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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

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A N A C T

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

Introduced By: Senators Perry, Tassoni, Moura, Pichardo, and Sosnowski

Date Introduced: February 26, 2008

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

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

4 **21-28.6-3. Definitions.** – ~~For~~ ~~the~~ the purposes of this chapter:

5 (1) "Cardholder" means a qualifyin g patient, a primary caregiver, or a principal officer,
6 board member, employee, or agent of a compassion center who has been issued and possesses a
7 valid registry identification card.

8 (2) "Compassion center" means a not-for-profit entity registered under section 21-28.6-10
9 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies or
10 dispenses marijuana, or related supplies and educational materials to registered qualifying
11 patients and their registered primary caregivers who have designated it as one of their primary
12 caregivers.

13 ~~(3)~~ (3) "Debilitating medical condition" means:

14 (i) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired
15 immune deficiency syndrome, Hepatitis C, or the treatment of these conditions;

16 (ii) A chronic or debilitating disease or medical condition or its treatment that produces
17 one or more of the following: cachexia or wasting syndrome; severe, debilitating, chronic pain;
18 severe nausea; seizures, including but not limited to, those characteristic of epilepsy; or severe

1 and persistent muscle spasms, including but not limited to, those characteristic of multiple
2 sclerosis or Crohn's disease; or agitation of Alzheimer's Disease; or

3 (iii) Any other medical condition or its treatment approved by the department, as
4 provided for in section 21-28.6-5.

5 ~~(2)~~ (4) "Department" means the Rhode Island department of health or its successor
6 agency.

7 ~~(3)~~ (5) "Marijuana" has the meaning given that term in section 21-28-1.02(26).

8 ~~(4)~~ (6) "Medical use" means the acquisition, possession, cultivation, manufacture, use,
9 delivery, transfer, or transportation of marijuana or paraphernalia relating to the consumption of
10 marijuana to alleviate a registered qualifying patient's debilitating medical condition or symptoms
11 associated with the medical condition.

12 ~~(5)~~ (7) "Practitioner" means a person who is licensed with authority to prescribe drugs
13 pursuant to chapter 37 of title 5 or a physician licensed with authority to prescribe drugs in
14 Massachusetts or Connecticut.

15 ~~(6)~~ (8) "Primary caregiver" means either a natural person who is at least twenty-one (21)
16 years old or a compassion center and who has agreed to assist with a person's medical use of
17 marijuana and who doesn't have a felony drug conviction. ~~A primary caregiver~~ Unless the
18 primary caregiver is a compassion center, a natural primary caregiver may assist no more than
19 five (5) qualifying patients with their medical use of marijuana.

20 ~~(7)~~ (9) "Qualifying patient" means a person who has been diagnosed by a physician as
21 having a debilitating medical condition and is a resident of Rhode Island.

22 ~~(8)~~ (10) "Registry identification card" means a document issued by the department that
23 identifies a person as a registered qualifying patient, ~~or a registered~~ primary caregiver, or a
24 registered principal officer, board member or agent of a compassion center.

25 ~~(9)~~ (11) "Usable marijuana" means the dried leaves and flowers of the marijuana plant,
26 and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the
27 plant.

28 ~~(10)~~ (12) "Written certification" means the qualifying patient's medical records, and a
29 statement signed by a practitioner, stating that in the practitioner's professional opinion the
30 potential benefits of the medical use of marijuana would likely outweigh the health risks for the
31 qualifying patient. A written certification shall be made only in the course of a bona fide
32 practitioner-patient relationship after the practitioner has completed a full assessment of the
33 qualifying patient's medical history. The written certification shall specify the qualifying patient's
34 debilitating medical condition or conditions.

1 **21-28.6-4. Protections for the medical use of marijuana.** -- (a) A qualifying patient
2 who has in his or her possession a registry identification card shall not be subject to arrest,
3 prosecution, or penalty in any manner, or denied any right or privilege, including but not limited
4 to, civil penalty or disciplinary action by a business or occupational or professional licensing
5 board or bureau, for the medical use of marijuana; provided, that the qualifying patient possesses
6 an amount of marijuana that does not exceed twelve (12) marijuana plants and two and one-half
7 (2.5) ounces of usable marijuana. Said plants shall be stored in an indoor facility.

8 (b) No school, employer or landlord may refuse to enroll, employ or lease to or
9 otherwise penalize a person solely for his or her status as a registered qualifying patient or a
10 registered primary caregiver.

