

1 **ARTICLE 17**

2 RELATING TO EDWARD O. HAWKINS AND THOMAS C. SLATER MEDICAL  
3 MARIJUANA ACT

4 SECTION 1. Sections 21-28.6-3, 21-28.6-4, 21-28.6-5, 21-28.6-6, 21-28.6-7, 21-28.6-8,  
5 21-28.6-9, 21-28.6-12, 21-28.6-15, 21-28.6-16, and 21-28.6-17 of the General Laws in Chapter 21-  
6 28.6 entitled "The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act" are hereby  
7 amended as follows:

8 **21-28.6-3. Definitions.**

9 For the purposes of this chapter:

10 (1) "Acute pain" means the normal, predicted physiological response to a noxious  
11 chemical, thermal, or mechanical stimulus and typically is associated with invasive procedures,  
12 trauma, and disease. Acute pain generally is resulting from nociceptor activation due to damage to  
13 tissues. Acute pain typically resolves once the tissue damage is repaired. The duration of acute pain  
14 varies.

15 ~~(2)~~(2) "Authorized purchaser" means a natural person who is at least twenty-one (21) years  
16 old and who ~~is registered with the department of health~~ holds a registry identification card for the  
17 purposes of assisting a qualifying patient in purchasing marijuana from a compassion center. An  
18 authorized purchaser may assist no more than one patient, and is prohibited from consuming  
19 marijuana obtained for the use of the qualifying patient. An authorized purchaser shall be registered  
20 with the ~~department of health~~ division and shall possess a valid registry identification card.

21 ~~(3)~~(3) "Cardholder" means a person who has been registered or licensed with the  
22 department of health or the department of business regulation pursuant to this chapter and possesses  
23 a valid registry identification card or license.

24 ~~(4)~~(4) "Commercial unit" means a building, office, suite, or room within a commercial or  
25 industrial building for use by one business or person and is rented or owned by that business or  
26 person.

27 ~~(5)~~(5)(i) "Compassion center" means a not-for-profit corporation, subject to the provisions  
28 of chapter 6 of title 7, and registered under § 21-28.6-12, that acquires, possesses, ~~cultivates,~~  
29 ~~manufactures,~~ delivers, transfers, transports, supplies, or dispenses marijuana, and/or related  
30 supplies and educational materials, to patient cardholders and/or their registered caregiver  
31 cardholder or authorized purchaser pursuant to regulations promulgated by the department of

1 [business regulation](#).

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

6 ~~(5)~~(6) "Debilitating medical condition" means:

7 (i) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune  
8 deficiency syndrome, Hepatitis C, post-traumatic stress disorder, [acute pain](#), or the treatment of  
9 these conditions;

10 (ii) A chronic or debilitating disease or medical condition, or its treatment, that produces  
11 one or more of the following: cachexia or wasting syndrome; severe, debilitating, chronic pain;  
12 severe nausea; seizures, including but not limited to, those characteristic of epilepsy; or severe and  
13 persistent muscle spasms, including but not limited to, those characteristic of multiple sclerosis or  
14 Crohn's disease; or agitation of Alzheimer's Disease; or

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

17 ~~(6)~~(7) "Department of business regulation" means the Rhode Island department of business  
18 regulation or its successor agency.

19 ~~(7)~~(8) "Department of health" means the Rhode Island department of health or its successor  
20 agency.

21 [\(9\) "Division" means the marijuana regulation division within the department of business](#)  
22 [regulation, or its successor division or unit within the department of business regulation.](#)

23 ~~(8)~~(10) "Department of public safety" means the Rhode Island department of public safety  
24 or its successor agency.

25 ~~(9)~~(11) "Dried, useable marijuana" means the dried leaves and flowers of the marijuana  
26 plant as defined by regulations promulgated by the departments of health [and business regulation](#).

27 ~~(10)~~(12) "Dwelling unit" means the room, or group of rooms, within a dwelling used or  
28 intended for use by one family or household, or by no more than three (3) unrelated individuals,  
29 for living, sleeping, [sanitation](#), cooking, and eating.

30 ~~(11)~~(13) "Equivalent amount" means the portion of usable marijuana, be it in extracted,  
31 edible, concentrated, or any other form, found to be equal to a portion of dried, usable marijuana,  
32 as defined by regulations promulgated by the departments of ~~health and~~ [business regulation](#).

33 ~~(12)~~(14) "Licensed cultivator" means a person [or entity](#), as identified in § 43-3-6, who has  
34 been licensed by the department of business regulation to cultivate marijuana pursuant to § 21-

1 28.6-16.

2 (15)“Licensed manufacturer” means a person or entity, as identified in § 43-3-6, who has  
3 been licensed by the department of business regulation to manufacture and/or process marijuana  
4 products pursuant to § 21-28.6-16.1.

5 ~~(13)~~(16) "Marijuana" has the meaning given that term in § 21-28-1.02(29).

6 ~~(14)~~(17) "Mature marijuana plant" means a marijuana plant that has flowers or buds that  
7 are readily observable by an unaided visual examination.

8 (18) “Medical marijuana emporium” means any establishment, or club, whether for-profit  
9 or nonprofit, or any commercial unit or other premises as further defined through regulations  
10 promulgated by the department of business regulation, at which the sale, distribution, transfer or  
11 use of medical marijuana or medical marijuana products is proposed and/or occurs to, by or among  
12 registered patients, registered caregivers, authorized purchaser cardholders or other persons as  
13 further defined through regulations promulgated by the department of business regulation. This  
14 shall not include a compassion center regulated and licensed by the department of business  
15 regulation pursuant to the terms of this chapter.

16 ~~(15)~~(19) "Medical use" means the acquisition, possession, cultivation, manufacture, use,  
17 delivery, transfer, or transportation of marijuana or paraphernalia relating to the consumption of  
18 marijuana to alleviate a patient cardholder's debilitating medical condition or symptoms associated  
19 with the medical condition in accordance with the provisions of this chapter.

20 (20) “Medical marijuana plant tag set” or “plant tag” means any tag, identifier, registration,  
21 certificate, or inventory tracking system authorized or issued by the division or which the division  
22 requires be used for the lawful possession and cultivation of medical marijuana plants in accordance  
23 with this chapter.

24 (21) “Medical marijuana testing laboratory” means a third party analytical testing  
25 laboratory licensed by the department of health to collect and test samples of medical marijuana  
26 pursuant to regulations promulgated by the department.

27 ~~(16)~~(22) "Practitioner" means a person who is licensed with authority to prescribe drugs  
28 pursuant to chapter 37 of title 5 ~~or a physician licensed with authority to prescribe drugs in~~  
29 ~~Massachusetts or Connecticut,~~ who may provide a qualifying patient with a written certification in  
30 accordance with regulations promulgated by the departments of health and business regulation.

31 ~~(17)~~(23) "Primary caregiver" means a natural person who is at least twenty-one (21) years  
32 old. A primary caregiver may assist no more than five (5) qualifying patients with their medical  
33 use of marijuana in accordance with regulations promulgated by the department of business  
34 regulation.

1           ~~(18)~~(24) "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           ~~(19)~~(25) "Registry identification card" means a document issued by the department of  
4 health or the division that identifies a person as a registered qualifying patient, a registered primary  
5 caregiver, or authorized purchaser, or a document issued by the department of business regulation  
6 that identifies a person as a registered principal officer, board member, employee, volunteer, or  
7 agent of a compassion center, licensed cultivator, manufacturer, testing lab, or any other medical  
8 marijuana licensee.

9           ~~(20)~~(26) "~~Seedling~~ Immature marijuana plant" means a marijuana plant with no observable  
10 flowers or buds.

11           ~~(21)~~(27) "Unusable marijuana" means marijuana seeds, stalks, ~~seedlings~~, and unusable  
12 roots.

13           ~~(22)~~(28) "Usable marijuana" means the ~~dried~~ leaves and flowers of the marijuana plant,  
14 and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

15           ~~(23)~~(29) "Wet marijuana" means the harvested leaves and flowers of the marijuana plant  
16 before they have reached a dry useable state, as defined by regulations promulgated by the  
17 departments of health and business regulation.

18           ~~(24)~~(30) "Written certification" means ~~the qualifying patient's medical records, and a~~  
19 statement signed by a practitioner, stating that, in the practitioner's professional opinion, the  
20 potential benefits of the medical use of marijuana would likely outweigh the health risks for the  
21 qualifying patient. A written certification shall be made only in the course of a bona fide,  
22 practitioner-patient relationship after the practitioner has completed a full assessment of the  
23 qualifying patient's medical history. The written certification shall specify the qualifying patient's  
24 debilitating medical condition or conditions and include any other information required by  
25 regulations promulgated by the department of health which may include the qualifying patient's  
26 medical records.

