

1 **ARTICLE 14**

2 RELATING TO CAREGIVERS/COMPASSION CENTERS

3 SECTION 1. Sections 21-28.6-3, 21-28.6-4, 21-28.6-5, 21-28.6-6, 21-28.6-9, 21-28.6-12,
4 and 21-28.6-14 of the General Laws in Chapter 21-28.6 entitled "The Edward O. Hawkins and
5 Thomas C. Slater Medical Marijuana Act" are hereby amended to read as follows:

6 **§ 21-28.6-3. Definitions.** – For the purposes of this chapter:

7 (1) "Authorized purchaser" means a natural person, who is at least twenty-one (21) years
8 old, and who is registered with the department of health for the purposes of assisting a qualifying
9 patient in purchasing marijuana from a compassion center. An authorized purchaser may assist no
10 more than one (1) patient, and is prohibited from consuming marijuana obtained for the use of the
11 qualifying patient. An authorized purchaser shall be registered with the department of health and
12 shall possess a valid registry identification card.

13 ~~(1)(2)~~ (2) "Cardholder" means a ~~qualifying patient or a primary caregiver~~ person who has
14 been registered or licensed with the department of health or the department of business regulation
15 pursuant to this chapter, and has been issued and possesses a valid registry identification card or
16 license.

17 (3) "Caregiver cardholder" means a primary caregiver who has registered with the
18 department of business regulation and has been issued and possesses a valid registry
19 identification card.

20 (4) "Commercial unit" means a building, office, suite, or room within a commercial or
21 industrial building for use by one business or person and rented or owned by that business or
22 person.

23 ~~(2)(5)~~ (5) "Compassion center" means:

24 ~~(i)~~ (i) a not-for-profit corporation, subject to the provisions of chapter 6 of title 7, and
25 registered under § 21-28.6-12, that acquires, possesses, cultivates, manufactures, delivers,
26 transfers, transports, supplies or dispenses marijuana, and/or related supplies and educational
27 materials, to patient cardholders and/or their registered caregiver cardholder or authorized
28 purchaser, who have designated it as one of their primary caregivers.

29 ~~(ii)(6)~~ (ii)(6) "Compassion center cardholder" means a principal officer, board member,
30 employee, volunteer, or agent of a compassion center who has registered with the department of

1 [business regulation](#) and has been issued and possesses a valid registry identification card.

2 ~~(3)~~(7) "Debilitating medical condition" means:

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

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

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

12 [\(8\) "Department of business regulation" means the Rhode Island department of business
13 regulation or its successor agency.](#)

14 ~~(4)~~(9) "Department [of health](#)" means the Rhode Island department of health or its
15 successor agency.

16 [\(10\) "Dwelling unit" means the room or group of rooms within a dwelling used or
17 intended for use by one family or household, or by no more than three \(3\) unrelated individuals,
18 for living, sleeping, cooking and eating.](#)

19 [\(11\) "Flammable chemical extraction" means the creation of marijuana concentrates
20 through flammable solvents including but not limited to butane, hexane, and propane.](#)

21 [\(12\) "Licensed cultivator" means a means a person as defined in § 43-3-6, who has been
22 licensed by the department of business regulation to cultivate marijuana pursuant to § 21-28.6-17.](#)

23 ~~(5)~~(13) "Marijuana" has the meaning given that term in § 21-28-1.02(26).

24 ~~(6)~~(14) "Mature marijuana plant" means a marijuana plant that has flowers or buds that
25 are readily observable by an unaided visual examination.

26 ~~(7)~~(15) "Medical use" means the acquisition, possession, cultivation, manufacture, use,
27 delivery, transfer, or transportation of marijuana or paraphernalia relating to the consumption of
28 marijuana to alleviate a patient cardholder's debilitating medical condition or symptoms
29 associated with the medical condition.

30 [\(16\) "Patient cardholder" means a qualifying patient who has registered with the
31 department of health and has been issued and possesses a valid registry identification card.](#)

32 ~~(8)~~(17) "Practitioner" means a person who is licensed with authority to prescribe drugs
33 pursuant to chapter 37 of title 5 ~~or a physician licensed with authority to prescribe drugs in
34 Massachusetts or Connecticut.~~

1 ~~(9)~~(18) "Primary caregiver" means ~~either~~ a natural person, who is at least twenty-one (21)
2 years old, ~~or a compassion center, and who is registered with the department of business~~
3 ~~regulation for the purpose of assisting not~~ . ~~A natural person primary caregiver may assist no~~
4 more than five (5) qualifying patients with their medical use of marijuana. If a primary caregiver
5 is simultaneously registered as a patient cardholder, that caregiver shall count themselves in
6 regards to this patient limit and shall not assist more than four (4) other qualifying patients.

7 ~~(10)~~(19) "Qualifying patient" means a person who has been diagnosed by a practitioner as
8 having a debilitating medical condition and is a resident of Rhode Island.

9 ~~(11)~~(20) "Registry identification card" means a document issued by the department of
10 health that identifies a person as a registered qualifying patient or authorized purchaser, or a
11 document issued by the department of business regulation that identifies a person as; a registered
12 primary caregiver, a licensed cultivator, a licensed cooperative cultivation, or a ~~registered~~
13 ~~principal officer, board member, employee, volunteer, or agent of a compassion center~~
14 compassion center cardholder.

15 ~~(12)~~(21) "Seedling" means a marijuana plant with no observable flowers or buds.

16 ~~(13)~~(22) "Unusable marijuana" means marijuana seeds, stalks, seedlings, and ~~unusable~~
17 roots.

18 ~~(14)~~(23) "Usable marijuana" means the dried leaves and flowers of the marijuana plant,
19 and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the
20 plant.

21 ~~(15)~~(24) "Written certification" means the qualifying patient's medical records, and a
22 statement signed by a practitioner, stating that in the practitioner's professional opinion, the
23 potential benefits of the medical use of marijuana would likely outweigh the health risks for the
24 qualifying patient. A written certification shall be made only in the course of a bona fide,
25 practitioner-patient relationship after the practitioner has completed a full assessment of the
26 qualifying patient's medical history. The written certification shall specify the qualifying patient's
27 debilitating medical condition or conditions.

28 **§ 21-28.6-4. Protections for the medical use of marijuana.** – (a) A patient cardholder
29 who has in his or her possession a registry identification card shall not be subject to arrest,
30 prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited
31 to, civil penalty or disciplinary action by a business or occupational or professional licensing
32 board or bureau, for the medical use of marijuana; provided, that the patient cardholder possesses
33 an amount of marijuana that does not exceed ~~twelve (12) mature~~ six (6) marijuana plants which
34 are accompanied by valid medical marijuana tags issued by the department of business regulation,

1 and two and one-half (2.5) ounces of usable marijuana. Said plants shall be stored in an indoor
2 facility. A patient cardholder may not process marijuana through flammable chemical extraction.

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

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

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

22 ~~(d)~~(e) A primary caregiver cardholder, who has in his or her possession, a registry
23 identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied
24 any right or privilege, including, but not limited to, civil penalty or disciplinary action by a
25 business or occupational or professional licensing board or bureau, for assisting a patient
26 cardholder, to whom he or she is connected through the ~~department's~~ department of health's
27 registration process, with the medical use of marijuana; provided, that the primary caregiver
28 cardholder possesses an amount of marijuana that does not exceed ~~twelve (12) mature~~ six (6)
29 marijuana plants which are accompanied by valid medical marijuana tags issued by the
30 department of business regulation and two and one-half (2.5) ounces of usable marijuana for each
31 patient cardholder to whom he or she is connected through the ~~department's~~ department of
32 health's registration process. A primary caregiver cardholder may not process marijuana through
33 flammable chemical extraction.

