

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

AGENCY: Rhode Island Department of Business Regulation

DIVISION: Medical Marijuana Program

RULE IDENTIFIER: 161-RICR-300-35-1 (ERLID TBD)

REGULATION TITLE: Rules and Regulations Related to the Medical Marijuana Program Administered by the Department of Business Regulation

RULEMAKING ACTION: Proposed Rulemaking

TYPE OF FILING: Adoption

DATES:

- Date of Public Notice: November 7, 2016
- End of Comment Period: December 7, 2016
- Hearing Date: Tuesday, November 22, 2016

SUMMARY OF PROPOSED RULE:

These proposed regulations create a new regulatory framework for the medical marijuana program as administered by the Department of Business Regulation in order to ensure program stability, increase safe and dependable access to medical marijuana, and increase oversight and accountability in the program to curtail diversion to the black and grey markets.

COMMENTS INVITED:

All interested parties are invited to submit written or oral comments concerning the proposed regulations **by December 7, 2016** to the addresses listed below.

WRITTEN PUBLIC COMMENT SUBMISSIONS:

Mailing Address: Attn: Norman Birenbaum
Principal Policy and Economic Analyst
Rhode Island Department of Business Regulation
Medical Marijuana Program
1511 Pontiac Avenue, Building 68-1
Cranston, RI 02920

Email Address: DBR.MMPCompliance@dbr.ri.gov

Written public comments should clearly designate "Public Comment – Medical Marijuana Regulations" on the written submission.

PUBLIC HEARING INFORMATION:

A public hearing to consider the above-described regulatory proposal shall be held on **Tuesday, November 22, 2016 at 10:00 a.m. in the Auditorium of the Rhode Island Department of Health on the lower level of the Cannon Building, Three Capitol Hill, Providence, Rhode Island** at which time and place all interested persons will be heard.

This hearing will be conducted jointly with the Department of Health's public hearing on its proposed amendments to the Medical Marijuana Rules and Regulations Related to the Medical Marijuana Program Administered by the Department of Health.

The place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/ interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call (401) 222-7767 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

The seating capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

ATTENTION: Please be advised that any public comments submitted in writing or made orally at the public hearing are public records as part of the regulatory file under the Administrative Procedures Act and may not be exempt from disclosure under the Access to Public Records Act. You may submit written or oral comments without providing your name or other personally-identifiable information.

FOR FUTURE INFORMATION CONTACT:

Norman Birenbaum
Principal Policy and Economic Analyst
Medical Marijuana Program
Rhode Island Department of Business Regulation
1511 Pontiac Avenue, Building 68-1
Cranston, RI 02920
DBR.MMPCompliance@dbr.ri.gov

SUPPLEMENTARY INFORMATION:

Regulatory Analysis Summary and Supporting Documentation:

These proposed regulations have a large societal benefit to Rhode Island by creating tools to curtail the black market production and sale of marijuana, strengthening workplace safety for employees in the industry, and strengthening patient safety and consumer protections through new labeling and packaging standards, pesticide standards and setting the stage for future testing regulation by the Department of Health. These regulations also ensure a dependable and diverse supply of medicine for the state's medical marijuana patients. For full regulatory analysis or supporting documentation see agency contact person above.

Authority for This Rulemaking:

Chapter 21-28.6 of the Rhode Island General Laws entitled "The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act," as amended, including amendment by the 2016 Public Laws, Chapter 142 (Budget Article 14).

Regulatory Findings:

In the development of the proposed adoption, consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

The Proposed Adoption:

The Rhode Island Department of Business Regulation proposes the following adoption, beginning on the following page.

[The remainder of this page is intentionally left blank.]

1 **161-RICR-300-35-1**

2 **TITLE 161 – DEPARTMENT OF BUSINESS REGULATION**

3 **CHAPTER 300 – COMMERCIAL LICENSING**

4 **SUBCHAPTER 35 - MARIJUANA**

5 **PART 1 – RULES AND REGULATIONS RELATED TO THE MEDICAL MARIJUANA PROGRAM**
6 **ADMINISTERED BY THE DEPARTMENT OF BUSINESS REGULATION**

7 **1.1 General Provisions**

8 A. Definitions and References

- 9 1. “Act” shall refer to Chapter 21-28.6 of the Rhode Island General Laws entitled “The
10 Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act,” as amended,
11 including amendment by the 2016 Public Laws, Chapter 142 (Budget Article 14).
- 12 2. “DBR” shall refer to the Rhode Island Department of Business Regulation or its
13 successor agency. R.I. Gen. Laws § 21-28.6-3(6).
- 14 3. “DOH” shall refer to the Rhode Island Department of Health or its successor agency. R.I.
15 Gen. Laws § 21-28.6-3(7).
- 16 4. “RISP” shall refer to the Rhode Island Department of Public Safety, Division of State
17 Police, or its successor agency. R.I. Gen. Laws § 21-28.6-3(8).
- 18 5. “DBR Regulations” shall refer to these Regulations, the Rules and Regulations Related to
19 the Medical Marijuana Program Administered by the Department of Business Regulation,
20 as the same may be amended from time to time.
- 21 6. “DOH Regulations” shall refer to the Rules and Regulations Related to the Medical
22 Marijuana Program Administered by the Department of Health, as the same may be
23 amended from time to time, and the DOH Testing Regulations, when adopted.
- 24 7. “DOH Testing Regulations” shall refer to the testing requirements, standards, and
25 procedures for conduct of testing through “approved third party testing providers” to be
26 promulgated by DOH, as the same may be amended from time to time. The DOH
27 Testing Regulations will apply to licensed cultivators, registered compassion centers, and
28 approved third party testing providers performing independent testing on the medical
29 marijuana and marijuana products of the compassion centers and licensed cultivators for
30 tetrahydrocannabinol (THC) and cannabidiol (CBD) concentrations and traces of
31 contaminants such as pesticides and for any other results mandated by DOH, and will
32 obligate compassion centers and, if applicable, licensed cultivators to ensure testing
33 compliance and “testing compliance tracking.” Specific authority for said regulations is
34 found at R.I. Gen. Laws § 21-28.6-12(f)(10) and § 21-28.6-16(f). The DOH Testing
35 Regulations may require compassion centers and/or licensed cultivators to pay the costs
36 associated with testing their product.
- 37 8. “Marijuana and marijuana products” shall refer to marijuana, as defined in the Rhode
38 Island Uniform Controlled Substances Act, R.I. Gen. Laws § 21-28-1.02(26), and is
39 deemed to specifically include the following subcategories:

- 1 a. "Mature marijuana plant," which shall refer to a marijuana plant that has flowers
2 or buds that are readily observable by an unaided visual examination. R.I. Gen.
3 Laws § 21-28.6-3(14).
- 4 b. "Seedling," which shall refer to a marijuana plant with no observable flowers or
5 buds. R.I. Gen. Laws § 21-28.6-3(20).
- 6 c. "Plant," which shall refer collectively to both and/or independently to either
7 "mature marijuana plants" and "seedlings," as the context requires.
- 8 d. "Unusable marijuana," which shall refer to marijuana seeds, stalks, seedlings,
9 and unusable roots. R.I. Gen. Laws § 21-28.6-3(21).
- 10 e. "Usable marijuana," which shall refer to the dried leaves and flowers of the
11 marijuana plant, and any mixture or preparation thereof, but does not include the
12 seeds, stalks, and roots of the plant. R.I. Gen. Laws § 21-28.6-3(22).
- 13 f. "Dried usable marijuana," which shall refer to the dried leaves and flowers of the
14 marijuana plant after the wet harvested leaves and flowers of the marijuana plant
15 have undergone the drying process. R.I. Gen. Laws § 21-28.6-3(9); DOH
16 Regulations § 1.10.
- 17 g. "Wet marijuana," which shall refer to the harvested leaves and flowers of the
18 marijuana plant before they have reached a dry usable state. R.I. Gen. Laws §
19 21-28.6-3(23). Pursuant to DOH Regulations § 1.30, marijuana that has been
20 dried to a usable state shall be assumed to have yielded twenty percent (20%) of
21 the weight of the wet marijuana.
- 22 h. "Marijuana infused products," which shall refer to product infused with medical
23 marijuana or an extract of medical marijuana that is intended for use or
24 consumption other than by smoking, including but not limited to ointments, oils
25 tinctures, and edible products (hereinafter referred to as "infused edible
26 product"). See DOH Regulations § 1.15.
- 27 i. "Concentrate," synonymous with "extract," is any type of marijuana product that is
28 refined from usable plant material into a more purified form of usable marijuana
29 including but not limited to hash, supercritical CO2 oil, butane hash oil, shatter,
30 budder, wax, tinctures, infused butter, infused oils, and rosin.
- 31 9. Tetrahydrocannabinol is abbreviated herein as "THC."
- 32 10. Cannabidiol is abbreviated herein as "CBD."
- 33 11. "Medical Marijuana Program Tracking System" shall refer to any system(s) designated by
34 DBR and DOH designed and used to record and track all "seed to sale" activities and
35 transactions with unique identifiers. The Medical Marijuana Program Tracking System
36 may also be used for registration, licensing, and tagging applications, renewals, change
37 of information, and communications, as well as to record and/or report any other
38 additional information directed by DBR or DOH.
- 39 12. "Seed to sale" shall refer to all medical marijuana program regulated activities and
40 transactions from point of origin to the point of sale. Seed to sale activities and
41 transactions include but are not limited to: all cultivation, harvest, processing,
42 manufacturing, and packaging and labeling; all purchases, acquisitions or third party
43 supply of marijuana; all sales and dispensing transactions, any other transfers of

1 marijuana as permitted by the Act and any and all applicable regulations promulgated
2 thereto; any instances of destruction of marijuana; and testing compliance tracking.

3 13. All other terms used herein shall have the same meanings as set forth in the Act,
4 including particularly the definitions under R.I. Gen. Laws § 21-28.6-3, and as may be
5 further defined within the DBR Regulations and the DOH Regulations.

6 B. Limitations on Scope of the Rhode Island Medical Marijuana Program

7 1. The scope of these DBR Regulations is limited to authorized activities under the Rhode
8 Island Medical Marijuana Program and does not extend to any acquisition, possession,
9 cultivation, manufacture, delivery, transfer, transportation, or sale for non-medical
10 purposes. See R.I. Gen. Laws § 21-28.6-3(15)(defining “medical use”) and R.I. Gen.
11 Laws § 21-28.6-2(5)(legislative findings making distinction between medical and non-
12 medical use).

13 2. The protections and immunities for participation in the Rhode Island Medical Marijuana
14 Program set forth in R.I. Gen. Laws §§ 21-28.6-4 (patient and caregivers), 21-28.6-
15 12(h)(compassion centers), and 21-28.6-16(m)(cultivators) do not apply to any activities
16 beyond the borders of the state of Rhode Island.

17 C. DBR’s Role in Administration of the Rhode Island Medical Marijuana Program

18 1. DBR is responsible for the administrative functions required to implement the provisions
19 of the Act and the DBR Regulations related to compassion centers, licensed cultivators,
20 and cooperative cultivations, including but not limited to licensing, operational
21 requirements, and enforcement. See R.I. Gen. Laws § 42-14-2(a)(4).

22 2. DBR and DOH have jointly determined that DBR will primarily administer all aspects of
23 the medical marijuana plant tag program to fulfill the state obligation to monitor and verify
24 compliance with the statutory requirements that patient cardholders electing to grow and
25 primary caregiver cardholders do not exceed plant limits, properly tag all permitted plants,
26 and do not grow at more than one location. See R.I. Gen. Laws § 21-28.6-15 and § 21-
27 28.6-4; DOH Regulations § 4.9.

28 D. DBR General Rulemaking Authority

29 R.I. Gen. Laws § 42-14-17 provides that DBR may promulgate such rules and regulations as are
30 necessary and proper to carry out the duties assigned to it by any provision of law.

31 E. Procedural Rules

32 Enforcement hearings shall be handled in accordance with Department of Business Regulation
33 Central Management Regulation 2 entitled Rules of Procedure for Administrative Hearings and
34 the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 et seq.

35 F. Acceptance of Electronic Records and Signatures

36 In accordance with the Uniform Electronic Transactions Act (UETA), R.I. Gen. Laws § 42-127.1-1
37 et seq., DBR may determine whether, and the extent to which, it will accept electronic records,
38 documents, notifications, and signatures from other persons or entities where the Act or DBR
39 administered regulations refer to written records, documents, notifications, and signatures.

1.2 Compassion Center Registration Application and Licensing Provisions

A. Authority

R.I. Gen. Laws § 21-28.6-12(b)(1)(i) authorizes DBR to promulgate regulations regarding the form and content of registration and renewal applications for compassion centers.

B. Compassion Center Application and Registration Timeline

1. Applications for compassion centers may only be submitted to DBR for consideration during an open application period announced by DBR. Open application periods will only be announced upon revocation, relinquishment, or expiration of an existing compassion center, as provided in R.I. Gen. Laws §§ 21-28.6-12(b)(7)(ii), 21-28.6-12(b)(8), and 21-28.6-12(d)(3).
2. Upon notification of an approval of an application from DBR, the approved applicant must take reasonable and documented efforts to complete the prerequisites for issuance of the registration which steps are detailed in Section 1.2(E). If such efforts take longer than nine (9) months, the approved applicant must show good cause to DBR why additional time should be granted and the application approval should not be rescinded.
3. Once the registration has been issued by DBR, the compassion center must take reasonable and documented efforts to launch compassion center activities, which for purposes of this paragraph shall mean actual medical marijuana cultivation, processing, packaging, manufacturing, authorized sales and/or other medical marijuana activities requiring a compassion center pursuant to the Act. If such efforts take longer than one (1) year, the compassion center must show good cause to DBR why the license should not be revoked for non-use.

