

DATE: December 29, 2006

TO: Representative Joseph M. McNamara, Chairperson
House Committee on Health, Education and Welfare

Senator Michael J. McCaffrey, Chairperson
Senate Committee on the Judiciary

FROM: Charles Alexandre
Chief, Health Professions Regulation

SUBJECT: Rhode Island Medical Marijuana Program

The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act was enacted on January 3, 2006. This report is submitted pursuant to section 21-28.6-6(k) of the Act.

The Department of Health implemented the Medical Marijuana Program on April 3, 2006. The first registration cards were issued to qualified patients and their designated caregivers on or about May 1, 2006. As of December 29, 2006 one hundred ninety two (192) registration cards have been issued to patients with qualifying conditions. An additional one hundred seventy three (173) registration cards have been issued to designated caregivers. To date the Department has revoked one (1) patient registration upon this individual's arrest and arraignment on charges of contributing to the delinquency of a minor, narcotics and weapons charges.

Pursuant to the Act, registration fees were to cover the expenses of the program. The Department estimated a startup budget of \$111,600 for personnel and the costs of necessary equipment and supplies. A registration fee of \$75 was implemented assuming a best-guess estimate of 1500 registrants in the first year. Community input demonstrated a need for a reduced fee for individuals on medical assistance. The Department charges a registration fee for qualified patients of \$75 at the time of application. Patients who submit satisfactory evidence to the Department of being a recipient of Medicaid, Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) pay a \$10 registration fee. Pursuant to provisions of the Act there is no fee for the registration of caregivers. Actual direct personnel and equipment costs for the program total \$21,361. To date the Department has collected a total of \$8515 in registration fees. It would be

unrealistic to charge patient and/or caregivers at a rate that would cover the program expenses.

		Active	Pending	Revoked
Minor Patient	Non-Medicaid/SSI	1	0	0
	Total	1	0	0
Adult Patient	Medicaid/SSI	94	8	1
	Non-Medicaid/SSI	98	14	0
	Total	192	22	1
Caregiver		173	2	0

Section 21-28.6-6(d) allows a patient to designate two (2) caregivers to assist with the patient’s medical use of marijuana. The caregiver may not have a felony drug conviction. To date the Department has denied 10 caregiver registrations due to felony drug convictions. Section 21-28.6-3(6) allows a caregiver to assist a maximum of five patients.

ACTIVE MMP PATIENTS	
Patients with 0 caregivers	64
Patients with 1 caregiver	77
Patients with 2 caregivers	43
ACTIVE CAREGIVERS	
Caregivers with 1 patient	158
Caregiver with 2 patients	5

One hundred thirteen (119) Rhode Island licensed physicians have certified patients for the program. 96.6% of certifying physicians have referred 4 or fewer patients to the program. Four (4) physicians have referred between 8 and 15 patients each. These physicians are known by the Department to treat patients that meet the criteria for the

Program. A breakdown of qualifying diagnosis follows. Note that some patients may have more than one diagnosis.

Diagnosis	Count	Percent
Cancer or Treatment	29	11.55%
Glaucoma or Treatment	6	2.39%
Positive Status for HIV or Treatment	28	11.16%
AIDS or Treatment	14	5.58%
Hepatitis C or Treatment	31	12.35%
Chronic or Debilitating Disease or Condition	143	56.97%
Total	209	

“Chronic or debilitating disease or conditions” include cachexia or “wasting” syndrome, severe, debilitating, chronic pain, severe nausea, seizures, including, but not limited to, those characteristic of epilepsy, severe persistent muscle spasms, including, but not limited to, those characteristic of multiple sclerosis or Crohn’s disease, or agitation of Alzheimer’s disease. The Department has not been petitioned to add any other debilitating medical condition to the program.

Since the program’s implementation the Department has had one request for information with respect to the use of marijuana by a nursing home resident. Specifically the facility requested information regarding provisions to obtain marijuana for the resident’s use. The statute does not address the use of marijuana in inpatient facilities. These facilities should be able to accommodate the patient and or resident who is using marijuana under the provisions of this act and be protected from state prosecution.

Pursuant to section 21-28.6-6(k) of the Act the Department is unaware of any specific cost to law enforcement agencies or any litigation regarding the implementation of the Act. One registered patient license was revoked upon notification from Rhode Island State Police that the individual was arrested and charged with nineteen (19) counts of delinquency of a minor, three (3) counts of possession of narcotics with intent to deliver, and two counts of possession of firearms/armor piercing bullets. Seventy-two (72) marijuana plants were seized from his property. The Department is unaware of any prosecutions against physicians for violations of the Act. The United States Food and Drug Administration has not altered its position regarding the use of marijuana for medical purposes; nor has it approved alternative delivery systems for marijuana.

There has been minimal community response to the implementation of the medical marijuana program. One registered patient did report that he was assaulted when he attempted to purchase marijuana from a dealer. The most frequent request to the Department is for information regarding the purchase of marijuana. There continues to be confusion regarding the availability of marijuana to registered patients and caregivers.

Additional issues for consideration include the addition of a registration fee for caregivers, the amount of marijuana allowed to be in the possession of caregivers at any one time, the personal information contained on registration cards, and extending the registration period from one to two years.

Additional information or questions about the Medical Marijuana Program should be directed to Charles Alexandre, Chief of Health Professions Regulations at (401) 222-2828 or via email to Charles.Alexandre@health.ri.gov.