2019 -- H 6069

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

AN ACT

RELATING TO FOOD AND DRUGS -- THE EDWARD O. HAWKINS AND THOMAS C. SLATER MEDICAL MARIJUANA ACT--THE RHODE ISLAND MARIJUANA SOCIAL EQUITY PROGRAM

Introduced By: Representatives Williams, Craven, Slater, Vella-Wilkinson, and Blajejewski
Date Introduced: May 03, 2019
Referred To: House Finance

It is enacted by the General Assembly as follows:

SECTION 1. Chapter 21-28.6 of the General Laws entitled "The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act" is hereby amended by adding thereto the following section:

21-28.6-18. Rhode Island marijuana social equity program - Findings and purpose.

(1) Marijuana prohibition has had a devastating impact on communities across Rhode Island and across the United States. Persons convicted of a marijuana-related offense and their families suffer the long-term consequences of prohibition. These individuals have a more difficult time entering the newly created adult-use marijuana industries due, in part, to a lack of access to capital, business space, technical support, and regulatory compliance assistance. In partial recognition of this, the general assembly decriminalized possession of small amounts of marijuana in 2013. Since 2006, medicinal use of marijuana has been permitted in Rhode Island.

(2) During the era of marijuana prohibition in Rhode Island, the burdens of arrests, convictions, and long-term collateral consequences arising from a conviction related to marijuana fell disproportionately on Black and Latinx people, even though people of all races used and sold marijuana at nearly identical rates. A policy report issued by Open Doors in 2010 reported that in 2008, people of color were arrested for possession of marijuana and sentenced to prison at a rate eight (8) times higher than white persons. A report released by the American Civil Liberties Union in 2013 found that in Rhode Island in the years 2001 through 2010, black persons were...
arrested for marijuana possession at a rate nearly three (3) times the rate of white persons. Furthermore, a 2015 American Civil Liberties Union of Rhode Island report entitled "The School to Prison Pipeline in Black and White", identified racial disparities in certain areas of public interaction with the government specifically in areas of school discipline, racial profiling in traffic stops, arrest rates, marijuana possession arrests rates and prison representation. The collateral consequences associated with marijuana law violations, coupled with generational poverty and a lack of access to resources, made it extraordinarily difficult for persons from areas of poverty that have been disproportionately harmed by marijuana prohibition, especially persons with convictions, to enter the newly regulated marijuana industries.

(3) Offering technical support, regulatory compliance assistance, and assistance with securing the capital necessary to begin a business in the emerging new marijuana industries will help to reduce barriers to licensure and employment of persons from areas who have been disproportionately harmed by marijuana prohibition.

(4) Offering these supports will also aid the state in eliminating or reducing the illicit marijuana market by bringing more people into the legal marketplace.

(5) It is the intent of this act to ensure that persons most harmed by marijuana criminalization and poverty be offered assistance to enter the marijuana industries as entrepreneurs or as employees with high quality and well-paying jobs.

SECTION 2. Sections 21-28.6-5 and 21-28.6-12 of the General Laws in Chapter 21-28.6 entitled "The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act" are hereby amended to read as follows:

21-28.6-5. Department of health to issue regulations.

(a) Not later than ninety (90) days after the effective date of this chapter, the department of health shall promulgate regulations governing the manner in which it shall consider petitions from the public to add debilitating medical conditions to those included in this chapter. In considering such petitions, the department of health shall include public notice of, and an opportunity to comment in a public hearing, upon such petitions. The department of health shall, after hearing, approve or deny such petitions within one hundred eighty (180) days of submission. The approval or denial of such a petition shall be considered a final department of health action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the superior court. The denial of a petition shall not disqualify qualifying patients with that condition, if they have a debilitating medical condition as defined in § 21-28.6-3(5). The denial of a petition shall not prevent a person with the denied condition from raising an affirmative defense.

(b) Not later than ninety (90) days after the effective date of this chapter, the department
of health shall promulgate regulations governing the manner in which it shall consider applications for, and renewals of, registry identification cards for qualifying patients, primary caregivers, and authorized purchasers. The department of health's regulations shall establish application and renewal fees that generate revenues sufficient to offset all expenses of implementing and administering this chapter. The department of health may vary the application and renewal fees along a sliding scale that accounts for a qualifying patient's or caregiver's income. The department of health may accept donations from private sources in order to reduce the application and renewal fees.

(c)(1) Not later than ninety (90) days after effective date of this section, the department of health and/or the department of business regulation, in consultation with the American Civil Liberties Union of Rhode Island, shall promulgate regulations, procedures and policies to create a Rhode Island marijuana social equity program to encourage full participation in the regulated marijuana industry by people from communities that have previously been and currently are disproportionately harmed by marijuana prohibition and enforcement and to positively impact those communities.

