ARTICLE 14 AS AMENDED

RELATING TO CAREGIVERS/COMPASSION CENTERS


21-28.6-2. Legislative findings. — The general assembly finds and declares that:

(1) Modern medical research has discovered beneficial uses for marijuana in treating or alleviating pain, nausea, and other symptoms associated with certain debilitating medical conditions, as found by the National Academy of Sciences’ Institute of Medicine in March 1999.

(2) According to the U.S. Sentencing Commission and the Federal Bureau of Investigation, ninety-nine (99) out of every one hundred (100) marijuana arrests in the United States are made under state law, rather than under federal law. Consequently, changing state law will have the practical effect of protecting from arrest the vast majority of seriously ill people who have a medical need to use marijuana.

(3) Although federal law currently prohibits any use of marijuana, the laws of Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, Oregon, Vermont, and Washington permit the medical use and cultivation of marijuana. Rhode Island joins in this effort for the health and welfare of its citizens.

(4) States are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law. Therefore, compliance with this chapter does not put the state of Rhode Island in violation of federal law.

(5) State law should make a distinction between the medical and nonmedical use of marijuana. Hence, the purpose of this chapter is to protect patients with debilitating medical conditions, and their physicians and primary caregivers, from arrest and prosecution, criminal and other penalties, and property forfeiture if such patients engage in the medical use of marijuana.

(6) The general assembly enacts this chapter pursuant to its police power to enact legislation for the protection of the health of its citizens, as reserved to the state in the Tenth Amendment of the United States Constitution.

(7) It is in the state’s interests of public safety, public welfare, and the integrity of the medical marijuana program to ensure that the possession and cultivation of marijuana for the sole
purpose of medical use for alleviating symptoms caused by debilitating medical conditions is adequately regulated.

(8) The goal of the medical marijuana program is to create a system that is transparent, safe, and responsive to the needs of patients. Consequently, the medical marijuana program requires regulation and a comprehensive regulatory structure that allows for oversight over all suppliers of medical marijuana while ensuring both safety and patient access.

21-28.6-3. Definitions. -- For the purposes of this chapter:

(1) "Authorized purchaser" means a natural person, who is at least twenty-one (21) years old, and who is registered with the department of health for the purposes of assisting a qualifying patient in purchasing marijuana from a compassion center. An authorized purchaser may assist no more than one patient, and is prohibited from consuming marijuana obtained for the use of the qualifying patient. An authorized purchaser shall be registered with the department of health and shall possesses a valid registry identification card.

(2) "Cardholder" means a qualifying patient or a primary caregiver person who has been registered or licensed with the department of health or the department of business regulation pursuant to this chapter, and has been issued and possesses a valid registry identification card or license.

(3) "Commercial unit" means a building, office, suite, or room within a commercial or industrial building for use by one business or person and is rented or owned by that business or person.

(ii) "Compassion center" means:(i) a not-for-profit corporation, subject to the provisions of chapter 6 of title 7, and registered under § 21-28.6-12, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies or dispenses marijuana, and/or related supplies and educational materials, to patient cardholders and/or their registered caregiver cardholder or authorized purchaser who have designated it as one of their primary caregivers.

(ii) "Compassion center cardholder" means a principal officer, board member, employee, volunteer, or agent of a compassion center who has registered with the department of health or the department of business regulation and has been issued and possesses a valid registry identification card.

(5) "Debilitating medical condition" means:

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

(ii) A chronic or debilitating disease or medical condition, or its treatment, that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating, chronic pain;
severe nausea; seizures, including but not limited to, those characteristic of epilepsy; or severe
and persistent muscle spasms, including but not limited to, those characteristic of multiple
sclerosis or Crohn's disease; or agitation of Alzheimer's Disease; or
(iii) Any other medical condition or its treatment approved by the department of health,
as provided for in § 21-28.6-5.

(6) "Department of business regulation" means the Rhode Island department of business
regulation or its successor agency.

(7) "Department of health" means the Rhode Island department of health or its
successor agency.

(8) "Department of public safety" means the Rhode Island department of public safety or
its successor agency.

(9) "Dried useable marijuana" means the dried leaves and flowers of the marijuana plant
as defined by regulations promulgated by the department of health.

(10) "Dwelling unit" means the room or group of rooms within a dwelling used or
intended for use by one family or household, or by no more than three (3) unrelated individuals,
for living, sleeping, cooking and eating.

(11) "Equivalent amount" means the portion of usable marijuana, be it in extracted,
edible, concentrated or any other form, found to be equal to a portion of dried usable marijuana,
as defined by regulations promulgated by the department of health.

(12) "Licensed cultivator" means a person as identified in §43-3-6, who has been licensed
by the department of business regulation to cultivate marijuana pursuant to §21-28.6-16.

(13) "Marijuana" has the meaning given that term in § 21-28-1.02(26).

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

(15) "Medical use" means the acquisition, possession, cultivation, manufacture, use,
delivery, transfer, or transportation of marijuana or paraphernalia relating to the consumption of
marijuana to alleviate a patient cardholder's debilitating medical condition or symptoms
associated with the medical condition.

