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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

A N A C T

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

Introduced By: Representative Scott Slater

Date Introduced: March 15, 2012

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 21-28.6-3, 21-28.6-4, 21-28.6-5, 21-28.6-6, 21-28.6-7, 21-28.6-8
2 and 21-28.6-9 of the General Laws in Chapter 21-28.6 entitled "The Edward O. Hawkins and
3 Thomas C. Slater Medical Marijuana Act" are hereby amended to read as follows:

4 **21-28.6-3. Definitions.** -- For the purposes of this chapter:

5 (1) "Cardholder" means a qualifying patient; or a primary caregiver; ~~or a principal officer,~~
6 ~~board member, employee, volunteer, or agent of a compassion center~~ who has registered with the
7 department and has been issued and possesses a valid registry identification card.

8 (2)(i) "Compassion center" means a not-for-profit entity registered under section 21-28.6-
9 12 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies or
10 dispenses marijuana, or related supplies and educational materials, to registered qualifying
11 patients and their registered primary caregivers who have designated it as one of their primary
12 caregivers.

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

16 (3) "Debilitating medical condition" means:

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

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

6 (iii) Any other medical condition or its treatment approved by the department, as
7 provided for in section 21-28.6-5.

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

9 (5) "Marijuana" has the meaning given that term in section 21-28-1.02(26).

10 (6) "Mature marijuana plant" means a marijuana plant which has flowers or buds that are
11 readily observable by an unaided visual examination.

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

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

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

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

25 (11) "Registry identification card" means a document issued by the department that
26 identifies a person as a registered qualifying patient, a registered primary caregiver, or a
27 registered principal officer, board member, employee, volunteer, or agent of a compassion center.

28 (12) "Unusable marijuana" means marijuana seeds, stalks, seedlings, and unusable roots.
29 "Seedling" means a marijuana plant with no observable flowers or buds.

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

32 (14) "Written certification" means the qualifying patient's medical records, and a
33 statement signed by a practitioner, stating that in the practitioner's professional opinion the
34 potential benefits of the medical use of marijuana would likely outweigh the health risks for the

1 qualifying patient. A written certification shall be made only in the course of a bona fide
2 practitioner-patient relationship after the practitioner has completed a full assessment of the
3 qualifying patient's medical history. The written certification shall specify the qualifying patient's
4 debilitating medical condition or conditions.

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

13 (1) A patient cardholder possesses an amount of marijuana that does not exceed twelve
14 (12) mature marijuana plants and two and one-half (2.5) ounces of usable marijuana;

15 (2) A primary caregiver cardholder possesses an amount of marijuana which does not
16 exceed twelve (12) mature marijuana plants and two and one-half (2.5) ounces of usable
17 marijuana for each qualifying patient to whom he or she is connected through the department's
18 registration process. However, no primary caregiver cardholder, other than a compassion center,
19 shall possess an amount of marijuana in excess of twenty-four (24) marijuana plants and five (5)
20 ounces of usable marijuana for qualifying patients to whom he or she is connected through the
21 department's registration process;

22 (3) All mature marijuana plants possessed are stored in an indoor facility;

23 (4) No more than two (2) cardholders shall possess, cultivate or manufacture marijuana in
24 the same residence; and

25 (5) No more than two (2) cardholders may participate in the cooperative possession,
26 cultivation or manufacture of marijuana in the same non-residence location. All non-cohabitating
27 cardholders who participate in the cooperative possession, cultivation or manufacture of
28 marijuana in the same non-residence location shall register that location with the department.
29 The registered location shall be subject to inspection by the department.

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

32 ~~(c) A primary caregiver, who has in his or her possession, a registry identification card~~
33 ~~shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or~~
34 ~~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 qualifying patient to whom he or she is connected through the department's registration process with the medical use of marijuana; provided, that the primary caregiver possesses an amount of marijuana which does not exceed twelve (12) mature marijuana plants and two and one half (2.5) ounces of usable marijuana for each qualifying patient to whom he or she is connected through the department's registration process.~~

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

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

~~(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.~~

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

(g) 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 by any another business or occupational or professional licensing board or bureau solely for providing written certifications 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.

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

(i) 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 registered qualifying patient with using or administering marijuana.

(j) A practitioner nurse or pharmacist 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

1 for discussing the benefits or health risks of medical marijuana or its interaction with other
2 substances with a patient.

