

2009 -- S 0185 AS AMENDED

LC00834

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

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

Introduced By: Senators Perry, Goodwin, McCaffrey, Pichardo, and Sosnowski

Date Introduced: February 04, 2009

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 21-28.6-3, 21-28.6-4, 21-28.6-6 and 21-28.6-7 of the General
2 Laws in Chapter 21-28.6 entitled "The Edward O. Hawkins and Thomas C. Slater Medical
3 Marijuana Act" are hereby amended to read as follows:

4 **21-28.6-3. Definitions.** -- ~~The~~ For the purposes of this chapter:

5 (1) "Cardholder" means a qualifying patient, a primary caregiver, or a principal officer,
6 board member, employee, volunteer, or agent of a compassion center who has been issued and
7 possesses a valid registry identification card.

8 (2) "Compassion center" means a not-for-profit entity registered under section 21-28.6-12
9 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies or
10 dispenses marijuana, or related supplies and educational materials, to registered qualifying
11 patients and their registered primary caregivers who have designated it as one of their primary
12 caregivers.

13 ~~(3)~~ (3) "Debilitating medical condition" means:

14 (i) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired
15 immune deficiency syndrome, Hepatitis C, or the treatment of these conditions;

16 (ii) A chronic or debilitating disease or medical condition or its treatment that produces
17 one or more of the following: cachexia or wasting syndrome; severe, debilitating, chronic pain;
18 severe nausea; seizures, including but not limited to, those characteristic of epilepsy; or severe

1 and persistent muscle spasms, including but not limited to, those characteristic of multiple
2 sclerosis or Crohn's disease; or agitation of Alzheimer's Disease; or

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

5 ~~(2)~~ (4) "Department" means the Rhode Island department of health or its successor
6 agency.

7 ~~(3)~~ (5) "Marijuana" has the meaning given that term in section 21-28-1.02(26).

8 (6) "Mature marijuana plant" means a marijuana plant which has flowers or buds that
9 are readily observable by an unaided visual examination.

10 ~~(4)~~ (7) "Medical use" means the acquisition, possession, cultivation, manufacture, use,
11 delivery, transfer, or transportation of marijuana or paraphernalia relating to the consumption of
12 marijuana to alleviate a registered qualifying patient's debilitating medical condition or symptoms
13 associated with the medical condition.

14 ~~(5)~~ (8) "Practitioner" means a person who is licensed with authority to prescribe drugs
15 pursuant to chapter 37 of title 5 or a physician licensed with authority to prescribe drugs in
16 Massachusetts or Connecticut.

17 ~~(6)~~ (9) "Primary caregiver" means either a natural person who is at least twenty-one (21)
18 years old or a compassion center. ~~and who has agreed to assist with a person's medical use of~~
19 ~~marijuana and who doesn't have a felony drug conviction. A primary caregiver~~ Unless the
20 primary caregiver is a compassion center, a natural primary caregiver may assist no more than
21 five (5) qualifying patients with their medical use of marijuana.

22 ~~(7)~~ (10) "Qualifying patient" means a person who has been diagnosed by a ~~physician~~
23 practitioner as having a debilitating medical condition and is a resident of Rhode Island.

24 ~~(8)~~ (11) "Registry identification card" means a document issued by the department that
25 identifies a person as a registered qualifying patient, ~~or a registered~~ primary caregiver, or a
26 registered principal officer, board member, employee, volunteer, or agent of a compassion center.

27 (12) "Unusable marijuana" means marijuana seeds, stalks, seedlings, and unusable roots.
28 "Seedling" means a marijuana plant with no observable flowers or buds.

29 ~~(9)~~ (13) "Usable marijuana" means the dried leaves and flowers of the marijuana plant,
30 and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the
31 plant.

32 ~~(10)~~ (14) "Written certification" means the qualifying patient's medical records, and a
33 statement signed by a practitioner, stating that in the practitioner's professional opinion the
34 potential benefits of the medical use of marijuana would likely outweigh the health risks for the

1 qualifying patient. A written certification shall be made only in the course of a bona fide
2 practitioner-patient relationship after the practitioner has completed a full assessment of the
3 qualifying patient's medical history. The written certification shall specify the qualifying patient's
4 debilitating medical condition or conditions.