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

(17) "Primary caregiver" means either a natural person, who is at least twenty-one (21)
years old, or a compassion center. A natural person primary caregiver may assist no more than
five (5) qualifying patients with their medical use of marijuana.
"Qualifying patient" means a person who has been diagnosed by a practitioner as having a debilitating medical condition and is a resident of Rhode Island.

"Registry identification card" means a document issued by the department of health that identifies a person as a registered qualifying patient, a registered primary caregiver, or authorized purchaser, or a document issued by the department of business regulation that identifies a person as a registered principal officer, board member, employee, volunteer, or agent of a compassion center.

"Seedling" means a marijuana plant with no observable flowers or buds.

"Usable marijuana" means the dried leaves and flowers of the marijuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

"Wet marijuana" means the harvested leaves and flowers of the marijuana plant before they have reached a dry useable state, as defined by regulations promulgated by the departments of health and business regulation.

"Written certification" means the qualifying patient's medical records, and a statement signed by a practitioner, stating that in the practitioner's professional opinion, the potential benefits of the medical use of marijuana would likely outweigh the health risks for the qualifying patient. A written certification shall be made only in the course of a bona fide, practitioner-patient relationship after the practitioner has completed a full assessment of the qualifying patient's medical history. The written certification shall specify the qualifying patient's debilitating medical condition or conditions.

21-28.6-4. Protections for the medical use of marijuana. -- (a) A qualifying patient cardholder who has in his or her possession a registry identification card shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for the medical use of marijuana; provided, that the qualifying patient cardholder possesses an amount of marijuana that does not exceed twelve (12) mature marijuana plants which are accompanied by valid medical marijuana tags, two and one-half (2.5) ounces of usable marijuana or its equivalent amount, and an amount of wet marijuana to be set by regulations promulgated by the departments of health and business regulation. Said plants shall be stored in an indoor facility.

(b) An authorized purchaser who has in his or her possession a registry identification card
shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or
privilege, including, but not limited to, civil penalty or disciplinary action by a business or
occupational or professional licensing board or bureau, for the possession of marijuana; provided
that the authorized purchaser possesses an amount of marijuana that does not exceed two and
one-half (2.5) ounces of usable marijuana or its equivalent amount and this marijuana was
purchased legally from a compassion center for the use of their designated qualifying patient.

(a) A qualifying patient cardholder, who has in his or her possession a registry
identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied
any right or privilege, including, but not limited to, civil penalty or disciplinary action by a
business or occupational or professional licensing board or bureau, for selling, giving, or
distributing on or before December 31, 2016 to a compassion center cardholder marijuana of the
type, and in an amount not to exceed, that set forth in subsection (a) above, that he or she has
cultivated or manufactured pursuant to this chapter, to a compassion center cardholder.

(b) No school, employer, or landlord may refuse to enroll, employ, or lease to, or
otherwise penalize, a person solely for his or her status as a cardholder. Provided, however, due to
the safety and welfare concern for other tenants, the property, and the public, as a whole, a
landlord may have the discretion not to lease, or continue to lease, to a cardholder who cultivates
marijuana in the leased premises.

(c) A primary caregiver cardholder, who has in his or her possession, a registry
identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied
any right or privilege, including, but not limited to, civil penalty or disciplinary action by a
business or occupational or professional licensing board or bureau, for assisting a patient
cardholder, to whom he or she is connected through the department’s department of health’s
registration process, with the medical use of marijuana; provided, that the primary caregiver
cardholder possesses an amount of marijuana that does not exceed twelve (12) mature marijuana
plants which are accompanied by valid medical marijuana tags, and two and one-half (2.5) ounces
of usable marijuana or its equivalent amount and an amount of wet marijuana set in regulations
promulgated by the departments of health and business regulation for each qualified patient
cardholder to whom he or she is connected through the department’s department of health’s
registration process.

(d) A qualifying patient cardholder shall be allowed to possess a reasonable amount of
usable marijuana, including up to twelve (12) seedlings which are accompanied by valid
medical marijuana tags, that shall not be counted toward the limits in this section. A primary
caregiver cardholder shall be allowed to possess a reasonable amount of unusable marijuana.
including up to twenty-four (24) seedlings which are accompanied by valid medical marijuana
tags and an amount of wet marijuana set in regulations promulgated by the departments of health
and business regulation.

(4)(g) There shall exist a presumption that a cardholder is engaged in the medical use of
marijuana if the cardholder:

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

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

(4)(h) A primary caregiver cardholder may receive reimbursement for costs associated
with assisting a qualifying patient cardholder's medical use of marijuana. Compensation shall not
constitute sale of controlled substances.

(4)(i) A natural person primary caregiver cardholder, who has in his or her possession a
registry identification card, shall not be subject to arrest, prosecution, or penalty in any manner,
or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action
by a business or occupational or professional licensing board or bureau, for selling, giving, or
distributing on or before December 31, 2016 to a compassion center cardholder, marijuana of the
type, and in an amount not to exceed that, set forth in subsection (d) above, to a compassion
center cardholder if:

(1) The natural person primary caregiver cardholder cultivated the marijuana pursuant to
this chapter, not to exceed the limits of paragraph (4e) above; and

(2) Each qualifying patient cardholder the primary caregiver cardholder is connected with
through the department's department of health's registration process has been provided an
adequate amount of the marijuana to meet his or her medical needs, not to exceed the limits of
subsection (a) above.

