

2013 -- H 5437

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO FOOD AND DRUGS -- MEDICAL MARIJUANA ACT

Introduced By: Representatives O'Neill, Lombardi, Craven, Hull, and Tomasso

Date Introduced: February 13, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

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

11 (b) A registered qualifying patient, who has in his or her possession a registry
12 identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied
13 any right or privilege, including but not limited to, civil penalty or disciplinary action by a
14 business or occupational or professional licensing board or bureau, for selling, giving, or
15 distributing marijuana of the type and in an amount not to exceed that set forth in subsection (a)
16 above, that he or she has cultivated or manufactured pursuant to this chapter, to a registered
17 compassion center.

18 (c) No school, employer or landlord may refuse to enroll, employ or lease to or otherwise
19 penalize a person solely for his or her status as a cardholder; provided, however that, due to the

1 safety concerns for other tenants, the property and the public as a whole, a landlord shall have the
2 discretion not to lease or rent to a cardholder who cultivates or manufactures marijuana in the
3 leased or rented premises.

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

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

16 (f) There shall exist a presumption that a qualifying patient or primary caregiver is
17 engaged in the medical use of marijuana if the qualifying patient or primary caregiver:

18 (1) Is in possession of a registry identification card; and

19 (2) Is in possession of an amount of marijuana that does not exceed the amount permitted
20 under this chapter. Such presumption may be rebutted by evidence that conduct related to
21 marijuana was not for the purpose of alleviating the qualifying patient's debilitating medical
22 condition or symptoms associated with the medical condition.

23 (g) A primary caregiver may receive reimbursement for costs associated with assisting a
24 registered qualifying patient's medical use of marijuana. Compensation shall not constitute sale of
25 controlled substances.

26 (h) A natural person registered as a primary caregiver who has in his or her possession a
27 registry identification card shall not be subject to arrest, prosecution, or penalty in any manner, or
28 denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a
29 business or occupational or professional licensing board or bureau, for selling, giving, or
30 distributing marijuana, of the type and in an amount not to exceed that set forth in subsection (d)
31 above, to a registered compassion center if:

32 (1) The registered natural person primary caregiver cultivated the marijuana pursuant to
33 this chapter, not to exceed the limits of paragraph (d) above; and

34 (2) Each qualified patient the caregiver is connected with through the department's

1 registration process has been provided an adequate amount of the marijuana to meet his or her
2 medical needs, not to exceed the limits of subsection (a) above.

3 (i) A practitioner shall not be subject to arrest, prosecution, or penalty in any manner, or
4 denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by
5 the Rhode Island Board of Medical Licensure and Discipline or by any other 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 (j) 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 (k) 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 (l) 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 (m) 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 patient with a debilitating medical condition, or to permit a person to assist with the medical use
23 of marijuana by a patient with a debilitating medical condition, shall have the same force and
24 effect as a registry identification card issued by the department.

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

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

33 (p) For the purposes of medical care, including organ transplants, a registered qualifying
34 patient's authorized use of marijuana shall be considered the equivalent of the authorized use of

1 any other medication used at the direction of a physician, and shall not constitute the use of an
2 illicit substance.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO FOOD AND DRUGS -- MEDICAL MARIJUANA ACT

- 1 This act would give landlords the discretion not to lease or rent to a cardholder who
- 2 cultivates or manufactures marijuana in the leased or rented premises.
- 3 This act would take effect upon passage.

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