It is enacted by the General Assembly as follows:


For the purposes of this chapter:

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

(2) “Cannabis” means all parts of the plant of the genus marijuana, also known as marijuana sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin regardless of cannabinoid content or cannabinoid potency including “marijuana,” and “industrial hemp” or “industrial hemp products” which satisfy the requirements of chapter 26 of title 2.

(3) “Cannabis testing laboratory” means a third-party analytical testing laboratory licensed
by the department of health, in coordination with the department of business regulation, to collect and test samples of cannabis.

(4) "Cardholder" means a person who has been registered or licensed with the department of health or the department of business regulation pursuant to this chapter and possesses a valid registry identification card or license.

(5) "Commercial unit" means a building, or other space within a commercial or industrial building, for use by one business or person and is rented or owned by that business or person.

(6)(i) "Compassion center" means a not-for-profit corporation, subject to the provisions of chapter 6 of title 7, and is licensed under § 21-28.6-12, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, or dispenses medical marijuana, and/or related supplies and educational materials, to patient cardholders and/or their registered caregiver cardholder or authorized purchaser.

(ii) "Compassion center cardholder" means a principal officer, board member, employee, volunteer, or agent of a compassion center who has registered with the department of business regulation and has been issued and possesses a valid, registry identification card.

(7) "Debilitating medical condition" means: any serious health condition a reasonable practitioner believes, based on their experience, knowledge, and reasonable judgment as a health care provider, could be alleviated or treated through the use of medical marijuana.

(i) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, Hepatitis C, post-traumatic stress disorder, or the treatment of these conditions;

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

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

(8) "Department of business regulation" means the office of cannabis regulation within the Rhode Island department of business regulation or its successor agency.

(9) "Department of health" means the Rhode Island department of health or its successor agency.

(10) "Department of public safety" means the Rhode Island department of public safety or its successor agency.
(11) “Dried marijuana” means the dried leaves and flowers of the marijuana plant as defined by regulations promulgated by the department of business regulation.

(12) “Dwelling unit” means the room, or group of rooms, within a residential dwelling used or intended for use by one family or household, or by no more than three (3) unrelated individuals, with facilities for living, sleeping, sanitation, cooking, and eating.

(13) “Equivalent amount” means the portion of usable marijuana, be it in extracted, edible, concentrated, or any other form, found to be equal to a portion of dried marijuana, as defined by regulations promulgated by the department of business regulation.

(14) “Hardship registration” means a designation for patient cardholders who, based on their financial circumstances, are eligible to receive discounts on medical marijuana and medical marijuana products purchased at compassion centers.

(15) “Immature marijuana plant” means a marijuana plant, rooted or unrooted, with no observable flower or buds.

(16) “Licensed medical marijuana cultivator” means a person or entity, as identified in § 43-3-6, who or that has been licensed by the department of business regulation to cultivate medical marijuana pursuant to § 21-28.6-16.

(17) “Marijuana” has the meaning given that term in § 21-28-1.02.

(18) “Marijuana establishment licensee” means any person or entity licensed by the department of business regulation under this chapter whose license permits it to engage in or conduct activities in connection with the medical marijuana program. “Marijuana establishment licensees” shall include compassion centers, medical marijuana cultivators, and cannabis testing laboratories.

(19) “Mature marijuana plant” means a marijuana plant that has flowers or buds that are readily observable by an unaided visual examination.

(20) “Medical marijuana emporium” means any establishment, facility or club, whether operated for-profit or nonprofit, or any commercial unit, at which the sale, distribution, transfer, or use of medical marijuana or medical marijuana products is proposed and/or occurs to, by or among registered patients, registered caregivers, authorized purchaser cardholders or any other person. This shall not include a compassion center regulated and licensed by the department of business regulation pursuant to the terms of this chapter.

(21) “Medical marijuana” means marijuana and marijuana products that satisfy the requirements of this chapter and have been given the designation of “medical marijuana” due to dose, potency, form. Medical marijuana products are only available for use by patient cardholders, and may only be sold to or possessed by patient cardholders, or their registered caregiver, or
authorized purchaser in accordance with this chapter. Medical marijuana may not be sold to,
possessed by, manufactured by, or used except as permitted under this chapter.