34 ~~(e) A cardholder shall be allowed to possess a reasonable amount of unusable marijuana,~~

1 ~~including up to twelve (12) seedlings, that shall not be counted toward the limits in this section.~~

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

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

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

9 (g) A primary caregiver cardholder or authorized purchaser may receive reimbursement
10 for costs associated with assisting a patient cardholder's medical use of marijuana. Compensation
11 shall not constitute sale of controlled substances.

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

18 (1) The ~~natural person~~ primary caregiver cardholder cultivated the marijuana pursuant to
19 this chapter, not to exceed the limits of paragraph ~~(d)~~(e) above; and

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

23 (i) A licensed cultivator, who has in his or her possession a license, shall not be subject to
24 arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not
25 limited to, civil penalty or disciplinary action by a business or occupational or professional
26 licensing board or bureau, for selling, giving, or distributing marijuana to a compassion center
27 cardholder, of the type, and in an amount not to exceed the limit set forth in department of
28 business regulation regulations, if:

29 (1) The licensed cultivator cultivated the marijuana pursuant to this chapter, not to exceed
30 the limits established by the department of business regulation pursuant to § 21-28.6-17(c);

31 (2) All marijuana plants grown by the licensed cultivator are accompanied by valid
32 medical marijuana tags issued by the department of business regulation;

33 (3) The licensed cultivator has not engaged in the sale of marijuana to anyone but a
34 compassion center cardholder; and

1 [\(4\) The licensed cultivator has complied with all applicable regulations promulgated by](#)
2 [the department of business regulation.](#)

3 ~~(j)~~ A practitioner shall not be subject to arrest, prosecution, or penalty in any manner,
4 or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action
5 by the Rhode Island board of medical licensure and discipline, or by any other business or
6 occupational or professional licensing board or bureau solely for providing written certifications,
7 or for otherwise stating that, in the practitioner's professional opinion, the potential benefits of the
8 medical marijuana would likely outweigh the health risks for a patient.

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

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

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

20 ~~(n)~~ A registry identification card, or its equivalent, issued under the laws of another
21 state, U.S. territory, or the District of Columbia, to permit the medical use of marijuana by a
22 patient with a debilitating medical condition, or to permit a person to assist with the medical use
23 of marijuana by a patient with a debilitating medical condition, shall have the same force and
24 effect as a registry identification card issued by the department [of health or license issued by the](#)
25 [department of business regulation.](#)

26 ~~(o)~~ Notwithstanding the provisions of ~~§ 21-28.6-4(d) or~~ § 21-28.6-4(e), no primary
27 caregiver cardholder, ~~other than a compassion center,~~ shall possess an amount of marijuana in
28 excess of twenty-four (24) marijuana plants and five (5) ounces of usable marijuana for patient
29 cardholders to whom he or she is connected through the ~~department's~~ [department of health's](#)
30 registration process.

31 ~~(e) A cardholder may give marijuana to another cardholder to whom they are not~~
32 ~~connected by the department's registration process, provided that no consideration is paid for the~~
33 ~~marijuana, and that the recipient does not exceed the limits specified in § 21-28.6-4.~~

34 [\(p\) Except for licensed compassion centers, licensed cooperative cultivations, and](#)

1 licensed cultivators, no more than twenty-four (24) marijuana plants shall be grown or otherwise
2 located at any one dwelling unit or commercial unit. The number of patients or primary
3 caregivers residing, owning, renting, growing or otherwise operating at a dwelling or commercial
4 unit does not affect this limit. Patient cardholders and primary caregiver cardholders electing to
5 grow marijuana shall only grow at one premises, and this premises shall be registered with the
6 department of business regulation. The department of business regulation shall promulgate
7 regulations to enforce this provision.

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

12 **§ 21-28.6-5. Department of health to issue regulations.** – (a) Not later than ninety (90)
13 days after the effective date of this chapter, the department of health shall promulgate regulations
14 governing the manner in which it shall consider petitions from the public to add debilitating
15 medical conditions to those included in this chapter. In considering such petitions, the department
16 of health shall include public notice of, and an opportunity to comment in a public hearing, upon
17 such petitions. The department of health shall, after hearing, approve or deny such petitions
18 within one hundred eighty (180) days of submission. The approval or denial of such a petition
19 shall be considered a final department of health action, subject to judicial review. Jurisdiction and
20 venue for judicial review are vested in the superior court. The denial of a petition shall not
21 disqualify qualifying patients with that condition, if they have a debilitating medical condition as
22 defined in subdivision 21-28.6-3~~(3)~~(7). The denial of a petition shall not prevent a person with the
23 denied condition from raising an affirmative defense.

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

33 (c) The department of health, in conjunction with the department of business regulation,
34 shall promulgate regulations in accordance with the administrative procedures act, chapter 35 of

1 [title 42, governing how all information and data collected pursuant to chapter 21-28.6 will be](#)
2 [maintained, utilized, and accessed.](#)

3 **§ 21-28.6-6. Administration of department of health regulations.** – (a) The department
4 [of health](#) shall issue registry identification cards to qualifying patients [age 18 and over](#) who
5 submit the following, in accordance with the ~~department's~~ [department of health's](#) regulations:

6 (1) Written certification as defined in § 21-28.6-3~~(15)~~[\(24\)](#) of this chapter;

7 (2) Application or renewal fee;

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

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

11 (5) [A patient may elect either one \(1\) primary caregiver or one \(1\) authorized purchaser,](#)
12 [but not both. If a patient elects a primary caregiver or an authorized purchaser, the patient shall](#)
13 [provide that person's name](#) ~~Name~~, address, and date of birth ~~of each primary caregiver of the~~
14 ~~qualifying patient or one (1) authorized purchaser for the qualifying patient, if any. If a patient~~
15 [plans to grow marijuana and purchase medical marijuana tags pursuant to § 21-28.6-15, that](#)
16 [patient shall not name a primary caregiver or authorized purchaser.](#)

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

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

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

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

24 (ii) Serve as ~~one of~~ the qualifying patient's primary ~~caregivers~~ [caregiver or authorized](#)
25 [purchaser](#); and

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

28 (c) The department [of health](#) shall verify the information contained in an application or
29 renewal submitted pursuant to this section, and shall approve or deny an application ~~or renewal~~
30 ~~within fifteen (15) days of receiving it in a time period specified in regulation.~~ The department [of](#)
31 [health](#) may deny an application or renewal only if the applicant did not provide the information
32 required pursuant to this section, or if the department [of health](#) determines that the information
33 provided was falsified. Rejection of an application or renewal is considered a final department [of](#)
34 [health](#) action, subject to judicial review. Jurisdiction and venue for judicial review are vested in

1 the superior court.

2 (d) If the qualifying patient's practitioner notifies the department in a written statement
3 that the qualifying patient is eligible for hospice care, the department shall give priority to these
4 applications when verifying the information in accordance with subsection (c) of this section and
5 issuing a registry identification card to these qualifying patients.