(4)(j) A practitioner shall not be subject to arrest, prosecution, or penalty in any manner,
or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action
by the Rhode Island board of medical licensure and discipline, or by any other business or
occupational or professional licensing board or bureau solely for providing written certifications,
or for otherwise stating that, in the practitioner's professional opinion, the potential benefits of the
medical marijuana would likely outweigh the health risks for a patient.

(4)(k) Any interest in, or right to, property that is possessed, owned, or used in connection
with the medical use of marijuana, or acts incidental to such use, shall not be forfeited.
(l) No person shall be subject to arrest or prosecution for constructive possession, conspiracy, aiding and abetting, being an accessory, or any other offense, for simply being in the presence or vicinity of the medical use of marijuana as permitted under this chapter, or for assisting a qualifying patient cardholder with using or administering marijuana.

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

(n) A qualifying patient or primary caregiver registry identification card, or its equivalent, issued under the laws of another state, U.S. territory, or the District of Columbia, to permit the medical use of marijuana by a patient with a debilitating medical condition, or to permit a person to assist with the medical use of marijuana by a patient with a debilitating medical condition, shall have the same force and effect as a registry identification card issued by the department.

(o) Notwithstanding the provisions of § 21-28.6-4(d) or § 21-28.6-4(e), no primary caregiver cardholder, other than a compassion center, shall possess an amount of marijuana in excess of twenty-four (24) mature marijuana plants which are accompanied by valid medical marijuana tags and five (5) ounces of usable marijuana or its equivalent and an amount of wet marijuana set in regulations promulgated by the departments of health and business regulation for patient cardholders to whom he or she is connected through the department's department of health's registration process.

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

(q) Qualifying patient cardholders and primary caregiver cardholders electing to grow marijuana shall only grow at one premises, and this premises shall be registered with the department of health. Except for compassion centers, cooperative cultivations and licensed cultivators, no more than twenty-four (24) mature marijuana plants which are accompanied by valid medical marijuana tags shall be grown or otherwise located at any one dwelling unit or commercial unit. The number of qualifying patients or primary caregivers residing, owning, renting, growing or otherwise operating at a dwelling or commercial unit does not affect this limit. The department of health shall promulgate regulations to enforce this provision.
For the purposes of medical care, including organ transplants, a patient cardholder's authorized use of marijuana shall be considered the equivalent of the authorized use of any other medication used at the direction of a physician, and shall not constitute the use of an illicit substance.

(s) Notwithstanding any other provisions of the general laws, the manufacture of marijuana using a solvent extraction process that includes the use of a compressed, flammable gas as a solvent by a patient cardholder or primary caregiver cardholder shall not be subject to the protections of this chapter.

21-28.6-5. Department to issue regulations

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 subdivision 21-28.6-3(3) §21-28.6-3(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.

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

(1) Written certification as defined in § 21-28.6-3(15)(24) of this chapter;
(2) Application or renewal fee;

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

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

(5) Whether the patient elects to grow medical marijuana plants for himself or herself; and

(5) Name, address, and date of birth of each primary caregiver of the qualifying patient and one authorized purchaser for the qualifying patient, if any.

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

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

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

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

(ii) Serve as one of the qualifying patient's primary caregivers or authorized purchaser;

and

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

(c) The department of health shall verify the information contained in an application or renewal submitted pursuant to this section, and shall approve or deny an application or renewal within fifteen (15) thirty-five (35) days of receiving it. The department may deny an application or renewal only if the applicant did not provide the information required pursuant to this section, or if the department determines that the information provided was falsified. Rejection of an application or renewal is considered a final department action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the superior court.

(d) If the qualifying patient’s practitioner notifies the department in a written statement that the qualifying patient is eligible for hospice care or chemotherapy, the department of health shall give priority to these applications when verifying the information in accordance with subsection (c) of this section. Effective January 1, 2017, the department of health shall approve or deny a registry identification card to these qualifying patients within five (5) days of receipt of an application. The department of health may identify through regulation a list of other conditions qualifying a patient for expedited application processing.

(e) The department of health shall issue a registry identification card to each qualifying patient cardholder’s primary caregiver, if any, who is named in a qualifying
The patient’s approved application, up to a maximum of two (2) primary caregivers per qualifying patient.

(1) The primary caregiver applicant or an authorized purchaser applicant shall apply to the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or local police department for a national criminal records check that shall include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any disqualifying information as defined in §21-28.6-6(d)(4) §21-28.6-6(e)(4), and in accordance with the rules promulgated by the director, the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or the local police department shall inform the applicant, in writing, of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information, shall notify the department, in writing, that disqualifying information has been discovered.

(2) In those situations in which no disqualifying information has been found, the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or the local police shall inform the applicant and the department, in writing, of this fact.

