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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

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

Introduced By: Senators Ciccone, Picard, Ruggerio, and Lynch

Date Introduced: February 09, 2011

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

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

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

11 (b) No school, employer or landlord may refuse to enroll, employ or lease to or
12 otherwise penalize a person solely for his or her status as a cardholder.

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

1 exceed twelve (12) mature marijuana plants and two and one-half (2.5) ounces of usable
2 marijuana for each qualifying patient to whom he or she is connected through the department's
3 registration process.

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

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

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

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

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

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

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

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

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

34 (k) A registry identification card, or its equivalent, issued under the laws of another state,

1 U.S. territory, or the District of Columbia to permit the medical use of marijuana by a patient with
2 a debilitating medical condition, or to permit a person to assist with the medical use of marijuana
3 by a patient with a debilitating medical condition, shall have the same force and effect as a
4 registry identification card issued by the department.

5 (l) Notwithstanding the provisions of subsection 21-28.6-3(6) or subsection 21-28.6-4(c),
6 no primary caregiver other than a compassion center shall possess an amount of marijuana in
7 excess of twenty-four (24) marijuana plants and five (5) ounces of usable marijuana for
8 qualifying patients to whom he or she is connected through the department's registration process.
9 Notwithstanding any other provisions of this chapter, effective January 1, 2013, the cultivation
10 and dispensing of medical marijuana shall only be authorized by compassion centers.

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

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

19 **21-28.6-6. Administration of regulations.** -- (a) The department shall issue registry
20 identification cards to qualifying patients who submit the following, in accordance with the
21 department's regulations:

- 22 (1) Written certification as defined in section 21-28.6-3(14) of this chapter;
23 (2) Application or renewal fee;
24 (3) Name, address, and date of birth of the qualifying patient; provided, however, that if
25 the patient is homeless, no address is required;
26 (4) Name, address, and telephone number of the qualifying patient's practitioner; and
27 (5) Name, address, and date of birth of each primary caregiver of the qualifying patient,
28 if any.

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

- 31 (1) The qualifying patient's practitioner has explained the potential risks and benefits of
32 the medical use of marijuana to the qualifying patient and to a parent, guardian or person having
33 legal custody of the qualifying patient; and
34 (2) A parent, guardian or person having legal custody consents in writing to:

- 1 (i) Allow the qualifying patient's medical use of marijuana;
- 2 (ii) Serve as one of the qualifying patient's primary caregivers; and
- 3 (iii) Control the acquisition of the marijuana, the dosage, and the frequency of the
- 4 medical use of marijuana by the qualifying patient.

5 (c) The department shall verify the information contained in an application or renewal

6 submitted pursuant to this section, and shall approve or deny an application or renewal within

7 fifteen (15) days of receiving it. The department may deny an application or renewal only if the

8 applicant did not provide the information required pursuant to this section, or if the department

9 determines that the information provided was falsified. Rejection of an application or renewal is

10 considered a final department action, subject to judicial review. Jurisdiction and venue for

11 judicial review are vested in the superior court.

12 (d) The department shall issue a registry identification card to each primary caregiver, if

13 any, who is named in a qualifying patient's approved application, up to a maximum of two (2)

14 primary caregivers per qualifying patient. A person may not serve as a **primary** caregiver if he or

15 she has a felony drug conviction, ~~unless the department waives this restriction in respect to a~~

16 ~~specific individual at the department's discretion. Additionally, the department shall allow the~~

17 ~~person to serve as a primary caregiver if the department determines that the offense was for~~

18 ~~conduct that occurred prior to the enactment of the Edward O. Hawkins and Thomas C. Slater~~

19 ~~Medical Marijuana Act or that was prosecuted by an authority other than the state of Rhode~~

20 ~~Island and for which the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act~~

21 ~~would otherwise have prevented a conviction~~ or a conviction for a capital offense.

22 (e) The department shall issue registry identification cards within five (5) days of

23 approving an application or renewal, which shall expire two (2) years after the date of issuance.