27           **21-28.6-4. Protections for the medical use of marijuana.**

28           (a) A qualifying patient cardholder who has in his or her possession a registry identification  
29 card shall not be subject to arrest, prosecution, 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 or  
31 occupational or professional licensing board or bureau, for the medical use of marijuana; provided;

32           (1) Before July 1, 2018, tThe qualifying patient cardholder possesses an amount of  
33 marijuana that does not exceed twelve (12) mature marijuana plants and twelve (12) immature  
34 marijuana plants that are accompanied by valid medical marijuana tags (provided that if a

1 qualifying patient cardholder has valid medical marijuana tags that were ordered and processed  
2 prior to July 1, 2018, and such tags have an expiration date that is on or after July 1, 2018, the plant  
3 possession limits set forth in this subsection shall apply to such qualifying patient until the  
4 expiration date of the issued tags), ~~two and one half (2.5)~~ three (3) ounces of dried usable  
5 marijuana, or its equivalent amount, and an amount of wet marijuana to be set by regulations  
6 promulgated by the departments of ~~health and~~ business regulation. Said plants shall be stored in an  
7 indoor facility. Marijuana plants and the marijuana they produce shall be grown, stored,  
8 manufactured, and processed in accordance with regulations promulgated by the department of  
9 business regulation; and

10 (2) On and after July 1, 2018, a qualifying patient cardholder who has in his or her  
11 possession a registry identification card shall not be subject to arrest, prosecution, or penalty in any  
12 manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary  
13 action by a business or occupational or professional licensing board or bureau, for the medical use  
14 of marijuana; provided, that the qualifying patient cardholder possesses an amount of marijuana  
15 that does not exceed eight (8) mature marijuana plants and eight (8) immature marijuana plants that  
16 are accompanied by valid medical marijuana tags (provided that if a qualifying patient cardholder  
17 has valid medical marijuana tags that were ordered and processed prior to July 1, 2018, and such  
18 tags have an expiration date that is on or after July 1, 2018, the plant possession limits set forth in  
19 subsection (1) above shall apply to such qualifying patient until the expiration date of the issued  
20 tags), three (3) ounces of dried usable marijuana, or its equivalent amount, and an amount of wet  
21 marijuana to be set by regulations promulgated by the department of business regulation. Said  
22 plants shall be stored in an indoor facility. Marijuana plants and the marijuana they produce shall  
23 be grown, stored, manufactured, and processed in accordance with regulations promulgated by the  
24 department of business regulation.

25 (b) An authorized purchaser who has in his or her possession a registry identification card  
26 shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege,  
27 including, but not limited to, civil penalty or disciplinary action by a business or occupational or  
28 professional licensing board or bureau, for the possession of marijuana; provided that the  
29 authorized purchaser possesses an amount of marijuana that does not exceed ~~two and one half (2.5)~~  
30 three (3) ounces of dried usable marijuana, or its equivalent amount, and this marijuana was  
31 purchased legally from a compassion center for the use of their designated qualifying patient.

32 (c) A qualifying patient cardholder, who has in his or her possession a registry  
33 identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied  
34 any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business

1 or occupational or professional licensing board or bureau, for selling, giving, or distributing, on or  
2 before December 31, 2016 to a compassion center cardholder, marijuana of the type, and in an  
3 amount not to exceed, that set forth in subsection (a), that he or she has cultivated or manufactured  
4 pursuant to this chapter.

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

10 (e) A primary caregiver cardholder, who has in his or her possession a registry  
11 identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied  
12 any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business  
13 or occupational or professional licensing board or bureau, for assisting a patient cardholder, to  
14 whom he or she is connected through the ~~department of health~~ division's registration process, with  
15 the medical use of marijuana; provided, that;

16 (1) Before July 1, 2018, the primary caregiver cardholder possesses an amount of marijuana  
17 that does not exceed twelve (12) mature marijuana plants and twelve (12) immature marijuana  
18 plants that are accompanied by valid medical marijuana tags (provided that if a primary caregiver  
19 cardholder has valid medical marijuana tags that were ordered and processed prior to July 1, 2018,  
20 and such tags have an expiration date that is on or after July 1, 2018, the plant possession limits set  
21 forth in this subsection shall apply to such primary caregiver until the expiration date of the issued  
22 tags), ~~two and one-half (2.5)~~ three (3) ounces of dried usable marijuana, or its equivalent amount,  
23 and an amount of wet marijuana set in regulations promulgated by the departments of ~~health and~~  
24 business regulation for each qualified patient cardholder to whom he or she is connected through  
25 the ~~department of health~~ division's registration process. Said plants shall be stored in an indoor  
26 facility. Marijuana plants and the marijuana they produce shall be grown, stored, manufactured,  
27 processed, and distributed to qualified patient cardholders in accordance with regulations  
28 promulgated by the department of business regulation; and

29 (2) On and after July 1, 2018, the primary caregiver cardholder possesses an amount of  
30 marijuana that does not exceed eight (8) mature marijuana plants and eight (8) immature marijuana  
31 plants that are accompanied by valid medical marijuana tags (provided that if a primary caregiver  
32 cardholder has valid medical marijuana tags that were ordered and processed prior to July 1, 2018,  
33 and such tags have an expiration date that is on or after July 1, 2018, the plant possession limits set  
34 forth in subsection (1) above shall apply to such primary caregiver until the expiration date of the

1 issued tags), three (3) ounces of dried usable marijuana, or its equivalent amount, and an amount  
2 of wet marijuana set in regulations promulgated by the department of business regulation for each  
3 qualified patient cardholder to whom he or she is connected through the division's registration  
4 process. Said plants shall be stored in an indoor facility. Marijuana plants and the marijuana they  
5 produce shall be grown, stored, manufactured, processed, and distributed to qualified patient  
6 cardholders in accordance with regulations promulgated by the department of business regulation.

7 ~~(f) A qualifying patient cardholder shall be allowed to possess a reasonable amount of~~  
8 ~~unusable marijuana, including up to twelve (12) seedlings that are accompanied by valid medical~~  
9 ~~marijuana tags. A primary caregiver cardholder shall be allowed to possess a reasonable amount of~~  
10 ~~unusable marijuana, including up to twenty four (24) seedlings that are accompanied by valid~~  
11 ~~medical marijuana tags and an amount of wet marijuana set in regulations promulgated by the~~  
12 ~~departments of health and business regulation.~~

13 ~~(e)~~(f) There shall exist a presumption that a cardholder is engaged in the medical use of  
14 marijuana if the cardholder:

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

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

20 ~~(h)~~(g) A primary caregiver cardholder may receive reimbursement for costs associated with  
21 assisting a qualifying patient cardholder's medical use of marijuana. Compensation shall not  
22 constitute sale of controlled substances. The department of business regulation may promulgate  
23 regulations for the documentation and tracking of reimbursements and the transfer of marijuana  
24 between caregivers and their registered patients.

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

31 (1) The primary caregiver cardholder cultivated the marijuana pursuant to this chapter, not  
32 to exceed the limits of subsection (e); and

33 (2) Each qualifying patient cardholder the primary caregiver cardholder is connected with  
34 through the department of health's registration process has been provided an adequate amount of



1 the marijuana to meet his or her medical needs, not to exceed the limits of subsection (a).

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

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

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

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

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

25 ~~(n)~~(n) Notwithstanding the provisions of § 21-28.6-4(e), no primary caregiver cardholder  
26 shall;

27 (1) Before July 1, 2018, pPossess an amount of marijuana in excess of twenty-four (24)  
28 mature marijuana plants and twenty-four (24) immature marijuana plants that are accompanied by  
29 valid medical marijuana tags (provided that if a primary caregiver cardholder has valid medical  
30 marijuana tags that were ordered and processed prior to July 1, 2018, and such tags have an  
31 expiration date that is on or after July 1, 2018, the plant possession limits set forth in this subsection  
32 (1) shall apply to such primary caregiver until the expiration date of the issued tags) and ~~five (5)~~  
33 six (6) ounces of dried usable marijuana, or its equivalent, and an amount of wet marijuana set in  
34 regulations promulgated by the departments of ~~health and~~ business regulation for patient



1 cardholders to whom he or she is connected through the ~~department of health~~ division's registration  
2 process.