(3) The department of health shall maintain on file evidence that a criminal records check has been initiated on all applicants seeking a primary caregiver registry identification card or an authorized purchaser registry identification card and the results of the checks. The primary caregiver cardholder shall not be required to apply for a national criminal records check for each patient he or she is connected to through the department’s registration process, provided that he or she has applied for a national criminal records check within the previous two (2) years in accordance with this chapter. The department shall not require a primary caregiver cardholder or an authorized purchaser cardholder to apply for a national criminal records check more than once every two (2) years.

(4) Information produced by a national criminal records check pertaining to a conviction for any felony offense under chapter 28 of title 21 (“Rhode Island Controlled Substances Act”), murder, manslaughter, rape, first-degree sexual assault, second-degree sexual assault, first-degree child molestation, second-degree child molestation, kidnapping, first-degree arson, second-degree arson, mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon, assault or battery involving grave bodily injury, and/or assault with intent to commit any offense punishable as a felony or a similar offense from any other jurisdiction shall result in a letter to the applicant and the department of health disqualifying the applicant. If disqualifying information has been found, the department may use its discretion to issue a primary caregiver registry
identification card or an authorized purchaser registry identification card if the applicant's
connected patient is an immediate family member and the card is restricted to that patient only.

(5) The primary caregiver or authorized purchaser applicant shall be responsible for any
expense associated with the national criminal records check.

(6) For purposes of this section “conviction” means, in addition to judgments of
conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances
where the defendant has entered a plea of nolo contendere and has received a sentence of
probation and those instances where a defendant has entered into a deferred sentence agreement
with the attorney general.

(4)(i) On or before December 31, 2016, the department of health shall issue
registry identification cards within five (5) business days of approving an application or renewal
that shall expire two (2) years after the date of issuance.

(ii) Effective January 1, 2017 and thereafter, the department of health shall issue registry
identification cards within five (5) business days of approving an application or renewal that shall
expire one year after the date of issuance.

(iii) Registry identification cards shall contain:
(1) The date of issuance and expiration date of the registry identification card;
(2) A random registry identification number;
(3) A photograph; and
(4) Any additional information as required by regulation or the department of health.

Persons issued registry identification cards by the department of health shall be
subject to the following:

(1) A qualifying patient cardholder shall notify the department of health of any change in
the patient cardholder's his or her name, address, or primary caregiver, or authorized purchaser; or
if he or she ceases to have his or her debilitating medical condition, within ten (10) days of such
change.

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

(3) A primary caregiver cardholder or authorized purchaser compassion center cardholder
shall notify the department of health of any change in his or her name or address within ten (10)
days of such change. A primary caregiver cardholder or authorized purchaser compassion center

Art14
RELATING TO CAREGIVERS/COMPASSION CENTERS
(Page -11-)

who fails to notify the department of any of these changes is responsible for a civil
infraction, punishable by a fine of no more than one hundred fifty dollars ($150).

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

(5) When a qualifying patient cardholder changes his or her primary caregiver or
authorized purchaser, the department of health shall notify the primary caregiver cardholder or
authorized purchaser within ten (10) days. The primary caregiver's protections as provided in this
chapter shall expire ten (10) days after notification. If the primary caregiver cardholder or
authorized purchaser is connected to no other qualifying patient cardholders in the program, he or
she must return his or her registry identification card to the department.

(6) If a cardholder or authorized purchaser loses his or her registry identification card, he
or she shall notify the department 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.

(7) Effective January 1, 2019, if a patient cardholder chooses to alter his or her
registration with regard to the growing of medical marijuana for himself or herself, he or she shall
notify the department prior to the purchase of medical marijuana tags or the growing of medical
marijuana plants.

If a cardholder or authorized purchaser willfully violates any provision of this
chapter as determined by the department, his or her registry identification card may be revoked.
Possession of, or application for, a registry identification card shall not constitute
probable cause or reasonable suspicion, nor shall it be used to support the search of the person or
property of the person possessing or applying for the registry identification card, or otherwise
subject the person or property of the person to inspection by any governmental agency.

Applications and supporting information submitted by qualifying patients,
including information regarding their primary caregivers, authorized purchaser and practitioners,
are confidential and protected under the federal Health Insurance Portability and Accountability
Act of 1996, and shall be exempt from the provisions of chapter 2 of title 38 et seq. (Rhode Island
access to public records act) and not subject to disclosure, except to authorized employees of the
department of health as necessary to perform official duties of the department, and pursuant to subsection (j) of this section.

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

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

Notwithstanding subsection (h)(i) of this section, the department of health shall verify to law enforcement personnel whether a registry identification card is valid solely by confirming the random registry identification number or name. This verification may occur through the use of shared database, provided that any confidential information in this database is protected in accordance with §21-28.6-6(i)(1)

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

On or before January 1 the fifteenth day of the month following the end of each quarter of the fiscal odd numbered year, the department of health shall report to the house committee on health, education and welfare and to the senate committee on health and human services governor, the speaker of the house of representatives, and the president of the senate on applications for the use of marijuana for symptom relief. The report shall provide:

(1) The number of applications for registry identification cards registration as a qualifying patient, primary caregiver, or authorized purchaser that have been made to the department during the preceding quarter, the number of qualifying patients, and primary caregivers, and authorized purchasers approved, the nature of the debilitating medical conditions
of the qualifying patients, the number of registrations revoked, and the number and specializations, if any, of practitioners providing written certification for qualifying patients;

