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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

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 Blazejewski

Date Introduced: May 03, 2019

Referred To: House Finance

It is enacted by the General Assembly as follows:

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

4 **21-28.6-18. Rhode Island marijuana social equity program - Findings and purpose.**

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

12 (2) During the era of marijuana prohibition in Rhode Island, the burdens of arrests,  
13 convictions, and long-term collateral consequences arising from a conviction related to marijuana  
14 fell disproportionately on Black and Latinx people, even though people of all races used and sold  
15 marijuana at nearly identical rates. A policy report issued by Open Doors in 2010 reported that in  
16 2008, people of color were arrested for possession of marijuana and sentenced to prison at a rate  
17 eight (8) times higher than white persons. A report released by the American Civil Liberties  
18 Union in 2013 found that in Rhode Island in the years 2001 through 2010, black persons were

1 arrested for marijuana possession at a rate nearly three (3) times the rate of white persons.  
2 Furthermore, a 2015 American Civil Liberties Union of Rhode Island report entitled "The School  
3 to Prison Pipeline in Black and White", identified racial disparities in certain areas of public  
4 interaction with the government specifically in areas of school discipline, racial profiling in traffic  
5 stops, arrest rates, marijuana possession arrests rates and prison representation. The collateral  
6 consequences associated with marijuana law violations, coupled with generational poverty and a  
7 lack of access to resources, made it extraordinarily difficult for persons from areas of poverty that  
8 have been disproportionately harmed by marijuana prohibition, especially persons with  
9 convictions, to enter the newly regulated marijuana industries.

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

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

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

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

22 **21-28.6-5. Department of health to issue regulations.**

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

34 (b) Not later than ninety (90) days after the effective date of this chapter, the department

1 of health shall promulgate regulations governing the manner in which it shall consider  
2 applications for, and renewals of, registry identification cards for qualifying patients, primary  
3 caregivers, and authorized purchasers. The department of health's regulations shall establish  
4 application and renewal fees that generate revenues sufficient to offset all expenses of  
5 implementing and administering this chapter. The department of health may vary the application  
6 and renewal fees along a sliding scale that accounts for a qualifying patient's or caregiver's  
7 income. The department of health may accept donations from private sources in order to reduce  
8 the application and renewal fees.

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

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

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

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

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

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

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

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

1 [business itself.](#)

2 [\(4\) For purposes of this section, "areas of disproportionate impact" means, any city, town,](#)  
3 [community, neighborhood or other area within the state of Rhode Island determined by the](#)  
4 [department of health and/or the department of business regulation to be a community](#)  
5 [disproportionately harmed by marijuana prohibition and enforcement.](#)

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

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

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

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

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

19 (ii) Minimum oversight requirements for compassion centers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 center;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (4) A compassion center approved by the department of health on or before December  
8 31, 2016, shall submit the following to the department before it may begin operations:

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

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

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

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

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

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

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

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

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

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

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

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

1 probation. Each card shall specify that the cardholder is a principal officer, board member, agent,  
2 volunteer, or employee of a compassion center and shall contain the following:

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

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

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

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

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

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

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

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

1 department of business regulation, in writing, of this fact.

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

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

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

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

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

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

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

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

33 (d) Expiration or termination of compassion center:

34 (1) On or before December 31, 2016, a compassion center's registration shall expire two

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (iv) Employs or enters into a business relationship with a medical practitioner who

1 provides written certification of a qualifying patient's medical condition.

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

7 (f) Compassion center requirements:

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

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

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

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

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

30 (5) A compassion center shall implement appropriate security measures to deter and  
31 prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana and  
32 shall insure that each location has an operational security alarm system. Each compassion center  
33 shall request that the department of public safety division of state police visit the compassion  
34 center to inspect the security of the facility and make any recommendations regarding the security

1 of the facility and its personnel within ten (10) days prior to the initial opening of each  
2 compassion center. Said recommendations shall not be binding upon any compassion center, nor  
3 shall the lack of implementation of said recommendations delay or prevent the opening or  
4 operation of any center. If the department of public safety division of state police does not inspect  
5 the compassion center within the ten-day (10) period, there shall be no delay in the compassion  
6 center's opening.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (h) Immunity:

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

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

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

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

23 (i) Prohibitions:

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

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

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

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

34 (5) No person who has been convicted of a felony drug offense or has entered a plea of

1 nolo contendere for a felony drug offense with a sentence of probation may be the principal  
2 officer, board member, agent, volunteer, or employee of a compassion center unless the  
3 department has determined that the person's conviction was for the medical use of marijuana or  
4 assisting with the medical use of marijuana in accordance with the terms and conditions of this  
5 chapter. A person who is employed by or is an agent, volunteer, principal officer, or board  
6 member of a compassion center in violation of this section is guilty of a civil violation punishable  
7 by a fine of up to one thousand dollars (\$1,000). A subsequent violation of this section is a  
8 misdemeanor: and;

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

13 (j) Legislative oversight committee:

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

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

23 (i) Patients' access to medical marijuana;

24 (ii) Efficacy of compassion centers;

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

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

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

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

30 (k) The marijuana economic opportunity fund. Effective July 1, 2019, the department of  
31 business regulation shall establish a restricted account entitled "The marijuana economic  
32 opportunity fund" into which thirty percent (30%) of all revenue generated by sales, licensure,  
33 finances, taxes and fees charged to any applicant for a compassion center or dispensary shall be  
34 deposited. Thirty percent (30%) of the monies collected shall be used as follows:

1           (1) Ninety percent (90%) for the provision of interest free loans to companies or  
2 businesses owned by people determined to be from areas of disproportionate impact pursuant to §  
3 21-28.6-5(c), seeking to invest in the marijuana industry, including use for advertisement of the  
4 program and educational information relating to the application process; and

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

7           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--THE RHODE ISLAND MARIJUANA SOCIAL  
EQUITY PROGRAM

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

11           This act would take effect upon passage.

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LC002239  
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