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ARTICLE 14 AS AMENDED

RELATING TO CAREGIVERS/COMPASSION CENTERS

SECTION 1. Sections 21-28.6-2, 21-28.6-3, 21-28.6-4, 21-28.6-5, 21-28.6-6, 21-28.6-9, 21-28.6-12, and 21-28.6-14 of the General Laws in Chapter 21-28.6 entitled "The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act" are hereby amended to read as follows:

21-28.6-2. 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

1 purpose of medical use for alleviating symptoms caused by debilitating medical conditions is
2 adequately regulated.

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

7 **21-28.6-3. Definitions.** -- For the purposes of this chapter:

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

14 ~~(1)(2)~~ "Cardholder" means a ~~qualifying patient or a primary caregiver~~ person who has
15 been registered ~~or licensed~~ with the department ~~of health or the department of business regulation~~
16 pursuant to this chapter, ~~and has been issued~~ and possesses a valid registry identification card ~~or~~
17 license.

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

21 ~~(2)(4)(i)~~ "Compassion center" means ~~(i)~~ a not-for-profit corporation, subject to the
22 provisions of chapter 6 of title 7, and registered under § 21-28.6-12, that acquires, possesses,
23 cultivates, manufactures, delivers, transfers, transports, supplies or dispenses marijuana, and/or
24 related supplies and educational materials, to patient cardholders and/or their registered caregiver
25 cardholder ~~or authorized purchaser, who have designated it as one of their primary caregivers.~~

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

30 ~~(3)(5)~~ "Debilitating medical condition" means:

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

33 (ii) A chronic or debilitating disease or medical condition, or its treatment, that produces
34 one or more of the following: cachexia or wasting syndrome; severe, debilitating, chronic pain;

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

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

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

8 ~~(4)~~(7) "Department of health" means the Rhode Island department of health or its
9 successor agency.

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

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

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

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

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

22 ~~(5)~~(13) "Marijuana" has the meaning given that term in § 21-28-1.02(26).

23 ~~(6)~~(14) "Mature marijuana plant" means a marijuana plant that has flowers or buds that
24 are readily observable by an unaided visual examination.

25 ~~(7)~~(15) "Medical use" means the acquisition, possession, cultivation, manufacture, use,
26 delivery, transfer, or transportation of marijuana or paraphernalia relating to the consumption of
27 marijuana to alleviate a patient cardholder's debilitating medical condition or symptoms
28 associated with the medical condition.

29 ~~(8)~~(16) "Practitioner" means a person who is licensed with authority to prescribe drugs
30 pursuant to chapter 37 of title 5 or a physician licensed with authority to prescribe drugs in
31 Massachusetts or Connecticut.

32 ~~(9)~~(17) "Primary caregiver" means ~~either~~ a natural person, who is at least twenty-one (21)
33 years old, ~~or a compassion center.~~ A ~~natural person~~ primary caregiver may assist no more than
34 five (5) qualifying patients with their medical use of marijuana.

1 ~~(10)~~(18) "Qualifying patient" means a person who has been diagnosed by a practitioner as
2 having a debilitating medical condition and is a resident of Rhode Island.

3 ~~(11)~~(19) "Registry identification card" means a document issued by the department of
4 health that identifies a person as a registered qualifying patient, a registered primary caregiver, or
5 authorized purchaser, or a document issued by the department of business regulation that
6 identifies a person as a registered principal officer, board member, employee, volunteer, or agent
7 of a compassion center.

8 ~~(12)~~(20) "Seedling" means a marijuana plant with no observable flowers or buds.

9 ~~(13)~~(21) "Unusable marijuana" means marijuana seeds, stalks, seedlings, and unusable
10 roots.

11 ~~(14)~~(22) "Usable marijuana" means the dried leaves and flowers of the marijuana plant,
12 and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the
13 plant.

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

17 ~~(15)~~(24) "Written certification" means the qualifying patient's medical records, and a
18 statement signed by a practitioner, stating that in the practitioner's professional opinion, the
19 potential benefits of the medical use of marijuana would likely outweigh the health risks for the
20 qualifying patient. A written certification shall be made only in the course of a bona fide,
21 practitioner-patient relationship after the practitioner has completed a full assessment of the
22 qualifying patient's medical history. The written certification shall specify the qualifying patient's
23 debilitating medical condition or conditions.

