

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

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

Introduced By: Representatives Williams, Giraldo, Alzate, Morales, and Hull

Date Introduced: March 02, 2022

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

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

4 **21-28.6-12. Compassion centers.**

5 (a) A compassion center licensed under this section may acquire, possess, cultivate,
6 manufacture, deliver, transfer, transport, supply, or dispense medical marijuana, or related supplies
7 and educational materials, to registered qualifying patients and their registered primary caregivers
8 or authorized purchasers, or out-of-state patient cardholders or other marijuana establishment
9 licensees. Except as specifically provided to the contrary, all provisions of this chapter (the Edward
10 O. Hawkins and Thomas C. Slater medical marijuana act), apply to a compassion center unless the
11 provision(s) conflict with a provision contained in this section.

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

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

17 (i) The form and content of license and renewal applications;

18 (ii) Minimum oversight requirements for compassion centers;

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

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

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

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

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

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

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

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

26 (8)(i) If at any time after three (3) years after the effective date of this chapter and on or
27 before December 31, 2016, fewer than three (3) compassion centers are holding valid licenses in
28 Rhode Island, the department of health shall accept applications for a new compassion center. If at
29 any time on or after January 1, 2017, fewer than three (3) compassion centers are holding valid
30 licenses in Rhode Island, the department of business regulation shall accept applications for a new
31 compassion center. There shall be nine (9) compassion centers that may hold valid licenses at one
32 time. If at any time on or after July 1, 2019, fewer than nine (9) compassion centers are holding
33 valid licenses in Rhode Island, the department of business regulation shall accept applications for
34 new compassion centers and shall continue the process until nine (9) licenses have been issued by

1 the department of business regulation.

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

8 (10) A licensed cultivator may apply for, and be issued, an available compassion center
9 license, provided that the licensed cultivation premises is disclosed on the compassion center
10 application as the permitted second location for growing medical marijuana in accordance with
11 subsection (c)(i) of this section. If a licensed cultivator is issued an available compassion center
12 license, their cultivation facility license will merge with and into their compassion center license
13 in accordance with regulations promulgated by the department of business regulation. Once
14 merged, the cultivation of medical marijuana may then be conducted under the compassion center
15 license in accordance with this section and the cultivation license will be considered null and void
16 and of no further force or effect.

17 (c) Compassion center and agent applications and license:

18 (1) Each application for a compassion center shall be submitted in accordance with
19 regulations promulgated by the department of business regulation and shall include, but not be
20 limited to:

21 (i) A non-refundable application fee paid to the department in the amount of ten thousand
22 dollars (\$10,000);

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

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

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

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

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

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

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

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

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

13 (3) Each time a new compassion center license is issued, the decision shall be based upon
14 the overall health needs of qualified patients and the safety of the public, including, but not limited
15 to, the following factors:

16 (i) Convenience to patients from areas throughout the state of Rhode Island;

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

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

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

21 (v) The interests of the city or town where the dispensary would be located taking into
22 consideration need and population;

23 (vi) Nothing herein shall prohibit more than one compassion center being geographically
24 located in any city or town;

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

29 (viii) The sufficiency of the applicant's plans for safety and security, including proposed
30 location, security devices employed, and staffing.

31 (4) A compassion center approved by the department of health on or before December 31,
32 2016, shall submit the following to the department before it may begin operations:

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

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

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

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

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

7 (5)(i) A compassion center approved or renewed by the department of business regulation
8 on or after January 1, 2017, but before July 1, 2019, shall submit materials pursuant to regulations
9 promulgated by the department of business regulation before it may begin operations:

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

11 (B) The legal name and articles of incorporation of the compassion center;

12 (C) The physical address of the compassion center; this may include a second address for
13 the secure cultivation of medical marijuana;

14 (D) The name, address, and date of birth of each principal officer and board member of the
15 compassion center;

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

18 (ii) A compassion center approved or renewed by the department of business regulation on
19 or after July 1, 2019, shall submit materials pursuant to regulations promulgated by the department
20 of business regulation before it may begin operations, which shall include but not be limited to:

21 (A) A fee paid to the department in the amount of five hundred thousand dollars
22 (\$500,000);

23 (B) The legal name and articles of incorporation of the compassion center;

24 (C) The physical address of the compassion center; this may include a second address for
25 the secure cultivation of medical marijuana;

26 (D) The name, address, and date of birth of each principal officer and board member of the
27 compassion center, and any person who has a direct or indirect ownership interest in any marijuana
28 establishment licensee, which ownership interest shall include, but not be limited to, any interests
29 arising pursuant to the use of shared management companies, management agreements or other
30 agreements that afford third-party management or operational control, or other familial or business
31 relationships between compassion center or cultivator owners, members, officers, directors,
32 managers, investors, agents, or key persons that effect dual license interests as determined by the
33 department of business regulation;

34 (E) The name, address, and date of birth of any person who will be an agent, employee, or

1 volunteer of the compassion center at its inception.