C. Application for Compassion Center Registration

1. DBR will evaluate applicants based upon the information provided by applicants on the application forms/submissions and otherwise obtained during the application process.
2. Each application for a compassion center shall be on such forms and through such submission mechanisms as designated by DBR and shall include:
 - a. A non-refundable application fee set by R.I. Gen. Laws § 21-28.6-12(c)(1)(i) (\$250).
 - b. The applicant's legal and any d/b/a name(s), certificate of incorporation under R.I. Gen. Laws § 7-6-36 or certificate of authority under § 7-6-70, articles of incorporation and bylaws, and, if applicable, documentation of recognition as a tax-exempt organization by the US Internal Revenue Service.
 - c. A business plan, including scope of activities, budget and resource narratives, and timeline for initiating operations.
 - d. The proposed physical location of the compassion center (by plat and lot number, mailing address, etc.), if a precise location has been determined. This may also include one additional location to be used for the secure cultivation of medical marijuana. If a precise physical location has not been determined, a description of the general location(s) where it may be sited, if approved, and the

- 1 expected schedule for purchasing or leasing said location(s). Regarding the
2 proposed physical location(s), the applicant shall submit:
- 3 (1) Evidence of compliance or preliminary determination of compatibility of
4 the location(s) with the local zoning laws.
 - 5 (2) Evidence that the physical locations are not located within one thousand
6 feet (1,000') of the property line of a preexisting public or private school
7 in compliance with R.I. Gen. Laws § 21-28.6-12(f)(2). For the purposes
8 of this paragraph, "private school" shall be deemed to refer to any
9 nonpublic institution of elementary or secondary (K-12th Grade)
10 education, accredited or recognized as a private school by the
11 department of elementary and secondary education or the school
12 committee of the city or town having jurisdiction over private schools.
 - 13 (3) A draft diagram of the proposed facilities, including where within the
14 facility the medical marijuana will be cultivated, stored, processed,
15 packaged, manufactured and dispensed, and where security alarms and
16 cameras and surveillance recording storage will be located, and showing
17 the location of the facility relative to streets and other public areas.
 - 18 (4) A description of objective parameters (such as distances from streets
19 and public areas) and/or proposed measures (such as black-out window
20 shades) that ensure that marijuana at the premises shall not be visible
21 from the street or other public areas.
 - 22 (5) Evidence of either ownership of property or agreement by owner of
23 property to allow the operation of a compassion center on the property,
24 including the cultivation and/or sale of medical marijuana, if property has
25 already been purchased or leased at the time of the application.
- 26 e. The legal name, current address, and date of birth of each principal officer,
27 director or member of the compassion center.
 - 28 f. A list of all persons or entities (legal names and current addresses) having direct
29 or indirect authority over the management or policies of the compassion center.
 - 30 g. If a compassion center will have a management agreement in place, it shall also
31 include a copy of the management agreement or management agreement
32 proposal and a list of persons who have any ownership interest or operational
33 control over the management company.
 - 34 h. A list of all persons or business entities (legal names and current addresses)
35 having any ownership interest in the applicant entity, whether direct or indirect.
 - 36 i. If the compassion center premises and/or other operational assets will be owned
37 or leased by a person or entity other than the applicant, the legal name and
38 current address of such person or entity and a list of all persons or entities (legal
39 names and current addresses) having any ownership interest in such entity,
40 whether direct or indirect.
 - 41 j. The legal names and current addresses of all creditors holding a security interest
42 in the premises and/or other assets to be used in the compassion center
43 operations, if any.

- 1 k. Tax Affidavit in accordance with R.I. Gen. Laws § 5-76-1 et seq.
- 2 l. Other written materials which will allow DBR to determine the compassion
3 center's ability to comply with the review criteria contained in R.I. Gen. Laws §
4 21-28.6-12(c)(3).
- 5 m. All other information required by DBR as described in the application form.
- 6 3. Only applications which DBR has determined to be complete (i.e., adequately address all
7 application requirements above) shall be eligible for review. An applicant who submits an
8 incomplete application shall receive written notification from DBR regarding the specific
9 deficiencies and shall be allowed to resubmit additional material to address these
10 deficiencies within a reasonable timeframe.
- 11 D. Compassion Center Application Review Criteria
- 12 DBR shall utilize the criteria specified in R.I. Gen. Laws § 21-28.6-12(c)(3) of the Act to review
13 applications for a registration certificate to operate a compassion center.
- 14 E. Prerequisites to Issuance of Compassion Center Registration and Commencement of Operations
- 15 1. If an applicant seeking to operate a compassion center is notified that its application has
16 been approved by DBR, it shall complete the below steps before a registration certificate
17 authorizing operation of a compassion center will be issued.
- 18 2. Annual Compassion Center Registration Fee: The annual registration fee set by R.I.
19 Gen. Laws § 21-28.6-12(c)(5)(i)(\$5000) must be paid.
- 20 3. Final Information and Documentation to be Supplied: The applicant must provide any
21 updates to previously submitted application information and the following additional items
22 to DBR:
- 23 a. A sufficient description of the final physical location of the compassion center (by
24 plat and lot number, mailing address, etc.). This shall include any additional
25 address to be used for the secure cultivation of medical marijuana (if applicable).
- 26 b. Evidence of complete compliance of the facility with the local zoning laws in the
27 form of a letter from an authorized zoning official of the municipality and
28 certification by an authorized officer of the applicant as to compliance with any
29 other applicable local ordinances.
- 30 c. Unless already provided at time of initial application, evidence that all of the
31 physical addresses to be utilized as a compassion center or for the secure
32 cultivation of medical marijuana are not located within one thousand feet (1,000')
33 of the property line of a preexisting public or private school.
- 34 d. A current Certificate of Occupancy (or equivalent document) to demonstrate
35 compliance with the relevant provisions of Chapters 28.1 and 27.3 of Title 23 of
36 the R.I. General Laws [Fire Safety Code and State Building Code, respectively]
37 for each physical address to be utilized as a compassion center or for the secure
38 cultivation of medical marijuana.
- 39 e. Evidence of either ownership of property or agreement by owner of property to
40 allow the operation of a compassion center on the property, including the
41 cultivation and/or sale of medical marijuana.

- 1 f. A final diagram of the proposed facilities, including where within the facilities the
2 medical marijuana will be cultivated, stored, processed, packaged, manufactured
3 and dispensed, and where security alarms and cameras and surveillance
4 recording storage will be located, and showing the location of the facilities
5 relative to streets and other public areas.
- 6 g. The name, address and date of birth of any person who will be an agent,
7 employee or volunteer of the compassion center at its inception.
- 8 h. Evidence of completion of divestiture plan pursuant to Section 1.2(E)(6)(e).
- 9 4. In accordance with R.I. Gen. Laws § 21-28.6-12(f)(5), request that RISP visit the
10 compassion center to inspect the facility security and make any recommendations
11 regarding the security of the facility and its personnel within ten (10) business days prior
12 to the initial opening of the compassion center and any alternative cultivation site.
- 13 5. DBR Pre-Registration Inspection
- 14 Before a compassion center registration will be issued, a DBR inspection is required.
15 Approved applicants should contact DBR to coordinate said inspection. Nothing in this
16 paragraph should be construed as limiting inspections at an earlier time in addition to the
17 final pre-registration inspection.
- 18 6. Divestiture of Prohibited Material Financial Interest and Control
- 19 a. A compassion center and “key persons” thereof may not have any “material
20 financial interest or control” in another compassion center, a cultivator, or a
21 licensed cooperative cultivation or vice versa. See R.I. Gen. Laws § 21-28.6-
22 12(c)(1)(iii)(limiting a compassion center to one additional location to cultivate its
23 marijuana); R.I. Gen. Laws § 21-28.6-12(b)(1)(ii)(DBR minimum oversight over
24 compassion centers); R.I. Gen. Laws § 21-28.6-16(i)(cultivator to be licensed at
25 one location only); R.I. Gen. Laws § 21-28.6-16(b)(2)(DBR minimum oversight
26 over cultivators); R.I. Gen. Laws § 21-28.6-3(4)(i) and R.I. Gen. Laws § 21-28.6-
27 3(12)(separately defining “compassion center” and “licensed cultivator,”
28 respectively); R.I. Gen. Laws § 21-28.6-14(a)(10)(DBR authority to regulate
29 operations of licensed cooperative cultivations); R.I. Gen. Laws § 21-28.6-
30 4(q)(qualifying patient and primary caregiver cardholders may only grow at one
31 location).
- 32 b. R.I. Gen. Laws § 21-28.6-12(f)(10) authorizes regulations regarding testing of
33 medical marijuana and marijuana product cultivated and/or manufactured by
34 compassion centers, which will include ensuring the independence of third party
35 testing providers. Accordingly, a compassion center may not have any material
36 financial interest or control in a Rhode Island DOH-approved third party testing
37 provider and vice versa.
- 38 c. “Material financial interest or control” shall mean: i) any ownership interest,
39 regardless of the size of the holding, and including any ownership interest
40 through a subsidiary or affiliate; ii) trusteeship, mortgage, guarantor, endorser or
41 surety relationship, or loan relationship, except that loan relationship for the
42 purposes of this definition shall exclude accounts payable and accounts
43 receivable on account of a medical marijuana purchase order; iii) any other
44 beneficial financial interest such that the holder bears the risk of loss (other than
45 as an insurer) or has an opportunity to gain profit from the operation or sale of
46 the regulated medical marijuana business; iv) operational control, including but

1 not limited to interlocking directors or officers or through a management
2 agreement.

3 d. "Key persons" shall mean officers, directors, and any persons with managing or
4 operational control.

5 e. Therefore, if a compassion center application is approved and any prohibited
6 material financial interest or control has been identified by DBR or is otherwise
7 known to the compassion center applicant, such interest or control must be
8 divested prior to issuance of the compassion center registration certificate. The
9 plan of divestiture shall be filed with DBR.

10 f. The duty to divest prohibited material financial interests and control is a
11 continuing obligation of registration.

12 7. Registry Identification Card Requirements

13 Before commencement of operations, all principal officers, board members, employees,
14 agents, and volunteers of the compassion center must apply for a registry identification
15 card and submit to a national criminal background check as provided in Section 1.3.
16 Such individuals may be hired, appointed, or retained prior to receiving a registry
17 identification card, but may not begin engagement in medical marijuana cultivation,
18 storage, processing, packaging, manufacturing, transport, dispensing or other medical
19 marijuana activities requiring registration pursuant to the Act until receipt of the card.

20 F. DBR Post-Registration Inspection of Operations and Inventory

21 After the compassion center registration is issued, the compassion center shall notify DBR when
22 it obtains inventory and commences operations. DBR may conduct a post-licensure inspection
23 upon this commencement of operations, including but not limited to inspection for compliance of
24 medical marijuana and marijuana product inventory with the tagging and tracking requirements
25 set forth in Section 1.4(E). Nothing in this paragraph shall be construed to limit DBR's general
26 inspection powers as delineated in Section 1.4(K).

27 G. Changes in Location, Floor Plan, Ownership and Control of Compassion Center; Continuing Duty
28 to Update Application Information; Discontinuation of or Failure to Launch Compassion Center
29 Activities

30 1. A registration certificate authorizing operation of a compassion center shall not be
31 assigned or otherwise transferred to other persons or locations.

32 2. A compassion center shall provide DBR with a written notice of any change described
33 below at least sixty (60) calendar days prior to the proposed effective date of the change:

34 a. A change in ownership of the compassion center.

35 b. Change in the membership of a board of directors or board of trustees.

36 c. Change in corporate officer.

37 d. Merger, dissolution, or entity conversion.

38 e. Entering into a management agreement, changing management companies,
39 and/or material changes to an existing management agreement.

- 1 f. Changes in the approved premises location for cultivation and/or sale of medical
2 marijuana.
- 3 g. Change to approved premises floor plan.
- 4 h. Proposed premises expansion.
- 5 3. Unless the compassion center provides timely notification of the above changes and
6 receives prior DBR approval or waiver of the requirement of prior notice and approval (for
7 example a non-material change in ownership or emergency situation as determined by
8 DBR), the registration certificate shall be void and returned to DBR.
- 9 4. As to any proposed change of ownership or to a management agreement that will effect a
10 change of majority control and/or decision-making authority with respect to the operation
11 of the compassion center or as to any proposed change in an approved premises
12 location for the cultivation and/or sale of medical marijuana, DBR may require the
13 compassion center to follow the process for a new application, which may include a new
14 application fee and/or hearing.
- 15 5. For updates in information other than the categories requiring sixty (60) calendar days
16 prior notice, the compassion center has a continuing obligation to update, amend and/or
17 correct any information requested and/or submitted in the application process within ten
18 (10) business days after any change in the information submitted and/or any material
19 change in circumstances related to the application. This includes timely notification and
20 divestiture if a prohibited interest as delineated in Section 1.2(E)(6) is acquired by
21 operation of law.
- 22 6. If the compassion center proposes to alter the final floor plan previously submitted and
23 approved, the compassion center must first submit a renovation plan for DBR approval
24 60 (sixty) calendar days prior to commencement of construction. The renovation plan
25 must specifically address quality control procedures for the protection of medical
26 marijuana and medical marijuana products from any contamination during the
27 construction process and further address any other criteria DBR requires.
- 28 7. In addition to the requirements of paragraph 6 above, any expansion of the approved
29 premises further requires explanation by the compassion center that the request to
30 expand is justified by the projected needs of qualifying patients. See R.I. Gen. Laws §
31 21-28.6-12(i)(1).
- 32 8. The registration certificate shall be void and returned to DBR if the compassion center
33 discontinues its operation, unless the discontinuance is on a temporary basis approved
34 by DBR. Once a registration certificate is issued, the compassion center must take
35 reasonable and documented efforts to launch compassion center activities. If such
36 efforts take longer than one (1) year, the compassion center must show good cause to
37 DBR why the registration certificate should not be revoked.
- 38 H. Annual Renewal
- 39 1. Compassion center registrations shall be issued for one year terms.
- 40 2. Annual renewals shall be submitted on such forms and include such information as
41 prescribed by DBR.

