



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration  
BUDGET OFFICE  
One Capitol Hill  
Providence, R.I. 02908-5886

MEMORANDUM

**To:** The Honorable Marvin L. Abney  
Chairman, House Finance Committee  
  
The Honorable William J. Conley, Jr.  
Chairman, Senate Finance Committee

**From:** Thomas A. Mullaney *Thomas A. Mullaney*  
Executive Director/State Budget Officer

**Date:** March 16, 2018

**Subject:** Amendments to Article 17 of the FY 2019 Appropriations Act  
(18-H-7200)

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The Governor requests that Article 17 entitled “Relating to the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act” submitted on January 18, 2018 be replaced with the attached version. The new version clarifies Department of Health and Department of Business Regulation roles and authorities when administering their respective aspects of the program. This new version corrects a drafting error that may have prohibited the Department of Health from collecting renewal fees for patient applications, which is current practice. This new version also clarifies the means by which the Department of Health and Department of Business Regulation will verify program information and ensure that all information related to a patient’s medical condition is private and protected from disclosure.

Lastly, this new version includes a new section 16.2, titled “Medical Marijuana Testing Laboratories – Immunity”. Article 14 of the FY 2017 budget granted authority to the Department of Health to require product testing through licensed third-party testing facilities. However, this language did not include the same immunity provisions and protections granted to other medical marijuana license types. This section provides licensed medical marijuana testing facilities and their staff with protections to possess and test marijuana in accordance with Department of Health rules and regulations.

The language to be changed is highlighted in grey. Inaccurate language to be removed from the original article is stricken and strike-outs have been removed from language that was incorrectly stricken in the original article.

If you have any questions regarding this amendment, please feel free to call me at 222-6300.

TAM:sma 19-Amend-10

cc: Sharon Reynolds Ferland, House Fiscal Advisor  
Stephen Whitney, Senate Fiscal Advisor  
Michael DiBiase, Director of Administration  
Jonathan Womer, Director, Office of Management and Budget

1 **Amended ARTICLE 17**

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

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

7 **21-28.6-3 Definitions.**

8 For the purposes of this chapter:

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

13 ~~(1)(2)~~ “Authorized purchaser” means a natural person who is at least twenty-one (21) years old and  
14 who is registered with the department of health holds a registry identification card issued by the department  
15 of business regulation for the purposes of assisting a qualifying patient in purchasing marijuana from a  
16 compassion center. An authorized purchaser may assist no more than one patient, and is prohibited from  
17 consuming marijuana obtained for the use of the qualifying patient. An authorized purchaser shall be  
18 registered with the ~~department of health division~~ department of business regulation and shall possess a  
19 valid registry identification card.

20 ~~(2)(3)~~ “Cardholder” means a person who has been registered or licensed with the department of  
21 health as a qualifying patient or the department of business regulation as a primary caregiver or authorized  
22 purchaser or otherwise under 21-28.6-3 (25) (ii) pursuant to this chapter and possesses a valid registry  
23 identification card or license.

24 ~~(3)(4)~~ “Commercial unit” means a building, office, suite, or room within a commercial or industrial  
25 building for use by one business or person and is rented or owned by that business or person.

1           ~~(4)(5)~~(i) "Compassion center" means a not-for-profit corporation, subject to the provisions of  
2 chapter 6 of title 7, and registered under § 21-28.6-12, that acquires, possesses, ~~cultivates, manufactures,~~  
3 delivers, transfers, transports, supplies, or dispenses marijuana, and/or related supplies and educational  
4 materials, to patient cardholders and/or their registered caregiver cardholder or authorized purchaser  
5 pursuant to regulations promulgated by the department of business regulation.

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

9           ~~(5)(6)~~ "Debilitating medical condition" means:

10           (i) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune  
11 deficiency syndrome, Hepatitis C, post-traumatic stress disorder, acute pain, or the treatment of these  
12 conditions;

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

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

20           ~~(6)(7)~~ "Department of business regulation" means the Rhode Island department of business  
21 regulation or its successor agency.

22           ~~(7)(8)~~ "Department of health" means the Rhode Island department of health or its successor agency.

23           ~~(9) "Division" means the marijuana regulation division within the department of business~~  
24 regulation, or its successor division or unit within the department of business regulation.

25           ~~(8)(10)~~ (9) "Department of public safety" means the Rhode Island department of public safety or  
26 its successor agency.

1           ~~(9)(11)~~ (10) "Dried, useable marijuana" means the dried leaves and flowers of the marijuana plant  
2 as defined by regulations promulgated by the departments of health and business regulation.

3           ~~(10)(12)~~ (11) "Dwelling unit" means the room, or group of rooms, within a dwelling used or  
4 intended for use by one family or household, or by no more than three (3) unrelated individuals, for living,  
5 sleeping, sanitation, cooking, and eating.

6           ~~(11)(13)~~ (12) "Equivalent amount" means the portion of usable marijuana, be it in extracted, edible,  
7 concentrated, or any other form, found to be equal to a portion of dried, usable marijuana, as defined by  
8 regulations promulgated by the departments of ~~health and~~ business regulation.

9           (13) "Immature marijuana plant" means a marijuana plant with no observable flowers or buds.

10          ~~(12)(14)~~ "Licensed cultivator" means a person or entity, as identified in § 43-3-6, who has been  
11 licensed by the department of business regulation to cultivate marijuana pursuant to § 21-28.6-16.

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

15          ~~(13)(16)~~ "Marijuana" has the meaning given that term in § 21-28-1.02(29).

16          ~~(14)(17)~~ "Mature marijuana plant" means a marijuana plant that has flowers or buds that are readily  
17 observable by an unaided visual examination.

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

25          ~~(15)(19)~~ "Medical use" means the acquisition, possession, cultivation, manufacture, use, delivery,  
26 transfer, or transportation of marijuana or paraphernalia relating to the consumption of marijuana to

1 alleviate a patient cardholder's debilitating medical condition or symptoms associated with the medical  
2 condition in accordance with the provisions of this chapter.

3 (20) "Medical marijuana plant tag set" or "plant tag" means any tag, identifier, registration,  
4 certificate, or inventory tracking system authorized or issued by the ~~division~~ department of business  
5 regulation or which the ~~division~~ department of business regulation requires be used for the lawful  
6 possession and cultivation of medical marijuana plants in accordance with this chapter.