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

9 ~~(1) The primary caregiver applicant shall apply to the bureau of criminal identification of~~
10 ~~the department of attorney general, state police, or local police department for a national criminal~~
11 ~~records check that shall include fingerprints submitted to the Federal Bureau of Investigation.~~
12 ~~Upon the discovery of any disqualifying information as defined in § 21-28.6-6(d)(4), and in~~
13 ~~accordance with the rules promulgated by the director, the bureau of criminal identification of the~~
14 ~~department of attorney general, state police, or the local police department shall inform the~~
15 ~~applicant, in writing, of the nature of the disqualifying information; and, without disclosing the~~
16 ~~nature of the disqualifying information, shall notify the department, in writing, that disqualifying~~
17 ~~information has been discovered.~~

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

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

29 ~~(4) Information produced by a national criminal records check pertaining to a conviction~~
30 ~~for any felony offense under chapter 28 of title 21 ("Rhode Island Controlled Substances Act");~~
31 ~~murder, manslaughter, rape, first degree sexual assault, second degree sexual assault, first degree~~
32 ~~child molestation, second degree child molestation, kidnapping, first degree arson, second degree~~
33 ~~arson, mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon,~~
34 ~~assault or battery involving grave bodily injury, and/or assault with intent to commit any offense~~

1 ~~punishable as a felony or a similar offense from any other jurisdiction shall result in a letter to the~~
2 ~~applicant and the department disqualifying the applicant. If disqualifying information has been~~
3 ~~found, the department may use its discretion to issue a primary caregiver registry identification~~
4 ~~card if the applicant's connected patient is an immediate family member and the card is restricted~~
5 ~~to that patient only.~~

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

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

13 ~~(e)(d)~~ The department of [health](#) shall issue registry identification cards ~~within five (5)~~
14 ~~days of approving an application or renewal~~ that shall expire two (2) years after the date of
15 issuance. Registry identification cards shall contain:

- 16 (1) The date of issuance and expiration date of the registry identification card;
- 17 (2) A random registry identification number;
- 18 (3) A photograph; and
- 19 (4) Any additional information as required by regulation or the department [of health](#).

20 ~~(f)(e)~~ Persons issued registry identification cards [by the department of health](#) shall be
21 subject to the following:

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

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

30 (3) ~~A primary caregiver cardholder or compassion center~~ [An authorized purchaser](#) shall
31 notify the department of [health of](#) any change in his or her name or address within ten (10) days
32 of such change. ~~A primary caregiver cardholder or compassion center~~ [An authorized purchaser](#)
33 cardholder who fails to notify the department of any of these changes is responsible for a civil
34 infraction, punishable by a fine of no more than one hundred fifty dollars (\$150).

1 (4) When a patient cardholder ~~or primary caregiver cardholder~~ notifies the department of
2 health of any changes listed in this subsection, the department of health shall issue the patient
3 cardholder ~~and each primary caregiver cardholder~~ a new registry identification card ~~within ten~~
4 ~~(10) days of~~ after receiving the updated information and a ~~ten dollar (\$10.00)~~ fee specified in
5 regulation. ~~When a compassion center cardholder notifies the department of any changes listed in~~
6 ~~this subsection, the department shall issue the cardholder a new registry identification card within~~
7 ~~ten (10) days of receiving the updated information and a ten dollar (\$10.00) fee.~~

8 (5) When a patient cardholder changes his or her primary caregiver, the department of
9 health shall notify the ~~primary caregiver cardholder within ten (10) days. The primary caregiver~~
10 ~~department of business regulation, and the department of business regulation shall be entitled to~~
11 ~~take action pursuant to § 21-28.6-16(b)(1). When a patient cardholder changes his or her~~
12 ~~authorized purchaser, the authorized purchaser's~~ protections as provided in this chapter ~~as to that~~
13 ~~patient~~ shall expire within ten (10) days. ~~after notification. If the primary caregiver cardholder is~~
14 ~~connected to no other patient cardholders in the program, he or she must return his or her registry~~
15 ~~identification card to the department.~~

16 (6) If a cardholder registered by the department of health loses his or her registry
17 identification card, he or she shall notify the department of health and submit a ~~ten dollar (\$10.00)~~
18 ~~fee~~ fee specified in regulation within ten (10) days of losing the card. ~~Within five (5) days, the~~
19 ~~The~~ department of health shall issue a new registry identification card with a new random
20 identification number.

21 (7) If a cardholder registered by the department of health willfully violates any provision
22 of this chapter as determined by the department of health, his or her registry identification card
23 may be revoked.

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

28 ~~(h)(1) Applications and supporting information submitted by qualifying patients,~~
29 ~~including information regarding their primary caregivers and practitioners, are confidential and~~
30 ~~protected under the federal Health Insurance Portability and Accountability Act of 1996, and shall~~
31 ~~be exempt from the provisions of chapter 2 of title 38 et seq. (Rhode Island access to public~~
32 ~~records act) and not subject to disclosure, except to authorized employees of the department as~~
33 ~~necessary to perform official duties of the department, and pursuant to subsection (i) of this~~
34 ~~section.~~

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

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

11 ~~(i) Notwithstanding subsection (h) of this section, the department shall verify to law~~
12 ~~enforcement personnel whether a registry identification card is valid solely by confirming the~~
13 ~~random registry identification number or name.~~

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

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

22 (1) The number of applications for registry identification cards, the number of qualifying
23 patients ~~and primary caregivers~~ approved, the nature of the debilitating medical conditions of the
24 qualifying patients, the number of registry identification cards revoked, and the number of
25 practitioners providing written certification for qualifying patients;

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

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

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

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

1 **§ 21-28.6-9. Enforcement.** – ~~(a) If the department fails to adopt regulations to implement~~
2 ~~this chapter within one hundred twenty (120) days of the effective date of this act, a qualifying~~
3 ~~patient may commence an action in a court of competent jurisdiction to compel the department to~~
4 ~~perform the actions mandated pursuant to the provisions of this chapter.~~

5 ~~(b) If the department fails to issue a valid registry identification card in response to a~~
6 ~~valid application submitted pursuant to this chapter within thirty five (35) days of its submission,~~
7 ~~the registry identification card shall be deemed granted and a copy of the registry identification~~
8 ~~application shall be deemed a valid registry identification card.~~

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

15 ~~(d) If a cardholder exceeds the possession limits set forth in §§ 21-28.6-4 or 21-28.6-14,~~
16 ~~he or she shall~~ (b) If a cardholder of licensee fails to comply with the requirements of this
17 chapter 21-28.6 or any regulations promulgated hereunder, such cardholder's registry
18 identification card or license shall be subject to suspension and/or revocation by the department
19 that issued such registry identification card or license and that department shall be entitled to
20 impose upon the cardholder an administrative penalty as prescribed by regulation. If a cardholder
21 exceeds the possession limits set forth in § 21-28.6-4 or fails to comply with the sale restrictions
22 under this chapter or regulations promulgated hereunder, such cardholder shall also be subject to
23 arrest and prosecution under chapter 28 of title 21 ("Rhode Island Controlled Substances Act").

24 (c) Possession of, or application for, a registry identification card or license by a
25 qualifying patient, authorized purchaser, primary caregiver, cultivator, cooperative cultivation, or
26 compassion center shall not constitute probable cause or reasonable suspicion, nor shall it be used
27 to support the search of the person or property of the person possessing or applying for the
28 registry identification card or license, or otherwise subject the person or property of the person to
29 inspection by any governmental agency other than administrative inspection in accordance with
30 this chapter 21-28.6.

31 **§ 21-28.6-12. Compassion centers.** – (a) A compassion center ~~registered~~-licensed under
32 this section may acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply, or
33 dispense marijuana, or related supplies and educational materials, to registered qualifying patients
34 and either their registered primary ~~caregivers who have designated it as one of their primary~~

1 ~~caregivers. A compassion center is a primary~~ caregiver, or authorized purchaser. Except as
2 specifically provided to the contrary, all provisions of the Edward O. Hawkins and Thomas C.
3 Slater Medical Marijuana Act, §§ 21-28.6-1 – 21-28.6-11, and §§ 21-28.6-13 – 21-28.6-20 apply
4 to a compassion center unless they conflict with a provision contained in § 21-28.6-12.

5 (b) ~~Registration-Licensing~~ of compassion centers—department of business regulation
6 authority:

7 (1) ~~Not later than ninety (90) days after the effective date of this chapter,~~ The department
8 of business regulation shall promulgate regulations governing the manner in which it shall
9 consider applications for ~~registration certificates for~~ the licensing of compassion centers,
10 including regulations governing:

11 (i) The form and content of ~~registration~~ licensing and renewal applications;

12 (ii) Minimum oversight requirements for compassion centers;

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

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

15 (v) Procedures for suspending, revoking or terminating the ~~registration~~ license of
16 compassion centers that violate the provisions of this section or the regulations promulgated
17 pursuant to this subsection.