24 Registry identification cards shall contain:

- 25 (1) The date of issuance and expiration date of the registry identification card;
- 26 (2) A random registry identification number; and
- 27 (3) A photograph; and
- 28 (4) The name and date of birth; and
- 29 ~~(4)~~(5) Any additional information as required by regulation or the department.

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

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

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

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

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

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

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

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

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

33 (h) (1) Applications and supporting information submitted by qualifying patients,
34 including information regarding their primary caregivers and practitioners, are confidential and

1 protected under the federal Health Insurance Portability and Accountability Act of 1996.

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

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

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

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

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

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

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

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

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

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

1 department may also notify those patients of medical studies conducted outside of Rhode Island.

2 **21-28.6-12. Compassion centers.** -- (a) A compassion center registered under this
3 section may acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply, or
4 dispense marijuana, or related supplies and educational materials, to registered qualifying patients
5 and their registered primary caregivers who have designated it as one of their primary caregivers.
6 A compassion center is a primary caregiver. Except as specifically provided to the contrary, all
7 provisions of the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act, sections 21-
8 28.6-1 -- 21-28.6-11, apply to a compassion center unless they conflict with a provision contained
9 in section 21-28.6-12.

10 (b) Registration of compassion centers--department authority:

11 (1) Not later than ninety (90) days after the effective date of this act, the department shall
12 promulgate regulations governing the manner in which it shall consider applications for
13 registration certificates for compassion centers, including regulations governing:

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

15 (ii) Minimum oversight requirements for compassion centers;

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

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

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

20 (2) Within ninety (90) days of the effective date of this act, the department shall begin
21 accepting applications for the operation of a single compassion center.

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

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

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

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

1 qualified applicants exist.

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

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

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

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

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

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

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

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

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

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

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

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

31 (3) Each time a compassion center certificate is granted, the decision shall be based upon
32 the overall health needs of qualified patients and the safety of the public, including, but not
33 limited to, the following factors:

34 (i) Convenience to patients from throughout the state of Rhode Island to the compassion

1 centers if the applicant were approved;

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

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

5 (iv) The wishes of qualifying patients regarding which applicant be granted a registration
6 certificate;

7 (v) The wishes of the city or town where the dispensary would be located;

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

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

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

16 (i) A fee paid to the department in the amount of five thousand dollars (\$5,000);

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

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

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

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

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

32 (6) Except as provided in subdivision (7), the department shall issue each principal
33 officer, board member, agent, volunteer and employee of a compassion center a registry
34 identification card or renewal card within ten (10) days of receipt of the person's name, address,

1 date of birth, and a fee in an amount established by the department. Each card shall specify that
2 the cardholder is a principal officer, board member, agent, volunteer, or employee of a
3 compassion center and shall contain the following:

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

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

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

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

10 (v) A photograph, if the department decides to require one;

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

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

25 (d) Expiration or termination of compassion center:

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

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

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

33 (ii) The department has not ever suspended the compassion center's registration for
34 violations of this act or regulations issued pursuant to this act;

1 (iii) The legislative oversight committee's report, issued pursuant to subsection (j),
2 indicates that the compassion center is adequately providing patients with access to medical
3 marijuana at reasonable rates; and

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

7 (3) If the department determines that any of the conditions listed in paragraphs (d)(2)(i) -
8 - (iv) exist, the department shall begin an open application process for the operation of a
9 compassion center. In granting a new registration certificate, the department shall consider factors
10 listed in subdivision (c)(3);

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

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

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

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

19 (e) Inspection. - Compassion centers are subject to ~~reasonable~~ inspection by the
20 ~~department of health, division of facilities regulation~~ state police. ~~The department shall give~~
21 ~~reasonable notice of an inspection under this subsection.~~ During an inspection, the ~~department~~
22 state police may review the compassion center's confidential records, including its dispensing
23 records, which may track transactions according to qualifying patients' registry identification
24 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 five hundred feet (500') of the
30 property line of a preexisting public or private school;

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

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

5 (5) A compassion center shall implement appropriate security measures to deter and
6 prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana and
7 shall insure that each location has an operational security alarm system.