3 (2) On or after July 1, 2018, possess an amount of marijuana in excess of sixteen (16)  
4 mature marijuana plants and sixteen (16) immature marijuana plants that are accompanied by valid  
5 medical marijuana tags (provided that if a primary caregiver cardholder has valid medical  
6 marijuana tags that were ordered and processed prior to July 1, 2018, and such tags have an  
7 expiration date that is on or after July 1, 2018, the plant possession limits set forth in subsection (1)  
8 above shall apply to such primary caregiver until the expiration date of the issued tags) and six (6)  
9 ounces of dried usable marijuana, or its equivalent, and an amount of wet marijuana set in  
10 regulations promulgated by the department of business regulation for patient cardholders to whom  
11 he or she is connected through the division 's registration process.

12 (o) Notwithstanding any other provision of this chapter, a qualifying patient whose written  
13 certification specifies that their debilitating medical condition is acute pain shall:

14 (1) Be issued a patient registration card which shall be valid for a period of time determined  
15 by the recommending practitioner and noted on the written certification in accordance with  
16 regulations promulgated by the department of health and which shall expire no later than six (6)  
17 months after issuance.

18 (2) Not be eligible to obtain medical marijuana grow tags nor have the protections to grow,  
19 cultivate, manufacture, or process marijuana unless they have also been issued a valid primary  
20 caregiver registration card.

21 (3) Only lawfully obtain marijuana and marijuana products from a licensed Compassion  
22 Center.

23 (4) Not be eligible to appoint or register with a primary caregiver.

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

28 ~~(q)~~(p) Qualifying patient cardholders and primary caregiver cardholders electing to grow  
29 marijuana shall only grow at one premises, and this premises shall be registered with the division  
30 ~~department of health~~. Except for compassion centers, cooperative cultivations, and licensed  
31 cultivators, no more than ~~twenty-four (24)~~ sixteen (16) mature marijuana plants and sixteen (16)  
32 immature marijuana plants that are accompanied by valid medical marijuana tags shall be grown  
33 or otherwise located at any one dwelling unit or commercial unit (provided that if a qualifying  
34 patient cardholder or a primary caregiver cardholder has valid medical marijuana tags for the plants

1 grown at such registered premises that were ordered and processed prior to July 1, 2018, and such  
2 tags have an expiration date that is on or after July 1, 2018, the plant possession limit of twenty-  
3 four (24) mature marijuana plants and twenty-four (24) immature marijuana plants shall apply to  
4 such qualifying patient or primary caregiver until the expiration date of the issued tags). The  
5 number of qualifying patients or primary caregivers residing, owning, renting, growing, or  
6 otherwise operating at a dwelling or commercial unit does not affect this limit. The department of  
7 ~~health~~ business regulation shall promulgate regulations to enforce this provision.

8 ~~(+)(q)~~ For the purposes of medical care, including organ transplants, a patient cardholder's  
9 authorized use of marijuana shall be considered the equivalent of the authorized use of any other  
10 medication used at the direction of a physician, and shall not constitute the use of an illicit  
11 substance.

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

16 **21-28.6-5. Departments of health and business regulation to issue regulations.**

17 (a) Not later than ninety (90) days after the effective date of this chapter, the department of  
18 health shall promulgate regulations governing the manner in which it shall consider petitions from  
19 the public to add debilitating medical conditions to those included in this chapter. In considering  
20 such petitions, the department of health shall include public notice of, and an opportunity to  
21 comment in a public hearing, upon such petitions. The department of health shall, after hearing,  
22 approve or deny such petitions within one hundred eighty (180) days of submission. The approval  
23 or denial of such a petition shall be considered a final department of health action, subject to judicial  
24 review. Jurisdiction and venue for judicial review are vested in the superior court. The denial of a  
25 petition shall not disqualify qualifying patients with that condition, if they have a debilitating  
26 medical condition as defined in § 21-28.6-3(~~5~~ 6). The denial of a petition shall not prevent a person  
27 with the denied condition from raising an affirmative defense.

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

1 of health may accept donations from private sources in order to reduce the application and renewal  
2 fees.

3 (c) Not later than October 1, 2018, the department of business regulation shall promulgate  
4 regulations governing the manner in which it shall consider applications for, and renewals of,  
5 registry identification cards for, primary caregivers, and authorized purchasers. The division's  
6 regulations shall establish application and renewal fees. The department of business regulation may  
7 vary the application and renewal fees along a sliding scale that accounts for a qualifying patient's  
8 or caregiver's income. The department of business regulation may accept donations from private  
9 sources in order to reduce the application and renewal fees.

10 **21-28.6-6. Administration of department of health and business regulation**  
11 **regulations.**

12 (a) The department of health shall issue registry identification cards to qualifying patients  
13 who submit the following, in accordance with the department's regulations: Applications shall  
14 include but not be limited to:

- 15 (1) Written certification as defined in § 21-28.6-3(~~24~~ 30) of this chapter;  
16 (2) Application ~~or renewal~~ fee;  
17 (3) Name, address, and date of birth of the qualifying patient; provided, however, that if  
18 the patient is homeless, no address is required;  
19 (4) Name, address, and telephone number of the qualifying patient's practitioner;  
20 (5) Whether the patient elects to grow medical marijuana plants for himself or herself; and  
21 (6) Name, address, and date of birth of one primary caregiver of the qualifying patient and  
22 ~~one~~ any authorized purchasers for the qualifying patient, if any is chosen by the patient or allowed  
23 in accordance with regulations promulgated by the department of business regulation.

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

- 26 (1) The qualifying patient's practitioner has explained the potential risks and benefits of the  
27 medical use of marijuana to the qualifying patient and to a parent, guardian, or person having legal  
28 custody of the qualifying patient; and  
29 (2) A parent, guardian, or person having legal custody consents in writing to:  
30 (i) Allow the qualifying patient's medical use of marijuana;  
31 (ii) Serve as the qualifying patient's primary caregiver or authorized purchaser; and  
32 (iii) Control the acquisition of the marijuana, the dosage, and the frequency of the medical  
33 use of marijuana by the qualifying patient.

34 (c) The department of health shall renew registry identification cards to qualifying patients

1 in accordance with regulations promulgated by the department of health.

2 (d) The department of health shall not issue a registry identification card to a qualifying  
3 patient seeking treatment for post-traumatic stress disorder (PTSD) under the age of eighteen (18).

4 ~~(e)~~(e) The department of health shall verify the information contained in an application or  
5 renewal submitted pursuant to this section, and shall approve or deny an application or renewal  
6 within thirty-five (35) days of receiving it. The department may deny an application or renewal  
7 only if the applicant did not provide the information required pursuant to this section, or if the  
8 department determines that the information provided was falsified, or if the renewing patient has  
9 violated this chapter under their previous registration. Rejection of an application or renewal is  
10 considered a final department action, subject to judicial review. Jurisdiction and venue for judicial  
11 review are vested in the superior court.

12 ~~(f)~~(f) If the qualifying patient's practitioner notifies the department in a written statement  
13 that the qualifying patient is eligible for hospice care or chemotherapy, the department of health  
14 and department of business regulation shall give priority to these applications when verifying the  
15 information in accordance with subsection ~~(e)~~(e) ~~Effective January 1, 2017, the department of~~  
16 ~~health shall approve or deny~~ and issue a registry identification card to these qualifying patients,  
17 primary caregivers and authorized purchasers within ~~five (5) days~~ seventy-two (72) hours of receipt  
18 of ~~an~~ the completed application. The departments shall not charge a registration fee to the patient,  
19 caregivers or authorized purchasers named in the application. The department of health may  
20 identify through regulation a list of other conditions qualifying a patient for expedited application  
21 processing.

22 ~~(e)~~(g) The ~~department of health shall~~ division may issue or renew a registry identification  
23 card to the qualifying patient cardholder's primary caregiver or authorized purchaser(s), if any, who  
24 is named in the qualifying patient's approved application provided the qualifying patient is eligible  
25 to appoint a primary caregiver or authorized purchaser(s) pursuant to regulations promulgated by  
26 the division and the caregiver or authorized purchaser applicant has submitted all necessary  
27 application or renewal materials and fees pursuant to regulations promulgated by the department  
28 of business regulation. The division shall verify the information contained in applications and  
29 renewal forms submitted pursuant to this chapter prior to issuing any registry identification card.  
30 The department of business regulation may deny an application or renewal only if the applicant or  
31 appointing patient did not provide the information required pursuant to this section, or if the  
32 department determines that the information provided was falsified, or if the applicant or appointing  
33 patient has violated this chapter under their previous registration. Rejection of an application or  
34 renewal is considered a final department action, subject to judicial review. Jurisdiction and venue

1 for judicial review are vested in the superior court.

