereunder.

25 (d) No state employee shall be subject to arrest, prosecution or penalty in any manner, or
26 denied any right or privilege, including, but not limited to, civil penalty, disciplinary action,
27 termination, or loss of employee or pension benefits, for any and all conduct that occurs within the
28 scope of his or her employment regarding the administration, execution and/or enforcement of this
29 act, and the provisions of §§ 9-31-8 and 20 9-31-9 shall be applicable to this section.

30 SECTION 3. Section 21-28.6-6.1 of the General Laws in Chapter 21-28.6 entitled "The
31 Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act" is hereby repealed.

32 ~~**21-28.6-6.1. Administration of regulations.**~~

33 ~~(a) The department of health shall issue registry identification cards to qualifying patients~~
34 ~~who submit the following, in accordance with the department's regulations:~~

- 1 ~~(1) Written certification as defined in § 21-28.6-3(24) of this chapter;~~
- 2 ~~(2) Application or renewal fee;~~
- 3 ~~(3) Name, address, and date of birth of the qualifying patient; provided, however, that if~~
4 ~~the patient is homeless, no address is required;~~
- 5 ~~(4) Name, address, and telephone number of the qualifying patient's practitioner;~~
- 6 ~~(5) Name, address, and date of birth of each primary caregiver of the qualifying patient, if~~
7 ~~any.~~
- 8 ~~(b) The department of health shall not issue a registry identification card to a qualifying~~
9 ~~patient under the age of eighteen (18) unless:~~
- 10 ~~(1) The qualifying patient's practitioner has explained the potential risks and benefits of the~~
11 ~~medical use of marijuana to the qualifying patient and to a parent, guardian, or person having legal~~
12 ~~custody of the qualifying patient; and~~
- 13 ~~(2) A parent, guardian, or person having legal custody consents in writing to:~~
- 14 ~~(i) Allow the qualifying patient's medical use of marijuana;~~
- 15 ~~(ii) Serve as one of the qualifying patient's primary caregivers; and~~
- 16 ~~(iii) Control the acquisition of the marijuana, the dosage, and the frequency of the medical~~
17 ~~use of marijuana by the qualifying patient.~~
- 18 ~~(c) The department shall not issue a registry identification card to a qualifying patient~~
19 ~~seeking treatment for post-traumatic stress disorder (PTSD) under the age of eighteen (18).~~
- 20 ~~(d) The department shall verify the information contained in an application or renewal~~
21 ~~submitted pursuant to this section, and shall approve or deny an application or renewal within~~
22 ~~fifteen (15) days of receiving it. The department may deny an application or renewal only if the~~
23 ~~applicant did not provide the information required pursuant to this section, or if the department~~
24 ~~determines that the information provided was falsified. Rejection of an application or renewal is~~
25 ~~considered a final department action, subject to judicial review. Jurisdiction and venue for judicial~~
26 ~~review are vested in the superior court.~~
- 27 ~~(e) If the qualifying patient's practitioner notifies the department in a written statement that~~
28 ~~the qualifying patient is eligible for hospice care, the department shall verify the application~~
29 ~~information in accordance with subsection (d) and issue a registry identification card to the~~
30 ~~qualifying patient and primary caregivers named in the patient's application within seventy two~~
31 ~~(72) hours of receipt of the completed application. The department shall not charge a registration~~
32 ~~fee to the patient or caregivers named in the application.~~
- 33 ~~(f) The department shall issue a registry identification card to each primary caregiver, if~~
34 ~~any, who is named in a qualifying patient's approved application, up to a maximum of two (2)~~

1 ~~primary caregivers per qualifying patient.~~

2 ~~(1) The primary caregiver applicant shall apply to the bureau of criminal identification of~~
3 ~~the department of attorney general, state police, or local police department for a national criminal~~
4 ~~records check that shall include fingerprints submitted to the Federal Bureau of Investigation. Upon~~
5 ~~the discovery of any disqualifying information as defined in subdivision (f)(4), and in accordance~~
6 ~~with the rules promulgated by the director, the bureau of criminal identification of the department~~
7 ~~of attorney general, state police, or the local police department shall inform the applicant, in writing,~~
8 ~~of the nature of the disqualifying information; and, without disclosing the nature of the~~
9 ~~disqualifying information, shall notify the department, in writing, that disqualifying information~~
10 ~~has been discovered.~~

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

14 ~~(3) The department shall maintain on file evidence that a criminal records check has been~~
15 ~~initiated on all applicants seeking a primary caregiver registry identification card and the results of~~
16 ~~the checks. The primary caregiver cardholder shall not be required to apply for a national criminal~~
17 ~~records check for each patient he or she is connected to through the department's registration~~
18 ~~process, provided that he or she has applied for a national criminal records check within the~~
19 ~~previous two (2) years in accordance with this chapter. The department shall not require a primary~~
20 ~~caregiver cardholder to apply for a national criminal records check more than once every two (2)~~
21 ~~years.~~