5 **21-28.6-4. Protections for the medical use of marijuana.** -- (a) A qualifying patient
6 who has in his or her possession a registry identification card shall not be subject to arrest,
7 prosecution, or penalty in any manner, or denied any right or privilege, including but not limited
8 to, civil penalty or disciplinary action by a business or occupational or professional licensing
9 board or bureau, for the medical use of marijuana; provided, that the qualifying patient possesses
10 an amount of marijuana that does not exceed twelve (12) mature marijuana plants and two and
11 one-half (2.5) ounces of usable marijuana. Said plants shall be stored in an indoor facility.

12 (b) 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 ~~registered qualifying patient or a~~
14 ~~registered primary caregiver~~ cardholder.

15 (c) A primary caregiver, who has in his or her possession, a registry identification card
16 shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or
17 privilege, including but not limited to, civil penalty or disciplinary action by a business or
18 occupational or professional licensing board or bureau, for assisting a qualifying patient to whom
19 he or she is connected through the department's registration process with the medical use of
20 marijuana; provided, that the primary caregiver possesses an amount of marijuana which does not
21 exceed twelve (12) mature marijuana plants and two and one-half (2.5) ounces of usable
22 marijuana for each qualifying patient to whom he or she is connected through the department's
23 registration process.

24 (d) Registered primary caregivers and registered qualifying patients shall be allowed to
25 possess a reasonable amount of unusable marijuana, including up to twelve (12) seedlings, which
26 shall not be counted toward the limits in this section.

27 ~~(e)~~(e) There shall exist a presumption that a qualifying patient or primary caregiver is
28 engaged in the medical use of marijuana if the qualifying patient or primary caregiver:

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

34 ~~(e)~~(f) A primary caregiver may receive reimbursement for costs associated with assisting

1 a registered qualifying patient's medical use of marijuana. Compensation shall not constitute sale
2 of controlled substances.

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

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

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

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

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

26 ~~(k)~~(l) Notwithstanding the provisions of subsection 21-28.6-3(6) or subsection 21-28.6-
27 4(c), no primary caregiver other than a compassion center shall possess an amount of marijuana
28 in excess of twenty-four (24) marijuana plants and five (5) ounces of usable marijuana for
29 qualifying patients to whom he or she is connected through the department's registration process.

30 (m) A registered qualifying patient or registered primary caregiver may give marijuana to
31 another registered qualifying patient or registered primary caregiver to whom they are not
32 connected by the department's registration process, provided that no consideration is paid for the
33 marijuana, and that the recipient does not exceed the limits specified in section 21-28.6-4.

34 (n) For the purposes of medical care, including organ transplants, a registered qualifying

1 [patient's authorized use of marijuana shall be considered the equivalent of the authorized use of](#)
2 [any other medication used at the direction of a physician, and shall not constitute the use of an](#)
3 [illicit substance.](#)

4 **21-28.6-6. Administration of regulations.** -- (a) The department shall issue registry
5 identification cards to qualifying patients who submit the following, in accordance with the
6 department's regulations:

7 (1) Written certification as defined in section ~~23-28.6-3(10)~~ [21-28.6-3\(14\)](#) of this
8 chapter;

9 (2) Application or renewal fee;

10 (3) Name, address, and date of birth of the qualifying patient; provided, however, that if
11 the patient is homeless, no address is required;

12 (4) Name, address, and telephone number of the qualifying patient's practitioner; and

13 (5) Name, address, and date of birth of each primary caregiver of the qualifying patient,
14 if any.

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

17 (1) The qualifying patient's practitioner has explained the potential risks and benefits of
18 the medical use of marijuana to the qualifying patient and to a parent, guardian or person having
19 legal custody of the qualifying patient; and

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

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

22 (ii) Serve as one of the qualifying patient's primary caregivers; and

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

25 (c) The department shall verify the information contained in an application or renewal
26 submitted pursuant to this section, and shall approve or deny an application or renewal within
27 fifteen (15) days of receiving it. The department may deny an application or renewal only if the
28 applicant did not provide the information required pursuant to this section, or if the department
29 determines that the information provided was falsified. Rejection of an application or renewal is
30 considered a final department action, subject to judicial review. Jurisdiction and venue for
31 judicial review are vested in the superior court.