(21) (22) "Medical marijuana plant tag set" or "plant tag" means any tag, identifier,
registration, certificate, or inventory tracking system authorized or issued by the department or
which the department requires be used for the lawful possession and cultivation of medical
marijuana plants in accordance with this chapter.

(22) (23) "Medical use" means the acquisition, possession, cultivation, manufacture, use,
delivery, transfer, or transportation of medical marijuana or paraphernalia relating to the
consumption of marijuana to alleviate a patient cardholder's debilitating medical condition or
symptoms associated with the medical condition in accordance with the provisions of this chapter.

(24) (25) "Practitioner" means a person who is licensed with authority to prescribe drugs
pursuant to chapters 34, 37, and 54 of title 5, who may provide a qualifying patient with a written
certification in accordance with regulations promulgated by the department of health.

(25) (26) "Primary caregiver" means a natural person who is at least twenty-one (21) years
old who is registered under this chapter in order to, and who may assist one qualifying patient, but
no more than five (5) qualifying patients, with their medical use of marijuana, provided that a
qualified patient may also serve as his or her own primary caregiver subject to the registration and
requirements set forth in § 21-28.6-4.

(26) (27) "Qualifying patient" means a person who has been certified by a practitioner as
having a debilitating medical condition and is a resident of Rhode Island.

(27) "Registry identification card" means a document issued by the department of
health or the department of business regulation, as applicable, that identifies a person as a registered
qualifying patient, a registered primary caregiver, or authorized purchaser, or a document issued
by the department of business regulation that identifies a person as a registered principal officer,
board member, employee, volunteer, or agent of a compassion center, licensed medical marijuana
cultivator, cannabis testing lab, or any other medical marijuana licensee.

(28) "Usable marijuana" means the leaves and flowers of the marijuana plant, and any
mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

(29) "Wet marijuana" means the harvested leaves and flowers of the marijuana plant
before they have reached a dry state, as defined by regulations promulgated by the department of
health and department of business regulation.

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

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

(a) A qualifying patient cardholder who has in his or her possession a registry identification card shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, solely for the medical use of medical marijuana; provided that the qualifying patient cardholder possesses an amount of medical marijuana that does not exceed twelve (12) mature marijuana plants and twelve (12) immature marijuana plants that are accompanied by valid medical marijuana plant tags, two and one-half ounces (2.5 oz.) of dried medical marijuana, or its equivalent amount which satisfies the requirements of this chapter, sixteen ounces (16 oz.) of dried medical marijuana if the marijuana was cultivated by the patient cardholder or his or her designated caregiver and is stored securely within the patient’s residence, and an amount of wet medical marijuana to be set by regulations promulgated by the department of business regulation. The plants shall be stored in an indoor facility. Marijuana plants and the marijuana they produce shall only be grown, stored, manufactured, and processed in accordance with regulations promulgated by the department of business regulation;

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

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

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

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

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

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

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

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

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

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

(f) A primary caregiver cardholder, who has in his or her possession a registry identification
card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or
privilege, including, but not limited to, civil penalty or disciplinary action by a business or
occupational or professional licensing board or bureau, for assisting a patient cardholder, to whom
he or she is connected through the department of health or department of business regulation's
registration process, with the medical use of medical marijuana; provided, that the primary
caregiver cardholder possesses an amount of marijuana that does not exceed twelve (12) mature
marijuana plants that are accompanied by valid medical marijuana tags, two and one-half (2.5)
ounces of usable marijuana, or its equivalent amount, and an amount of wet marijuana set in
regulations promulgated by the departments of health and business regulation for each qualified
patient cardholder to whom he or she is connected through the department of health's registration
process.
(g) A qualifying patient cardholder shall be allowed to possess a reasonable amount of unusable marijuana, including up to twelve (12) immature marijuana plants that are accompanied by valid medical marijuana tags. A primary caregiver cardholder shall be allowed to possess a reasonable amount of unusable marijuana, including up to twenty-four (24) immature marijuana plants that are accompanied by valid medical marijuana tags and an amount of wet marijuana set in regulations promulgated by the departments of health and business regulation.