24 **21-28.6-4. Protections for the medical use of marijuana.** -- (a) A qualifying patient
25 cardholder who has in his or her possession a registry identification card shall not be subject to
26 arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not
27 limited to, civil penalty or disciplinary action by a business or occupational or professional
28 licensing board or bureau, for the medical use of marijuana; provided, that the qualifying patient
29 cardholder possesses an amount of marijuana that does not exceed twelve (12) mature marijuana
30 plants which are accompanied by valid medical marijuana tags, two and one-half (2.5) ounces of
31 usable marijuana or its equivalent amount, and an amount of wet marijuana to be set by
32 regulations promulgated by the departments of health and business regulation. Said plants shall be
33 stored in an indoor facility.

34 **(b) An authorized purchaser who has in his or her possession a registry identification card**

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

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

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

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

31 ~~(e)~~(f) A qualifying patient cardholder shall be allowed to possess a reasonable amount of
32 unusable marijuana, including up to twelve (12) seedlings which are accompanied by valid
33 medical marijuana tags. ~~, that shall not be counted toward the limits in this section~~ A primary
34 caregiver cardholder shall be allowed to possess a reasonable amount of unusable marijuana,

1 [including up to twenty-four \(24\) seedlings which are accompanied by valid medical marijuana](#)
2 [tags and an amount of wet marijuana set in regulations promulgated by the departments of health](#)
3 [and business regulation.](#)

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

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

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

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

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

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

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

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

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

1 ~~(l)~~ No person shall be subject to arrest or prosecution for constructive possession,
2 conspiracy, aiding and abetting, being an accessory, or any other offense, for simply being in the
3 presence or vicinity of the medical use of marijuana as permitted under this chapter, or for
4 assisting a qualifying patient cardholder with using or administering marijuana.

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

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

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

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

27 ~~(q)~~ Qualifying patient cardholders and primary caregiver cardholders electing to grow
28 marijuana shall only grow at one premises, and this premises shall be registered with the
29 department of health. Except for compassion centers, cooperative cultivations and licensed
30 cultivators, no more than twenty-four (24) mature marijuana plants which are accompanied by
31 valid medical marijuana tags shall be grown or otherwise located at any one dwelling unit or
32 commercial unit. The number of qualifying patients or primary caregivers residing, owning,
33 renting, growing or otherwise operating at a dwelling or commercial unit does not affect this
34 limit. The department of health shall promulgate regulations to enforce this provision.

1 ~~(r)~~ For the purposes of medical care, including organ transplants, a patient cardholder's
2 authorized use of marijuana shall be considered the equivalent of the authorized use of any other
3 medication used at the direction of a physician, and shall not constitute the use of an illicit
4 substance.

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

9 ~~21-28.6-5. Department to issue regulations~~ **Department of health to issue**
10 **regulations.** -- (a) Not later than ninety (90) days after the effective date of this chapter, the
11 department of health shall promulgate regulations governing the manner in which it shall consider
12 petitions from the public to add debilitating medical conditions to those included in this chapter.
13 In considering such petitions, the department of health shall include public notice of, and an
14 opportunity to comment in a public hearing, upon such petitions. The department of health shall,
15 after hearing, approve or deny such petitions within one hundred eighty (180) days of submission.
16 The approval or denial of such a petition shall be considered a final department of health action,
17 subject to judicial review. Jurisdiction and venue for judicial review are vested in the superior
18 court. The denial of a petition shall not disqualify qualifying patients with that condition, if they
19 have a debilitating medical condition as defined in subdivision ~~21-28.6-3(3)(7)~~ §21-28.6-3(3)(5).
20 The denial of a petition shall not prevent a person with the denied condition from raising an
21 affirmative defense.

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

31 **21-28.6-6. Administration of department of health regulations.** -- (a) The department
32 of health shall issue registry identification cards to qualifying patients who submit the following,
33 in accordance with the department's regulations:

34 (1) Written certification as defined in § 21-28.6-3~~(15)~~(24) of this chapter;

1 (2) Application or renewal fee;

2 (3) Name, address, and date of birth of the qualifying patient; provided, however, that if

3 the patient is homeless, no address is required;

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

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

6 ~~(5)(6)~~ (6) Name, address, and date of birth of ~~each~~ one primary caregiver of the qualifying

7 patient and one authorized purchaser for the qualifying patient, if any.

