

2014 -- S 2987

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

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

Introduced By: Senators McCaffrey, Cote, Lombardi, and Nesselbush

Date Introduced: May 07, 2014

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

4 **21-28.6-4. Protections for the medical use of marijuana.** -- (a) A qualifying patient
5 who has in his or her possession a registry identification card shall not be subject to arrest,
6 prosecution, or penalty in any manner, or denied any right or privilege, including but not limited
7 to, civil penalty or disciplinary action by a business or occupational or professional licensing
8 board or bureau, for the medical use of marijuana; provided, that the qualifying patient possesses
9 an amount of marijuana that does not exceed ~~twelve (12)~~ three (3) mature marijuana plants per
10 residential dwelling unit and two and one-half (2.5) ounces of usable marijuana. Said plants shall
11 be stored in an indoor facility.

12 (b) A registered qualifying patient, 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
15 business or occupational or professional licensing board or bureau, for selling, giving, or
16 distributing marijuana of the type and in an amount not to exceed that set forth in subsection (a)
17 above, that he or she has cultivated or manufactured pursuant to this chapter, to a registered
18 compassion center.

1 (c) No school, employer or landlord may refuse to enroll, employ or lease to or otherwise
2 penalize a person solely for his or her status as a cardholder.

3 (d) A primary caregiver, who has in his or her possession, a registry identification card
4 shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or
5 privilege, including but not limited to, civil penalty or disciplinary action by a business or
6 occupational or professional licensing board or bureau, for assisting a qualifying patient to whom
7 he or she is connected through the department's registration process with the medical use of
8 marijuana; provided, that the primary caregiver possesses an amount of marijuana which does not
9 exceed ~~twelve (12)~~ three (3) mature marijuana plants per residential dwelling unit regardless of
10 the number of qualified patients the caregiver is assigned to, and two and one-half (2.5) ounces of
11 usable marijuana for each qualifying patient to whom he or she is connected through the
12 department's registration process.

13 (e) Registered primary caregivers under § 21-28.6-4(d) and registered qualifying patients
14 under § 21-28.6-4(a) shall be allowed to possess a reasonable amount of unusable marijuana,
15 including up to ~~twelve (12)~~ three (3) seedlings per residential dwelling unit regardless of the
16 number of qualified patients the caregiver is assigned to which shall not be counted toward the
17 limits in this section.

18 (f) There shall exist a presumption that a qualifying patient or primary caregiver is
19 engaged in the medical use of marijuana if the qualifying patient or primary caregiver:

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

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

25 (g) A primary caregiver may receive reimbursement for costs associated with assisting a
26 registered qualifying patient's medical use of marijuana. Compensation shall not constitute sale of
27 controlled substances.

28 (h) A natural person registered as a primary caregiver who has in his or her possession a
29 registry identification card shall not be subject to arrest, prosecution, or penalty in any manner, or
30 denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a
31 business or occupational or professional licensing board or bureau, for selling, giving, or
32 distributing marijuana, of the type and in an amount not to exceed that set forth in subsection (d)
33 above, to a registered compassion center if:

34 (1) The registered natural person primary caregiver cultivated the marijuana pursuant to

1 this chapter, not to exceed the limits of paragraph (d) above; and

2 (2) Each qualified patient the caregiver is connected with through the department's
3 registration process has been provided an adequate amount of the marijuana to meet his or her
4 medical needs, not to exceed the limits of subsection (a) above.

5 (i) A practitioner shall not be subject to arrest, prosecution, or penalty in any manner, or
6 denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by
7 the Rhode Island Board of Medical Licensure and Discipline or by any other business or
8 occupational or professional licensing board or bureau solely for providing written certifications
9 or for otherwise stating that, in the practitioner's professional opinion, the potential benefits of the
10 medical marijuana would likely outweigh the health risks for a patient.

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

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

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

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

27 (n) Notwithstanding the provisions of subsection 21-28.6-4(d), ~~or~~ subsection 21-28.6-
28 4(e), [or subsection 21-28.6-4\(q\)](#) no primary caregiver other than a compassion center shall
29 possess [in total](#) an amount of marijuana in excess of twenty-four (24) marijuana plants and five
30 (5) ounces of usable marijuana for qualifying patients to whom he or she is connected through the
31 department's registration process.

32 (o) A registered qualifying patient or registered primary caregiver may give marijuana to
33 another registered qualifying patient or registered primary caregiver to whom they are not
34 connected by the department's registration process, provided that no consideration is paid for the

1 marijuana, and that the recipient does not exceed the limits specified in section 21-28.6-4.