32 (d) The department shall issue a registry identification card to each primary caregiver, if
33 any, who is named in a qualifying patient's approved application, up to a maximum of two (2)
34 primary caregivers per qualifying patient. [A person may not serve as a primary caregiver if he or](#)

1 she has a felony drug conviction, unless the department waives this restriction in respect to a
2 specific individual at the department's discretion. Additionally, the department shall allow the
3 person to serve as a primary caregiver if the department determines that the offense was for
4 conduct that occurred prior to the enactment of the Edward O. Hawkins and Thomas C. Slater
5 Medical Marijuana Act or that was prosecuted by an authority other than the state of Rhode
6 Island and for which the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act
7 would otherwise have prevented a conviction.

8 (e) The department shall issue registry identification cards within five (5) days of
9 approving an application or renewal, which shall expire two (2) years after the date of issuance.

10 Registry identification cards shall contain:

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

15 (f) Persons issued registry identification cards shall be subject to the following:

16 (1) A qualifying patient who has been issued a registry identification card shall notify the
17 department of any change in the qualifying patient's name, address, or primary caregiver; or if the
18 qualifying patient ceases to have his or her debilitating medical condition, within ten (10) days of
19 such change.

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

25 (3) A registered primary caregiver, principal officer, board member, employee,
26 volunteer, or agent of a compassion center shall notify the department of any change in his or her
27 name or address within ten (10) days of such change. A primary caregiver, principal officer,
28 board member, employee, volunteer, or agent of a compassion center who fails to notify the
29 department of any of these changes is responsible for a civil infraction, punishable by a fine of no
30 more than one hundred fifty dollars (\$150).

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

1 employee, volunteer, or agent of a compassion center notifies the department of any changes
2 listed in this subsection, the department shall issue the cardholder a new registry identification
3 card within ten (10) days of receiving the updated information and a ten dollar (\$10.00) fee.

4 (5) When a qualifying patient who possesses a registry identification card changes his or
5 her primary caregiver, the department shall notify the primary caregiver within ten (10) days. The
6 primary caregiver's protections as provided in this chapter as to that patient shall expire ten (10)
7 days after notification by the department.

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

12 (7) If a ~~qualifying patient and/or primary caregiver~~ cardholder willfully violates any
13 provision of this chapter as determined by the department, his or her registry identification card
14 may be revoked.

15 (g) Possession of, or application for, a registry identification card shall not constitute
16 probable cause or reasonable suspicion, nor shall it be used to support the search of the person or
17 property of the person possessing or applying for the registry identification card, or otherwise
18 subject the person or property of the person to inspection by any governmental agency.

19 (h) (1) Applications and supporting information submitted by qualifying patients,
20 including information regarding their primary caregivers and practitioners, are confidential and
21 protected under the federal Health Insurance Portability and Accountability Act of 1996.

22 (2) The department shall maintain a confidential list of the persons to whom the
23 department has issued registry identification cards. Individual names and other identifying
24 information on the list shall be confidential, exempt from the provisions of Rhode Island Access
25 to Public Information, chapter 2 of title 38, and not subject to disclosure, except to authorized
26 employees of the department as necessary to perform official duties of the department.

27 (i) The department shall verify to law enforcement personnel whether a registry
28 identification card is valid solely by confirming the random registry identification number.

29 (j) It shall be a crime, punishable by up to one hundred eighty (180) days in jail and a
30 one thousand dollar (\$1,000) fine, for any person, including an employee or official of the
31 department or another state agency or local government, to breach the confidentiality of
32 information obtained pursuant to this chapter. Notwithstanding this provision, the department
33 employees may notify law enforcement about falsified or fraudulent information submitted to the
34 department.