11 (c) A primary caregiver, who has in his or her possession, a registry identification card
12 shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or
13 privilege, including but not limited to, civil penalty or disciplinary action by a business or
14 occupational or professional licensing board or bureau, for assisting a qualifying patient to whom
15 he or she is connected through the department's registration process with the medical use of
16 marijuana; provided, that the primary caregiver possesses an amount of marijuana which does not
17 exceed twelve (12) marijuana plants and two and one-half (2.5) ounces of usable marijuana for
18 each qualifying patient to whom he or she is connected through the department's registration
19 process.

20 (d) There shall exist a presumption that a qualifying patient or primary caregiver is
21 engaged in the medical use of marijuana if the qualifying patient or primary caregiver:

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

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

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

30 (f) A practitioner shall not be subject to arrest, prosecution, or penalty in any manner, or
31 denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by
32 the Rhode Island Board of Medical Licensure and Discipline or by any another business or
33 occupational or professional licensing board or bureau solely for providing written certifications
34 or for otherwise stating that, in the practitioner's professional opinion, the potential benefits of the

1 medical marijuana would likely outweigh the health risks for a patient.

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

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

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

13 (j) A registry identification card, or its equivalent, issued under the laws of another state,
14 U.S. territory, or the District of Columbia to permit the medical use of marijuana by a qualifying
15 patient, or to permit a person to assist with a qualifying patient's medical use of marijuana, shall
16 have the same force and effect as a registry identification card issued by the department.

17 (k) Notwithstanding the provisions of subsection 21-28.6-3(6) or subsection 21-28.6-
18 4(c), no primary caregiver shall possess an amount of marijuana in excess of twenty-four (24)
19 marijuana plants and five (5) ounces of usable marijuana for qualifying patients to whom he or
20 she is connected through the department's registration process.

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

25 **21-28.6-6. Administration of regulations.** -- (a) The department shall issue registry
26 identification cards to qualifying patients who submit the following, in accordance with the
27 department's regulations:

28 (1) Written certification as defined in section 23-28.6-3(10) of this chapter;

29 (2) Application or renewal fee;

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

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

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

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

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

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

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

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

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

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

18 (d) The department shall issue a registry identification card to each primary caregiver, if
19 any, who is named in a qualifying patient's approved application, up to a maximum of two (2)
20 primary caregivers per qualifying patient.

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

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

25 (2) A random registry identification number; and

26 (3) A photograph; and

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

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

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

33 (2) A registered qualifying patient who fails to notify the department of any of these
34 changes is responsible for a civil infraction, punishable by a fine of no more than one hundred

1 fifty dollars (\$150). If the person has ceased to suffer from a debilitating medical condition, the
2 card shall be deemed null and void and the person shall be liable for any other penalties that may
3 apply to the person's nonmedical use of marijuana.

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

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

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

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

25 (7) If a ~~qualifying patient and/or primary caregiver~~ cardholder willfully violates any
26 provision of this chapter as determined by the department, his or her registry identification card
27 may be revoked.

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

32 (h) (1) Applications and supporting information submitted by qualifying patients,
33 including information regarding their primary caregivers and practitioners, are confidential and
34 protected under the federal Health Insurance Portability and Accountability Act of 1996.

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

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

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

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

17 (1) The number of applications for registry identification cards, the number of qualifying
18 patients and primary caregivers approved, the nature of the debilitating medical conditions of the
19 qualifying patients, the number of registry identification cards revoked, and the number of
20 practitioners providing written certification for qualifying patients;

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

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

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

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

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

1 SECTION 2. Chapter 21-28.6 of the General Laws entitled "The Edward O. Hawkins and
2 Thomas C. Slater Medical Marijuana Act" is hereby amended by adding thereto the following
3 sections:

4 **21-28.6-12. Compassion centers.** – (a) A compassion center registered under this section
5 may acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply, or dispense
6 marijuana, or related supplies and educational materials, to registered qualifying patients and their
7 registered primary caregivers who have designated it as one of their primary caregivers. A
8 compassion center is a primary caregiver. Except as specifically provided to the contrary, all
9 provisions of the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act, sections 21-
10 28.6-1 – 21-28.6-11, apply to a compassion center unless they conflict with a provision contained
11 in section 21-28.6-11.

12 (b) Registration of compassion centers: department authority

13 (1) Not later than one hundred twenty (120) days after the effective date of this act, the
14 department shall promulgate regulations governing the manner in which it shall consider
15 applications for registration certificates for compassion centers, including regulations governing:

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

17 (ii) Minimum oversight requirements for compassion centers;

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

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

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

22 (2) Within one hundred twenty-five (125) days of the effective date of this act, the
23 department shall begin accepting applications for the operation of a single compassion center.