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

6 (q) A primary caregiver, who has in his or her possession, a registry identification card
7 shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or
8 privilege, including, but not limited to, civil penalty or disciplinary action by a business or
9 occupational or professional licensing board or bureau, for assisting a qualifying patient to whom
10 he or she is connected through the department's registration process with the medical use of
11 marijuana; provided, that the primary caregiver has obtained a cultivation certificate from the
12 department of health, and possesses an amount of marijuana which does not exceed twelve (12)
13 mature marijuana plants, and a reasonable amount of unusable marijuana including twelve (12)
14 seedlings, and two and one-half (2.5) ounces of usable marijuana for each qualifying patient to
15 whom he or she is connected through the department's registration process. The cultivation
16 certificate required pursuant to this subsection shall be issued upon the payment of two hundred
17 dollars (\$200) to the department, and must be renewed annually; provided, the caregiver's
18 location for the maintenance of the twelve (12) mature marijuana plants shall be located in a
19 nonresidential zone, more than one thousand feet (1000') from the property line of any pre-
20 existing public school, private school or daycare center.

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

- 24 (1) Written certification as defined in section 21-28.6-3(14) of this chapter;
25 (2) Application or renewal fee;
26 (3) Name, address, and date of birth of the qualifying patient; provided, however, that if
27 the patient is homeless, no address is required;
28 (4) Name, address, and telephone number of the qualifying patient's practitioner; and
29 (5) Name, address, and date of birth of each primary caregiver of the qualifying patient,
30 if any.

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

- 33 (1) The qualifying patient's practitioner has explained the potential risks and benefits of
34 the medical use of marijuana to the qualifying patient and to a parent, guardian or person having

1 legal custody of the qualifying patient; and

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

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

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

5 (iii) Control the acquisition of the marijuana, the dosage, and the frequency of the
6 medical use of marijuana by the qualifying patient.

7 (c) The department shall verify the information contained in an application or renewal
8 submitted pursuant to this section, and shall approve or deny an application or renewal within
9 fifteen (15) days of receiving it. The department may deny an application or renewal only if the
10 applicant did not provide the information required pursuant to this section, or if the department
11 determines that the information provided was falsified. Rejection of an application or renewal is
12 considered a final department action, subject to judicial review. Jurisdiction and venue for
13 judicial review are vested in the superior court.

14 (d) The department shall issue a registry identification card to each primary caregiver, if
15 any, who is named in a qualifying patient's approved application, up to a maximum of two (2)
16 primary caregivers per qualifying patient. ~~A person may not serve as a primary caregiver if he or
17 she has a felony drug conviction, unless the department waives this restriction in respect to a
18 specific individual at the department's discretion. Additionally, the department shall allow the
19 person to serve as a primary caregiver if the department determines that the offense was for
20 conduct that occurred prior to the enactment of the Edward O. Hawkins and Thomas C. Slater
21 Medical Marijuana Act or that was prosecuted by an authority other than the state of Rhode
22 Island and for which the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act
23 would otherwise have prevented a conviction.~~

24 (1) The primary caregiver applicant shall apply to the bureau of criminal identification of
25 the department of attorney general, state police or local police department for a national criminal
26 records check that shall include fingerprints submitted to the Federal Bureau of Investigation.
27 Upon the discovery of any disqualifying information as defined in § 21-28.6-6(d)(4), and in
28 accordance with the rules promulgated by the director, the bureau of criminal identification of the
29 department of attorney general, state police or the local police department shall inform the
30 applicant, in writing, of the nature of the disqualifying information; and, without disclosing the
31 nature of the disqualifying information, shall notify the department, in writing, that disqualifying
32 information has been discovered.

33 (2) In those situations in which no disqualifying information has been found, the bureau
34 of criminal identification of the department of attorney general, state police or the local police

1 shall inform the applicant and the department, in writing, of this fact.

2 (3) The department shall maintain on file evidence that a criminal records check has been
3 initiated on all applicants seeking a primary caregiver registry identification card and the results
4 of the checks.

5 (4) Information produced by a criminal records check pertaining to a conviction for any
6 felony offense under chapter 28 of title 21 ("Rhode Island Controlled Substances Act") or a
7 similar offense from any other jurisdiction shall result in a letter to the applicant and the
8 department disqualifying the applicant. If disqualifying information has been found, the
9 department may use their discretion to issue a primary caregiver card if the applicant's connected
10 patient is an immediate family member and the card is restricted to that patient only.