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

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

14 (8) ~~All~~ A majority of the principal officers and board members of a compassion center
15 must be residents of the state of Rhode Island. All non-resident principal officers and board
16 members shall designate an agent for service of process and shall also sign a waiver of extradition
17 in the event of a criminal proceeding resulting from their position with a Rhode Island
18 compassion center arising;

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

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

24 (i) A job description or employment contract developed for all employees and a
25 volunteer agreement for all volunteers, which includes duties, authority, responsibilities,
26 qualification, and supervision; and

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

28 (11) Each compassion center shall maintain a personnel record for each employee and
29 each volunteer that includes an application for employment or to volunteer and a record of any
30 disciplinary action taken;

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

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

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

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

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

5 (ii) Specific procedural instructions on how to respond to an emergency, including
6 robbery or violent accident;

7 (14) All compassion centers shall prepare training documentation for each employee and
8 have employees sign a statement indicating the date, time, and place the employee received said
9 training and topics discussed, to include name and title of presenters. The compassion center shall
10 maintain documentation of an employee's and a volunteer's training for a period of at least six (6)
11 months after termination of an employee's employment or the volunteer's volunteering.

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

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

17 (2) A compassion center or principal officer, board member, agent, volunteer or
18 employee of a compassion center may not dispense an amount of usable marijuana or marijuana
19 plants to a qualifying patient or a qualifying patient's other primary caregiver that the compassion
20 center, principal officer, board member, agent, volunteer, or employee knows would cause the
21 recipient to possess more marijuana than is permitted under the Edward O. Hawkins and Thomas
22 C. Slater Medical Marijuana Act.

23 (h) Immunity:

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

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

1 (i) Prohibitions:

2 (1) A compassion center may not possess an amount of marijuana that exceeds the total
3 of the allowable amount of marijuana for the registered qualifying patients for whom the
4 compassion center is a registered primary caregiver;

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

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

11 (4) No person who has been convicted of a felony drug offense may be the principal
12 officer, board member, agent, volunteer, or employee of a compassion center unless the
13 department has determined that the person's conviction was for the medical use of marijuana or
14 assisting with the medical use of marijuana and issued the person a registry identification card as
15 provided under subdivision (c)(7). A person who is employed by or is an agent, principal officer,
16 or board member of a compassion center in violation of this section is guilty of a civil violation
17 punishable by a fine of up to one thousand dollars (\$1,000). A subsequent violation of this section
18 is a gross misdemeanor:

19 (j) Legislative oversight committee:

20 (1) The general assembly shall appoint a nine (9) member oversight committee
21 comprised of: one member of the house of representatives; one member of the senate; one
22 physician to be selected from a list provided by the Rhode Island medical society; one nurse to be
23 selected from a list provided by the Rhode Island state nurses association; two (2) registered
24 qualifying patients; one registered primary caregiver; one patient advocate to be selected from a
25 list provided by the Rhode Island patient advocacy coalition; and one representative of the law
26 enforcement community.

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

29 (i) Patients' access to medical marijuana;

30 (ii) Efficacy of compassion center;

31 (iii) Physician participation in the Medical Marijuana Program;

32 (iv) The definition of qualifying medical condition;

33 (v) Research studies regarding health effects of medical marijuana for patients.

34 (3) On or before January 1 of every even numbered year, the oversight committee shall

1 report to the general assembly on its findings.

2 SECTION 2. This act shall take effect upon passage.

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LC01018
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO FOOD AND DRUGS -- THE EDWARD O. HAWKINS AND THOMAS C.
SLATER MEDICAL MARIJUANA ACT

- 1 This act would make various changes to the medical marijuana act including the
2 provision that effective January 1, 2013. The cultivation and dispensing of medical marijuana
3 would only be authorized by compassion centers.
4 This act would take effect upon passage.

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LC01018
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