24 (3) Within one hundred ninety (190) days of the effective date of this act, the department
25 shall provide for at least one public hearing on the granting of an application to a single
26 compassion center.

27 (4) Within one year of the effective date of this act, the department shall grant a single
28 registration certificate to a single compassion center, providing at least one applicant has applied
29 who meets the requirements of this act.

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

33 (6) Within two (2) years of the effective date of this act, the department shall begin
34 accepting applications to provide registration certificates to two (2) additional compassion

1 centers. The department shall solicit input from the public, and issue registration certificates if
2 qualified applicants exist.

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

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

9 (c) Compassion center and agent applications and registration.

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

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

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

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

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

20 (v) Proposed security measures to deter and prevent the unauthorized entrance into areas
21 containing marijuana and the theft of marijuana; and

22 (vi) Proposed procedures to ensure accurate record keeping.

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

27 (3) Each time when a compassion center certificate is granted, the decision shall be based
28 on a consideration of the following:

29 (i) Convenience to patients from throughout the state of Rhode Island;

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

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

33 (iv) The wishes of qualifying patients regarding which applicant be granted registration
34 certificate;

1 (v) The wishes of the city or town where the dispensary where the applicant would be
2 located; and

3 (vi) The sufficiency of the applicant's plans for record keeping and security.

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

6 (i) A fee paid to the department in the amount of five thousand dollars (\$5,000);
7 (ii) The legal name and articles of incorporation of the compassion center;
8 (iii) The physical address of the compassion center; this may include a second address for
9 the secure cultivation of marijuana;

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

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

14 (5) The department shall track the number of registered qualifying patients who designate
15 each compassion center as a primary caregiver, and issue a written statement to the compassion
16 center of the number of qualifying patients who have designated the compassion center to serve
17 as a primary caregiver for them. This statement shall be updated each time a new registered
18 qualifying patient designates the compassion center or ceases to designate the compassion center
19 and may be transmitted electronically if the department's regulations so provide. The department
20 may provide by regulation that the updated written statements will not be issued more frequently
21 than twice each week.

22 (6) Except as provided in subsection (7), the department shall issue each principal officer,
23 board member, agent, and employee of a compassion center a registry identification card or
24 renewal card within ten (10) days of receipt of the person's name, address, date of birth, and a fee
25 in an amount established by the department. Each card shall specify that the cardholder is a
26 principal officer, board member, agent, or employee of a compassion center and shall contain the
27 following:

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

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

32 (iii) A random identification number that is unique to the cardholder;
33 (iv) The date of issuance and expiration date of the registry identification card; and
34 (v) A photograph, if the department decides to require one.

1 (7) Except as provided in this subsection, the department shall not issue a registry
2 identification card to any principal officer, board member, agent, or employee of a compassion
3 center who has been convicted of a felony drug offense. The department may conduct a
4 background check of each principal officer, board member, agent, or employee in order to carry
5 out this provision. The department shall notify the compassion center in writing of the purpose for
6 denying the registry identification card. The department may grant such person a registry
7 identification card if the department determines that the offense was for conduct that occurred
8 prior to the enactment of the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act
9 or that was prosecuted by an authority other than the state of Rhode Island and for which the
10 Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act would otherwise have
11 prevented a conviction.

12 (8) A registry identification card of a principal officer, board member, agent, or employee
13 shall expire one year after its issuance, or upon the expiration of the registered organization's
14 registration certificate, whichever occurs first.

15 (d) Expiration or termination of compassion center.

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

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

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

23 (ii) The department has not ever suspended the compassion center's registration for
24 violations of this act or regulations issues pursuant to it;

25 (iii) The legislative oversight committee's report, issued pursuant to section (j), indicates
26 that the compassion center is adequately providing patients' with access to medical marijuana;
27 and

28 (iv) The legislative oversight committee's report, issued pursuant to section (j), does not
29 raise serious concerns about the continued operation of the compassion center applying for
30 renewal.

31 (3) If the department determines that any of the conditions listed in subsections (d)(2) (i)
32 – (iv) exist, the department shall begin an open application process for the operation of a
33 compassion center. In granting a new registration certificate, the department shall consider factors
34 listed in subsection (c)(3).

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

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

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

7 (iii) The compassion center has not had its registration certificate revoked due to
8 violations of this act or regulations issued pursuant to this act.

9 (e) Inspection. Compassion centers are subject to reasonable inspection by the department
10 of health, division of facilities regulation. The department shall give reasonable notice of an
11 inspection under this subsection.