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

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

18 (e) The department shall issue registry identification cards within five (5) days of
19 approving an application or renewal, which shall expire two (2) years after the date of issuance.
20 Registry identification cards shall contain:

- 21 (1) The date of issuance and expiration date of the registry identification card;
- 22 (2) A random registry identification number; and
- 23 (3) A photograph; and
- 24 (4) Any additional information as required by regulation or the department.

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

26 (1) A qualifying patient who has been issued a registry identification card shall notify the
27 department of any change in the qualifying patient's name, address, or primary caregiver; or if the
28 qualifying patient ceases to have his or her debilitating medical condition, within ten (10) days of
29 such change.

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

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

7 (4) When a qualifying patient or primary caregiver notifies the department of any
8 changes listed in this subsection, the department shall issue the registered qualifying patient and
9 each primary caregiver a new registry identification card within ten (10) days of receiving the
10 updated information and a ten dollar (\$10.00) fee. When a principal officer, board member,
11 employee, volunteer, or agent of a compassion center notifies the department of any changes
12 listed in this subsection, the department shall issue the cardholder a new registry identification
13 card within ten (10) days of receiving the updated information and a ten dollar (\$10.00) fee.

14 (5) When a qualifying patient who possesses a registry identification card changes his or
15 her primary caregiver, the department shall notify the primary caregiver within ten (10) days. The
16 primary caregiver's protections as provided in this chapter as to that patient shall expire ten (10)
17 days after notification by the department.

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

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

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

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

34 (2) The application for qualifying patient's registry identification card shall include a

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

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

10 (i) The department shall verify to law enforcement personnel whether a registry
11 identification card is valid solely by confirming the random registry identification number.

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

18 (k) On or before January 1 of each odd numbered year, the department shall report to the
19 House Committee on Health, Education and Welfare and to the Senate Committee on Health and
20 Human Services on the use of marijuana for symptom relief. The report shall provide:

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

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

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

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

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

34 **21-28.6-9. Enforcement.** -- (a) If the department fails to adopt regulations to implement

1 this chapter within one hundred twenty (120) days of the effective date of this act, a qualifying
2 patient may commence an action in a court of competent jurisdiction to compel the department to
3 perform the actions mandated pursuant to the provisions of this chapter.

4 (b) If the department fails to issue a valid registry identification card in response to a
5 valid application submitted pursuant to this chapter within thirty-five (35) days of its submission,
6 the registry identification card shall be deemed granted and a copy of the registry identification
7 application shall be deemed valid registry identification card.

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

13 **21-28.6-12. Compassion centers.** -- (a) A compassion center registered under this
14 section may acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply, or
15 dispense marijuana, or related supplies and educational materials, to registered qualifying patients
16 and their registered primary caregivers who have designated it as one of their primary caregivers.
17 A compassion center is a primary caregiver. Except as specifically provided to the contrary, all
18 provisions of the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act, sections 21-
19 28.6-1 -- 21-28.6-11, apply to a compassion center unless they conflict with a provision contained
20 in section 21-28.6-12.

21 (b) Registration of compassion centers--department authority:

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

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

26 (ii) Minimum oversight requirements for compassion centers;

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

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

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

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

34 (3) Within one hundred fifty (150) days of the effective date of this chapter, the

1 department shall provide for at least one public hearing on the granting of an application to a
2 single compassion center.

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

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

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

14 (7) Any time a compassion center registration certificate is revoked, is relinquished, or
15 expires, the department shall accept applications for a new compassion center.

16 (8) If at any time after three (3) years after the effective date of this chapter, fewer than
17 three (3) compassion centers are holding valid registration certificates in Rhode Island, the
18 department shall accept applications for a new compassion center. No more than three (3)
19 compassion centers may hold valid registration certificates at one time.

20 (9) Any compassion center application selected for approval by the department prior to
21 January 1, 2012, shall remain in full force and effect, notwithstanding any provisions of this
22 chapter to the contrary, and shall be subject to state law adopted herein and rules and regulations
23 adopted by the department subsequent to passage of this legislation.

