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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO FOOD AND DRUGS - MEDICAL MARIJUANA ACT

Introduced By: Representatives DaSilva, Gallison, Petrarca, Keable, and Hull

Date Introduced: February 08, 2011

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

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

11 (b) No school, employer or landlord may refuse to enroll, employ or lease to or
12 otherwise penalize a person solely for his or her status as a cardholder. Provided, however, that a
13 cardholder must inform a landlord in writing of his/her intention to possess marijuana plants upon
14 the leased premises, and provided further, that a landlord may refuse to rent to a cardholder who
15 cultivates or grows marijuana in any amount.

16 (c) A primary caregiver, 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
18 privilege, including but not limited to, civil penalty or disciplinary action by a business or
19 occupational or professional licensing board or bureau, for assisting a qualifying patient to whom

1 he or she is connected through the department's registration process with the medical use of
2 marijuana; provided, that the primary caregiver possesses an amount of marijuana which does not
3 exceed twelve (12) mature marijuana plants and two and one-half (2.5) ounces of usable
4 marijuana for each qualifying patient to whom he or she is connected through the department's
5 registration process.

6 (d) Registered primary caregivers and registered qualifying patients shall be allowed to
7 possess a reasonable amount of unusable marijuana, including up to twelve (12) seedlings, which
8 shall not be counted toward the limits in this section.

9 (e) There shall exist a presumption that a qualifying patient or primary caregiver is
10 engaged in the medical use of marijuana if the qualifying patient or primary caregiver:

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

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

16 (f) A primary caregiver may receive reimbursement for costs associated with assisting a
17 registered qualifying patient's medical use of marijuana. Compensation shall not constitute sale of
18 controlled substances.

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

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

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

31 (j) A practitioner nurse or pharmacist shall not be subject to arrest, prosecution or
32 penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty
33 or disciplinary action by a business or occupational or professional licensing board or bureau
34 solely for discussing the benefits or health risks of medical marijuana or its interaction with other

1 substances with a patient.

2 (k) A registry identification card, or its equivalent, issued under the laws of another state,
3 U.S. territory, or the District of Columbia to permit the medical use of marijuana by a patient with
4 a debilitating medical condition, or to permit a person to assist with the medical use of marijuana
5 by a patient with a debilitating medical condition, shall have the same force and effect as a
6 registry identification card issued by the department.

7 (l) Notwithstanding the provisions of subsection 21-28.6-3(6) or subsection 21-28.6-4(c),
8 no primary caregiver other than a compassion center shall possess an amount of marijuana in
9 excess of twenty-four (24) marijuana plants and five (5) ounces of usable marijuana for
10 qualifying patients to whom he or she is connected through the department's registration process.

11 (m) A registered qualifying patient or registered primary caregiver may give marijuana
12 to another registered qualifying patient or registered primary caregiver to whom they are not
13 connected by the department's registration process, provided that no consideration is paid for the
14 marijuana, and that the recipient does not exceed the limits specified in section 21-28.6-4.

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

19 SECTION 2. This act shall take effect upon passage and shall apply to lease agreements
20 executed after the effective date of this act.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO FOOD AND DRUGS - MEDICAL MARIJUANA ACT

1 This act would permit a landlord to refuse to rent to a medical marijuana cardholder who
2 intends to grow marijuana on the leased premises.

3 This act would take effect upon passage and would apply to lease agreements executed
4 after the effective date of this act.

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