7 (21) "Medical marijuana testing laboratory" means a third party analytical testing laboratory  
8 licensed by the department of health to collect and test samples of medical marijuana pursuant to  
9 regulations promulgated by the department of health.

10 ~~(16)~~(22) "Practitioner" means a person who is licensed with authority to prescribe drugs pursuant  
11 to chapter 37 of title 5 or a physician licensed with authority to prescribe drugs in Massachusetts or  
12 Connecticut, who may provide a qualifying patient with a written certification in accordance with  
13 regulations promulgated by the departments of health and business regulation.

14 ~~(17)~~(23) "Primary caregiver" means a natural person who is at least twenty-one (21) years old. A  
15 primary caregiver may assist no more than five (5) qualifying patients with their medical use of marijuana  
16 in accordance with regulations promulgated by the department of business regulation.

17 ~~(18)~~(24) "Qualifying patient" means a person who has been ~~diagnosed~~ certified by a practitioner as  
18 having a debilitating medical condition and is a resident of Rhode Island.

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

24 (i) by the department of health that identifies a person as a registered qualifying patient or as a  
25 medical marijuana testing laboratory licensed by the department of health, or

1 (ii) by the department of business regulation that identifies a person as a registered primary  
2 caregiver, authorized purchaser, or as a registered principal officer, board member, employee, volunteer, or  
3 agent of a compassion center, licensed cultivator, manufacturer, or any other medical marijuana license  
4 issued by the department of business regulation.

5 ~~(20)(26)~~ "Seedling Immature marijuana plant " means a marijuana plant with no observable flowers  
6 ~~or buds.~~

7 ~~(21)(27)~~ (26) "Unusable marijuana" means marijuana seeds, stalks, ~~seedlings~~, and unusable roots.

8 ~~(22)(28)~~ (27) "Usable marijuana" means the ~~dried~~ leaves and flowers of the marijuana plant, and  
9 any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

10 ~~(23)(29)~~ (28) "Wet marijuana" means the harvested leaves and flowers of the marijuana plant before  
11 they have reached a dry useable state, as defined by regulations promulgated by the departments of health  
12 and business regulation.

13 ~~(24)(30)~~ (29) "Written certification" means ~~the qualifying patient's medical records, and a statement~~  
14 signed by a practitioner, stating that, in the practitioner's professional opinion, the potential benefits of the  
15 medical use of marijuana would likely outweigh the health risks for the qualifying patient. A written  
16 certification shall be made only in the course of a bona fide, practitioner-patient relationship after the  
17 practitioner has completed a full assessment of the qualifying patient's medical history. The written  
18 certification shall specify the qualifying patient's debilitating medical condition or conditions and include  
19 any other information required by regulations promulgated by the department of health which may include  
20 the qualifying patient's medical records.

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

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

1           (1) Before July 1, 2018, tThe qualifying patient cardholder possesses an amount of marijuana that  
2 does not exceed twelve (12) mature marijuana plants and twelve (12) immature marijuana plants that are  
3 accompanied by valid medical marijuana tags (provided that if a qualifying patient cardholder has valid  
4 medical marijuana tags that were ordered and processed prior to July 1, 2018, and such tags have an  
5 expiration date that is on or after July 1, 2018, the plant possession limits set forth in this subsection shall  
6 apply to such qualifying patient until the expiration date of the issued tags), ~~two and one-half (2.5)~~ three  
7 (3) ounces of dried usable marijuana, or its equivalent amount, and an amount of wet marijuana to be set  
8 by regulations promulgated by the departments of health and business regulation. Said plants shall be stored  
9 in an indoor facility. Marijuana plants and the marijuana they produce shall be grown, stored, manufactured,  
10 and processed in accordance with regulations promulgated by the department of business regulation; and

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

25           (b) An authorized purchaser who has in his or her possession a registry identification card shall not  
26 be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but



1 not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing  
2 board or bureau, for the possession of marijuana; provided that the authorized purchaser possesses an  
3 amount of marijuana that does not exceed ~~two and one-half (2.5)~~ three (3) ounces of dried usable marijuana,  
4 or its equivalent amount, and this marijuana was purchased legally from a compassion center for the use of  
5 their designated qualifying patient.

6 (c) A qualifying patient cardholder, 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 privilege,  
8 including, but not limited to, civil penalty or disciplinary action by a business or occupational or  
9 professional licensing board or bureau, for selling, giving, or distributing, on or before December 31, 2016  
10 to a compassion center cardholder, marijuana of the type, and in an amount not to exceed, that set forth in  
11 subsection (a), that he or she has cultivated or manufactured pursuant to this chapter.

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

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

22 (1) Before July 1, 2018, the primary caregiver cardholder possesses an amount of marijuana that  
23 does not exceed twelve (12) mature marijuana plants and twelve (12) immature marijuana plants that are  
24 accompanied by valid medical marijuana tags (provided that if a primary caregiver cardholder has valid  
25 medical marijuana tags that were ordered and processed prior to July 1, 2018, and such tags have an  
26 expiration date that is on or after July 1, 2018, the plant possession limits set forth in this subsection shall

1 apply to such primary caregiver until the expiration date of the issued tags), two and one-half (2.5) three  
2 (3) ounces of dried usable marijuana, or its equivalent amount, and an amount of wet marijuana set in  
3 regulations promulgated by the departments of health and business regulation for each qualified patient  
4 cardholder to whom he or she is connected through the department of health division's department of  
5 business regulation's registration process. Said plants shall be stored in an indoor facility. Marijuana plants  
6 and the marijuana they produce shall be grown, stored, manufactured, processed, and distributed to  
7 qualified patient cardholders in accordance with regulations promulgated by the department of business  
8 regulation; and

9 (2) On and after July 1, 2018, the primary caregiver cardholder possesses an amount of marijuana  
10 that does not exceed eight (8) mature marijuana plants and eight (8) immature marijuana plants that are  
11 accompanied by valid medical marijuana tags (provided that if a primary caregiver cardholder has valid  
12 medical marijuana tags that were ordered and processed prior to July 1, 2018, and such tags have an  
13 expiration date that is on or after July 1, 2018, the plant possession limits set forth in subsection (1) above  
14 shall apply to such primary caregiver until the expiration date of the issued tags), three (3) ounces of dried  
15 usable marijuana, or its equivalent amount, and an amount of wet marijuana set in regulations promulgated  
16 by the departments of health and business regulation for each qualified patient cardholder to whom he or  
17 she is connected through the division's department of business regulation's registration process. Said plants  
18 shall be stored in an indoor facility. Marijuana plants and the marijuana they produce shall be grown, stored,  
19 manufactured, processed, and distributed to qualified patient cardholders in accordance with regulations  
20 promulgated by the department of business regulation.