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

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

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

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

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

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

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

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

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

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

(n) A practitioner, licensed with authority to prescribe drugs pursuant to chapters 34, 37, and 54 of title 5, or pharmacist, licensed under chapter 19.1 of title 5, or certified school nurse teacher, shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by an employer or occupational or professional licensing board or bureau solely for: (1) Discussing the benefits or health risks of medical marijuana or its interaction with other substances with a patient; or

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

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

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

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

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

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

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

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

(v) No state department, agency, court or official in any capacity, shall render policies, punishments, or decisions in a manner that regards a registered patient cardholder, or the lawful use of medical marijuana pursuant to this chapter, differently than a similarly situated person lawfully using a prescribed medication.

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

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

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

(c) Not later than October 1, 2019, the department of business regulation shall promulgate regulations not inconsistent with law, to carry into effect the provisions of this section, governing the manner in which it shall consider applications for, and renewals of, registry identification cards for primary caregivers. The department of business regulation's regulations shall establish application and renewal fees. The department of business regulation may vary the application and renewal fees along a sliding scale that accounts for a qualifying patient's or caregiver's income. The department of business regulation may accept donations from private sources in order to reduce the application and renewal fees.

(d) Not later than October 1, 2020, the department of health shall promulgate regulations not inconsistent with law to designate qualifying patients as eligible for a hardship registration if, when submitting applications for, and renewal of, registry identification cards, provide proof that they receive supplemental security income, Social Security disability income, and/or Medicaid benefits. The department of health may develop other criteria for hardship designation eligibility based on a qualifying patient’s income and other financial circumstances. Upon issuance of registry identification cards, and renewals of, the department of health shall imprint a symbol indicating a qualifying patient’s hardship registration either on the registry identification card or another official document provided by the department. A qualifying patient’s hardship registration shall remain in effect as long as the patient’s registration card remains valid.


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

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

(1) Not later than ninety (90) days after the effective date of this chapter, the department
of health shall promulgate regulations governing the manner in which it shall consider applications
for licenses for compassion centers, including regulations governing:

(i) The form and content of license and renewal applications;

(ii) Minimum oversight requirements for compassion centers;

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

(iv) Minimum security requirements for compassion centers; and

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

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

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

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

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

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

(7)(i) Any time a compassion center license is revoked, is relinquished, or expires on or
before December 31, 2016, the department of health shall accept applications for a new compassion
(ii) Any time a compassion center license is revoked, is relinquished, or expires on or after January 1, 2017, the department of business regulation shall accept applications for a new compassion center.

(8)(i) If at any time after three (3) years after the effective date of this chapter and on or before December 31, 2016, fewer than three (3) compassion centers are holding valid licenses in Rhode Island, the department of health shall accept applications for a new compassion center. If at any time on or after January 1, 2017, fewer than three (3) compassion centers are holding valid licenses in Rhode Island, the department of business regulation shall accept applications for a new compassion center. There shall be nine (9) Any number of compassion centers that may hold valid licenses at one time. If at any time on or after July 1, 2019, fewer than nine (9) compassion centers are holding valid licenses in Rhode Island, the department of business regulation shall accept applications for new compassion centers and shall continue the process until nine (9) licenses have been issued by the department of business regulation for every one thousand (1000) registered patient cardholders.

(9) Any compassion center application selected for approval by the department of health on or before December 31, 2016, or selected for approval by the department of business regulation on or after January 1, 2017, shall remain in full force and effect, notwithstanding any provisions of this chapter to the contrary, and shall be subject to state law adopted herein and rules and regulations adopted by the departments of health and business regulation subsequent to passage of this legislation.

