

1 **ARTICLE 15**

2 RELATING TO MARIJUANA

3 SECTION 1. Sections 2-26-1, 2-26-3, 2-26-4, 2-26-5, 2-26-6 and 2-26-7 of the General
4 Laws in Chapter 2-26 entitled "Hemp Growth Act" are hereby amended to read as follows:

5 **2-26-1. Short title.**

6 This chapter shall be known and may be cited as the "Industrial Hemp Growth Act."

7 **2-26-3. Definitions.**

8 When used in this chapter, the following terms shall have the following meanings:

9 (1) "Applicant" means any person, firm, corporation, or other legal entity who or that, on
10 his, her, or its own behalf, or on behalf of another, has applied for permission to engage in any act
11 or activity that is regulated under the provisions of this chapter.

12 (2) "Cannabis" means all parts of the plant of the genus marijuana, also known as marijuana
13 sativa L. whether growing or not; the seeds thereof; the resin extracted from any part of the plant;
14 and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds,
15 or resin regardless of cannabinoid content or cannabinoid potency including "marijuana" and
16 "industrial hemp" or "industrial hemp products" which satisfy the requirements of this chapter.

17 (3) "Cannabidiol" or "CBD" means cannabidiol (CBD) derived from a hemp plant as
18 defined in § 2-26-3, not including products derived from exempt cannabis plant material as defined
19 in 21 C.F.R. § 1308.35.

20 ~~(2)~~(4) "Department" means the office of cannabis regulation within the department of
21 business regulation.

22 ~~(3)~~(5) "Division" means the division of agriculture in the department of environmental
23 management.

24 ~~(4)~~(6) "Grower" means a person or entity who or that produces hemp for commercial
25 purposes.

26 ~~(5)~~(7) "Handler" means a person or entity who or that produces or processes hemp or
27 agricultural hemp seed for processing into commodities or who manufactures hemp; products; ~~or~~
28 ~~agricultural hemp seed.~~

29 ~~(6)~~(8) "Hemp" or "industrial hemp" means ~~the plant of the genus cannabis and any part of~~
30 ~~such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not~~

1 ~~exceed three tenths percent (0.3%) on a dry weight basis of any part of the plant cannabis, or per~~
2 ~~volume or weight of marijuana product or the combined percent of delta-9 tetrahydrocannabinol~~
3 ~~and tetrahydrocannabinolic acid in any part of the plant cannabis regardless of the moisture content.~~
4 ~~Hemp is also commonly referred to in this context as "industrial hemp."~~ the plant Cannabis sativa
5 L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids,
6 isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9
7 tetrahydrocannabinol concentration of not more than three-tenths percent (0.3%) on a dry weight
8 or per volume basis regardless of moisture content, and which satisfies the requirements of this
9 chapter.

10 (9) "Hemp-derived consumable CBD product" means any product meant for ingestion,
11 including, but not limited to, concentrates, extracts, and cannabis-infused foods and products,
12 which contains cannabidiol derived from a hemp plant as defined in § 2-26-3, which shall only be
13 sold to persons age twenty-one (21) or older, and which shall not include products derived from
14 exempt cannabis plant material as defined in 21 C.F.R. § 1308.35.

15 ~~(7)~~(10) "Hemp products" or "industrial hemp products" means all products made from the
16 plants, including, but not limited to, concentrated oil, cloth, cordage, fiber, food, fuel, hemp-derived
17 consumable CBD products, paint, paper, construction materials, plastics, seed, seed meal, seed oil,
18 and seed certified for cultivation, which satisfy the requirements of this chapter.

19 (11) "Licensed CBD distributor" means a person licensed to distribute hemp-derived
20 consumable CBD products pursuant to this chapter.

21 (12) "Licensed CBD retailer" means a person licensed to sell hemp-derived consumable
22 CBD products pursuant to this chapter.

23 ~~(8)~~(13) "THC" means tetrahydrocannabinol, the principal psychoactive constituent of
24 cannabis.

25 ~~(9)~~(14) "THCA" means tetrahydrocannabinol acid.

26 **2-26-4. Hemp an agricultural product.**

27 Hemp is an agricultural product that may be grown as a crop, produced, possessed,
28 distributed, sold at retail, and commercially traded pursuant to the provisions of this chapter. Hemp
29 is subject to primary regulation by the department. The division may assist the department in the
30 regulation of hemp growth and production.

31 **2-26-5. Authority over licensing and sales.**

32 (a) The department shall ~~promulgate~~ prescribe rules and regulations for the licensing and
33 regulation of hemp growers, ~~and~~ handlers, licensed CBD distributors, and licensed CBD retailers
34 and or persons ~~otherwise~~ employed by the applicant not inconsistent with law, to carry into effect

1 the provision of this chapter and shall be responsible for the enforcement of such licensing ~~and~~
2 ~~regulation.~~

3 (b) All growers, ~~and~~ handlers, ~~and~~ licensed CBD distributors, and licensed CBD retailers
4 must have a hemp license issued by the department. All production, distribution and retail sale of
5 hemp-derived consumable CBD products must be consistent with any applicable state or local food
6 processing and safety regulations, and the applicant shall be responsible to ensure its compliance
7 with such regulations and any applicable food safety licensing requirements including but not
8 limited to those promulgated by the department of health.

9 (c) The application for a hemp license shall include, but not be limited to, the following:

10 (1)(i) The name and address of the applicant who will supervise, manage, or direct the
11 growing and handling of hemp and the names and addresses of any person or entity partnering or
12 providing consulting services regarding the growing or handling of hemp; and

13 (ii) The name and address of the applicant who will supervise, manage, or direct the
14 distribution or sale of hemp-derived consumable CBD products, and names and addresses of any
15 person or entity partnering or providing consulting services regarding the distribution or sale of
16 hemp-derived CBD products.

17 (2) A certificate of analysis that the seeds or plants obtained for cultivation are of a type
18 and variety that do not exceed the maximum concentration of delta-9 THC, as set forth in § 2-26-
19 3; any seeds that are obtained from a federal agency are presumed not to exceed the maximum
20 concentration and do not require a certificate of analysis.

21 (3)(i) The location of the facility, including the Global Positioning System location, and
22 other field reference information as may be required by the department with a tracking program
23 and security layout to ensure that all hemp grown is tracked and monitored from seed to distribution
24 outlets; and

25 (ii) The location of the facility and other information as may be required by the department
26 as to where the distribution or sale of hemp-derived consumable CBD products will occur.

27 (4) An explanation of the seed to sale tracking, cultivation method, extraction method, and
28 certificate of analysis or certificate of analysis for the standard hemp seeds or hemp product if
29 required by the department.

30 (5) Verification, prior to planting any seed, that the plant to be grown is of a type and
31 variety of hemp that will produce a delta-9 THC concentration of no more than three-tenths of one
32 percent (0.3%) on a dry-weight basis.

33 (6) Documentation that the licensee and/or its agents have entered into a purchase
34 agreement with a hemp handler, ~~or~~ processor, distributor or retailer.

1 (7) All applicants:

2 (i) Shall apply to the state police, [attorney general, or local law enforcement](#) for a National
3 Criminal Identification records check that shall include fingerprints submitted to the Federal
4 Bureau of Investigation. Upon the discovery of a disqualifying conviction defined in paragraph (iv)
5 and (v), and in accordance with the rules promulgated by the department, the state police shall
6 inform the applicant, in writing, of the nature of the conviction, and the state police shall notify the
7 department, in writing, without disclosing the nature of the conviction, that a conviction has been
8 found;

9 (ii) In those situations in which no conviction has been found, the state police shall inform
10 the applicant and the department, in writing, of this fact;

11 (iii) All applicants shall be responsible for any expense associated with the criminal
12 background check with fingerprints.

13 (iv) Any applicant who has been convicted of any felony offense under chapter 28 of title
14 21, or any person who has been convicted of murder, manslaughter, first-degree sexual assault,
15 second-degree sexual assault, first-degree child molestation, second-degree child molestation,
16 kidnapping, first-degree arson, second-degree arson, mayhem, robbery, burglary, breaking and
17 entering, assault with a dangerous weapon, or any assault and battery punishable as a felony or
18 assault with intent to commit any offense punishable as a felony, shall be disqualified from holding
19 any license or permit under this chapter. The department shall notify any applicant, in writing, [of](#)
20 ~~for~~ a denial of a license pursuant to this subsection.

21 (v) For purposes of this section, "conviction" means, in addition to judgments of conviction
22 entered by a court subsequent to a finding of guilty, or plea of guilty, those instances where the
23 defendant has entered a plea of nolo contendere and has received a jail sentence or a suspended jail
24 sentence, or those instances wherein the defendant has entered into a deferred sentence agreement
25 with the Rhode Island attorney general and the period of deferment has not been completed.

26 (8) Any other information as set forth in rules and regulations as required by the
27 department.

28 ~~(d) All employees of the applicant shall register with the Rhode Island state police.~~

29 ~~(e)~~(d) The department shall issue a hemp license to the [grower or handler](#) applicant if he,
30 she, or it meets the requirements of this chapter, upon the applicant paying a licensure fee of two
31 thousand five hundred dollars (\$2,500). Said license shall be renewed every two (2) years upon
32 payment of a two thousand five hundred dollar (\$2,500) renewal fee. Any licensee convicted of
33 any disqualifying offense described in subsection (c)(7)(iv) shall have his, her, or its license
34 revoked. All license fees shall be directed to the department to help defray the cost of enforcement.

1 The department shall collect a nonrefundable application fee of two hundred fifty dollars (\$250)
2 for each application to obtain a license.

3 (e) Any grower or handler license applicant or license holder may also apply for, and be
4 issued a CBD distributor and/or CBD retailer license at no additional cost provided their grower or
5 handler license is issued or renewed. CBD distributor and CBD retailer licenses shall be renewed
6 each year at no additional fee provided the applicant also holds or renews a grower and/or handler
7 license.

8 (f) For applicants who do not hold, renew, or receive a grower or handler license, CBD
9 distributor and CBD retailer licenses shall have a licensure fee of five hundred dollars (\$500). Said
10 licenses shall be renewed each year upon approval by the department and payment of a five hundred
11 dollar (\$500) renewal fee.

12 **2-26-6. Rulemaking authority.**

13 (a) The department shall adopt rules to provide for the implementation of this chapter,
14 which shall include rules to require hemp to be tested during growth for THC levels and to require
15 inspection of hemp during sowing, growing season, harvest, storage, and processing. Included in
16 these rules should be a system requiring the licensee to submit crop samples to an approved testing
17 facility, as determined by the department, for testing and verification of compliance with the limits
18 on delta-9 THC concentration.

19 (b) The department shall prescribe rules and regulations for all operational requirements
20 for licensed growers, handlers, CBD distributors and retailers, and to ensure consistency in
21 manufactured products and appropriate packaging, labeling, and placement with respect to retail
22 sales not inconsistent with law, to carry in effect the provisions of this chapter.

23 ~~(b)~~(c) The department shall not adopt under this or any other section, a rule that would
24 prohibit a person or entity to grow, ~~or~~ distribute or sell hemp based solely on the legal status of
25 hemp under federal law.

26 (d) The department may adopt rules and regulations based on federal law provided those
27 rules and regulations are designed to comply with federal guidance and mitigate federal
28 enforcement against the licenses issued under this chapter.

29 (e) All rules and regulations promulgated pursuant to this chapter shall also include a
30 provision requiring any public comment period to continue for at least thirty (30) days and a
31 provision requiring advance notification to be provided to the governor, speaker of the house of
32 representatives, and president of the senate prior to any announcement of public hearing or public
33 comment period establishing new or modifying existing rules and regulations. In promulgating
34 these rules and regulations, the department shall establish policies and procedures that promote

1 [procedural transparency. These rules and regulations shall be promulgated in accordance with](#)
2 [chapter 35 of title 42.](#)

3 [\(f\) All rules and regulations promulgated by department of business regulation and](#)
4 [department of health pursuant to this chapter shall be enacted no later than January 2, 2020.](#)

5 **2-26-7. Registration Licensure.**

6 (a) Except as provided in this section, beginning sixty (60) days after the effective date of
7 this chapter, the department shall accept the application for licensure to cultivate hemp submitted
8 by the applicant.