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

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

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

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

8           ~~(h)~~(g) A primary caregiver cardholder may receive reimbursement for costs associated with  
9 assisting a qualifying patient cardholder's medical use of marijuana. Compensation shall not constitute sale  
10 of controlled substances. The department of business regulation may promulgate regulations for the  
11 documentation and tracking of reimbursements and the transfer of marijuana between caregivers and their  
12 registered patients, which are consistent with the confidentiality provisions of 21-28.6-6 (k) (1).

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

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

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

24           ~~(j)~~(i) A practitioner shall not be subject to arrest, prosecution, or penalty in any manner, or denied  
25 any right or privilege, including, but not limited to, civil penalty or disciplinary action by the Rhode Island  
26 board of medical licensure and discipline, or by any other business or occupational or professional licensing

1 board or bureau solely for providing written certifications in accordance with this chapter and regulations  
2 promulgated hereunder, or for otherwise stating that, in the practitioner's professional opinion, the potential  
3 benefits of the medical marijuana would likely outweigh the health risks for a patient.

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

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

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

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

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

21 (1) Before July 1, 2018, pPossess an amount of marijuana in excess of twenty-four (24) mature  
22 marijuana plants and twenty-four (24) immature marijuana plants that are accompanied by valid medical  
23 marijuana tags (provided that if a primary caregiver cardholder has valid medical marijuana tags that were  
24 ordered and processed prior to July 1, 2018, and such tags have an expiration date that is on or after July 1,  
25 2018, the plant possession limits set forth in this subsection (1) shall apply to such primary caregiver until  
26 the expiration date of the issued tags) and ~~five (5)~~ six (6) ounces of dried usable marijuana, or its equivalent,

1 and an amount of wet marijuana set in regulations promulgated by the departments of health and business  
2 regulation for patient cardholders to whom he or she is connected through the department of health  
3 ~~division's~~ department of business regulation's registration process.

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

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

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

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

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

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

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

1           ~~(p)~~ Qualifying patient cardholders and primary caregiver cardholders electing to grow marijuana  
2 shall only grow at one premises, and this premises shall be registered with the ~~division~~ department of health  
3 department of business regulation. Except for compassion centers, cooperative cultivations, and licensed  
4 cultivators, no more than ~~twenty-four (24)~~ sixteen (16) mature marijuana plants and sixteen (16) immature  
5 marijuana plants that are accompanied by valid medical marijuana tags shall be grown or otherwise located  
6 at any one dwelling unit or commercial unit (provided that if a qualifying patient cardholder or a primary  
7 caregiver cardholder has valid medical marijuana tags for the plants grown at such registered premises that  
8 were ordered and processed prior to July 1, 2018, and such tags have an expiration date that is on or after  
9 July 1, 2018, the plant possession limit of twenty-four (24) mature marijuana plants and twenty-four (24)  
10 immature marijuana plants shall apply to such qualifying patient or primary caregiver until the expiration  
11 date of the issued tags). The number of qualifying patients or primary caregivers residing, owning, renting,  
12 growing, or otherwise operating at a dwelling or commercial unit does not affect this limit. The department  
13 of ~~health~~ business regulation shall promulgate regulations to enforce this provision.

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

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

20           **21-28.6-5 Departments of health and business regulation to issue regulations.**

21           (a) Not later than ninety (90) days after the effective date of this chapter, the department of health  
22 shall promulgate regulations governing the manner in which it shall consider petitions from the public to  
23 add debilitating medical conditions to those included in this chapter. In considering such petitions, the  
24 department of health shall include public notice of, and an opportunity to comment in a public hearing,  
25 upon such petitions. The department of health shall, after hearing, approve or deny such petitions within  
26 one hundred eighty (180) days of submission. The approval or denial of such a petition shall be considered

1 a final department of health action, subject to judicial review. Jurisdiction and venue for judicial review are  
2 vested in the superior court. The denial of a petition shall not disqualify qualifying patients with that  
3 condition, if they have a debilitating medical condition as defined in § 21-28.6-3(5 6). The denial of a  
4 petition shall not prevent a person with the denied condition from raising an affirmative defense.

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

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

20 **21-28.6-6 Administration of department of health and business regulation regulations.**

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

24 (1) Written certification as defined in § 21-28.6-3(~~24~~ 30) of this chapter;

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

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

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

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

5 (6) Name, address, and date of birth of one primary caregiver of the qualifying patient and ~~one~~ any  
6 authorized purchasers for the qualifying patient, if any is chosen by the patient or allowed in accordance  
7 with regulations promulgated by the department of business regulation.

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

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

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

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

15 (ii) Serve as the qualifying patient's primary caregiver or authorized purchaser; and

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

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

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

23 ~~(e)~~(e) The department of health shall verify the information contained in an application or renewal  
24 for a qualifying patient submitted pursuant to this section, and shall approve or deny an application or  
25 renewal within thirty-five (35) days of receiving it. The department of health may deny an application or  
26 renewal only if the applicant did not provide the information required pursuant to this section, or if the



1 department of health determines that the information provided was falsified, or if the renewing patient has  
2 violated this chapter under their previous registration. Rejection of an application or renewal is considered  
3 a final department of health action, subject to judicial review. Jurisdiction and venue for judicial review are  
4 vested in the superior court.

