

2018 -- S 2595

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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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, Lombardi, Conley, and Nesselbush

Date Introduced: March 01, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

4 **21-28.6-3. Definitions.**

5 For the purposes of this chapter:

6 (1) "Acute pain" means pain that is usually related to a physical injury and resolves  
7 gradually during the appropriate healing period.

8 ~~(1)~~(2) "Authorized purchaser" means a natural person who is at least twenty-one (21)  
9 years old and who is registered with the department of health for the purposes of assisting a  
10 qualifying patient in purchasing marijuana from a compassion center. An authorized purchaser  
11 may assist no more than one patient, and is prohibited from consuming marijuana obtained for the  
12 use of the qualifying patient. An authorized purchaser shall be registered with the department of  
13 health and shall possess a valid registry identification card.

14 ~~(2)~~(3) "Cardholder" means a person who has been registered or licensed with the  
15 department of health or the department of business regulation pursuant to this chapter and  
16 possesses a valid registry identification card or license.

17 ~~(3)~~(4) "Commercial unit" means a building, office, suite, or room within a commercial or  
18 industrial building for use by one business or person and is rented or owned by that business or

1 person.

2 ~~(4)~~(5) (i) "Compassion center" means a not-for-profit corporation, subject to the  
3 provisions of chapter 6 of title 7, and registered under § 21-28.6-12, that acquires, possesses,  
4 cultivates, manufactures, delivers, transfers, transports, supplies, or dispenses marijuana, and/or  
5 related supplies and educational materials, to patient cardholders and/or their registered caregiver  
6 cardholder or authorized purchaser.

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

11 ~~(5)~~(6) "Debilitating medical condition" means:

12 (i) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired  
13 immune deficiency syndrome, Hepatitis C, post-traumatic stress disorder, or the treatment of  
14 these conditions;

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

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

22 ~~(6)~~(7) "Department of business regulation" means the Rhode Island department of  
23 business regulation or its successor agency.

24 ~~(7)~~(8) "Department of health" means the Rhode Island department of health or its  
25 successor agency.

26 ~~(8)~~(9) "Department of public safety" means the Rhode Island department of public safety  
27 or its successor agency.

28 ~~(9)~~(10) "Dried, useable marijuana" means the dried leaves and flowers of the marijuana  
29 plant as defined by regulations promulgated by the department of health.

30 ~~(10)~~(11) "Dwelling unit" means the room, or group of rooms, within a dwelling used or  
31 intended for use by one family or household, or by no more than three (3) unrelated individuals,  
32 for living, sleeping, cooking, and eating.

33 ~~(11)~~(12) "Equivalent amount" means the portion of usable marijuana, be it in extracted,  
34 edible, concentrated, or any other form, found to be equal to a portion of dried, usable marijuana,

1 as defined by regulations promulgated by the department of health.

2 ~~(12)~~(13) "Licensed cultivator" means a person, as identified in § 43-3-6, who has been  
3 licensed by the department of business regulation to cultivate marijuana pursuant to § 21-28.6-16.

4 ~~(13)~~(14) "Marijuana" has the meaning given that term in § 21-28-1.02(29).

5 ~~(14)~~(15) "Mature marijuana plant" means a marijuana plant that has flowers or buds that  
6 are readily observable by an unaided visual examination.

7 (15)(16) "Medical use" means the acquisition, possession, cultivation, manufacture, use,  
8 delivery, transfer, or transportation of marijuana or paraphernalia relating to the consumption of  
9 marijuana to alleviate a patient cardholder's debilitating medical condition or symptoms  
10 associated with the medical condition.

11 ~~(16)~~(17) "Practitioner" means a person who is licensed with authority to prescribe drugs  
12 pursuant to chapter 37 of title 5 or a physician licensed with authority to prescribe drugs in  
13 Massachusetts or Connecticut.