1 (k) On or before January 1 of each odd numbered year, the department shall report to the
2 House Committee on Health, Education and Welfare and to the Senate Committee on ~~the~~
3 ~~Judiciary~~ Health and Human Services on the use of marijuana for symptom relief. The report
4 shall provide:

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

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

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

13 (4) Statistics regarding the number of prosecutions against physicians for violations of
14 this chapter; and

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

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

23 **21-28.6-7. Scope of chapter.** -- (a) This chapter shall not permit:

24 (1) Any person to undertake any task under the influence of marijuana, when doing so
25 would constitute negligence or professional malpractice;

26 (2) The smoking of marijuana:

27 (i) In a school bus or other form of public transportation;

28 (ii) On any school grounds;

29 (iii) In any correctional facility;

30 (iv) In any public place; ~~or~~

31 (v) In any licensed drug treatment facility in this state- ; or

32 (vi) Where exposure to the marijuana smoke significantly adversely affects the health,
33 safety, or welfare of children.

34 (3) Any person to operate, navigate, or be in actual physical control of any motor

1 vehicle, aircraft, or motorboat while under the influence of marijuana. However, a registered
2 qualifying patient shall not be considered to be under the influence solely for having marijuana
3 metabolites in his or her system.

4 (b) Nothing in this chapter shall be construed to require:

5 (1) A government medical assistance program or private health insurer to reimburse a
6 person for costs associated with the medical use of marijuana; or

7 (2) An employer to accommodate the medical use of marijuana in any workplace.

8 (c) Fraudulent representation to a law enforcement official of any fact or circumstance
9 relating to the medical use of marijuana to avoid arrest or prosecution shall be punishable by a
10 fine of five hundred dollars (\$500) which shall be in addition to any other penalties that may
11 apply for making a false statement for the nonmedical use of marijuana.

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

15 **21-28.6-12. Compassion centers.** – (a) A compassion center registered under this
16 section may acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply, or
17 dispense marijuana, or related supplies and educational materials, to registered qualifying patients
18 and their registered primary caregivers who have designated it as one of their primary caregivers.
19 A compassion center is a primary caregiver. Except as specifically provided to the contrary, all
20 provisions of the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act, sections 21-
21 28.6-1 – 21-28.6-11, apply to a compassion center unless they conflict with a provision contained
22 in section 21-28.6-12.

23 (b) Registration of compassion centers--department authority:

24 (1) Not later than ninety (90) days after the effective date of this act, the department shall
25 promulgate regulations governing the manner in which it shall consider applications for
26 registration certificates for compassion centers, including regulations governing:

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

28 (ii) Minimum oversight requirements for compassion centers;

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

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

31 (v) Procedures for suspending or terminating the registration of compassion centers that
32 violate the provisions of this section or the regulations promulgated pursuant to this subsection.

33 (2) Within ninety (90) days of the effective date of this act, the department shall begin
34 accepting applications for the operation of a single compassion center.

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

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

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

11 (6) Within two (2) years of the effective date of this act, the department shall begin
12 accepting applications to provide registration certificates for two (2) additional compassion
13 centers. The department shall solicit input from the public, and issue registration certificates if
14 qualified applicants exist.

15 (7) Any time a compassion center registration certificate is revoked, is relinquished, or
16 expires, the department shall accept applications for a new compassion center.

17 (8) If at any time after three (3) years after the effective date of this act, fewer than three
18 (3) compassion centers are holding valid registration certificates in Rhode Island, the
19 department shall accept applications for a new compassion center. No more than three (3)
20 compassion centers may hold valid registration certificates at one time.

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

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

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

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

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

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

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

34 (vi) Proposed security and safety measures which shall include at least one security alarm

1 system for each location, planned measures to deter and prevent the unauthorized entrance into
2 areas containing marijuana and the theft of marijuana, as well as a draft employee instruction
3 manual including security policies, safety and security procedures, personal safety and crime
4 prevention techniques; and

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

6 (2) Any time one or more compassion center registration applications are being
7 considered, the department shall also allow for comment by the public and shall solicit input from
8 registered qualifying patients, registered primary caregivers; and the towns or cities where the
9 applicants would be located;

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

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

15 (ii) The applicants' ability to provide a steady supply to the registered qualifying patients
16 in the state;

17 (iii) The applicants' experience running a non-profit or business;