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

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

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

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

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

34 ~~(7) Any time a compassion center registration certificate is revoked, is relinquished, or~~

1 ~~expires, the department shall accept applications for a new compassion center.~~

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

6 ~~(9)~~(2) Any compassion center application selected for approval by the department of
7 health prior to ~~January~~ July 1, ~~2012-2016~~, shall remain in full force and effect, notwithstanding
8 any provisions of this chapter to the contrary, and shall be subject to state law adopted herein and
9 rules and regulations adopted by the department ~~subsequent to passage of this legislation~~ of
10 health and the department of business regulation. All compassion center registrations issued
11 before July 1, 2016 shall expire two (2) years after they were initially issued, and compassion
12 centers must apply for a renewal with the department of business regulation.

13 (3) By January 1, 2017, the department of business regulation will produce a report which
14 will analyze the current number of compassion centers, evaluate how those centers are serving
15 overall patient need throughout the state, and make recommendations about any change in the
16 number of compassion centers.

17 (c) Compassion center and agent applications and registration:

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

19 (i) A non-refundable application fee paid to the department of business regulation ~~in the~~
20 an amount of two hundred fifty dollars (\$250); specified in regulation;

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

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

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

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

30 (vi) Proposed security and safety measures which shall include at least one security alarm
31 system for each location, planned measures to deter and prevent the unauthorized entrance into
32 areas containing marijuana and the theft of marijuana, as well as a draft employee instruction
33 manual including security policies, safety and security procedures, personal safety and crime
34 prevention techniques; and

1 (vii) Proposed procedures to ensure accurate record keeping;

2 (2) Any time one or more compassion center registration applications are being
3 considered, the department of business regulation shall also allow for comment by the public ~~and~~
4 ~~shall solicit input from registered qualifying patients, registered primary caregivers, and the~~
5 ~~towns or cities where the applicants would be located;~~

6 (3) ~~Each time a compassion center certificate is granted, the decision shall be based~~
7 ~~upon~~ The department of business regulation, in consultation with the department of health and the
8 state police, shall promulgate regulations regarding the evaluation criteria and prioritization to be
9 employed in determining whether a compassion center license will be granted, such evaluation to
10 include the overall health needs of qualified patients and the safety of the public, including, but
11 not limited to, the following factors:

12 (i) Convenience to patients from throughout the state of Rhode Island to the compassion
13 centers if the applicant were approved;

14 (ii) The applicant's¹ ability to provide a steady supply to the registered qualifying patients
15 in the state;

16 (iii) The applicant's² experience running a non-profit or business;

17 (iv) The interests of qualifying patients regarding ~~which~~ whether applicants should be
18 granted a ~~registration certificate~~ license;

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

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

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

26 (4) After a compassion center is approved, but before it begins operations, it shall submit
27 the following to the department of business regulation:

28 (i) A fee paid to the department of business regulation in ~~the an~~ amount ~~of five thousand~~
29 ~~dollars (\$5,000);~~ specified in regulation;

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

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

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

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

3 ~~(5) The department shall track the number of registered qualifying patients who designate
4 each compassion center as a primary caregiver, and issue a written statement to the compassion
5 center of the number of qualifying patients who have designated the compassion center to serve
6 as a primary caregiver for them. This statement shall be updated each time a new registered
7 qualifying patient designates the compassion center or ceases to designate the compassion center
8 and may be transmitted electronically if the department's regulations so provide. The department
9 may provide by regulation that the updated written statements will not be issued more frequently
10 than twice each week;~~

11 ~~(6)~~(5) Except as provided in subdivision ~~(76)~~, the department of business regulation shall
12 issue each principal officer, board member, agent, volunteer and employee of a compassion
13 center a registry identification card or renewal card ~~within ten (10) days of~~ after receipt of the
14 person's name, address, date of birth; a fee in an amount established by the department of
15 business regulation; and notification to the department of business regulation by the state police
16 that the registry identification card applicant has not been convicted of any felony offense under
17 chapter 28 of title 21 ("Rhode Island Controlled Substances Act"), murder, manslaughter, rape,
18 first-degree sexual assault, second-degree sexual assault, first-degree child molestation, second-
19 degree child molestation, kidnapping, first-degree arson, second-degree arson, mayhem, robbery,
20 burglary, breaking and entering, assault with a dangerous weapon, assault or battery involving
21 grave bodily injury, and/or assault with intent to commit any offense punishable as a felony or a
22 similar offense from any other jurisdiction. ~~a felony drug offense or has not entered a plea of nolo~~
23 ~~contendere for a felony drug offense and received a sentence of probation.~~ Each card shall specify
24 that the cardholder is a principal officer, board member, agent, volunteer, or employee of a
25 compassion center and shall contain the following:

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

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

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

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

32 (v) A photograph, if the department of business regulation decides to require one;

33 ~~(7)~~(6) Except as provided in this subsection, the department of business regulation shall
34 not issue a registry identification card to any principal officer, board member, agent, volunteer, or

1 employee of a compassion center who has been convicted of a felony drug offense or has entered
2 a plea of nolo contendere for a felony drug offense and received a sentence of probation. The
3 department [of business regulation](#) shall notify the compassion center in writing of the purpose for
4 denying the registry identification card. The department [of business regulation](#) may grant such
5 person a registry identification card if the department [of business regulation](#) determines that the
6 offense was for conduct that occurred prior to the enactment of the Edward O. Hawkins and
7 Thomas C. Slater Medical Marijuana Act or that was prosecuted by an authority other than the
8 state of Rhode Island and for which the Edward O. Hawkins and Thomas C. Slater Medical
9 Marijuana Act would otherwise have prevented a conviction;

10 (i) All registry identification card applicants shall apply to the state police for a national
11 criminal identification records check that shall include fingerprints submitted to the federal
12 bureau of investigation. Upon the discovery of a felony drug offense conviction or a plea of nolo
13 contendere for a felony drug offense with a sentence of probation, and in accordance with the
14 rules promulgated by the director [of the department of business regulation](#), the state police shall
15 inform the applicant, in writing, of the nature of the felony and the state police shall notify the
16 department [of business regulation](#), in writing, without disclosing the nature of the felony, that a
17 felony drug offense conviction or a plea of nolo contendere for a felony drug offense with
18 probation has been found.

19 (ii) In those situations in which no felony drug offense conviction or plea of nolo
20 contendere for a felony drug offense with probation has been found, the state police shall inform
21 the applicant and the department [of business regulation](#), in writing, of this fact.

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

24 ~~(8)(7)~~ A registry identification card of a principal officer, board member, agent,
25 volunteer, or employee shall expire one year after its issuance, or upon the expiration of the
26 registered organization's registration certificate, or upon the termination of the principal officer,
27 board member, agent, volunteer or employee's relationship with the compassion center,
28 whichever occurs first.

29 [\(8\) A compassion center cardholder shall notify and request approval from the](#)
30 [department of business regulation of any change in his or her name or address within ten \(10\)](#)
31 [days of such change. A compassion center cardholder who fails to notify the department of](#)
32 [business regulation of any of these changes is responsible for a civil infraction, punishable by a](#)
33 [fine of no more than one hundred fifty dollars \(\\$150\).](#)

34 [\(9\) When a compassion center cardholder notifies the department of business regulation](#)

1 of any changes listed in this subsection, the department of business regulation shall issue the
2 cardholder a new registry identification card after the department approves the changes and
3 receives from the cardholder payment of a fee specified in regulation.

4 (10) If a compassion center cardholder loses his or her registry identification card, he or
5 she shall notify the department of business regulation and submit a fee specified in regulation
6 within ten (10) days of losing the card. The department of business regulation shall issue a new
7 registry identification card with a new random identification number.