3 ~~(k) A registry identification card, or its equivalent, issued under the laws of another state,~~
4 ~~U.S. territory, or the District of Columbia to permit the medical use of marijuana by a patient with~~
5 ~~a debilitating medical condition, or to permit a person to assist with the medical use of marijuana~~
6 ~~by a patient with a debilitating medical condition, shall have the same force and effect as a~~
7 ~~registry identification card issued by the department.~~

8 ~~(l) Notwithstanding the provisions of subsection 21-28.6-3(6) or subsection 21-28.6-4(c),~~
9 ~~no primary caregiver other than a compassion center shall possess an amount of marijuana in~~
10 ~~excess of twenty four (24) marijuana plants and five (5) ounces of usable marijuana for~~
11 ~~qualifying patients to whom he or she is connected through the department's registration process.~~

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

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

21 **21-28.6-5. Department to issue regulations.** -- (a) Not later than ninety (90) days after
22 the effective date of this chapter, the department shall promulgate regulations governing the
23 manner in which it shall consider petitions from the public to add debilitating medical conditions
24 to those included in this chapter. In considering such petitions, the department shall include
25 public notice of, and an opportunity to comment in a public hearing, upon such petitions. The
26 department shall, after hearing, approve or deny such petitions within one hundred eighty (180)
27 days of submission. The approval or denial of such a petition shall be considered a final
28 department action, subject to judicial review. Jurisdiction and venue for judicial review are vested
29 in the superior court. The denial of a petition shall not disqualify qualifying patients with that
30 condition, if they have a debilitating medical condition. The denial of a petition shall not prevent
31 a person with the denied condition from raising an affirmative defense.

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

1 department's regulations shall establish application and renewal fees that generate revenues
2 sufficient to offset all expenses of implementing and administering this chapter. The department
3 may vary the application and renewal fees along a sliding scale that accounts for a qualifying
4 patient's or [primary](#) caregiver's income. The department may accept donations from private
5 sources in order to reduce the application and renewal fees.

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

- 9 (1) Written certification as defined in section 21-28.6-3(14) of this chapter;
- 10 (2) Application or renewal fee;
- 11 (3) Name, address, and date of birth of the qualifying patient; provided, however, that if
12 the patient is homeless, no address is required;
- 13 (4) Name, address, and telephone number of the qualifying patient's practitioner; ~~and~~
- 14 (5) Name, address, and date of birth of each primary caregiver of the qualifying patient, if
15 any; ~~and~~ [and](#)

16 [\(6\) Proof of Rhode Island residency for no less than six \(6\) months of a one year period.](#)

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

- 19 (1) The qualifying patient's practitioner has explained the potential risks and benefits of
20 the medical use of marijuana to the qualifying patient and to a parent, guardian or person having
21 legal custody of the qualifying patient; and
- 22 (2) A parent, guardian or person having legal custody consents in writing to:
 - 23 (i) Allow the qualifying patient's medical use of marijuana;
 - 24 (ii) Serve as one of the qualifying patient's primary caregivers; and
 - 25 (iii) Control the acquisition of the marijuana, the dosage, and the frequency of the
26 medical use of marijuana by the qualifying patient.

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

34 (d) The department ~~shall~~ [may](#) issue a registry identification card to each primary

1 caregiver, if any, who is named in a qualifying patient's approved application, up to a maximum
2 of two (2) primary caregivers per qualifying patient. ~~A person may not serve as a primary~~
3 ~~caregiver if he or she has a felony drug conviction, unless the department waives this restriction~~
4 ~~in respect to a specific individual at the department's discretion. Additionally, the department~~
5 ~~shall allow the person to serve as a primary caregiver if the department determines that the~~
6 ~~offense was for conduct that occurred prior to the enactment of the Edward O. Hawkins and~~
7 ~~Thomas C. Slater Medical Marijuana Act or that was prosecuted by an authority other than the~~
8 ~~state of Rhode Island and for which the Edward O. Hawkins and Thomas C. Slater Medical~~
9 ~~Marijuana Act would otherwise have prevented a conviction.~~

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

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

22 (3) The department shall maintain on file evidence that criminal records checks have
23 been initiated on all applicants seeking a primary caregiver registry identification card and the
24 results of the checks.

25 (4) Information produced by a criminal records review pertaining to a conviction for any
26 felony offense under chapter 21-28 ("Rhode Island Controlled Substances Act") or a similar
27 offense from any other jurisdiction shall result in a letter to the applicant and the department
28 disqualifying the applicant.