8 (b) The department of health shall not issue a registry identification card to a qualifying

9 patient under the age of eighteen (18) unless:

10 (1) The qualifying patient's practitioner has explained the potential risks and benefits of

11 the medical use of marijuana to the qualifying patient and to a parent, guardian, or person having

12 legal custody of the qualifying patient; and

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

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

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

16 and

17 (iii) Control the acquisition of the marijuana, the dosage, and the frequency of the

18 medical use of marijuana by the qualifying patient.

19 (c) The department of health shall verify the information contained in an application or

20 renewal submitted pursuant to this section, and shall approve or deny an application or renewal

21 within ~~fifteen (15)~~ thirty-five (35) days of receiving it. The department may deny an application

22 or renewal only if the applicant did not provide the information required pursuant to this section,

23 or if the department determines that the information provided was falsified. Rejection of an

24 application or renewal is considered a final department action, subject to judicial review.

25 Jurisdiction and venue for judicial review are vested in the superior court.

26 (d) If the qualifying patient's practitioner notifies the department in a written statement

27 that the qualifying patient is eligible for hospice care or chemotherapy, the department of health

28 shall give priority to these applications when verifying the information in accordance with

29 subsection (c) of this section. Effective January 1, 2017, the department of health shall approve or

30 deny a registry identification card to these qualifying patients within five (5) days of receipt of an

31 application. The department of health may identify through regulation a list of other conditions

32 qualifying a patient for expedited application processing.

33 ~~(d)(e)~~ (e) The department of health shall issue a registry identification card to ~~each~~ the

34 qualifying patient cardholder's primary caregiver, if any, who is named in ~~a~~ the qualifying

1 patient's approved application, ~~up to a maximum of two (2) primary caregivers per qualifying~~
2 ~~patient.~~

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

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

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

26 (4) Information produced by a national criminal records check pertaining to a conviction
27 for any felony offense under chapter 28 of title 21 ("Rhode Island Controlled Substances Act"),
28 murder, manslaughter, rape, first-degree sexual assault, second-degree sexual assault, first-degree
29 child molestation, second-degree child molestation, kidnapping, first-degree arson, second-degree
30 arson, mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon,
31 assault or battery involving grave bodily injury, and/or assault with intent to commit any offense
32 punishable as a felony or a similar offense from any other jurisdiction shall result in a letter to the
33 applicant and the department of health disqualifying the applicant. If disqualifying information
34 has been found, the department may use its discretion to issue a primary caregiver registry

1 identification card or an authorized purchaser registry identification card if the applicant's
2 connected patient is an immediate family member and the card is restricted to that patient only.

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

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

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

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

16 (iii) Registry identification cards shall contain:

- 17 (1) The date of issuance and expiration date of the registry identification card;
18 (2) A random registry identification number;
19 (3) A photograph; and
20 (4) Any additional information as required by regulation or the department of health.

21 ~~(f)(e)~~ Persons issued registry identification cards by the department of health shall be
22 subject to the following:

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

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

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

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

3 (4) When a qualifying patient cardholder or primary caregiver cardholder notifies the
4 department of health of any changes listed in this subsection, the department of health shall issue
5 the qualifying patient cardholder and each primary caregiver cardholder—a new registry
6 identification card within ten (10) days of receiving the updated information and a ten-dollar
7 (\$10.00) fee. ~~When a compassion center cardholder notifies the department of any changes listed~~
8 ~~in this subsection, the department shall issue the cardholder a new registry identification card~~
9 ~~within ten (10) days of receiving the updated information and a ten-dollar (\$10.00) fee.~~

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

16 (6) If a cardholder or authorized purchaser loses his or her registry identification card, he
17 or she shall notify the department and submit a ten dollar (\$10.00) fee within ten (10) days of
18 losing the card. Within five (5) days, the department shall issue a new registry identification card
19 with new random identification number.

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

24 ~~(7)~~(8) If a cardholder or authorized purchaser willfully violates any provision of this
25 chapter as determined by the department, his or her registry identification card may be revoked.