14 ~~(17)~~(18) "Primary caregiver" means a natural person who is at least twenty-one (21) years  
15 old. A primary caregiver may assist no more than five (5) qualifying patients with their medical  
16 use of marijuana.

17 ~~(18)~~(19) "Qualifying patient" means a person who has been diagnosed by a practitioner as  
18 having a debilitating medical condition and is a resident of Rhode Island.

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

24 ~~(20)~~(21) "Seedling" means a marijuana plant with no observable flowers or buds.

25 ~~(21)~~(22) "Unusable marijuana" means marijuana seeds, stalks, seedlings, and unusable  
26 roots.

27 ~~(22)~~(23) "Usable marijuana" means the dried leaves and flowers of the marijuana plant,  
28 and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the  
29 plant.

30 ~~(23)~~(24) "Wet marijuana" means the harvested leaves and flowers of the marijuana plant  
31 before they have reached a dry useable state, as defined by regulations promulgated by the  
32 departments of health and business regulation.

33 ~~(24)~~(25) "Written certification" means the qualifying patient's medical records, and a  
34 statement signed by a practitioner, stating that, in the practitioner's professional opinion, the

1 potential benefits of the medical use of marijuana would likely outweigh the health risks for the  
2 qualifying patient. A written certification shall be made only in the course of a bona fide,  
3 practitioner-patient relationship after the practitioner has completed a full assessment of the  
4 qualifying patient's medical history. The written certification shall specify the qualifying patient's  
5 debilitating medical condition or conditions.

6 **21-28.6-4. Protections for the medical use of marijuana.**

7 (a)(1) Prior to July 1, 2018, a ~~A~~ qualifying patient cardholder who has in his or her  
8 possession a registry identification card shall not be subject to arrest, prosecution, or penalty in  
9 any manner, or denied any right or privilege, including, but not limited to, civil penalty or  
10 disciplinary action by a business or occupational or professional licensing board or bureau, for the  
11 medical use of marijuana; provided, that the qualifying patient cardholder possesses an amount of  
12 marijuana that does not exceed twelve (12) mature marijuana plants that are accompanied by  
13 valid medical marijuana tags, ~~two and one half (2.5)~~ three (3) ounces of dried usable marijuana,  
14 or its equivalent amount, and an amount of wet marijuana to be set by regulations promulgated by  
15 the departments of health and business regulation. Said plants shall be stored in an indoor facility.  
16 Marijuana plants and the marijuana they produce shall be grown, stored, manufactured, and  
17 processed in accordance with regulations promulgated by the department of business regulation.

18 (2) On or after July 1, 2018, a qualifying patient cardholder who has in their possession a  
19 registry identification card shall not be subject to arrest, prosecution, or penalty in any manner or  
20 denied any right or privilege, including, but limited to, civil penalty or disciplinary action by a  
21 business or occupational or professional licensing board or bureau for the medical use of  
22 marijuana; provided, that the qualifying patient cardholder possesses an amount of marijuana that  
23 does not exceed six (6) mature marijuana plants and six (6) immature marijuana plants that are  
24 accompanied by valid medical marijuana tag; provided, however, that if the tags were ordered  
25 and processed prior to July 1, 2018, and the tags have an expiration date on or after July 1, 2018,  
26 the plant possession limits set forth in subsection (a)(1) of this section shall apply until the  
27 expiration of the tags, three (3) ounces of dried usable marijuana, or its equivalent amount, and an  
28 amount of wet marijuana to be set by regulations promulgated by the departments of health and  
29 business regulation. The plants must be stored in an indoor facility. Marijuana plants and the  
30 marijuana they produce shall be grown, stored, manufactured, and processed in accordance with  
31 regulations promulgated by the department of business regulation.

32 (b) An authorized purchaser who has in his or her possession a registry identification card  
33 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 possession of marijuana; provided  
2 that the authorized purchaser possesses an amount of marijuana that does not exceed two and  
3 one-half (2.5) ounces of usable marijuana, or its equivalent amount, and this marijuana was  
4 purchased legally from a compassion center for the use of their designated qualifying patient.

