

Requirements for Medical Marijuana Caregivers



The Rhode Island Medical Marijuana Act

People who live in Rhode Island and have a debilitating medical condition may use marijuana if a medical doctor certifies that:

- Marijuana may ease their symptoms, **and**
- Potential benefits of using marijuana would likely outweigh the health risks to the patient.

Registered patients may have one registered caregiver and one authorized purchaser.

Registered caregivers

- Caregivers can grow marijuana or buy it from a compassion center for up to five patients.
- Caregivers who grow marijuana must have a Plant Tag Certificate that is issued by the Office of Cannabis Regulation at the Rhode Island Department of Business Regulation (DBR) and follow DBR's rules and regulations. Visit the website of the Office of Cannabis Regulation at <https://dbr.ri.gov/office-cannabis-regulation>.
- The caregiver must make sure the patient gets the medication the doctor recommends and no one else uses it.
- Caregivers can change their registration type if they do not grow marijuana and only provide patients with medical marijuana bought from compassion centers. They must have their patient change their caregiver registration to authorized purchaser in the patient's online portal account.

Requirements for caregivers and authorized purchasers

1. Must be 21 or older
2. Must live in Rhode Island and must submit a **current copy** of one proof of residency that includes your name and address, such as a:
 - Rhode Island driver's license
 - Rhode Island State ID

If your driver's license or State ID does not show a current address, you will need to also provide a current copy of one of the following documents:

 - Any correspondence from another State agency, current vehicle registration, current car insurance bill, or voter's registration.

This additional document must show a recent date, your name, and a current address.

3. Must get a copy of a National Criminal Information Center (NCIC) background check from a local police department, the Office of the Rhode Island Attorney General, or by appointment at the Rhode Island State Police (401-222-1110).
 - The background check must include fingerprints.
 - The law enforcement agency will send the background check results directly to RIDOH. RIDOH will send a copy to you.
 - If you had a background check from the NCIC in the past two years, you can send a copy with your application. You do not need to get a new background check.
 - RIDOH will **not** review your application until RIDOH receives your background check results.
 - Applicants can be disqualified for felony convictions including, but not limited to, felony drug convictions.

To learn more, go to www.health.ri.gov/healthcare/medicalmarijuana/for/patients.



Title 21

Food and Drugs

Chapter 28.6

The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act

R.I. Gen. Laws § 21-28.6-17

§ 21-28.6-17. Revenue.

(a) Effective July 1, 2016, except for the one hundred twenty-five thousand dollar (\$125,000) fee paid by hybrid cannabis retailers pursuant to § 21-28.11-10, all fees collected by the departments of health and business regulation from applicants, registered patients, primary caregivers, authorized purchasers, licensed medical marijuana cultivators, cooperative cultivations, compassion centers, other licensees licensed pursuant to this chapter, and compassion-center and other registry identification cardholders shall be placed in restricted-receipt accounts to support the state’s medical marijuana program, including but not limited to, payment of expenses incurred for the administration of the program. The restricted-receipt account will be known as the “medical marijuana licensing account” and will be housed within the budgets of the departments of business regulation and health until final issuance of rules and regulations by the commission, at which time said account shall be housed within the budget of the commission.

(b) All revenues remaining in the restricted-receipt accounts after payments specified in subsection (a) of this section shall first be paid to cover any existing deficit in the department of health’s restricted-receipt account or the department of business regulation’s restricted-receipt account. These transfers shall be made annually on the last business day of the fiscal year until final issuance of rules and regulations of the commission, at which time the revenues subject to this subsection shall be used to cover any existing deficit in the commission’s budget.

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

History of Section.

P.L. 2016, ch. 142, art. 14, § 2; P.L. 2017, ch. 302, art. 7, § 1; P.L. 2019, ch. 88, art. 15, § 5; P.L. 2022, ch. 31, § 5, effective May 25, 2022; P.L. 2022, ch. 32, § 5, effective May 25, 2022.

Title 21

Food and Drugs

Chapter 28.6

The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act

R.I. Gen. Laws § 21-28.6-18

§ 21-28.6-18. Activities not exempt.

The provisions of this chapter do not exempt any person from arrest, civil or criminal penalty, seizure or forfeiture of assets, discipline by any state or local licensing board or authority, and state prosecution for, nor may they establish an affirmative defense based on this chapter to charges arising from, any of the following acts:

- (1) Driving, operating, or being in actual physical control of a vehicle or a vessel under power or sail while impaired by marijuana or marijuana products;
- (2) Possessing or using marijuana or marijuana products if the person is a prisoner;
- (3) Possessing or using marijuana or marijuana products in any local detention facility, county jail, state prison, reformatory, or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or
- (4) Manufacturing or processing of marijuana products with the use of prohibited solvents, in violation of this chapter; or
- (5) Possessing, using, distributing, cultivating, processing or manufacturing marijuana or marijuana products which do not satisfy the requirements of this chapter.

History of Section.

P.L. 2019, ch. 88, art. 15, § 6.

Title 21 Food and Drugs

Chapter 28.6 The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act

R.I. Gen. Laws § 21-28.6-6

§ 21-28.6-6. Administration of departments of health and business regulation regulations.

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

- (1) Written certification as defined in § 21-28.6-3;
- (2) Application fee, as applicable;
- (3) Name, address, and date of birth of the qualifying patient; provided, however, that if the patient is homeless, no address is required;
- (4) Name, address, and telephone number of the qualifying patient’s practitioner;
- (5) Whether the patient elects to grow medical marijuana plants for himself or herself; and
- (6) Name, address, and date of birth of one primary caregiver of the qualifying patient and any authorized purchasers for the qualifying patient, if any primary caregiver or authorized purchaser is chosen by the patient or allowed in accordance with regulations promulgated by the departments of health or business regulation.

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

- (1) The qualifying patient’s practitioner has explained the potential risks and benefits of the medical use of marijuana to the qualifying patient and to a parent, guardian, or person having legal custody of the qualifying patient; and
- (2) A parent, guardian, or person having legal custody consents in writing to:
 - (i) Allow the qualifying patient’s medical use of marijuana;
 - (ii) Serve as the qualifying patient’s primary caregiver or authorized purchaser; and
 - (iii) Control the acquisition of the marijuana, the dosage, and the frequency of the medical use of marijuana by the qualifying patient.

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

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

(e) The department of health shall verify the information contained in an application or renewal submitted pursuant to this section, and shall approve or deny an application or renewal within thirty-five (35) days of receiving it. The department may deny an application or renewal only if the applicant did not provide the information required pursuant to this section, or if the department determines that the information provided was falsified, or that the renewing applicant has violated this chapter under their previous registration. Rejection of an application or renewal is considered a final department action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the superior court.

(f) If the qualifying patient’s practitioner notifies the department of health in a written statement that the qualifying patient is eligible for hospice care or chemotherapy, the department of health and department of business regulation, as applicable, shall give priority to these applications when verifying the information in accordance with subsection (e) and issue a registry identification card to these qualifying patients, primary caregivers and authorized purchasers within seventy-two (72) hours of receipt of the completed application. The departments shall not charge a registration fee to the patient, caregivers or authorized purchasers named in the application. The department of health may identify through regulation a list of other conditions qualifying a patient for expedited application processing.