9 (b) A person or entity ~~registered with~~ [licensed by](#) the department pursuant to this chapter
10 shall allow hemp crops or hemp products, throughout sowing, year-long growing seasons, harvest
11 storage, and processing, [manufacturing, and retail facilities](#), to be inspected and tested by and at
12 the discretion of the department [and as required pursuant to any applicable state or local food](#)
13 [processing and safety regulations including but not limited to those promulgated by the Rhode](#)
14 [Island department of health.](#)

15 SECTION 2. Chapter 2-26 of the General Laws entitled "Hemp Growth Act" is hereby
16 amended by adding thereto the following sections:

17 **2-26-10. Enforcement of violations of chapter.**

18 [\(a\)\(1\) Notwithstanding any other provision of this chapter, if the director of the department](#)
19 [or his or her designee has cause to believe that a violation of any provision of this chapter 26 of](#)
20 [title 2 or any regulations promulgated hereunder has occurred by a licensee that is under the](#)
21 [department's jurisdiction pursuant to this chapter, or that any person or entity is conducting any](#)
22 [activities requiring licensure by the department under this chapter or the regulations promulgated](#)
23 [hereunder without such licensure, the director or his or her designee may, in accordance with the](#)
24 [requirements of the administrative procedures act, chapter 35 of title 42:](#)

25 [\(i\) Revoke or suspend a license;](#)

26 [\(ii\) Levy an administrative penalty in an amount established pursuant to regulations](#)
27 [promulgated by the department;](#)

28 [\(iii\) Order the violator to cease and desist such actions;](#)

29 [\(iv\) Require a licensee or person or entity conducting any activities requiring licensure](#)
30 [under chapter 26 of title 2 to take such actions as are necessary to comply with such chapter and](#)
31 [the regulations promulgated thereunder; or](#)

32 [\(v\) Any combination of the above penalties.](#)

33 [\(2\) If the director of the department finds that public health, safety, or welfare requires](#)
34 [emergency action, and incorporates a finding to that effect in his or her order, summary suspension](#)

1 of license and/or cease and desist may be ordered pending proceedings for revocation or other
2 action.

3 **2-26-11. Revenue.**

4 There is created within the general fund a restricted receipt account to be known as the
5 "industrial hemp licensing" account. Fees collected pursuant to this chapter shall be deposited into
6 this account and be used to finance costs of administering this chapter, including, but not limited
7 to, licensing, inspections, and enforcement. The restricted receipt account will be included within
8 the budget of the department of business regulation.

9 SECTION 3. Section 21-28-1.02 of Chapter 21-28 of the General Laws entitled "Uniform
10 Controlled Substances Act" is hereby amended to read as follows:

11 **21-28-1.02. Definitions. [Effective until January 1, 2023.]**

12 Unless the context otherwise requires, the words and phrases as defined in this section are
13 used in this chapter in the sense given them in the following definitions:

14 (1) "Administer" refers to the direct application of controlled substances to the body of a
15 patient or research subject by:

16 (i) A practitioner, or, in his or her presence by his or her authorized agent; or

17 (ii) The patient or research subject at the direction and in the presence of the practitioner
18 whether the application is by injection, inhalation, ingestion, or any other means.

19 (2) "Agent" means an authorized person who acts on behalf of, or at the direction of, a
20 manufacturer, wholesaler, distributor, or dispenser; except that these terms do not include a
21 common or contract carrier or warehouse operator, when acting in the usual and lawful course of
22 the carrier's or warehouse operator's business.

23 (3) "Apothecary" means a registered pharmacist as defined by the laws of this state and,
24 where the context requires, the owner of a licensed pharmacy or other place of business where
25 controlled substances are compounded or dispensed by a registered pharmacist; and includes
26 registered assistant pharmacists as defined by existing law, but nothing in this chapter shall be
27 construed as conferring on a person who is not registered as a pharmacist any authority, right, or
28 privilege that is not granted to him or her by the pharmacy laws of the state.

29 (4) "Automated data processing system" means a system utilizing computer software and
30 hardware for the purposes of record keeping.

31 (5) "Certified law enforcement prescription drug diversion investigator" means a certified
32 law enforcement officer assigned by his or her qualified law enforcement agency to investigate
33 prescription drug diversion.

34 (6) "Computer" means programmable electronic device capable of multi-functions,

1 including, but not limited to: storage, retrieval, and processing of information.

2 (7) "Control" means to add a drug or other substance or immediate precursor to a schedule
3 under this chapter, whether by transfer from another schedule or otherwise.

4 (8) "Controlled substance" means a drug, substance, immediate precursor, or synthetic drug
5 in schedules I – V of this chapter. The term shall not include distilled spirits, wine, or malt
6 beverages, as those terms are defined or used in chapter 1 of title 3, nor tobacco.

7 (9) "Co-prescribing" means issuing a prescription for an opioid antagonist along with a
8 prescription for an opioid analgesic.

9 (10) "Counterfeit substance" means a controlled substance that, or the container or labeling
10 of which, without authorization bears the trademark, trade name, or other identifying mark, imprint,
11 number, or device, or any likeness of them, of a manufacturer, distributor, or dispenser, other than
12 the person or persons who in fact manufactured, distributed, or dispensed the substance and that
13 thereby falsely purports or is represented to be the product of, or to have been distributed by, the
14 other manufacturer, distributor, or dispenser, or which substance is falsely purported to be or
15 represented to be one of the controlled substances by a manufacturer, distributor, or dispenser.

16 (11) "CRT" means cathode ray tube used to impose visual information on a screen.

17 (12) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a
18 controlled substance or imitation controlled substance, whether or not there exists an agency
19 relationship.

20 (13) "Department" means the department of health of this state.

21 (14) "Depressant or stimulant drug" means:

22 (i) A drug that contains any quantity of:

23 (A) Barbituric acid or derivatives, compounds, mixtures, or preparations of barbituric acid;

24 and

25 (B) "Barbiturate" or "barbiturates" includes all hypnotic and/or somnifacient drugs,
26 whether or not derivatives of barbituric acid, except that this definition shall not include bromides
27 and narcotics.

28 (ii) A drug that contains any quantity of:

29 (A) Amphetamine or any of its optical isomers;

30 (B) Any salt of amphetamine and/or desoxyephedrine or any salt of an optical isomer of
31 amphetamine and/or desoxyephedrine, or any compound, mixture, or preparation of them.

32 (iii) A drug that contains any quantity of coca leaves. "Coca leaves" includes cocaine, or
33 any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except
34 derivatives of coca leaves, that do not contain cocaine, ecgonine, or substance from which cocaine

1 or ecgonine may be synthesized or made.

2 (iv) Any other drug or substance that contains any quantity of a substance that the attorney
3 general of the United States, or the director of health, after investigation, has found to have, or by
4 regulation designates as having, a potential for abuse because of its depressant or stimulant effect
5 on the central nervous system.

6 (15) "Director" means the director of health.

7 (16) "Dispense" means to deliver, distribute, leave with, give away, or dispose of a
8 controlled substance to the ultimate user or human research subject by or pursuant to the lawful
9 order of a practitioner, including the packaging, labeling, or compounding necessary to prepare the
10 substance for that delivery.

11 (17) "Dispenser" is a practitioner who delivers a controlled substance to the ultimate user
12 or human research subject.

13 (18) "Distribute" means to deliver (other than by administering or dispensing) a controlled
14 substance or an imitation controlled substance and includes actual constructive, or attempted
15 transfer. "Distributor" means a person who so delivers a controlled substance or an imitation
16 controlled substance.

17 (19) "Downtime" means that period of time when a computer is not operable.

18 (20) "Drug addicted person" means a person who exhibits a maladaptive pattern of
19 behavior resulting from drug use, including one or more of the following: impaired control over
20 drug use; compulsive use; and/or continued use despite harm, and craving.

21 (21) "Drug Enforcement Administration" means the Drug Enforcement Administration
22 United States Department of Justice or its successor.

23 (22) "Federal law" means the Comprehensive Drug Abuse Prevention and Control Act of
24 1970, (84 stat. 1236) (see generally 21 U.S.C. § 801 et seq.), and all regulations pertaining to that
25 federal act.

26 (23) "Hardware" means the fixed component parts of a computer.

27 (24) "Hospital" means an institution as defined in chapter 17 of title 23.

28 (25) "Imitation controlled substance" means a substance that is not a controlled substance,
29 that by dosage unit, appearance (including color, shape, size, and markings), or by representations
30 made, would lead a reasonable person to believe that the substance is a controlled substance and,
31 which imitation controlled substances contain substances that if ingested, could be injurious to the
32 health of a person. In those cases when the appearance of the dosage unit is not reasonably sufficient
33 to establish that the substance is an "imitation controlled substance" (for example in the case of
34 powder or liquid), the court or authority concerned should consider, in addition to all other logically

1 relevant factors, the following factors as related to "representations made" in determining whether
2 the substance is an "imitation controlled substance":

3 (i) Statement made by an owner, possessor, transferor, recipient, or by anyone else in
4 control of the substance concerning the nature of the substance, or its use or effect.

5 (ii) Statements made by the owner, possessor, or transferor, to the recipient that the
6 substance may be resold for substantial profit.

7 (iii) Whether the substance is packaged in a manner reasonably similar to packaging of
8 illicit controlled substances.

9 (iv) Whether the distribution or attempted distribution included an exchange of or demand
10 for money or other property as consideration, and whether the amount of the consideration was
11 substantially greater than the reasonable value of the non-controlled substance.

12 (26) "Immediate precursor" means a substance:

13 (i) That the director of health has found to be and by regulation designated as being the
14 principal compound used, or produced primarily for use, in the manufacture of a controlled
15 substance;

16 (ii) That is an immediate chemical intermediary used or likely to be used in the manufacture
17 of those controlled substances; and

18 (iii) The control of which is necessary to prevent, curtail, or limit the manufacture of that
19 controlled substance.

20 (27) "Laboratory" means a laboratory approved by the department of health as proper to be
21 entrusted with controlled substances and the use of controlled substances for scientific and medical
22 purposes and for the purposes of instruction.

23 (28) "Manufacture" means the production, preparation, propagation, cultivation,
24 compounding, or processing of a drug or other substance, including an imitation controlled
25 substance, either directly or indirectly or by extraction from substances of natural origin, or
26 independently by means of chemical synthesis or by a combination of extraction and chemical
27 synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of
28 its container in conformity with the general laws of this state except by a practitioner as an incident
29 to his or her administration or dispensing of the drug or substance in the course of his or her
30 professional practice.

31 (29) "Manufacturer" means a person who manufactures but does not include an apothecary
32 who compounds controlled substances to be sold or dispensed on prescriptions.

33 (30) "Marijuana" means all parts of the plant *cannabis sativa* L., whether growing or not;
34 the seeds of the plant; the resin extracted from any part of the plant; and every compound,

1 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, but shall not
2 include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the
3 seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of
4 mature stalks, (except the resin extracted from it), fiber, oil or cake, or the sterilized seed from the
5 plant which is incapable of germination. [Marijuana shall not include "industrial hemp" or](#)
6 ["industrial hemp products" which satisfy the requirements of chapter 26 of title 2.](#)

7 (31) "Narcotic drug" means any of the following, whether produced directly or indirectly
8 by extraction from substances of vegetable origin, or independently by means of chemical synthesis
9 or by a combination of extraction and chemical synthesis:

10 (i) Opium and opiates.