(10) A licensed cultivator may apply for, and be issued, an available compassion center license, provided that the licensed cultivation premises is disclosed on the compassion center application as the permitted second location for growing medical marijuana in accordance with subsection (c)(i) of this section. If a licensed cultivator is issued an available compassion center license, their cultivation facility license will merge with and into their compassion center license in accordance with regulations promulgated by the department of business regulation. Once merged, the cultivation of medical marijuana may then be conducted under the compassion center license in accordance with this section and the cultivation license will be considered null and void and of no further force or effect.

(c) Compassion center and agent applications and license:

(1) Each application for a compassion center shall be submitted in accordance with regulations promulgated by the department of business regulation and shall include, but not be limited to:
(i) A non-refundable application fee paid to the department in the amount of ten thousand dollars ($10,000);

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

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

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

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

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

(vii) Proposed procedures to ensure accurate record keeping.

(2)(i) For applications submitted on or before December 31, 2016, any time one or more compassion center license applications are being considered, the department of health shall also allow for comment by the public and shall solicit input from registered qualifying patients, registered primary caregivers, and the towns or cities where the applicants would be located;

(ii) For applications submitted on or after January 1, 2017, any time one or more compassion center license applications are being considered, the department of business regulation shall also allow for comment by the public and shall solicit input from registered qualifying patients, registered primary caregivers, and the towns or cities where the applicants would be located.

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

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

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

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

(iv) The interests of qualifying patients regarding which applicant be granted a license;
(v) The interests of the city or town where the dispensary would be located taking into consideration need and population;

(vi) Nothing herein shall prohibit more than one compassion center being geographically located in any city or town;

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

(viii) The sufficiency of the applicant's plans for safety and security, including proposed location, security devices employed, and staffing.

(4) A compassion center approved by the department of health on or before December 31, 2016, shall submit the following to the department before it may begin operations:

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

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

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

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

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

(5)(i) A compassion center approved or renewed by the department of business regulation on or after January 1, 2017, but before July 1, 2019, shall submit materials pursuant to regulations promulgated by the department of business regulation before it may begin operations:

(A) A fee paid to the department in the amount of five hundred thousand dollars ($500,000); five thousand dollars ($5000);

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

(C) The physical address of the compassion center; this may include a second address for the secure cultivation of medical marijuana;

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

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

(ii) A compassion center approved or renewed by the department of business regulation on or after July 1, 2019, shall submit materials pursuant to regulations promulgated by the department
of business regulation before it may begin operations, which shall include but not be limited to:

(A) A fee paid to the department in the amount of five hundred thousand dollars ($500,000);

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

(C) The physical address of the compassion center; this may include a second address for the secure cultivation of medical marijuana;

(D) The name, address, and date of birth of each principal officer and board member of the compassion center, and any person who has a direct or indirect ownership interest in any marijuana establishment licensee, which ownership interest shall include, but not be limited to, any interests arising pursuant to the use of shared management companies, management agreements or other agreements that afford third-party management or operational control, or other familial or business relationships between compassion center or cultivator owners, members, officers, directors, managers, investors, agents, or key persons that effect dual license interests as determined by the department of business regulation;

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

(6) Except as provided in subsection (c)(7) of this section, the department of health or the department of business regulation shall issue each principal officer, board member, agent, volunteer, and employee of a compassion center a registry identification card or renewal card after receipt of the person's name, address, date of birth; a fee in an amount established by the department of health or the department of business regulation; and, except in the case of an employee, notification to the department of health or the department of business regulation by the department of public safety division of state police, attorney general's office, or local law enforcement that the registry identification card applicant has not been convicted of a felony drug offense or has not entered a plea of nolo contendere for a felony drug offense and received a sentence of probation.

Each card shall specify that the cardholder is a principal officer, board member, agent, volunteer, or employee of a compassion center and shall contain the following:

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

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

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

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

(v) A photograph, if the department of health or the department of business regulation
decides to require one.