2 (1) Any qualifying patient who elects to grow medical marijuana for themselves shall not  
3 be allowed to appoint a caregiver unless said qualifying patient is able to demonstrate the necessity  
4 of appointing a caregiver in accordance with regulations promulgated by the department of business  
5 regulation.

6 (2) A primary caregiver shall only be registered with and assist one patient cardholder with  
7 their medical use of marijuana except as allowed in subdivision (g)(3) of this section.

8 (3) A primary caregiver may be registered with and assist more than one patient cardholder  
9 with their medical use of marijuana provided that any additional patient is an immediate family  
10 member of the primary caregiver or is able to demonstrate the necessity of appointing the caregiver  
11 in accordance with regulations promulgated by the department of business regulation.

12 ~~(4)~~(4) A primary caregiver applicant or an authorized purchaser applicant shall apply to  
13 the bureau of criminal identification of the department of attorney general, department of public  
14 safety division of state police, or local police department for a national criminal records check that  
15 shall include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of  
16 any disqualifying information as defined in subdivision ~~(e)(4)~~ (g)(8), and in accordance with the  
17 rules promulgated by the director, the bureau of criminal identification of the department of  
18 attorney general, department of public safety division of state police, or the local police department  
19 shall inform the applicant, in writing, of the nature of the disqualifying information; and, without  
20 disclosing the nature of the disqualifying information, shall notify the ~~department~~ division, in  
21 writing, that disqualifying information has been discovered.

22 ~~(2)~~(5) In those situations in which no disqualifying information has been found, the bureau  
23 of criminal identification of the department of attorney general, department of public safety division  
24 of state police, or the local police shall inform the applicant and the ~~department~~ division in writing,  
25 of this fact.

26 ~~(3)~~(6) The ~~department of health~~ division shall maintain on file evidence that a criminal  
27 records check has been initiated on all applicants seeking a primary caregiver registry identification  
28 card or an authorized purchaser registry identification card and the results of the checks. The  
29 primary caregiver cardholder shall not be required to apply for a national criminal records check  
30 for each patient he or she is connected to through the department's registration process, provided  
31 that he or she has applied for a national criminal records check within the previous two (2) years in  
32 accordance with this chapter. The ~~department~~ division shall not require a primary caregiver  
33 cardholder or an authorized purchaser cardholder to apply for a national criminal records check  
34 more than once every two (2) years.

1 (7) Notwithstanding any other provision of this chapter, the division may revoke or refuse  
2 to issue any class or type of registry identification card or license if it determines that failing to do  
3 so would conflict with any federal guidance intended to help states, businesses, or other institutions  
4 avoid federal intervention or enforcement. This provision shall not be construed to prohibit the  
5 overall implementation and administration of this chapter on account of the federal classification  
6 of marijuana as a class I substance or any other federal prohibitions or restrictions.

7 ~~(4)~~(8) Information produced by a national criminal records check pertaining to a conviction  
8 for any felony offense under chapter 28 of title 21 ("Rhode Island Controlled Substances Act"),  
9 murder, manslaughter, rape, first-degree sexual assault, second-degree sexual assault, first-degree  
10 child molestation, second-degree child molestation, kidnapping, first-degree arson, second-degree  
11 arson, mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon, assault  
12 or battery involving grave bodily injury, and/or assault with intent to commit any offense  
13 punishable as a felony or a similar offense from any other jurisdiction shall result in a letter to the  
14 applicant and the ~~department of health~~ division disqualifying the applicant. If disqualifying  
15 information has been found, the ~~department~~ division may use its discretion to issue a primary  
16 caregiver registry identification card or an authorized purchaser registry identification card if the  
17 applicant's connected patient is an immediate family member and the card is restricted to that  
18 patient only.

19 ~~(5)~~(9) The primary caregiver or authorized purchaser applicant shall be responsible for any  
20 expense associated with the national criminal records check.

21 ~~(6)~~(10) For purposes of this section, "conviction" means, in addition to judgments of  
22 conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances  
23 where the defendant has entered a plea of nolo contendere and has received a sentence of probation  
24 and those instances where a defendant has entered into a deferred sentence agreement with the  
25 attorney general.

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

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

32 (iii) Registry identification cards shall contain:

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

34 (2) A random registry identification number;

1 (3) A photograph; and

2 (4) Any additional information as required by regulation or the department of health or  
3 business regulation.

4 ~~(e)~~(i) Persons issued registry identification cards by the department of health or division  
5 shall be subject to the following:

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

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

14 (3) A primary caregiver cardholder or authorized purchaser shall notify the ~~department of~~  
15 ~~health~~ division of any change in his or her name or address within ten (10) days of such change. A  
16 primary caregiver cardholder or authorized purchaser who fails to notify the ~~department~~ division  
17 of any of these changes is responsible for a civil infraction, punishable by a fine of no more than  
18 one hundred fifty dollars (\$150).

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

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

31 (6) If a cardholder or authorized purchaser loses his or her registry identification card, he  
32 or she shall notify the department of health or division that issued the card and submit a ten-dollar  
33 (\$10.00) fee within ten (10) days of losing the card. Within five (5) days, the department of health  
34 or division shall issue a new registry identification card with new random identification number.



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

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

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

12 ~~(h)~~(k)(1) Applications and supporting information submitted by qualifying patients,  
13 including information regarding their primary caregivers, authorized purchaser, and practitioners,  
14 are confidential and protected ~~under~~ in accordance with the federal Health Insurance Portability  
15 and Accountability Act of 1996, and shall be exempt from the provisions of chapter 2 of title 38 et  
16 seq. (Rhode Island access to public records act) and not subject to disclosure, except to authorized  
17 employees of the departments of health and business regulation as necessary to perform official  
18 duties of the departments, and pursuant to subsection ~~(j)~~(l) and (m).

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

25 (3) The department of health and the division shall maintain a confidential list of the  
26 persons to whom the department of health or division has issued registry identification cards.  
27 Individual names and other identifying information on the list shall be confidential, exempt from  
28 the provisions of Rhode Island access to public information, chapter 2 of title 38, and not subject  
29 to disclosure, except to authorized employees of the departments of health and business regulation  
30 as necessary to perform official duties of the departments and pursuant to subsections (l) and (m).

31 ~~(i)~~(l) Notwithstanding subsections ~~(h)~~(k) and (m), the departments of health and business  
32 regulation shall may verify to law enforcement personnel whether a registry identification card is  
33 valid or whether a cardholder is compliant with the provisions of this chapter and the regulations  
34 promulgated hereunder. solely by confirming the random registry identification number or name.

1 This verification may occur through the use of a shared database, provided that any [medical records](#)  
2 [or confidential information in this database related to a cardholder's specific medical condition](#) is  
3 protected in accordance with subdivision ~~(k)~~(1).

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

11 ~~(m)~~(m) On or before the fifteenth day of the month following the end of each quarter of the  
12 fiscal year, the department [of health and the division](#) shall report to the governor, the speaker of the  
13 House of Representatives, and the president of the senate on applications for the use of marijuana  
14 for symptom relief. The report shall provide:

15 (1) The number of applications for registration as a qualifying patient, primary caregiver,  
16 or authorized purchaser that have been made to the department [of health and the division](#) during  
17 the preceding quarter, the number of qualifying patients, primary caregivers, and authorized  
18 purchasers approved, the nature of the debilitating medical conditions of the qualifying patients,  
19 the number of registrations revoked, and the number and specializations, if any, of practitioners  
20 providing written certification for qualifying patients.

21 ~~(n)~~(n) On or before September 30 of each year, the department of health [and the division](#)  
22 shall report to the governor, the speaker of the House of Representatives, and the president of the  
23 senate on the use of marijuana for symptom relief. The report shall provide:

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

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

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

34 (4) Statistics regarding the number of marijuana-related prosecutions against registered

1 patients and caregivers, and an analysis of the facts underlying those prosecutions;

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

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

7 **21-28.6-7. Scope of chapter.**

8 (a) This chapter shall not permit:

9 (1) Any person to undertake any task under the influence of marijuana, when doing so  
10 would constitute negligence or professional malpractice;

11 (2) The smoking of marijuana:

12 (i) In a school bus or other form of public transportation;

13 (ii) On any school grounds;

14 (iii) In any correctional facility;

15 (iv) In any public place;

16 (v) In any licensed drug treatment facility in this state; or

17 (vi) Where exposure to the marijuana smoke significantly adversely affects the health,  
18 safety, or welfare of children.