11 (ii) A compound, manufacture, salt, derivative, or preparation of opium or opiates.

12 (iii) A substance (and any compound, manufacture, salt, derivative, or preparation of it)
13 that is chemically identical with any of the substances referred to in paragraphs (i) and (ii) of this
14 subdivision.

15 (iv) Any other substance that the attorney general of the United States, or his or her
16 successor, or the director of health, after investigation, has found to have, and by regulation
17 designates as having, a potential for abuse similar to opium and opiates.

18 (32) "Official written order" means an order written on a form provided for that purpose
19 by the Drug Enforcement Administration under any laws of the United States making provision for
20 an official form, if order forms are authorized and required by federal law, and if no order form is
21 provided then on an official form provided for that purpose by the director of health.

22 (33) "Opiate" means any substance having an addiction-forming or addiction-sustaining
23 liability similar to morphine or being capable of conversion into a drug having addiction-forming
24 or addiction-sustaining liability.

25 (34) "Opioid analgesics" means and includes, but is not limited to, the medicines
26 buprenorphine, butorphanol, codeine, hydrocodone, hydromorphone, levorphanol, meperidine,
27 methadone, morphine, nalbuphine, oxycodone, oxymorphone, pentazocine, propoxyphene as well
28 as their brand names, isomers, and combinations, or other medications approved by the department.

29 (35) "Opioid antagonist" means naloxone hydrochloride and any other drug approved by
30 the United States Food and Drug Administration for the treatment of opioid overdose.

31 (36) "Opium poppy" means the plant of the species *papaver somniferum* L., except the
32 seeds of the plant.

33 (37) "Ounce" means an avoirdupois ounce as applied to solids and semi-solids, and a fluid
34 ounce as applied to liquids.

1 (38) "Person" means any corporation, association, partnership, or one or more individuals.

2 (39) "Physical dependence" means a state of adaptation that is manifested by a drug class
3 specific withdrawal syndrome that can be produced by abrupt cessation, rapid dose reduction,
4 decreasing blood level of the drug, and/or administration of an antagonist.

5 (40) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

6 (41) "Practitioner" means:

7 (i) A physician, osteopath, dentist, chiroprapist, veterinarian, scientific investigator, or other
8 person licensed, registered or permitted to distribute, dispense, conduct research with respect to or
9 to administer a controlled substance in the course of professional practice or research in this state.

10 (ii) A pharmacy, hospital, or other institution licensed, registered or permitted to distribute,
11 dispense, conduct research with respect to, or to administer a controlled substance in the course of
12 professional practice or research in this state.

13 (42) "Printout" means a hard copy produced by computer that is readable without the aid
14 of any special device.

15 (43) "Production" includes the manufacture, planting, cultivation, growing, or harvesting
16 of a controlled substance.

17 (44) "Qualified law enforcement agency" means the U.S. Food and Drug Administration,
18 Drug Enforcement Administration, Federal Bureau of Investigation, Office of Inspector General of
19 the U.S. Department of Health & Human Services, or the Medicaid Fraud and Patient Abuse Unit
20 in the Office of the Attorney General.

21 (45) "Researcher" means a person authorized by the director of health to conduct a
22 laboratory as defined in this chapter.

23 (46) "Sell" includes sale, barter, gift, transfer, or delivery in any manner to another, or to
24 offer or agree to do the same.

25 (47) "Software" means programs, procedures and storage of required information data.

26 (48) "Synthetic drugs" means any synthetic cannabinoids or piperazines or any synthetic
27 cathinones as provided for in schedule I.

28 (49) "Ultimate user" means a person who lawfully possesses a controlled substance for his
29 or her own use or for the use of a member of his or her household, or for administering to an animal
30 owned by him or her or by a member of his or her household.

31 (50) "Wholesaler" means a person who sells, vends, or distributes at wholesale, or as a
32 jobber, broker agent, or distributor, or for resale in any manner in this state any controlled
33 substance.

34 **21-28-1.02. Definitions. [Effective January 1, 2023.]**

1 Unless the context otherwise requires, the words and phrases as defined in this section are
2 used in this chapter in the sense given them in the following definitions:

3 (1) "Administer" refers to the direct application of controlled substances to the body of a
4 patient or research subject by:

5 (i) A practitioner, or, in his or her presence by his or her authorized agent; or

6 (ii) The patient or research subject at the direction and in the presence of the practitioner
7 whether the application is by injection, inhalation, ingestion, or any other means.

8 (2) "Agent" means an authorized person who acts on behalf of, or at the direction of, a
9 manufacturer, wholesaler, distributor, or dispenser; except that these terms do not include a
10 common or contract carrier or warehouse operator, when acting in the usual and lawful course of
11 the carrier's or warehouse operator's business.

12 (3) "Apothecary" means a registered pharmacist as defined by the laws of this state and,
13 where the context requires, the owner of a licensed pharmacy or other place of business where
14 controlled substances are compounded or dispensed by a registered pharmacist; and includes
15 registered assistant pharmacists as defined by existing law, but nothing in this chapter shall be
16 construed as conferring on a person who is not registered as a pharmacist any authority, right, or
17 privilege that is not granted to him or her by the pharmacy laws of the state.

18 (4) "Automated data processing system" means a system utilizing computer software and
19 hardware for the purposes of record keeping.

20 (5) "Computer" means programmable electronic device capable of multi-functions,
21 including, but not limited to: storage, retrieval, and processing of information.

22 (6) "Control" means to add a drug or other substance or immediate precursor to a schedule
23 under this chapter, whether by transfer from another schedule or otherwise.

24 (7) "Controlled substance" means a drug, substance, immediate precursor, or synthetic drug
25 in schedules I – V of this chapter. The term shall not include distilled spirits, wine, or malt
26 beverages, as those terms are defined or used in chapter 1 of title 3, nor tobacco.

27 (8) "Co-prescribing" means issuing a prescription for an opioid antagonist along with a
28 prescription for an opioid analgesic.

29 (9) "Counterfeit substance" means a controlled substance that, or the container or labeling
30 of which, without authorization bears the trademark, trade name, or other identifying mark, imprint,
31 number, or device, or any likeness of them, of a manufacturer, distributor, or dispenser, other than
32 the person or persons who in fact manufactured, distributed, or dispensed the substance and that
33 thereby falsely purports or is represented to be the product of, or to have been distributed by, the
34 other manufacturer, distributor, or dispenser, or which substance is falsely purported to be or

1 represented to be one of the controlled substances by a manufacturer, distributor, or dispenser.

2 (10) "CRT" means cathode ray tube used to impose visual information on a screen.

3 (11) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a
4 controlled substance or imitation controlled substance, whether or not there exists an agency
5 relationship.

6 (12) "Department" means the department of health of this state.

7 (13) "Depressant or stimulant drug" means:

8 (i) A drug that contains any quantity of:

9 (A) Barbituric acid or derivatives, compounds, mixtures, or preparations of barbituric acid;

10 and

11 (B) "Barbiturate" or "barbiturates" includes all hypnotic and/or somnifacient drugs,
12 whether or not derivatives of barbituric acid, except that this definition shall not include bromides
13 and narcotics.

14 (ii) A drug that contains any quantity of:

15 (A) Amphetamine or any of its optical isomers;

16 (B) Any salt of amphetamine and/or desoxyephedrine or any salt of an optical isomer of
17 amphetamine and/or desoxyephedrine, or any compound, mixture, or preparation of them.

18 (iii) A drug that contains any quantity of coca leaves. "Coca leaves" includes cocaine, or
19 any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except
20 derivatives of coca leaves, that do not contain cocaine, ecgonine, or substance from which cocaine
21 or ecgonine may be synthesized or made.

22 (iv) Any other drug or substance that contains any quantity of a substance that the attorney
23 general of the United States, or the director of health, after investigation, has found to have, or by
24 regulation designates as having, a potential for abuse because of its depressant or stimulant effect
25 on the central nervous system.

26 (14) "Director" means the director of health.

27 (15) "Dispense" means to deliver, distribute, leave with, give away, or dispose of a
28 controlled substance to the ultimate user or human research subject by or pursuant to the lawful
29 order of a practitioner, including the packaging, labeling, or compounding necessary to prepare the
30 substance for that delivery.

31 (16) "Dispenser" is a practitioner who delivers a controlled substance to the ultimate user
32 or human research subject.

33 (17) "Distribute" means to deliver (other than by administering or dispensing) a controlled
34 substance or an imitation controlled substance and includes actual constructive, or attempted

1 transfer. "Distributor" means a person who so delivers a controlled substance or an imitation
2 controlled substance.

3 (18) "Downtime" means that period of time when a computer is not operable.

4 (19) "Drug addicted person" means a person who exhibits a maladaptive pattern of
5 behavior resulting from drug use, including one or more of the following: impaired control over
6 drug use; compulsive use; and/or continued use despite harm, and craving.

7 (20) "Drug Enforcement Administration" means the Drug Enforcement Administration
8 United States Department of Justice or its successor.

9 (21) "Federal law" means the Comprehensive Drug Abuse Prevention and Control Act of
10 1970, (84 stat. 1236) (see generally 21 U.S.C. § 801 et seq.), and all regulations pertaining to that
11 federal act.

12 (22) "Hardware" means the fixed component parts of a computer.

13 (23) "Hospital" means an institution as defined in chapter 17 of title 23.

14 (24) "Imitation controlled substance" means a substance that is not a controlled substance,
15 that by dosage unit, appearance (including color, shape, size, and markings), or by representations
16 made, would lead a reasonable person to believe that the substance is a controlled substance and,
17 which imitation controlled substances contain substances that if ingested, could be injurious to the
18 health of a person. In those cases when the appearance of the dosage unit is not reasonably sufficient
19 to establish that the substance is an "imitation controlled substance" (for example in the case of
20 powder or liquid), the court or authority concerned should consider, in addition to all other logically
21 relevant factors, the following factors as related to "representations made" in determining whether
22 the substance is an "imitation controlled substance":

23 (i) Statement made by an owner, possessor, transferor, recipient, or by anyone else in
24 control of the substance concerning the nature of the substance, or its use or effect.

25 (ii) Statements made by the owner, possessor, or transferor, to the recipient that the
26 substance may be resold for substantial profit.

27 (iii) Whether the substance is packaged in a manner reasonably similar to packaging of
28 illicit controlled substances.

29 (iv) Whether the distribution or attempted distribution included an exchange of or demand
30 for money or other property as consideration, and whether the amount of the consideration was
31 substantially greater than the reasonable value of the non-controlled substance.

32 (25) "Immediate precursor" means a substance:

33 (i) That the director of health has found to be and by regulation designated as being the
34 principal compound used, or produced primarily for use, in the manufacture of a controlled

1 substance;

2 (ii) That is an immediate chemical intermediary used or likely to be used in the manufacture
3 of those controlled substances; and

4 (iii) The control of which is necessary to prevent, curtail, or limit the manufacture of that
5 controlled substance.

6 (26) "Laboratory" means a laboratory approved by the department of health as proper to be
7 entrusted with controlled substances and the use of controlled substances for scientific and medical
8 purposes and for the purposes of instruction.

9 (27) "Manufacture" means the production, preparation, propagation, cultivation,
10 compounding, or processing of a drug or other substance, including an imitation controlled
11 substance, either directly or indirectly or by extraction from substances of natural origin, or
12 independently by means of chemical synthesis or by a combination of extraction and chemical
13 synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of
14 its container in conformity with the general laws of this state except by a practitioner as an incident
15 to his or her administration or dispensing of the drug or substance in the course of his or her
16 professional practice.

17 (28) "Manufacturer" means a person who manufactures but does not include an apothecary
18 who compounds controlled substances to be sold or dispensed on prescriptions.