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

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

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

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

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

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

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

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

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

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

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

(d) Expiration or termination of compassion center:

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

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

(i) The compassion center submits the materials required under subsections (c)(4) and
1 (c)(5) of this section, including a five-hundred-thousand-dollar ($500,000) fee;
2 (ii) The compassion center’s license has never been suspended for violations of this chapter
3 or regulations issued pursuant to this chapter; and
4 (iii) The department of business regulation finds that the compassion center is adequately
5 providing patients with access to medical marijuana at reasonable rates.
6 (3) If the department of health or the department of business regulation determines that any
7 of the conditions listed in subsections (d)(2)(i) -- (iii) of this section have not been met, the
8 department may begin an open application process for the operation of a compassion center. In
9 granting a new license, the department of health or the department of business regulation shall
10 consider factors listed in subsection (c)(3) of this section.
11 (4) The department of business regulation shall issue a compassion center one or more
12 thirty-day (30) temporary licenses after that compassion center's license would otherwise expire if
13 the following conditions are all satisfied:
14 (i) The compassion center previously applied for a renewal, but the department had not yet
15 come to a decision;
16 (ii) The compassion center requested a temporary license; and
17 (iii) The compassion center has not had its license suspended or revoked due to violations
18 of this chapter or regulations issued pursuant to this chapter.
19 (5) A compassion center's license shall be denied, suspended, or subject to revocation if
20 the compassion center:
21 (i) Possesses an amount of marijuana exceeding the limits established by this chapter;
22 (ii) Is in violation of the laws of this state;
23 (iii) Is in violation of other departmental regulations;
24 (iv) Employs or enters into a business relationship with a medical practitioner who provides
25 written certification of a qualifying patient's medical condition; or
26 (v) If any compassion center owner, member, officer, director, manager, investor, agent,
27 or key person as defined in regulations promulgated by the department of business regulation, has
28 any interest, direct or indirect, in another compassion center or another licensed cultivator, except
29 as permitted in subsection (b)(10) of this section. Prohibited interests shall also include interests
30 arising pursuant to the use of shared management companies, management agreements, or other
31 agreements that afford third-party management or operational control, or other familial or business
32 relationships between compassion center or cultivator owners, members, officers, directors,
33 managers, investors, agents, or key persons that effect dual license interests as determined by the
34 department of business regulation.
(e) Inspection. Compassion centers are subject to reasonable inspection by the department of health, division of facilities regulation, and the department of business regulation. During an inspection, the departments may review the compassion center's confidential records, including its dispensing records, which shall track transactions according to qualifying patients' registry identification numbers to protect their confidentiality.

(f) Compassion center requirements:

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

(i) Minimum security and surveillance requirements;

(ii) Minimum requirements for workplace safety and sanitation;

(iii) Minimum requirements for product safety and testing;

(iv) Minimum requirements for inventory tracking and monitoring;

(v) Minimum requirements for the secure transport and transfer of medical marijuana;

(vi) Minimum requirements to address odor mitigation;

(vii) Minimum requirements for product packaging and labeling;

(viii) Minimum requirements and prohibitions for advertising;

(ix) Minimum requirements for the testing and destruction of marijuana. Wherever destruction of medical marijuana and medical marijuana product is required to bring a person or entity into compliance with any provision of this chapter, any rule or regulation promulgated thereunder, or any administrative order issued in accordance therewith, the director of the department of business regulation may designate his or her employees or agents to facilitate the destruction;

(x) A requirement that if a compassion center violates this chapter, or any regulation thereunder, and the department of business regulation determines that violation does not pose an immediate threat to public health or public safety, the compassion center shall pay to the department of business regulation a fine of no less than five-hundred dollars ($500); and

(xi) A requirement that if a compassion center violates this chapter, or any regulation promulgated hereunder, and the department of business regulation determines that the violation poses an immediate threat to public health or public safety, the compassion center shall pay to the department of business regulation a fine of no less than two thousand dollars ($2,000) and the department shall be entitled to pursue any other enforcement action provided for under this chapter.
and the regulations.