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

31 (6) For purposes of this section "conviction" means, in addition to judgments of
32 conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances
33 where the defendant has entered a plea of nolo contendere and has received a sentence of
34 probation and those instances where a defendant has entered into a deferred sentence agreement

1 [with the attorney general.](#)

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

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

4 Registry identification cards shall contain:

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

6 (2) A random registry identification number; ~~and~~

7 (3) A photograph; ~~and~~

8 (4) Any additional information as required by regulation or the department- ~~;~~ [and](#)

9 [\(5\) The name of the cardholder.](#)

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

11 (1) A ~~qualifying patient who has been issued a registry identification card~~ [patient](#)

12 [cardholder](#) shall notify the department of any change in the qualifying patient's name, address, or

13 primary caregiver; or if ~~the qualifying patient~~ [he or she](#) ceases to have his or her debilitating

14 medical condition, within ten (10) days of such change.

15 (2) A ~~registered qualifying~~ [patient cardholder](#) who fails to notify the department of any of

16 these changes is responsible for a civil infraction, punishable by a fine of no more than one

17 hundred fifty dollars (\$150). If the ~~person~~ [patient cardholder](#) has ceased to suffer from a

18 debilitating medical condition, the card shall be deemed null and void and the person shall be

19 liable for any other penalties that may apply to the person's nonmedical use of marijuana.

20 (3) A ~~registered primary caregiver, principal officer, board member, employee,~~

21 ~~volunteer, or agent of a compassion center~~ [caregiver cardholder or a compassion center](#)

22 [cardholder](#) shall notify the department of any change in his or her name or address within ten (10)

23 days of such change. A ~~primary caregiver, principal officer, board member, employee, volunteer,~~

24 ~~or agent of a compassion center~~ [caregiver cardholder or a compassion center cardholder](#) who fails

25 to notify the department of any of these changes is responsible for a civil infraction, punishable

26 by a fine of no more than one hundred fifty dollars (\$150).

27 (4) When a ~~qualifying~~ [patient cardholder](#) or ~~primary~~ caregiver [cardholder](#) notifies the

28 department of any changes listed in this subsection, the department shall issue the ~~registered~~

29 ~~qualifying~~ [patient cardholder](#) and each ~~primary~~ caregiver [cardholder](#) a new registry identification

30 card within ten (10) days of receiving the updated information and a ten dollar (\$10.00) fee.

31 When a ~~principal officer, board member, employee, volunteer, or agent of a~~ compassion center

32 [cardholder](#) notifies the department of any changes listed in this subsection, the department shall

33 issue the cardholder a new registry identification card within ten (10) days of receiving the

34 updated information and a ten dollar (\$10.00) fee.

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

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

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

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

15 (h) (1) Applications and supporting information submitted by qualifying patients,
16 including information regarding their primary caregivers and practitioners, are confidential and
17 protected under the federal Health Insurance Portability and Accountability Act of 1996, and shall
18 be exempt from the provisions of the RIGL chapter 38-2 et seq. the Rhode Island access to public
19 records act and not subject to disclosure, except to authorized employees of the department as
20 necessary to perform official duties of the department..

21 (2) The department shall maintain a confidential list of the persons to whom the
22 department has issued registry identification cards. Individual names and other identifying
23 information on the list shall be confidential, exempt from the provisions of Rhode Island Access
24 to Public Information, chapter 2 of title 38, and not subject to disclosure, except to authorized
25 employees of the department as necessary to perform official duties of the department. Provided,
26 however, the department shall maintain a twenty-four (24) hour automated verification system for
27 law enforcement personnel to verify whether a registry identification card is valid.

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

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

1 department.

2 ~~(h)~~ (i) On or before January 1 of each odd numbered year, the department shall report to
3 the House Committee on Health, Education and Welfare and to the Senate Committee on Health
4 and Human Services on the use of marijuana for symptom relief. The report shall provide:

5 (1) The number of applications for registry identification cards, the number of qualifying
6 patients and primary caregivers approved, the nature of the debilitating medical conditions of the
7 qualifying patients, the number of registry identification cards revoked, and the number of
8 practitioners providing written certification for qualifying patients;

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

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

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

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

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

23 **21-28.6-7. Scope of chapter. --** (a) This chapter shall not permit:

24 (1) Any person to undertake any task under the influence of marijuana, when doing so
25 would constitute negligence or professional malpractice;

26 (2) The smoking of marijuana:

27 (i) In a school bus or other form of public transportation;

28 (ii) On any school grounds;

29 (iii) In any correctional facility;

30 (iv) In any public place;

31 (v) In any licensed drug treatment facility in this state; or

32 (vi) Where exposure to the marijuana smoke significantly adversely affects the health,
33 safety, or welfare of children.