(g) Following the promulgation of regulations pursuant to § 21-28.6-5(c), the department of business regulation may issue or renew a registry identification card to the qualifying patient cardholder’s primary caregiver, if any, who is named in the qualifying patient’s approved application. The department of business regulation shall verify the information contained in applications and renewal forms submitted pursuant to this chapter prior to issuing any registry identification card. The department of business regulation may deny an application or renewal if the applicant or appointing patient did not provide the information required pursuant to this section, or if the department determines that the information provided was falsified, or if the applicant or appointing patient has violated this chapter under his or her previous registration or has otherwise failed to satisfy the application or renewal requirements.

(1) A primary caregiver applicant or an authorized purchaser applicant shall apply to the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or local police department for a national criminal records check that shall include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any disqualifying information as defined in subsection (g)(5) of this section, and in accordance with the rules promulgated by the director, the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or the local police department shall inform the applicant, in writing, of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information, shall notify the department of business regulation or department of health, as applicable, in writing, that disqualifying information has been discovered.

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

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

(4) Notwithstanding any other provision of this chapter, the department of business regulation or department of health may revoke or refuse to issue any class or type of registry identification card or license if it determines that failing to do so would conflict with any federal law or guidance pertaining to regulatory, enforcement, and other systems that states, businesses, or other institutions may implement to mitigate the potential for federal intervention or enforcement. This provision shall not be construed to prohibit the overall implementation and administration of this chapter on account of the federal classification of marijuana as a schedule I substance or any other federal prohibitions or restrictions.

(5) Information produced by a national criminal records check pertaining to a conviction for any felony offense under chapter 28 of this title (“Rhode Island controlled substances act”); murder; manslaughter; rape; first-degree sexual assault; second-degree sexual assault; first-degree child molestation; second-degree child molestation; kidnapping; first-degree arson; second-degree arson; mayhem; robbery; burglary; breaking and entering; assault with a dangerous weapon; assault or battery involving grave bodily injury; and/or assault with intent to commit any offense punishable as a felony or a similar offense from any other jurisdiction shall result in a letter to the applicant and the department of health or department of business regulation, as applicable, disqualifying the applicant. If disqualifying information has been found, the department of health or department of business regulation, as applicable, may use its discretion to issue a primary caregiver registry identification card or an authorized purchaser registry identification card if the applicant’s connected patient is an immediate family member and the card is restricted to that patient only.

(6) The primary caregiver or authorized purchaser applicant shall be responsible for any expense associated with the national criminal records check.

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

(8) The office of cannabis regulation may adopt rules and regulations based on federal guidance provided those rules and regulations are designed to comply with federal guidance and mitigate federal enforcement against the registrations and licenses issued under this chapter.

(h)(1) On or before December 31, 2016, the department of health shall issue registry identification cards within five (5) business days of approving an application or renewal that shall expire two (2) years after the date of issuance.

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

(3) Registry identification cards shall contain:

- (i) The date of issuance and expiration date of the registry identification card;
- (ii) A random registry identification number;
- (iii) A photograph; and
- (iv) Any additional information as required by regulation of the department of health or business regulation as applicable.

(i) Persons issued registry identification cards by the department of health or department of business regulation shall be subject to the following:

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

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

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

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

(5) When a qualifying patient cardholder changes his or her primary caregiver or authorized purchaser, the department of health or department of business regulation, as applicable, shall notify the primary caregiver cardholder or authorized purchaser within ten (10) days. The primary caregiver cardholder’s protections as provided in this chapter as to that patient shall expire ten (10) days after notification by the issuing department. If the primary caregiver cardholder or authorized purchaser is connected to no other qualifying patient cardholders in the program, he or she must return his or her registry identification card to the issuing department.

(6) If a cardholder or authorized purchaser loses his or her registry identification card, he or she shall notify the department that issued the card and submit a ten-dollar (\$10.00) fee within ten (10) days of losing the card. Within five (5) days, the department of health or department of business regulation shall issue a new registry identification card with a new random identification number.

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

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

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

(k)(1) Applications and supporting information submitted by qualifying patients, including information regarding their primary caregivers, authorized purchaser, and practitioners, are confidential and protected in accordance with the federal Health Insurance Portability and Accountability Act of 1996, as amended, and shall be exempt from the provisions of chapter 2 of title 38 et seq. (Rhode Island access to public records act) and not subject to disclosure, except to authorized employees of the departments of health and business regulation as necessary to perform official duties of the departments, and pursuant to subsections (l) and (m).

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

(3) The department of health and the department of business regulation, as applicable, shall maintain a confidential list of the persons to whom the department of health or department of business regulation has issued authorized patient, primary caregiver, and authorized purchaser registry identification cards. Individual names and other identifying information on the list shall be confidential, exempt from the provisions of Rhode Island access to public records, chapter 2 of title 38, and not subject to disclosure, except to authorized employees of the departments of health and business regulation as necessary to perform official duties of the departments and pursuant to subsections (l) and (m) of this section.

(l) Notwithstanding subsections (k) and (m) of this section, the departments of health and business regulation, as applicable, shall verify to law enforcement personnel whether a registry identification card is valid and may provide additional information to confirm whether a cardholder is compliant with the provisions of this chapter and the regulations promulgated hereunder. The department of business regulation shall verify to law enforcement personnel whether a registry identification card is valid and may confirm whether the cardholder is compliant with the provisions of this chapter, or the cannabis control commission may verify if a sale is within the provisions of chapter 28.11 of title 21 and the regulations promulgated hereunder. This verification may occur through the use of a shared database, provided that any medical records or confidential information in this database related to a cardholder’s specific medical condition is protected in accordance with subsection (k)(1).

(m) It shall be a crime, punishable by up to one hundred eighty (180) days in jail and a one thousand dollar (\$1,000) fine, for any person, including an employee or official of the departments of health, business regulation, public safety, or another state agency or local government, to breach the confidentiality of information obtained pursuant to this chapter. Notwithstanding this provision, the department of health and department of business regulation employees may notify law enforcement about falsified or fraudulent information submitted to the department or violations of this chapter. Nothing in this act shall be construed as to prohibit law enforcement, public safety, fire, or building officials from investigating violations of, or enforcing state law.

(n) On or before the fifteenth day of the month following the end of each quarter of the fiscal year, the department of health and the department of business regulation shall report to the governor, the speaker of the house of representatives, and the president of the senate on applications for the use of marijuana for symptom relief. The report shall provide:

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

(o) On or before September 30 of each year, the department of health and the department of business regulation, as applicable, shall report to the governor, the speaker of the house of representatives, and the president of the senate on the use of marijuana for symptom relief. The report shall provide:

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

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

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

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

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

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

(p) After June 30, 2018, the department of business regulation shall report to the speaker of the house, senate president, the respective fiscal committee chairpersons, and fiscal advisors within 60 days of the close of the prior fiscal year. The report shall provide:

(1) The number of applications for registry identification cards to compassion center staff, the number approved, denied and the number of registry identification cards revoked, and the number of replacement cards issued;

(2) The number of applications for compassion centers and licensed cultivators;

(3) The number of marijuana plant tag sets ordered, delivered, and currently held within the state;

(4) The total revenue collections of any monies related to its regulator activities for the prior fiscal year, by the relevant category of collection, including enumerating specifically the total amount of revenues foregone or fees paid at reduced rates pursuant to this chapter.

