

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, chiropractist, 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 ~~(u)~~(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.

15