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

30 ~~(h)~~(i)(1) Applications and supporting information submitted by qualifying patients,
31 including information regarding their primary caregivers, authorized purchaser and practitioners,
32 are confidential and protected under the federal Health Insurance Portability and Accountability
33 Act of 1996, and shall be exempt from the provisions of chapter 2 of title 38 et seq. (Rhode Island
34 access to public records act) and not subject to disclosure, except to authorized employees of the

1 department [of health](#) as necessary to perform official duties of the department, and pursuant to
2 subsection ~~(j)~~(j) of this section.

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

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

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

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

26 ~~(l)~~(l) On or before ~~January 1~~ [the fifteenth day of the month following the end](#) of each
27 [quarter of the fiscal](#) ~~odd-numbered~~ year, the department [of health](#) shall report to the ~~house~~
28 ~~committee on health, education and welfare and to the senate committee on health and human~~
29 ~~services~~ [governor, the speaker of the house of representatives, and the president of the senate](#) on
30 [applications for](#) the use of marijuana for symptom relief. The report shall provide:

31 (1) The number of applications for ~~registry identification cards~~ [registration as a](#)
32 [qualifying patient, primary caregiver, or authorized purchaser that have been made to the](#)
33 [department during the preceding quarter,](#) the number of qualifying patients, ~~and~~ primary
34 caregivers, [and authorized purchasers](#) approved, the nature of the debilitating medical conditions

1 of the qualifying patients, the number of ~~registry identification cards~~ registrations revoked, and
2 the number and specializations, if any, of practitioners providing written certification for
3 qualifying patients;

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

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

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

15 ~~(3)~~ (3) An evaluation of the costs permitting the use of marijuana for symptom relief,
16 including any costs to law enforcement agencies and costs of any litigation;

17 ~~(4)~~ (4) Statistics regarding the number of marijuana-related prosecutions against
18 registered patients and caregivers, and an analysis of the facts underlying those prosecutions;

19 ~~(5)~~ (5) Statistics regarding the number of prosecutions against physicians for violations of
20 this chapter; and

21 ~~(6)~~ (6) Whether the United States Food and Drug Administration has altered its position
22 regarding the use of marijuana for medical purposes or has approved alternative delivery systems
23 for marijuana.

24 **21-28.6-9. Enforcement.** -- (a) If the department of health fails to adopt regulations to
25 implement this chapter within one hundred twenty (120) days of the effective date of this act, a
26 qualifying patient may commence an action in a court of competent jurisdiction to compel the
27 department to perform the actions mandated pursuant to the provisions of this chapter.

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

33 (c) The department of health and the department of business regulation shall revoke and
34 shall not reissue the registry identification card or license of any cardholder or licensee who is

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

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

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

16 (b) Registration of compassion centers ~~authority of the departments of health and~~
17 business regulation ~~authority~~:

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

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

22 (ii) Minimum oversight requirements for compassion centers;

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

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

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

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

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

33 (4) Within one hundred ninety (190) days of the effective date of this chapter, the
34 department of health shall grant a single registration certificate to a single compassion center,

1 providing at least one applicant has applied who meets the requirements of this chapter.

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

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

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

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

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

23 (9) Any compassion center application selected for approval by the department of health
24 ~~prior to January 1, 2012,~~ on or before December 31, 2016 or selected for approval by the
25 department of business regulation on or after January 1, 2017, shall remain in full force and
26 effect, notwithstanding any provisions of this chapter to the contrary, and shall be subject to state
27 law adopted herein and rules and regulations adopted by the ~~department~~ departments of health
28 and business regulation subsequent to passage of this legislation-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~than twice each week;~~

2 (6) Except as provided in subdivision (7), the department of health or the department of
3 business regulation shall issue each principal officer, board member, agent, volunteer and
4 employee of a compassion center a registry identification card or renewal card ~~within ten (10)~~
5 ~~days of~~ after receipt of the person's name, address, date of birth; a fee in an amount established by
6 the department of health or the department business regulation; and notification to the department
7 of health or the department of business regulation by the department of public safety division of
8 state police that the registry identification card applicant has not been convicted of a felony drug
9 offense or has not entered a plea of nolo contendere for a felony drug offense and received a
10 sentence of probation. Each card shall specify that the cardholder is a principal officer, board
11 member, agent, volunteer, or employee of a compassion center and shall contain the following:

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

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

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

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

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

20 (7) Except as provided in this subsection, neither the department of health nor the
21 department of business regulation shall ~~not~~ issue a registry identification card to any principal
22 officer, board member, agent, volunteer, or employee of a compassion center who has been
23 convicted of a felony drug offense or has entered a plea of nolo contendere for a felony drug
24 offense and received a sentence of probation. ~~The department shall notify the compassion center~~
25 If a registry identification card is denied, the compassion center will be notified in writing of the
26 purpose for denying the registry identification card. ~~The department may grant such person a~~ A
27 registry identification card may be granted if ~~the department determines that~~ the offense was for
28 conduct that occurred prior to the enactment of the Edward O. Hawkins and Thomas C. Slater
29 Medical Marijuana Act or that was prosecuted by an authority other than the state of Rhode
30 Island and for which the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act
31 would otherwise have prevented a conviction;

32 (i) All registry identification card applicants shall apply to the department of public
33 safety division of state police for a national criminal identification records check that shall
34 include fingerprints submitted to the federal bureau of investigation. Upon the discovery of a

1 felony drug offense conviction or a plea of nolo contendere for a felony drug offense with a
2 sentence of probation, and in accordance with the rules promulgated by the ~~director~~ [department of](#)
3 [health and the department of business regulation](#), the [department of public safety division of](#) state
4 police shall inform the applicant, in writing, of the nature of the felony and the [department of](#)
5 [public safety division of](#) state police shall notify the department [of health or the department of](#)
6 [business regulation](#), in writing, without disclosing the nature of the felony, that a felony drug
7 offense conviction or a plea of nolo contendere for a felony drug offense with probation has been
8 found.

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

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

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

20 [\(9\) A compassion center cardholder shall notify and request approval from the](#)
21 [department of business regulation of any change in his or her name or address within ten \(10\)](#)
22 [days of such change. A compassion center cardholder who fails to notify the department of](#)
23 [business regulation of any of these changes is responsible for a civil infraction, punishable by a](#)
24 [fine of no more than one hundred fifty dollars \(\\$150\).](#)

25 [\(10\) When a compassion center cardholder notifies the department of health or the](#)
26 [department of business regulation of any changes listed in this subsection, the department shall](#)
27 [issue the cardholder a new registry identification card within ten \(10\) days of receiving the](#)
28 [updated information and a ten-dollar \(\\$10.00\) fee.](#)

29 [\(11\) If a compassion center cardholder loses his or her registry identification card, he or](#)
30 [she shall notify the department of health or the department of business regulation and submit a ten](#)
31 [dollar \(\\$10.00\) fee within ten \(10\) days of losing the card. Within five \(5\) days, the department](#)
32 [shall issue a new registry identification card with new random identification number.](#)

33 [\(12\) On or before December 31, 2016, a compassion center cardholder shall notify the](#)
34 [department of health of any disqualifying criminal convictions as defined in §21-28.6-12\(c\)\(7\).](#)

1 The department of health may choose to suspend and/or revoke his or her registry identification
2 card after such notification.

3 (13) On or after January 1, 2017, a compassion center cardholder shall notify the
4 department of business regulation of any disqualifying criminal convictions as defined in §21-
5 28.6-12(c)(7). The department of business regulation may choose to suspend and/or revoke his or
6 her registry identification card after such notification.

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

10 (d) Expiration or termination of compassion center:

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

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

19 (i) The compassion center submits the materials required under subdivisions (c)(4) and
20 (c)(5), including a five thousand dollar (\$5,000) fee;

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

23 (iii) The ~~legislative oversight committee's report, if issued pursuant to subsection (4)(j),~~
24 department of health and the department of business regulation find indicates that the compassion
25 center is adequately providing patients with access to medical marijuana at reasonable rates; ~~and~~

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

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

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

1 compassion center one or more thirty (30) day temporary registration certificates after that
2 compassion center's registration would otherwise expire if the following conditions are all
3 satisfied:

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

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

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

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

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

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

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

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

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

21 (f) Compassion center requirements:

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

25 (2) A compassion center may not be located within one thousand feet (1000') of the
26 property line of a preexisting public or private school;