Title 21

Food and Drugs

Chapter 28.6

The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act

R.I. Gen. Laws § 21-28.6-5

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

(a) Not later than ninety (90) days after the effective date of this chapter, the department of health shall promulgate regulations governing the manner in which it shall consider petitions from the public to add debilitating medical conditions to those included in this chapter. In considering such petitions, the department of health shall include public notice of, and an opportunity to comment in a public hearing, upon such petitions. The department of health shall, after hearing, approve or deny such petitions within one hundred eighty (180) days of submission. The approval or denial of such a petition shall be considered a final department of health action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the superior court. The denial of a petition shall not disqualify qualifying patients with that condition, if they have a debilitating medical condition as defined in § 21-28.6-3. The denial of a petition shall not prevent a person with the denied condition from raising an affirmative defense.

(b) Not later than ninety (90) days after the effective date of this chapter, the department of health shall promulgate regulations governing the manner in which it shall consider applications for, and renewals of, registry identification cards for qualifying patients and authorized purchasers.

(c) Not later than October 1, 2019, the department of business regulation shall promulgate regulations not inconsistent with law, to carry into effect the provisions of this section, governing the manner in which it shall consider applications for, and renewals of, registry identification cards for primary caregivers.

(d) On and after December 1, 2022, no fee shall be charged for application, registration or renewal of an identification card for a patient or primary caregiver pursuant to the provisions of this section. Registry identification cards for qualifying patients, authorized purchasers and primary caregivers shall be issued without charge.

History of Section.

P.L. 2005, ch. 442, § 1; P.L. 2005, ch. 443, § 1; P.L. 2007, ch. 72, § 1; P.L. 2007, ch. 495, § 1; P.L. 2012, ch. 88, § 1; P.L. 2012, ch. 118, § 1; P.L. 2016, ch. 142, art. 14, § 1; P.L. 2019, ch. 88, art. 15, § 5; P.L. 2022, ch. 31, § 5, effective May 25, 2022; P.L. 2022, ch. 32, § 5, effective May 25, 2022.

Title 21

Food and Drugs

Chapter 28.6

The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act

R.I. Gen. Laws § 21-28.6-2

§ 21-28.6-2. Legislative findings.

The general assembly finds and declares that:

- (1)** Modern medical research has discovered beneficial uses for marijuana in treating or alleviating pain, nausea, and other symptoms associated with certain debilitating medical conditions, as found by the National Academy of Sciences’ Institute of Medicine in March 1999.
- (2)** According to the U.S. Sentencing Commission and the Federal Bureau of Investigation, ninety-nine (99) out of every one hundred (100) marijuana arrests in the United States are made under state law, rather than under federal law. Consequently, changing state law will have the practical effect of protecting from arrest the vast majority of seriously ill people who have a medical need to use marijuana.
- (3)** Although federal law currently prohibits any use of marijuana, the laws of Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, Oregon, Vermont, and Washington permit the medical use and cultivation of marijuana. Rhode Island joins in this effort for the health and welfare of its citizens.
- (4)** States are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law. Therefore, compliance with this chapter does not put the state of Rhode Island in violation of federal law.
- (5)** State law should make a distinction between the medical and nonmedical use of marijuana. Hence, the purpose of this chapter is to protect patients with debilitating medical conditions, and their physicians and primary caregivers, from arrest and prosecution, criminal and other penalties, and property forfeiture if such patients engage in the medical use of marijuana.
- (6)** The general assembly enacts this chapter pursuant to its police power to enact legislation for the protection of the health of its citizens, as reserved to the state in the Tenth Amendment of the United States Constitution.
- (7)** It is in the state’s interests of public safety, public welfare, and the integrity of the medical marijuana program to ensure that the possession and cultivation of marijuana for the sole purpose of medical use for alleviating symptoms caused by debilitating medical conditions is adequately regulated.
- (8)** The goal of the medical marijuana program is to create a system that is transparent, safe, and responsive to the needs of patients. Consequently, the medical marijuana program requires regulation and a comprehensive regulatory structure that allows for oversight over all suppliers of medical marijuana while ensuring both safety and patient access.

History of Section.

P.L. 2005, ch. 442, § 1; P.L. 2005, ch. 443, § 1; P.L. 2007, ch. 72, § 1; P.L. 2007, ch. 495, § 1; P.L. 2014, ch. 515, § 2; P.L. 2016, ch. 142, art. 14, § 1.

Title 21

Food and Drugs

Chapter 28.6

The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act

R.I. Gen. Laws § 21-28.6-1

§ 21-28.6-1. Short title.

This chapter shall be known and may be cited as “The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act.”

History of Section.

P.L. 2005, ch. 442, § 1; P.L. 2005, ch. 443, § 1; P.L. 2007, ch. 72, § 1; P.L. 2007, ch. 495, § 1.

Title 21

Food and Drugs

Chapter 28.6

The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act

R.I. Gen. Laws § 21-28.6-14

§ 21-28.6-14. Cooperative cultivations.

- (a)** Two (2) or more qualifying cardholders may cooperatively cultivate marijuana in residential or nonresidential locations subject to the following restrictions:
- (1)** Effective January 1, 2017, cooperative cultivations shall apply to the department of business regulation for a license to operate;
 - (2)** A registered patient or primary caregiver cardholder can only cultivate in one location, including participation in a cooperative cultivation;
 - (3)** No single location may have more than one cooperative cultivation. For the purposes of this section, location means one structural building, not units within a structural building;
 - (4)** The cooperative cultivation shall not be visible from the street or other public areas;
 - (5)** A written acknowledgement of the limitations of the right to use and possess marijuana for medical purposes in Rhode Island that is signed by each cardholder and is displayed prominently in the premises cooperative cultivation;
 - (6)** Cooperative cultivations are restricted to the following possession limits:
 - (i)** A nonresidential cooperative cultivation may have no more than ten ounces (10 oz.) of dried marijuana, or its equivalent which satisfies the requirements of this chapter, and an amount of wet marijuana set in regulations promulgated by the departments of health and business regulation, forty-eight (48) mature marijuana plants, and forty-eight (48) seedlings;
 - (ii)** A residential cooperative cultivation may have no more than ten ounces (10 oz.) of dried marijuana, or its equivalent which satisfies the requirements of this chapter, and an amount of wet marijuana set in regulations promulgated by the departments of health and business regulation, twenty-four (24) mature marijuana plants, and twenty-four (24) seedlings;
 - (iii)** A nonresidential or residential cooperative cultivation must have displayed prominently on the premises its license issued by the department of business regulation;
 - (iv)** Every marijuana plant possessed by a cooperative cultivation must be accompanied by a valid medical marijuana tag issued by the department of business regulation pursuant to § 21-28.6-15. Each cooperative cultivation must purchase at least one medical marijuana tag in order to remain a licensed cooperative cultivation; and
 - (v)** Cooperative cultivations are subject to reasonable inspection by the department of business regulation for the purposes of enforcing regulations promulgated pursuant to this chapter and all applicable Rhode Island general laws.
 - (7)** Cooperative cultivations must be inspected as follows:
 - (i)** A nonresidential cooperative cultivation must have displayed prominently on the premises documentation from the municipality where the single location is located that the location and the cultivation has been inspected by the municipal building and/or zoning official and the municipal fire department and is in compliance with any applicable state or municipal housing and zoning codes; and
 - (ii)** A residential cooperative cultivation must have displayed prominently on the premises an affidavit by a licensed electrician that the cultivation has been inspected and is in compliance with any applicable state or municipal housing and zoning codes for the municipality where the cooperative cultivation is located.
 - (8)** Cooperative cultivations must report the location of the cooperative cultivation to the department of public safety.
 - (9)** The reports provided to the department of public safety in subsection (8) of this section shall be confidential, but locations may be confirmed for law enforcement purposes. The report of the location of the cooperative cultivation alone shall not constitute probable cause for a search of the cooperative cultivation.
 - (10)** The department of business regulation shall promulgate regulations governing the licensing and operation of cooperative cultivations, and may promulgate regulations that set a fee for a cooperative cultivation license.
- (b)** Any violation of any provision of this chapter or regulations promulgated hereunder as determined by the department of business regulation may result in the revocation/suspension of the cooperative cultivation license.
- (c) License required.** No person or entity shall engage in activities described in this section without a cooperative cultivation license issued by the department of business regulation.
- (d)** Effective July 1, 2019, except as to cooperative cultivator licenses issued by the department of business regulation before July 1, 2019, the department of business regulation shall no longer accept applications or renewals for licensed cooperative cultivations and cooperative cultivations shall no longer be permitted.
- (e)** Effective July 1, 2019, not more than one registered cardholder shall be permitted to grow marijuana in a dwelling unit or commercial unit, except for two (2) or more qualifying patient or primary caregiver cardholder(s) who are primary residents of the same dwelling unit where the medical marijuana plants are grown and in all instances subject to the plant limits provided in § 21-28.6-4(r).