1 3. Pursuant to R.I. Gen. Laws § 21-28.6-12(d)(2), DBR’s review of compassion center
2 renewal applications shall include consideration of whether the compassion center is
3 adequately providing patients with access to medical marijuana at reasonable rates.

4 **1.3 Compassion Center Cardholder Registry Identification** 5 **Card Provisions**

6 A. Compassion Center Cardholder Definitions

7 1. Pursuant to R.I. Gen. Laws § 21-28.6-3(4)(ii), “compassion center cardholder” includes all
8 principal officers, board members, employees, agents, and volunteers associated with
9 the compassion center.

10 2. “Agent” of a compassion center shall include, but not be limited to, “testing agents.”

11 3. “Testing agent” shall mean an employee of an approved third party testing provider who
12 performs independent testing of medical marijuana and/or marijuana products of the
13 compassion center in accordance with the DOH Testing Regulations, once adopted.

14 B. Registry Identification Card Requirement, Eligibility, Annual Fee and Application

15 1. Pursuant to R.I. Gen. Laws § 21-28.6-12(c)(6), all principal officers, board members,
16 employees, agents, and volunteers of a compassion center must apply for compassion
17 center registry identification cards.

18 2. Each compassion center shall maintain a current list of all compassion center
19 cardholders associated with that compassion center.

20 3. Compassion center cardholders shall be at least twenty-one (21) years old.

21 4. Pursuant to R.I. Gen. Laws § 21-28.6-12(c)(6), DBR hereby sets the non-returnable, non-
22 refundable annual fee for a compassion center registry identification card, including each
23 initial application and subsequent annual renewal, at one hundred dollars (\$100.00).

24 5. Applications pursuant to this section shall be on such forms and through such submission
25 mechanisms as directed by DBR.

26 6. Eligibility for the compassion center “volunteer” designation shall be limited to persons
27 whose volunteer activities and use of compassion center resources is strictly limited to
28 participation in educational programming conducted for compassion center cardholders
29 and registered qualifying patients, primary caregivers, and authorized purchasers.
30 Volunteers shall not be permitted to be otherwise involved in the growth, cultivation,
31 weighing, packaging or labeling, manufacturing, processing, dispensing or sale of
32 medical marijuana.

33 C. Criminal Background Checks

34 1. Pursuant to R.I. Gen. Laws § 21-28.6-12(c)(7), all compassion center cardholders will be
35 subject to a national criminal background check as part of their application for a
36 compassion center registry identification card (hereinafter also referred to in this section
37 as “applicants”).

38 2. Pursuant to R.I. Gen. Laws § 21-28.6-12(c)(7), DBR shall deny an application for
39 registration if the background check reveals the applicant has been convicted of a felony

- 1 drug offense or has entered a plea of nolo contendere for a felony drug offense and
2 received a sentence of probation, unless the applicant successfully petitions for an
3 exception pursuant to Section 1.3(C)(8).
- 4 3. Pursuant to R.I. Gen. Laws § 21-28.6-12(c)(7)(i), applicants shall apply to RISP for a
5 national criminal identification records check that shall include fingerprints submitted to
6 the Federal Bureau of Investigation.
- 7 4. Pursuant to R.I. Gen. Laws § 21-28.6-12(c)(7)(i), upon the discovery of a felony drug
8 offense conviction or a plea of nolo contendere for a felony drug offense with a sentence
9 of probation, RISP shall inform the applicant, in writing, of the nature of the felony.
- 10 5. Pursuant to R.I. Gen. Laws § 21-28.6-12(c)(7)(i), upon discovery of disqualifying
11 information, RISP shall notify DBR, in writing, without disclosing the nature of the felony,
12 that a felony drug offense conviction or a plea of nolo contendere for a felony drug
13 offense with probation has been found.
- 14 6. Pursuant to R.I. Gen. Laws § 21-28.6-12(c)(7)(ii), in those situations in which no felony
15 drug offense conviction or plea of nolo contendere for a felony drug offense with
16 probation has been found, RISP shall inform the applicant and DBR, in writing, of this
17 fact.
- 18 7. Pursuant to R.I. Gen. Laws § 21-28.6-12(c)(7)(iii), applicants shall be responsible for any
19 expense associated with the national criminal background check with fingerprints.
- 20 8. R.I. Gen. Laws § 21-28.6-12(c)(7) provides DBR with discretion to grant a compassion
21 center registry identification card if the disqualifying offense was for conduct that occurred
22 prior to the enactment of the Act or that was prosecuted by an authority other than the
23 state of Rhode Island and for which the Act would otherwise have prevented a conviction.
24 To seek relief from criminal background disqualification pursuant to R.I. Gen. Laws § 21-
25 28.6-12(c)(7), the applicant must make the request for relief to the DBR in writing, setting
26 forth in detail why the Act would have prevented a conviction, including all applicable
27 court records and legal documents. The DBR may conduct a hearing on the issue and, if
28 so, the applicant shall bear the burden of proof to show why the relief should be granted.
- 29 9. R.I. Gen. Laws § 21-28.6-12(c)(7) provides that the compassion center will be notified in
30 writing of the purpose for denying a compassion center cardholder application. DBR
31 shall limit its disclosure of the purpose to a statement of the fact that disqualifying
32 information was found, without revealing to the compassion center any further detail of
33 the offense.
- 34 10. DBR will not require a person subject to a national criminal background check under this
35 subsection to undergo such a check more than once every two (2) years, unless a more
36 frequent time frame is mandated and/or agreed to as part of a license disciplinary action.
- 37 D. Issuance of the Compassion Center Registry Identification Card
- 38 1. Once the application is approved by DBR, the principal officer, board member, agent,
39 volunteer or employee of the compassion center is responsible for getting a registry
40 identification card from DOH.
- 41 2. Pursuant to R.I. Gen. Laws § 21-28.6-12(c)(6), the registry identification card shall
42 contain:
- 43 a. The name, address and date of birth of the person.

- 1 b. The legal name of the compassion center that the individual is affiliated with.
- 2 c. The category of the person's affiliation: principal officer, board member,
- 3 employee, agent, or volunteer.
- 4 d. The date of issuance and expiration date of the registry identification card.
- 5 e. A random registry identification number.
- 6 f. A photograph.

7 E. Expiration and Renewal of Compassion Center Registry Identification Cards

8 Pursuant to R.I. Gen. Laws § 21-28.6-12(c)(8), compassion center registry identification cards
 9 shall expire one year after issuance. Renewal applications shall be on such forms and through
 10 such submission mechanisms as directed by DBR.

11 F. Change in Name or Address; Lost/Stolen Cards

12 1. In accordance with R.I. Gen. Laws § 21-28.6-12(c)(9), a compassion center cardholder
 13 shall notify DBR of any change in his or her name or address within ten (10) business
 14 days of such change. A compassion center cardholder who fails to notify DBR of any of
 15 these changes may be subject to a fine up to one hundred fifty dollars (\$150).

16 2. In accordance with R.I. Gen. Laws § 21-28.6-12(c)(10), changes in name and/or address
 17 require the compassion center cardholder to remit a ten dollar (\$10.00) fee to DBR.
 18 Upon receipt of the notice and fee, DBR will prompt DOH to issue an updated registry
 19 identification card. The compassion center cardholder shall be responsible for getting the
 20 updated registry identification card from DOH.

21 3. In accordance with R.I. Gen. Laws § 21-28.6-12(c)(11), if a compassion center
 22 cardholder loses his or her registry identification card (which would particularly include a
 23 card suspected to be stolen), he or she shall notify DBR and submit a ten dollar (\$10.00)
 24 fee within ten (10) business days of losing the registry identification card. Upon receipt
 25 of the notice and fee, DBR will prompt DOH to issue a replacement registry identification
 26 card. The compassion center cardholder shall be responsible for getting the replacement
 27 registry identification card from DOH.

28 G. Duty to Notify DBR of Disqualifying Criminal Information

29 Pursuant to R.I. Gen. Laws § 21-28.6-12(c)(13), a compassion center cardholder shall notify DBR
 30 of any disqualifying criminal convictions as defined in §21-4 28.6-12(c)(7). Such notification must
 31 be made in writing within ten (10) business days.

32 H. Termination of Compassion Center Registry Identification Card

33 1. Pursuant to R.I. Gen. Laws § 21-28.6-12(i), a person found to have dispensed marijuana
 34 to a non-cardholder or in excess of the statutory limits is not eligible to be a compassion
 35 center cardholder, and such person's registry identification card shall be immediately
 36 revoked.

37 2. If a compassion center cardholder violates any other provisions of the Act, DBR
 38 Regulations, or DOH Regulations, his or her registry identification card may be
 39 suspended/revoked as determined by DBR pursuant to R.I. Gen. Laws § 21-28.6-
 40 12(c)(14).

1 3. Pursuant to R.I. Gen. Laws § 21-28.6-12(f)(3), when a compassion center cardholder
2 ceases work with a compassion center, whether voluntarily or involuntarily or upon the
3 compassion center closing, his or her registry identification card shall be null and void.
4 See also R.I. Gen. Laws § 21-28.6-12(c)(8). In that situation, the compassion center
5 and/or the compassion center cardholder shall notify DBR and the registry identification
6 card shall be returned to DBR within ten (10) business days. No hearing shall be
7 necessary to render the card null and void in this situation.

8 **1.4 Compassion Center Operational Provisions**

9 A. State Medical Marijuana Program Tracking System

10 Upon direction by the DBR and in accordance with R.I. Gen. Laws § 21-28.6-12(g)(3), each
11 compassion center shall be required to utilize the state approved Medical Marijuana Program
12 Tracking System to document and monitor compliance with the Act, the DBR Regulations, and
13 the DOH Regulations, including but not limited to seed to sale and point of sale tracking,
14 dispensing limits and the patient information privacy protections, inventory supply tracking,
15 adherence to restrictions on third party supply and sources of marijuana and marijuana products
16 and transfers thereof off the registered premises, and all testing compliance tracking.
17 Compassion centers may be required to pay costs associated with use of the Medical Marijuana
18 Program Tracking System which may be assessed on an annual, monthly, per use, or per volume
19 basis and payable to the state or to its approved vendor.

20 B. Permitted and Prohibited Sources of Marijuana; Contract Requirement

21 1. A compassion center can only legally purchase or otherwise receive marijuana from a
22 Rhode Island licensed cultivator as authorized by R.I. Gen. Laws § 21-28.6-16(e), which
23 has a “formal agreement” requirement.

24 2. “Formal agreement” requirements shall be as follows: A written executed contract or
25 purchase order shall be required for all sales from a licensed cultivator to a compassion
26 center and shall contain the following minimum terms: a) date of execution/placement of
27 the contract/purchase order, b) description and amount of product to be sold; c) the total
28 and per unit price of the product to be sold; d) the specific date or date range not
29 spanning more than thirty (30) calendar days for fulfillment of the order and delivery or
30 pickup; e) the payment due date, as specifically agreed between the parties, but if no
31 date is specifically agreed to, payment shall be made within sixty (60) calendar days of
32 delivery or pickup. Contracts/purchase orders pursuant to this paragraph may not be
33 modified but may be cancelled or voided by the creation of a new replacement
34 contract/purchase order.

35 3. In accordance with R.I. Gen. Laws § 21-28.6-4(c) and (i), a compassion center cannot
36 purchase or otherwise receive marijuana from any qualifying patient cardholder or
37 primary caregiver after December 31, 2016. This prohibition extends to purchases and
38 transfers from cooperative cultivations.

39 C. Permitted and Prohibited Sales and Transfers

40 1. Sales to qualifying patients, directly or through their caregivers or authorized purchasers,
41 are only permitted if those qualifying patients, caregivers, or authorized purchasers are
42 registered with DOH. For such sales, a compassion center shall be strictly bound by the
43 dispensing limits of R.I. Gen. Laws § 21-28.6-12(g). Sales for delivery to a qualifying
44 patient cardholder’s residence are deemed permitted provided that such sales comply
45 with Section 1.4(J)(3)(e).

- 1 2. A compassion center is permitted to transfer or transport medical marijuana and
2 marijuana products to a Rhode Island licensed cultivator only if the transfer/transport is
3 pursuant to a written contract or purchase order for the cultivator to process the medical
4 marijuana into a product to be furnished back to the compassion center.
- 5 3. Any transfer to or from a third party testing provider shall be in accordance with the DOH
6 Testing Regulations, once adopted.
- 7 4. Unless specifically permitted by this section, no other compassion center sales or
8 transfers of marijuana or marijuana products are permitted.
- 9 D. Inventory Limit
- 10 Pursuant to R.I. Gen. Laws § 21-28.6-12(i)(1), a compassion center must limit its inventory of
11 seedlings, plants, and usable marijuana to reflect the projected needs of qualifying patients.
- 12 E. Medical Marijuana and Marijuana Product Tagging for Compassion Centers
- 13 1. The compassion center shall properly use tags with unique identifiers through the
14 Medical Marijuana Program Tracking System, or if prior to the implementation of the
15 Marijuana Program Tracking System, DBR will advise the compassion center of
16 acceptable alternative inventory tagging and tracking systems and protocols. In such a
17 case, any references to the Medical Marijuana Program Tracking System in this section
18 shall be deemed to include the acceptable alternatives.
- 19 2. Compassion centers must ensure that medical marijuana is marked with Medical
20 Marijuana Program Tracking System unique identifier tags through each stage of
21 production the compassion center is undertaking, from seed propagation through
22 packaging, as may be applicable.
- 23 3. Medical Marijuana Program Tracking System unique identifier tags shall contain the
24 following information and/or technical functions:
- 25 a. DBR registration number.
- 26 b. Unique identifier(s) (such as barcodes and/or numerical/alphabetical codes) that
27 track marijuana product through each stage of production.
- 28 c. Registered premises location.
- 29 d. Any other information or technical functions DBR deems appropriate (such as
30 radio frequency identification).
- 31 4. Medical Marijuana Program Tracking System unique identifier tags shall not be altered or
32 duplicated.
- 33 5. Unique identifier tags shall be placed in a manner so as to clearly display their
34 association with a particular plant, plant material, or product, such as affixed to the plant
35 itself, on the growing receptacle, or in the growing medium, by labeling drying racks and
36 other receptacles that wet marijuana dries on, by affixing the tag to the stalk for drying on
37 the stalk, on a label affixed to a storage/transport package and/or retail-ready package,
38 and other reasonable means.