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

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

17 (e)(1) Prior to July 1, 2018, a ~~A~~ primary caregiver cardholder, who has in his or her  
18 possession a registry identification card, shall not be subject to arrest, prosecution, or penalty in  
19 any manner, or denied any right or privilege, including, but not limited to, civil penalty or  
20 disciplinary action by a business or occupational or professional licensing board or bureau, for  
21 assisting a patient cardholder, to whom he or she is connected through the department of health's  
22 registration process, with the medical use of marijuana; provided, that the primary caregiver  
23 cardholder possesses an amount of marijuana that does not exceed twelve (12) mature marijuana  
24 plants that are accompanied by valid medical marijuana tags, ~~two and one half (2.5)~~ three (3)  
25 ounces of usable marijuana, or its equivalent amount, and an amount of wet marijuana set in  
26 regulations promulgated by the departments of health and business regulation for each qualified  
27 patient cardholder to whom he or she is connected through the department of health's registration  
28 process. Marijuana plants and the marijuana they produce shall be grown, stored, manufactured,  
29 and processed in accordance with regulations promulgated by the department of business  
30 regulation.

31 (2) On or after July 1, 2018, a primary caregiver who has in their possession a registry  
32 identification card shall not be subject to arrest, prosecution, or penalty in any manner or denied  
33 any right or privilege, including, but limited to, civil penalty or disciplinary action by a business  
34 or occupational or professional licensing board or bureau for the medical use of marijuana;

1 provided, that the qualifying patient cardholder possesses an amount of marijuana that does not  
2 exceed six (6) mature marijuana plants and six (6) immature marijuana plants that are  
3 accompanied by valid medical marijuana tags; provided, however, that if the tags were ordered  
4 and processed prior to July 1, 2018, and such tags have an expiration date on or after July 1,  
5 2018, the plant possession limits set forth in subsection (e)(1) of this section shall apply until the  
6 expiration of the tags, three (3) ounces of dried usable marijuana, or its equivalent amount, and an  
7 amount of wet marijuana to be set by regulations promulgated by the departments of health and  
8 business regulation. The plants must be stored in an indoor facility. Marijuana plants and the  
9 marijuana they produce shall be grown, stored, manufactured, and processed in accordance with  
10 regulations promulgated by the department of business regulation.

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

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

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

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

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

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

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

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

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

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

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

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

26 (o)(1) Notwithstanding the provisions of § 21-28.6-4(e), prior to July 1, 2018, no primary  
27 caregiver cardholder shall possess an amount of marijuana in excess of twenty-four (24) mature  
28 marijuana plants and twenty-four (24) immature marijuana plants that are accompanied by valid  
29 medical marijuana tags and ~~five (5)~~ six (6) ounces of dried usable marijuana, or its equivalent,  
30 and an amount of wet marijuana set in regulations promulgated by the departments of health and  
31 business regulation for patient cardholders to whom he or she is connected through the  
32 department of health's registration process.

33 (2) Notwithstanding the provisions of § 21-28.6-4(e), on or after July 1, 2018, no primary  
34 caregiver cardholder shall possess an amount of marijuana in excess of twelve (12) mature

1 [marijuana plants, and twelve \(12\) immature marijuana plants that are accompanied by valid](#)  
2 [medical marijuana tags; provided, however, that if the tags were ordered and processed prior to](#)  
3 [July 1, 2018, and such tags have an expiration date on or after July 1, 2018, the plant possession](#)  
4 [limits set forth in subsection \(o\)\(1\) of this section shall apply until the expiration date of the tags](#)  
5 [and six \(6\) ounces of dried usable marijuana, or its equivalent, and an amount of wet marijuana](#)  
6 [set forth in regulations promulgated by the departments of health and business regulation for](#)  
7 [patient cardholders who have completed the department of health's registration process.](#)