(m) On or before September 30 of each year, the department of health shall report to the governor, the speaker of the house of representatives, and the president of the senate on the use of marijuana for symptom relief. The report shall provide:

(1) The total number of applications for registration as a qualifying patient, primary caregiver, or authorized purchaser that have been made to the department, the number of qualifying patients, primary caregivers, and authorized purchasers approved, the nature of the debilitating medical conditions of the qualifying patients, the number of registrations revoked, and the number and specializations, if any, of practitioners providing written certification for qualifying patients;

(2) The number of active qualifying patient, primary caregiver, and authorized purchaser registrations as of June 30 of the preceding fiscal year;

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

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

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

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

21-28.6-9. Enforcement. — (a) If the department of health fails to adopt regulations to implement this chapter within one hundred twenty (120) days of the effective date of this act, a qualifying patient may commence an action in a court of competent jurisdiction to compel the department to perform the actions mandated pursuant to the provisions of this chapter.

(b) If the department of health or the department of business regulation fails to issue a valid registry identification card in response to a valid application submitted pursuant to this chapter within thirty-five (35) days of its submission, the registry identification card shall be deemed granted and a copy of the registry identification application shall be deemed a valid registry identification card.

(c) The department of health and the department of business regulation shall revoke and shall not reissue the registry identification card or license of any cardholder or licensee who is
Art14
RELATING TO CAREGIVERS/COMPASSION CENTERS

(Page -15-)

convicted of; placed on probation; whose case is filed pursuant to § 12-10-12 where the defendant
pleads nolo contendere; or whose case is deferred pursuant to § 12-19-19 where the defendant
pleads nolo contendere for any felony offense under chapter 28 of title 21 ("Rhode Island
Controlled Substances Act") or a similar offense from any other jurisdiction.

(d) If a cardholder exceeds the possession limits set forth in §§ 21-28.6-4 or 21-28.6-14,
he or she shall be subject to arrest and prosecution under chapter 28 of title 21 ("Rhode Island
Controlled Substances Act").

21-28.6-12. Compassion centers. -- (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 who have designated it as one of
their primary caregivers. A compassion center is a primary caregiver. 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 authority:

(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 prior to January 1, 2012, 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 department of health and business regulation subsequent to passage of this legislation.

(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 center;
(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 which 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) After a compassion center is approved, a compassion center approved by the department of health on or before December 31, 2016, but before it begins operations, it 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.

(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;

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

(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 within ten (10) days of receipt of the person's name, address, date of birth; a fee in an amount established by the department of health or the department of 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. The department may grant such person a registry identification card if the department determines that 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 §21-28.6-12(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 §21-28.6-12(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 five thousand dollar ($5,000) 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 legislative oversight committee's report, if issued pursuant to subsection (4)(j), department of health and the department of business regulation finds indicates that the compassion center is adequately providing patients with access to medical marijuana at reasonable rates; and

(iv) The legislative oversight committee's report, if issued pursuant to subsection (4)(j), does not raise serious concerns about the continued operation of the compassion center applying for renewal.

(3) If the department of health or the department of business regulation determines that any of the conditions listed in paragraphs (d)(2)(i) – (iv) 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) of this section;

(4) The department of health or the department of business regulation shall issue a
Art14

RELATING TO CAREGIVERS/COMPASSION CENTERS

(Page 22 -)

compassion center one or more thirty (30) day 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 Services;

(2) A compassion center may not be located within one thousand feet (1000') 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) 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 Rhode Island division of public safety 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 Rhode Island division of state police does not inspect the compassion center within the ten (10) day 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 other 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 frequently asked questions sheet designed by the department, which 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:
Effective January 1, 2017, each compassion center shall be subject to any product labeling requirements promulgated by the department of business regulation.  

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, which includes duties, authority, responsibilities, qualifications, and supervision; and  

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

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.  

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, which 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.  

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;  

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 (15) day 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 marijuana
plants, its equivalent, seedlings, or mature marijuana plants to a qualifying patient, or a qualifying patient's other 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 (15) day 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 to whom it is connected through the department's registration process with the medical use of marijuana;

(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 Rhode Island general laws, §§ 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 registered qualifying patients.

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

(j) Legislative oversight committee:

(1) The general assembly shall appoint a nine (9) member 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 Rhode Island state police 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;

(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.

21-28.6-14. Cooperative cultivations. -- (a) Two (2) or more qualifying patient or primary caregiver cardholders may cooperatively cultivate marijuana in residential or non-residential locations subject to the following restrictions:

(1) Effective January 1, 2017, cooperative cultivations shall apply to the department of business regulation for a license to operate;

(2) A registered patient or primary caregiver cardholder can only cooperatively cultivate in one location, including participation in a cooperative cultivation;

(3) No single location may have more than one cooperative cultivation. For the purposes of this section, location means one structural building, not units within a structural building.

(4) The cooperative cultivation shall not be visible from the street or other public areas;

(5) A written acknowledgement of the limitations of the right to use and possess marijuana for medical purposes in Rhode Island that is signed by each cardholder and is displayed prominently in the premises cooperative cultivation.

