



- 1           (1) Is eighteen (18) years of age or older;  
2           (2) Is responsible for the housing, health, or care of the patient; and  
3           (3) Has been designated in writing by a patient to perform the duties of primary caregiver  
4 under this chapter.

5           (c) “Qualifying patient” means a person who:

- 6           (1) Is a patient of a physician licensed under chapter 5-37;  
7           (2) Has been diagnosed by that physician as having a terminal or debilitating medical  
8 condition;

9           (3) Is a resident of this state;

10          (4) Has been advised by that physician about the risks and benefits of the medical use of  
11 marijuana; and

12          (5) Has been advised by that physician that he or she may benefit from the medical use of  
13 marijuana.

14          (d) “Terminal or debilitating medical condition” means:

15          (1) Cancer, human immunodeficiency virus (HIV), acquired immune deficiency  
16 syndrome (AIDS), Crohn’s disease, glaucoma, multiple sclerosis, epilepsy or other seizure  
17 disorder, or spasticity disorders; or

18          (2) Intractable pain, as defined in section 5-37.4-2(2); or

19          (3) Any other medical condition duly approved by the Rhode Island board of medical  
20 licensure and discipline as directed in this chapter.

21          (e) “Valid documentation” means:

22          (1) A statement signed by a qualifying patient’s physician, or a copy of the qualifying  
23 patient’s pertinent medical records, which states that, in the physician’s professional opinion, the  
24 potential benefits of the medical use of marijuana would likely outweigh the health risks for a  
25 particular qualifying patient; and

26          (2) Proof of identity of the qualifying patient, such as a driver’s license or identification  
27 card as defined in section 3-8-6(b).

28          **5-37.7-4. Physicians protected from penalty. --** No physician licensed under chapter 37  
29 of title 5 shall be subject to any penalty, including arrest, prosecution or disciplinary proceeding,  
30 or be denied any right or privilege, for:

31          (1) Advising a qualifying patient about the risks and benefits of medical use of marijuana  
32 or that the qualifying patient may benefit from the medical use of marijuana where such use is  
33 within a professional standard of care or in the individual physician’s medical judgment; or

34          (2) Providing a qualifying patient with valid documentation, based upon the physician’s

1 assessment of the qualifying patient's medical history and current medical condition, that the  
2 potential benefits of the medical use of marijuana would likely outweigh the health risks for the  
3 particular qualifying patient.

4 **5-37.7-5. Lawful use permitted.** -- (a) The medical use of marijuana in accordance  
5 with the provisions of this chapter is hereby declared to be lawful. Notwithstanding any other  
6 laws to the contrary, a qualified patient or a primary caregiver who has valid documentation shall  
7 not be subject to prosecution, or penalized in any manner, or denied any right or privilege for the  
8 medical use of marijuana in compliance with the provisions of this chapter.

9 (b) The qualifying patient shall:

10 (1) Possess, in combination with the qualifying patient's primary caregiver, no more  
11 marijuana than is reasonably necessary for the patient's personal, medical use, not exceeding the  
12 amount necessary for a sixty (60) day supply; and

13 (2) Present his or her valid documentation to any law enforcement official who questions  
14 the patient regarding his or her medical use of marijuana.

15 (c) If the qualifying patient is under eighteen (18) years of age, any possession under this  
16 chapter, as well as any production, acquisition, and decision as to dosage and frequency of use,  
17 shall be the responsibility of the qualifying patient's designated primary caregiver.

18 (d) The designated primary caregiver shall:

19 (1) Meet all criteria for status as a primary caregiver to a qualifying patient;

20 (2) Possess, in combination with and as agent for the qualifying patient, no more  
21 marijuana than is reasonably necessary for the patient's personal, medical use, not exceeding the  
22 amount necessary for a sixty (60) day supply; and

23 (3) Present a copy of the qualifying patient's valid documentation required by this  
24 chapter, as well as evidence of designation to act as primary caregiver by the patient, to any law  
25 enforcement official requesting such information;

26 (4) Be prohibited for consuming marijuana obtained for the personal, medical use of the  
27 patient for whom the individual is acting as primary caregiver; and

28 (5) Be the primary caregiver to only one patient at any one time.

29 **5-37.7-6. Forfeiture and seizure prohibited.** -- (a) The possession or manufacture of  
30 medical marijuana as authorized by this chapter shall not result in the forfeiture or seizure of any  
31 property. Any marijuana seized by state or local law enforcement officials from a patient or  
32 primary caregiver, in connection with the claimed medical use of marijuana, shall be returned  
33 immediately upon the determination that the patient or primary caregiver is entitled to the  
34 protection provided by this chapter.

1           **(b) No person shall be prosecuted for constructive possession, conspiracy, or any other**  
2 **criminal offense solely for being in the presence or vicinity of medical marijuana or its use as**  
3 **authorized by this chapter.**

4           **5-37.7-7. Limitations of chapter. -- (a) Nothing in this chapter requires any health**  
5 **insurance provider to be liable for any claim for reimbursement for the medical use of marijuana.**

6           **(b) Nothing in this chapter requires any physician to authorize the use of medical**  
7 **marijuana for a patient.**

8           **(c) Nothing in this chapter requires any accommodation of any medical use of marijuana**  
9 **in any place of employment, in any school bus or on any school grounds, or in any youth center.**

10           **(d) No person shall be entitled to engage in the medical use of marijuana in a way that**  
11 **endangers the health or well-being of any person through the use of a motorized vehicle on a**  
12 **street, road, or highway.**

13           **5-37.7-8. Criminal offenses. -- (a) Notwithstanding the provisions of this chapter, any**  
14 **person who medically uses or displays marijuana in a manner or place which is open to the view**  
15 **of the general public shall be guilty of a misdemeanor and subject to a fine of up to one thousand**  
16 **dollars (\$1,000).**

17           **(b) Any person who fraudulently produces any record purporting to be, or tampers with**  
18 **the content of any record for the purpose of having it adopted as, valid documentation under this**  
19 **chapter shall be guilty of a misdemeanor and subject to a fine of up to one thousand dollars**  
20 **(\$1,000) and/or imprisonment for up to one (1) year.**

21           **5-37.7-9. Addition to list of medical conditions. -- The Rhode Island board of medical**  
22 **licensure and discipline shall, in accordance with the Administrative Procedures Act, chapter 35**  
23 **of title 42, accept for consideration petitions to add to the list of terminal or debilitating medical**  
24 **conditions qualifying under this chapter.**

25           **5-37.7-10. Construction of chapter. -- Nothing in this chapter shall be construed to**  
26 **supersede state law prohibiting the acquisition, possession, manufacture, sale, or use of marijuana**  
27 **for nonmedical purposes.**

28           **5-37.7-11. Severability. -- If any provision of this act or its application to any person or**  
29 **circumstance is held invalid, the remainder of the act or the application of the provision to other**  
30 **persons or circumstances is not affected.**

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

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO BUSINESSES AND PROFESSIONS

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- 1 This act would authorize the use of marijuana for medical purposes only.
- 2 This act would take effect upon passage.

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LC02606  
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