- 1 6. The unique identifier tags may not be transferred or assigned except when affixed to
2 marijuana plants, wet marijuana, or usable marijuana which is being
3 sold/transferred/transported in accordance with Sections 1.4(B), (C), and (J)(3).
- 4 7. Return of unique identifier tags by the compassion center upon revocation or
5 abandonment of the license shall be specifically governed by DBR order or agreement
6 which may include coordinated efforts with law enforcement. Disposal of unique identifier
7 tags by the compassion center as may be required by DBR, such as in the regular course
8 of tagging if different stages will require different tag forms or such as recall of tags due to
9 new technology, shall be handled in accordance with further instructions provided by
10 DBR.

11 F. Inventory Control

- 12 1. Upon direction by DBR, each compassion center shall utilize the state approved Medical
13 Marijuana Program Tracking System for all inventory tracking from seed to sale as further
14 defined herein.
- 15 2. If the compassion center is notified by DBR that the Medical Marijuana Program Tracking
16 System is not available, the compassion center will be provided with direction as to
17 alternative inventory control measures, which may include but are not necessarily limited
18 to the compassion center being directed to:
- 19 a. Conduct an initial comprehensive inventory of all medical marijuana, including
20 usable marijuana available for dispensing, marijuana plants and seedlings,
21 unusable marijuana, and wet marijuana, at each authorized location on the date
22 the compassion center first dispenses medical marijuana or as of another date
23 certain set by DBR.
- 24 b. Conduct subsequent comprehensive inventories at intervals not to exceed
25 twenty-four (24) months from the date of the previous comprehensive inventory.
- 26 c. Conduct a monthly inventory review of stored, usable marijuana, seedlings,
27 plants, and wet marijuana.
- 28 3. Upon request, DBR may require a compassion center to conduct and provide the results
29 of alternative inventory control measures outlined above, regardless of the availability
30 and use of the Medical Marijuana Program Tracking System.

31 G. Minimum Security Requirements

- 32 1. Authority
- 33 R.I. Gen. Laws § 21-28.6-12(b)(1)(iv) authorizes DBR to promulgate regulations regarding the
34 minimum security requirements for compassion centers.
- 35 2. General Security Requirements
- 36 a. Each compassion center shall implement appropriate security and safety
37 measures to deter and prevent the unauthorized entrance into areas containing
38 marijuana and the theft of marijuana.
- 39 b. Use or carry of firearms on the premises and/or perimeter of the compassion
40 center is a prohibited form of security, except by security guards licensed by the
41 Office of the Rhode Island Attorney General pursuant to R.I. Gen. Laws § 5-5.1-

- 1 13 and who are under written contract to provide security services to the
2 compassion center and by law enforcement personnel during duty.
- 3 c. The outside perimeter of the compassion center retail premises shall be well-
4 lighted at all times. For any alternative cultivation only site, the premises may be
5 equipped with motion activated lighting acceptable to DBR.
- 6 d. Except for persons whose visit falls within Section 1.4(G)(2)(e) below, any person
7 who does not have a valid compassion center registry identification card who
8 enters any area where marijuana and marijuana products are grown, cultivated,
9 stored, weighed, packaged, processed, manufactured or sold shall be considered
10 a "visitor" and must be escorted at all times by a compassion center registry
11 identification card holder. The compassion center must maintain a visitor log for any
12 such activity as detailed in Section 1.4(G)(6)(d).
- 13 e. Registered qualifying patients, primary caregivers, and authorized purchasers
14 are only permitted within point of sale areas. In such areas, the compassion
15 center shall ensure that all marijuana and marijuana products are kept behind the
16 sales counter or other partition and make reasonable efforts to limit the number of
17 registered qualifying patients, primary caregivers, and authorized purchasers
18 present in relation to the number of compassion center cardholders to assure
19 adequate monitoring and control of point of sale area activities.
- 20 f. Each compassion center shall ensure that the storage of marijuana and any
21 marijuana products is in a locked area, meaning that at all points of ingress and
22 egress, the compassion center shall ensure the use of a working commercial-
23 grade door lock.
- 24 3. Security Alarm Requirements
- 25 a. Each compassion center shall have a fully operational security alarm system at
26 each authorized physical address that will provide suitable protection against
27 theft and diversion, including alarms at all outside perimeter entry points and
28 outside perimeter windows.
- 29 b. A fully operational security alarm system may include a combination of hard-
30 wired systems and systems interconnected with a radio frequency method such
31 as cellular or private radio signals that emit or transmit a remote or local audible,
32 visual, or electronic signal; motion detectors, pressure switches, duress alarms (a
33 silent system signal generated by the entry of a designated code into the arming
34 station to indicate that the user is disarming under duress); panic alarms (an
35 audible system signal to indicate an emergency situation); and hold-up alarms (a
36 silent system signal to indicate that a robbery is in progress).
- 37 c. A fully operational security alarm system shall at a minimum provide for
38 immediate automatic or electronic notification to alert municipal and/or state law
39 enforcement agencies or public safety personnel to an unauthorized breach or
40 attempted unauthorized breach of security at the compassion center or any other
41 authorized physical address and to any loss-of-electrical support backup system
42 to the security alarm system.
- 43 d. Each compassion center shall establish a protocol for the testing and
44 maintenance of the security alarm system, which shall at a minimum provide for
45 a maintenance inspection/test of the alarm system for each authorized location at
46 intervals not to exceed thirty (30) calendar days from the previous inspection/test

1 and prompt completion of all necessary repairs to ensure the proper operation of
2 the alarm system.

3 e. If the compassion center suffers a failure of the security alarm system, due to
4 loss of electrical support, mechanical function, or otherwise, that is expected to
5 exceed an eight (8) hour period, in addition to the notice requirements provided
6 in Sections 1.4(G)(3)(c) and (G)(7), the compassion center must also close the
7 authorized physical address(es) impacted by the failure/malfunction until the
8 security alarm system has been restored to full operation, or, if approved by
9 DBR, provide alternative security.

10 4. Video Surveillance Requirements

11 Each compassion center must have a fully operational video surveillance and camera
12 recording system with appropriate protocols, which shall, at a minimum, comply with the
13 below requirements:

14 a. Video surveillance equipment shall, at a minimum, consist of digital or network
15 video recorders, video monitors, and digital archiving devices capable of
16 playback quality sufficient to identify and monitor all individuals (including
17 sufficient clarity of facial features) and activities in the monitored areas.

18 b. The recording system must record in digital format.

19 c. The date and time must be embedded on the recording without significantly
20 obscuring the picture. Time is to be measured in Eastern Standard Time.

21 d. All video surveillance systems must be equipped with a failure notification system
22 that provides prompt notification of any surveillance interruption and/or the
23 complete failure of the surveillance system. Said notification must be routed to
24 compassion center personnel specifically designated by management and to
25 DBR.

26 e. All video surveillance equipment shall have sufficient battery backup to support a
27 minimum of four (4) hours of recording in the event of a power outage.

28 f. Video recordings must be archived in a format and maintained in a manner that
29 ensures authentication of the recording as legitimately-captured video and
30 guarantees that no alteration of the recorded image has taken place.

31 g. Remote access to a continuous live feed video on a real time basis must be
32 available at all times to compassion center personnel specifically designated by
33 management and to DBR. Additionally, all video surveillance records and
34 recordings must be made available upon request to DBR. DBR employees and
35 representatives will hold video surveillance records and recordings of point-of-
36 sale areas confidential except for authorized release in accordance with
37 applicable law.

38 h. The system must include a color printer or similar equipment capable of printing
39 still photos of a quality sufficient to identify individuals and activities in the
40 monitored areas.

41 i. Camera coverage is required for all areas where marijuana and marijuana
42 products are grown, cultivated, stored, weighed, packaged, processed,
43 manufactured or sold, including all areas of ingress and egress thereto, point-of-

- 1 sale areas, security rooms (as defined below), all points of ingress and egress to
2 the exterior of the compassion center, and any computer or other digital access
3 points.
- 4 j. Camera views of required coverage areas shall be continuously recorded twenty
5 (24) hours a day, (7) seven days per week.
- 6 k. All surveillance recordings must be kept for a minimum of sixty (60) calendar
7 days.
- 8 l. Surveillance recording equipment and all video surveillance records and
9 recordings must be housed in a designated, locked and secured room or other
10 enclosure with access limited to compassion center personnel specifically
11 authorized by management (the "security room"). The compassion center must
12 keep on site a current list of all authorized employees and service personnel who
13 have access to the security room and a video surveillance equipment
14 maintenance activity log.
- 15 m. If the compassion center suffers a failure of the video surveillance system, due to
16 loss of electrical support, mechanical function, or otherwise, that is expected to
17 exceed an eight (8) hour period, in addition to the notice requirements provided
18 in Section 1.4(G)(7), the compassion center must also close the authorized
19 physical address(es) impacted by the failure/malfunction until the video
20 surveillance system has been restored to full operation, or, if approved by DBR,
21 provide alternative premises monitoring.

22 5. Emergency Plan

23 The compassion center shall develop and maintain an emergency plan with procedures
24 to be followed to prevent and, if not prevented, to adequately address and mitigate
25 consequences of theft or burglary or attempts thereof, fire, natural disasters, and other
26 emergencies, including cybersecurity and data breach procedures to prevent a
27 compromise of the integrity of the Medical Marijuana Program Tracking System. The
28 plan shall include training for employees on crime prevention and personal safety
29 techniques.

30 6. Security-Related Record-Keeping

31 The compassion center shall maintain the following documentation on-site and with
32 digital back-up for a period of at least twenty-four (24) months after the event:

- 33 a. Inventory records including, at a minimum, the date the inventory was conducted,
34 a summary of the inventory findings and the name, signature and title of the
35 individual who conducted the inventory.
- 36 b. All records of maintenance, inspections, and tests of the security alarm and video
37 surveillance systems and of servicing, modifications, or upgrades performed on
38 said systems. These records shall include, at a minimum, the date of the action,
39 a summary of the action(s) performed and the purpose therefor, and the name,
40 signature and title of the individual who performed the action(s).
- 41 c. Emergency notification reports as required by Section 1.4(G)(7).
- 42 d. Visitor logs which shall include the name of each visitor, the date and time of the
43 beginning and end of the visit, the reason for the visit (i.e. maintenance,

1 authorized pickup, etc.), the name of the escorting compassion center registry
2 identification cardholder.

3 7. Emergency Notifications and Reports

4 a. Compassion centers shall provide notification of emergency events to DBR and
5 municipal and/or state law enforcement as outlined below.

6 b. Immediately upon discovery of the event, the compassion center shall provide
7 telephone notification to the appropriate municipal and/or state law enforcement
8 authorities regarding any of the following “emergency events”:

9 (1) Theft or burglary or an attempt thereof.

10 (2) Any fire.

11 (3) A natural disaster that results in the destruction of or damage to medical
12 marijuana or marijuana products.

13 (4) A failure of the security alarm system or video surveillance system, due
14 to loss of electrical support, mechanical function, or otherwise, that is
15 expected to exceed an eight (8) hour period.

16 (5) A security alarm activation.

17 (6) Any other event which requires response by law enforcement or public
18 safety personnel.

19 c. The compassion center shall provide e-mail notification to DBR immediately upon
20 discovery of any data breach or cybersecurity threat to the Medical Marijuana
21 Program Tracking System, and within twenty-four (24) hours of discovery of any
22 other emergency event as defined above. A follow-up telephone notification to
23 DBR shall be provided no later than the next business day.

24 d. The compassion center shall submit a follow-up written report to DBR within five
25 (5) business days for each emergency event. The written report shall include, at
26 a minimum, a description of the event(s), identification of known or suspected
27 cause(s) for the event(s), any corrective action(s) taken to prevent a recurrence,
28 and the name, title, and signature of the individual preparing the report.

29 e. Any notification and report of an emergency event required to be made to DBR
30 pursuant to these DBR Regulations shall be made using the mailing address,
31 telephone number, and/or e-mail address provided by DBR to approved
32 licensees.

33 f. Upon written direction to the compassion center, DBR may require that the
34 written and telephone notifications and reporting must be replaced or
35 supplemented by notifications and reporting through the Medical Marijuana
36 Program Tracking System or any other electronic system or means DBR
37 mandates the compassion center to utilize.

38 H. Record-Keeping and Reporting

39 1. Authority

1 R.I. Gen. Laws § 21-28.6-12(b)(1)(iii) authorizes DBR to promulgate regulations
2 regarding the minimum record-keeping requirements for compassion centers.

3 2. Operations Manual

4 Each compassion center shall develop, implement, and maintain on the premises an
5 operations manual which addresses, at a minimum, the following subject areas and
6 requirements:

7 a. Procedures for the organization, administration, command, and control of the
8 compassion center (including but not limited to organizational chart, chain of
9 command protocols, etc.).