(6) Cooperative cultivations are restricted to the following possession limits:

(i) A non-residential, cooperative cultivation may have no more than ten (10) ounces of usable marijuana or its equivalent and an amount of wet marijuana set in regulations promulgated by the departments of health and business regulation, forty-eight (48) mature marijuana plants, and twenty-four (24) seedlings.

(ii) A residential, cooperative cultivation may have no more than ten (10) ounces of usable marijuana or its equivalent and an amount of wet marijuana set in regulations promulgated by the departments of health and business regulation, twenty-four (24) mature marijuana plants, and twelve (12) seedlings.

(iii) A non-residential or residential cooperative cultivation must have displayed prominently on the premises its license issued by the department of business regulation.
Art14

RELATING TO CAREGIVERS/COMPASSION CENTERS

(Page -28-)

(iv) Every marijuana plant possessed by a cooperative cultivation must be accompanied by a valid medical marijuana tag issued by the department of business regulation pursuant to §21-28.6-15. Each cooperative cultivation must purchase at least one medical marijuana tag in order to remain a licensed cooperative cultivation.

(v) Cooperative cultivations are subject to reasonable inspection by the department of business regulation for the purposes of enforcing regulations promulgated pursuant to this chapter and all applicable Rhode Island general laws.

(7) Cooperative cultivations must be inspected as follows:

(i) A non-residential, cooperative cultivation must have displayed prominently on the premises documentation from the municipality where the single location is located that the location and the cultivation has been inspected by the municipal building and/or zoning official and the municipal fire department and is in compliance with any applicable state or municipal housing and zoning codes.

(ii) A residential cooperative cultivation must have displayed prominently on the premises an affidavit by a licensed electrician that the cultivation has been inspected and is in compliance with any applicable state or municipal housing and zoning codes for the municipality where the cooperative cultivation is located.

(7) Cooperative cultivations must report the location of the cooperative cultivation to the department of public safety division of state police.

(8) The reports provided to the department of public safety division of state police in subsection (8) of this section shall be confidential, but locations may be confirmed for law enforcement purposes. The report of the location of the cooperative cultivation alone shall not constitute probable cause for a search of the cooperative cultivation.

(10) The department of business regulation shall promulgate regulations governing the licensing and operation of cooperative cultivations, and may promulgate regulations that set a fee for a cooperative cultivation license.

(b) Any violation of any provision of this section shall result in the immediate revocation of the cardholder’s registry identification card of this chapter or regulations promulgated hereunder as determined by the department of business regulation may result in the revocation/suspension of the cooperative cultivation license.

SECTION 3. 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 sections:

21-28.6-15. Medical Marijuana Plant Tags. -- (a) Effective January 1, 2017, the
Effective April 1, 2017, every marijuana plant, either mature or seedling, grown by a registered patient or primary caregiver must be accompanied by a physical medical marijuana tag purchased through the department of business regulation and issued by the department of health to qualifying patients and primary caregivers or by the department of business regulation to licensed cultivators.

(1) The department of business regulation shall charge an annual fee for each medical marijuana tag set which shall include one tag for a mature medical marijuana plant and one tag for a seedling. If the required fee has not been paid, those medical marijuana tags shall be considered expired and invalid. The fee established by the department of business regulation shall be in accordance with the following requirements:

   (i) For patient cardholders authorized to grow medical marijuana by the department of health, the fee per tag set shall not exceed twenty-five dollars ($25);

   (ii) For primary caregivers, the fee per tag set shall not exceed twenty-five dollars ($25);

   (iii) For patients that qualify for reduced-registration due to income or disability status, there shall be no fee per tag set;

   (iv) For caregivers who provide care for a patient cardholder who qualifies for reduced-registration due to income or disability status, there shall be no fee per tag set for such qualifying patient; and

   (v) For licensed cultivators, the fee per tag set shall be established in regulations promulgated by the department of business regulation.

(2) Effective January 1, 2017, the department of business regulation shall verify with the department of health that all medical marijuana tag purchases are made by qualifying patient cardholders or primary caregiver cardholders. The department of health shall provide this verification according to qualifying patients’ and primary caregivers’ registry identification numbers and without providing access to any applications or supporting information submitted by qualifying patients to protect patient confidentiality;

(3) Effective January 1, 2019 and thereafter, the department of business regulation shall verify with the department of health that all medical marijuana tag purchases are made by registered patient cardholders who have notified the department of health of their election to grow medical marijuana or primary caregiver cardholders. The department of health shall provide this verification according to qualifying patients’ and primary caregivers’ registry identification numbers and without providing access to any applications or supporting information submitted by qualifying patients to protect patient confidentiality.
(4) The department of business regulation shall maintain information pertaining to medical marijuana tags and shall share that information with the department of health.

(5) All primary caregivers shall purchase at least one medical marijuana tag for each patient under their care and all patients growing medical marijuana for themselves shall purchase at least one medical marijuana tag.

(6) All licensed cultivators shall purchase at least one medical marijuana tag.