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

34 (4) (i) [On or before December 31, 2016, a](#) compassion center shall notify the

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

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

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

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

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

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

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

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

1 [\(11\) Effective January 1, 2017, each compassion center shall be subject to any product](#)
2 [labeling requirements promulgated by the department of business regulation;](#)

3 ~~(10)~~[\(12\)](#) Each compassion center shall develop, implement, and maintain on the premises
4 employee, volunteer and agent policies and procedures to address the following requirements:

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

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

9 ~~(11)~~[\(13\)](#) Each compassion center shall maintain a personnel record for each employee,
10 agent and volunteer that includes an application and a record of any disciplinary action taken;

11 ~~(12)~~[\(14\)](#) Each compassion center shall develop, implement, and maintain on the premises
12 an on-site training curriculum, or enter into contractual relationships with outside resources
13 capable of meeting employee training needs, which includes, but is not limited to, the following
14 topics:

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

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

17 ~~(13)~~[\(15\)](#) Each compassion center entity shall provide each employee, agent and
18 volunteer, at the time of his or her initial appointment, training in the following:

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

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

22 ~~(14)~~[\(16\)](#) All compassion centers shall prepare training documentation for each employee
23 and volunteer and have employees and volunteers sign a statement indicating the date, time, and
24 place the employee and volunteer received said training and topics discussed, to include name
25 and title of presenters. The compassion center shall maintain documentation of an employee's and
26 a volunteer's training for a period of at least six (6) months after termination of an employee's
27 employment or the volunteer's volunteering.

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

29 (1) A compassion center or principal officer, board member, agent, volunteer or
30 employee of a compassion center may not dispense more than two and one half ounces (2.5 oz) of
31 usable marijuana [or its equivalent](#) to a qualifying patient directly or through a qualifying patient's
32 ~~other~~ primary caregiver [or authorized purchaser](#) during a fifteen (15) day period;

33 (2) A compassion center or principal officer, board member, agent, volunteer or
34 employee of a compassion center may not dispense an amount of usable marijuana, ~~or marijuana~~

1 ~~plants~~ its equivalent, seedlings, or mature marijuana plants to a qualifying patient, ~~or~~ a qualifying
2 patient's ~~other~~ primary caregiver or a qualifying patient's authorized purchaser that the
3 compassion center, principal officer, board member, agent, volunteer, or employee knows would
4 cause the recipient to possess more marijuana than is permitted under the Edward O. Hawkins
5 and Thomas C. Slater Medical Marijuana Act.

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

16 (h) Immunity:

17 (1) No registered compassion center shall be subject to prosecution; search, except by the
18 departments pursuant to subsection (e); seizure; or penalty in any manner or denied any right or
19 privilege, including, but not limited to, civil penalty or disciplinary action by a business,
20 occupational, or professional licensing board or entity, solely for acting in accordance with this
21 section to assist registered qualifying patients ~~to whom it is connected through the department's~~
22 ~~registration process with the medical use of marijuana;~~

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

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

34 (4) No state employee shall be subject to arrest, prosecution or penalty in any manner, or

1 denied any right or privilege, including, but not limited to, civil penalty, disciplinary action,
2 termination, or loss of employee or pension benefits, for any and all conduct that occurs within
3 the scope of his or her employment regarding the administration, execution and/or enforcement of
4 this act, and the provisions of Rhode Island general laws, §§ 9-31-8 and 9-31-9 shall be
5 applicable to this section.

6 (i) Prohibitions:

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

9 (2) A compassion center may not dispense, deliver, or otherwise transfer marijuana to a
10 person other than a qualifying patient ~~who has designated the compassion center as a~~ or to such
11 patient's primary caregiver or ~~to such patient's other primary caregiver~~ authorized purchaser;

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

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

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

26 (j) Legislative oversight committee:

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

34 (2) The oversight committee shall meet at least six (6) times per year for the purpose of

1 evaluating and making recommendations to the general assembly regarding:

- 2 (i) Patients' access to medical marijuana;
- 3 (ii) Efficacy of compassion ~~center~~ [centers](#);
- 4 (iii) Physician participation in the Medical Marijuana Program;
- 5 (iv) The definition of qualifying medical condition;
- 6 (v) Research studies regarding health effects of medical marijuana for patients.