12 (f) Compassion center requirements.

13 (1) A compassion center shall be operated on a not-for-profit basis for the mutual benefit
14 of its members and patrons. A compassion center need not be recognized as a tax-exempt
15 organization by the Internal Revenue Services.

16 (2) A compassion center may not be located within five hundred (500) feet of the
17 property line of a preexisting public or private school.

18 (3) A compassion center shall notify the department within ten (10) days of when a
19 principal officer, board member, agent, or employee ceases to work at the compassion center. His
20 or her card shall be deemed null and void and the person shall be liable for any other penalties
21 that may apply to the person's nonmedical use of marijuana.

22 (4) A compassion center shall notify the department in writing of the name, address, and
23 date of birth of any new principal officer, board member, agent, or employee and shall submit a
24 fee in an amount established by the department for a new registry identification card before a new
25 agent or employee begins working at the compassion center.

26 (5) A compassion center shall implement appropriate security measures to deter and
27 prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana.

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

30 (7) A compassion center is prohibited from acquiring, possessing, cultivating,
31 manufacturing, delivering, transferring, transporting, supplying, or dispensing marijuana for any
32 purpose except to assist registered qualifying patients with the medical use of marijuana directly
33 or through the qualifying patients other primary caregiver.

34 (8) All principal officers and board member of a compassion center must be residents of

1 the state of Rhode Island.

2 (g) Maximum amount of usable marijuana to be dispensed.

3 (1) A compassion center or principal officer, board member, agent, or employee of a
4 compassion center may not dispense more than two and one half (2.5) ounces of usable marijuana
5 to a qualifying patient or a primary caregiver on behalf of a qualifying patient during a fifteen
6 (15) day period.

7 (2) A compassion center or principal officer, board member, agent, or employee of a
8 compassion center may not dispense an amount of usable marijuana or marijuana plants to a
9 qualifying patient or a primary caregiver that the compassion center, principal officer, board
10 member, agent, or employee knows would cause the recipient to possess more marijuana that is
11 permitted under the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act.

12 (h) Immunity.

13 (1) No registered compassion center shall be subject to prosecution; search, except by the
14 department pursuant to subsection (e); seizure; or penalty in any manner or denied any right or
15 privilege, including, but not limited to, civil penalty or disciplinary action by a business,
16 occupational, or professional licensing board or entity, solely for acting in accordance with this
17 section to assist registered qualifying patients to whom it is connected through the department's
18 registration process with the medical use of marijuana.

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

24 (i) Prohibitions.

25 (1) A compassion center may not possess an amount of marijuana that exceeds the total
26 of the allowable amounts of marijuana for the registered qualifying patients for whom the
27 compassion center is a registered primary caregiver.

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

31 (3) A person found to have violated paragraph (2) of this subsection may not be an
32 employee, agent, principal officer, or board member of any compassion center, and such person's
33 registry identification card shall be immediately revoked.

34 (4) No person who has been convicted of a felony drug offense may be the principal

1 officer, board member, agent, or employee of a compassion center unless the department has
2 determined that the person's conviction was for the medical use of marijuana or assisting with the
3 medical use of marijuana and issued the person a registry identification card as provided under
4 subsection (c)(7). A person who is employed by or is an agent, principal officer, or board member
5 of a compassion center in violation of this section is guilty of a civil violation punishable by a
6 fine of up to one thousand dollars (\$1,000). A subsequent violation of this section is a gross
7 misdemeanor.

8 (1) Legislative oversight committee.

9 (1) The general assembly shall appoint a nine (9) member oversight committee comprised
10 of: one member of the house of representatives; one member of the senate; one physician to be
11 selected from a list provided by the Rhode Island Medical Society; one nurse to be selected from
12 a list provided by the Rhode Island State Nurses Association; two (2) registered qualifying
13 patients; one registered primary caregiver; one patient advocate to be selected from a list provided
14 by the Rhode Island Patient Advocacy Coalition; one representative of the law enforcement
15 community.

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

- 18 (a) patients' access to medical marijuana;
- 19 (b) efficacy of compassion center;
- 20 (c) physician participation in the Medical Marijuana Program;
- 21 (d) the definition of qualifying medical condition;
- 22 (e) research studies regarding health effects of medical marijuana for patients.

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

25 SECTION 3. This act shall take effect upon passage.

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LC01455
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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

1 This act would make various changes to the medical marijuana act, including the creation
2 and regulation of compassion centers to aid qualifying patients and their registered primary
3 caregivers with respect to this act.

4 This act would take effect upon passage.

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LC01455
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