10 b. Procedures for safely dispensing medical marijuana only to registered qualifying
11 patients, registered primary caregivers, and authorized purchasers, including
12 procedures for verifying authenticity of registry identification cards and other
13 forms of identification.

14 c. Procedures to ensure accurate record keeping, including protocols to ensure that
15 all acquisitions, dispensing, and sales of marijuana are logged into the Medical
16 Marijuana Program Tracking System on a real time basis and that all dispensing
17 and sales transactions to registered qualifying patients, primary caregivers, and
18 authorized purchasers adhere to the limits for usable marijuana prescribed by
19 statute and the marijuana product equivalency limits set by the DOH regulations,
20 and procedures on proper training and use of the Medical Marijuana Program
21 Tracking System and any other tracking system used by the compassion center.

22 d. Records retention policies.

23 e. Ethics and compliance policies.

24 f. Alcohol and drug free work place policy.

25 g. If applicable, medical marijuana manufacturing protocols, safety measures, and
26 training information.

27 h. Odor control and mitigation plan.

28 i. A description of the compassion center's outreach activities to registered
29 qualifying patients, registered primary caregivers, and authorized purchasers.

30 3. Personnel Records

31 Each compassion center shall maintain a personnel record for each employee, agent or
32 volunteer for a period of at least six (6) months after termination of the individual's
33 affiliation with the compassion center. Said personnel record shall contain the following
34 minimum documentation and information:

35 a. An application for employment or to volunteer or offers to provide services as an
36 agent.

37 b. An employment or engagement description detailing duties, responsibilities,
38 authority, qualifications and supervision.

- 1 c. If applicable, a copy of any employment or engagement contract or, for
2 volunteers, volunteer agreement.
- 3 d. A record of any disciplinary action taken.
- 4 e. Documentation of all required training, which shall include a signed statement
5 from the individual indicating the date, time and place he or she received said
6 training, topics discussed, and the name and title of presenters.

7 4. Additional Records to be Maintained

8 In addition to all other specific record-keeping requirements of the Act, the DBR
9 Regulations, and the DOH Regulations, the compassion center shall maintain the
10 following records for a minimum of five (5) years:

- 11 a. All contracts and purchase orders with licensed cultivators, including
12 documentation of any cancelled contracts or purchased orders and any contracts
13 and purchase orders voided by replacement contracts.
- 14 b. Invoices and any supporting documentation of all marijuana purchases,
15 acquisitions, transfers, and payments.
- 16 c. Contracts pertaining to the security alarm and security camera systems.
- 17 d. Contracts with vendors, including any approved third party testing providers.
- 18 e. All records normally retained for tax purposes.

19 5. Storage of Records

20 Records pertaining to transactions occurring within the last six (6) months shall be stored
21 on the registered premises. Records dating further back may be stored off the premises
22 with DBR's approval.

23 6. Responsibility for Loss of Records and Data

24 The compassion center shall exercise due diligence and reasonable care in preserving
25 and maintaining all required records to guard against loss of records and data, including
26 cybersecurity of electronically-maintained records.

27 I. Product Packaging and Labeling Requirements

28 1. Authority and Applicability

- 29 a. These product packaging and labeling requirements for compassion centers are
30 promulgated pursuant to R.I. Gen. Laws § 21-28.6-12(f)(11). These
31 requirements were developed jointly with DOH.
- 32 b. Compassion centers shall have ninety (90) calendar days from the effective date
33 of these regulations to comply with these requirements.
- 34 c. Any container or packaging containing usable marijuana or marijuana product,
35 including both retail-retail ready packaging and product otherwise packaged for
36 the purpose of storage and/or authorized transport, must:

- 1 (1) Protect the product from contamination.
- 2 (2) Not impart any toxic or deleterious substance to the usable marijuana or
3 marijuana product.
- 4 (3) Contain the Inventory tracking ID number assigned by the Medical
5 Marijuana Program Tracking System or, if prior to the Medical Marijuana
6 Program Tracking System's implementation, an inventory tracking ID
7 number generated from an alternative inventory tracking system
8 approved by DBR.
- 9 (4) Be labeled with the quantity of the product.
- 10 d. The remainder of these product packaging and labeling requirements only apply
11 to retail-ready product packaging and labeling.
- 12 e. Compliance with these product packaging and labeling requirements shall
13 include the requirement that retail-ready product complies with the DOH Testing
14 Regulation, once adopted.
- 15 f. While a compassion center is permitted to purchase medical marijuana and
16 medical marijuana products from a Rhode Island licensed cultivator pursuant to a
17 written contract/purchase order, including final products that have already been
18 packaged, labeled, and/or tested, the compassion center is responsible for
19 ensuring the integrity of the product, compliance of the packaging and labeling,
20 including particularly that the products have the correct composition and profiles
21 that are advertised/indicated in the label.
- 22 2. Packaging and labeling shall not:
- 23 a. Make any false or misleading statements including particularly any statements
24 regarding health or physical benefits to the consumer and the composition and
25 profiles that are advertised/indicated in the label.
- 26 b. Resemble the trademarked, characteristic or product-specialized packaging of
27 any commercially available snack, baked good, or beverage.
- 28 c. Contain any statement, artwork, or design that could reasonably mislead any
29 reasonably prudent person to believe that the package contains anything other
30 than medical marijuana or marijuana product.
- 31 d. Contain any seal, flag, crest, coat of arms, or other insignia that could reasonably
32 mislead any reasonably prudent person to believe that the product has been
33 endorsed or manufactured by the State of Rhode Island or any agency thereof or
34 municipality within.
- 35 3. Packaging for medical marijuana and marijuana products sold at retail shall be opaque,
36 light-resistant, and tamper-evident.
- 37 4. Packaging and labeling shall not be designed such that it would be attractive to children.
38 This requires the packing and labeling be in black and white only, have no animal
39 characters, and does not contain the word "candy."
- 40 5. Medical marijuana and marijuana products sold at retail must be packaged in manner
41 that is "child-resistant," which for purposes of these Regulations shall mean that the

- 1 packaging is designed and constructed to be significantly difficult for children under five
2 years of age to open. Approved methods include but are not limited to:
- 3 a. Solid or liquid marijuana products may be packaged in plastic four mil or greater
4 in thickness and be heat sealed with no easy-open tab, dimple, corner, or flap.
- 5 b. Liquid marijuana products may also be packaged in a bottle and sealed using a
6 metal crown cork style bottle cap.
- 7 6. For solid edible marijuana products with more than one serving size in the outer package,
8 each serving must be packaged individually and placed in a child-resistant outer
9 package.
- 10 7. For liquid edible marijuana products with more than one serving in the package, a
11 measuring cap or dropper must be included in the package with the product.
- 12 8. All medical marijuana and marijuana products when sold at retail must include a label
13 affixed to the package containing the following information, prominently displayed and in
14 a clear and legible English language font:
- 15 a. The business or trade name of the selling compassion center.
- 16 b. Inventory tracking ID number assigned by the Medical Marijuana Program
17 Tracking System or, if prior to the Medical Marijuana Program Tracking System's
18 implementation, an inventory tracking ID number generated from an alternative
19 inventory tracking system approved by DBR.
- 20 c. Date of final packaging, and, if applicable, the recommended expiration or "use
21 by" date.
- 22 d. Total weight in ounces and grams or volume as appropriate.
- 23 e. Total estimated amount of THC and CBD.
- 24 f. For edible marijuana products, a list of all ingredients used.
- 25 g. A statement that discloses all pesticides applied to the marijuana plants and
26 growing medium during production and processing.
- 27 h. If solvents were used, statement that discloses the type of extraction method,
28 including any solvents, gases, or other chemicals or compounds used to produce
29 or that are added to the extract.
- 30 i. Any applicable instructions for use and safe storage.
- 31 9. All medical marijuana and marijuana products when sold at retail must include a label
32 affixed to the package containing the following warnings, prominently displayed and in a
33 clear and legible English language font. For products other than edibles and topical
34 applications, these warnings may be on an insert provided with the packaging.
- 35 a. "Warning: Marijuana has intoxicating effects and may be habit forming and
36 addictive. The intoxicating effects of marijuana may be delayed by up to two
37 hours."
- 38 b. "Warning: Do not operate a vehicle or machinery under its influence."

- 1 c. "Warning: There may be health risks associated with consumption of marijuana."
- 2 d. "Warning: For use only by adults twenty-one and older. Keep out of reach of
- 3 children."
- 4 e. "Warning: Marijuana should not be used by women that are pregnant or breast
- 5 feeding."
- 6 f. "Warning: Do not take this product across state lines."
- 7 g. "Warning: For medical use by a registered patient only. Not for resale."
- 8 h. "Warning: This product is not certified to be free of contaminants."
- 9 i. For product to be smoked, "Warning: Smoking is hazardous to your health."
- 10 j. If applicable, a warning regarding use or contact with any nuts or other known
- 11 allergens as defined in the federal Food Allergen Labeling and Consumer
- 12 Protection Act of 2004, as administered by the federal Food and Drug
- 13 Administration.

14 J. Other Compassion Center Operation Requirements

15 1. Authority

16 R.I. Gen. Laws § 21-28.6-12(b)(1)(ii) authorizes DBR to promulgate regulations regarding
 17 the minimum oversight requirements for compassion centers. The requirements set forth
 18 in this section are promulgated in accordance with that statutory duty of general
 19 regulatory supervision over the compassion centers.

20 2. Use on Premises Prohibited

21 Compassion centers shall not permit the use of marijuana or marijuana products on the
 22 premises of the compassion center, including any parking areas that are designated for
 23 compassion center clients or otherwise within the control of the compassion center.

24 3. Transportation of Medical Marijuana to and from a Compassion Center; Home Delivery
 25 Transportation

26 a. "Authorized transports" of marijuana and marijuana products to and from
 27 compassion centers are limited to approved patient home delivery plans under
 28 Section 1.4(J)(3)(e) and transports to and from licensed cultivators for
 29 transactions authorized under Section 1.4(C)(2).

30 b. "Registered/licensed facility" shall refer to either a registered compassion
 31 center or licensed cultivator that is party to an "authorized transport," as the
 32 context requires.

33 c. "Authorized transport vehicle" means a vehicle meeting the following criteria:

- 34 (1) The vehicle bears no markings that indicate that the vehicle is being
- 35 used to transport marijuana nor indicates the name of the
- 36 registered/licensed facility.

- 1 (2) The vehicle is equipped with a global positioning system monitoring
2 device that is monitored by the originating registered/licensed facility
3 during an authorized transport.
- 4 (3) The vehicle has a locked storage compartment within which the
5 marijuana and marijuana product being transported is secured.
- 6 d. "Detailed transport manifest" refers to a manifest which DBR may require be
7 generated through and/or maintained in the Medical Marijuana Program Tracking
8 System and that shall include the following minimum information:
- 9 (1) Departure date and approximate time of departure.
- 10 (2) Names, location addresses, and registration/license numbers of the
11 originating and receiving registered/licensed facilities.
- 12 (3) If for transport to a registered qualifying patient pursuant to an approved
13 patient home delivery plan, the patient registry identification card number
14 and any such other information pursuant to approved delivery plan.
- 15 (4) Product name or descriptions and quantities (by weight or unit) of each
16 product to be delivered to each specific destination location(s).
- 17 (5) Arrival date and approximate time of arrival.
- 18 (6) Delivery vehicle make and model and license plate number.
- 19 (7) Names, registry identification card numbers, and signatures of the
20 delivery persons.
- 21 e. If a compassion center proposes to offer home delivery service of usable
22 marijuana or marijuana products to a Rhode Island registered patient's
23 residence, it shall submit a comprehensive proposed patient home delivery plan
24 to DBR for its review and pre-approval, detailing how the program will assure
25 compliance with the Act, the DBR Regulations, and the DOH Regulations. The
26 patient home delivery plan must include satisfactory cardholder verification
27 procedures to ensure delivery is made to requested qualifying patients and in
28 authorized amounts. The patient home delivery plan must include how the
29 compassion center will comply with point of sale tracking requirements for patient
30 home delivery transactions. Patient home delivery services, if approved, are
31 subject to the requirement that payment must be made prior to or within one (1)
32 business day of delivery to the patient.
- 33 f. The originating registered/licensed facility shall ensure that all delivery times and
34 routes are randomized.
- 35 g. Authorized transports may only be made by cardholders affiliated with the
36 particular registered/licensed facility that is the source or recipient party to an
37 authorized transaction. A minimum of two such cardholders must be on each
38 authorized transport. At least one cardholder shall remain in the authorized
39 transport vehicle at all times.
- 40 h. During all authorized transports, the delivery persons must have on their persons
41 their compassion center or licensed cultivator registry identification cards and the
42 detailed transport manifest.

