

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO FOOD AND DRUGS -- THE EDWARD O. HAWKINS AND THOMAS C. SLATER MEDICAL MARIJUANA ACT

Introduced By: Representatives Morales, Potter, and Cruz

Date Introduced: March 05, 2024

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

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

4 **21-28.6-5. Departments of health and business regulation to issue regulations.**

5 (a) Not later than ninety (90) days after the effective date of this chapter, the department of  
6 health shall promulgate regulations governing the manner in which it shall consider petitions from  
7 the public to add debilitating medical conditions to those included in this chapter. [These regulations](#)  
8 [shall provide that a treating physician may add to the definition of a debilitating medical condition](#)  
9 [and determination, on behalf of the treating physician's patient.](#)

10 In considering such petitions, the department of health shall include public notice of, and  
11 an opportunity to comment in a public hearing, upon such petitions. The department of health shall,  
12 after hearing, approve or deny such petitions within one hundred eighty (180) days of submission.  
13 The approval or denial of such a petition shall be considered a final department of health action,  
14 subject to judicial review. Jurisdiction and venue for judicial review are vested in the superior court.  
15 The denial of a petition shall not disqualify qualifying patients with that condition, if they have a  
16 debilitating medical condition as defined in § 21-28.6-3. The denial of a petition shall not prevent  
17 a person with the denied condition from raising an affirmative defense.

18 (b) Not later than ninety (90) days after the effective date of this chapter, the department

1 of health shall promulgate regulations governing the manner in which it shall consider applications  
2 for, and renewals of, registry identification cards for qualifying patients and authorized purchasers.

3 (c) Not later than October 1, 2019, the department of business regulation shall promulgate  
4 regulations not inconsistent with law, to carry into effect the provisions of this section, governing  
5 the manner in which it shall consider applications for, and renewals of, registry identification cards  
6 for primary caregivers.

7 (d) On and after December 1, 2022, no fee shall be charged for application, registration or  
8 renewal of an identification card for a patient or primary caregiver pursuant to the provisions of  
9 this section. Registry identification cards for qualifying patients, authorized purchasers and primary  
10 caregivers shall be issued without charge.

11 [\(e\) In addition, a treating physician may add to the definition of a debilitating medical](#)  
12 [condition and determination, on behalf of the treating physician's patient.](#)

13 **21-28.6-6. Administration of departments of health and business regulation**  
14 **regulations.**

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

18 (1) Written certification as defined in § 21-28.6-3;

19 (2) Application fee, as applicable;

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

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

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

24 (6) Name, address, and date of birth of one primary caregiver of the qualifying patient and  
25 any authorized purchasers for the qualifying patient, if any primary caregiver or authorized  
26 purchaser is chosen by the patient or allowed in accordance with regulations promulgated by the  
27 departments of health or business regulation.

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

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

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

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

1 (ii) Serve as the qualifying patient's primary caregiver or authorized purchaser; and  
2 (iii) Control the acquisition of the marijuana, the dosage, and the frequency of the medical  
3 use of marijuana by the qualifying patient.

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

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

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

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

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

1 failed to satisfy the application or renewal requirements.

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

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

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

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

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

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

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

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

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

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

30 (3) Effective September 1, 2024, and thereafter, the department of health or the department  
31 of business regulation, as applicable, shall issue registry identification cards within five (5) business  
32 days of approving an application or renewal that shall expire three (3) years after the date of  
33 issuance.

34 (4) A patient suffering from a terminal illness shall not be required to renew their registry

1 identification card and shall be entitled to all the protections under chapter 28.6 of title 21. For  
2 purposes of this subsection, "terminal illness" means a disease that can lead to death and cannot be  
3 cured or adequately treated. This definition includes, but is not limited to, diseases such as cancer,  
4 dementia or advanced heart disease.

5 (5) A patient suffering from an incurable condition shall not be required to renew their  
6 registry identification card and shall be entitled to all the protections under chapter 28.6 of title 21.  
7 For purposes of this subsection, "incurable condition" means a disease that is not terminal but  
8 cannot be remedied or corrected. This definition includes, but is not limited to, disease such as  
9 arthritis, ehlers-danlos syndrome, Parkinson's disease, or scoliosis.

10 ~~(3)~~(6) Registry identification cards shall contain:

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

12 (ii) A random registry identification number;

13 (iii) A photograph; and

14 (iv) Any additional information as required by regulation of the department of health or  
15 business regulation as applicable.

16 (i) Persons issued registry identification cards by the department of health or department  
17 of business regulation shall be subject to the following:

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

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

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

31 (4) When a qualifying patient cardholder or primary caregiver cardholder notifies the  
32 department of health or department of business regulation, as applicable, of any changes listed in  
33 this subsection, the department of health or department of business regulation, as applicable, shall  
34 issue the qualifying patient cardholder and each primary caregiver cardholder a new registry

1 identification card within ten (10) days of receiving the updated information and a ten-dollar  
2 (\$10.00) fee.

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

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

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

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

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

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

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

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

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

13 (l) Notwithstanding subsections (k) and (m) of this section, the departments of health and  
14 business regulation, as applicable, shall verify to law enforcement personnel whether a registry  
15 identification card is valid and may provide additional information to confirm whether a cardholder  
16 is compliant with the provisions of this chapter and the regulations promulgated hereunder. The  
17 department of business regulation shall verify to law enforcement personnel whether a registry  
18 identification card is valid and may confirm whether the cardholder is compliant with the provisions  
19 of this chapter, or the cannabis control commission may verify if a sale is within the provisions of  
20 chapter 28.11 of title 21 and the regulations promulgated hereunder. This verification may occur  
21 through the use of a shared database, provided that any medical records or confidential information  
22 in this database related to a cardholder's specific medical condition is protected in accordance with  
23 subsection (k)(1).

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

32 (n) On or before the fifteenth day of the month following the end of each quarter of the  
33 fiscal year, the department of health and the department of business regulation shall report to the  
34 governor, the speaker of the house of representatives, and the president of the senate on applications



1 for the use of marijuana for symptom relief. The report shall provide:

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

8 (o) On or before September 30 of each year, the department of health and the department  
9 of business regulation, as applicable, shall report to the governor, the speaker of the house of  
10 representatives, and the president of the senate on the use of marijuana for symptom relief. The  
11 report shall provide:

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

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

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

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

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

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

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

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

- 1           (2) The number of applications for compassion centers and licensed cultivators;
- 2           (3) The number of marijuana plant tag sets ordered, delivered, and currently held within
- 3 the state;
- 4           (4) The total revenue collections of any monies related to its regulator activities for the
- 5 prior fiscal year, by the relevant category of collection, including enumerating specifically the total
- 6 amount of revenues foregone or fees paid at reduced rates pursuant to this chapter.
- 7           SECTION 2. This act shall take effect upon passage.

=====  
LC004985  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO FOOD AND DRUGS -- THE EDWARD O. HAWKINS AND THOMAS C.  
SLATER MEDICAL MARIJUANA ACT

\*\*\*

1           This act would extend the registry identification card renewal for medical marijuana cards  
2 from one year to three (3) years. It would also remove the renewal requirement for terminally ill  
3 patients. The act would also permit a treating physician to add to the definition of a debilitating  
4 medical condition and determination.

5           This act would take effect upon passage.

=====  
LC004985  
=====