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

14 ~~(e)~~(g) Following the promulgation of regulations pursuant to 21-28.6-5 (c), ~~The department of~~  
15 ~~health shall~~ division department of business regulation may issue or renew a registry identification card to  
16 the qualifying patient cardholder's primary caregiver or authorized purchaser(s), if any, who is named in  
17 the qualifying patient's approved application provided the qualifying patient is eligible to appoint a primary  
18 caregiver or authorized purchaser(s) pursuant to regulations promulgated by the ~~division~~ department of  
19 business regulation and the caregiver or authorized purchaser applicant has submitted all necessary  
20 application or renewal materials and fees pursuant to regulations promulgated by the department of business  
21 regulation. ~~The division~~ department of business regulation shall verify the information contained in  
22 applications and renewal forms submitted pursuant to this chapter prior to issuing any registry identification  
23 card. The department of business regulation may deny an application or renewal only if the applicant or  
24 appointing qualifying patient did not provide the information required pursuant to this section, or if the  
25 department of business regulation determines that the information provided was falsified, or if the applicant  
26 or appointing patient has violated this chapter under their previous registration. Rejection of an application

1 or renewal is considered a final department of business regulation action, subject to judicial review.

2 Jurisdiction and venue for judicial review are vested in the superior court.

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

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

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

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

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

1           ~~(3)~~(6) The ~~department of health division~~ department of business regulation shall maintain on file  
2 evidence that a criminal records check has been initiated on all applicants seeking a primary caregiver  
3 registry identification card or an authorized purchaser registry identification card and the results of the  
4 checks. The primary caregiver cardholder shall not be required to apply for a national criminal records  
5 check for each patient he or she is connected to through the department's registration process, provided that  
6 he or she has applied for a national criminal records check within the previous two (2) years in accordance  
7 with this chapter. The ~~department~~ division department of business regulation shall not require a primary  
8 caregiver cardholder or an authorized purchaser cardholder to apply for a national criminal records check  
9 more than once every two (2) years.

10           (7) Notwithstanding any other provision of this chapter, the ~~division~~ department of business  
11 regulation may revoke or refuse to issue any class or type of registry identification card or license, with the  
12 exception of those issued by the department of health, if it determines that failing to do so would conflict  
13 with any federal guidance intended to help states, businesses, or other institutions avoid federal intervention  
14 or enforcement. This provision shall not be construed to prohibit the overall implementation and  
15 administration of this chapter on account of the federal classification of marijuana as a class I substance or  
16 any other federal prohibitions or restrictions.

17           ~~(4)~~(8) Information produced by a national criminal records check pertaining to a conviction for any  
18 felony offense under chapter 28 of title 21 ("Rhode Island Controlled Substances Act"), murder,  
19 manslaughter, rape, first-degree sexual assault, second-degree sexual assault, first-degree child molestation,  
20 second-degree child molestation, kidnapping, first-degree arson, second-degree arson, mayhem, robbery,  
21 burglary, breaking and entering, assault with a dangerous weapon, assault or battery involving grave bodily  
22 injury, and/or assault with intent to commit any offense punishable as a felony or a similar offense from  
23 any other jurisdiction shall result in a letter to the applicant and the ~~department of health division~~ department  
24 of business regulation disqualifying the applicant. If disqualifying information has been found, the  
25 ~~department~~ division department of business regulation may use its discretion to issue a primary caregiver

1 registry identification card or an authorized purchaser registry identification card if the applicant's  
2 connected patient is an immediate family member and the card is restricted to that patient only.

3 ~~(5)~~(9) The primary caregiver or authorized purchaser applicant shall be responsible for any expense  
4 associated with the national criminal records check.

5 ~~(6)~~(10) For purposes of this section, "conviction" means, in addition to judgments of conviction  
6 entered by a court subsequent to a finding of guilty or a plea of guilty, those instances where the defendant  
7 has entered a plea of nolo contendere and has received a sentence of probation and those instances where a  
8 defendant has entered into a deferred sentence agreement with the attorney general.

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

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

15 (iii) Registry identification cards shall contain:

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

17 (2) A random registry identification number;

18 (3) A photograph; and

19 (4) Any additional information as required by regulation or, as applicable, the department of health  
20 or department of business regulation.

21 ~~(g)~~(i) Persons issued registry identification cards by the department of health or division department  
22 of business regulation, as applicable, shall be subject to the following:

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

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

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

11 (4) When a qualifying patient cardholder or primary caregiver cardholder notifies the department  
12 of health ~~or division~~ department of business regulation, as applicable, of any changes listed in this  
13 subsection, the department of health ~~or division~~ department of business regulation, as applicable, shall  
14 issue the qualifying patient cardholder and each primary caregiver cardholder a new registry identification  
15 card within ten (10) days of receiving the updated information and a ten-dollar (\$10.00) fee.

16 (5) When a qualifying patient cardholder changes his or her primary caregiver or authorized  
17 purchaser, the ~~department of health~~ ~~division~~ department of business regulation shall notify the primary  
18 caregiver cardholder or authorized purchaser within ten (10) days. The primary caregiver or authorized  
19 purchaser cardholder's protections as provided in this chapter as to that patient shall expire ten (10) days  
20 after notification by the ~~department~~ ~~division~~ department of business regulation. If the primary caregiver  
21 cardholder or authorized purchaser is connected to no other qualifying patient cardholders in the program,  
22 the card will be disqualified and he or she must return his or her registry identification card to the ~~department~~  
23 ~~division~~ department of business regulation.

24 (6) If a qualifying patient cardholder, primary caregiver, or authorized purchaser loses his or her  
25 registry identification card, he or she shall notify the department ~~of health or division~~ that issued the card  
26 and submit a ten-dollar (\$10.00) fee within ten (10) days of losing the card. Within five (5) days, the

1 department of health or ~~division~~ department of business regulation, as applicable shall issue a new registry  
2 identification card with new random identification number.

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

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

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

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

23 (2) The application for qualifying patient's registry identification card shall include a question  
24 asking whether the patient would like the department of health to notify him or her of any clinical studies  
25 about marijuana's risk or efficacy. The department of health shall inform those patients who answer in the

1 affirmative of any such studies it is notified of, that will be conducted in Rhode Island. The department of  
2 health may also notify those patients of medical studies conducted outside of Rhode Island.

