

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

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

Introduced By: Senators Lombardo, Miller, Ruggerio, Gallo, Kallman, McCaffrey, and
Goodwin

Date Introduced: February 10, 2021

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

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

5 For the purposes of this chapter:

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

12 (2) "Cannabis" means all parts of the plant of the genus marijuana, also known as marijuana
13 sativa L. whether growing or not; the seeds thereof; the resin extracted from any part of the plant;
14 and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds,
15 or resin regardless of cannabinoid content or cannabinoid potency including "marijuana," and
16 "industrial hemp" or "industrial hemp products" which satisfy the requirements of chapter 26 of
17 title 2.

18 (3) "Cannabis testing laboratory" means a third-party analytical testing laboratory licensed

1 by the department of health, in coordination with the department of business regulation, to collect
2 and test samples of cannabis.

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

6 (5) "Commercial unit" means a building, or other space within a commercial or industrial
7 building, for use by one business or person and is rented or owned by that business or person.

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

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

16 (7) "Debilitating medical condition" means:

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

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

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

27 (8) "Department of business regulation" means the office of cannabis regulation within the
28 Rhode Island department of business regulation or its successor agency.

29 (9) "Department of health" means the Rhode Island department of health or its successor
30 agency.

31 (10) "Department of public safety" means the Rhode Island department of public safety or
32 its successor agency.

33 (11) "Dried marijuana" means the dried leaves and flowers of the marijuana plant as
34 defined by regulations promulgated by the department of business regulation.

1 (12) "Dwelling unit" means the room, or group of rooms, within a residential dwelling used
2 or intended for use by one family or household, or by no more than three (3) unrelated individuals,
3 with facilities for living, sleeping, sanitation, cooking, and eating.

4 (13) "Equivalent amount" means the portion of usable marijuana, be it in extracted, edible,
5 concentrated, or any other form, found to be equal to a portion of dried marijuana, as defined by
6 regulations promulgated by the department of business regulation.

7 (14) "Immature marijuana plant" means a marijuana plant, rooted or unrooted, with no
8 observable flower or buds.

9 (15) "Licensed medical marijuana cultivator" means a person or entity, as identified in §
10 43-3-6, who or that has been licensed by the department of business regulation to cultivate medical
11 marijuana pursuant to § 21-28.6-16.

12 (16) "Marijuana" has the meaning given that term in § 21-28-1.02.

13 (17) "Marijuana establishment licensee" means any person or entity licensed by the
14 department of business regulation under this chapter whose license permits it to engage in or
15 conduct activities in connection with the medical marijuana program. "Marijuana establishment
16 licensees" shall include compassion centers, medical marijuana cultivators, and cannabis testing
17 laboratories.

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

20 (19) "Medical marijuana emporium" means any establishment, facility or club, whether
21 operated for-profit or nonprofit, or any commercial unit, at which the sale, distribution, transfer, or
22 use of medical marijuana or medical marijuana products is proposed and/or occurs to, by or among
23 registered patients, registered caregivers, authorized purchaser cardholders or any other person.
24 This shall not include a compassion center regulated and licensed by the department of business
25 regulation pursuant to the terms of this chapter.

26 (20) "Medical marijuana" means marijuana and marijuana products that satisfy the
27 requirements of this chapter and have been given the designation of "medical marijuana" due to
28 dose, potency, form. Medical marijuana products are only available for use by patient cardholders,
29 and may only be sold to or possessed by patient cardholders, or their registered caregiver, or
30 authorized purchaser in accordance with this chapter. Medical marijuana may not be sold to,
31 possessed by, manufactured by, or used except as permitted under this chapter.

32 (21) "Medical marijuana plant tag set" or "plant tag" means any tag, identifier, registration,
33 certificate, or inventory tracking system authorized or issued by the department or which the
34 department requires be used for the lawful possession and cultivation of medical marijuana plants

1 in accordance with this chapter.

2 (22) "Medical use" means the acquisition, possession, cultivation, manufacture, use,
3 delivery, transfer, or transportation of medical marijuana or paraphernalia relating to the
4 consumption of marijuana to alleviate a patient cardholder's debilitating medical condition or
5 symptoms associated with the medical condition in accordance with the provisions of this chapter.

6 (23) "Practitioner" means a person who is licensed with authority to prescribe drugs
7 pursuant to chapters 34, 37, and 54 of title 5, who may provide a qualifying patient with a written
8 certification in accordance with regulations promulgated by the department of health.

9 (24) "Primary caregiver" means a natural person who is at least twenty-one (21) years old
10 who is registered under this chapter in order to, and who may assist one qualifying patient, but no
11 more than five (5) qualifying patients, with their medical use of marijuana, provided that a qualified
12 patient may also serve as his or her own primary caregiver subject to the registration and
13 requirements set forth in § 21-28.6-4.

14 (25) "Qualifying patient" means a person who has been certified by a practitioner as having
15 a debilitating medical condition and is a resident of Rhode Island or an animal who has been
16 certified by a veterinary practitioner as having a debilitating medical condition.

17 (26) "Registry identification card" means a document issued by the department of health
18 or the department of business regulation, as applicable, that identifies a person as a registered
19 qualifying patient, a registered primary caregiver, or authorized purchaser, or a document issued
20 by the department of business regulation that identifies a person as a registered principal officer,
21 board member, employee, volunteer, or agent of a compassion center, licensed medical marijuana
22 cultivator, cannabis testing lab, or any other medical marijuana licensee.

23 (27) "Unusable marijuana" means marijuana seeds, stalks, and unusable roots and shall not
24 count towards any weight-based possession limits established in this chapter.

25 (28) "Usable marijuana" means the leaves and flowers of the marijuana plant, and any
26 mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

27 (29) "Veterinary practitioner" means a person licensed to practice veterinary medicine
28 pursuant to chapter 25 of title 5, who may provide a qualifying patient with a written certification
29 in accordance with regulations promulgated by the department of health.

30 ~~(29)~~(30) "Wet marijuana" means the harvested leaves and flowers of the marijuana plant
31 before they have reached a dry state, as defined by regulations promulgated by the department of
32 health and department of business regulation.

33 ~~(30)~~(31) "Written certification" means a statement signed by a practitioner, stating that, in
34 the practitioner's professional opinion, the potential benefits of the medical use of marijuana would

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

6 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

1 This act would expand the definition of "qualifying patient" to include any animal having
2 a debilitating medical condition as determined by a veterinarian for purposes of a recommendation
3 for medical marijuana.

4 This act would take effect upon passage.

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