8 (11) A compassion center cardholder shall notify the department of business regulation of
9 any disqualifying criminal convictions as defined in § 21-28.6-16(c)(5). The department of
10 business regulation may choose to suspend and/or revoke his or her registry identification card
11 after such notification.

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

15 (d) Expiration or termination of compassion center:

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

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

22 (i) The compassion center submits the materials required under subdivision (c)~~(4)~~,
23 including a ~~five thousand dollar (\$5,000)~~ fee specified in regulation;

24 (ii) The compassion center's ~~registration~~-license has never been suspended or revoked for
25 violations of this chapter or regulations issued pursuant to this chapter;

26 (iii) The legislative oversight committee's report, if issued pursuant to subsection
27 ~~((j)(4)(f))~~, indicates that the compassion center is adequately providing patients with access to
28 medical marijuana at reasonable rates; and

29 (iv) The legislative oversight committee's report, if issued pursuant to subsection ~~(j)(4)(f))~~,
30 does not raise serious concerns about the continued operation of the compassion center applying
31 for renewal.

32 (3) If the department of business regulation determines that any of the conditions listed in
33 paragraphs (d)(2)(i) – (iv) have not been met, the department ~~shall~~ of business regulation may
34 deny the renewal and begin an open application process for the operation of a compassion center.

1 In granting a new registration certificate, the department [of business regulation](#) shall consider
2 factors listed in subdivision (c)(3) of this section;

3 (4) The department [of business regulation](#) shall issue a compassion center one or more
4 thirty (30) day temporary registration certificates after that compassion center's registration would
5 otherwise expire if the following conditions are all satisfied:

6 (i) The compassion center previously applied for a renewal [and has submitted the](#)
7 [required materials and fee](#), but the department [of business regulation](#) had not yet come to a
8 decision;

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

10 (iii) The compassion center has not had its registration certificate [suspended or](#) revoked
11 due to violations of this chapter or regulations issued pursuant to this chapter.

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

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

15 (ii) Is in violation of the [provisions of this chapter or any other](#) ~~the~~ laws of this state;

16 (iii) Is in violation of ~~other departmental~~ regulations [of the department of business](#)
17 [regulation or the department of health](#); or

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

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

25 (f) Compassion center requirements:

26 (1) A compassion center shall be operated on a not-for-profit basis for the mutual benefit
27 of its patients. A compassion center need not be recognized as a tax-exempt organization by the
28 Internal Revenue Services;

29 (2) A compassion center may not be located within one thousand (1,000) feet of the
30 property line of a preexisting public or private school, [nursery school or child daycare center as](#)
31 [defined in chapter 42-72.1](#);

32 (3) A compassion center shall notify the department [of business regulation](#) within ten
33 (10) days of when a principal officer, board member, agent, volunteer or employee ceases to work
34 at the compassion center [or is no longer affiliated with the compassion center](#). His or her card

1 shall be deemed null and void and the person shall be liable for any penalties that may apply to
2 any nonmedical possession or use of marijuana by the person;

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

8 (5) A compassion center shall implement appropriate security measures to deter and
9 prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana and
10 shall ~~insure~~ ensure that each location has an operational security alarm system. Each compassion
11 center shall request that the Rhode Island state police visit the compassion center to inspect the
12 security of the facility and make any recommendations regarding the security of the facility and
13 its personnel within ten (10) days prior to the initial opening of each compassion center. Said
14 recommendations shall not be binding upon any compassion center, nor shall the lack of
15 implementation of said recommendations delay or prevent the opening or operation of any center.
16 If the Rhode Island state police do not inspect the compassion center within the ten (10) day
17 period there shall be no delay in the compassion center's opening.

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

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

24 (8) The department of business regulation may promulgate regulations governing the
25 approval and oversight of the delivery of usable marijuana to patient cardholders;

26 ~~(8)~~(9) All principal officers and board members of a compassion center must be residents
27 of the state of Rhode Island;

28 ~~(9)~~(10) Each time a new registered qualifying patient visits a compassion center, it shall
29 provide the patient with frequently asked questions sheet designed by the department of health,
30 which explains the limitations on the right to use medical marijuana under state law;

31 (11) Each compassion center shall be subject to any regulations promulgated by the
32 department of health that specify how usable marijuana must be tested for items included but not
33 limited to cannabinoid profile and contaminants;

34 (12) Each compassion center shall be subject to any product labeling requirements

1 [promulgated by the department of health;](#)

2 ~~(+0)~~(13) Each compassion center shall develop, implement, and maintain on the premises
3 employee, volunteer and agent policies and procedures to address the following requirements:

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

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

8 ~~(+1)~~(14) Each compassion center shall maintain a personnel record for each employee,
9 agent and volunteer that includes an application and a record of any disciplinary action taken;

10 ~~(+2)~~(15) Each compassion center shall develop, implement, and maintain on the premises
11 an on-site training curriculum, or enter into contractual relationships with outside resources
12 capable of meeting employee training needs, which includes, but is not limited to, the following
13 topics:

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

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

16 ~~(+3)~~(16) Each compassion center entity shall provide each employee, agent and
17 volunteer, at the time of his or her initial appointment, training in the following:

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

19 (ii) Specific procedural instructions on how to respond to an emergency, including
20 robbery or violent ~~accident~~ [incident](#);

21 ~~(+4)~~(17) All compassion centers shall prepare training documentation for each employee
22 and volunteer and have employees and volunteers sign a statement indicating the date, time, and
23 place the employee and volunteer received said training and topics discussed, to include name
24 and title of presenters. The compassion center shall maintain documentation of an employee's and
25 a volunteer's training for a period of at least six (6) months after termination of an employee's
26 employment or the volunteer's volunteering.

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

28 (1) A compassion center or principal officer, board member, agent, volunteer or
29 employee of a compassion center may not dispense more than two and one half ounces (2.5 oz) of
30 usable marijuana to a qualifying patient directly or through a qualifying patient's ~~other~~-primary
31 caregiver [or authorized purchaser](#) during a fifteen (15) day period;

32 (2) A compassion center or principal officer, board member, agent, volunteer or
33 employee of a compassion center may not dispense an amount of usable marijuana or marijuana
34 plants to a qualifying patient or a qualifying patient's ~~other~~-primary caregiver [or authorized](#)

1 [purchaser](#) that the compassion center, principal officer, board member, agent, volunteer, or
2 employee knows would cause the recipient to possess more marijuana than is permitted under the
3 Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act:-

4 [\(3\) Compassion centers shall utilize a database that contains all compassion center](#)
5 [transactions statewide according to qualifying patients' registry identification numbers to protect](#)
6 [their confidentiality. Compassion centers will not have access to any applications or supporting](#)
7 [information submitted by qualifying patients. Before dispensing marijuana to any patient, the](#)
8 [compassion center must utilize this database to ensure that the qualifying patient is not being](#)
9 [dispensed more than two and one half ounces \(2.5 oz.\) of usable marijuana directly or through the](#)
10 [qualifying patient's primary caregiver or authorized purchaser during a fifteen \(15\) day period.](#)

11 (h) Immunity:

12 (1) No registered compassion center shall be subject to prosecution; search, except by the
13 department [of business regulation](#) pursuant to subsection (e) [or by the department of health](#)
14 [pursuant to § 23-1-19](#); seizure; or penalty in any manner or denied any right or privilege,
15 including, but not limited to, civil penalty or disciplinary action by a business, occupational, or
16 professional licensing board or entity, solely for acting in accordance with this section to assist
17 registered qualifying patients ~~to whom it is connected through the department's registration~~
18 ~~process with the medical use of marijuana;~~

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

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

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

1 (i) Prohibitions:

2 ~~(1) A compassion center must limit its inventory of seedlings, plants, and usable~~
3 ~~marijuana to reflect the projected needs of registered qualifying patients.~~