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

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

20 ~~(k)(m)~~ It shall be a crime, punishable by up to one hundred eighty (180) days in jail and a one  
21 thousand dollar (\$1,000) fine, for any person, including an employee or official of the departments of health,  
22 business regulation, public safety, or another state agency or local government, to breach the confidentiality  
23 of information obtained pursuant to this chapter. Notwithstanding this provision, the department of health  
24 and department of business regulation employees may notify law enforcement about falsified or fraudulent  
25 information submitted to the applicable department or violations of this chapter.

1           ~~(m)~~(n) On or before the fifteenth day of the month following the end of each quarter of the fiscal  
2 year, the department of health and the ~~division~~ department of business regulation shall report to the  
3 governor, the speaker of the House of Representatives, and the president of the senate on applications for  
4 the use of marijuana for symptom relief. The report shall provide:

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

11           ~~(m)~~(n) On or before September 30 of each year, the department of health and the ~~division~~  
12 department of business regulation shall report to the governor, the speaker of the House of Representatives,  
13 and the president of the senate on the use of marijuana for symptom relief. The report shall provide:

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

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

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

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



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

2 and

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

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 would  
8 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, safety, or  
16 welfare of children.

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

20 (4) Any person to operate a medical marijuana emporium, and the operation of a medical marijuana  
21 emporium is prohibited in this state.

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

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

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

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

5 **21-28.6-8 Affirmative defense and dismissal.**

6 (a) Except as provided in § 21-28.6-7, a qualifying patient may assert the medical purpose for using  
7 marijuana as a defense to any prosecution involving marijuana, and such defense shall be presumed valid  
8 where the evidence shows that:

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

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

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

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

23 **21-28.6-9 Enforcement.**

24 (a) If the department of health fails to adopt regulations to implement this chapter within one  
25 hundred twenty (120) days of the effective date of this act, a qualifying patient may commence an action in

1 a court of competent jurisdiction to compel the department of health to perform the actions mandated  
2 pursuant to the provisions of this chapter.

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

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

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

16 (e) (1) Notwithstanding any other ~~provison~~ provision of this chapter, if the department of business  
17 regulation has reason to believe that any person or entity has in the course of medical marijuana cultivation,  
18 manufacturing, and/or distribution violated any provision of chapter 21-28.6 under the department's of  
19 business regulation's jurisdiction or violated any rule or regulation promulgated thereunder, including but  
20 not limited to engaging in operations or other activity that requires a medical marijuana license without  
21 obtaining the appropriate license, and 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 its order, the  
23 department of business regulation may issue an immediate compliance order listing the violation and  
24 ordering the person or entity to cease and desist from the violation and/or otherwise remedy the public  
25 health, safety, or welfare threat presented by the violation. If a person or entity that is the subject of an  
26 immediate compliance order contests the order by requesting a hearing, the order shall remain in effect

1 pending administrative proceedings, which shall be promptly instituted and determined. Orders issued  
2 under this section shall be enforceable in the Superior Court for Providence County.

3 (2) In addition to its authority to issue immediate compliance orders under section § 21-28.6-  
4 9(e)(1), the department of business regulation may issue an order to show cause to any person or entity for  
5 whom/which the department of business regulation has reason to believe has in the course of medical  
6 marijuana cultivation, manufacturing, and/or distribution violated any provision of chapter 21-28.6 under  
7 the department's jurisdiction or violated any rule or regulation promulgated thereunder, including but not  
8 limited to engaging in operations or other activity that requires a medical marijuana license without  
9 obtaining the appropriate license, ordering that person or entity to appear before the department of business  
10 regulation at a hearing to show cause why the department of business regulation should not issue an order  
11 to that person or entity to cease and desist from the violation and/or otherwise remedy the violation. By  
12 decision after hearing pursuant to this subsection (e)(2), approved by the director, the department of  
13 business regulation may issue a permanent order to cease and desist.

14 **21-28.6-12 Compassion centers.**

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

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

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

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

1 (ii) Minimum oversight requirements for compassion centers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 ~~(vi)~~(v) Proposed security and safety measures that shall include at least one security alarm system  
26 for each location, planned measures to deter and prevent the unauthorized entrance into areas containing

1 marijuana and the theft of marijuana, as well as a draft, employee-instruction manual including security  
2 policies, safety and security procedures, personal safety, and crime-prevention techniques; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (i) A fee paid to the department in the amount of ~~five~~ thirty thousand dollars (\$~~50,000~~);

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

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

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

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

25 (6) Except as provided in subdivision (7), the department of health or the department of business  
26 regulation, as applicable, shall issue each principal officer, board member, agent, volunteer, and employee



1 of a compassion center a registry identification card or renewal card after receipt of the person's name,  
2 address, date of birth; a fee in an amount established by the department of health or the department of  
3 business regulation, as applicable; and notification to the department of health or the department of business  
4 regulation by the department of public safety division of state police, attorney general's office, or local law  
5 enforcement that the registry identification card applicant has not been convicted of a felony drug offense  
6 or has not entered a plea of nolo contendere for a felony drug offense and received a sentence of probation.  
7 Each card shall specify that the cardholder is a principal officer, board member, agent, volunteer, or  
8 employee of a compassion center and shall contain the following:

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

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

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

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

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

17 (vi) Any other information or card classification that the department of business regulation requires.

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

1 (i) All registry identification card applicants shall apply to the department of public safety division  
2 of state police, the attorney general's office, or local law enforcement for a national criminal identification  
3 records check that shall include fingerprints submitted to the federal bureau of investigation. Upon the  
4 discovery of a felony drug offense conviction or a plea of nolo contendere for a felony drug offense with a  
5 sentence of probation, and in accordance with the rules promulgated by the department of health and the  
6 department of business regulation, as applicable, the department of public safety division of state police,  
7 the attorney general's office, or local law enforcement shall inform the applicant, in writing, of the nature  
8 of the felony and the department of public safety division of state police shall notify the department of  
9 health or the department of business regulation, as applicable and in writing, without disclosing the nature  
10 of the felony, that a felony drug offense conviction or a plea of nolo contendere for a felony drug offense  
11 with probation has been found.