Title 21 Food and Drugs

Chapter 28.6 The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act

R.I. Gen. Laws § 21-28.6-12

§ 21-28.6-12. Compassion centers.

(a) A compassion center licensed under this section may acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply, or dispense medical marijuana, or related supplies and educational materials, to registered qualifying patients and their registered primary caregivers or authorized purchasers, or out-of-state patient cardholders or other marijuana establishment licensees. Except as specifically provided to the contrary, all provisions of this chapter (the Edward O. Hawkins and Thomas C. Slater medical marijuana act), apply to a compassion center unless the provision(s) conflict with a provision contained in this section.

(b) License of compassion centers — authority of the departments of health and business regulation:

- (1) Not later than ninety (90) days after the effective date of this chapter, the department of health shall promulgate regulations governing the manner in which it shall consider applications for licenses for compassion centers, including regulations governing:
- (i) The form and content of license and renewal applications;
 - (ii) Minimum oversight requirements for compassion centers;
 - (iii) Minimum record-keeping requirements for compassion centers;
 - (iv) Minimum security requirements for compassion centers; and
 - (v) Procedures for suspending, revoking, or terminating the license of compassion centers that violate the provisions of this section or the regulations promulgated pursuant to this subsection.
- (2) Within ninety (90) days of the effective date of this chapter, the department of health shall begin accepting applications for the operation of a single compassion center.
- (3) Within one hundred fifty (150) days of the effective date of this chapter, the department of health shall provide for at least one public hearing on the granting of an application to a single compassion center.
- (4) Within one hundred ninety (190) days of the effective date of this chapter, the department of health shall grant a single license to a single compassion center, providing at least one applicant has applied who meets the requirements of this chapter.
- (5) If at any time after fifteen (15) months after the effective date of this chapter, there is no operational compassion center in Rhode Island, the department of health shall accept applications, provide for input from the public, and issue a license for a compassion center if a qualified applicant exists.
- (6) Within two (2) years of the effective date of this chapter, the department of health shall begin accepting applications to provide licenses for two (2) additional compassion centers. The department shall solicit input from the public, and issue licenses if qualified applicants exist.
- (7)(i) Any time a compassion center license is revoked, is relinquished, or expires on or before December 31, 2016, the department of health shall accept applications for a new compassion center.
- (ii) Any time a compassion center license is revoked, is relinquished, or expires on or after January 1, 2017, the department of business regulation shall accept applications for a new compassion center.
- (8)(i) If at any time after three (3) years after the effective date of this chapter and on or before December 31, 2016, fewer than three (3) compassion centers are holding valid licenses in Rhode Island, the department of health shall accept applications for a new compassion center. If at any time on or after January 1, 2017, fewer than three (3) compassion centers are holding valid licenses in Rhode Island, the department of business regulation shall accept applications for a new compassion center. There shall be nine (9) compassion centers that may hold valid licenses at one time. If at any time on or after July 1, 2019, fewer than nine (9) compassion centers are holding valid licenses in Rhode Island, the department of business regulation shall accept applications for new compassion centers and shall continue the process until nine (9) licenses have been issued by the department of business regulation.
- (9) Any compassion center application selected for approval by the department of health on or before December 31, 2016, or selected for approval by the department of business regulation on or after January 1, 2017, shall remain in full force and effect, notwithstanding any provisions of this chapter to the contrary, and shall be subject to state law adopted herein and rules and regulations adopted by the departments of health and business regulation subsequent to passage of this legislation.
- (10) A licensed cultivator may apply for, and be issued, an available compassion center license, provided that the licensed cultivation premises is disclosed on the compassion center application as the permitted second location for growing medical marijuana in accordance with subsection (c)(i) of this section. If a licensed cultivator is issued an available compassion center license, their cultivation facility license will merge with and into their compassion center license in accordance with regulations promulgated by the department of business regulation. Once merged, the cultivation of medical marijuana may then be conducted under the compassion center license in accordance with this section and the cultivation license will be considered null and void and of no further force or effect.

(c) Compassion center and agent applications and license:

- (1) Each application for a compassion center shall be submitted in accordance with regulations promulgated by the department of business regulation and shall include, but not be limited to:
- (i) A non-refundable application fee paid to the department in the amount of ten thousand dollars (\$10,000);
 - (ii) The proposed legal name and proposed articles of incorporation of the compassion center;
 - (iii) The proposed physical address of the compassion center, if a precise address has been determined, or, if not, the general location where it would be located. This may include a second location for the cultivation of medical marijuana;
 - (iv) A description of the enclosed, locked facility that would be used in the cultivation of medical marijuana;
 - (v) The name, address, and date of birth of each principal officer and board member of the compassion center;
 - (vi) Proposed security and safety measures that shall include at least one security alarm system for each location, planned measures to deter and prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana, as well as a draft, employee-instruction manual including security policies, safety and security procedures, personal safety, and crime-prevention techniques; and
 - (vii) Proposed procedures to ensure accurate record keeping.
- (2)(i) For applications submitted on or before December 31, 2016, any time one or more compassion center license applications are being considered, the department of health shall also allow for comment by the public and shall solicit input from registered qualifying patients, registered primary caregivers, and the towns or cities where the applicants would be located;
- (ii) For applications submitted on or after January 1, 2017, any time one or more compassion center license applications are being considered, the department of business regulation shall also allow for comment by the public and shall solicit input from registered qualifying patients, registered primary caregivers, and the towns or cities where the applicants would be located.
- (3) Each time a new compassion center license is issued, the decision shall be based upon the overall health needs of qualified patients and the safety of the public, including, but not limited to, the following factors:
- (i) Convenience to patients from areas throughout the state of Rhode Island;
 - (ii) The applicant's ability to provide a steady supply to the registered qualifying patients in the state;
 - (iii) The applicant's experience running a non-profit or business;
 - (iv) The interests of qualifying patients regarding which applicant be granted a license;
 - (v) The interests of the city or town where the dispensary would be located taking into consideration need and population;
 - (vi) Nothing herein shall prohibit more than one compassion center being geographically located in any city or town;
 - (vii) The sufficiency of the applicant's plans for record keeping and security, which records shall be considered confidential healthcare information under Rhode Island law and are intended to be deemed protected healthcare information for purposes of the Federal Health Insurance Portability and Accountability Act of 1996, as amended; and
 - (viii) The sufficiency of the applicant's plans for safety and security, including proposed location, security devices employed, and staffing.
- (4) A compassion center approved by the department of health on or before December 31, 2016, shall submit the materials to the department before it may begin operations:
- (i) A fee paid to the department in the amount of five thousand dollars (\$5,000);
 - (ii) The legal name and articles of incorporation of the compassion center;
 - (iii) The physical address of the compassion center; this may include a second address for the secure cultivation of marijuana;
 - (iv) The name, address, and date of birth of each principal officer and board member of the compassion center; and
 - (v) The name, address, and date of birth of any person who will be an agent of, employee, or volunteer of the compassion center at its inception.
- (5)(i) A compassion center approved or renewed by the department of business regulation on or after January 1, 2017, but before July 1, 2019, shall submit materials pursuant to regulations promulgated by the department of business regulation before it may begin operations:
- (A) A fee paid to the department in the amount of five thousand dollars (\$5,000);
 - (B) The legal name and articles of incorporation of the compassion center;
 - (C) The physical address of the compassion center; this may include a second address for the secure cultivation of medical marijuana;
 - (D) The name, address, and date of birth of each principal officer and board member of the compassion center;
 - (E) The name, address, and date of birth of any person who will be an agent, employee, or volunteer of the compassion center at its inception.
- (ii) A compassion center approved or renewed by the department of business regulation on or after July 1, 2019, shall submit materials pursuant to regulations promulgated by the department of business regulation before it may begin operations, which shall include but not be limited to:
- (A) A fee paid to the department in the amount of five hundred thousand dollars (\$500,000);
 - (B) The legal name and articles of incorporation of the compassion center;
 - (C) The physical address of the compassion center; this may include a second address for the secure cultivation of medical marijuana;
 - (D) The name, address, and date of birth of each principal officer and board member of the compassion center, and any person who has a direct or indirect ownership interest in any marijuana establishment licensee, which ownership interest shall include, but not be limited to, any interests arising pursuant to the use of shared management companies, management agreements or other agreements that afford third-party management or operational control, or other familial or business relationships between compassion center or cultivator owners, members, officers, directors, managers, investors, agents, or key persons that effect dual license interests as determined by the department of business regulation;
 - (E) The name, address, and date of birth of any person who will be an agent, employee, or volunteer of the compassion center at its inception.
- (6) Except as provided in subsection (c)(7) of this section, the department of health or the department of business regulation shall issue each principal officer, board member, agent, volunteer, and employee of a compassion center a registry identification card or renewal card after receipt of the person's name, address, date of birth; a fee in an amount established by the department of health or the department of business regulation; and, except in the case of an employee, notification to the department of health or the department of business regulation by the department of public safety division of state police, the attorney general's office, or local law enforcement that the registry identification card applicant has not been convicted of a felony drug offense or has not entered a plea of nolo contendere for a felony drug offense and received a sentence of probation. Each card shall specify that the cardholder is a principal officer, board member, agent, volunteer, or employee of a compassion center and shall contain the following:
- (i) The name, address, and date of birth of the principal officer, board member, agent, volunteer, or employee;
 - (ii) The legal name of the compassion center to which the principal officer, board member, agent, volunteer, or employee is affiliated;
 - (iii) A random identification number that is unique to the cardholder;
 - (iv) The date of issuance and expiration date of the registry identification card; and
 - (v) A photograph, if the department of health or the department of business regulation decides to require one.

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

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

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

(iii) All registry identification card applicants, except for employees with no ownership, equity, financial interest, or managing control of a marijuana establishment licensee, shall be responsible for any expense associated with the criminal background check with fingerprints.

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

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

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

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

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

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

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

(d) Expiration or termination of compassion center:

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

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

- (i) The compassion center submits the materials required under subsections (c)(4) and (c)(5) of this section, including a five-hundred-thousand-dollar (\$500,000) fee;
 - (ii) The compassion center's license has never been suspended for violations of this chapter or regulations issued pursuant to this chapter; and
 - (iii) The department of business regulation finds that the compassion center is adequately providing patients with access to medical marijuana at reasonable rates.
- (3) If the department of health or the department of business regulation determines that any of the conditions listed in subsections (d)(2)(i) — (iii) of this section have not been met, the department may begin an open application process for the operation of a compassion center. In granting a new license, the department of health or the department of business regulation shall consider factors listed in subsection (c)(3) of this section.
- (4) The department of business regulation shall issue a compassion center one or more thirty-day (30) temporary licenses after that compassion center's license would otherwise expire if the following conditions are all satisfied:
- (i) The compassion center previously applied for a renewal, but the department had not yet come to a decision;
 - (ii) The compassion center requested a temporary license; and
 - (iii) The compassion center has not had its license suspended or revoked due to violations of this chapter or regulations issued pursuant to this chapter.
- (5) A compassion center's license shall be denied, suspended, or subject to revocation if the compassion center:
- (i) Possesses an amount of marijuana exceeding the limits established by this chapter;
 - (ii) Is in violation of the laws of this state;
 - (iii) Is in violation of other departmental regulations;
 - (iv) Employs or enters into a business relationship with a medical practitioner who provides written certification of a qualifying patient's medical condition; or
 - (v) If any compassion center owner, member, officer, director, manager, investor, agent, or key person as defined in regulations promulgated by the department of business regulation, has any interest, direct or indirect, in another compassion center or another licensed cultivation center pursuant to subsection (b)(10) of this section or pursuant to § 21-28.11-19. Prohibited interests shall also include interests arising pursuant to the use of shared management companies, management agreements, or other agreements that afford third-party management or operational control, or other familial or business relationships between compassion center or cultivator owners, members, officers, directors, managers, investors, agents, or key persons that effect dual license interests as determined by the department of business regulation.

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

(f) Compassion center requirements:

(1) A compassion center shall be operated on a not-for-profit basis for the mutual benefit of its patients. A compassion center need not be recognized as a tax-exempt organization by the Internal Revenue Service. A compassion center shall be subject to regulations promulgated by the department of business regulation for general operations and record keeping, which shall include, but not be limited to:

- (i) Minimum security and surveillance requirements;
- (ii) Minimum requirements for workplace safety and sanitation;
- (iii) Minimum requirements for product safety and testing;
- (iv) Minimum requirements for inventory tracking and monitoring;
- (v) Minimum requirements for the secure transport and transfer of medical marijuana;
- (vi) Minimum requirements to address odor mitigation;
- (vii) Minimum requirements for product packaging and labeling;
- (viii) Minimum requirements and prohibitions for advertising;
- (ix) Minimum requirements for the testing and destruction of marijuana. Wherever destruction of medical marijuana and medical marijuana product is required to bring a person or entity into compliance with any provision of this chapter, any rule or regulation promulgated thereunder, or any administrative order issued in accordance therewith, the director of the department of business regulation may designate his or her employees or agents to facilitate the destruction;
- (x) A requirement that if a compassion center violates this chapter, or any regulation thereunder, and the department of business regulation determines that violation does not pose an immediate threat to public health or public safety, the compassion center shall pay to the department of business regulation a fine of no less than five-hundred dollars (\$500); and
- (xi) A requirement that if a compassion center violates this chapter, or any regulation promulgated hereunder, and the department of business regulation determines that the violation poses an immediate threat to public health or public safety, the compassion center shall pay to the department of business regulation a fine of no less than two thousand dollars (\$2,000) and the department shall be entitled to pursue any other enforcement action provided for under this chapter and the regulations.