19 (3) Any person to operate, navigate, or be in actual physical control of any motor vehicle,  
20 aircraft, or motorboat while under the influence of marijuana. However, a registered qualifying  
21 patient shall not be considered to be under the influence solely for having marijuana metabolites in  
22 his or her system.

23 [\(4\) Any person to operate a medical marijuana emporium, and the operation of a medical](#)  
24 [marijuana emporium is prohibited in this state.](#)

25 (b) Nothing in this chapter shall be construed to require:

26 (1) A government medical assistance program or private health insurer to reimburse a  
27 person for costs associated with the medical use of marijuana; or

28 (2) An employer to accommodate the medical use of marijuana in any workplace.

29 (c) Fraudulent representation to a law enforcement official of any fact or circumstance  
30 relating to the medical use of marijuana to avoid arrest or prosecution shall be punishable by a fine  
31 of five hundred dollars (\$500) which shall be in addition to any other penalties that may apply for  
32 making a false statement for the nonmedical use of marijuana.

33 **21-28.6-8. Affirmative defense and dismissal.**

34 (a) Except as provided in § 21-28.6-7, a qualifying patient may assert the medical purpose

1 for using marijuana as a defense to any prosecution involving marijuana, and such defense shall be  
2 presumed valid where the evidence shows that:

3 (1) The qualifying patient's practitioner has stated that, in the practitioner's professional  
4 opinion, after having completed a full assessment of the person's medical history and current  
5 medical condition made in the course of a bona fide practitioner-patient relationship, the potential  
6 benefits of using marijuana for medical purposes would likely outweigh the health risks for the  
7 qualifying patient; and

8 (2) The qualifying patient [was compliant with this chapter and all regulations promulgated](#)  
9 [hereunder and](#) in possession of a quantity of marijuana that was not more than what is permitted  
10 under this chapter to ensure the uninterrupted availability of marijuana for the purpose of alleviating  
11 the person's medical condition or symptoms associated with the medical condition.

12 (b) A person may assert the medical purpose for using marijuana in a motion to dismiss,  
13 and the charges shall be dismissed following an evidentiary hearing where the defendant shows the  
14 elements listed in subsection (a) of this section.

15 (c) Any interest in, or right to, property that was possessed, owned, or used in connection  
16 with a qualifying patient's use of marijuana for medical purposes shall not be forfeited if the  
17 qualifying patient demonstrates the qualifying patient's medical purpose for using marijuana  
18 pursuant to this section.

19 **21-28.6-9. Enforcement.**

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

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

29 (c) The department of health and the department of business regulation shall revoke and  
30 shall not reissue, the registry identification card of any cardholder or licensee who is convicted of;  
31 placed on probation; whose case is filed pursuant to § 12-10-12 where the defendant pleads nolo  
32 contendere; or whose case is deferred pursuant to § 12-19-19 where the defendant pleads nolo  
33 contendere for any felony offense under chapter 28 of title 21 ("Rhode Island Controlled Substances  
34 Act") or a similar offense from any other jurisdiction.

1 (d) If a cardholder exceeds the possession limits set forth in §§ 21-28.6-4 or 21-28.6-14, or  
2 is in violation of any other section of this chapter or the regulations promulgated hereunder he or  
3 she shall be subject to arrest and prosecution under chapter 28 of title 21 ("Rhode Island Controlled  
4 Substances Act").

5 (e) (1) Notwithstanding any other provision of this chapter, if the department of business  
6 regulation has reason to believe that any person or entity has in the course of medical marijuana  
7 cultivation, manufacturing, and/or distribution violated any provision of chapter 21-28.6 under the  
8 department's jurisdiction or violated any rule or regulation promulgated thereunder, including but  
9 not limited to engaging in operations or other activity that requires a medical marijuana license  
10 without obtaining the appropriate license, and the department finds that public health, safety, or  
11 welfare imperatively requires emergency action, and incorporates a finding to that effect in its  
12 order, the department may issue an immediate compliance order listing the violation and ordering  
13 the person or entity to cease and desist from the violation and/or otherwise remedy the public health,  
14 safety, or welfare threat presented by the violation. If a person or entity that is the subject of an  
15 immediate compliance order contests the order by requesting a hearing, the order shall remain in  
16 effect pending administrative proceedings, which shall be promptly instituted and determined.  
17 Orders issued under this section shall be enforceable in the Superior Court for Providence County.

18 (2) In addition its authority to issue immediate compliance orders under section § 21-28.6-  
19 9(e)(1), the department of business regulation may issue an order to show cause to any person or  
20 entity for whom/which the department has reason to believe has in the course of medical marijuana  
21 cultivation, manufacturing, and/or distribution violated any provision of chapter 21-28.6 under the  
22 department's jurisdiction or violated any rule or regulation promulgated thereunder, including but  
23 not limited to engaging in operations or other activity that requires a medical marijuana license  
24 without obtaining the appropriate license, ordering that person or entity to appear before the  
25 department at a hearing to show cause why the department should not issue an order to that person  
26 or entity to cease and desist from the violation and/or otherwise remedy the violation. By decision  
27 after hearing pursuant to this subsection (e)(2), approved by the director, the department may issue  
28 a permanent order to cease and desist.

29 **21-28.6-12. Compassion centers.**

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

1 compassion center unless they conflict with a provision contained in § 21-28.6-12.

2 (b) *Registration of compassion centers—authority of the departments of health and business*  
3 *regulation:*

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

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

8 (ii) Minimum oversight requirements for compassion centers;

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

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

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

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

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

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

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

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

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

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

1 for a new compassion center.

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

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

15 (c) *Compassion center and agent applications and registration:*

16 (1) Each application for a compassion center shall ~~include~~ be submitted in accordance with  
17 regulations promulgated by the department of business regulation and shall include but not be  
18 limited to:

19 (i) A non-refundable application fee paid to the department in the amount of ~~two hundred~~  
20 ~~fifty dollars (\$250)~~ ten thousand dollars (\$10,000);

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

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

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

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

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



1 ~~(vii)~~(vi) Proposed procedures to ensure accurate record keeping;

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

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

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

14 (i) Convenience to patients from underserved areas throughout the state of Rhode Island.  
15 ~~to the compassion centers if the applicant were approved;~~

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

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

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

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

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

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

28 (4) A compassion center approved by the department of health on or before December 31,  
29 2016, shall submit the following to the department before it may begin operations:

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

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

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

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

1 compassion center; and

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

4 (5) A compassion center approved or renewed by the department of business regulation on  
5 or after January 1, 2017, shall submit materials pursuant to regulations promulgated by the  
6 department of business regulation ~~the following to the department~~ before it may begin operations  
7 which shall include but not be limited to:

8 (i) A fee paid to the department in the amount of ~~five~~ thirty thousand dollars (\$~~530~~,000);

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

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

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

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

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

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

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

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

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

33 (v) A photograph, if the department of health or the department of business regulation  
34 decides to require one; and

1 [\(vi\) Any other information or card classification that the department of business regulation](#)  
2 [requires.](#)

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

14 (i) All registry identification card applicants shall apply to the department of public safety  
15 division of state police, [the attorney general's office, or local law enforcement](#) for a national  
16 criminal identification records check that shall include fingerprints submitted to the federal bureau  
17 of investigation. Upon the discovery of a felony drug offense conviction or a plea of nolo  
18 contendere for a felony drug offense with a sentence of probation, and in accordance with the rules  
19 promulgated by the department of health and the department of business regulation, the department  
20 of public safety division of state police, [the attorney general's office, or local law enforcement](#) shall  
21 inform the applicant, in writing, of the nature of the felony and the department of public safety  
22 division of state police shall notify the department of health or the department of business  
23 regulation, in writing, without disclosing the nature of the felony, that a felony drug offense  
24 conviction or a plea of nolo contendere for a felony drug offense with probation has been found.

25 (ii) In those situations in which no felony drug offense conviction or plea of nolo  
26 contendere for a felony drug offense with probation has been found, the department of public safety  
27 division of state police, [the attorney general's office, or local law enforcement](#) shall inform the  
28 applicant and the department of health or the department of business regulation, in writing, of this  
29 fact.