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

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

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

23 (9) A compassion center cardholder shall notify and request approval from the department of  
24 business regulation of any change in his or her name or address within ten (10) days of such change. A  
25 compassion center cardholder who fails to notify the department of business regulation of any of these

1 changes is responsible for a civil infraction, punishable by a fine of no more than one hundred fifty dollars  
2 (\$150).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (e) *Inspection.* Compassion centers are subject to reasonable inspection by the department of health,  
5 division of facilities regulation and the department of business regulation. During an inspection, the  
6 departments of health and business regulation may review the compassion center's confidential records,  
7 including its 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 of its  
11 patients. A compassion center need not be recognized as a tax-exempt organization by the Internal Revenue  
12 Service; . A compassion center shall be subject to regulations promulgated by the department of business  
13 regulation for general operations and record keeping which shall include but not be limited to:

14 (i) Minimum security and surveillance requirements;

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

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

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

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

19 (vi) Minimum requirements to address odor mitigation;

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

21 (vii) Minimum requirements for advertising;

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

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

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

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

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

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

23           (ii) On or after January 1, 2017, a compassion center shall notify the department of business  
24 regulation, in writing, of the name, address, and date of birth of any new principal officer, board member,  
25 agent, volunteer, or employee and shall submit a fee in an amount established by the department of business

1 regulation for a new registry identification card before that person begins his or her relationship with the  
2 compassion center;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 (1) A compassion center or principal officer, board member, agent, volunteer, or employee of a  
2 compassion center may not dispense more than ~~two and one half (2.5)~~ three (3 oz.) of dried usable  
3 marijuana, or its equivalent, to a qualifying patient directly or through a qualifying patient's primary  
4 caregiver or authorized purchaser during a fifteen-day (15) period;

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

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

20 *(h) Immunity:*

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

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

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

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

16 (i) *Prohibitions:*

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

23 (ii) A compassion center which was approved by the department of health or renewed by the  
24 department of business regulation prior to July 1, 2018 may also hold a cultivator license and a manufacturer  
25 license and shall be issued said license or licenses in accordance with regulations promulgated by the  
26 department of business regulation, provided that the class or classes of said cultivator license and

1 manufacturer license shall correspond to the size of any growing, manufacturing, or processing facility or  
2 facilities which were in operation or were approved prior to July 1, 2018.

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

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

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

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

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

23 *(j) Legislative oversight committee:*

24 (1) The general assembly shall appoint a nine-member (9) oversight committee comprised of: one  
25 member of the house of representatives; one member of the senate; one physician to be selected from a list  
26 provided by the Rhode Island medical society; one nurse to be selected from a list provided by the Rhode

1 Island state nurses association; two (2) registered qualifying patients; one registered primary caregiver; one  
2 patient advocate to be selected from a list provided by the Rhode Island patient advocacy coalition; and the  
3 superintendent of the department of public safety, or his/her designee.

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

6 (i) Patients' access to medical marijuana;

7 (ii) Efficacy of compassion centers;

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

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

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

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

13 **21-28.6-15. Medical Marijuana Plant Tags.**

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

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

25 (i) For patient cardholders authorized to grow medical marijuana by the ~~department of health~~  
26 ~~division~~ department of business regulation, the fee per tag set shall not exceed twenty-five dollars (\$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, there shall  
3 be no fee per tag set;

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

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

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

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

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

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

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

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

7 (b) *Enforcement:*

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

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

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

1           ~~(4) If a patient cardholder, primary caregiver cardholder, or licensed cooperative cultivation is~~  
2 ~~found to have mature marijuana plants exceeding the limits set forth in §21-28.6-4, §21-28.6-14, and §21-~~  
3 ~~28.6-16 in addition to any penalties that may be imposed pursuant to §21-28.6-9, the department of health~~  
4 ~~or department of business regulation may impose an administrative penalty on that cardholder or license~~  
5 ~~holder for each mature marijuana plant in excess of the applicable statutory limit of no less than the total~~  
6 ~~fee that would be paid by a cardholder who purchased medical marijuana tags for such plants in compliance~~  
7 ~~with this chapter.~~

8           **21-28.6-16 Licensed cultivators.**

9           (a) A licensed cultivator licensed under this section may acquire, possess, cultivate, deliver, or  
10 transfer marijuana to licensed compassion centers or to a licensed manufacturer. A licensed cultivator shall  
11 not be a primary caregiver cardholder and shall not hold a cooperative cultivation license. Except as  
12 specifically provided to the contrary, all provisions of the Edward O. Hawkins and Thomas C. Slater  
13 Medical Marijuana Act, §§ 21-28.6-1 – 21-28.6-15, apply to a licensed cultivator unless they conflict with  
14 a provision contained in § 21-28.6-16.

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

- 18           (1) The form and content of licensing and renewal applications;  
19           (2) Minimum oversight requirements for licensed cultivators;  
20           (3) Minimum record-keeping requirements for cultivators;  
21           (4) Minimum security requirements for cultivators; and  
22           (5) Procedures for suspending, revoking, or terminating the license of cultivators that violate the  
23 provisions of this section or the regulations promulgated pursuant to this subsection.

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

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

8 (e) Cultivators shall only sell marijuana to compassion centers or a licensed manufacturer. All  
9 marijuana possessed by a cultivator in excess of the possession limit established pursuant to subsection (d)  
10 shall be under formal agreement to be purchased by a compassion center or by a licensed manufacturer. If  
11 such excess marijuana is not under formal agreement to be purchased, the cultivator will have a period of  
12 time, specified in regulations promulgated by the department of business regulation, to sell or destroy that  
13 excess marijuana. The department of business regulation may suspend and/or revoke the cultivator's license  
14 and the license of any officer, director, employee, or agent of such cultivator and/or impose an  
15 administrative penalty in accordance with such regulations promulgated by the department of business  
16 regulation for any violation of this section or the regulations. In addition, any violation of this section or  
17 the regulations promulgated pursuant to this subsection and subsection (d) shall cause a licensed cultivator  
18 to lose the protections described in subsection (m) and may subject the licensed cultivator to arrest and  
19 prosecution under Chapter 28 of title 21 (the Rhode Island Controlled Substances Act).