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

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

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

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

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

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

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

31 (i) All registry identification card applicants shall apply to the department of public safety
32 division of state police, the attorney general's office, or local law enforcement for a national
33 criminal identification records check that shall include fingerprints submitted to the federal bureau
34 of investigation. Upon the discovery of a felony drug offense conviction or a plea of nolo

1 contendere for a felony drug offense with a sentence of probation, and in accordance with the rules
2 promulgated by the department of health and the department of business regulation, the department
3 of public safety division of state police, the attorney general's office, or local law enforcement shall
4 inform the applicant, in writing, of the nature of the felony and the department of public safety
5 division of state police shall notify the department of health or the department of business
6 regulation, in writing, without disclosing the nature of the felony, that a felony drug offense
7 conviction or a plea of nolo contendere for a felony drug offense with probation has been found.

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

13 (iii) All registry identification card applicants, except for employees with no ownership,
14 equity, financial interest, or managing control of a marijuana establishment license, shall be
15 responsible for any expense associated with the criminal background check with fingerprints.

16 (8) A registry identification card of a principal officer, board member, agent, volunteer,
17 employee, or any other designation required by the department of business regulation shall expire
18 one year after its issuance, or upon the expiration of the licensed organization's license, or upon the
19 termination of the principal officer, board member, agent, volunteer, or employee's relationship
20 with the compassion center, whichever occurs first.

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

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

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

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

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

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

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

11 (d) Expiration or termination of compassion center:

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

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

19 (i) The compassion center submits the materials required under subsections (c)(4) and
20 (c)(5) of this section, including a five-hundred-thousand-dollar (\$500,000) fee;

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

23 (iii) The department of business regulation finds that the compassion center is adequately
24 providing patients with access to medical marijuana at reasonable rates.

25 (3) If the department of health or the department of business regulation determines that any
26 of the conditions listed in subsections (d)(2)(i) -- (iii) of this section have not been met, the
27 department may begin an open application process for the operation of a compassion center. In
28 granting a new license, the department of health or the department of business regulation shall
29 consider factors listed in subsection (c)(3) of this section.

30 (4) The department of business regulation shall issue a compassion center one or more
31 thirty-day (30) temporary licenses after that compassion center's license would otherwise expire if
32 the following conditions are all satisfied:

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

1 (ii) The compassion center requested a temporary license; and
2 (iii) The compassion center has not had its license suspended or revoked due to violations
3 of this chapter or regulations issued pursuant to this chapter.

4 (5) A compassion center's license shall be denied, suspended, or subject to revocation if
5 the compassion center:

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

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

8 (iii) Is in violation of other departmental regulations;

9 (iv) Employs or enters into a business relationship with a medical practitioner who provides
10 written certification of a qualifying patient's medical condition; or

11 (v) If any compassion center owner, member, officer, director, manager, investor, agent,
12 or key person as defined in regulations promulgated by the department of business regulation, has
13 any interest, direct or indirect, in another compassion center or another licensed cultivator, except
14 as permitted in subsection (b)(10) of this section. Prohibited interests shall also include interests
15 arising pursuant to the use of shared management companies, management agreements, or other
16 agreements that afford third-party management or operational control, or other familial or business
17 relationships between compassion center or cultivator owners, members, officers, directors,
18 managers, investors, agents, or key persons that effect dual license interests as determined by the
19 department of business regulation.

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

25 (f) Compassion center requirements:

26 (1) A compassion center shall be operated on a not-for-profit basis for the mutual benefit
27 of its patients. A compassion center need not be recognized as a tax-exempt organization by the
28 Internal Revenue Service. A compassion center shall be subject to regulations promulgated by the
29 department of business regulation for general operations and record keeping, which shall include,
30 but not be limited to:

31 (i) Minimum security and surveillance requirements;

32 (ii) Minimum requirements for workplace safety and sanitation;

33 (iii) Minimum requirements for product safety and testing;

34 (iv) Minimum requirements for inventory tracking and monitoring;