(2) A compassion center may not be located within one thousand feet (1,000') of the property line of a preexisting public or private school.

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

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

(ii) On or after January 1, 2017, a compassion center shall notify the department of business regulation, in writing, of the name, address, and date of birth of any new principal officer, board member, agent, volunteer, or employee and shall submit a fee in an amount established by the department of business regulation for a new registry identification card before that person begins his or her relationship with the compassion center;

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

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

(7) A compassion center is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying, or dispensing marijuana for any purpose except to assist patient cardholders with the medical use of marijuana directly or through the qualifying patient's primary caregiver or authorized purchaser. This provision shall not apply to hybrid cannabis retailers authorized pursuant to the provisions of § 21-28.11-10.

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

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

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

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

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

- (i) A job description or employment contract developed for all employees and agents, and a volunteer agreement for all volunteers, that includes duties, authority, responsibilities, qualifications, and supervision; and
 - (ii) Training in, and adherence to, state confidentiality laws.
- (13) Each compassion center shall maintain a personnel record for each employee, agent, and volunteer that includes an application and a record of any disciplinary action taken.
- (14) Each compassion center shall develop, implement, and maintain on the premises an on-site training curriculum, or enter into contractual relationships with outside resources capable of meeting employee training needs, that includes, but is not limited to, the following topics:
- (i) Professional conduct, ethics, and patient confidentiality; and
 - (ii) Informational developments in the field of medical use of marijuana.

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

- (i) The proper use of security measures and controls that have been adopted; and
 - (ii) Specific procedural instructions on how to respond to an emergency, including robbery or violent accident.
- (16) All compassion centers shall prepare training documentation for each employee and volunteer and have employees and volunteers sign a statement indicating the date, time, and place the employee and volunteer received the training and topics discussed, to include name and title of presenters. The compassion center shall maintain documentation of an employee's and a volunteer's training for a period of at least six (6) months after termination of an employee's employment or the volunteer's volunteering.

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

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

(2) A compassion center or principal officer, board member, agent, volunteer, or employee of a compassion center may not dispense an amount of usable marijuana, or its equivalent, to a patient cardholder, qualifying patient, or a qualifying patient's primary caregiver, or a qualifying patient's authorized purchaser that the compassion center, principal officer, board member, agent, volunteer, or employee knows would cause the recipient to possess more marijuana than is permitted under the Edward O. Hawkins and Thomas C. Slater medical marijuana act.

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

(4) A compassion center operating as a hybrid cannabis retailer authorized to conduct adult use cannabis sales pursuant to the provisions of § 21-28.11-10 may sell up to one ounce (1 oz.) of cannabis to a person at least twenty-one (21) years of age as an intended consumer, in accordance with the provisions of chapter 28.11 of this title.

(h) Immunity:

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

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

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

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

(i) Prohibitions:

- (1) A compassion center must limit its inventory of seedlings, plants, and marijuana to reflect the projected needs of qualifying patients;
- (2) A compassion center may not dispense, deliver, or otherwise transfer marijuana to a person other than a patient cardholder or to a qualified patient's primary caregiver or authorized purchaser. This provision shall not apply to hybrid cannabis retailers authorized pursuant to the provisions of § 21-28.11-10;
- (3) A compassion center may not procure, purchase, transfer, or sell marijuana to or from any entity other than a marijuana establishment licensee in accordance with the provisions of this chapter and chapter 28.11 of title 21 and the rules and regulations promulgated by the commission;
- (4) A person found to have violated subsection (h)(2) or (h)(3) of this section may not be an employee, agent, volunteer, principal officer, or board member of any compassion center;
- (5) An employee, agent, volunteer, principal officer or board member of any compassion center found in violation of subsection (h)(2) or (h)(3) of this section shall have his or her registry identification revoked immediately;
- (6) No person who has been convicted of a felony drug offense or has entered a plea of nolo contendere for a felony drug offense with a sentence of probation may be the principal officer, board member, or agent of a compassion center unless the department has determined that the person's conviction was for the medical use of marijuana or assisting with the medical use of marijuana in accordance with the terms and conditions of this chapter. A person who is employed by or is an agent, volunteer, principal officer, or board member of a compassion center in violation of this section is guilty of a civil violation punishable by a fine of up to one thousand dollars (\$1,000). A subsequent violation of this section is a misdemeanor; and
- (7) After March 1, 2023, and in accordance with a timeline established by the commission, no compassion center shall accept any out-of-state medical marijuana card unless the patient also possesses and produces a valid government identification demonstrating residency in the same state that issued the medical marijuana card.

(j) Legislative oversight committee:

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

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

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

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

(k) **License required.** No person or entity shall engage in activities described in this section without a compassion center license issued by the department of business regulation.

History of Section.
PL 2009, ch. 16, § 2; PL 2009, ch. 17, § 2; PL 2012, ch. 88, § 1; PL 2012, ch. 118, § 1; PL 2012, ch. 242, § 1; PL 2014, ch. 145, art. 15, § 3; PL 2016, ch. 142, art. 14, § 1; PL 2018, ch. 47, art. 14, § 1; PL 2019, ch. 88, art. 15, § 5; PL 2022, ch. 31, § 5, effective May 25, 2022; PL 2022, ch. 32, § 5, effective May 25, 2022.

Title 21

Food and Drugs

Chapter 28.6

The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act

R.I. Gen. Laws § 21-28.6-8

§ 21-28.6-8. Affirmative defense and dismissal.

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

- (1)** The qualifying patient’s practitioner has stated that, in the practitioner’s professional opinion, after having completed a full assessment of the person’s medical history and current medical condition made in the course of a bona fide practitioner-patient relationship, the potential benefits of using marijuana for medical purposes would likely outweigh the health risks for the qualifying patient; and
- (2)** The qualifying patient was compliant with this chapter and all regulations promulgated hereunder and in possession of a quantity of marijuana that was not more than what is permitted under this chapter to ensure the uninterrupted availability of marijuana for the purpose of alleviating the person’s medical condition or symptoms associated with the medical condition.

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

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

History of Section.

P.L. 2005, ch. 442, § 1; P.L. 2005, ch. 443, § 1; P.L. 2007, ch. 72, § 1; P.L. 2007, ch. 495, § 1; P.L. 2014, ch. 515, § 2; P.L. 2019, ch. 88, art. 15, § 5.

Title 21

Food and Drugs

Chapter 28.6

The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act

R.I. Gen. Laws § 21-28.6-15

§ 21-28.6-15. Medical marijuana plant tags.

(a) Effective January 1, 2017, the department of business regulation shall make medical marijuana tag sets available for purchase. Effective April 1, 2017, every marijuana plant, either mature or immature, grown by a registered patient or primary caregiver, must be accompanied by a physical medical marijuana tag issued by the department of business regulation to qualifying patients and primary caregivers. Effective December 1, 2022, all medical marijuana tag sets shall be provided without charge to patient cardholders and/or primary caregivers authorized to grow medical cannabis. The commission by rule and regulation may specify, alter or amend the method or manner of issuance of tags; however, all issuance of tags after December 1, 2022, shall be without charge to patient cardholders and/or primary caregivers authorized to grow medical cannabis.

(1) The department of business regulation shall charge an annual fee for each medical marijuana tag set that shall include one tag for a mature medical marijuana plant and one tag for an immature plant. If the required fee has not been paid, those medical marijuana tags shall be considered expired and invalid.