19 (29) "Marijuana" means all parts of the plant cannabis sativa L., whether growing or not;
20 the seeds of the plant; the resin extracted from any part of the plant; and every compound,
21 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, but shall not
22 include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the
23 seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of
24 mature stalks, (except the resin extracted from it), fiber, oil or cake, or the sterilized seed from the
25 plant which is incapable of germination. [Marijuana shall not include "industrial hemp" or
26 "industrial hemp products" which satisfy the requirements of chapter 26 of title 2.](#)

27 (30) "Narcotic drug" means any of the following, whether produced directly or indirectly
28 by extraction from substances of vegetable origin, or independently by means of chemical synthesis
29 or by a combination of extraction and chemical synthesis:

30 (i) Opium and opiates.

31 (ii) A compound, manufacture, salt, derivative, or preparation of opium or opiates.

32 (iii) A substance (and any compound, manufacture, salt, derivative, or preparation of it)
33 that is chemically identical with any of the substances referred to in paragraphs (i) and (ii) of this
34 subdivision.

1 (iv) Any other substance that the attorney general of the United States, or his or her
2 successor, or the director of health, after investigation, has found to have, and by regulation
3 designates as having, a potential for abuse similar to opium and opiates.

4 (31) "Official written order" means an order written on a form provided for that purpose
5 by the Drug Enforcement Administration under any laws of the United States making provision for
6 an official form, if order forms are authorized and required by federal law, and if no order form is
7 provided then on an official form provided for that purpose by the director of health.

8 (32) "Opiate" means any substance having an addiction-forming or addiction-sustaining
9 liability similar to morphine or being capable of conversion into a drug having addiction-forming
10 or addiction-sustaining liability.

11 (33) "Opioid analgesics" means and includes, but is not limited to, the medicines
12 buprenorphine, butorphanol, codeine, hydrocodone, hydromorphone, levorphanol, meperidine,
13 methadone, morphine, nalbuphine, oxycodone, oxymorphone, pentazocine, propoxyphene as well
14 as their brand names, isomers, and combinations, or other medications approved by the department.

15 (34) "Opioid antagonist" means naloxone hydrochloride and any other drug approved by
16 the United States Food and Drug Administration for the treatment of opioid overdose.

17 (35) "Opium poppy" means the plant of the species *papaver somniferum* L., except the
18 seeds of the plant.

19 (36) "Ounce" means an avoirdupois ounce as applied to solids and semi-solids, and a fluid
20 ounce as applied to liquids.

21 (37) "Person" means any corporation, association, partnership, or one or more individuals.

22 (38) "Physical dependence" means a state of adaptation that is manifested by a drug class
23 specific withdrawal syndrome that can be produced by abrupt cessation, rapid dose reduction,
24 decreasing blood level of the drug, and/or administration of an antagonist.

25 (39) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

26 (40) "Practitioner" means:

27 (i)(ii) A physician, osteopath, dentist, chiropract, veterinarian, scientific investigator, or
28 other person licensed, registered or permitted to distribute, dispense, conduct research with respect
29 to or to administer a controlled substance in the course of professional practice or research in this
30 state.

31 (41) "Printout" means a hard copy produced by computer that is readable without the aid
32 of any special device.

33 (42) "Production" includes the manufacture, planting, cultivation, growing, or harvesting
34 of a controlled substance.

1 (43) "Researcher" means a person authorized by the director of health to conduct a
2 laboratory as defined in this chapter.

3 (44) "Sell" includes sale, barter, gift, transfer, or delivery in any manner to another, or to
4 offer or agree to do the same.

5 (45) "Software" means programs, procedures and storage of required information data.

6 (46) "Synthetic drugs" means any synthetic cannabinoids or piperazines or any synthetic
7 cathinones as provided for in schedule I.

8 (47) "Ultimate user" means a person who lawfully possesses a controlled substance for his
9 or her own use or for the use of a member of his or her household, or for administering to an animal
10 owned by him or her or by a member of his or her household.

11 (48) "Wholesaler" means a person who sells, vends, or distributes at wholesale, or as a
12 jobber, broker agent, or distributor, or for resale in any manner in this state any controlled
13 substance.

14 SECTION 4. Section 21-28.5-2 of the General Laws in Chapter 21-28.5 entitled "Sale of
15 Drug Paraphernalia" is hereby amended to read as follows:

16 **21-28.5-2. Manufacture or delivery of drug paraphernalia – Penalty.**

17 It is unlawful for any person to deliver, sell, possess with intent to deliver, or sell, or
18 manufacture with intent to deliver, or sell drug paraphernalia, knowing that it will be used to plant,
19 propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare,
20 test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or introduce into the human
21 body a controlled substance in violation of chapter 28 of this title. A violation of this section shall
22 be punishable by a fine not exceeding five thousand dollars (\$5,000) or imprisonment not exceeding
23 two (2) years, or both.

24 [Notwithstanding any other provision of the general laws, the sale, manufacture, or delivery](#)
25 [of drug paraphernalia to a person acting in accordance with chapter 28.6 of title 21 shall not be](#)
26 [considered a violation of this chapter.](#)

27 SECTION 5. 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,
28 21-28.6-9, 21-28.6-12, 21-28.6-14, 21-28.6-15, 21-28.6-16, 21-28.6-16.2 and 21-28.6-17 of the
29 General Laws in Chapter 21-28.6 entitled "The Edward O. Hawkins and Thomas C. Slater Medical
30 Marijuana Act" are hereby amended to read as follows:

31 **21-28.6-3. Definitions.**

32 For the purposes of this chapter:

33 (1) "Authorized purchaser" means a natural person who is at least twenty-one (21) years
34 old and who is registered with the department of health for the purposes of assisting a qualifying

1 patient in purchasing marijuana from a compassion center. An authorized purchaser may assist no
2 more than one patient, and is prohibited from consuming marijuana obtained for the use of the
3 qualifying patient. An authorized purchaser shall be registered with the department of health and
4 shall possess a valid registry identification card.

5 (2) "Cannabis" means all parts of the plant of the genus marijuana, also known as marijuana
6 sativa L. whether growing or not; the seeds thereof; the resin extracted from any part of the plant;
7 and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds,
8 or resin regardless of cannabinoid content or cannabinoid potency including "marijuana", and
9 "industrial hemp" or "industrial hemp products" which satisfy the requirements of chapter 26 of
10 title 2.

11 (3) "Cannabis testing laboratory" means a third-party analytical testing laboratory licensed
12 by the department of health, in coordination with the department of business regulation, to collect
13 and test samples of cannabis marijuana.

14 ~~(2)~~(4) "Cardholder" means a person who has been registered or licensed with the
15 department of health or the department of business regulation pursuant to this chapter and possesses
16 a valid registry identification card or license.

17 ~~(3)~~(5) "Commercial unit" means a building, ~~office, suite,~~ or ~~room~~ other space within a
18 commercial or industrial building, for use by one business or person and is rented or owned by that
19 business or person.

20 ~~(4)~~(6)(i) "Compassion center" means a not-for-profit corporation, subject to the provisions
21 of chapter 6 of title 7, and ~~registered~~ is licensed under § 21-28.6-12, that acquires, possesses,
22 cultivates, manufactures, delivers, transfers, transports, supplies, or dispenses medical marijuana,
23 and/or related supplies and educational materials, to patient cardholders and/or their registered
24 caregiver, cardholder or authorized purchaser.

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

29 ~~(5)~~(7) "Debilitating medical condition" means:

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

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

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

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

6 ~~(6)~~(8) "Department of business regulation" means the office of cannabis regulation within
7 the Rhode Island department of business regulation or its successor agency.

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

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

12 ~~(9)~~(11) "Dried, ~~useable~~ marijuana" means the dried leaves and flowers of the marijuana
13 plant ~~as defined by regulations promulgated by the department of health~~.

14 ~~(10)~~(12) "Dwelling unit" means the room, or group of rooms, within a residential dwelling
15 used or intended for use by one family or household, or by no more than three (3) unrelated
16 individuals, with facilities for living, sleeping, sanitation, cooking, and eating.

17 ~~(11)~~(13) "Equivalent amount" means the portion of usable marijuana, be it in extracted,
18 edible, concentrated, or any other form, found to be equal to a portion of dried, ~~usable~~ marijuana,
19 ~~as defined by regulations promulgated by the department of health~~.

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

22 ~~(13)"Marijuana" has the meaning given that term in § 21-28-1.02(30).~~

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

25 ~~(15)~~(14) ~~"Medical marijuana testing laboratory" means a third party analytical testing~~
26 ~~laboratory licensed by the department of health to collect and test samples of medical marijuana~~
27 ~~pursuant to regulations promulgated by the department.~~ "Immature marijuana plant" means a
28 marijuana plant, rooted or unrooted, with no observable flower or buds.

29 (15) "Licensed medical marijuana cultivator" means a person or entity, as identified in §
30 43-3-6, who has been licensed by the department of business regulation to cultivate medical
31 marijuana pursuant to § 21-28.6-16.

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

33 (17) "Marijuana establishment licensee" means any person or entity licensed by the
34 department of business regulation under chapter 28.6 of title 21 whose license permits it to engage

1 in or conduct activities in connection with the medical marijuana program. "Marijuana
2 establishment licensees" shall include, but not be limited to, compassion centers, medical marijuana
3 cultivators, and cannabis testing laboratories.

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

6 (19) "Medical marijuana emporium" means any establishment, facility or club, whether
7 operated for-profit or nonprofit, or any commercial unit, at which the sale, distribution, transfer or
8 use of medical marijuana or medical marijuana products is proposed and/or occurs to, by or among
9 registered patients, registered caregivers, authorized purchaser cardholders This shall not include a
10 compassion center regulated and licensed by the department of business regulation pursuant to the
11 terms of this chapter.

12 (20) "Medical marijuana" means marijuana and marijuana products which satisfy the
13 requirements of this chapter and have been given the designation of "medical marijuana" due to
14 dose, potency, form. Medical marijuana products are only available for use by patient cardholders,
15 and may only be sold to or possessed by patient cardholders, or their registered caregiver, or
16 authorized purchaser in accordance with this chapter. Medical marijuana may not be sold to,
17 possessed by, manufactured by, or used except as permitted under this chapter.

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

22 ~~(16)~~(22) "Medical use" means the acquisition, possession, cultivation, manufacture, use,
23 delivery, transfer, or transportation of medical marijuana or paraphernalia relating to the
24 consumption of marijuana to alleviate a patient cardholder's debilitating medical condition or
25 symptoms associated with the medical condition in accordance with the provisions of this chapter.

26 ~~(17)~~(23) "Practitioner" means a person who is licensed with authority to prescribe drugs
27 pursuant to chapters 34, 37, and 54 of title 5, who may provide a qualifying patient with a written
28 certification in accordance with regulations promulgated by the department of health ~~or a physician~~
29 ~~licensed with authority to prescribe drugs in Massachusetts or Connecticut.~~

30 ~~(18)~~(24) "Primary caregiver" means a natural person who is at least twenty-one (21) years
31 old. ~~A primary caregiver~~ who is registered under this chapter in order to, and who may, assist one
32 qualifying patient, but no more than five (5) qualifying patients ~~s~~ with their medical use of marijuana,
33 provided that a qualified patient may also serve as his or her own primary caregiver subject to the
34 registration and requirements set forth in § 21-28.6-4.

1 ~~(19)~~(25) "Qualifying patient" means a person who has been ~~diagnosed~~ certified by a
2 practitioner as having a debilitating medical condition and is a resident of Rhode Island.

3 ~~(20)~~(26) "Registry identification card" means a document issued by the department of
4 health or the department of business regulation, as applicable, that identifies a person as a registered
5 qualifying patient, a registered primary caregiver, or authorized purchaser, or a document issued
6 by the department of business regulation or department of health that identifies a person as a
7 registered principal officer, board member, employee, volunteer, or agent of a compassion center,
8 licensed medical marijuana cultivator, cannabis testing lab, or any other medical marijuana licensee
9 or marijuana establishment.