4 ~~(2)~~(1) A compassion center may not dispense, deliver, or otherwise transfer marijuana to
5 a person other than a qualifying patient ~~who has designated the compassion center as a~~ or to such
6 patient's primary caregiver or ~~to such patient's other primary caregiver~~ authorized purchaser;

7 ~~(3)~~(2) A person found to have ~~violated paragraph (2) of this subsection~~ dispensed,
8 delivered, or otherwise transferred marijuana to a person other than a qualifying patient, a
9 patient's primary caregiver, or a patient's authorized purchaser may not be an employee, agent,
10 volunteer, principal officer, or board member of any compassion center;

11 ~~(4)~~(3) An employee, agent, volunteer, principal officer or board member of any
12 compassion center found ~~in violation of paragraph (2) above~~ to have dispensed, delivered, or
13 otherwise transferred marijuana to a person other than a qualifying patient, a patient's primary
14 caregiver, or a patient's authorized purchaser shall have his or her registry identification revoked
15 ~~immediately~~ in accordance with the requirements of the administrative procedures act, chapter 35
16 of title 42; and

17 ~~(5)~~(4) No person who has been convicted of a felony drug offense or has entered a plea of
18 nolo contendere for a felony drug offense with a sentence or probation may be the principal
19 officer, board member, agent, volunteer, or employee of a compassion center unless the
20 department of business regulation has determined that the person's conviction was for the medical
21 use of marijuana or assisting with the medical use of marijuana in accordance with the terms and
22 conditions of this chapter. A person who is employed by or is an agent, volunteer, principal
23 officer, or board member of a compassion center in violation of this section is guilty of a civil
24 violation punishable by a fine of up to one thousand dollars (\$1,000). A subsequent violation of
25 this section is a misdemeanor:

26 (j) Legislative oversight committee:

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

34 (2) The oversight committee shall meet at least six (6) times per year for the purpose of

1 evaluating and making recommendations to the general assembly regarding:

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

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

9 **§ 21-28.6-14. Cooperative cultivations.** –(a) Two (2) or more primary caregiver or
10 qualifying patient cardholders may cooperatively cultivate marijuana in residential or non-
11 residential locations subject to the following restrictions:

12 (1) Cooperative cultivations shall apply to the department of business regulation for a
13 license to operate;

14 ~~(1)(2)~~ A cardholder can only cooperatively cultivate in one location;

15 ~~(2)(3)~~ No single location may have more than one cooperative cultivation. For the
16 purposes of this section, location means one structural building, not units within a structural
17 building-;

18 ~~(3)(4)~~ The cooperative cultivation shall not be visible from the street or other public
19 areas;

20 ~~(4)(5)~~ A written acknowledgement of the limitations of the right to use and possess
21 marijuana for medical purposes in Rhode Island that is signed by each cardholder and is
22 displayed prominently in the premises cooperative cultivation.

23 ~~(5)(6)~~ Cooperative cultivations are restricted to the following possession limits:

24 (i) A non-residential, cooperative cultivation may have no more than ten (10) ounces of
25 usable marijuana, ~~forty-eight (48) mature~~ and seventy-two (72) marijuana plants, ~~and twenty-four~~
26 ~~(24) seedlings.~~

27 (ii) A residential, cooperative cultivation may have no more than ten (10) ounces of
28 useable marijuana, ~~twenty-four (24) mature~~ and thirty-six (36) marijuana plants, ~~and twelve (12)~~
29 ~~seedlings.~~

30 (iii) For primary caregiver or qualifying patient cardholders operating under a
31 cooperative cultivation license, the department of business regulation shall only issue medical
32 marijuana plant tags in accordance with the per patient limits established in § 21-28.6-4(a) and §
33 21-28.6-4(e).

34 ~~(6)(7)~~ Cooperative cultivations must be inspected as follows:

1 (i) A non-residential, cooperative cultivation must have displayed prominently on the
2 premises documentation from the municipality where the single location is located that the
3 location and the cultivation has been inspected by the municipal building and/or zoning official
4 and the municipal fire department and is in compliance with any applicable state or municipal
5 housing and zoning codes.

6 (ii) A residential cooperative cultivation must have displayed prominently on the
7 premises an affidavit by a licensed electrician that the cultivation has been inspected and is in
8 compliance with any applicable state or municipal housing and zoning codes for the municipality
9 where the cooperative cultivation is located.

10 (iii) A non-residential or residential cooperative cultivation must have displayed
11 prominently on the premises its license issued by the department of business regulation.

12 (iv) Every marijuana plant possessed by a cooperative cultivation must be accompanied
13 by valid medical marijuana tag issued by the department of business regulation pursuant to § 21-
14 28.6-15. Each cooperative cultivation must purchase at least one (1) medical marijuana tag in
15 order to remain a licensed cooperative cultivation.

16 (iv) Cooperative cultivations are subject to reasonable inspection by the department of
17 business regulation for the purposes of enforcing regulations promulgated pursuant to this chapter
18 and all applicable Rhode Island general laws.

19 ~~(8)~~(8) Cooperative cultivations must report the location of the cooperative cultivation to
20 the division of state police.

21 ~~(8)~~(9) The reports provided to the division of state police in subsection (8) of this section
22 shall be confidential, but locations may be confirmed for law enforcement purposes. The report of
23 the location of the cooperative cultivation alone shall not constitute probable cause for a search of
24 the cooperative cultivation.

25 ~~(9)~~(10) The department of business regulation shall promulgate regulations governing the
26 licensing and operation of cooperative cultivations, and may promulgate regulations that set a fee
27 for a cooperative cultivation license.

28 (b) Any violation of any provision of this section shall result in the immediate revocation
29 of the cardholder's registry identification card. Any violation of any provision of this chapter or
30 regulations promulgated hereunder as determined by the department of business regulation may
31 result in the revocation/suspension of the cooperative cultivator license.

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

1 § 21-28.6-15. Medical Marijuana Plant Tags. – (a) Every marijuana plant, either
2 mature or seedling, must be accompanied by a physical medical marijuana tag provided by the
3 department of business regulation:

4 (1) The department of business regulation shall charge an annual fee, established by
5 regulation, for each medical marijuana tag. The department of business regulation may
6 promulgate regulations that make medical marijuana tags available at a reduced price to patients
7 based on a patient’s income, or to a primary caregiver based on the income of those patients
8 receiving care from that primary caregiver. If the required fee has not been paid, those medical
9 marijuana tags shall be considered expired and are invalid.

10 (2) The department of business regulation shall verify with the department of health that
11 all medical marijuana tag purchases are made by patient cardholders, primary caregiver
12 cardholders, licensed cultivators, compassion centers, or cooperative cultivations. The department
13 of health shall provide this verification according to qualifying patients' registry identification
14 numbers to protect their confidentiality and without providing access to any applications or
15 supporting information submitted by qualifying patients.

16 (3) The department of business regulation shall maintain information pertaining to
17 medical marijuana tags and may share that information with the department of health.

18 (4) All primary caregivers shall purchase at least one (1) medical marijuana tag for each
19 patient under their care, all licensed cultivators shall purchase at least one (1) medical marijuana
20 tag, and all patients growing for themselves shall purchase at least one (1) medical marijuana tag.

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

25 (b) Enforcement:

26 (1) If a patient cardholder, primary caregiver cardholder, licensed cultivator, compassion
27 center, or cooperative cultivation violates any provision of this chapter or the regulations
28 promulgated hereunder as determined by the department of business regulation, his or her
29 medical marijuana tags may be revoked. In addition, the department that issued the cardholder’s
30 registration or the license may revoke the cardholder’s registration or license pursuant to § 21-
31 28.6-9.