(2) [Deleted by P.L. 2022, ch. 31, § 5 and P.L. 2022, ch. 32, § 5.]

(3) Effective January 1, 2019, and thereafter, the department of business regulation shall verify with the department of health that all medical marijuana tags provided to registered patient cardholders, who have notified the department of health of their election to grow medical marijuana, or primary caregiver cardholders. The department of health shall provide this verification according to qualifying patients’ and primary caregivers’ registry identification numbers and without providing access to any applications or supporting information submitted by qualifying patients to protect patient confidentiality.

(4) The department of business regulation shall maintain information pertaining to medical marijuana tags.

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

(6) All licensed medical marijuana cultivators shall acquire at least one medical marijuana tag set or utilize a seed-to-sale tracking system.

(7) The department of business regulation shall promulgate regulations to establish a process by which medical marijuana tags may be returned. The department of business regulation may choose to reimburse a portion or the entire amount of any fees paid for medical marijuana tags that are subsequently returned.

(b) Enforcement until issuance of final rules and regulations by the commission pursuant to chapter 28.11 of title 21:

(1) If a patient cardholder, primary caregiver cardholder, licensed compassion center, or licensed medical marijuana cultivator violates any provision of this chapter or the regulations promulgated hereunder as determined by the departments of business regulation or health, his or her medical marijuana tags may be revoked. In addition, the cardholder’s registration or the license may revoke the cardholder’s registration or license.

(2) The department of business regulation may revoke and not reissue, pursuant to regulations, medical marijuana tags to any cardholder or licensee who is convicted of; placed on probation; whose case is filed pursuant to § 12-10-12 where the defendant pleads nolo contendere; or whose case is deferred pursuant to § 12-19-19 where the defendant pleads nolo contendere for any felony offense under chapter 28 of this title (“Rhode Island controlled substances act”) or a similar offense from any other jurisdiction.

(3) If a patient cardholder, primary caregiver cardholder, licensed cooperative cultivation, compassion center, licensed medical marijuana cultivator, or any other person or entity is found to have marijuana plants, or marijuana material without valid medical marijuana tags sets or which are not tracked in accordance with regulation, the department of business regulation shall impose an administrative penalty in accordance with regulations promulgated by the department on the patient cardholder, primary caregiver cardholder, licensed cooperative cultivation, compassion center, licensed medical marijuana cultivator, or other person or entity for each untagged marijuana plant or unit of untracked marijuana material.

(4) [Deleted by P.L. 2019, ch. 88, art. 15, § 5].

(c) Enforcement after issuance of final rules and regulations by the commission:

(1) If a patient cardholder, primary caregiver cardholder, licensed compassion center, or licensed medical marijuana cultivator violates any provision of this chapter or the regulations promulgated hereunder as determined by the commission, his or her medical marijuana tags may be revoked. In addition, the cardholder’s registration or license may be revoked.

(2) The commission may revoke and not reissue, pursuant to regulations, medical marijuana tags to any cardholder or licensee who is convicted of; placed on probation; whose case is filed pursuant to § 12-10-12 where the defendant pleads nolo contendere; or whose case is deferred pursuant to § 12-19-19 where the defendant pleads nolo contendere for any felony offense under chapter 28 of this title (“Rhode Island controlled substances act”) or a similar offense from any other jurisdiction.

(3) If a patient cardholder, primary caregiver cardholder, licensed cooperative cultivation, compassion center, licensed medical marijuana cultivator, or any other person or entity is found to have marijuana plants, or marijuana material without valid medical marijuana tags sets or which are not tracked in accordance with regulation, the commission shall impose an administrative penalty in accordance with regulations promulgated by the commission on the patient cardholder, primary caregiver cardholder, licensed cooperative cultivation, compassion center, licensed medical marijuana cultivator, or other person or entity for each untagged marijuana plant or unit of untracked marijuana material.

Title 21

Food and Drugs

Chapter 28.6

The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act

R.I. Gen. Laws § 21-28.6-16

§ 21-28.6-16. Licensed medical marijuana cultivators.

(a) A licensed medical marijuana cultivator licensed under this section may acquire, possess, manufacture, cultivate, deliver, or transfer medical marijuana to licensed compassion centers, to another licensed medical marijuana cultivator. A licensed medical marijuana cultivator shall not be a primary caregiver cardholder registered with any qualifying patient(s) and shall not hold a cooperative cultivation license. Except as specifically provided to the contrary, all provisions of this chapter (the Edward O. Hawkins and Thomas C. Slater medical marijuana act), apply to a licensed medical marijuana cultivator unless they conflict with a provision contained in this section.

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

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

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

(d) The department of business regulation shall promulgate regulations that govern how many marijuana plants, mature and immature; how much wet marijuana; and how much usable marijuana a licensed medical marijuana cultivator may possess. Every marijuana plant possessed by a licensed medical marijuana cultivator must be accompanied by a valid medical marijuana tag issued by the department of business regulation pursuant to § 21-28.6-15 or catalogued in a seed-to-sale inventory tracking system in accordance with regulations promulgated by the department of business regulation.

(e) Medical marijuana cultivators shall only sell marijuana to compassion centers, another licensed medical marijuana cultivator. All marijuana possessed by a cultivator in excess of the possession limit established pursuant to subsection (d) of this section shall be under formal agreement to be purchased by a marijuana establishment. If the excess marijuana is not under formal agreement to be purchased, the cultivator will have a period of time, specified in regulations promulgated by the department of business regulation, to sell or destroy that excess marijuana. The department may suspend and/or revoke the cultivator’s license and the license of any officer, director, employee, or agent of the cultivator and/or impose an administrative penalty in accordance with the regulations promulgated by the department for any violation of this section or the regulations. In addition, any violation of this section or the regulations promulgated pursuant to this subsection and subsection (d) of this section shall cause a licensed medical marijuana cultivator to lose the protections described in subsection (m) of this section and may subject the licensed medical marijuana cultivator to arrest and prosecution under Chapter 28 of this title (the Rhode Island controlled substances act).

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

(g) Medical marijuana cultivators shall be subject to any product labeling requirements promulgated by the department of business regulation and the department of health.

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

(i) Medical marijuana cultivators shall only be licensed to grow marijuana at a single location registered with the department of business regulation and the department of public safety. The department of business regulation may promulgate regulations governing where cultivators are allowed to grow. Medical marijuana cultivators must abide by all local ordinances, including zoning ordinances.

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

(k) The cultivator applicant, unless he or she is an employee with no equity, ownership, financial interest, or managing control, shall apply to the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or local police department for a national criminal records check that shall include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any disqualifying information as defined in subsection (k)(2) of this section, and in accordance with the rules promulgated by the director of the department of business regulation, the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or the local police department shall inform the applicant, in writing, of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information, shall notify the department of business regulation, in writing, that disqualifying information has been discovered.

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

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

(3) Except for employees with no ownership, equity, financial interest, or managing control of a marijuana establishment license, the cultivator applicant shall be responsible for any expense associated with the national criminal records check.

(l) Persons issued medical marijuana cultivator licenses shall be subject to the following:

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

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

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

(4) A licensed medical marijuana cultivator cardholder shall notify the department of business regulation of any disqualifying criminal convictions as defined in subsection (k)(2) of this section. The department of business regulation may choose to suspend and/or revoke his or her card after the notification.

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

(m) **Immunity:**

(1) No licensed medical marijuana cultivator shall be subject to: prosecution; search, except by the departments pursuant to subsection (j) of this section; seizure; or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business, occupational, or professional licensing board or entity, solely for acting in accordance with this section.