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

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

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

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

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

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

(7) A compassion center is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying, or dispensing marijuana for any
purpose except to assist patient cardholders with the medical use of marijuana directly or through
the qualifying patient's primary caregiver or authorized purchaser.

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

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

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

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

(12) Each compassion center shall develop, implement, and maintain on the premises
employee, volunteer, and agent policies and procedures to address the following requirements:
(i) A job description or employment contract developed for all employees and agents, and
a volunteer agreement for all volunteers, that includes duties, authority, responsibilities,
qualifications, and supervision; and

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

(13) Each compassion center shall maintain a personnel record for each employee, agent,
and volunteer that includes an application and a record of any disciplinary action taken.

(14) Each compassion center shall develop, implement, and maintain on the premises an
on-site training curriculum, or enter into contractual relationships with outside resources capable
of meeting employee training needs, that includes, but is not limited to, the following topics:
(i) Professional conduct, ethics, and patient confidentiality; and

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

(15) Each compassion center entity shall provide each employee, agent, and volunteer, at
the time of his or her initial appointment, training in the following:
(i) The proper use of security measures and controls that have been adopted; and

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

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

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

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

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

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

(h) Immunity:

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

(2) No licensed compassion center shall be subject to prosecution, seizure, or penalty in
any manner, or denied any right or privilege, including, but not limited to, civil penalty or
disciplinary action, by a business, occupational, or professional licensing board or entity, for
selling, giving, or distributing marijuana in whatever form, and within the limits established by, the
department of health or the department of business regulation to another registered compassion
(3) No principal officers, board members, agents, volunteers, or employees of a registered compassion center shall be subject to arrest, prosecution, search, seizure, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business, occupational, or professional licensing board or entity, solely for working for or with a compassion center to engage in acts permitted by this section.

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

(i) Prohibitions:

(1) A compassion center must limit its inventory of seedlings, plants, and marijuana to reflect the projected needs of qualifying patients;

(2) A compassion center may not dispense, deliver, or otherwise transfer marijuana to a person other than a patient cardholder or to a qualified patient's primary caregiver or authorized purchaser;

(3) A compassion center may not procure, purchase, transfer, or sell marijuana to or from any entity other than a marijuana establishment licensee in accordance with the provisions of this chapter;

(4) A person found to have violated subsection (h)(2) or (h)(3) of this section may not be an employee, agent, volunteer, principal officer, or board member of any compassion center;

(5) An employee, agent, volunteer, principal officer or board member of any compassion center found in violation of subsection (h)(2) or (h)(3) of this section shall have his or her registry identification revoked immediately;

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

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

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

(i) Patients' access to medical marijuana;

(ii) Efficacy of compassion centers;

(iii) Physician participation in the Medical Marijuana Program;

(iv) The definition of qualifying medical condition; and

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

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

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

(l) Hardship registration discount program. Compassion centers shall discount the price of medical marijuana and medical marijuana products by thirty percent (30%), prior to imposition of any state sales tax, for any purchase made by a registered patient cardholder who the department of health has determined is eligible for a hardship registration pursuant to § 21-28.6-5(d).

(m) Establishing cannabis testing laboratory. On or before October 1, 2020, the department of health shall establish and/or license a cannabis testing laboratory which shall be monitored by the department of health, for the purpose of testing cannabis cultivated by compassion centers.

(n) Mandatory third-party laboratory testing for medical marijuana. On or after October 1, 2020, compassion centers shall not sell any medical marijuana or medical marijuana products if it has not undergone testing by a cannabis testing laboratory, unless the department of health has not yet issued a license to a cannabis testing laboratory. If a cannabis testing laboratory has not been established or a license has not been issued by the department of health on or after October 1, 2020, a registered patient cardholder may file an action in the superior court against the department of health to secure a court order compelling the department to establish a cannabis testing laboratory or issue a license to such a laboratory.

Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act’ is hereby repealed.


(a) Effective January 1, 2017, the department of business regulation shall make medical marijuana tag sets available for purchase. Effective April 1, 2017, every marijuana plant, either mature or immature, grown by a registered patient or primary caregiver, must be accompanied by a physical medical marijuana tag purchased through the department of business regulation and issued by the department of business regulation to qualifying patients and primary caregivers.