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

12 (q) Qualifying patient cardholders and primary caregiver cardholders electing to grow  
13 marijuana shall only grow at one premises, and this premises shall be registered with the  
14 department of health. Except for compassion centers, cooperative cultivations, and licensed  
15 cultivators, no more than twenty-four (24) mature marijuana plants that are accompanied by valid  
16 medical marijuana tags shall be grown or otherwise located at any one dwelling unit or  
17 commercial unit. The number of qualifying patients or primary caregivers residing, owning,  
18 renting, growing, or otherwise operating at a dwelling or commercial unit does not affect this  
19 limit. The department of health shall promulgate regulations to enforce this provision.

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

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

28 [\(t\) Notwithstanding any other provision of this chapter, a qualifying patient whose](#)  
29 [written certification specifies that their debilitating medical condition is acute pain shall:](#)

30 [\(1\) Be issued a patient registration card which shall be valid for a period of time](#)  
31 [determined by the recommending practitioner, and noted on the written certification in](#)  
32 [accordance with regulations promulgated by the department of health which shall expire no later](#)  
33 [than six \(6\) months after issuance;](#)

34 [\(2\) Not be eligible to obtain medical marijuana grow tags, nor be qualified to grow,](#)



1 [cultivate, manufacture, or process marijuana unless they have also been issued a valid primary](#)  
2 [caregiver registration card;](#)

3 [\(3\) Only lawfully obtain marijuana and marijuana products from a licensed compassion](#)  
4 [center; and](#)

5 [\(4\) Not be eligible to appoint or register with a primary caregiver.](#)

6 **21-28.6-12. Compassion centers.**

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

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

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

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

19 (ii) Minimum oversight requirements for compassion centers;

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

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

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

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

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

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

33 (5) If at any time after fifteen (15) months after the effective date of this chapter, there is  
34 no operational compassion center in Rhode Island, the department of health shall accept

1 applications, provide for input from the public, and issue a registration certificate for a  
2 compassion center if a qualified applicant exists.

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

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

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

13 (8) If at any time after three (3) years after the effective date of this chapter and on or  
14 before December 31, 2016, fewer than three (3) compassion centers are holding valid registration  
15 certificates in Rhode Island, the department of health shall accept applications for a new  
16 compassion center. If at any time on or after January 1, ~~2017~~ 2018, fewer than three (3)  
17 compassion centers are holding valid registration certificates in Rhode Island, the department of  
18 business regulation shall accept applications for a new compassion center. No more than three (3)  
19 compassion centers may hold valid registration certificates at one time.

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

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

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

28 (i) A non-refundable application fee paid to the department in the amount of ~~two hundred~~  
29 ~~fifty dollars (\$250)~~ ten thousand dollars (\$10,000);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (i) A fee paid to the department in the amount of five thousand dollars (\$5,000);  
6 (ii) The legal name and articles of incorporation of the compassion center;  
7 (iii) The physical address of the compassion center; this may include a second address for  
8 the secure cultivation of marijuana;

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

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

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

15 (i) A fee paid to the department in the amount of five thousand dollars (\$5,000);  
16 (ii) The legal name and articles of incorporation of the compassion center;  
17 (iii) The physical address of the compassion center; this may include a second address for  
18 the secure cultivation of marijuana;

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

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

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

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

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

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

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

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

7 (7) Except as provided in this subsection, neither the department of health nor the  
8 department of business regulation shall issue a registry identification card to any principal officer,  
9 board member, agent, volunteer, or employee of a compassion center who has been convicted of a  
10 felony drug offense or has entered a plea of nolo contendere for a felony drug offense and  
11 received a sentence of probation. If a registry identification card is denied, the compassion center  
12 will be notified in writing of the purpose for denying the registry identification card. A registry  
13 identification card may be granted if the offense was for conduct that occurred prior to the  
14 enactment of the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act or that was  
15 prosecuted by an authority other than the state of Rhode Island and for which the Edward O.  
16 Hawkins and Thomas C. Slater Medical Marijuana Act would otherwise have prevented a  
17 conviction.