10 ~~(21) "Seedling" means a marijuana plant with no observable flowers or buds.~~

11 ~~(22)~~(27) "Unusable marijuana" means marijuana seeds, stalks, ~~seedlings~~ and unusable
12 roots and shall not count towards any weight-based possession limits established in the chapter.

13 ~~(23)~~(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 ~~(24)~~(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 ~~(25)~~(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 which may include the qualifying patient's relevant
25 medical records.

26 **21-28.6-4. Protections for the medical use of marijuana.**

27 (a) A qualifying patient cardholder who has in his or her possession a registry identification
28 card shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or
29 privilege, including, but not limited to, civil penalty or disciplinary action by a business or
30 occupational or professional licensing board or bureau, solely for the medical use of medical
31 marijuana; provided;

32 (1) Before July 1, 2019, the ~~The~~ qualifying patient cardholder possesses an amount of
33 medical marijuana that does not exceed twelve (12) mature marijuana plants and twelve (12)
34 immature marijuana plants that are accompanied by valid medical marijuana, two and one-half

1 (2.5) of ~~dried usable~~ medical marijuana, or its equivalent amount which satisfies the requirements
2 of this chapter, and an amount of wet medical marijuana to be set by regulations promulgated by
3 the ~~departments~~ department of ~~health and~~ business regulation. Said plants shall be stored in an
4 indoor facility. Marijuana plants and the marijuana they produce shall only be grown, stored,
5 manufactured, and processed in accordance with regulations promulgated by the department of
6 business regulation; and

7 (2) On and after July 1, 2019, in order to lawfully possess and grow marijuana plants, a
8 qualifying patient cardholder, prior to applying for, or renewing medical marijuana plant grow tags,
9 must first apply for and be issued a caregiver registration card by the department of business
10 regulation. The department of business regulation may issue a caregiver registration card and plant
11 tags to any qualified patient cardholder who qualifies to serve as his or her own caregiver.

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

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

26 (d) No school, ~~employer,~~ or landlord may refuse to enroll, ~~employ,~~ or lease to, or otherwise
27 penalize, a person solely for his or her status as a cardholder. Provided, however, due to the safety
28 and welfare concern for other tenants, the property, and the public, as a whole, a landlord may have
29 the discretion not to lease, or continue to lease, to a cardholder who cultivates, manufactures,
30 processes, smokes, or vaporizes medical marijuana in the leased premises.

31 (e) No employer may refuse to employ, or otherwise penalize, a person solely for his or
32 her status as a cardholder, except:

33 (1) To the extent employer action is taken with respect to such person's:

34 (i) Use or possession of marijuana or being under the influence of marijuana in any

1 workplace:

2 (ii) Undertaking a task under the influence of marijuana when doing so would constitute
3 negligence or professional malpractice or jeopardize workplace safety;

4 (iii) Operation, navigation or actual physical control of any motor vehicle or other transport
5 vehicle, aircraft, motorboat, machinery or equipment, or firearms while under the influence of
6 marijuana; or

7 (iv) Violation of employment conditions pursuant to the terms of a collective bargaining
8 agreement; or

9 (2) Where the employer is a federal contractor or otherwise subject to federal law such that
10 failure of the employer to take such action against the employee would cause the employer to lose
11 a monetary or licensing related benefit.

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

24 ~~(e)~~(g) A qualifying patient cardholder shall be allowed to possess a reasonable amount of
25 unusable marijuana, including up to twelve (12) seedlings that are accompanied by valid medical
26 marijuana tags. A primary caregiver cardholder shall be allowed to possess a reasonable amount of
27 unusable marijuana, including up to twenty-four (24) seedlings that are accompanied by valid
28 medical marijuana tags and an amount of wet marijuana set in regulations promulgated by the
29 departments of health and business regulation.

30 ~~(e)~~(h) There shall exist a presumption that a cardholder is engaged in the medical use of
31 marijuana if the cardholder:

- 32 (1) Is in possession of a registry identification card; and
33 (2) Is in possession of an amount of marijuana that does not exceed the amount permitted
34 under this chapter. Such presumption may be rebutted by evidence that conduct related to marijuana

1 was not for the purpose of alleviating the qualifying patient's debilitating medical condition or
2 symptoms associated with the medical condition.

3 ~~(i)~~ A primary caregiver cardholder may receive reimbursement for costs associated with
4 assisting a qualifying patient cardholder's medical use of marijuana. A primary caregiver
5 cardholder may only receive reimbursement for the actual costs of goods, materials, services or
6 utilities for which they have incurred expenses. A primary caregiver may not receive
7 reimbursement or compensation for his or her time, knowledge, or expertise. Compensation shall
8 not constitute sale of controlled substances under state law. The department of business regulation
9 may promulgate regulations for the documentation and tracking of reimbursements and the transfer
10 of medical marijuana between primary caregivers and their registered patients.

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

17 (1) The primary caregiver cardholder cultivated the marijuana pursuant to this chapter, not
18 to exceed the limits of subsection ~~(e)~~(f); and

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

22 ~~(k)~~ A practitioner shall not be subject to arrest, prosecution, or penalty in any manner, or
23 denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by
24 the Rhode Island board of medical licensure and discipline, or ~~by any other business~~ an employer
25 or occupational or professional licensing board or bureau solely for providing written certifications
26 in accordance with this chapter and regulations promulgated by the department of health, or for
27 otherwise stating that, in the practitioner's professional opinion, the potential benefits of the medical
28 marijuana would likely outweigh the health risks for a patient.

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

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

1 ~~(m)~~(n) A practitioner licensed with authority to prescribed drugs pursuant to chapters 34,
2 37 and 54 of title 5, or pharmacist licensed under chapter 19.1 of title 5, or certified school nurse
3 teacher, shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or
4 privilege, including, but not limited to, civil penalty or disciplinary action by an employer ~~a~~
5 ~~business~~ or occupational or professional licensing board or bureau solely for:

6 (1) Discussing the benefits or health risks of medical marijuana or its interaction with other
7 substances with a patient- ~~or~~;

8 (2) Administering a non-smokable and non-vaporized form of medical marijuana in a
9 school setting to a qualified patient registered in accordance with chapter 28.6 of title 21.

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

15 ~~(o)~~(p) Notwithstanding the provisions of subsection ~~(o)~~(f), no primary caregiver cardholder
16 shall ~~Possess~~ possess an amount of marijuana in excess of twenty-four (24) mature marijuana plants
17 that are accompanied by valid medical marijuana tags and five (5) ounces of usable marijuana, or
18 its equivalent, and an amount of wet medical marijuana set in regulations promulgated by the
19 departments of health and business regulation for patient cardholders to whom he or she is
20 connected through the department of health registration process.

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

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

34 ~~(r)~~(s) For the purposes of medical care, including organ transplants, a patient cardholder's

1 authorized use of marijuana shall be considered the equivalent of the authorized use of any other
2 medication used at the direction of a physician, and shall not constitute the use of an illicit
3 substance.

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

8 ~~(t)~~(u) Notwithstanding any provisions to the contrary, nothing in this chapter or the general
9 laws shall restrict or otherwise affect the manufacturing, distribution, transportation, sale,
10 prescribing and dispensing of a product that has been approved for marketing as a prescription
11 medication by the U.S. Food and Drug Administration and legally prescribed, nor shall hemp, ~~as~~
12 ~~defined in~~ in accordance with chapter 26 of title 2 § 2-26-3, be defined as marijuana or marihuana
13 pursuant to this chapter, chapter 28 of this title or elsewhere in the general laws.

14 **21-28.6-5. ~~Departments of health to issue regulations~~ Departments of health and**
15 **business regulation to issue regulations.**

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

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

1 fees.

2 [\(c\) Not later than October 1, 2019, the department of business regulation shall promulgate](#)
3 [regulations not inconsistent with law, to carry into effect the provisions of this section, governing](#)
4 [the manner in which it shall consider applications for, and renewals of, registry identification cards](#)
5 [for primary caregivers which may include criteria for eligibility or a demonstration of need. The](#)
6 [department of business regulation's regulations shall establish application and renewal fees. The](#)
7 [department of business regulation may vary the application and renewal fees along a sliding scale](#)
8 [that accounts for a qualifying patient's or caregiver's income. The department of business regulation](#)
9 [may accept donations from private sources in order to reduce the application and renewal fees.](#)

10 **21-28.6-6. Administration of departments 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~~(25)~~ of this chapter;
- 16 (2) Application fee, [as applicable](#);
- 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 [apply to the department of business regulation to serve as](#)
21 [his or her own caregiver and](#) grow medical marijuana plants for himself or herself; and
- 22 (6) Name, address, and date of birth of one primary caregiver of the qualifying patient and
23 any authorized purchaser for the qualifying patient, if any [primary caregiver or authorized](#)
24 [purchaser](#) is chosen by the patient or allowed in accordance with regulations promulgated by the
25 ~~department~~ [departments](#) of health [or business regulation](#).

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

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

1 use of marijuana by the qualifying patient.

2 (c) The department of health shall renew registry identification cards to qualifying patients
3 in accordance with regulations promulgated by the department of health and subject to payment of
4 any applicable renewal fee.

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

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

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

24 (g) Following the promulgation of regulations pursuant to § 21-28.6-5(c), the ~~The~~
25 ~~department of health shall~~ department of business regulation may issue or renew a registry
26 identification card to the qualifying patient cardholder's primary caregiver, if any, who is named in
27 the qualifying patient's approved application The department of business regulation shall verify the
28 information contained in applications and renewal forms submitted pursuant to this chapter prior
29 to issuing any registry identification card. The department of business regulation may deny an
30 application or renewal if the applicant or appointing patient did not provide the information
31 required pursuant to this section, or if the department determines that the information provided was
32 falsified, or if the applicant or appointing patient has violated this chapter under his or her previous
33 registration or has otherwise failed to satisfy the application or renewal requirements.

34 ~~(4)~~(4) A primary caregiver applicant or an authorized purchaser applicant shall apply to

1 the bureau of criminal identification of the department of attorney general, department of public
2 safety division of state police, or local police department for a national criminal records check that
3 shall include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of
4 any disqualifying information as defined in subdivision (g)~~(4)~~(8), and in accordance with the rules
5 promulgated by the director, the bureau of criminal identification of the department of attorney
6 general, department of public safety division of state police, or the local police department shall
7 inform the applicant, in writing, of the nature of the disqualifying information; and, without
8 disclosing the nature of the disqualifying information, shall notify the department of business
9 regulation or department of health, as applicable, in writing, that disqualifying information has been
10 discovered.

11 ~~(2)~~(5) In those situations in which no disqualifying information has been found, the bureau
12 of criminal identification of the department of attorney general, department of public safety division
13 of state police, or the local police shall inform the applicant and the department of business
14 regulation or department of health, as applicable, in writing, of this fact.

15 ~~(3)~~(6) The department of health or department of business regulation, as applicable, shall
16 maintain on file evidence that a criminal records check has been initiated on all applicants seeking
17 a primary caregiver registry identification card or an authorized purchaser registry identification
18 card and the results of the checks. The primary caregiver cardholder shall not be required to apply
19 for a national criminal records check for each patient he or she is connected to through the
20 department's registration process, provided that he or she has applied for a national criminal records
21 check within the previous two (2) years in accordance with this chapter. The department of health
22 and department of business regulation, as applicable, shall not require a primary caregiver
23 cardholder or an authorized purchaser cardholder to apply for a national criminal records check
24 more than once every two (2) years.