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

(i) For patient cardholders authorized to grow medical marijuana by the department of business regulation, the fee per tag set shall not exceed twenty-five dollars ($25);

(ii) For primary caregivers, the fee per tag set shall not exceed twenty-five dollars ($25);

(iii) For patients who qualify for reduced registration due to income or disability status, there shall be no fee per tag set;

(iv) For caregivers who provide care for a patient cardholder who qualifies for reduced registration due to income or disability status, there shall be no fee per tag set for the qualifying patient; and

(v) For licensed medical marijuana cultivators, the fee per tag set shall be established in regulations promulgated by the department of business regulation.

(2) Effective January 1, 2017, the department of business regulation shall verify with the department of health that all medical marijuana tag purchases are made by qualifying patient cardholders or primary caregiver cardholders. The department of health shall provide this verification according to qualifying patients’ and primary caregivers’ registry identification numbers and without providing access to any applications or supporting information submitted by qualifying patients to protect patient confidentiality.

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

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

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

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

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

(b) Enforcement:

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

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

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

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

SECTION 3. Chapter 44-67 of the General Laws entitled "The Compassion Center
CHAPTER 44-67

The Compassion Center Surcharge Act


This chapter shall be known as "The Compassion Center Surcharge Act."


For purposes of this chapter:

(1) "Administrator" means the tax administrator within the department of revenue.

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

(3) "Net patient revenue" means the gross amount received on a cash basis by a compassion center net of returns and allowances.

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

(5) "Primary caregiver" means either a natural person who is at least twenty-one (21) years old or a compassion center. Unless the primary caregiver is a compassion center, a natural primary caregiver may assist no more than five (5) qualifying patients with their medical use of marijuana.

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

(7) "Surcharge" means the assessment that is imposed upon net patient revenue pursuant to this chapter.

(8) Any term not defined in this chapter shall have the same meaning as used in chapter 28.6 of title 21.

44-67-3. Imposition of surcharge -- Compassion centers.

A surcharge at a rate of four percent (4.0%) shall be imposed upon the net patient revenue received each month by every compassion center. Every compassion center shall pay the monthly surcharge to the tax administrator no later than the twentieth (20th) day of the month following the month that the net patient revenue was received. This surcharge shall be in addition to any other authorized fees that have been assessed upon a compassion center.

44-67-4. Returns.

(a) Every compassion center shall, on or before the twentieth (20th) day of the month

Surcharge Act" is hereby repealed in its entirety.
following the month that the net patient revenue was received, make a return to the tax
administrator.

(b) Compassion centers shall file their returns on a form as prescribed by the tax
administrator containing data for the computation of net patient revenue and the surcharge. If a
return shows an overpayment of a surcharge, the tax administrator shall refund or credit the
overpayment to the compassion center.

c) The tax administrator, for good cause shown, may extend the time within which a
compassion center is required to file a return. If the return is filed during the period of extension,
no penalty or late filing charge may be imposed for failure to file the return at the time required by
this chapter, but the compassion center shall be liable for any interest as prescribed in this chapter.

Failure to file the return during the period for the extension shall make the extension null and void
and an appropriate penalty or late filing charge shall be imposed.

44-67.5. Setoff for delinquent payment of surcharge.

If a compassion center fails to pay a surcharge, penalty or late filing charge within thirty
(30) days of its due date, the tax administrator may request any agency of state government to setoff
the amount of the delinquency against any payment due the compassion center from the agency
and to remit to the tax administrator the amount of the surcharge, penalty and/or late filing charge
from any such payment owed the compassion center. Upon receipt of a request for setoff from the
tax administrator, any agency of state government is authorized and empowered to setoff the
amount of any delinquency against any payment due the compassion center. The amount of setoff
shall be credited against the surcharge, penalty and/or late filing charge due from the compassion
center.