- 1 i. Any authorized transport vehicle carrying marijuana and marijuana products shall
2 travel directly from the originating registered/licensed facility to the receiving
3 registered/licensed facility. Any compassion center authorized transport vehicle
4 carrying marijuana and marijuana products to patients pursuant to an approved
5 patient home delivery plan shall only stop at the patient addresses listed on the
6 detailed transport manifests. In case of an emergency stop, a detailed written
7 account must be maintained describing the reason for the event, the duration, the
8 location, any activities occurring during the stop, and any personnel exiting the
9 vehicle during the stop.
- 10 j. Authorized transports shall be conducted in such a manner as to ensure that
11 marijuana and marijuana products are secured and safe at all times during
12 transport, which includes, but is not limited to, the requirements that marijuana is
13 not visible from outside the authorized transport vehicle at that any ingestible
14 marijuana products that are perishable are adequately refrigerated, if necessary.
- 15 k. Prior to leaving the originating registered/licensed facility for an authorized
16 transport to another registered/licensed facility, the originating registered/licensed
17 facility must weigh, inventory, and account for on video all marijuana and
18 marijuana product to be transported.
- 19 l. For authorized transports to and from a licensed cultivator, the transport manifest
20 shall be accompanied by a copy of any contract/purchase order for which the
21 transport is being made and documentation of the actual payment date, if
22 prepaid.
- 23 m. The detailed transport manifest shall be prepared by the originating
24 registered/licensed facility and transmitted in advance to the receiving facility.
25 Both facilities shall retain copies of detailed transport manifests as part of their
26 record retention responsibilities.
- 27 n. Within eight (8) hours of after arrival at the destination registered/licensed facility,
28 the receiving party shall re-weigh, re-inventory, and account on video for all
29 marijuana and marijuana product transported.
- 30 o. Both the originating and recipient registered/licensed facilities shall timely adjust
31 their records to reflect in its records the completed authorized transport of
32 marijuana, including logging such information in the Medical Marijuana Program
33 Tracking System. All records and entries in the Medical Marijuana Program
34 Tracking System shall be easily reconciled, by product name and quantity, with
35 the applicable detailed transport manifest. Any unusual discrepancies in the
36 quantity described in the detailed transport manifest and the quantities received
37 shall be reported to DBR and municipal and/or state law enforcement within (24)
38 hours.
- 39 p. Any vehicle accidents, diversions, or losses during authorized transports of
40 marijuana shall be reported to DBR and law enforcement as an "emergency
41 event" pursuant to Section 1.4(G)(7).
- 42 q. Transportation to or from a third party testing provider shall be in accordance with
43 the DOH Testing Regulations, once adopted.
- 44 4. Manufacturing and Extraction

- 1 a. Any manufacturing method using a solvent extraction process must be approved
2 by DBR. If the manufacturing method uses a flammable/combustible material or
3 heat source, the method must also be approved by the State Fire Marshall and/or
4 local fire department.
- 5 b. Only registered compassion center employees and agents may manufacture
6 marijuana products on the premises. A registered volunteer may do so only as
7 part of educational programming under the direct supervision of a registered
8 compassion center employee.
- 9 c. The compassion center must maintain written standard operating procedures for
10 each manufacturing process, including step-by-step instructions.
- 11 d. The compassion center must ensure that for each manufacturing process, all
12 safety and sanitary equipment appropriate for that manufacturing process,
13 including any personal protective equipment, is provided to any authorized
14 compassion center cardholder who will be involved in that manufacturing
15 process.
- 16 e. All medical marijuana product manufacturing areas must be adequately lit during
17 manufacturing, cleaning, or other use.
- 18 f. All work surfaces on which medical marijuana products are manufactured shall
19 be non-porous, non-absorbent, and easily cleanable.
- 20 g. No eating or smoking shall be permitted in the manufacturing area.
- 21 h. The compassion center must provide a training manual and instructional training
22 on each manufacturing process to any authorized compassion center cardholder
23 who will be involved in that manufacturing process.
- 24 5. Required Patient Outreach Activities
- 25 The compassion center's outreach activities to registered qualifying patients, registered
26 primary caregivers, and authorized purchasers shall, at a minimum, include:
- 27 a. Providing each new registered qualifying patient who visits the compassion
28 center with a frequently asked questions sheet that explains the limitations on the
29 right to use medical marijuana under state law in accordance with R.I. Gen. Laws
30 § 21-28.6-12(f)(9).
- 31 b. Providing a list of ingestion options for usable marijuana.
- 32 c. Providing guidance on safe smoking techniques that shall be provided to
33 registered qualifying patients.
- 34 d. Communicating potential side effects.
- 35 e. Upon the request of DOH and/or DBR, e-mailing or otherwise disseminating
36 information to compassion center clients regarding changes in the medical
37 marijuana program.
- 38 6. Required Employee, Agent, and Volunteer Training.

1 In accordance with R.I. Gen. Laws § 21-28.6-12(f)(14), each compassion center shall
2 develop, implement and maintain on the premises an on-site training curriculum, or enter
3 into contractual relationships with outside resources capable of meeting employee, agent
4 and volunteer training needs. Each employee, agent or volunteer, at the time of his or
5 her initial appointment and every year thereafter, shall receive, at a minimum, training in
6 the following:

- 7 a. Professional conduct, ethics, and state and federal laws regarding patient
8 confidentiality.
- 9 b. Informational developments in the field of medical use of marijuana.
- 10 c. The proper use of security measures and controls that have been adopted.
- 11 d. Training on use of the Medical Marijuana Program Tracking System and any
12 other tracking systems used by the compassion center for persons responsible
13 for using the system.
- 14 e. Specific procedural instructions for responding to an emergency, including
15 robbery or violent accident.

16 7. Minimum Sanitation and Workplace Safety Conditions

- 17 a. The compassion center shall be maintained in a safe, sanitary, and clean
18 manner, with all operations in the cultivation, receiving, inspecting, transporting,
19 segregating, preparing, manufacturing, packaging, and storing of medical
20 marijuana and marijuana products conducted in accordance with adequate
21 sanitation principles, as further detailed below.
- 22 b. The facility must meet the following minimum specifications:
 - 23 (1) Adequate supply of potable hot and cold water.
 - 24 (2) Non-porous, non-absorbent and easily cleanable floors, walls, and
25 ceilings in areas where marijuana is cultivated, manufactured, and
26 stored.
 - 27 (3) Lavatory facilities that are readily-accessible to employees and that
28 comply with the Rhode Island State Plumbing Code Regulation.
 - 29 (4) Adequate hand-washing area(s): hand washing sinks with effective
30 hand-cleaning and sanitizing preparations (such as soap dispensers)
31 and disposable towels or an air dryer for hands.
 - 32 (5) Adequate screening or other protection against the entry of pests and
33 environmental contaminants.
- 34 c. All mechanical and electrical equipment shall be maintained in a safe operating
35 condition.
- 36 d. Waste disposal equipment shall be adequate and removal schedules timely so
37 as to minimize the risk of contamination to medical marijuana and marijuana
38 products, including the risk of the waste becoming an attractant, harborage, or
39 breeding place for pests.

- 1 e. All waste (including all liquid, chemical, hazardous, pesticide, manufacturing
2 solvent and chemical waste) must be stored, secured, and managed in
3 accordance with all applicable federal, state, and local statutes, regulations,
4 ordinances, or other legal requirements. Specific instructions for safe destruction
5 of any marijuana required to be destroyed and proper disposal of medical
6 marijuana waste are provided in Section 1.4(J)(10).
- 7 f. Floors, walls, and ceilings shall be kept clean and in good repair, free from dust,
8 debris, mold, mildew, and other contaminants and potentially hazardous
9 materials.
- 10 g. Lavatory facilities and hand washing areas shall be kept clean and sanitary and
11 in working condition at all times.
- 12 h. Toxic cleaning compounds, sanitizing agents, and other chemicals shall be
13 identified, held, stored and disposed of in a manner that protects against
14 contamination of medical marijuana and marijuana products and in a manner that
15 is in accordance with any applicable local, state, or federal law, rule, regulation,
16 or ordinance.
- 17 i. The compassion center shall comply with all relevant statutes, regulations, and
18 requirements administered by the Federal Occupational Safety and Health
19 Administration (OSHA), including but not necessarily limited to standards for toxic
20 and flammable compounds and air contaminants.
- 21 j. All persons working in direct contact with medical marijuana and marijuana
22 products shall conform to hygienic practices while on duty, including but not
23 limited to maintaining adequate personal cleanliness and washing hands
24 thoroughly in an adequate hand-washing area before starting work and at any
25 other time when the hands may have become soiled or contaminated.
- 26 k. Any person whose medical condition, as determined by medical examination or
27 as observed by a supervisor, poses or reasonably appears to pose a risk of
28 contamination of medical marijuana and/or medical marijuana products shall be
29 excluded from medical marijuana operations until the condition is cleared.
30 Medical conditions posing a risk of contamination include open lesions, including
31 boils, sores, or infected wounds, or any other abnormal source of microbial
32 infection.
- 33 l. The compassion center shall not permit the entry of any animal into the
34 premises. Service animals (as defined in the Americans with Disabilities Act) are
35 exempted from this prohibition.
- 36 8. Odor Control and Mitigation
- 37 a. Cultivation area(s) shall have ventilation and filtration systems installed that
38 prevent medical marijuana plant odors from exiting the interior of the structure to
39 an extent that would significantly alter the environmental odor outside, while
40 addressing the potential for mold.
- 41 b. The ventilation and filtration system, along with any plumbing improvements,
42 shall be installed in compliance with all applicable codes and ordinances,
43 including obtaining any necessary permits, and inspected by the municipality.

- 1 c. Measures to assure compliance with this section shall be documented in an odor
2 control and mitigation plan acceptable to DBR.
- 3 9. Pesticide Use and Records
- 4 a. The cultivation process shall use best practices to limit contamination of medical
5 marijuana and marijuana products, including but not limited to mold, mildew,
6 fungus, bacterial diseases, rot, pests, pesticides, and any other contaminant
7 identified as posing potential harm.
- 8 b. The use of pesticides on marijuana plants in Rhode Island by registered
9 compassion centers will not be considered a violation of these regulations
10 provided that the product must satisfy all of the following criteria:
- 11 (1) The product must be a “minimum risk pesticide” under 40 C.F.R. §
12 152.25(f), as the same may be amended from time to time.
- 13 (2) The product must be labelled for use on “all plants,” “other plants,”
14 bedding plants, unspecified plants, or unspecified crops.
- 15 (3) The label must not prohibit indoor or greenhouse use, as applicable.
- 16 (4) All active ingredients must be eligible for food use as determined by the
17 federal Environmental Protection Agency (EPA). See EPA’s Active
18 Ingredients Eligible for Minimum Risk Pesticide Products (last updated
19 December 2015), as the same may be updated and/or amended from
20 time to time. [https://www.epa.gov/sites/production/files/2015-
21 12/documents/minrisk-active-ingredients-tolerances-2015-12-15.pdf](https://www.epa.gov/sites/production/files/2015-12/documents/minrisk-active-ingredients-tolerances-2015-12-15.pdf).
- 22 (5) All inert/other ingredients must be eligible for food use. See EPA’s Inert
23 Ingredients Eligible for FIFRA 25(b) Pesticide Products (last updated
24 December 2015), as the same may be updated and/or amended from
25 time to time. See [https://www.epa.gov/sites/production/files/2016-
26 07/documents/section25b_inerts.pdf](https://www.epa.gov/sites/production/files/2016-07/documents/section25b_inerts.pdf).
- 27 (6) The product must be registered for sale in Rhode Island. To verify a
28 product’s registration in Rhode Island, please consult the online National
29 Pesticide Information Retrieval System through the Center for
30 Environmental and Regulatory Information Systems.
31 http://npirpublic.ceris.purdue.edu/state/state_menu.aspx?state=RI.
- 32 c. No application of pesticides shall be made after the vegetative stage of growth of
33 the cannabis plant.
- 34 d. Pesticides shall be identified, held, stored and disposed of in a manner that
35 protects against contamination of medical marijuana and marijuana products and
36 in a manner that is in accordance with any applicable local, state, or federal law,
37 rule, regulation, or ordinance.
- 38 e. Compassion centers must keep detailed records of any pesticide products used
39 and application regiments, including video recording during pesticide applications
40 which must cease if there is a failure or disruption of the video surveillance
41 system.

- 1 10. Safe Disposal of Medical Marijuana Waste and Safe Destruction of Usable Medical
2 Marijuana
- 3 a. Marijuana and marijuana product waste (including all liquid, chemical, hazardous,
4 pesticide, manufacturing solvent and chemical waste containing any traces of
5 marijuana) must be stored, secured, and managed in accordance with all
6 applicable federal, state, and local statutes, regulations, ordinances, or other
7 legal requirements.
- 8 b. Prior to disposal, marijuana and marijuana product waste must be made
9 unusable and any marijuana plant material made indistinguishable from other
10 plant material. This may be accomplished by grinding and incorporating the
11 marijuana plant waste with other non-consumable solid waste or other ground
12 materials so the resulting mixture is at least fifty percent non-marijuana waste by
13 volume. Other methods to render marijuana waste unusable must be approved
14 by DBR before implementing. Marijuana waste rendered unusable following an
15 approved method may be delivered to a licensed solid waste disposal facility in
16 Rhode Island for final disposition or disposed of in an alternative manner
17 approved by DBR.
- 18 c. Destruction of marijuana and marijuana materials other than waste generated in
19 the regular course of processing and/or manufacturing (such as destruction of
20 whole plants, wet, or usable marijuana that are found to be in excess of statutory
21 possession limits or destruction of a contaminated batch of medical marijuana
22 product) shall be in a manner acceptable to DBR, which may include consultation
23 with law enforcement.
- 24 d. Destruction of marijuana and marijuana materials upon revocation or
25 abandonment of the license shall be specifically governed by DBR order or
26 agreement and/or coordinated efforts with law enforcement.
- 27 e. Compassion centers must maintain accurate and comprehensive records
28 regarding waste material that accounts for, reconciles, and evidences all waste
29 activity related to the disposal of marijuana and marijuana products (including
30 any waste material produced through the trimming or pruning of a marijuana
31 plant prior to harvest). DBR may mandate storage of any such records or
32 summaries of such records to be through the Medical Marijuana Program
33 Tracking System or any other electronic system DBR designates.
- 34 K. Inspections and Audits; Enforcement Actions
- 35 1. Compassion centers are subject to reasonable inspection by DBR and DOH. DBR and
36 DOH and their authorized representatives have authority to enter a compassion center
37 premises at reasonable times and to inspect in a reasonable manner, the premises and
38 all equipment, materials, containers, and other things therein, including without limitation
39 all records, files, financials, sales, transport, pricing and employee data, research,
40 papers, processes, controls and to inventory any stock of marijuana, labels, containers,
41 paraphernalia and other materials and products. During any inspection, DBR and DOH
42 may review the compassion center's confidential records, including its dispensing
43 records, which shall track transactions according to identifying information for the patient,
44 primary caregiver, and/or authorized purchaser. Dispensing records for patient
45 cardholders shall be tracked by registry identification numbers only to protect their
46 confidentiality. See R.I. Gen. Laws § 21-28.6-12(e).
- 47 2. DBR may review and audit the books and records of compassion centers to ascertain
48 compliance with the Act, the DBR Regulations, and/or the DOH Regulations, including

1 continued satisfaction of the statutory criteria considered in granting a compassion center
2 license. The compassion center must make such books and records immediately
3 available for reviewing and copying by DBR and DOH. DBR may retain an independent
4 auditor to act as its agent for purposes of this section, the cost of which shall be borne by
5 the compassion center.