34 (3) Any person to operate, navigate, or be in actual physical control of any motor vehicle,

1 aircraft, or motorboat while under the influence of marijuana. However, a registered qualifying
2 patient shall not be considered to be under the influence solely for having marijuana metabolites
3 in his or her system.

4 (4) Any person found in violation of the provisions of this subsection (a) shall be subject
5 to a fine of up to one thousand dollars (\$1,000).

6 (b) Nothing in this chapter shall be construed to require:

7 (1) A government medical assistance program or private health insurer to reimburse a
8 person for costs associated with the medical use of marijuana; or

9 (2) An employer to accommodate the medical use of marijuana in any workplace.

10 ~~(c) Fraudulent representation to a law enforcement official of any fact or circumstance~~
11 ~~relating to the medical use of marijuana to avoid arrest or prosecution shall be punishable by a~~
12 ~~fine of five hundred dollars (\$500) which shall be in addition to any other penalties that may~~
13 ~~apply for making a false statement for the nonmedical use of marijuana.~~

14 **21-28.6-8. Affirmative defense and dismissal.** -- (a) Except as provided in section 21-
15 28.6-7, a ~~person and a person's primary caregiver, if any,~~ cardholder may assert the medical
16 purpose for using marijuana as a defense to any prosecution involving marijuana, and such
17 defense shall be presumed valid where the evidence shows that:

18 (1) ~~The qualifying patient's practitioner has stated that, in the practitioner's professional~~
19 ~~opinion, after having completed a full assessment of the person's medical history and current~~
20 ~~medical condition made in the course of a bona fide practitioner-patient relationship, the potential~~
21 ~~benefits of using marijuana for medical purposes would likely outweigh the health risks for the~~
22 ~~qualifying patient; and~~ The cardholder has been issued a registry identification card at the time of
23 the possession in question and the card's validity has been confirmed by the department; and

24 (2) The ~~person and the person's primary caregiver, if any, were collectively~~ cardholder
25 was in possession of a quantity of marijuana that was not more than what is permitted under this
26 chapter ~~to ensure the uninterrupted availability of marijuana for the purpose of alleviating the~~
27 ~~person's medical condition or symptoms associated with the medical condition.~~

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

31 (c) Any interest in or right to property that was possessed, owned, or used in connection
32 with a person's use of marijuana for medical purposes shall not be forfeited if the person or the
33 person's primary caregiver demonstrates the person's medical purpose for using marijuana
34 pursuant to this section.

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

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

9 (c) The department shall revoke and shall not reissue the registry identification card of
10 any cardholder who:

11 (1) Willfully violates any of the provisions of this chapter; or

12 (2) Is convicted of, placed on probation, whose case is filed pursuant to section 12-10-12
13 where the defendant pleads nolo contendere or whose case is deferred pursuant to section 12-19-
14 19 where the defendant pleads nolo contendere for any felony offense under chapter 21-28
15 ("Rhode Island Controlled Substances Act") or a similar offense from any other jurisdiction.

16 (d) Fraudulent representation to a law enforcement official of any fact or circumstance
17 relating to the medical use of marijuana to avoid arrest or prosecution shall be a misdemeanor
18 subject to imprisonment for up to one year and fine of one thousand dollars (\$1,000) or both.
19 This shall be in addition to any other penalties that may apply.

20 (e) If a cardholder exceeds the possessions limits set forth in subsection 21-28.6-4(a), he
21 or she shall be subject to arrest and prosecution under chapter 21-28 ("Rhode Island Controlled
22 Substances Act").

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

26 **21-28.6-13. Law enforcement training and curriculum.** – The department and the
27 department of attorney general may provide training and curriculum to law enforcement agencies
28 throughout the state on the provisions of this chapter.

29 SECTION 3. This act shall take effect upon passage.

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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 create new registration requirements with the Rhode Island department of
- 2
- health in regard to the medicinal use of marijuana. The act would establish and identify the
- 3
- position of a “compassion center cardholder,” and would set forth certain procedures to be
- 4
- followed by compassion center cardholders, primary care cardholders, and patient cardholders in
- 5
- regard to the medical use of marijuana.
- 6
- This act would take effect upon passage.

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