22 ~~(4) Information produced by a national criminal records check pertaining to a conviction~~
23 ~~for any felony offense under chapter 28 of title 21 ("Rhode Island Controlled Substances Act"),~~
24 ~~murder, manslaughter, rape, first degree sexual assault, second degree sexual assault, first degree~~
25 ~~child molestation, second degree child molestation, kidnapping, first degree arson, second degree~~
26 ~~arson, mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon, assault~~
27 ~~or battery involving grave bodily injury, and/or assault with intent to commit any offense~~
28 ~~punishable as a felony or a similar offense from any other jurisdiction shall result in a letter to the~~
29 ~~applicant and the department disqualifying the applicant. If disqualifying information has been~~
30 ~~found, the department may use its discretion to issue a primary caregiver registry identification card~~
31 ~~if the applicant's connected patient is an immediate family member and the card is restricted to that~~
32 ~~patient only.~~

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

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

6 ~~(g) The department shall issue registry identification cards within five (5) days of~~
7 ~~approving an application or renewal that shall expire two (2) years after the date of issuance.~~

8 ~~Registry identification cards shall contain:~~

9 ~~(1) The date of issuance and expiration date of the registry identification card;~~

10 ~~(2) A random registry identification number;~~

11 ~~(3) A photograph; and~~

12 ~~(4) Any additional information as required by regulation or the department.~~

13 ~~(h) Persons issued registry identification cards shall be subject to the following:~~

14 ~~(1) A patient cardholder shall notify the department of any change in the patient~~
15 ~~cardholder's name, address, or primary caregiver; or if he or she ceases to have his or her~~
16 ~~debilitating medical condition, within ten (10) days of such change.~~

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

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

27 ~~(4) When a patient cardholder or primary caregiver cardholder notifies the department of~~
28 ~~any changes listed in this subsection, the department shall issue the patient cardholder and each~~
29 ~~primary caregiver cardholder a new registry identification card within ten (10) days of receiving~~
30 ~~the updated information and a ten dollar (\$10.00) fee. When a compassion center cardholder~~
31 ~~notifies the department of any changes listed in this subsection, the department shall issue the~~
32 ~~cardholder a new registry identification card within ten (10) days of receiving the updated~~
33 ~~information and a ten dollar (\$10.00) fee.~~

34 ~~(5) When a patient cardholder changes his or her primary caregiver, the department shall~~

1 ~~notify the primary caregiver cardholder within ten (10) days. The primary caregiver cardholder's~~
2 ~~protections, as provided in this chapter as to that patient, shall expire ten (10) days after notification~~
3 ~~by the department. If the primary caregiver cardholder is connected to no other patient cardholders~~
4 ~~in the program, he or she must return his or her registry identification card to the department.~~

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

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

11 ~~(i) Possession of, or application for, a registry identification card shall not constitute~~
12 ~~probable cause or reasonable suspicion, nor shall it be used to support the search of the person or~~
13 ~~property of the person possessing or applying for the registry identification card, or otherwise~~
14 ~~subject the person or property of the person to inspection by any governmental agency.~~

15 ~~(j)(1) Applications and supporting information submitted by qualifying patients, including~~
16 ~~information regarding their primary caregivers and practitioners, are confidential and protected~~
17 ~~under the federal Health Insurance Portability and Accountability Act of 1996, and shall be exempt~~
18 ~~from the provisions of chapter 2 of title 38 et seq. (Rhode Island access to public records act) and~~
19 ~~not subject to disclosure, except to authorized employees of the department as necessary to perform~~
20 ~~official duties of the department, and pursuant to subsection (k) of this section.~~

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

26 ~~(3) The department shall maintain a confidential list of the persons to whom the department~~
27 ~~has issued registry identification cards. Individual names and other identifying information on the~~
28 ~~list shall be confidential, exempt from the provisions of Rhode Island access to public information,~~
29 ~~chapter 2 of title 38, and not subject to disclosure, except to authorized employees of the department~~
30 ~~as necessary to perform official duties of the department.~~

31 ~~(k) Notwithstanding subsection (j) of this section, the department shall verify to law~~
32 ~~enforcement personnel whether a registry identification card is valid solely by confirming the~~
33 ~~random registry identification number or name.~~

34 ~~(l) It shall be a crime, punishable by up to one hundred eighty (180) days in jail and a one~~

1 ~~thousand dollar (\$1,000) fine, for any person, including an employee or official of the department~~
2 ~~or another state agency or local government, to breach the confidentiality of information obtained~~
3 ~~pursuant to this chapter. Notwithstanding this provision, the department employees may notify law~~
4 ~~enforcement about falsified or fraudulent information submitted to the department.~~

5 ~~(m) On or before January 1 of each odd-numbered year, the department shall report to the~~
6 ~~house committee on health, education and welfare and to the senate committee on health and human~~
7 ~~services on the use of marijuana for symptom relief. The report shall provide:~~

8 ~~(1) The number of applications for registry identification cards, the number of qualifying~~
9 ~~patients and primary caregivers approved, the nature of the debilitating medical conditions of the~~
10 ~~qualifying patients, the number of registry identification cards revoked, and the number of~~
11 ~~practitioners providing written certification for qualifying patients;~~

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

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

16 ~~(4) Statistics regarding the number of prosecutions against physicians for violations of this~~
17 ~~chapter; and~~

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

21 SECTION 4. This Article shall take effect upon passage.