6 3. Nothing herein shall be interpreted to limit the real time access of DBR and DOH to
7 information stored in the Medical Marijuana Program Tracking System consistent with the
8 Act.

9 4. Pursuant to R.I. Gen. Laws § 21-28.6-12(d)(5) and § 21-28.6-12(b)(1), a compassion
10 center's registration certificate may be suspended/revoked if the compassion center is in
11 violation of the laws of Rhode Island, including the Act, DBR Regulations, or DOH
12 Regulations.

13 5. If a principal officer, board member, employee, agent, or volunteer affiliated with a
14 compassion center violates the Act, the DBR Regulations, and/or the DOH Regulations
15 when acting in their capacity as a principal officer, board member, employee, agent, or
16 volunteer of the compassion center, the compassion center may be subject to
17 suspension/revocation for failure to exercise adequate supervision.

18 **1.5 Licensed Cultivator Application and Licensing** 19 **Provisions**

20 A. Authority

21 R.I. Gen. Laws § 21-28.6-16(b)(1) authorizes DBR to promulgate regulations regarding the form
22 and content of licensing and renewal applications for licensed cultivators.

23 B. Licensed Cultivator Application and License Timeline

24 1. Licensed cultivator applications may be submitted to DBR for consideration through April
25 30, 2017. The application period will be re-opened each subsequent year during the
26 months of January, February, and March. DBR reserves the right to modify the
27 application periods based on patient and program need. DBR also reserves the right to
28 issue regulations limiting the number and/or classes of new licenses available for
29 application based on the projected needs of the Rhode Island Medical Marijuana
30 Program population. See R.I. Gen. Laws § 21-28.6-16 (location and possession
31 restrictions, regulation of licensing and oversight requirements).

32 2. Upon notification of approval of an application from DBR, the approved applicant must
33 take reasonable and documented efforts to complete the prerequisites for issuance of the
34 license which steps are detailed in Section 1.5(E). If such efforts take longer than nine
35 (9) months, the approved applicant must show good cause to DBR why additional time
36 should be granted and the application approval should not be rescinded.

37 3. Once the license has been issued, the licensed cultivator must take reasonable and
38 documented efforts to launch licensed cultivator activities, which for purposes of this
39 paragraph shall mean actual medical marijuana cultivation, processing, packaging,
40 manufacturing, and/or other medical marijuana activities requiring a cultivator license
41 pursuant to the Act. If such efforts take longer than six (6) months, the licensed cultivator
42 must show good cause to DBR why the license should not be revoked for non-use.

43 C. Classes of Cultivator Licenses

1 1. Cultivator licenses shall be divided into the following categories:

2

License Class	Size of Facility*
Class A	0 – 5000 sq. ft.
Class B	5,001 – 10,000 sq. ft.
Class C	10,001 – 15,000 sq. ft.
Class D	15,001 – 20,000 sq. ft.

3

4 2. For facilities over 20,000 sq. ft., please contact DBR prior to submitting the application.

5 3. For the period of one (1) year from the effective date of these regulations, only Class A
6 and B applications will be accepted. An applicant who is considering eventually applying
7 to operate a larger facility may detail any such plan on the application.

8 4. Facility size shall be determined as a total of any area where marijuana will be cultivated,
9 stored, processed, packaged, and/or manufactured.

10 5. An authorized officer of the applicant shall certify the square footage calculation.

11 D. Application for Cultivator License

12 1. DBR will evaluate applicants based upon the information provided by applicants on the
13 application forms/submissions and otherwise obtained during the application process.

14 2. Each application for a licensed cultivator shall be on such forms and through such
15 submission mechanisms as designated by DBR.

16 3. All applications shall be accompanied by a non-refundable application fee of five-
17 thousand dollars (\$5000).

18 4. Pursuant to R.I. Gen. Laws § 21-28.6-16(i), cultivators shall only be licensed at a single
19 location registered with DBR and RISP, must abide by all local ordinances, including
20 zoning ordinances, and may be subject to any additional location restrictions promulgated
21 by DBR. In accordance with R.I. Gen. Laws § 21-28.6-16(i):

22 a. Only one cultivator license will be issued per structural building.

23 b. The application must contain the following minimum information:

24 (1) The proposed physical location of the licensed cultivator (by plat and lot
25 number, mailing address, etc.), if a precise location has been
26 determined. If a precise physical location has not been determined, a
27 description of the general location(s) where it may be sited, if approved,
28 and the expected schedule for purchasing or leasing said location(s).

29 (2) Approximate calculation of the square footage of the proposed facility.

30 (3) Evidence of the location’s compliance or preliminary determination of
31 compatibility with the local zoning laws.

32 (4) Evidence that the physical location is not located within one thousand
33 feet (1,000’) of the property line of a preexisting public or private school.

1 For the purposes of this paragraph, "private school" shall be deemed to
2 refer to any nonpublic institution of elementary or secondary (K-12th
3 Grade) education, accredited or recognized as a private school by the
4 department of elementary and secondary education or the school
5 committee of the city or town having jurisdiction over private schools.

6 (5) A draft diagram of the proposed facility, including where within the facility
7 the medical marijuana will be cultivated, stored, processed, packaged,
8 and/or manufactured, and where security alarms and cameras and
9 surveillance recording storage will be located, and showing the location
10 of the facility relative to streets and other public areas.

11 (6) A description of objective parameters (such as distances from streets
12 and public areas) and/or proposed measures (such as black-out window
13 shades) that ensure that marijuana at the premises shall not be visible
14 from the street or other public areas.

15 (6) Evidence of either ownership of property or agreement by owner of
16 property to allow the operation of a licensed cultivator on the property, if
17 property has already been purchased or leased at the time of the
18 application.

19 5. The application shall also provide the following minimum information:

20 a. The applicant's legal and any d/b/a name(s), certificate of incorporation or
21 organization in Rhode Island or certificate of authority to transact business in
22 Rhode Island, articles of incorporation or organization, and bylaws or operating
23 agreement.

24 b. A business plan, including scope of activities, budget and resource narratives,
25 and timeline for initiating operations.

26 c. The legal name, current address, and date of birth of each officer and director or
27 member/manager of the applicant.

28 d. A list of all persons or business entities (legal names and current addresses) that
29 currently have or are expected to have direct or indirect authority over the
30 management or policies of the applicant.

31 e. If the applicant proposes to have a management agreement in place, it shall also
32 include a copy of the management agreement or management agreement
33 proposal and a list of persons who have any ownership interest or operational
34 control over the management company.

35 f. A list of all persons or business entities (legal names and current addresses)
36 having any ownership interest in the applicant entity, whether direct or indirect.

37 g. If the cultivator premises and/or other operational assets will be owned or leased
38 by a person or entity other than the applicant, the legal name and current
39 address of any such person or entity and a list of all persons or entities (legal
40 names and current addresses) having any ownership in such entity, whether
41 direct or indirect.

42 h. The legal names and current addresses of all creditors holding a security interest
43 in the premises and/or other assets to be used in the cultivator operations, if any.

- 1 i. Tax Affidavit in accordance with R.I. Gen. Laws § 5-76-1 et seq.
- 2 j. All other information required by DBR as described in the application form,
- 3 including for example experience and regulatory history of the applicant and its
- 4 key personnel.
- 5 6. Only applications which DBR has determined to be complete (i.e., adequately address all
- 6 application requirements above) shall be eligible for review. An applicant who submits an
- 7 incomplete application shall receive written notification from DBR regarding the specific
- 8 deficiencies and shall be allowed to resubmit additional material to address these
- 9 deficiencies within a reasonable timeframe without additional application fees.

10 E. Prerequisites to Issuance of Cultivator License and Commencement of Operations

11 1. If an applicant seeking to operate as a licensed cultivator is notified that its application

12 has been approved by DBR, it shall complete the below steps before a cultivator license

13 will be issued.

14 2. Annual Cultivator License Fees

15 The annual license fee shall be determined by the below table and must be paid in full

16 before a license will be issued.

17

License Class	Annual License Fee
Class A	\$20,000.00
Class B	\$35,000.00
Class C	\$50,000.00
Class D	\$80,000.00

18 3. Final Information and Documentation to be Supplied

19 The applicant must provide any updates to previously submitted application information

20 and the following additional items to DBR:

- 21 a. A sufficient description of the final physical location of the cultivator premises (by
- 22 plat and lot number, mailing address, etc.).
- 23 b. Evidence of complete compliance of the facility with the local zoning laws in the
- 24 form of a letter from an authorized zoning official of the municipality and
- 25 certification by an authorized officer of the applicant as to compliance with any
- 26 other applicable local ordinances.
- 27 c. Unless already provided at time of initial application, evidence that the physical
- 28 location for the cultivator premises is not located within one thousand feet
- 29 (1,000') of the property line of a preexisting public or private school.
- 30 d. A current Certificate of Occupancy (or equivalent document) to demonstrate
- 31 compliance of the cultivator facility with the relevant provisions of Chapters 28.1
- 32 and 27.3 of Title 23 of the R.I. General Laws [Fire Safety Code and State
- 33 Building Code, respectively].
- 34 e. Evidence of either ownership of property or agreement by owner of property to
- 35 allow the operation of a licensed cultivator on the property.

- 1 f. A final diagram of the facility, including where marijuana will be cultivated, stored,
2 processed, packaged, and manufactured, and where security alarms and
3 cameras and surveillance recording storage will be located.
- 4 g. The legal name, current address, and date of birth of any person who will be an
5 employee or agent of the cultivator at its inception.
- 6 h. Evidence of completion of divestiture plan pursuant to Section 1.5(E)(5)(e) and
7 other individual relinquishment requirements pursuant to Section 1.5(E)(5)(f).
- 8 4. DBR Pre-License Inspection
- 9 Before a cultivator license will be issued, a DBR inspection is required. Approved
10 applicants should contact DBR to coordinate said inspection. Nothing in this paragraph
11 should be construed as limiting inspections at an earlier time in addition to the final pre-
12 license inspection.
- 13 5. Divestiture of Prohibited Material Financial Interest and Control
- 14 a. A licensed cultivator and “key persons” thereof may not have any “material
15 financial interest or control” in another licensed cultivator, a compassion center,
16 or a licensed cooperative cultivation or vice versa. See R.I. Gen. Laws § 21-
17 28.6-12(c)(1)(iii)(limiting a compassion center to one additional location to
18 cultivate its marijuana); R.I. Gen. Laws § 21-28.6-12(b)(1)(ii)(DBR minimum
19 oversight over compassion centers); R.I. Gen. Laws § 21-28.6-16(i)(cultivator to
20 be licensed at one location only); R.I. Gen. Laws § 21-28.6-16(b)(2)(DBR
21 minimum oversight over cultivators); R.I. Gen. Laws § 21-28.6-3(4)(i) and R.I.
22 Gen. Laws § 21-28.6-3(12)(separately defining “compassion center” and
23 “licensed cultivator,” respectively); R.I. Gen. Laws § 21-28.6-14(a)(10)(DBR
24 authority to regulate operations of licensed cooperative cultivations); R.I. Gen.
25 Laws § 21-28.6-4(q)(qualifying patient and primary caregiver cardholders may
26 only grow at one location).
- 27 b. R.I. Gen. Laws § 21-28.6-16(f) authorizes regulations regarding testing of
28 medical marijuana and marijuana product cultivated and/or manufactured by
29 licensed cultivators, which will include ensuring the independence of third party
30 testing providers. Accordingly, a licensed cultivator may not have any material
31 financial interest or control in a Rhode Island DOH-approved third party testing
32 provider and vice versa.
- 33 c. “Material financial interest or control” shall mean: i) any ownership interest,
34 regardless of the size of the holding, and including any ownership interest
35 through a subsidiary or affiliate; ii) trusteeship, mortgage, guarantor, endorser or
36 surety relationship, or loan relationship, except that loan relationship for the
37 purposes of this definition shall exclude accounts payable and accounts
38 receivable on account of a medical marijuana purchase order; iii) any other
39 beneficial financial interest such that the holder bears the risk of loss (other than
40 as an insurer) or has an opportunity to gain profit from the operation or sale of
41 the regulated medical marijuana business; iv) operational control including but
42 not limited to interlocking directors or officers or through a management
43 agreement.
- 44 d. “Key persons” shall mean officers, directors, LLC managers/members and any
45 persons with managing or operational control.

- 1 e. Therefore, if a licensed cultivator application is approved and any prohibited
2 material financial interest or control has been identified by DBR or is otherwise
3 known to the licensed cultivator applicant, such interest or control must be
4 divested prior to issuance of the cultivator license. The plan of divestiture shall
5 be filed with DBR.
- 6 f. If applicable, before issuance of the cultivator license, the cultivator applicant
7 entity and its officers, directors or managers/members, and any other person with
8 an ownership or controlling interest must relinquish any caregiver registrations or
9 cooperative cultivation licenses held in order to comply with R.I. Gen. Laws § 21-
10 28.6-16(a).
- 11 g. The duty to divest prohibited material financial interests and control is a
12 continuing obligation of licensure.