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

32 (8) A registry identification card of a principal officer, board member, agent, volunteer, ~~or~~  
33 employee, [or any other designation required by the division](#) shall expire one year after its issuance,  
34 or upon the expiration of the registered organization's registration certificate, or upon the

1 termination of the principal officer, board member, agent, volunteer or employee's relationship with  
2 the compassion center, whichever occurs first.

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

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

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

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

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

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

27 *(d) Expiration or termination of compassion center:*

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

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

1 conditions are all satisfied:

2 (i) The compassion center submits the materials required under subdivisions (c)(4) and  
3 (c)(5), including a ~~five~~ thirty thousand dollar (~~\$530,000~~) fee;

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (f) *Compassion center requirements:*

1 (1) A compassion center shall be operated on a not-for-profit basis for the mutual benefit  
2 of its patients. A compassion center need not be recognized as a tax-exempt organization by the  
3 Internal Revenue Service; . A compassion center shall be subject to regulations promulgated by the  
4 department of business regulation for general operations and record keeping which shall include  
5 but not be limited to:

6 (i) Minimum security and surveillance requirements;

7 (ii) Minimum requirements for workplace safety and sanitation;

8 (iii) Minimum requirements for product safety and testing;

9 (iv) Minimum requirements for inventory tracking and monitoring;

10 (v) Minimum requirements for the secure transport and transfer of medical marijuana;

11 (vi) Minimum requirements to address odor mitigation;

12 (vii) Minimum requirements for product packaging and labeling;

13 (vii) Minimum requirements for advertising;

14 (ix) Minimum requirements for the testing and destruction of marijuana. Wherever  
15 destruction of medical marijuana and medical marijuana product is required to bring a person or  
16 entity into compliance with any provision of chapter 21-28.6, any rule or regulation promulgated  
17 thereunder, or any administrative order issued in accordance therewith, the director of the  
18 department of business regulation may designate his or her employees or agents to facilitate said  
19 destruction.

20 (x) If a compassion center violates this chapter, or any regulation thereunder, and the  
21 department of business regulation determines that violation does not pose an immediate threat to  
22 public health or public safety, the compassion center shall pay to the department of business  
23 regulation a fine of no less than five-hundred dollars (\$500).

24 (xi) If a compassion center violates this chapter, or any regulation promulgated hereunder,  
25 and the department of business regulation determines that violation poses an immediate threat to  
26 public health or public safety, the compassion center shall pay to the department of business  
27 regulation a fine of no less than two-thousand dollars (\$2,000) and the department shall be entitled  
28 to pursue any other enforcement action provided for under this chapter and the regulations.

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

31 (3) On or before December 31, 2016, a compassion center shall notify the department of  
32 health within ten (10) days of when a principal officer, board member, agent, volunteer, or  
33 employee ceases to work at the compassion center. On or after January 1, 2017, a compassion  
34 center shall notify the department of business regulation within ten (10) days of when a principal

1 officer, board member, agent, volunteer, or employee ceases to work at the compassion center. His  
2 or her card shall be deemed null and void and the person shall be liable for any penalties that may  
3 apply to any nonmedical possession or use of marijuana by the person;

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

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

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

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

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

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

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



1 (10) Effective July 1, 2017, each compassion center shall be subject to any regulations  
2 promulgated by the departments of health and business regulation that specify how usable  
3 marijuana must be tested for items included but not limited to cannabinoid profile and  
4 contaminants.

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (1) A compassion center or principal officer, board member, agent, volunteer, or employee  
33 of a compassion center may not dispense more than ~~two and one-half (2.5)~~ three (3 oz.) of dried  
34 usable marijuana, or its equivalent, to a qualifying patient directly or through a qualifying patient's

1 primary caregiver or authorized purchaser during a fifteen-day (15) period;

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

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

19 (h) *Immunity:*

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

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

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

1 compassion center to engage in acts permitted by this section.

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

7 (i) *Prohibitions:*

8 (1) A compassion center must limit its inventory of ~~seedlings, plants, and~~ usable marijuana  
9 to reflect the projected needs of qualifying patients; (i) A compassion center may not cultivate  
10 marijuana or manufacture or process marijuana products pursuant to its compassion center  
11 registration, provided that cultivation, processing and manufacture may be conducted under a  
12 cultivator license or a manufacturer license which has been issued to the compassion center by the  
13 department of business regulation pursuant to regulations promulgated by the department.

14 (ii) A compassion center which was approved by the department of health or renewed by  
15 the department of business regulation prior to July 1, 2018 may also hold a cultivator license and a  
16 manufacturer license and shall be issued said license or licenses in accordance with regulations  
17 promulgated by the department of business regulation, provided that the class or classes of said  
18 cultivator license and manufacturer license shall correspond to the size of any growing,  
19 manufacturing, or processing facility or facilities which were in operation or were approved prior  
20 to July 1, 2018.

21 (iii) A compassion center which is approved by the department of health or renewed by the  
22 department of business regulation after July 1, 2018 may also hold a cultivator license and a  
23 manufacturer license in accordance with regulations promulgated by the department of business  
24 regulation, provided the class or classes of said cultivator license and manufacturer license shall  
25 correspond to the size of any growing, manufacturing, or processing facility or facilities which  
26 were in operation or were approved prior to July 1, 2018.

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

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

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

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

9 (j) *Legislative oversight committee:*

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

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

19 (i) Patients' access to medical marijuana;

20 (ii) Efficacy of compassion centers;

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

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

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

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

26 **21-28.6-15. Medical Marijuana Plant Tags.**

27 (a) Effective January 1, 2017, the department of business regulation shall make medical  
28 marijuana tag sets available for purchase. Effective April 1, 2017, every marijuana plant, either  
29 mature or ~~seedling~~ immature, grown by a registered patient or primary caregiver must be  
30 accompanied by a physical medical marijuana tag purchased through the department of business  
31 regulation and issued by the ~~department of health~~ division to qualifying patients and primary  
32 caregivers ~~or by the department of business regulation to licensed cultivators.~~

33 (1) The department of business regulation shall charge an annual fee for each medical  
34 marijuana tag set which shall include one tag for a mature medical marijuana plant and one tag for

1 ~~a seedling~~ an immature plant. If the required fee has not been paid, those medical marijuana tags  
2 shall be considered expired and invalid. The fee established by the department of business  
3 regulation shall be in accordance with the following requirements:

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

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

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

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

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

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

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

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

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

32 (6) All licensed cultivators shall purchase at least one medical marijuana tag set or utilize  
33 a seed to sale tracking system in accordance with regulations promulgated by the department of  
34 business regulation.

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

5 (b) *Enforcement:*

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

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

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

25 ~~(4) If a patient cardholder, primary caregiver cardholder, or licensed cooperative~~  
26 ~~cultivation is found to have mature marijuana plants exceeding the limits set forth in §21-28.6-4,~~  
27 ~~§21-28.6-14, and §21-28.6-16 in addition to any penalties that may be imposed pursuant to §21-~~  
28 ~~28.6-9, the department of health or department of business regulation may impose an administrative~~  
29 ~~penalty on that cardholder or license holder for each mature marijuana plant in excess of the~~  
30 ~~applicable statutory limit of no less than the total fee that would be paid by a cardholder who~~  
31 ~~purchased medical marijuana tags for such plants in compliance with this chapter.~~

32 **21-28.6-16. Licensed cultivators.**

33 (a) A licensed cultivator licensed under this section may acquire, possess, cultivate, deliver,  
34 or transfer marijuana to licensed compassion centers or to a licensed manufacturer. A licensed

1 cultivator shall not be a primary caregiver cardholder and shall not hold a cooperative cultivation  
2 license. Except as specifically provided to the contrary, all provisions of the Edward O. Hawkins  
3 and Thomas C. Slater Medical Marijuana Act, §§ 21-28.6-1 – 21-28.6-15, apply to a licensed  
4 cultivator unless they conflict with a provision contained in § 21-28.6-16.