- 1 (v) Minimum requirements for the secure transport and transfer of medical marijuana;
- 2 (vi) Minimum requirements to address odor mitigation;
- 3 (vii) Minimum requirements for product packaging and labeling;
- 4 (viii) Minimum requirements and prohibitions for advertising;
- 5 (ix) Minimum requirements for the testing and destruction of marijuana. Wherever
- 6 destruction of medical marijuana and medical marijuana product is required to bring a person or
- 7 entity into compliance with any provision of this chapter, any rule or regulation promulgated
- 8 thereunder, or any administrative order issued in accordance therewith, the director of the
- 9 department of business regulation may designate his or her employees or agents to facilitate the
- 10 destruction;
- 11 (x) A requirement that if a compassion center violates this chapter, or any regulation
- 12 thereunder, and the department of business regulation determines that violation does not pose an
- 13 immediate threat to public health or public safety, the compassion center shall pay to the department
- 14 of business regulation a fine of no less than five-hundred dollars (\$500); and
- 15 (xi) A requirement that if a compassion center violates this chapter, or any regulation
- 16 promulgated hereunder, and the department of business regulation determines that the violation
- 17 poses an immediate threat to public health or public safety, the compassion center shall pay to the
- 18 department of business regulation a fine of no less than two thousand dollars (\$2,000) and the
- 19 department shall be entitled to pursue any other enforcement action provided for under this chapter
- 20 and the regulations.
- 21 (2) A compassion center may not be located within one thousand feet (1,000') of the
- 22 property line of a preexisting public or private school.
- 23 (3) On or before December 31, 2016, a compassion center shall notify the department of
- 24 health within ten (10) days of when a principal officer, board member, agent, volunteer, or
- 25 employee ceases to work at the compassion center. On or after January 1, 2017, a compassion
- 26 center shall notify the department of business regulation within ten (10) days of when a principal
- 27 officer, board member, agent, volunteer, or employee ceases to work at the compassion center. His
- 28 or her card shall be deemed null and void and the person shall be liable for any penalties that may
- 29 apply to any nonmedical possession or use of marijuana by the person.
- 30 (4)(i) On or before December 31, 2016, a compassion center shall notify the department of
- 31 health in writing of the name, address, and date of birth of any new principal officer, board member,
- 32 agent, volunteer, or employee and shall submit a fee in an amount established by the department
- 33 for a new registry identification card before that person begins his or her relationship with the
- 34 compassion center;

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

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

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

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

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

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

27 (10) Effective July 1, 2017, each compassion center shall be subject to any regulations
28 promulgated by the departments of health and business regulation that specify how marijuana must
29 be tested for items, included but not limited to, cannabinoid profile and contaminants.

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

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

34 (i) A job description or employment contract developed for all employees and agents, and

1 a volunteer agreement for all volunteers, that includes duties, authority, responsibilities,
2 qualifications, and supervision; and

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

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

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

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

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

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

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

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

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

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

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

27 (2) A compassion center or principal officer, board member, agent, volunteer, or employee
28 of a compassion center may not dispense an amount of usable marijuana, or its equivalent, to a
29 patient cardholder, qualifying patient, a qualifying patient's primary caregiver, or a qualifying
30 patient's authorized purchaser that the compassion center, principal officer, board member, agent,
31 volunteer, or employee knows would cause the recipient to possess more marijuana than is
32 permitted under the Edward O. Hawkins and Thomas C. Slater medical marijuana act.

33 (3) Compassion centers shall utilize a database administered by the departments of health
34 and business regulation. The database shall contain all compassion centers' transactions according

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

9 (h) Immunity:

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

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

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

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

31 (i) Prohibitions:

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

34 (2) A compassion center may not dispense, deliver, or otherwise transfer marijuana to a

1 person other than a patient cardholder or to a qualified patient's primary caregiver or authorized
2 purchaser;

3 (3) A compassion center may not procure, purchase, transfer, or sell marijuana to or from
4 any entity other than a marijuana establishment licensee in accordance with the provisions of this
5 chapter;

6 (4) A person found to have violated subsection (h)(2) or (h)(3) of this section may not be
7 an employee, agent, volunteer, principal officer, or board member of any compassion center;

8 (5) An employee, agent, volunteer, principal officer or board member of any compassion
9 center found in violation of subsection (h)(2) or (h)(3) of this section shall have his or her registry
10 identification revoked immediately; and

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

19 (j) Legislative oversight committee:

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

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

29 (i) Patients' access to medical marijuana;

30 (ii) Efficacy of compassion centers;

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

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

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

34 (3) On or before January 1 of every even numbered year, the oversight committee shall

1 report to the general assembly on its findings.

2 (k) License required. No person or entity shall engage in activities described in this section
3 without a compassion center license issued by the department of business regulation.

4 (l) Any compassion center license issued pursuant to this chapter shall be valid only for the
5 compassion center which is the subject of the license and is not transferrable to any other owner or
6 location.

7 (m) Any new compassion center license awarded pursuant to the department of business
8 regulation lottery-based licensure process shall only be issued if the applicant winning the lottery
9 process does not change, transfer or alter the location and ownership from the location and
10 ownership indicated on the approved application.

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

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LC003987
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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 prohibit the transfer of any compassion center license to any other owner
2 or location and would provide that new compassion center licenses issued by way of lottery be
3 issued only to the location and ownership approved in the application.

4 This act would take effect upon passage.

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