25 (7) Notwithstanding any other provision of this chapter, the department of business
26 regulation or department of health may revoke or refuse to issue any class or type of registry
27 identification card or license if it determines that failing to do so would conflict with any federal
28 law or guidance pertaining to regulatory, enforcement and other systems that states, businesses, or
29 other institutions may implement to mitigate the potential for federal intervention or enforcement.
30 This provision shall not be construed to prohibit the overall implementation and administration of
31 this chapter on account of the federal classification of marijuana as a schedule I substance or any
32 other federal prohibitions or restrictions.

33 ~~(4)~~(8) Information produced by a national criminal records check pertaining to a conviction
34 for any felony offense under chapter 28 of title 21 ("Rhode Island Controlled Substances Act"),

1 murder, manslaughter, rape, first-degree sexual assault, second-degree sexual assault, first-degree
2 child molestation, second-degree child molestation, kidnapping, first-degree arson, second-degree
3 arson, mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon, assault
4 or battery involving grave bodily injury, and/or assault with intent to commit any offense
5 punishable as a felony or a similar offense from any other jurisdiction shall result in a letter to the
6 applicant and the department of health or department of business regulation, as applicable,
7 disqualifying the applicant. If disqualifying information has been found, the department of health
8 or department of business regulation, as applicable may use its discretion to issue a primary
9 caregiver registry identification card or an authorized purchaser registry identification card if the
10 applicant's connected patient is an immediate family member and the card is restricted to that
11 patient only.

12 ~~(5)~~(9) The primary caregiver or authorized purchaser applicant shall be responsible for any
13 expense associated with the national criminal records check.

14 ~~(6)~~(10) For purposes of this section, "conviction" means, in addition to judgments of
15 conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances
16 where the defendant has entered a plea of nolo contendere and has received a sentence of probation
17 and those instances where a defendant has entered into a deferred sentence agreement with the
18 attorney general.

19 (11) Notwithstanding any other provision of this chapter, a qualifying patient cardholder
20 who applies for a caregiver registration shall not be required to obtain a criminal background check
21 and shall be exempt from the requirements of § 21-28.6-6(g)(4), provided the qualifying patient
22 cardholder is not registered as, and does not apply to be, a caregiver for any other qualifying patient.

23 (12) (i) The office of cannabis regulation may adopt rules and regulations based on federal
24 guidance provided those rules and regulations are designed to comply with federal guidance and
25 mitigate federal enforcement against the registrations and licenses issued under this chapter.

26 (ii) All rules and regulations promulgated pursuant to this chapter shall also include a
27 provision requiring any public comment period to continue for at least thirty (30) days and a
28 provision requiring advance notification to be provided to the governor, speaker of the house of
29 representatives, and president of the senate prior to any announcement of public hearing or public
30 comment period establishing new or modifying existing rules and regulations. In promulgating
31 these rules and regulations, the department shall establish policies and procedures that promote
32 procedural transparency. These rules and regulations shall be promulgated in accordance with
33 chapter 35 of title 42.

34 (iii) All rules and regulations promulgated by department of business regulation and

1 [department of health pursuant to this chapter shall be enacted no later than January 2, 2020.](#)

2 (h)(1) On or before December 31, 2016, the department of health shall issue registry
3 identification cards within five (5) business days of approving an application or renewal that shall
4 expire two (2) years after the date of issuance.

5 ~~(ii)~~(2) Effective January 1, 2017, and thereafter, the department of health [or the department](#)
6 [of business regulation, as applicable](#), shall issue registry identification cards within five (5) business
7 days of approving an application or renewal that shall expire one year after the date of issuance.

8 ~~(iii)~~(3) Registry identification cards shall contain:

9 ~~(i)~~(i) The date of issuance and expiration date of the registry identification card;

10 ~~(ii)~~(ii) A random registry identification number;

11 ~~(iii)~~(iii) A photograph; and

12 ~~(iv)~~(iv) Any additional information as required by regulation or the department of health [or](#)
13 [business regulation as applicable](#).

14 (i) Persons issued registry identification cards by the department of health [or department](#)
15 [of business regulation](#) shall be subject to the following:

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

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

24 (3) A primary caregiver cardholder or authorized purchaser shall notify the [issuing](#)
25 department ~~of health~~ of any change in his or her name or address within ten (10) days of such
26 change. A primary caregiver cardholder or authorized purchaser who fails to notify the issuing
27 department of any of these changes is responsible for a civil infraction, punishable by a fine of no
28 more than one hundred fifty dollars (\$150).

29 (4) When a qualifying patient cardholder or primary caregiver cardholder notifies the
30 department of health [or department of business regulation, as applicable](#), of any changes listed in
31 this subsection, the department of health [or department of business regulation, as applicable](#), shall
32 issue the qualifying patient cardholder and each primary caregiver cardholder a new registry
33 identification card within ten (10) days of receiving the updated information and a ten-dollar
34 (\$10.00) fee.

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

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

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

17 (8) If a cardholder or authorized purchaser willfully violates any provision of this chapter
18 as determined by the department of health or the department of business regulation, his or her
19 registry identification card may be revoked.

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

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

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

1 in Rhode Island. The department of health may also notify those patients of medical studies
2 conducted outside of Rhode Island.

3 (3) The department of health and the department of business regulation, as applicable, shall
4 maintain a confidential list of the persons to whom the department of health or department of
5 business regulation has issued authorized patient, primary caregiver, and authorized purchaser
6 registry identification cards. Individual names and other identifying information on the list shall be
7 confidential, exempt from the provisions of Rhode Island access to public information, chapter 2
8 of title 38, and not subject to disclosure, except to authorized employees of the ~~department~~
9 departments of health and business regulation as necessary to perform official duties of the
10 ~~department~~ departments and pursuant to subsections (l) and (m) of this section.

11 (l) Notwithstanding ~~subsection~~ subsections (k) and (m) of this section, the departments of
12 health and business regulation, as applicable, shall verify to law enforcement personnel whether a
13 registry identification card is valid and may provide additional information to confirm whether a
14 cardholder is compliant with the provisions of this chapter and the regulations promulgated
15 hereunder. ~~solely by confirming the random registry identification number or name.~~ The
16 department of business regulation shall verify to law enforcement personnel whether a registry
17 identification card is valid and may confirm whether the cardholder is compliant with the provisions
18 of this chapter and the regulations promulgated hereunder. This verification may occur through the
19 use of a shared database, provided that any medical records or confidential information in this
20 database related to a cardholder's specific medical condition is protected in accordance with
21 subdivision (k)(1).

22 (m) It shall be a crime, punishable by up to one hundred eighty (180) days in jail and a one
23 thousand dollar (\$1,000) fine, for any person, including an employee or official of the departments
24 of health, business regulation, public safety, or another state agency or local government, to breach
25 the confidentiality of information obtained pursuant to this chapter. Notwithstanding this provision,
26 the department of health and department of business regulation employees may notify law
27 enforcement about falsified or fraudulent information submitted to the department or violations of
28 this chapter. Nothing in this act shall be construed as to prohibit law enforcement, public safety,
29 fire, or building officials from investigating violations of, or enforcing state law.

30 (n) On or before the fifteenth day of the month following the end of each quarter of the
31 fiscal year, the department of health and the department of business regulation shall report to the
32 governor, the speaker of the House of Representatives, and the president of the senate on
33 applications for the use of marijuana for symptom relief. The report shall provide:

34 (1) The number of applications for registration as a qualifying patient, primary caregiver,

1 or authorized purchaser that have been made to the department of health [and the department of](#)
2 [business regulation](#) during the preceding quarter, the number of qualifying patients, primary
3 caregivers, and authorized purchasers approved, the nature of the debilitating medical conditions
4 of the qualifying patients, the number of registrations revoked, and the number and specializations,
5 if any, of practitioners providing written certification for qualifying patients.

6 (o) On or before September 30 of each year, the department of health [and the department](#)
7 [of business regulation, as applicable, shall](#) report to the governor, the speaker of the House of
8 Representatives, and the president of the senate on the use of marijuana for symptom relief. The
9 report shall provide:

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

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

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

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

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

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

27 (p) After June 30, 2018, the department of business regulation shall report to the speaker
28 of the house, senate president, the respective fiscal committee chairpersons, and fiscal advisors
29 within 60 days of the close of the prior fiscal year. The report shall provide:

30 (1) The number of applications for registry identification cards to compassion center staff,
31 the number approved, denied and the number of registry identification cards revoked, and the
32 number of replacement cards issued;

33 (2) The number of applications for compassion centers and licensed cultivators;

34 (3) The number of marijuana plant tag sets ordered, delivered, and currently held within

1 the state;

2 (4) The total revenue collections of any monies related to its regulator activities for the
3 prior fiscal year, by the relevant category of collection, including enumerating specifically the total
4 amount of revenues foregone or fees paid at reduced rates pursuant to this chapter.

5 **21-28.6-7. Scope of chapter.**

6 (a) This chapter shall not permit:

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

9 (2) The smoking of marijuana:

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

11 (ii) On any school grounds;

12 (iii) In any correctional facility;

13 (iv) In any public place;

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

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

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

21 (4) The operation of a medical marijuana emporium.

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

23 (1) A government medical assistance program or private health insurer or workers'
24 compensation insurer, workers' compensation group self-insurer or employer self-insured for
25 workers' compensation under § 28-36-1 to reimburse a person for costs associated with the medical
26 use of marijuana; or

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

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

32 **21-28.6-8. Affirmative defense and dismissal.**

33 (a) Except as provided in § 21-28.6-7, a qualifying patient may assert the medical purpose
34 for using marijuana as a defense to any prosecution involving marijuana, and such defense shall be

1 presumed valid where the evidence shows that:

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

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

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

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

18 **21-28.6-9. Enforcement.**

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

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

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

34 (d) If a cardholder exceeds the possession limits set forth in §§ 21-28.6-4 or 21-28.6-14, [or](#)

1 is in violation of any other section of this chapter or the regulations promulgated hereunder, he or
2 she ~~shall~~ may be subject to arrest and prosecution under chapter 28 of title 21 ("Rhode Island
3 Controlled Substances Act").

4 (e)(1) Notwithstanding any other provision of this chapter, if the director of the department
5 of business regulation or his or her designee has cause to believe that a violation of any provision
6 of chapter 28.6 of title 21 or the regulations promulgated thereunder has occurred by a licensee or
7 registrant under the department's jurisdiction, or that any person or entity is conducting any
8 activities requiring licensure or registration by the department of business regulation under chapter
9 28.6 of title 21 or the regulations promulgated thereunder without such licensure or registration, or
10 is otherwise violating any provisions of said chapter, the director or his or her designee may, in
11 accordance with the requirements of the administrative procedures act, chapter 35 of title 42:

12 (i) With the exception of patient and authorized purchaser registrations, revoke or suspend
13 any license or registration issued under chapters 26 of title 2 or 28.6 of title 21;

14 (ii) Levy an administrative penalty in an amount established pursuant to regulations
15 promulgated by the department of business regulation;

16 (iii) Order the violator to cease and desist such actions;

17 (iv) Require a licensee or registrant or person or entity conducting any activities requiring
18 licensure or registration under chapter 28.6 of title 21 to take such actions as are necessary to
19 comply with such chapter and the regulations promulgated thereunder; or

20 (v) Any combination of the above penalties.

21 (2) If the director of the department of business regulation finds that public health, safety,
22 or welfare imperatively requires emergency action, and incorporates a finding to that effect in his
23 or her order, summary suspension of license or registration and/or cease and desist may be ordered
24 pending proceedings for revocation or other action. These proceedings shall be promptly instituted
25 and determined.

26 (f) All medical marijuana products that are held for sale or distribution within the borders
27 of this state in violation of the requirements of this chapter are declared to be contraband goods and
28 may be seized by the department of business regulation, the tax administrator or his or her agents,
29 or employees, or by any sheriff, or his or her deputy, or any police officer when requested by the
30 tax administrator or the department of business regulation to do so, without a warrant. All
31 contraband goods seized by the state under this chapter may be destroyed.