18 (iv) The wishes of qualifying patients regarding which applicant be granted a registration
19 certificate;

20 (v) The wishes of the city or town where the dispensary would be located;

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

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

27 (4) After a compassion center is approved, but before it begins operations, it shall submit
28 the following to the department:

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

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

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

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

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

3 (5) The department shall track the number of registered qualifying patients who designate
4 each compassion center as a primary caregiver, and issue a written statement to the compassion
5 center of the number of qualifying patients who have designated the compassion center to serve
6 as a primary caregiver for them. This statement shall be updated each time a new registered
7 qualifying patient designates the compassion center or ceases to designate the compassion center
8 and may be transmitted electronically if the department's regulations so provide. The department
9 may provide by regulation that the updated written statements will not be issued more frequently
10 than twice each week;

11 (6) Except as provided in subdivision (7), the department shall issue each principal
12 officer, board member, agent, volunteer and employee of a compassion center a registry
13 identification card or renewal card within ten (10) days of receipt of the person's name, address,
14 date of birth, and a fee in an amount established by the department. Each card shall specify that
15 the cardholder is a principal officer, board member, agent, volunteer, or employee of a
16 compassion center and shall contain the following:

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

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

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

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

23 (v) A photograph, if the department decides to require one;

24 (7) Except as provided in this subsection, the department shall not issue a registry
25 identification card to any principal officer, board member, agent, volunteer, or employee of a
26 compassion center who has been convicted of a felony drug offense. The department may
27 conduct a background check of each principal officer, board member, agent, volunteer, or
28 employee in order to carry out this provision. The department shall notify the compassion center
29 in writing of the purpose for denying the registry identification card. The department may grant
30 such person a registry identification card if the department determines that the offense was for
31 conduct that occurred prior to the enactment of the Edward O. Hawkins and Thomas C. Slater
32 Medical Marijuana Act or that was prosecuted by an authority other than the state of Rhode
33 Island and for which the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act
34 would otherwise have prevented a conviction;

1 (8) A registry identification card of a principal officer, board member, agent, volunteer,
2 or employee shall expire one year after its issuance, or upon the expiration of the registered
3 organization's registration certificate, whichever occurs first.

4 (d) Expiration or termination of compassion center:

5 (1) A compassion center's registration shall expire two (2) years after its registration
6 certificate is issued. The compassion center may submit a renewal application beginning sixty
7 (60) days prior to the expiration of its registration certificate;

8 (2) The department shall grant a compassion center's renewal application within thirty
9 (30) days of its submission if the following conditions are all satisfied:

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

12 (ii) The department has not ever suspended the compassion center's registration for
13 violations of this act or regulations issued pursuant to this act;

14 (iii) The legislative oversight committee's report, issued pursuant to subsection (j),
15 indicates that the compassion center is adequately providing patients with access to medical
16 marijuana at reasonable rates; and

17 (iv) The legislative oversight committee's report, issued pursuant to subsection (j), does
18 not raise serious concerns about the continued operation of the compassion center applying for
19 renewal.

20 (3) If the department determines that any of the conditions listed in paragraphs (d)(2)(i) –
21 (iv) exist, the department shall begin an open application process for the operation of a
22 compassion center. In granting a new registration certificate, the department shall consider factors
23 listed in subdivision (c)(3);

24 (4) The department shall issue a compassion center one or more thirty (30) day temporary
25 registration certificates after that compassion center's registration would otherwise expire if the
26 following conditions are all satisfied:

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

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

30 (iii) The compassion center has not had its registration certificate revoked due to
31 violations of this act or regulations issued pursuant to this act.

32 (e) Inspection. Compassion centers are subject to reasonable inspection by the department
33 of health, division of facilities regulation. The department shall give reasonable notice of an
34 inspection under this subsection. During an inspection, the department may review the

1 compassion center's confidential records, including its dispensing records, which may track
2 transactions according to qualifying patients' registry identification numbers to protect their
3 confidentiality.