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

9 **21-28.6-14. Cooperative cultivations.** -- (a) Two (2) or more [qualifying](#) patient or
10 primary caregiver cardholders may cooperatively cultivate marijuana in residential or non-
11 residential locations subject to the following restrictions:

12 [\(1\) Effective January 1, 2017, cooperative cultivations shall apply to the department of](#)
13 [business regulation for a license to operate;](#)

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

16 ~~(2)(3)~~ (3) No single location may have more than one cooperative cultivation. For the
17 purposes of this section, location means one structural building, not units within a structural
18 building.

19 ~~(3)(4)~~ (4) The cooperative cultivation shall not be visible from the street or other public
20 areas;

21 ~~(4)(5)~~ (5) A written acknowledgement of the limitations of the right to use and possess
22 marijuana for medical purposes in Rhode Island that is signed by each cardholder and is
23 displayed prominently in the premises cooperative cultivation.

24 ~~(5)(6)~~ (6) Cooperative cultivations are restricted to the following possession limits:

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

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

33 [\(iii\) A non-residential or residential cooperative cultivation must have displayed](#)
34 [prominently on the premises its license issued by the department of business regulation.](#)

1 (iv) Every marijuana plant possessed by a cooperative cultivation must be accompanied
2 by a valid medical marijuana tag issued by the department of business regulation pursuant to §21-
3 28.6-15. Each cooperative cultivation must purchase at least one medical marijuana tag in order
4 to remain a licensed cooperative cultivation.

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

8 ~~(6)~~(7) Cooperative cultivations must be inspected as follows:

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

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

18 ~~(7)~~(8) Cooperative cultivations must report the location of the cooperative cultivation to
19 the department of public safety ~~division of state police~~.

20 ~~(8)~~(9) The reports provided to the department of public safety ~~division of state police~~ in
21 subsection (8) of this section shall be confidential, but locations may be confirmed for law
22 enforcement purposes. The report of the location of the cooperative cultivation alone shall not
23 constitute probable cause for a search of the cooperative cultivation.

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

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

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

34 **21-28.6-15. Medical Marijuana Plant Tags. -- (a) Effective January 1, 2017, the**

1 department of business regulation shall make medical marijuana tag sets available for purchase.
2 Effective April 1, 2017, every marijuana plant, either mature or seedling, grown by a registered
3 patient or primary caregiver must be accompanied by a physical medical marijuana tag purchased
4 through the department of business regulation and issued by the department of health to
5 qualifying patients and primary caregivers or by the department of business regulation to licensed
6 cultivators.

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

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

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

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

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

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

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

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

1 (4) The department of business regulation shall maintain information pertaining to
2 medical marijuana tags and shall share that information with the department of health.

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

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

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

11 (b) Enforcement:

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

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

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

31 (4) If a patient cardholder, primary caregiver cardholder, or licensed cooperative
32 cultivation is found to have mature marijuana plants exceeding the limits set forth in §21-28.6-4,
33 §21-28.6-14, and §21-28.6-16 in addition to any penalties that may be imposed pursuant to §21-
34 28.6-9, the department of health or department of business regulation may impose an

1 administrative penalty on that cardholder or license holder for each mature marijuana plant in
2 excess of the applicable statutory limit of no less than the total fee that would be paid by a
3 cardholder who purchased medical marijuana tags for such plants in compliance with this chapter.

4 **21-28.6-16. Licensed cultivators. --** (a) A licensed cultivator licensed under this section
5 may acquire, possess, cultivate, deliver, or transfer marijuana to licensed compassion centers. A
6 licensed cultivator shall not be a primary caregiver cardholder and shall not hold a cooperative
7 cultivation license. Except as specifically provided to the contrary, all provisions of the Edward
8 O. Hawkins and Thomas C. Slater Medical Marijuana Act, §§21-28.6-1 – 21-28.6-15, apply to a
9 licensed cultivator unless they conflict with a provision contained in §21-28.6-16.

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

13 (1) The form and content of licensing and renewal applications;

14 (2) Minimum oversight requirements for licensed cultivators;

15 (3) Minimum record-keeping requirements for cultivators;

16 (4) Minimum security requirements for cultivators; and

17 (5) Procedures for suspending, revoking or terminating the license of cultivators that
18 violate the provisions of this section or the regulations promulgated pursuant to this subsection.