44-67.6. Surcharge on available information -- Interest on delinquencies -- Penalties

-- Collection powers.

If any compassion center fails, within the time required by this chapter, to file a return, or
files an insufficient or incorrect return, or does not pay the surcharge imposed by this chapter when
it is due, the tax administrator shall make an assessment based upon available information, which
assessment shall be payable upon demand and shall bear interest from the date when the surcharge
should have been paid at the annual rate set forth in § 44-1.7. If any part of the surcharge is caused
by the negligence or intentional disregard of the provisions of this chapter, a penalty of ten percent
(10%) of the amount of the determination shall be added to the surcharge. The tax administrator
shall collect the surcharge with interest, penalty and/or late filing charge in the same manner and
with the same powers as prescribed for collection of taxes in this title.

44-67.7. Claims for refund -- Hearing upon denial.
(a) A claim for refund of an overpayment of a surcharge may be filed by a compassion center with the tax administrator at any time within two (2) years after the surcharge has been paid. If the tax administrator determines that a surcharge has been overpaid, the tax administrator shall make a refund with interest from the date of overpayment at the rate provided in § 44-1-7.1.

(b) Any compassion center aggrieved by an action of the tax administrator in determining the amount of any surcharge or penalty imposed under the provisions of this chapter may, within thirty (30) days after the notice of the action was mailed, apply to the tax administrator, for a hearing relative to the surcharge or penalty. The tax administrator shall fix a time and place for the hearing and shall so notify the compassion center.

44-67-8. Hearing by tax administrator on application.

Following the hearing, if the tax administrator upholds the amount of the surcharge assessed, the amount owed shall be assessed together with any penalty and/or interest thereon.


Appeals from administrative orders or decisions made pursuant to any provisions of this chapter shall be to the sixth (6th) division district court pursuant to chapter 8 of title 8. The compassion center's right to appeal under this section shall be conditional upon prepayment of all surcharges, interest, and penalties, unless the compassion center moves for and is granted an exemption from the prepayment requirement, pursuant to § 8-8-26. Following the appeal, if the court determines that the compassion center is entitled to a refund, the compassion center shall be paid interest on the refund at the rate provided in § 44-1-7.1.

44-67-10. Compassion center records.

Every compassion center shall:

(1) Keep records as may be necessary to determine the amount of its liability under this chapter;

(2) Preserve those records for the period of three (3) years following the date of filing of any return required by this chapter, or until any litigation or prosecution under this chapter has been completed; and

(3) Make those records available for inspection upon demand by the tax administrator or his/her authorized agents at reasonable times during regular business hours.


(a) Payments required by this chapter shall be made by electronic transfer of monies to the general treasurer for deposit in the general fund.

(b) The general treasurer is authorized to establish necessary accounts and to take all steps necessary to facilitate the electronic transfer of monies. Upon request of the tax administrator the
general treasurer shall provide the tax administrator a record of any such monies transferred and
deposited.


The tax administrator is authorized to promulgate rules and regulations to carry out the
provisions, policies, and purposes of this chapter including, but not limited to, emergency rules and
regulations pursuant to subsection 42-35-3(b).


If any provision of this chapter or the application of this chapter to any person or
circumstances is held invalid, that invalidity shall not affect other provisions or applications of the
chapter that can be given effect without the invalid provision or application, and to this end the
provisions of this chapter are declared to be severable.

SECTION 4. This act shall take effect upon passage.

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

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This act would direct the department of health to create a hardship designation for patients receiving SSI, SSDI or Medicaid, would task the department of business regulation to establish a discount medicine program, eliminates the plant tagging system to tax plants, removes the numerical limit on the number of compassion center licenses, changes the definition of debilitating medical condition, adds nurse practitioners to the definition of practitioner, reduces the compassion center license to five thousand dollars ($5000), removes ownership discrimination based on criminal convictions and allows patients who cultivate their own marijuana to possess up to sixteen ounces (16 oz.). It would also require the department of health to establish or license a cannabis testing laboratory.

This act would take effect upon passage.

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LC004615
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