4 (f) Compassion center requirements:

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

8 (2) A compassion center may not be located within five hundred feet (500') of the
9 property line of a preexisting public or private school;

10 (3) A compassion center shall notify the department within ten (10) days of when a
11 principal officer, board member, agent, volunteer or employee ceases to work at the compassion
12 center. His or her card shall be deemed null and void and the person shall be liable for any other
13 penalties that may apply to the person's nonmedical use of marijuana;

14 (4) A compassion center shall notify the department in writing of the name, address, and
15 date of birth of any new principal officer, board member, agent, volunteer or employee and shall
16 submit a fee in an amount established by the department for a new registry identification card
17 before a new agent or employee begins working at the compassion center;

18 (5) A compassion center shall implement appropriate security measures to deter and
19 prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana and
20 shall insure that each location has an operational security alarm system.

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

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

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

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

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

34 (i) A job description or employment contract developed for all employees and a volunteer

1 agreement for all volunteers, which includes duties, authority, responsibilities, qualification, and
2 supervision; and

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

4 (11) Each compassion center shall maintain a personnel record for each employee and
5 each volunteer that includes an application for employment or to volunteer and a record of any
6 disciplinary action taken;

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

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

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

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

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

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

17 (14) All compassion centers shall prepare training documentation for each employee and
18 have employees sign a statement indicating the date, time, and place the employee received said
19 training and topics discussed, to include name and title of presenters. The compassion center shall
20 maintain documentation of an employee's and a volunteer's training for a period of at least six (6)
21 months after termination of an employee's employment or 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
24 employee of a compassion center may not dispense more than two and one half ounces (2.5 oz)
25 of usable marijuana to a qualifying patient directly or through a qualifying patient's other primary
26 caregiver during a fifteen (15) day period;

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

33 (h) Immunity;

34 (1) No registered compassion center shall be subject to prosecution; search, except by the

1 department pursuant to subsection (e); seizure; or penalty in any manner or denied any right or
2 privilege, including, but not limited to, civil penalty or disciplinary action by a business,
3 occupational, or professional licensing board or entity, solely for acting in accordance with this
4 section to assist registered qualifying patients to whom it is connected through the department's
5 registration process with the medical use of marijuana;

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

11 (i) Prohibitions:

12 (1) A compassion center may not possess an amount of marijuana that exceeds the total
13 of the allowable amount of marijuana for the registered qualifying patients for whom the
14 compassion center is a registered primary caregiver;

15 (2) A compassion center may not dispense, deliver, or otherwise transfer marijuana to a
16 person other than a qualifying patient who has designated the compassion center as a primary
17 caregiver or to such patient's other primary caregiver;

18 (3) A person found to have violated paragraph (2) of this subsection may not be an
19 employee, agent, principal officer, or board member of any compassion center, and such person's
20 registry identification card shall be immediately revoked;

21 (4) No person who has been convicted of a felony drug offense may be the principal
22 officer, board member, agent, volunteer, or employee of a compassion center unless the
23 department has determined that the person's conviction was for the medical use of marijuana or
24 assisting with the medical use of marijuana and issued the person a registry identification card as
25 provided under subdivision (c)(7). A person who is employed by or is an agent, principal officer,
26 or board member of a compassion center in violation of this section is guilty of a civil violation
27 punishable by a fine of up to one thousand dollars (\$1,000). A subsequent violation of this section
28 is a gross misdemeanor;

29 (j) Legislative oversight committee.

30 (1) The general assembly shall appoint a nine (9) member oversight committee comprised
31 of: one member of the house of representatives; one member of the senate; one physician to be
32 selected from a list provided by the Rhode Island medical society; one nurse to be selected from a
33 list provided by the Rhode Island state nurses association; two (2) registered qualifying patients;
34 one registered primary caregiver; one patient advocate to be selected from a list provided by the

1 Rhode Island patient advocacy coalition; and one representative of the law enforcement
2 community.

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

5 (i) Patients' access to medical marijuana;

6 (ii) Efficacy of compassion center;

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

8 (iv) The definition of qualifying medical condition;

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

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

12 SECTION 3. 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 make various changes to the medical marijuana act, including the creation
2 and regulation of compassion centers to aid qualifying patients and their registered primary
3 caregivers with respect to this act.

4 This act would take effect upon passage.

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