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

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

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

28 (ii) The proposed legal name and proposed articles of incorporation of the compassion
29 center;

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

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

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

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

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

9 (2) Any time one or more compassion center registration applications are being
10 considered, the department shall also allow for comment by the public and shall solicit input from
11 registered qualifying patients, registered primary caregivers; and the towns or cities where the
12 applicants would be located;

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

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

18 (ii) The applicants' ability to provide a steady supply to the registered qualifying patients
19 in the state;

20 (iii) The applicants' experience running a non-profit or business;

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

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

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

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

30 (4) After a compassion center is approved, but before it begins operations, it shall submit
31 the following to the department:

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

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

34 (iii) The physical address of the compassion center; this may include a second address

1 for the secure cultivation of marijuana;

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

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

6 (5) The department shall track the number of registered qualifying patients who
7 designate each compassion center as a primary caregiver, and issue a written statement to the
8 compassion center of the number of qualifying patients who have designated the compassion
9 center to serve as a primary caregiver for them. This statement shall be updated each time a new
10 registered qualifying patient designates the compassion center or ceases to designate the
11 compassion center and may be transmitted electronically if the department's regulations so
12 provide. The department may provide by regulation that the updated written statements will not
13 be issued more frequently than twice each week;

14 (6) Except as provided in subdivision (7), the department shall issue each principal
15 officer, board member, agent, volunteer and employee of a compassion center a registry
16 identification card or renewal card within ten (10) days of receipt of the person's name, address,
17 date of birth; a fee in an amount established by the department; and notification to the department
18 by the state police that the registry identification card applicant has not been convicted of a felony
19 drug offense or has not entered a plea of nolo contendere for a felony drug offense and received a
20 sentence of probation. Each card shall specify that the cardholder is a principal officer, board
21 member, agent, volunteer, or employee of a compassion center and shall contain the following:

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

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

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

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

28 (v) A photograph, if the department decides to require one;

29 (7) Except as provided in this subsection, the department shall not issue a registry
30 identification card to any principal officer, board member, agent, volunteer, or employee of a
31 compassion center who has been convicted of a felony drug offense or has entered a plea of nolo
32 contendere for a felony drug offense and received a sentence of probation. The department shall
33 notify the compassion center in writing of the purpose for denying the registry identification card.
34 The department may grant such person a registry identification card if the department determines

1 that the offense was for conduct that occurred prior to the enactment of the Edward O. Hawkins
2 and Thomas C. Slater Medical Marijuana Act or that was prosecuted by an authority other than
3 the state of Rhode Island and for which the Edward O. Hawkins and Thomas C. Slater Medical
4 Marijuana Act would otherwise have prevented a conviction;

5 ~~(i) All registry identification card applicants shall apply to the state police for a national
6 criminal identification records check that shall include fingerprints submitted to the federal
7 bureau of investigation. Upon the discovery of a felony drug offense conviction or a plea of nolo
8 contendere for a felony drug offense with a sentence of probation, and in accordance with the
9 rules promulgated by the director, the state police shall inform the applicant, in writing, of the
10 nature of the felony and the state police shall notify the department, in writing, without disclosing
11 the nature of the felony, that a felony drug offense conviction or a plea of nolo contendere for a
12 felony drug offense with probation has been found.~~

13 ~~(ii) In those situations in which no felony drug offense conviction or plea of nolo
14 contendere for a felony drug offense with probation has been found, the state police shall inform
15 the applicant and the department, in writing, of this fact.~~

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

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

23 (d) Expiration or termination of compassion center:

24 (1) A compassion center's registration shall expire two (2) years after its registration
25 certificate is issued. The compassion center may submit a renewal application beginning sixty
26 (60) days prior to the expiration of its registration certificate;

27 (2) The department shall grant a compassion center's renewal application within thirty
28 (30) days of its submission if the following conditions are all satisfied:

29 (i) The compassion center submits the materials required under subdivision (c)(4),
30 including a five thousand dollar (\$5,000) fee;

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

33 (iii) The legislative oversight committee's report, if issued pursuant to subsection (4)(j),
34 indicates that the compassion center is adequately providing patients with access to medical

1 marijuana at reasonable rates; and

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

5 (3) If the department determines that any of the conditions listed in paragraphs (d)(2)(i) -
6 - (iv) have not been met, the department shall begin an open application process for the operation
7 of a compassion center. In granting a new registration certificate, the department shall consider
8 factors listed in subdivision (c)(3) of this section;

9 (4) The department shall issue a compassion center one or more thirty (30) day
10 temporary registration certificates after that compassion center's registration would otherwise
11 expire if the following conditions are all satisfied:

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

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

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

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

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

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

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

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

24 (e) Inspection. - Compassion centers are subject to reasonable inspection by the
25 department of health, division of facilities regulation. During an inspection, the department may
26 review the compassion center's confidential records, including its dispensing records, which shall
27 track transactions according to qualifying patients' registry identification numbers to protect their
28 confidentiality.