(7) The departments of business regulation and health shall jointly promulgate regulations to establish a process by which medical marijuana tags may be returned to either department. The department of business regulation may choose to reimburse a portion or the entire amount of any fees paid for medical marijuana tags that are subsequently returned.

(b) Enforcement:

(1) If a patient cardholder, primary caregiver cardholder or licensed cultivator violates any provision of this chapter or the regulations promulgated hereunder as determined by the departments of business regulation and health, his or her medical marijuana tags may be revoked. In addition, the department that issued the cardholder’s registration or the license may revoke the cardholder’s registration or license pursuant to §21-28.6-9.

(2) The department of business regulation may revoke and not reissue pursuant to regulations medical marijuana tags to any cardholder or licensee who is convicted of; placed on probation; whose case is filed pursuant to §12-10-12 where the defendant pleads nolo contendere; or whose case is deferred pursuant to §12-19-19 where the defendant pleads nolo contendere for any felony offense under chapter 28 of title 21 ("Rhode Island Controlled Substances Act") or a similar offense from any other jurisdiction.

(3) If a patient cardholder, primary caregiver cardholder, licensed cooperative cultivation or licensed cultivator is found to have mature marijuana plants without valid medical marijuana tags, the department or health or department of business regulation shall impose an administrative penalty on the patient cardholder, primary caregiver cardholder, licensed cooperative cultivation or licensed cultivator for each untagged mature marijuana plant not in excess of the limits set forth in §21-28.6-4, §21-28.6-14 and §21-28.6-16 in no more than the total fee that would be paid by a cardholder or licensee who purchased medical marijuana tags for such plants in compliance with this chapter.

(4) If a patient cardholder, primary caregiver cardholder, or licensed cooperative cultivation is found to have mature marijuana plants exceeding the limits set forth in §21-28.6-4, §21-28.6-14, and §21-28.6-16 in addition to any penalties that may be imposed pursuant to §21-28.6-9, the department of health or department of business regulation may impose an
administrative penalty on that cardholder or license holder for each mature marijuana plant in excess of the applicable statutory limit of no less than the total fee that would be paid by a cardholder who purchased medical marijuana tags for such plants in compliance with this chapter.

21-28.6-16. Licensed cultivators. -- (a) A licensed cultivator licensed under this section may acquire, possess, cultivate, deliver, or transfer marijuana to licensed compassion centers. A licensed cultivator shall not be a primary caregiver cardholder and shall not hold a cooperative cultivation license. 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 – 21-28.6-15, apply to a licensed cultivator unless they conflict with a provision contained in §21-28.6-16.

(b) Licensing of cultivators -- Department of business regulation authority. - The department of business regulation shall promulgate regulations governing the manner in which it shall consider applications for the licensing of cultivators, including regulations governing:

(1) The form and content of licensing and renewal applications;
(2) Minimum oversight requirements for licensed cultivators;
(3) Minimum record-keeping requirements for cultivators;
(4) Minimum security requirements for cultivators; and
(5) Procedures for suspending, revoking or terminating the license of cultivators that violate the provisions of this section or the regulations promulgated pursuant to this subsection.

(c) A licensed cultivator license issued by the department of business regulation shall expire one year after it was issued and the licensed cultivator may apply for renewal with the department in accordance with its regulations pertaining to licensed cultivators.

(d) The department of business regulation shall promulgate regulations that govern how many marijuana plants, how many marijuana seedlings, how much wet marijuana, and how much usable marijuana a licensed cultivator may possess. Every marijuana plant possessed by a licensed cultivator must be accompanied by valid medical marijuana tag issued by the department of business regulation pursuant to §21-28.6-15. Each cultivator must purchase at least one medical marijuana tag in order to remain a licensed cultivator.

(e) Cultivators shall only sell marijuana to compassion centers. All marijuana possessed by a cultivator in excess of the possession limit established pursuant to subsection (d) above shall be under formal agreement to be purchased by a compassion center. If such excess marijuana is not under formal agreement to be purchased, the cultivator will have a period of time, specified in regulations promulgated by the department of business regulation, to sell or destroy that excess marijuana. The department may suspend and/or revoke the cultivator's license and the license of any officer, director, employee or agent of such cultivator and/or impose an administrative
penalty in accordance with such regulations promulgated by the department for any violation of this section or the regulations. In addition, any violation of this section or the regulations promulgated pursuant to subsection (d) above shall cause a licensed cultivator to lose the protections described in §21-28.6-16(m) and may subject the licensed cultivator to arrest and prosecution under Chapter 28 of title 21 (the Rhode Island Controlled Substances Act).

(f) Cultivators shall be subject to any regulations promulgated by the department of health or department of business regulation that specify how marijuana must be tested for items including but not limited to potency, cannabinoid profile, and contaminants;

(g) Cultivators shall be subject to any product labeling requirements promulgated by the department of business regulation and the department of health;

(h) Notwithstanding any other provisions of the general laws, the manufacture of marijuana using a solvent extraction process that includes the use of a compressed, flammable gas as a solvent by a licensed cultivator shall not be subject to the protections of this chapter;

(i) Cultivators shall only be licensed to grow marijuana at a single location, registered with the department of business regulation and the department of public safety. The department of business regulation may promulgate regulations governing where cultivators are allowed to grow. Cultivators must abide by all local ordinances, including zoning ordinances.