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

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

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

17 (d) The department of business regulation shall promulgate regulations that govern how  
18 many marijuana plants, ~~how many marijuana seedlings~~ mature and immature, how much wet  
19 marijuana, and how much usable marijuana a licensed cultivator may possess. Every marijuana  
20 plant possessed by a licensed cultivator must be accompanied by valid medical marijuana tag issued  
21 by the department of business regulation pursuant to § 21-28.6-15 or catalogued in a seed to sale  
22 inventory tracking system in accordance with regulations promulgated by the department of  
23 business regulation. ~~Each cultivator must purchase at least one medical marijuana tag or in order~~  
24 ~~to remain a licensed cultivator.~~

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



1 (d) shall cause a licensed cultivator to lose the protections described in subsection (m) and may  
2 subject the licensed cultivator to arrest and prosecution under Chapter 28 of title 21 (the Rhode  
3 Island Controlled Substances Act).

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

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

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

12 (i) Cultivators shall only be licensed to grow, marijuana at a single location, registered with  
13 the department of business regulation and the department of public [safety unless the cultivator's](#)  
14 [license is held by a compassion center which was approved by the department of health or renewed](#)  
15 [by the department of business regulation prior to July 1, 2018](#). The department of business  
16 regulation may promulgate regulations governing where cultivators are allowed to grow.  
17 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 police  
23 department for a national criminal records check that shall include fingerprints submitted to the  
24 Federal Bureau of Investigation. Upon the discovery of any disqualifying information as defined  
25 in subdivision (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 department  
28 shall inform the applicant, in writing, of the nature of the disqualifying information; and, without  
29 disclosing the nature of the disqualifying information, shall notify the department of business  
30 regulation, in writing, that disqualifying information has been discovered.

31 (1) In those situations in which no disqualifying information has been found, the bureau of  
32 criminal identification of the department of attorney general, department of public safety division  
33 of state police, or the local police department shall inform the applicant and the department of  
34 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 (1) Persons issued cultivator licenses shall be subject to the following:

8 (1) A licensed cultivator cardholder shall notify and request approval from the department  
9 of business regulation of any change in his or her name or address within ten (10) days of such  
10 change. A cultivator cardholder who fails to notify the department of business regulation of any of  
11 these 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 cardholder notifies the department of business regulation of  
14 any changes listed in this subsection, the department of business regulation shall issue the cultivator  
15 cardholder a new ~~license~~ registry identification card after the department approves the changes and  
16 receives from the licensee payment of a fee specified in regulation.

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

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

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

27 (m) *Immunity:*

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

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

1 a business, occupational, or professional licensing board or entity, for selling, giving, or distributing  
2 marijuana in whatever form and within the limits established by the department of business  
3 regulation to a [licensed manufacturer or](#) 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 denied  
6 any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business,  
7 occupational, or professional licensing board or entity, solely for working for or with a licensed  
8 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 the  
12 scope of his or her employment regarding the administration, execution, and/or enforcement of this  
13 act, and the provisions of §§ 9-31-8 and 9-31-9 shall be applicable to this section.

14 **21-28.6-17. Revenue.**

15 (a) Effective July 1, 2016, all fees collected by the departments of health and business  
16 regulation from applicants, registered patients, primary caregivers, authorized purchasers, licensed  
17 cultivators, [licensed manufacturers](#), cooperative cultivations, compassion centers, [other licensees](#)  
18 [licensed pursuant to this chapter](#), and compassion-center [and other registry identification](#)  
19 cardholders shall be placed in restricted-receipt accounts to support the state's medical marijuana  
20 program, including but not limited to, payment of expenses incurred by the departments of health  
21 and business regulation for the administration of the program.

22 (b) All revenues remaining in the restricted-receipt accounts after payments specified in  
23 subsection (a) of this section shall first be paid to cover any existing deficit in the department of  
24 health's restricted-receipt account or the department of business regulation's restricted-receipt  
25 account. These transfers shall be made annually on the last business day of the fiscal year.

26 (c) All revenues remaining in the restricted-receipt accounts after payments specified in  
27 subsections (a) and (b) shall be paid into the state's general fund. These payments shall be made  
28 annually on the last business day of the fiscal year.

29 SECTION 2. Chapter 21-28.6 of the General Laws entitled “The Edward O. Hawkins and  
30 Thomas C. Slater Medical Marijuana Act” are hereby amended by adding thereto the following  
31 sections:

32 **21-28.6-16.1. Licensed manufacturers.**

33 [\(a\) A marijuana manufacturer licensed under this section may acquire marijuana from](#)  
34 [licensed cultivators or compassion centers. A licensed manufacturer may possess, manufacture, or](#)

1 process marijuana into marijuana products in accordance with regulations promulgated by the  
2 department of business regulation. A licensed manufacturer may deliver, or transfer marijuana  
3 products to licensed compassion centers or another licensed manufacturer in accordance with  
4 regulations promulgated by the department of business regulation. A licensed manufacturer shall  
5 not be a primary caregiver cardholder and shall not hold a cooperative cultivation license. A  
6 licensed manufacturer shall not grow, cultivate, sell, or dispense medical marijuana unless the  
7 licensed manufacturer has also been issued a cultivator license or compassion center registration  
8 pursuant to regulations promulgated by the department of business regulation. The department of  
9 business regulation may restrict the number, types, and classes of medical marijuana licenses an  
10 applicant may be issued through regulations promulgated by the department. Except as specifically  
11 provided to the contrary, all provisions of the Edward O. Hawkins and Thomas C. Slater Medical  
12 Marijuana Act, §§ 21-28.6-1 – 21-28.6-15, apply to a licensed manufacturer unless they conflict  
13 with a provision contained in § 21-28.6-16.1.

14 (b) Licensing of manufacturers – Department of business regulation authority. The  
15 department of business regulation shall promulgate regulations governing the manner in which it  
16 shall consider applications for the licensing of manufacturers, including but not limited to  
17 regulations governing:

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

19 (2) Minimum oversight requirements for licensed manufacturers;

20 (3) Minimum record-keeping requirements for manufacturers;

21 (4) Minimum security requirements for manufacturers; and

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

24 (6) Applicable application and license fees.

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

28 (d) The department of business regulation may promulgate regulations that govern how  
29 much marijuana a licensed manufacturer may possess. All marijuana possessed by a licensed  
30 manufacturer must be catalogued in a seed to sale inventory tracking system in accordance with  
31 regulations promulgated by the department of business regulation.

32 (e) Manufacturers shall only sell manufactured marijuana products to compassion centers  
33 or another licensed manufacturer. The department may suspend and/or revoke the manufacturer's  
34 license and the license of any officer, director, employee, or agent of such manufacturer and/or

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

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

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

12 (i) manufacturers shall only be licensed to manufacture marijuana at a single location,  
13 registered with the department of business regulation and the department of public safety unless  
14 the manufacturer license is held by a compassion center which was approved by the department of  
15 health or renewed by the department of business regulation prior to July 1, 2018. The department  
16 of business regulation may promulgate regulations governing where manufacturers are allowed to  
17 grow. Manufacturers must abide by all local ordinances, including zoning ordinances.

18 (j) Inspection. Manufacturers shall be subject to reasonable inspection by the department  
19 of 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 manufacturer 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 police  
23 department for a national criminal records check that shall include fingerprints submitted to the  
24 Federal Bureau of Investigation. Upon the discovery of any disqualifying information as defined  
25 in subdivision (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 department  
28 shall inform the applicant, in writing, of the nature of the disqualifying information; and, without  
29 disclosing the nature of the disqualifying information, shall notify the department of business  
30 regulation, in writing, that disqualifying information has been discovered.

31 (l) In those situations in which no disqualifying information has been found, the bureau of  
32 criminal identification of the department of attorney general, department of public safety division  
33 of state police, or the local police department shall inform the applicant and the department of  
34 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 manufacturer applicant shall be responsible for any expense associated with the  
6 national criminal records check.

7           (l) Persons issued manufacturer licenses or registration card shall be subject to the  
8 following:

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

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

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

22           (4) A licensed manufacturer cardholder shall notify the department of business regulation  
23 of any disqualifying criminal convictions as defined in subdivision (k)(2). The department of  
24 business regulation may choose to suspend and/or revoke his or her card after such notification.

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

28           (m) Immunity:

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

34           (2) No licensed manufacturer shall be subject to prosecution, seizure, or penalty in any

1 manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary  
2 action by a business, occupational, or professional licensing board or entity, for selling, giving, or  
3 distributing marijuana in whatever form and within the limits established by the department of  
4 business regulation to another licensed manufacturer or registered compassion center;

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

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

15 **21-28.6-16.2. Other Supporting Medical Marijuana Licenses.**

16 (a) The department of business regulation shall have the authority to promulgate  
17 regulations to create and implement additional types and classes of commercial medical marijuana  
18 licenses, including but not limited to, licenses for businesses to engage in marijuana destruction,  
19 delivery, disposal, research and development, transportation or any other commercial activity  
20 needed to support licensed cultivators, licensed manufacturers, compassion centers, licensed testing  
21 facilities, and patient need; provided no license created by the department shall allow for the retail  
22 sale of medical marijuana to registered cardholders.