29 (f) Compassion center requirements:

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

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

1 (3) A compassion center shall notify the department within ten (10) days of when a
2 principal officer, board member, agent, volunteer or employee ceases to work at the compassion
3 center. His or her card shall be deemed null and void and the person shall be liable for any
4 penalties that may apply to any nonmedical possession or use of marijuana by the person;

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

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

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

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

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

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

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

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

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

2 (11) Each compassion center shall maintain a personnel record for each employee, agent
3 and volunteer that includes an application and a record of any disciplinary action taken;

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

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

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

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

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

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

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

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

21 (1) A compassion center or principal officer, board member, agent, volunteer or
22 employee of a compassion center may not dispense more than two and one half ounces (2.5 oz) of
23 usable marijuana to a qualifying patient directly or through a qualifying patient's other primary
24 caregiver during a fifteen (15) day period;

25 (2) A compassion center or principal officer, board member, agent, volunteer or
26 employee of a compassion center may not dispense an amount of usable marijuana or marijuana
27 plants to a qualifying patient or a qualifying patient's other primary caregiver that the compassion
28 center, principal officer, board member, agent, volunteer, or employee knows would cause the
29 recipient to possess more marijuana than is permitted under the Edward O. Hawkins and Thomas
30 C. Slater Medical Marijuana Act.

31 (h) Immunity:

32 (1) No registered compassion center shall be subject to prosecution; search, except by
33 the department pursuant to subsection (e); seizure; or penalty in any manner or denied any right
34 or privilege, including, but not limited to, civil penalty or disciplinary action by a business,

1 occupational, or professional licensing board or entity, solely for acting in accordance with this
2 section to assist registered qualifying patients to whom it is connected through the department's
3 registration process with the medical use of marijuana;

4 (2) No registered compassion center shall be subject to prosecution; seizure or penalty in
5 any manner or denied any right or privilege, including, but not limited to, civil penalty or
6 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 to another registered compassion center;

9 (3) No principal officers, board members, agents, volunteers, or employees of a
10 registered compassion center 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
13 for working for or with a compassion center to engage in acts permitted by this section.

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

20 (i) Prohibitions:

21 (1) A compassion center shall not possess an amount of marijuana at any given time that
22 exceeds the following limitations:

23 (i) ~~One hundred fifty (150)~~ Four hundred (400) marijuana plants of which no more than
24 ~~ninety-nine (99)~~ two hundred (200) shall be mature; and

25 (ii) One thousand five hundred ounces (1500 oz.) of usable marijuana.

26 (2) A compassion center may not dispense, deliver, or otherwise transfer marijuana to a
27 person other than a qualifying patient who has designated the compassion center as a primary
28 caregiver or to such patient's other primary caregiver;

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

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

34 (5) No person who has been convicted of a felony drug offense or has entered a plea of

1 nolo contendere for a felony drug offense with a sentence or probation may be the principal
2 officer, board member, agent, volunteer, or employee of a compassion center unless the
3 department has determined that the person's conviction was for the medical use of marijuana or
4 assisting with the medical use of marijuana in accordance with the terms and conditions of this
5 chapter. A person who is employed by or is an agent, volunteer, principal officer, or board
6 member of a compassion center in violation of this section is guilty of a civil violation punishable
7 by a fine of up to one thousand dollars (\$1,000). A subsequent violation of this section is a
8 misdemeanor:

9 (j) Legislative oversight committee:

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

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

- 19 (i) Patients' access to medical marijuana;
- 20 (ii) Efficacy of compassion center;
- 21 (iii) Physician participation in the Medical Marijuana Program;
- 22 (iv) The definition of qualifying medical condition;
- 23 (v) Research studies regarding health effects of medical marijuana for patients.

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

26 SECTION 2. This act shall take effect upon passage.

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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 amend the Medical Marijuana Law to require that patients or caregivers
2 living in residential neighborhoods limit the number of plants they may grow to 3 mature
3 marijuana plants, unless they are located 1000 feet from an existing school, and agree to certain
4 inspections and background checks, and would authorize compassion centers to increase their
5 plant inventory from 150 to 400 total plants with no more than 200 mature marijuana plants.

6 This act would take effect upon passage.

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