32 **21-28.6-12. Compassion centers.**

33 (a) A compassion center ~~registered~~ licensed under this section may acquire, possess,
34 cultivate, manufacture, deliver, transfer, transport, supply, or dispense medical marijuana, or

1 related supplies and educational materials, to registered qualifying patients and their registered
2 primary caregivers or authorized purchasers, or out of state patient cardholders. Except as
3 specifically provided to the contrary, all provisions of chapter 28.6 of title 21 (the Edward O.
4 Hawkins and Thomas C. Slater Medical Marijuana Act), apply to a compassion center unless ~~they~~
5 the provision(s) conflict with a provision contained in § 21-28.6-12.

6 (b) ~~Registration License~~ of compassion centers—authority of the departments of health and
7 business regulation:

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

11 (i) The form and content of ~~registration~~ license and renewal applications;

12 (ii) Minimum oversight requirements for compassion centers;

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

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

15 (v) Procedures for suspending, revoking, or terminating the ~~registration~~ license of
16 compassion centers that violate the provisions of this section or the regulations promulgated
17 pursuant to this subsection.

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

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

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

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

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

34 (7) (i) Any time a compassion center ~~registration certificate~~ license is revoked, is

1 relinquished, or expires on or before December 31, 2016, the department of health shall accept
2 applications for a new compassion center.

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

6 (8)(i) If at any time after three (3) years after the effective date of this chapter and on or
7 before December 31, 2016, fewer than three (3) compassion centers are holding valid ~~registration~~
8 ~~certificates~~ licenses in Rhode Island, the department of health shall accept applications for a new
9 compassion center. If at any time on or after January 1, 2017, fewer than three (3) compassion
10 centers are holding valid ~~registration certificates~~ licenses in Rhode Island, the department of
11 business regulation shall accept applications for a new compassion center. ~~No more than three (3)~~
12 There shall be nine (9) compassion centers that may hold valid registration certificates licenses at
13 one time. If at any time on or after July 1, 2019, fewer than nine (9) compassion centers, including
14 limited compassion centers, are holding valid licenses in Rhode Island, the department of business
15 regulation shall accept applications for a new compassion center and shall continue the process
16 until nine (9) licenses have been issued by the department of business regulation. (9) Any
17 compassion center application selected for approval by the department of health on or before
18 December 31, 2016, or selected for approval by the department of business regulation on or after
19 January 1, 2017, shall remain in full force and effect, notwithstanding any provisions of this chapter
20 to the contrary, and shall be subject to state law adopted herein and rules and regulations adopted
21 by the departments of health and business regulation subsequent to passage of this legislation.

22 (10) A licensed cultivator may apply for, and be issued, an available compassion center
23 license provided that the licensed cultivation premises is disclosed on the compassion center
24 application as the permitted second location for growing medical marijuana in accordance with §
25 21-28.6-12(c)(1). If a licensed cultivator is issued an available compassion center license, their
26 cultivation facility license will merge with and into their compassion center license in accordance
27 with regulations promulgated by the department of business regulation. Once merged, the
28 cultivation of medical marijuana may then be conducted under the compassion center license in
29 accordance with § 21.28.6-12 and the cultivation license will be considered null and void and of
30 no further force or effect.

31 (c) Compassion center and agent applications and ~~registration~~ license:

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

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

3 (ii) The proposed legal name and proposed articles of incorporation of the compassion
4 center;

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

8 (iv) A description of the enclosed, locked facility that would be used in the cultivation of
9 medical marijuana;

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

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

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

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

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

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

31 (i) Convenience to patients from underserved areas throughout the state of Rhode Island-
32 ~~to the compassion centers if the applicant were approved~~;

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

- 1 (iii) The applicant's experience running a non-profit or business;
- 2 (iv) The interests of qualifying patients regarding which applicant be granted a ~~registration~~
3 ~~certificate~~ license;
- 4 (v) The interests of the city or town where the dispensary would be located taking into
5 consideration need and population;
- 6 (vi) Nothing herein shall prohibit more than one compassion center being geographically
7 located in any city or town.
- 8 ~~(vi)~~(vii) The sufficiency of the applicant's plans for record keeping and security, which
9 records shall be considered confidential health-care information under Rhode Island law and are
10 intended to be deemed protected health-care information for purposes of the Federal Health
11 Insurance Portability and Accountability Act of 1996, as amended; and
- 12 ~~(vii)~~(viii) The sufficiency of the applicant's plans for safety and security, including
13 proposed location, security devices employed, and staffing;
- 14 (4) A compassion center approved by the department of health on or before December 31,
15 2016, shall submit the following to the department before it may begin operations:
- 16 (i) A fee paid to the department in the amount of five thousand dollars (\$5,000);
- 17 (ii) The legal name and articles of incorporation of the compassion center;
- 18 (iii) The physical address of the compassion center; this may include a second address for
19 the secure cultivation of marijuana;
- 20 (iv) The name, address, and date of birth of each principal officer and board member of the
21 compassion center; and
- 22 (v) The name, address, and date of birth of any person who will be an agent of, employee,
23 or volunteer of the compassion center at its inception.
- 24 (5)(i) A compassion center approved or renewed by the department of business regulation
25 on or after January 1, 2017 but before January 1, 2020, shall submit materials pursuant to
26 regulations promulgated by the department of business regulation ~~the following to the department~~
27 before it may begin operations:
- 28 ~~(i)~~(A) A fee paid to the department in the amount of five thousand dollars (\$5,000);
- 29 ~~(ii)~~(B) The legal name and articles of incorporation of the compassion center;
- 30 ~~(iii)~~(C) The physical address of the compassion center; this may include a second address
31 for the secure cultivation of medical marijuana
- 32 ~~(iv)~~(D) The name, address, and date of birth of each principal officer and board member of
33 the compassion center;
- 34 ~~(v)~~(E) The name, address, and date of birth of any person who will be an agent of,

1 employee, or volunteer of the compassion center at its inception.

2 (ii) A compassion center approved or renewed by the department of business regulation on
3 or after January 1, 2020, shall submit materials pursuant to regulations promulgated by the
4 department of business regulation before it may begin operations which shall include but not be
5 limited to:

6 (A) A fee paid to the department in the amount of five hundred thousand dollars
7 (\$500,000);

8 (B) The legal name and articles of incorporation of the compassion center;

9 (C) The physical address of the compassion center; this may include a second address for
10 the secure cultivation of medical marijuana;

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

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

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

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

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

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

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

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

34 (7) Except as provided in this subsection, neither the department of health nor the

1 department of business regulation shall issue a registry identification card to any principal officer,
2 board member, or agent, ~~volunteer, or employee~~ of a compassion center who has been convicted
3 of a felony drug offense or has entered a plea of nolo contendere for a felony drug offense and
4 received a sentence of probation. If a registry identification card is denied, the compassion center
5 will be notified in writing of the purpose for denying the registry identification card. A registry
6 identification card may be granted if the offense was for conduct that occurred prior to the
7 enactment of the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act or that was
8 prosecuted by an authority other than the state of Rhode Island and for which the Edward O.
9 Hawkins and Thomas C. Slater Medical Marijuana Act would otherwise have prevented a
10 conviction.

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

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

27 (iii) All registry identification card applicants except for employees with no ownership,
28 equity, financial interest, or managing control of a marijuana establishment license shall be
29 responsible for any expense associated with the criminal background check with fingerprints.

30 (8) A registry identification card of a principal officer, board member, agent, volunteer, ~~or~~
31 employee, or any other designation required by the department of business regulation shall expire
32 one year after its issuance, or upon the expiration of the ~~registered~~ licensed organization's
33 ~~registration certificate~~ license, or upon the termination of the principal officer, board member,
34 agent, volunteer or employee's relationship with the compassion center, whichever occurs first.

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

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

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

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

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

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

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

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

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

34 (i) The compassion center submits the materials required under subdivisions (c)(4) and

1 (c)(5), including ~~a two hundred fifty thousand dollar (\$250,000) fee~~ a five hundred thousand dollar
2 (\$500,000) fee;

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

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

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

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

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

22 (5) A compassion center's ~~registry identification card~~ license shall be denied, suspended,
23 or subject to revocation if the 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 (v) If any compassion center owner, member, officer, director, manager, investor, agent,
30 or key person as defined in regulations promulgated by the department of business regulation, has
31 any interest, direct or indirect, in another compassion center or another licensed cultivator, except
32 as permitted in § 21-28.6-12(b)(10). Prohibited interests shall also include interests arising pursuant
33 to the use of shared management companies, management agreements or other agreements that
34 afford third parties management or operational control, or other familial or business relationships

1 between compassion center or cultivator owners, members, officers, directors, managers, investors,
2 agents, or key persons which effect dual license interests as determined by the department of
3 business regulation.

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

9 (f) Compassion center requirements:

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

15 (i) Minimum security and surveillance requirements;

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

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

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

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

20 (vi) Minimum requirements to address odor mitigation;

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

22 (viii) Minimum requirements and prohibitions for advertising;

23 (ix) Minimum requirements for the testing and destruction of marijuana. Wherever
24 destruction of medical marijuana and medical marijuana product is required to bring a person or
25 entity into compliance with any provision of chapter 28.6 of title 21, any rule or regulation
26 promulgated thereunder, or any administrative order issued in accordance therewith, the director of
27 the department of business regulation may designate his or her employees or agents to facilitate
28 said destruction;

29 (x) A requirement that if a compassion center violates this chapter, or any regulation
30 thereunder, and the department of business regulation determines that violation does not pose an
31 immediate threat to public health or public safety, the compassion center shall pay to the department
32 of business regulation a fine of no less than five-hundred dollars (\$500); and

33 (xi) A requirement that if a compassion center violates this chapter, or any regulation
34 promulgated hereunder, and the department of business regulation determines that the violation

1 [poses an immediate threat to public health or public safety, the compassion center shall pay to the](#)
2 [department of business regulation a fine of no less than two-thousand dollars \(\\$2,000\) and the](#)
3 [department shall be entitled to pursue any other enforcement action provided for under this chapter](#)
4 [and the regulations.](#)

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

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

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

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

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

34 (6) The operating documents of a compassion center shall include procedures for the

1 oversight of the compassion center and procedures to ensure accurate record keeping.

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

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

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

11 (10) Effective July 1, ~~2016~~ 2017, each compassion center shall be subject to any regulations
12 promulgated by the departments of health and business regulation that specify how ~~usable~~
13 marijuana must be tested for items included but not limited to cannabinoid profile and
14 contaminants.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (h) Immunity:

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

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

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

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

17 (i) Prohibitions:

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

20 (2) A compassion center may not dispense, deliver, or otherwise transfer marijuana to a
21 person other than a patient cardholder or to ~~such~~ a qualified patient's primary caregiver or
22 authorized purchaser;

23 (3) A compassion center may not procure, purchase, transfer or sell marijuana to or from
24 any entity other than a marijuana establishment licensee in accordance with the provisions of this
25 chapter;

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

28 (5) An employee, agent, volunteer, principal officer or board member of any compassion
29 center found in violation of paragraph (2) or (3) shall have his or her registry identification revoked
30 immediately; and

31 (6) No person who has been convicted of a felony drug offense or has entered a plea of
32 nolo contendere for a felony drug offense with a sentence or probation may be the principal officer,
33 board member, or agent, ~~volunteer, or employee~~ of a compassion center unless the department has
34 determined that the person's conviction was for the medical use of marijuana or assisting with the

1 medical use of marijuana in accordance with the terms and conditions of this chapter. A person
2 who is employed by or is an agent, volunteer, principal officer, or board member of a compassion
3 center in violation of this section is guilty of a civil violation punishable by a fine of up to one
4 thousand dollars (\$1,000). A subsequent violation of this section is a misdemeanor.