32 (2) The department of business regulation shall revoke and shall not reissue medical
33 marijuana tags to any cardholder or licensee who is convicted of; placed on probation; whose
34 case is filed pursuant to § 12-10-12 where the defendant pleads nolo contendere; or whose case is

1 deferred pursuant to § 12-19-19 where the defendant pleads nolo contendere for any felony
2 offense under chapter 28 of title 21 ("Rhode Island Controlled Substances Act") or a similar
3 offense from any other jurisdiction.

4 (3) Primary caregiver cardholders, licensed cultivators, licensed compassion centers, and
5 licensed cooperative cultivations shall be subject to reasonable inspection by the department of
6 business regulation for the purposes of enforcing regulations promulgated pursuant to this chapter
7 and all applicable Rhode Island general laws. The department of business regulation shall
8 promulgate regulations governing the manner of these inspections, including the role, if any, of
9 law enforcement in these inspections.

10 (4) If a patient cardholder, primary caregiver cardholder, licensed cooperative cultivation,
11 or licensed cultivator is found to have marijuana plants exceeding the limits set forth in § 21-
12 28.6-4, § 21-28.6-14(a)(6), and § 21-28.6-17(c), in addition to any penalties that may be imposed
13 pursuant to § 21-28.6-9, the department of business regulation shall impose an administrative
14 penalty on that cardholder for each of these untagged marijuana plants of no less than the total fee
15 that would be paid by a cardholder who purchased medical marijuana tags for such plants in
16 compliance with this chapter.

17 **§ 21-28.6-16. Caregivers.** – (a) The department of business regulation shall issue a
18 registry identification card to each primary caregiver who satisfies the registration requirements
19 under this chapter and any regulations promulgated hereunder. The department of business
20 regulation shall verify with the department of health that the qualifying patients identified in the
21 primary caregiver's application have in fact elected that person as their primary caregiver. This
22 verification process will be structured so that the department of business regulation will receive
23 only a positive or negative response from the department of health regarding the qualifying
24 patients' registry identification numbers to protect their confidentiality. Primary caregivers must
25 purchase at least one (1) plant medical marijuana tag for each patient under their care in
26 accordance with § 21-28.6-15 in order to become registered with the department of business
27 regulation.

28 (1) The primary caregiver applicant shall apply to the bureau of criminal identification of
29 the department of attorney general, state police, or local police department for a national criminal
30 records check that shall include fingerprints submitted to the Federal Bureau of Investigation.
31 Upon the discovery of any disqualifying information as defined in § 21-28.6-16(a)(4), and in
32 accordance with the regulations promulgated by the director of the department of business
33 regulation, the bureau of criminal identification of the department of attorney general, state
34 police, or the local police department shall inform the applicant, in writing, of the nature of the

1 disqualifying information; and, without disclosing the nature of the disqualifying information,
2 shall notify the department of business regulation, in writing, that disqualifying information has
3 been discovered.

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

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

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

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

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

30 (b) Persons issued registry identification cards shall be subject to the following:

31 (1) Ten (10) days after notification from the department of health to the department of
32 business regulation and the primary caregiver cardholder that a patient cardholder has changed
33 his or her primary caregiver, the primary caregiver cardholder's protections as provided in this
34 chapter as to that patient shall expire. If the primary caregiver cardholder is connected to no other

1 patient cardholders in the program, he or she must return his or her registry identification card to
2 the department of business regulation within ten (10) days of the date of such notice. A primary
3 caregiver who fails to comply with this provision is responsible for a civil infraction, punishable
4 by a fine of no more than one hundred fifty dollars (\$150).

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

10 (3) When a primary caregiver cardholder notifies the department of business regulation of
11 any changes listed in this subsection, the department of business regulation shall issue the
12 primary caregiver cardholder a new registry identification card after the department approves the
13 changes and receives from the cardholder payment of a fee specified in regulation.

14 (4) If a primary caregiver cardholder loses his or her registry identification card, he or she
15 shall notify the department of business regulation and submit a fee specified in regulation within
16 ten (10) days of losing the card. The department of business regulation shall issue a new registry
17 identification card with a new random identification number.

18 (5) A primary caregiver cardholder shall notify the department of business regulation of
19 any disqualifying criminal convictions as defined in § 21-28.6-16(a)(4). The department of
20 business regulation may choose to suspend and/or revoke his or her registry identification card
21 after such notification.

22 (6) If a primary caregiver cardholder violates any provision of this chapter or regulations
23 promulgated hereunder as determined by the department of business regulation, his or her registry
24 identification card may be suspended and/or revoked.

25 **§ 21-28.6-17. Cultivators.** – (a) A licensed cultivator licensed under this section may
26 acquire, possess, cultivate, deliver, or transfer marijuana to licensed compassion centers. A
27 licensed cultivator shall not be a primary caregiver cardholder and shall not hold a cooperative
28 cultivation license. Except as specifically provided to the contrary, all provisions of the Edward
29 O. Hawkins and Thomas C. Slater Medical Marijuana Act, §§ 21-28.6-1 – 21-28.6-16 and §§ 21-
30 28.6-18 – 21-28.6-20, apply to a licensed cultivator unless they conflict with a provision
31 contained in § 21-28.6-17.

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

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

7 (c) The department of business regulation shall promulgate regulations that govern how
8 many marijuana plants and how much usable marijuana a licensed cultivator may possess. Every
9 marijuana plant possessed by a licensed cultivator must be accompanied by valid medical
10 marijuana tag issued by the department of business regulation pursuant to § 21-28.6-15. Each
11 cultivator must purchase at least one (1) medical marijuana tag in order to remain a licensed
12 cultivator.

13 (d) Cultivators shall only sell usable marijuana to compassion centers. All marijuana
14 possessed by a cultivator in excess of the possession limit established pursuant to subsection (c)
15 above shall be under formal agreement to be purchased by a compassion center. If such excess
16 marijuana is not under formal agreement to be purchased, the cultivator will have a period of
17 time, specified in regulations promulgated by the department of business regulation, to sell or
18 destroy that excess marijuana. The department may suspend and/or revoke the cultivator's license
19 and the license of any officer, director, employee or agent of such cultivator and/or impose an
20 administrative penalty in accordance with such regulations promulgated by the department for
21 any violation of this section or the regulations. In addition, any violation of this section or the
22 regulations promulgated pursuant this subsection and subsection (c) above shall cause a licensed
23 cultivator to lose the protections described in § 21-28.6-4(i) and may subject the licensed
24 cultivator to arrest and prosecution under Chapter 28 of title 21 (the Rhode Island Controlled
25 Substances Act).

26 (e) Cultivators shall only be licensed to grow marijuana at one dwelling unit or
27 commercial unit. The department of business regulation may promulgate regulations governing
28 where cultivators are allowed to grow. Cultivators must abide by all local ordinances, including
29 zoning ordinances.

30 (f) Inspection. Cultivators shall be subject to reasonable inspection by the department of
31 business regulation for the purposes of enforcing regulations promulgated pursuant to this chapter
32 and all applicable Rhode Island general laws.

33 (g) Income received by cultivators must be claimed as corporate income under chapters
34 11, 13, 14, or 17 of title 44 or as personal income under chapter 30 of title 44.

1 (h) The department of business regulation shall issue a license to each licensed cultivator
2 who satisfies the registration requirements under this chapter and any regulations promulgated
3 hereunder:

4 (1) The cultivator applicant shall apply to the bureau of criminal identification of the
5 department of attorney general, state police, or local police department for a national criminal
6 records check that shall include fingerprints submitted to the Federal Bureau of Investigation.
7 Upon the discovery of any disqualifying information as defined in § 21-28.6-17(h)(3), and in
8 accordance with the rules promulgated by the director of the department of business regulation,
9 the bureau of criminal identification of the department of attorney general, state police, or the
10 local police department shall inform the applicant, in writing, of the nature of the disqualifying
11 information; and, without disclosing the nature of the disqualifying information, shall notify the
12 department of business regulation, in writing, that disqualifying information has been discovered.