(2) Regulations promulgated pursuant to this subsection shall provide that priority review resulting in an issuance of fifty percent (50%) of all new compassion center licenses be granted to qualified applicants residing in communities determined by the department(s) to have been disproportionately harmed by marijuana prohibition and enforcement.

(3) Factors that the department(s) shall consider in whether to grant priority review shall include, but not be limited to:

(i) Whether majority ownership belongs to people who have lived in areas of disproportionate impact for five (5) of the last ten (10) years;

(ii) Whether majority of ownership has held one or more previous positions where the primary population served were disproportionately impacted, or where primary responsibilities included economic education, resource provision or empowerment to disproportionately impacted individuals or communities;

(iii) Whether at least fifty-one percent (51%) of current employees/sub-contractors reside in areas of disproportionate impact;

(iv) Whether a majority of the ownership is made up of individuals from Black, African American, Hispanic or Latino descent;

(v) Whether the business owners can demonstrate significant past experience in or business practices that promote economic empowerment in areas of disproportionate impact. The business owners shall not be property owners only and shall have an active interest in the
business itself.

(4) For purposes of this section, “areas of disproportionate impact” means, any city, town, community, neighborhood or other area within the state of Rhode Island determined by the department of health and/or the department of business regulation to be a community disproportionately harmed by marijuana prohibition and enforcement.


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

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

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

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

(ii) Minimum oversight requirements for compassion centers;

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

(iv) Minimum security requirements for compassion centers; and

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

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

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

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

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

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

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

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

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

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

(10) Effective July 1, 2019, and thereafter, the department of business regulation shall
issue fifty percent (50%) of all new compassion center or dispensary licenses pursuant to this
chapter to applicants residing in communities that have been disproportionately harmed by
marijuana prohibition and enforcement pursuant to § 21-28.6-5(c).

(c) Compassion center and agent applications and registration:

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

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

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

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

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

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

(vii) Proposed procedures to ensure accurate record keeping;

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

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

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

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

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

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

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

(v) The interests of the city or town where the dispensary would be located;
(vi) The sufficiency of the applicant's plans for record keeping and security, which
records shall be considered confidential health-care information under Rhode Island law and are
intended to be deemed protected health-care information for purposes of the Federal Health
Insurance Portability and Accountability Act of 1996, as amended; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Expiration or termination of compassion center:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Compassion center requirements:

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

(2) A compassion center may not be located within one thousand feet (1,000') of the property line of a preexisting public or private school;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Professional conduct, ethics, and patient confidentiality; and
(ii) Informational developments in the field of medical use of marijuana.

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

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

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

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

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

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

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

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

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

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

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

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

(i) Prohibitions:

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

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

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

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

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

(6) The department of health and the department of business regulation shall not
discriminate or disqualify any individual or applicant in the issuance of any license for
compassion centers or dispensaries on the basis of misdemeanor conviction(s) for marijuana
possession.

(j) Legislative oversight committee:

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

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

(i) Patients' access to medical marijuana;

(ii) Efficacy of compassion centers;

(iii) Physician participation in the Medical Marijuana Program;

(iv) The definition of qualifying medical condition; and

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

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

(k) The marijuana economic opportunity fund. Effective July 1, 2019, the department of
business regulation shall establish a restricted account entitled "The marijuana economic
opportunity fund" into which thirty percent (30%) of all revenue generated by sales, licensure,
fines, taxes and fees charged to any applicant for a compassion center or dispensary shall be
deposited. Thirty percent (30%) of the monies collected shall be used as follows:
(1) Ninety percent (90%) for the provision of interest free loans to companies or
businesses owned by people determined to be from areas of disproportionate impact pursuant to §
21-28.6-5(c), seeking to invest in the marijuana industry, including use for advertisement of the
program and educational information relating to the application process; and

(2) Ten percent (10%) for drug education, counseling, treatment and job training
programs.

SECTION 3. This act shall take effect upon passage.
This act would require that one half of all new compassion center or dispensary licenses, issued on or after July 1, 2019, be given to people who reside in areas determined to be disproportionately harmed by marijuana prohibition and enforcement and establish a restricted account entitled "The marijuana economic opportunity fund" into which thirty percent (30%) of all revenue generated by sales, licensure, fines, taxes and fees charged applicants for a compassion center or dispensary, commencing operation on or after July 1, 2019, of which ninety percent (90%) be used to provide interest free loans to companies or businesses, owned by people or businesses of color, seeking to invest in the marijuana industry, inclusive of advertising and educational information and ten percent (10%) to be used to provide drug education, treatment and job training programs.

This act would take effect upon passage.