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

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

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

(n) **License required.** No person or entity shall engage in activities described in this section without a medical marijuana cultivator license issued by the department of business regulation.

(o) Effective July 1, 2019, the department of business regulation will not reopen the application period for new medical marijuana cultivator licenses.

Title 21

Food and Drugs

Chapter 28.6

The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act

R.I. Gen. Laws § 21-28.6-4

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

(a) A qualifying patient cardholder who has in his or her possession a registry identification card shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, solely for the medical use of medical marijuana; provided that the qualifying patient cardholder possesses an amount of medical marijuana that does not exceed twelve (12) mature marijuana plants and twelve (12) immature marijuana plants that are accompanied by valid medical marijuana plant tags, two and one-half ounces (2.5 oz.) of dried medical marijuana, or its equivalent amount which satisfies the requirements of this chapter, and an amount of wet medical marijuana to be set by regulations promulgated by the department of business regulation. The plants shall be stored in an indoor facility. Marijuana plants and the marijuana they produce shall only be grown, stored, manufactured, and processed in accordance with regulations promulgated by the department of business regulation;

(b) An authorized purchaser who has in his or her possession a registry identification card shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for the possession of medical marijuana; provided that the authorized purchaser possesses an amount of medical marijuana that does not exceed two and one-half (2.5) ounces of usable marijuana, or its equivalent amount, and this medical marijuana was purchased legally from a compassion center for the use of their designated qualifying patient.

(c) A qualifying patient cardholder, who has in his or her possession a registry identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for selling, giving, or distributing, on or before December 31, 2016, to a compassion center cardholder, medical marijuana of the type and in an amount not to exceed that set forth in subsection (a) that he or she has cultivated or manufactured pursuant to this chapter.

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

(e) No employer may refuse to employ, or otherwise penalize, a person solely for his or her status as a cardholder, except:

(1) To the extent employer action is taken with respect to such person’s:

(i) Use or possession of marijuana or being under the influence of marijuana in any workplace;

(ii) Undertaking a task under the influence of marijuana when doing so would constitute negligence or professional malpractice or jeopardize workplace safety;

(iii) Operation, navigation, or actual physical control of any motor vehicle or other transport vehicle, aircraft, motorboat, machinery or equipment, or firearms while under the influence of marijuana; or

(iv) Violation of employment conditions pursuant to the terms of a collective bargaining agreement; or

(2) Where the employer is a federal contractor or otherwise subject to federal law such that failure of the employer to take such action against the employee would cause the employer to lose a monetary or licensing related benefit.

(f) A primary caregiver cardholder, who has in his or her possession a registry identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for assisting a patient cardholder, to whom he or she is connected through the department of health or department of business regulation’s registration process, with the medical use of medical marijuana; provided, that the primary caregiver cardholder possesses an amount of marijuana that does not exceed twelve (12) mature marijuana plants that are accompanied by valid medical marijuana tags, two and one-half (2.5) ounces of usable marijuana, or its equivalent amount, and an amount of wet marijuana set in regulations promulgated by the departments of health and business regulation for each qualified patient cardholder to whom he or she is connected through the department of health’s registration process.

(g) A qualifying patient cardholder shall be allowed to possess a reasonable amount of unusable marijuana, including up to twelve (12) immature marijuana plants that are accompanied by valid medical marijuana tags. A primary caregiver cardholder shall be allowed to possess a reasonable amount of unusable marijuana, including up to twenty-four (24) immature marijuana plants that are accompanied by valid medical marijuana tags and an amount of wet marijuana set in regulations promulgated by the departments of health and business regulation.

(h) There shall exist a presumption that a cardholder is engaged in the medical use of marijuana if the cardholder:

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

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

(i) A primary caregiver cardholder may receive reimbursement for costs associated with assisting a qualifying patient cardholder’s medical use of marijuana. A primary caregiver cardholder may only receive reimbursement for the actual costs of goods, materials, services or utilities for which they have incurred expenses. A primary caregiver may not receive reimbursement or compensation for his or her time, knowledge, or expertise. Compensation shall not constitute sale of controlled substances under state law. The department of business regulation may promulgate regulations for the documentation and tracking of reimbursements and the transfer of medical marijuana between primary caregivers and their registered patients.

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

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

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

(k) A practitioner shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by the Rhode Island board of medical licensure and discipline, or an employer or occupational or professional licensing board or bureau solely for providing written certifications in accordance with this chapter and regulations promulgated by the department of health, or for otherwise stating that, in the practitioner’s professional opinion, the potential benefits of the medical marijuana would likely outweigh the health risks for a patient.

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

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

(n) A practitioner, licensed with authority to prescribe drugs pursuant to chapters 34, 37, and 54 of title 5, or pharmacist, licensed under chapter 19.1 of title 5, or certified school nurse teacher, shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by an employer or occupational or professional licensing board or bureau solely for:

(1) Discussing the benefits or health risks of medical marijuana or its interaction with other substances with a patient; or

(2) Administering a non-smokable and non-vaporized form of medical marijuana in a school setting to a qualified patient registered in accordance with this chapter.

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

(p) Notwithstanding the provisions of subsection (f), no primary caregiver cardholder shall possess an amount of marijuana in excess of twenty-four (24) mature marijuana plants that are accompanied by valid medical marijuana tags and five ounces (5 oz.) of usable marijuana, or its equivalent, and an amount of wet medical marijuana set in regulations promulgated by the departments of health and business regulation for patient cardholders to whom he or she is connected through the department of health and/or department of business regulation registration process.

(q) A qualifying patient or primary caregiver cardholder may give marijuana to another qualifying patient or primary caregiver cardholder to whom they are not connected by the department’s registration process, provided that no consideration is paid for the marijuana, and that the recipient does not exceed the limits specified in this section.

(r) Qualifying patient cardholders and primary caregiver cardholders electing to grow marijuana shall only grow at one premises, and this premises shall be registered with the department of business regulation. Except for licensed compassion centers, and licensed cooperative cultivations, and licensed cultivators, no more than twenty-four (24) mature marijuana plants that are accompanied by valid medical marijuana tags shall be grown or otherwise located at any one dwelling unit or commercial unit. The number of qualifying patients or primary caregivers residing, owning, renting, growing, or otherwise operating at a dwelling or commercial unit does not affect this limit. The department of business regulation shall promulgate regulations to enforce this provision.

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

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

(u) Notwithstanding any provisions to the contrary, nothing in this chapter or the general laws shall restrict or otherwise affect the manufacturing, distribution, transportation, sale, prescribing, and dispensing of a product that has been approved for marketing as a prescription medication by the U.S. Food and Drug Administration and legally prescribed, nor shall hemp, in accordance with chapter 26 of title 2, be defined as marijuana or marihuana pursuant to this chapter, chapter 28 of this title or elsewhere in the general laws.

History of Section.
P.L. 2005, ch. 442, § 1; P.L. 2005, ch. 443, § 1; P.L. 2007, ch. 72, § 1; P.L. 2007, ch. 495, § 1; P.L. 2009, ch. 16, § 1; P.L. 2009, ch. 17, § 1; P.L. 2012, ch. 88, § 1; P.L. 2012, ch. 118, § 1; P.L. 2014, ch. 515, § 2; P.L. 2016, ch. 142, art. 14, § 1; P.L. 2018, ch. 47, art. 14, § 1; P.L. 2019, ch. 88, art. 15, § 5.