23 (b) The department of business regulation shall promulgate regulations governing the  
24 manner in which it shall consider applications for issuing additional medical marijuana licenses,  
25 including but not limited to, regulations governing:

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

27 (2) Minimum oversight requirements for additional medical marijuana license holders;

28 (3) Minimum record-keeping requirements for additional medical marijuana license  
29 holders;

30 (4) Minimum security requirements for additional medical marijuana license holders;

31 (5) Procedures for suspending, revoking, or terminating the licenses of licensees that  
32 violate the provisions of this chapter or the regulations promulgated pursuant to this chapter; and

33 (6) Applicable application and license fees.

34 (c) Any applicant, or employee, officer, director, manager, member or agent of a holder of



1 a license issued by the department of business regulation pursuant to this section and the regulations  
2 shall be required to obtain a registry identification card from the division subject to the requirements  
3 and fees set by the department pursuant to the regulations.

4 (d) With respect to any licenses and registrations issued by the department of business  
5 regulation pursuant to this chapter, the department of business regulation shall be entitled to charge  
6 application, license and registration fees as set by the department of business regulation and set  
7 forth in regulations promulgated here under.

8 SECTION 3. Section 21-28.6-6.1 of the General Laws in Chapter 21-28.6 entitled “The  
9 Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act” is hereby repealed.

10 ~~**21-28.6-6.1. Administration of regulations.**~~

11 ~~(a) The department of health shall issue registry identification cards to qualifying patients~~  
12 ~~who submit the following, in accordance with the department's regulations:~~

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

14 ~~(2) Application or renewal fee;~~

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

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

18 ~~(5) Name, address, and date of birth of each primary caregiver of the qualifying patient, if~~  
19 ~~any.~~

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

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

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

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

27 ~~(ii) Serve as one of the qualifying patient's primary caregivers; and~~

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

30 ~~(c) The department shall not issue a registry identification card to a qualifying patient~~  
31 ~~seeking treatment for post-traumatic stress disorder (PTSD) under the age of eighteen (18).~~

32 ~~(d) The department shall verify the information contained in an application or renewal~~  
33 ~~submitted pursuant to this section, and shall approve or deny an application or renewal within~~  
34 ~~fifteen (15) days of receiving it. The department may deny an application or renewal only if the~~

1 ~~applicant did not provide the information required pursuant to this section, or if the department~~  
2 ~~determines that the information provided was falsified. Rejection of an application or renewal is~~  
3 ~~considered a final department action, subject to judicial review. Jurisdiction and venue for judicial~~  
4 ~~review are vested in the superior court.~~

5 ~~(e) If the qualifying patient's practitioner notifies the department in a written statement that~~  
6 ~~the qualifying patient is eligible for hospice care, the department shall verify the application~~  
7 ~~information in accordance with subsection (d) and issue a registry identification card to the~~  
8 ~~qualifying patient and primary caregivers named in the patient's application within seventy two~~  
9 ~~(72) hours of receipt of the completed application. The department shall not charge a registration~~  
10 ~~fee to the patient or caregivers named in the application.~~

11 ~~(f) The department shall issue a registry identification card to each primary caregiver, if~~  
12 ~~any, who is named in a qualifying patient's approved application, up to a maximum of two (2)~~  
13 ~~primary caregivers per qualifying patient.~~

14 ~~(1) The primary caregiver applicant shall apply to the bureau of criminal identification of~~  
15 ~~the department of attorney general, state police, or local police department for a national criminal~~  
16 ~~records check that shall include fingerprints submitted to the Federal Bureau of Investigation. Upon~~  
17 ~~the discovery of any disqualifying information as defined in subdivision (f)(4), and in accordance~~  
18 ~~with the rules promulgated by the director, the bureau of criminal identification of the department~~  
19 ~~of attorney general, state police, or the local police department shall inform the applicant, in writing,~~  
20 ~~of the nature of the disqualifying information; and, without disclosing the nature of the~~  
21 ~~disqualifying information, shall notify the department, in writing, that disqualifying information~~  
22 ~~has been discovered.~~

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

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

34 ~~(4) Information produced by a national criminal records check pertaining to a conviction~~

1 ~~for any felony offense under chapter 28 of title 21 ("Rhode Island Controlled Substances Act");~~  
2 ~~murder, manslaughter, rape, first-degree sexual assault, second-degree sexual assault, first-degree~~  
3 ~~child molestation, second-degree child molestation, kidnapping, first-degree arson, second-degree~~  
4 ~~arson, mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon, assault~~  
5 ~~or battery involving grave bodily injury, and/or assault with intent to commit any offense~~  
6 ~~punishable as a felony or a similar offense from any other jurisdiction shall result in a letter to the~~  
7 ~~applicant and the department disqualifying the applicant. If disqualifying information has been~~  
8 ~~found, the department may use its discretion to issue a primary caregiver registry identification card~~  
9 ~~if the applicant's connected patient is an immediate family member and the card is restricted to that~~  
10 ~~patient only.~~

11 ~~(5) The primary caregiver applicant shall be responsible for any expense associated with~~  
12 ~~the national criminal records check.~~

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

18 ~~(g) The department shall issue registry identification cards within five (5) days of~~  
19 ~~approving an application or renewal that shall expire two (2) years after the date of issuance.~~

20 ~~Registry identification cards shall contain:~~

21 ~~(1) The date of issuance and expiration date of the registry identification card;~~

22 ~~(2) A random registry identification number;~~

23 ~~(3) A photograph; and~~

24 ~~(4) Any additional information as required by regulation or the department.~~

25 ~~(h) Persons issued registry identification cards shall be subject to the following:~~

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

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

34 ~~(3) A primary caregiver cardholder or compassion center cardholder shall notify the~~

1 ~~department of any change in his or her name or address within ten (10) days of such change. A~~  
2 ~~primary caregiver cardholder or compassion center cardholder who fails to notify the department~~  
3 ~~of any of these changes is responsible for a civil infraction, punishable by a fine of no more than~~  
4 ~~one hundred fifty dollars (\$150).~~

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

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

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

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

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

27 ~~(j)(1) Applications and supporting information submitted by qualifying patients, including~~  
28 ~~information regarding their primary caregivers and practitioners, are confidential and protected~~  
29 ~~under the federal Health Insurance Portability and Accountability Act of 1996, and shall be exempt~~  
30 ~~from the provisions of chapter 2 of title 38 et seq. (Rhode Island access to public records act) and~~  
31 ~~not subject to disclosure, except to authorized employees of the department as necessary to perform~~  
32 ~~official duties of the department, and pursuant to subsection (k) of this section.~~

33 ~~(2) The application for qualifying patient's registry identification card shall include a~~  
34 ~~question asking whether the patient would like the department to notify him or her of any clinical~~

1 ~~studies about marijuana's risk or efficacy. The department shall inform those patients who answer~~  
2 ~~in the affirmative of any such studies it is notified of that will be conducted in Rhode Island. The~~  
3 ~~department may also notify those patients of medical studies conducted outside of Rhode Island.~~

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

9 (k) ~~Notwithstanding subsection (j) of this section, the department shall verify to law~~  
10 ~~enforcement personnel whether a registry identification card is valid solely by confirming the~~  
11 ~~random registry identification number or name.~~

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

17 (m) ~~On or before January 1 of each odd numbered year, the department shall report to the~~  
18 ~~house committee on health, education and welfare and to the senate committee on health and human~~  
19 ~~services on the use of marijuana for symptom relief. The report shall provide:~~

20 (1) ~~The number of applications for registry identification cards, the number of qualifying~~  
21 ~~patients and primary caregivers approved, the nature of the debilitating medical conditions of the~~  
22 ~~qualifying patients, the number of registry identification cards revoked, and the number of~~  
23 ~~practitioners providing written certification for qualifying patients;~~

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

26 (3) ~~Statistics regarding the number of marijuana related prosecutions against registered~~  
27 ~~patients and caregivers, and an analysis of the facts underlying those prosecutions;~~

28 (4) ~~Statistics regarding the number of prosecutions against physicians for violations of this~~  
29 ~~chapter; and~~

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

33 SECTION 4. This Article shall take effect upon passage.