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

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



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

4 (i) Cultivators shall only be licensed to grow, marijuana at a single location, registered with the  
5 department of business regulation and the department of public safety unless the cultivator's license is held  
6 by a compassion center which was approved by the department of health or renewed by the department of  
7 business regulation prior to July 1, 2018. The department of business regulation may promulgate regulations  
8 governing where cultivators are allowed to grow. Cultivators must abide by all local ordinances, including  
9 zoning ordinances.

10 (j) ~~Inspection~~. Cultivators shall be subject to reasonable inspection by the department of business  
11 regulation or the department of health for the purposes of enforcing regulations promulgated pursuant to  
12 this chapter and all applicable Rhode Island general laws.

13 (k) The cultivator applicant shall apply to the bureau of criminal identification of the department  
14 of attorney general, department of public safety division of state police, or local police department for a  
15 national criminal records check that shall include fingerprints submitted to the Federal Bureau of  
16 Investigation. Upon the discovery of any disqualifying information as defined in subdivision (k)(2), and in  
17 accordance with the rules promulgated by the director of the department of business regulation, the bureau  
18 of criminal identification of the department of attorney general, department of public safety division of state  
19 police, or the local police department shall inform the applicant, in writing, of the nature of the disqualifying  
20 information; and, without disclosing the nature of the disqualifying information, shall notify the department  
21 of business regulation, in writing, that disqualifying information has been discovered.

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

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

5 (3) The cultivator applicant shall be responsible for any expense associated with the national  
6 criminal records check.

7 (1) Persons issued cultivator licenses shall be subject to the following:

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

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

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

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

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

26 (m) *Immunity:*

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

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

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

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

20 **21-28.6-17. Revenue.**

21 (a) Effective July 1, 2016, all fees collected by the departments of health and business regulation,  
22 as applicable, from applicants, registered patients, primary caregivers, authorized purchasers, licensed  
23 cultivators, licensed manufacturers, cooperative cultivations, compassion centers, other licensees licensed  
24 pursuant to this chapter, and compassion-center and other registry identification cardholders shall be placed  
25 in restricted-receipt accounts to support the state's medical marijuana program, including but not limited to,

1 payment of expenses incurred by the departments of health and business regulation for the administration  
2 of the program.

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

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

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

12 **21-28.6-16.1 Licensed manufacturers.**

13 (a) A marijuana manufacturer licensed under this section may acquire marijuana from licensed  
14 cultivators or compassion centers. A licensed manufacturer may possess, manufacture, or process marijuana  
15 into marijuana products in accordance with regulations promulgated by the department of business  
16 regulation. A licensed manufacturer may deliver, or transfer marijuana products to licensed compassion  
17 centers or another licensed manufacturer in accordance with regulations promulgated by the department of  
18 business regulation. A licensed manufacturer shall not be a primary caregiver cardholder and shall not hold  
19 a cooperative cultivation license. A licensed manufacturer shall not grow, cultivate, sell, or dispense  
20 medical marijuana unless the licensed manufacturer has also been issued a cultivator license or compassion  
21 center registration pursuant to regulations promulgated by the department of business regulation. The  
22 department of business regulation may restrict the number, types, and classes of medical marijuana licenses  
23 an applicant may be issued through regulations promulgated by the department. Except as specifically  
24 provided to the contrary, all provisions of the Edward O. Hawkins and Thomas C. Slater Medical Marijuana  
25 Act, §§ 21-28.6-1 – 21-28.6-15, apply to a licensed manufacturer unless they conflict with a provision  
26 contained in § 21-28.6-16.1.

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

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

5 (2) Minimum oversight requirements for licensed manufacturers;

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

7 (4) Minimum security requirements for manufacturers; and

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

10 (6) Applicable application and license fees.

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

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

18 (e) Manufacturers shall only sell manufactured marijuana products to compassion centers or  
19 another licensed manufacturer. The department of business regulation may suspend and/or revoke the  
20 manufacturer's license and the license of any officer, director, employee, or agent of such manufacturer  
21 and/or impose an administrative penalty in accordance with such regulations promulgated by the  
22 department for any violation of this section or the regulations. In addition, any violation of this section or  
23 the regulations promulgated pursuant to this subsection and subsection (d) shall cause a licensed  
24 manufacturer to lose the protections described in subsection (m) and may subject the licensed manufacturer  
25 to arrest and prosecution under Chapter 28 of title 21 (the Rhode Island Controlled Substances Act).

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

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

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

12 (j) Inspection. Manufacturers shall be subject to reasonable inspection by the department of  
13 business regulation or the department of health for the purposes of enforcing regulations promulgated  
14 pursuant to this chapter and all applicable Rhode Island general laws.

15 (k) The manufacturer applicant shall apply to the bureau of criminal identification of the department  
16 of attorney general, department of public safety division of state police, or local police department for a  
17 national criminal records check that shall include fingerprints submitted to the Federal Bureau of  
18 Investigation. Upon the discovery of any disqualifying information as defined in subdivision (k)(2), and in  
19 accordance with the rules promulgated by the director of the department of business regulation, the bureau  
20 of criminal identification of the department of attorney general, department of public safety division of state  
21 police, or the local police department shall inform the applicant, in writing, of the nature of the disqualifying  
22 information; and, without disclosing the nature of the disqualifying information, shall notify the department  
23 of business regulation, in writing, that disqualifying information has been discovered.

24 (1) In those situations in which no disqualifying information has been found, the bureau of criminal  
25 identification of the department of attorney general, department of public safety division of state police, or

1 the local police department shall inform the applicant and the department of business regulation, in writing,  
2 of this fact.

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

7 (3) The manufacturer applicant shall be responsible for any expense associated with the national  
8 criminal records check.

9 (1) Persons issued manufacturer licenses or registration card shall be subject to the following:

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

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

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

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

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

4 (m) Immunity:

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

9 (2) No licensed manufacturer shall be subject to prosecution, seizure, or penalty in any manner, or  
10 denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business,  
11 occupational, or professional licensing board or entity, for selling, giving, or distributing marijuana in  
12 whatever form and within the limits established by the department of business regulation to another licensed  
13 manufacturer or registered compassion center;

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

19 (4) No state employee shall be subject to arrest, prosecution, or penalty in any manner, or denied  
20 any right or privilege, including, but not limited to, civil penalty, disciplinary action, termination, or loss of  
21 employee or pension benefits, for any and all conduct that occurs within the scope of his or her employment  
22 regarding the administration, execution, and/or enforcement of this act, and the provisions of §§ 9-31-8 and  
23 9-31-9 shall be applicable to this section.