(j) Inspection. Cultivators shall be subject to reasonable inspection by the department of business regulation or the department of health for the purposes of enforcing regulations promulgated pursuant to this chapter and all applicable Rhode Island general laws.

(k) The cultivator applicant shall apply to the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or local police department for a national criminal records check that shall include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any disqualifying information as defined in §21-28.6-16(k)(2), and in accordance with the rules promulgated by the director of the department of business regulation, the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or the local police department shall inform the applicant, in writing, of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information, shall notify the department of business regulation, in writing, that disqualifying information has been discovered.

(1) In those situations in which no disqualifying information has been found, the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or the local police department shall inform the applicant and the department of business regulation, in writing, of this fact.
(2) Information produced by a national criminal records check pertaining to a conviction for a felony drug offense or a plea of nolo contendere for a felony drug offense and received a sentence of probation shall result in a letter to the applicant and the department of business regulation disqualifying the applicant.

(3) The cultivator applicant shall be responsible for any expense associated with the national criminal records check.

(l) Persons issued cultivator licenses shall be subject to the following:

(1) A licensed cultivator 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 cultivator 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).

(2) When a licensed cultivator notifies the department of business regulation of any changes listed in this subsection, the department of business regulation shall issue the cultivator a new license after the department approves the changes and receives from the licensee payment of a fee specified in regulation.

(3) If a licensed cultivator loses his or her license, he or she shall notify the department of business regulation and submit a fee specified in regulation within ten (10) days of losing the license. The department of business regulation shall issue a new license with a new random identification number.

(4) A licensed cultivator shall notify the department of business regulation of any disqualifying criminal convictions as defined in §21-28.6-16(k)(2). The department of business regulation may choose to suspend and/or revoke his or her license after such notification.

(5) If a licensed cultivator violates any provision of this chapter or regulations promulgated hereunder as determined by the department of business regulation, his or her license may be suspended and/or revoked.

(m) Immunity:

(1) No licensed cultivator shall be subject to prosecution; search, except by the departments pursuant to subsection (j); 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.

(2) No licensed cultivator 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
business regulation to a registered compassion center;

(3) No principal officers, board members, agents, volunteers, or employees of a licensed
cultivator 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
licensed cultivator 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 Rhode Island general laws, §§9-31-8 and 9-31-9 shall be applicable
to this section.

21-28.6-17. Revenue. -- Effective July 1, 2016, all fees collected by the departments of
health and business regulation from applicants, registered patients, primary caregivers, authorized
purchasers, licensed cultivators and cooperative cultivations shall be placed in restricted receipt
accounts to support the state's medical marijuana program.

SECTION 4. Sections 42-14-1 and 42-14-2 of the General Laws in Chapter 42-14
entitled "Department of Business Regulation" are hereby amended to read as follows:

42-14-1. Establishment – Head of department. -- There shall be a department of
business regulation. The head of the department shall be the director of business regulation who
shall carry out, except as otherwise provided by this title, this chapter; chapters 1, 2, and 4 – 12,
inclusive, of title 3; chapters 3, 20.5, 38, 49, 52, 53 and 58 of title 5; chapter 31 of title 6; chapter
11 of title 7; chapters 1 – 29, inclusive, of title 19, except § 19-24-6; chapter 28.6 of title 21;
chapter 26 of title 23; chapters 1 – 36, inclusive, of title 27. The director of business regulation
shall also perform the duties required by any and all other provisions of the general laws and
public laws insofar as those provisions relate to the director of revenue and regulation, chief of
the division of banking and insurance, chief of the division of intoxicating beverages, and each of
the divisions, except as otherwise provided by this title.

42-14-2. Functions of department. -- (a) It shall be the function of the department of
business regulation:

(1) To regulate and control banking and insurance, foreign surety companies, sale of
securities, building and loan associations, fraternal benefit and beneficiary societies;
(2) To regulate and control the manufacture, transportation, possession, and sale of alcoholic beverages;

(3) To license and regulate the manufacture and sale of articles of bedding, upholstered furniture, and filling materials;

(4) To regulate the licensing of compassion centers, licensed cultivators, and cooperative cultivations pursuant to chapter 28.6 of title 21 of the general laws.

(b) Whenever any hearing is required or permitted to be held pursuant to law or regulation of the department of business regulation, and whenever no statutory provision exists providing that notice be given to interested parties prior to the hearing, no such hearing shall be held without notice in writing being given at least ten (10) days prior to such hearing to all interested parties. For purposes of this section, an "interested party" shall be deemed to include the party subject to regulation hereunder, the Rhode Island consumers’ council, and any party entitled to appear at the hearing. Notice to the party that will be subject to regulation, the Rhode Island consumers’ council [Repealed], and any party who has made known his or her intention to appear at the hearing shall be sufficient if it be in writing and mailed, first class mail, to the party at his or her regular business address. Notice to the general public shall be sufficient hereunder if it be by publication in a newspaper of general circulation in the municipality affected by the regulation.

SECTION 5. This article shall take effect as of July 1, 2016.