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

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

28 (e) Cultivators shall only sell marijuana to compassion centers. All marijuana possessed
29 by a cultivator in excess of the possession limit established pursuant to subsection (d) above shall
30 be under formal agreement to be purchased by a compassion center. If such excess marijuana is
31 not under formal agreement to be purchased, the cultivator will have a period of time, specified in
32 regulations promulgated by the department of business regulation, to sell or destroy that excess
33 marijuana. The department may suspend and/or revoke the cultivator's license and the license of
34 any officer, director, employee or agent of such cultivator and/or impose an administrative

1 penalty in accordance with such regulations promulgated by the department for any violation of
2 this section or the regulations. In addition, any violation of this section or the regulations
3 promulgated pursuant this subsection and subsection (d) above shall cause a licensed cultivator to
4 lose the protections described in §21-28.6-16(m) and may subject the licensed cultivator to arrest
5 and prosecution under Chapter 28 of title 21 (the Rhode Island Controlled Substances Act).

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

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

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

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

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

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

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

1 (2) Information produced by a national criminal records check pertaining to a conviction
2 for a felony drug offense or a plea of nolo contendere for a felony drug offense and received a
3 sentence of probation shall result in a letter to the applicant and the department of business
4 regulation disqualifying the applicant.

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

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

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

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

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

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

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

27 (m) Immunity:

28 (1) No licensed cultivator shall be subject to prosecution; search, except by the
29 departments pursuant to subsection (j); seizure; or penalty in any manner or denied any right or
30 privilege, including, but not limited to, civil penalty or disciplinary action by a business,
31 occupational, or professional licensing board or entity, solely for acting in accordance with this
32 section to assist registered qualifying;

33 (2) No licensed cultivator shall be subject to prosecution; seizure or penalty in any
34 manner or denied any right or privilege, including, but not limited to, civil penalty or disciplinary

1 [action by a business, occupational, or professional licensing board or entity, for selling, giving or](#)
2 [distributing marijuana in whatever form and within the limits established by the department of](#)
3 [business regulation to a registered compassion center;](#)

4 [\(3\) No principal officers, board members, agents, volunteers, or employees of a licensed](#)
5 [cultivator shall be subject to arrest, prosecution, search, seizure, or penalty in any manner or](#)
6 [denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a](#)
7 [business, occupational, or professional licensing board or entity, solely for working for or with a](#)
8 [licensed cultivator to engage in acts permitted by this section.](#)

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

15 **21-28.6-17. Revenue.** -- [Effective July 1, 2016, all fees collected by the departments of](#)
16 [health and business regulation from applicants, registered patients, primary caregivers, authorized](#)
17 [purchasers, licensed cultivators and cooperative cultivations shall be placed in restricted receipt](#)
18 [accounts to support the state's medical marijuana program.](#)

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

21 **42-14-1. Establishment – Head of department.** -- There shall be a department of
22 business regulation. The head of the department shall be the director of business regulation who
23 shall carry out, except as otherwise provided by this title, this chapter; chapters 1, 2, and 4 – 12,
24 inclusive, of title 3; chapters 3, 20.5, 38, 49, 52, 53 and 58 of title 5; chapter 31 of title 6; chapter
25 11 of title 7; chapters 1 – 29, inclusive, of title 19, except § 19-24-6; [chapter 28.6 of title 21;](#)
26 chapter 26 of title 23; chapters 1 – 36, inclusive, of title 27. The director of business regulation
27 shall also perform the duties required by any and all other provisions of the general laws and
28 public laws insofar as those provisions relate to the director of revenue and regulation, chief of
29 the division of banking and insurance, chief of the division of intoxicating beverages, and each of
30 the divisions, except as otherwise provided by this title.

31 **42-14-2. Functions of department.** -- (a) It shall be the function of the department of
32 business regulation:

33 (1) To regulate and control banking and insurance, foreign surety companies, sale of
34 securities, building and loan associations, fraternal benefit and beneficiary societies;

1 (2) To regulate and control the manufacture, transportation, possession, and sale of
2 alcoholic beverages;

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

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

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

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

20