24 **21-28.6-16.2. Medical marijuana testing laboratories - immunity**



1 (1) No medical marijuana laboratory shall be subject to prosecution; search (except by the  
2 departments pursuant to regulations); seizure; or penalty in any manner, or denied any right or privilege,  
3 including, but not limited to, civil penalty or disciplinary action by a business, occupational, or professional  
4 licensing board or entity, solely for acting in accordance with the act and regulations promulgated hereunder  
5 to assist licensees.

6 (2) No medical marijuana testing laboratory shall be subject to prosecution, search (except by the  
7 departments pursuant to regulations), seizure, or penalty in any manner, or denied any right or privilege,  
8 including, but not limited to, civil penalty or disciplinary action, by a business, occupational, or professional  
9 licensing board or entity, for selling, giving, or distributing marijuana in whatever form, and within the  
10 limits established by, the department of health to another medical marijuana testing laboratory.

11 (3) No principal officers, board members, agents, volunteers, or employees of a medical marijuana  
12 testing laboratory shall be subject to arrest, prosecution, search, seizure, 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 occupational, or professional licensing board or entity, solely for working for or with a medical marijuana  
15 testing laboratory to engage in acts permitted by the act and the regulations promulgated hereunder.

16 (4) No state employee shall be subject to arrest, prosecution or penalty in any manner, or denied  
17 any right or privilege, including, but not limited to, civil penalty, disciplinary action, termination, or loss of  
18 employee or pension benefits, for any and all conduct that occurs within the scope of his or her employment  
19 regarding the administration, execution and/or enforcement of this act, and the provisions of §§ 9-31-8 and  
20 9-31-9 shall be applicable to this section.

21 **21-28.6-16.23. Other Supporting Medical Marijuana Licenses.**

22 (a) The department of business regulation or the department of health, as applicable, shall have the  
23 authority to promulgate regulations to create and implement additional types and classes of commercial  
24 medical marijuana licenses, including but not limited to, licenses for businesses to engage in marijuana  
25 destruction, delivery, disposal, research and development, transportation or any other commercial activity

1 needed to support licensed cultivators, licensed manufacturers, compassion centers, licensed testing  
2 facilities, and patient need; provided no license created by the department shall allow for the retail sale of  
3 medical marijuana to registered cardholders.

4 (b) The department of business regulation or the department of health, as applicable, shall  
5 promulgate regulations governing the manner in which it shall consider applications for issuing additional  
6 medical marijuana licenses, including but not limited to, regulations governing:

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

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

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

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

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

13 (6) Applicable application and license fees.

14 (c) Any applicant, or employee, officer, director, manager, member or agent of a holder of a license  
15 issued by the department of business regulation or the department of health, as applicable, pursuant to this  
16 section and the regulations shall be required to obtain a registry identification card from the division  
17 department of business regulation or the department of health, as applicable, subject to the requirements  
18 and fees set by the department pursuant to the regulations.

19 (d) With respect to any licenses and registrations issued by the department of business regulation  
20 or the department of health, as applicable, pursuant to this chapter, the department of business regulation or  
21 the department of health shall be entitled to charge application, license and registration fees as set by the  
22 department of business regulation or the department of health and set forth in regulations promulgated here  
23 under.

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

26 ~~**21-28.6-6.1. Administration of regulations.**~~

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

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

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

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

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

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

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

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

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

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

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

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

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

21           ~~(d) The department shall verify the information contained in an application or renewal submitted~~  
22 ~~pursuant to this section, and shall approve or deny an application or renewal within fifteen (15) days of~~  
23 ~~receiving it. The department may deny an application or renewal only if the applicant did not provide the~~  
24 ~~information required pursuant to this section, or if the department determines that the information provided~~  
25 ~~was falsified. Rejection of an application or renewal is considered a final department action, subject to~~  
26 ~~judicial review. Jurisdiction and venue for judicial review are vested in the superior court.~~

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

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

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

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

21           ~~(3) The department shall maintain on file evidence that a criminal records check has been initiated~~  
22 ~~on all applicants seeking a primary caregiver registry identification card and the results of the checks. The~~  
23 ~~primary caregiver cardholder shall not be required to apply for a national criminal records check for each~~  
24 ~~patient he or she is connected to through the department's registration process, provided that he or she has~~  
25 ~~applied for a national criminal records check within the previous two (2) years in accordance with this~~

1 chapter. The department shall not require a primary caregiver cardholder to apply for a national criminal  
2 records check more than once every two (2) years.

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

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

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

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

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

23 (2) A random registry identification number;

24 (3) A photograph; and

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

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

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

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

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

13           ~~(4) When a patient cardholder or primary caregiver cardholder notifies the department of any~~  
14 ~~changes listed in this subsection, the department shall issue the patient cardholder and each primary~~  
15 ~~caregiver cardholder a new registry identification card within ten (10) days of receiving the updated~~  
16 ~~information and a ten dollar (\$10.00) fee. When a compassion center cardholder notifies the department of~~  
17 ~~any changes listed in this subsection, the department shall issue the cardholder a new registry identification~~  
18 ~~card within ten (10) days of receiving the updated information and a ten dollar (\$10.00) fee.~~

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

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

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

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

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

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

18           ~~(3) The department shall maintain a confidential list of the persons to whom the department has~~  
19 ~~issued registry identification cards. Individual names and other identifying information on the list shall be~~  
20 ~~confidential, exempt from the provisions of Rhode Island access to public information, chapter 2 of title~~  
21 ~~38, and not subject to disclosure, except to authorized employees of the department as necessary to perform~~  
22 ~~official duties of the department.~~

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

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

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

9           ~~(1) The number of applications for registry identification cards, the number of qualifying patients~~  
10 ~~and primary caregivers approved, the nature of the debilitating medical conditions of the qualifying patients,~~  
11 ~~the number of registry identification cards revoked, and the number of practitioners providing written~~  
12 ~~certification for qualifying patients;~~

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

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

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

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

21           SECTION 4. This article shall take effect upon passage.