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

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

24 (4) The cultivator applicant shall be responsible for any expense associated with the
25 national criminal records check.

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

31 (i) Persons issued licenses shall be subject to the following:

32 (1) A licensed cultivator shall notify and request approval from the department of
33 business regulation of any change in his or her name or address within ten (10) days of such
34 change. A cultivator who fails to notify the department of business regulation of any of these

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

3 (2) When a licensed cultivator notifies the department of business regulation of any
4 changes listed in this subsection, the department of business regulation shall issue the cultivator a
5 new license after the department approves the changes and receives from the licensee payment of
6 a fee specified in regulation.

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

11 (4) A licensed cultivator shall notify the department of business regulation of any
12 disqualifying criminal convictions as defined in § 21-28.6-17(h)(3). The department of business
13 regulation may choose to suspend and/or revoke his or her license after such notification.

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

17 **§ 21-28.6-18. Excess plants.** – Subsequent to passage of this section, patient cardholders
18 and primary caregiver cardholders shall have until December 31, 2016 to sell or destroy
19 marijuana plants or usable marijuana which are in violation of § 21-28.6-4.

20 **§ 21-28.6-19. Revenue.** – (a) All fees collected by the department of health from
21 qualifying patients and authorized purchasers shall be placed in a restricted receipt account to
22 support the department of health’s medical marijuana program.

23 (b) All fees collected by the department of business regulation from primary caregivers,
24 cultivators, cooperative cultivations, compassion centers, and compassion center cardholders shall
25 be placed in a restricted receipt account to support the department of business regulation’s
26 medical marijuana licensing program.

27 (c) All fees collected from the sale of marijuana plant medical marijuana tags shall place
28 in the general revenue fund.

29 **§ 21-28.6-20. Patient information.** – (a) Applications and supporting information
30 submitted by qualifying patients, including information regarding their primary caregivers,
31 authorized purchasers, and practitioners, are confidential and protected under the federal Health
32 Insurance Portability and Accountability Act of 1996, and shall be exempt from the provisions of
33 chapter 2 of title 38 et seq. (Rhode Island access to public records act) and not subject to
34 disclosure, except to authorized employees of the department of health and the department of

1 business regulation as necessary to perform official duties of the department of health and the
2 department of business regulation.

3 (b) The department of health shall maintain a list of the persons to whom the department
4 of health has issued registry identification cards and the department of business regulation shall
5 maintain a list of the persons to whom the department of business regulation has issued registry
6 identification cards and licenses. Individual names and other identifying information of patient
7 cardholders and authorized purchasers on the list shall be confidential, exempt from the
8 provisions of Rhode Island access to public information, chapter 2 of title 38, and not subject to
9 disclosure, except to authorized employees of the department of health as necessary to perform
10 official duties of the department of health. Information collected by the department of business
11 regulation during the registration/licensing process from primary caregivers, cultivators,
12 compassion centers, and compassion center cardholders shall be subject to the provisions of
13 Rhode Island access to public information, chapter 2 of title 38, and shall be subject to redaction
14 for identifying information or any other information exempt under chapter 38-2.

15 (c) Law enforcement shall have access to information maintained by the department of
16 health and the department of business regulation only to the extent necessary to verify
17 information about medical marijuana tags, caregiver cardholders, licensed cultivators, cooperative
18 cultivations, and compassion center cardholders. Law enforcement shall not have direct access to
19 patient information, including any applications or supporting information submitted by qualifying
20 patients. Notwithstanding subsection (a) of this section, if law enforcement personnel need
21 information about a patient cardholder or authorized marijuana purchaser, then the department of
22 health shall verify to law enforcement personnel whether a registry identification card is valid
23 solely by confirming the random registry identification number.

24 (d) It shall be cause for removal and/or a one thousand dollar (\$1,000) fine, for any
25 person, including an employee or official of the department of health, department of business
26 regulation, or another state agency or local government, to breach the confidentiality of
27 qualifying patient information obtained pursuant to this chapter. Notwithstanding this provision,
28 employees of the department of health or the department of business regulation may notify law
29 enforcement about falsified or fraudulent information, or information that the department
30 reasonably believes to be falsified or fraudulent, submitted to the department of health or the
31 department of business regulation.

32 SECTION 3. Sections 42-14-1 and 42-14-2 of the General Laws in Chapter 42-14
33 entitled "Department of Business Regulation" are hereby amended to read as follows:

34 **§ 42-14-1. Establishment – Head of department.** – There shall be a department

1 of business regulation. The head of the department shall be the director of business regulation
2 who shall carry out, except as otherwise provided by this title, this chapter; chapters 1, 2, and 4 –
3 12, inclusive, of title 3; chapters 3, 20.5, 38, 49, 52, 53 and 58 of title 5; chapter 31 of title 6;
4 chapter 11 of title 7; chapters 1 – 29, inclusive, of title 19, except § 19-24-6; [chapter 28.6 of title](#)
5 [21](#); chapter 26 of title 23; chapters 1 – 36, inclusive, of title 27. The director of business
6 regulation shall also perform the duties required by any and all other provisions of the general
7 laws and public laws insofar as those provisions relate to the director of revenue and regulation,
8 chief of the division of banking and insurance, chief of the division of intoxicating beverages, and
9 each of the divisions, except as otherwise provided by this title.

10 **§ 42-14-2. Functions of department.** – (a) It shall be the function of the department of
11 business regulation:

12 (1) To regulate and control banking and insurance, foreign surety companies, sale
13 of securities, building and loan associations, fraternal benefit and beneficiary societies;

14 (2) To regulate and control the manufacture, transportation, possession, and sale
15 of alcoholic beverages;

16 (3) To license and regulate the manufacture and sale of articles of bedding,
17 upholstered furniture, and filling materials;

18 [\(4\) To regulate the licensing of compassion centers, cultivators, cooperative](#)
19 [cultivations, and primary caregivers pursuant to Chapter 21-28.6 of the General Laws](#)

20 (b) Whenever any hearing is required or permitted to be held pursuant to law or
21 regulation of the department of business regulation, and whenever no statutory provision exists
22 providing that notice be given to interested parties prior to the hearing, no such hearing shall be
23 held without notice in writing being given at least ten (10) days prior to such hearing to all
24 interested parties. For purposes of this section, an "interested party" shall be deemed to include
25 the party subject to regulation hereunder, the Rhode Island consumers' council, and any party
26 entitled to appear at the hearing. Notice to the party that will be subject to regulation, the Rhode
27 Island consumers' council [Repealed], and any party who has made known his or her intention to
28 appear at the hearing shall be sufficient if it be in writing and mailed, first class mail, to the party
29 at his or her regular business address. Notice to the general public shall be sufficient hereunder if
30 it be by publication in a newspaper of general circulation in the municipality affected by the
31 regulation.

32 SECTION 4. Section 44-67-3 of the General Laws in Chapter 44-67 entitled “The
33 Compassion Center Surcharge Act” is hereby amended to read as follows:

34 **§ 44-67-3. Imposition of surcharge – Compassion centers.** – [For periods prior to July](#)

1 1, 2016, a ~~A~~ surcharge at a rate of four percent (4.0%) shall be imposed upon the net patient
2 revenue received each month by every compassion center. For periods after July 1, 2016, a
3 surcharge at a rate of three percent (3.0%) shall be imposed upon the net patient revenue received
4 each month by every compassion center. Every compassion center shall pay the monthly
5 surcharge to the tax administrator no later than the twentieth (20th) day of the month following
6 the month that the net patient revenue was received. This surcharge shall be in addition to any
7 other authorized fees that have been assessed upon a compassion center.

8 SECTION 5. This article shall take effect as of July 1, 2016.