5 (j) Legislative oversight committee:

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

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

15 (i) Patients' access to medical marijuana;

16 (ii) Efficacy of compassion centers;

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

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

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

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

22 [\(k\) License required. No person or entity shall engage in activities described in § 21-28.6-](#)
23 [12 without a compassion center license issued by the department of business regulation.](#)

24 **21-28.6-14. Cooperative cultivations.**

25 (a) Two (2) or more qualifying cardholders may cooperatively cultivate marijuana in
26 residential or non-residential locations subject to the following restrictions:

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

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

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

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

34 (5) A written acknowledgement of the limitations of the right to use and possess marijuana

1 for medical purposes in Rhode Island that is signed by each cardholder and is displayed prominently
2 in the premises cooperative cultivation;

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

4 (i) A non-residential, cooperative cultivation may have no more than ten (10) ounces of
5 ~~dried usable~~ marijuana, or its equivalent [which satisfies the requirements of this chapter](#), and an
6 amount of wet marijuana set in regulations promulgated by the department of business regulation,
7 forty-eight (48) mature marijuana plants, and forty-eight (48) seedlings;

8 (ii) A residential, cooperative cultivation may have no more than ten (10) ounces of ~~dried~~
9 ~~useable~~ marijuana, or its equivalent [which satisfies the requirements of this chapter](#), and an amount
10 of wet marijuana set in regulations promulgated by the department of business regulation, twenty-
11 four (24) mature marijuana plants, and twenty-four (24) seedlings;

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

14 (iv) Every marijuana plant possessed by a cooperative cultivation must be accompanied by
15 a valid medical marijuana tag issued by the department of business regulation pursuant to § 21-
16 28.6-15. Each cooperative cultivation must purchase at least one medical marijuana tag in order to
17 remain a licensed cooperative cultivation; and

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

21 (7) Cooperative cultivations must be inspected as follows:

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

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

31 (8) Cooperative cultivations must report the location of the cooperative cultivation to the
32 department of public safety.

33 (9) The reports provided to the department of public safety in subsection (8) of this section
34 shall be confidential, but locations may be confirmed for law enforcement purposes. The report of

1 the location of the cooperative cultivation alone shall not constitute probable cause for a search of
2 the cooperative cultivation.

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

6 (b) Any violation of any provision of this chapter or regulations promulgated hereunder as
7 determined by the department of business regulation may result in the revocation/suspension of the
8 cooperative cultivation license.

9 (c) License required. No person or entity shall engage in activities described in § 21-28.6-
10 14 without a cooperative cultivation license issued by the department of business regulation.

11 (d) Effective July 1, 2019, except as to cooperative cultivator licenses issued by the
12 department of business regulation before July 1, 2019, the department of business regulation shall
13 no longer accept applications or renewals for licensed cooperative cultivations and cooperative
14 cultivations shall no longer be permitted.

15 (e) Effective July 1, 2019, not more than one registered cardholder shall be permitted to
16 grow marijuana in a dwelling unit or commercial unit, except for two (2) or more qualifying patient
17 or primary caregiver cardholder(s) who are primary residents of the same dwelling unit where the
18 medical marijuana plants are grown and in all instances subject to the plant limits provided in § 21-
19 28.6-4(q).

20 **21-28.6-15. Medical Marijuana Plant Tags.**

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

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

32 (i) For patient cardholders authorized to grow medical marijuana by the ~~department of~~
33 ~~health~~ department of business regulation, the fee per tag set shall not exceed twenty-five dollars
34 (\$25);

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

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

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

7 (v) For licensed [medical marijuana](#) cultivators, the fee per tag set shall be established in
8 regulations promulgated by the department of business regulation.

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

15 (3) Effective ~~January~~ [July](#) 1, ~~2017~~ [2019](#) and thereafter, the department of business
16 regulation shall verify ~~with the department of health~~ that all medical marijuana tag purchases are
17 made by ~~registered patient cardholders who have notified the department of health of their election~~
18 ~~to grow medical marijuana or~~ primary caregiver cardholders. ~~The department of health shall~~
19 ~~provide this verification according to qualifying patients' and primary caregivers' registry~~
20 ~~identification numbers and without providing access to any applications or supporting information~~
21 ~~submitted by qualifying patients to protect patient confidentiality;~~

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

24 (5) All primary caregivers shall purchase at least one medical marijuana tag [set](#) for each
25 patient under their care and all patients growing medical marijuana for themselves [or serving as](#)
26 [their own caregiver](#) shall purchase at least one medical marijuana tag [set](#).

27 (6) All licensed [medical marijuana](#) cultivators shall purchase at least one medical marijuana
28 tag [set or utilize a seed to sale tracking system](#).

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

33 (b) Enforcement:

34 (1) If a patient cardholder, primary caregiver cardholder, [licensed compassion center](#), or

1 licensed [medical marijuana](#) cultivator violates any provision of this chapter or the regulations
2 promulgated hereunder as determined by the departments of business regulation ~~and or~~ health, his
3 or her medical marijuana tags may be revoked. In addition, the department that issued the
4 cardholder's registration or the license may revoke the cardholder's registration or license ~~pursuant~~
5 ~~to §21-28.6-9.~~

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

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

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

30 **21-28.6-16. Licensed medical marijuana cultivators.**

31 (a) A licensed [medical marijuana](#) cultivator licensed under this section may acquire,
32 possess, [manufacture](#), cultivate, deliver, or transfer medical marijuana to licensed compassion
33 centers, [to another licensed medical marijuana cultivator](#). A licensed medical marijuana cultivator
34 shall not be a primary caregiver cardholder [registered with any qualifying patient\(s\) other than](#)

1 [themselves](#), and shall not hold a cooperative cultivation license. Except as specifically provided to
2 the contrary, all provisions of chapter 28.6 of title 21 (the Edward O. Hawkins and Thomas C.
3 Slater Medical Marijuana Act), apply to a licensed [medical marijuana](#) cultivator unless they conflict
4 with a provision contained in § 21-28.6-16.

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

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

10 (2) Minimum oversight requirements for licensed [medical marijuana](#) cultivators;

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

12 (4) Minimum security requirements for cultivators; and

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

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

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

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

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

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

9 (g) [Medical marijuana](#) cultivators shall be subject to any product labeling requirements
10 promulgated by the department of business regulation and the department of health;

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

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

20 (j) Inspection. [Medical marijuana](#) cultivators shall be subject to reasonable inspection by
21 the department of business regulation or the department of health for the purposes of enforcing
22 regulations promulgated pursuant to this chapter and all applicable Rhode Island general laws.

23 (k) The cultivator applicant, [unless he or she are an employee with no equity, ownership,](#)
24 [financial interest, or managing control,](#) shall apply to the bureau of criminal identification of the
25 department of attorney general, department of public safety division of state police, or local police
26 department for a national criminal records check that shall include fingerprints submitted to the
27 Federal Bureau of Investigation. Upon the discovery of any disqualifying information as defined
28 in subdivision (k)(2), and in accordance with the rules promulgated by the director of the
29 department of business regulation, the bureau of criminal identification of the department of
30 attorney general, department of public safety division of state police, or the local police department
31 shall inform the applicant, in writing, of the nature of the disqualifying information; and, without
32 disclosing the nature of the disqualifying information, shall notify the department of business
33 regulation, in writing, that disqualifying information has been discovered.

34 (1) In those situations in which no disqualifying information has been found, the bureau of

1 criminal identification of the department of attorney general, department of public safety division
2 of state police, or the local police department shall inform the applicant and the department of
3 business regulation, in writing, of this fact.

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

8 (3) ~~The~~ Except for employees with no ownership, equity, financial interest, or managing
9 control of a marijuana establishment license, ~~the~~ cultivator applicant shall be responsible for any
10 expense associated with the national criminal records check.

11 (1) Persons issued medical marijuana cultivator licenses shall be subject to the following:

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

17 (2) When a licensed medical marijuana cultivator cardholder notifies the department of
18 business regulation of any changes listed in this subsection, the department of business regulation
19 shall issue the cultivator cardholder a new ~~license~~ registry identification card after the department
20 approves the changes and receives from the licensee payment of a fee specified in regulation.

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

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

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

32 (m) Immunity:

33 (1) No licensed medical marijuana cultivator shall be subject to prosecution; search, except
34 by the departments pursuant to subsection (j); seizure; or penalty in any manner, or denied any right

1 or privilege, including, but not limited to, civil penalty or disciplinary action by a business,
2 occupational, or professional licensing board or entity, solely for acting in accordance with this
3 section ~~to assist registered-qualifying~~;

4 (2) No licensed [medical marijuana](#) cultivator shall be subject to prosecution, seizure, or
5 penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty
6 or disciplinary action by a business, occupational, or professional licensing board or entity, for
7 selling, giving, or distributing marijuana in whatever form and within the limits established by the
8 department of business regulation to a [licensed](#) compassion center;

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

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

20 [\(n\) License required. No person or entity shall engage in activities described in § 21-28.6-](#)
21 [16 without a medical marijuana cultivator license issued by the department of business regulation.](#)

22 [\(o\) Effective July 1, 2019, the department of business regulation will not reopen the](#)
23 [application period for new medical marijuana cultivator licenses.](#)

24 **21-28.6-16.2. Medical marijuana testing laboratories – Immunity.**

25 (a) No ~~medical-marijuana~~ [cannabis testing](#) laboratory shall be subject to prosecution; search
26 (except by the departments pursuant to regulations); seizure; 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 occupational, or professional licensing board or entity, solely for acting in accordance with the act
29 and regulations promulgated hereunder to assist licensees.

30 (b) No ~~medical-marijuana~~ [cannabis](#) testing laboratory shall be subject to prosecution, search
31 (except by the departments pursuant to regulations), seizure, or penalty in any manner, or denied
32 any right or privilege, including, but not limited to, civil penalty or disciplinary action, by a
33 business, occupational, or professional licensing board or entity, for selling, giving, or distributing
34 marijuana in whatever form, and within the limits established by, the department of health to

1 another ~~medical marijuana~~ [cannabis](#) testing laboratory.

2 (c) No principal officers, board members, agents, volunteers, or employees of a ~~medical~~
3 ~~marijuana~~ [cannabis](#) testing laboratory shall be subject to arrest, prosecution, search, seizure, or
4 penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty
5 or disciplinary action by a business, occupational, or professional licensing board or entity, solely
6 for working for or with a ~~medical marijuana~~ [cannabis](#) testing laboratory to engage in acts permitted
7 by the act and the regulations promulgated hereunder.

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

13 **21-28.6-17. Revenue.**

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

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

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

30 SECTION 6. Chapter 21-28.6 of the General Laws entitled "The Edward O. Hawkins and
31 Thomas C. Slater Medical Marijuana Act" is hereby amended by adding thereto the following
32 section:

33 **21-28.6-18. Activities not exempt.**

34 [The provisions of this chapter do not exempt any person from arrest, civil or criminal](#)

1 penalty, seizure or forfeiture of assets, discipline by any state or local licensing board or authority,
2 and state prosecution for, nor may they establish an affirmative defense based on this chapter to
3 charges arising from, any of the following acts:

4 (1) Driving, operating, or being in actual physical control of a vehicle or a vessel under
5 power or sail while impaired by marijuana or marijuana products;

6 (2) Possessing or using marijuana or marijuana products if the person is a prisoner;

7 (3) Possessing or using marijuana or marijuana products in any local detention facility,
8 county jail, state prison, reformatory, or other correctional facility, including, without limitation,
9 any facility for the detention of juvenile offenders; or

10 (4) Manufacturing or processing of marijuana products with the use of prohibited solvents,
11 in violation of chapter 28.6 of title 21; or.

12 (5) Possessing, using, distributing, cultivating, processing or manufacturing marijuana or
13 marijuana products which do not satisfy the requirements of this chapter.

14 SECTION 7. This act shall take effect upon passage.

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