18 (i) All registry identification card applicants shall apply to the department of public safety  
19 division of state police for a national criminal identification records check that shall include  
20 fingerprints submitted to the federal bureau of investigation. Upon the discovery of a felony drug  
21 offense conviction or a plea of nolo contendere for a felony drug offense with a sentence of  
22 probation, and in accordance with the rules promulgated by the department of health and the  
23 department of business regulation, the department of public safety division of state police shall  
24 inform the applicant, in writing, of the nature of the felony and the department of public safety  
25 division of state police shall notify the department of health or the department of business  
26 regulation, in writing, without disclosing the nature of the felony, that a felony drug offense  
27 conviction or a plea of nolo contendere for a felony drug offense with probation has been found.

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

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

34 (8) A registry identification card of a principal officer, board member, agent, volunteer,

1 or employee shall expire one year after its issuance, or upon the expiration of the registered  
2 organization's registration certificate, or upon the termination of the principal officer, board  
3 member, agent, volunteer or employee's relationship with the compassion center, whichever  
4 occurs first.

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

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

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

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

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

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

29 (d) Expiration or termination of compassion center:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (e) Inspection. Compassion centers are subject to reasonable inspection by the department  
33 of health, division of facilities regulation and the department of business regulation. During an  
34 inspection, the departments may review the compassion center's confidential records, including

1 its dispensing records, which shall track transactions according to qualifying patients' registry  
2 identification numbers to protect their confidentiality.

3 (f) Compassion center requirements:

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

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

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

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

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

26 (5) A compassion center shall implement appropriate security measures to deter and  
27 prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana and  
28 shall insure that each location has an operational security alarm system. Each compassion center  
29 shall request that the department of public safety division of state police visit the compassion  
30 center to inspect the security of the facility and make any recommendations regarding the security  
31 of the facility and its personnel within ten (10) days prior to the initial opening of each  
32 compassion center. Said recommendations shall not be binding upon any compassion center, nor  
33 shall the lack of implementation of said recommendations delay or prevent the opening or  
34 operation of any center. If the department of public safety division of state police does not inspect



1 the compassion center within the ten-day (10) period, there shall be no delay in the compassion  
2 center's opening.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (h) Immunity:

32 (1) No registered compassion center shall be subject to prosecution; search, except by the  
33 departments pursuant to subsection (e); seizure; 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,

1 occupational, or professional licensing board or entity, solely for acting in accordance with this  
2 section to assist registered qualifying patients.

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

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

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

19 (i) Prohibitions:

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

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

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

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

30 (5) No person who has been convicted of a felony drug offense or has entered a plea of  
31 nolo contendere for a felony drug offense with a sentence or probation may be the principal  
32 officer, board member, agent, volunteer, or employee of a compassion center unless the  
33 department has determined that the person's conviction was for the medical use of marijuana or  
34 assisting with the medical use of marijuana in accordance with the terms and conditions of this

1 chapter. A person who is employed by or is an agent, volunteer, principal officer, or board  
2 member of a compassion center in violation of this section is guilty of a civil violation punishable  
3 by a fine of up to one thousand dollars (\$1,000). A subsequent violation of this section is a  
4 misdemeanor.

5 (j) Legislative oversight committee:

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

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

15 (i) Patients' access to medical marijuana;

16 (ii) Efficacy of compassion centers;

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

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

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

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

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

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

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1           This act would limit the amount of marijuana plants a patient cardholder and a primary  
2 caregiver cardholder can cultivate, the length of time marijuana treatment is permitted for acute  
3 pain, and would raise the application fee for a compassion center from two hundred-fifty dollars  
4 (\$250) to ten thousand dollars (\$10,000).

5           This act would take effect upon passage.

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