13 6. Registry Identification Card Requirements

14 Before issuance of the cultivator license, all officers, directors or managers/members,
15 employees, and agents must apply for a registry identification card and submit to a
16 national criminal background check as provided in Section 1.6. Such individuals may be
17 hired, appointed, or retained prior to receiving a registry identification card, but may not
18 begin engagement in medical marijuana cultivation, storage, processing, packaging,
19 manufacturing, transport, or other medical marijuana activities requiring a licensed
20 cultivator license pursuant to the Act until receipt of the card.

21 F. DBR Post-Licensure Inspection of Operations and Inventory

22 After the cultivator license is issued, the licensed cultivator shall notify DBR when it obtains inventory and
23 commences operations. DBR may conduct a post-licensure inspection upon this commencement of
24 operations, including but not limited to inspection for compliance of medical marijuana and marijuana
25 product inventory with the tagging and tracking requirements set forth in Section 1.7(D). Nothing in this
26 paragraph shall be construed to limit DBR's general inspection powers as delineated in Section 1.7(J).

27 G. Changes in Location, Floor Plan, Ownership and Control of Licensed Cultivator; Continuing Duty
28 to Update Application Information; Discontinuation of or Failure to Launch Licensed Cultivator
29 Activities

- 30 1. A cultivator license shall not be assigned or otherwise transferred to other persons or
31 locations, unless pre-approved in accordance with the below paragraphs.
- 32 2. A licensed cultivator shall provide DBR with a written notice of any change described
33 below at least sixty (60) calendar days prior to the proposed effective date of the change:
- 34 a. A change in ownership of the licensed cultivator.
- 35 b. Change in the membership of a board of directors, board of trustees, or
36 managers/members.
- 37 c. Change in corporate officer.
- 38 d. Merger, dissolution, or entity conversion.
- 39 e. Entering into a management agreement, changing management companies,
40 and/or material changes to an existing management agreement.

- 1 f. Changes in the approved licensed cultivator premises.
- 2 g. Change to approved premises floor plan.
- 3 h. Proposed premises expansion.
- 4 3. Unless the licensed cultivator provides timely notification of the above changes and
5 receives prior DBR approval or waiver of the requirement of prior notice and approval (for
6 example a non-material change in ownership or emergency situation as determined by
7 DBR), the license shall be void and returned to DBR.
- 8 4. As to any proposed change of ownership or to a management agreement that will effect a
9 change of majority control and/or decision-making authority with respect to the operation
10 of the licensed cultivator or as to any proposed change in an approved licensed cultivator
11 premises location, DBR may require the licensed cultivator to follow the process for a
12 new application, which may include a new application fee. Additionally, any increase in
13 the size of the facility that causes the facility to be reclassified based on the license fee
14 structure set forth in Section 1.5(E)(2) shall require payment of the difference between
15 the paid fee and the fee applicable to the new classification of the facility. DBR, in its
16 sole discretion, may prorate the fee increase or may offer a rebate for a size decrease.
- 17 5. For updates in information other than the categories requiring sixty (60) calendar days
18 prior notice, the licensed cultivator has a continuing obligation to update, amend and/or
19 correct any information requested and/or submitted in the application process within ten
20 (10) business days after any change in the information submitted and/or any material
21 change in circumstances related to the application. This includes timely notification and
22 divestiture if a prohibited interest as delineated in Section 1.5(E)(5) is acquired by
23 operation of law.
- 24 6. If the licensed cultivator proposes to alter the final floor plan previously submitted and
25 approved, the licensed cultivator must first submit a renovation plan for DBR approval
26 sixty (60) calendar days prior to commencement of construction. The renovation plan
27 must specifically address quality control procedures for the protection of medical
28 marijuana and medical marijuana products from any contamination during the
29 construction process and further address any other criteria DBR requires.
- 30 7. The cultivator license shall be void and returned to DBR if the licensed cultivator
31 discontinues its operation, unless the discontinuance is on a temporary basis approved
32 by DBR.

33 H. Annual Renewal

34 Cultivator licenses shall be issued for one year terms. Annual renewals shall be submitted on
35 such forms and include such information as prescribed by DBR.

36 **1.6 Licensed Cultivator Cardholder Registry Identification**
37 **Card Provisions**

38 A. Cultivator Cardholder Definitions

- 39 1. "Licensed cultivator cardholder" includes all officers, directors or managers/members,
40 employees, and agents who have been issued a registry identification for their
41 association with the licensed cultivator.

- 1 2. “Agent” of a licensed cultivator shall include, but not be limited to, “testing agents.”
- 2 3. “Testing agent” shall mean an employee of an approved third party testing provider who
3 performs independent testing of medical marijuana and/or marijuana products of the
4 licensed cultivator in accordance with the DOH Testing Regulations, once adopted.
- 5 B. Registry Identification Card Requirement, Eligibility, Annual Fee and Application
- 6 1. All officers, directors or managers/members, employees, and agents of the licensed
7 cultivator must apply for cultivator registry identification cards.
- 8 2. Each licensed cultivator shall maintain a current list of all licensed cultivator cardholders
9 associated with the licensed cultivator.
- 10 3. Licensed cultivator cardholders shall be at least twenty-one (21) years old.
- 11 4. There shall be a one hundred dollars (\$100.00) non-returnable, non-refundable annual
12 fee for a licensed cultivator registry identification card, including each initial application
13 and subsequent annual renewal.
- 14 5. Applications pursuant to this section shall be on such forms and through such submission
15 mechanisms as directed by DBR.
- 16 C. Criminal Background Checks
- 17 1. Pursuant to R.I. Gen. Laws § 21-28.6-16(k), the cultivator applicant is subject to a
18 national criminal background check. This shall include all officers, directors or
19 managers/members, employees, and agents of the licensed cultivator (hereinafter also
20 referred to in this section as “applicants”).
- 21 2. Pursuant to R.I. Gen. Laws § 21-28.6-16(k)(2), disqualifying information is defined as a
22 felony drug offense conviction or a plea of nolo contendere for a felony drug offense with
23 a sentence of probation.
- 24 3. Pursuant to R.I. Gen. Laws § 21-28.6-16(k), the national criminal identification records
25 check shall include fingerprints submitted to the Federal Bureau of Investigation.
26 Application for said records check may be made to the Bureau of Criminal Identification
27 of the Department of Attorney General, RISP, or the local police department.
- 28 4. Pursuant to R.I. Gen. Laws § 21-28.6-16(k) and § 21-28.6-16(k)(2), upon the discovery of
29 any disqualifying information, the office that conducted the records check (the Bureau of
30 Criminal Identification of the Department of Attorney General, RISP, or the local police
31 department) shall issue a letter to the applicant disqualifying the applicant and informing
32 the applicant of the nature of the disqualifying information.
- 33 5. Pursuant to R.I. Gen. Laws § 21-28.6-16(k) and § 21-28.6-16(k)(2), upon discovery of
34 any disqualifying information, the office that conducted the records check (the Bureau of
35 Criminal Identification of the Department of Attorney General, RISP, or the local police
36 department) shall notify DBR, in writing of the fact that disqualifying information has been
37 discovered thus disqualifying the applicant.
- 38 6. Pursuant to R.I. Gen. Laws § 21-28.6-16(k)(1), in those situations in which no felony drug
39 offense conviction or plea of nolo contendere for a felony drug offense with probation has
40 been found, the office that conducted the records check (the Bureau of Criminal

1 Identification of the Department of Attorney General, RISP, or the local police
2 department) shall inform the applicant and DBR, in writing, of this fact.

3 7. Pursuant to R.I. Gen. Laws § 21-28.6-16(k)(2), the applicant shall be responsible for any
4 expense associated with the national criminal background check with fingerprints.

5 8. DBR will not require a person subject to a national criminal background check under this
6 subsection to undergo such a check more than once every two (2) years, unless a more
7 frequent time frame is mandated and/or agreed to as part of a license disciplinary action.

8 D. Issuance of the Cultivator Cardholder Registry Identification Card

9 1. Once the licensed cultivator cardholder application is approved by DBR, each approved
10 officer, director or manager/member, employee, or agent of the licensed cultivator is
11 responsible for getting a registry identification card from DOH.

12 2. The registry identification card shall contain:

13 a. The name, address and date of birth of the person.

14 b. The legal name of the licensed cultivator that the individual is affiliated with.

15 c. The category of the person's affiliation: officer, director or manager/member,
16 employee, or agent.

17 d. The date of issuance and expiration date of the registry identification card.

18 e. A random registry identification number.

19 f. A photograph.

20 E. Expiration and Renewal of Cultivator Cardholder Registry Identification Cards

21 Cultivator cardholder registry identification cards shall expire one year after issuance. Renewal
22 applications shall be on such forms and through such submission mechanisms as directed by
23 DBR.

24 F. Change in Name or Address; Lost/Stolen Cards

25 1. In accordance with R.I. Gen. Laws § 21-28.6-16(l)(1), a licensed cultivator cardholder
26 shall notify DBR of any change in his or her name or address within ten (10) business
27 days of such change. A licensed cultivator cardholder who fails to notify DBR of any of
28 these changes may be subject to a fine up to one hundred fifty dollars (\$150).

29 2. In accordance with R.I. Gen. Laws § 21-28.6-16(l)(2), changes in name and/or address
30 require the licensed cultivator cardholder to remit a ten dollar (\$10.00) fee to DBR. Upon
31 receipt of the notice and fee, DBR will prompt DOH to issue an updated registry
32 identification card. The licensed cultivator cardholder shall be responsible for getting the
33 updated registry identification card from DOH.

34 3. In accordance with R.I. Gen. Laws § 21-28.6-16(l)(3), if a licensed cultivator cardholder
35 loses his or her registry identification card (which would particularly include a card
36 suspected to be stolen), he or she shall notify DBR and submit a ten dollar (\$10.00) fee
37 within ten (10) business days of losing the registry identification card. Upon receipt of
38 the notice and fee, DBR will prompt DOH to issue a replacement registry identification

1 card. The licensed cultivator cardholder shall be responsible for getting the replacement
2 registry identification card from DOH.

3 G. Duty to Notify DBR of Disqualifying Criminal Information

4 In accordance with R.I. Gen. Laws § 21-28.6-16(l)(3), a licensed cultivator cardholder shall notify
5 DBR of any disqualifying criminal convictions as defined in § 21-28.6-16(k)(2). Such notification
6 must be made in writing within ten (10) business days.

7 H. Termination of Cultivator Cardholder Registry Identification Card.

8 1. If a licensed cultivator cardholder violates R.I. Gen. Laws § 21-28.6-16 (entitled “Licensed
9 Cultivator”) or any portion of the DBR Regulations or DOH Regulations which regulate
10 licensed cultivators and licensed cultivator cardholders, his or her registry identification
11 card may be suspended/revoked or subject to a fine as determined by DBR pursuant to §
12 21-28.6-16(e).

13 2. When a licensed cultivator cardholder ceases work with a licensed cultivator, whether
14 voluntarily or involuntarily or upon the licensed cultivator closing, his or her registry
15 identification card shall be null and void. In that situation, the licensed cultivator and/or
16 the licensed cultivator cardholder shall notify DBR and the registry identification card shall
17 be returned to DBR within ten (10) business days. No hearing shall be necessary to
18 render the card null and void in this situation.

19 **1.7 Licensed Cultivator Operational Provisions**

20 A. State Medical Marijuana Program Tracking System

21 Upon direction by the DBR, each licensed cultivator shall be required to utilize the state approved
22 Medical Marijuana Program Tracking System to document and monitor compliance with the Act,
23 the DBR Regulations, and the DOH Regulations, including but not limited to seed to sale tracking,
24 inventory supply tracking, adherence to restrictions on third party supply and sources of
25 marijuana and marijuana products and transfers thereof off the licensed premises, and all testing
26 compliance tracking. Licensed cultivators may be required to pay costs associated
27 with use of the Medical Marijuana Program Tracking System which may be assessed on an
28 annual, monthly, per use, or per volume basis and payable to the state or to its approved vendor.

29 B. Limitation on Sales and Transfers; Contract Requirements

30 1. Pursuant to R.I. Gen. Laws § 21-28.6-16(e), licensed cultivators shall only sell medical
31 marijuana and marijuana products to Rhode Island registered compassion centers. As
32 part of such sales transactions, the licensed cultivator may transfer and transport medical
33 marijuana and medical marijuana products to a registered compassion center. A
34 licensed cultivator may only receive medical marijuana and marijuana products from a
35 Rhode Island registered compassion center if the receipt is pursuant to a written contract
36 or purchase order for the cultivator to process the medical marijuana into a product to be
37 furnished back to the compassion center.

38 2. Pursuant to R.I. Gen. Laws § 21-28.6-16(e), all marijuana and marijuana products
39 possessed by a cultivator in excess of the permitted “uncommitted inventory” as defined
40 and delineated in Section 1.7(C)(3) must be under “formal agreement” to be purchased
41 by a compassion center.

42 3. “Formal agreement” requirements shall be as follows: An executed written contract or
43 purchase order shall be required for all sales from a licensed cultivator to a compassion

1 center and shall contain the following minimum terms: a) date of execution/placement of
2 the contract/purchase order, b) description and amount of product to be sold; c) the total
3 and per unit price of the product to be sold; d) the specific date or date range not
4 spanning more than (30) calendar days for fulfillment of the order and delivery or pickup;
5 e) the payment due date, as specifically agreed between the parties, but if no date is
6 specifically agreed to, payment shall be made within sixty (60) calendar days of delivery
7 or pickup. Contracts/purchase orders pursuant to this paragraph may not be modified but
8 may be cancelled or voided by the creation of a new replacement contract/purchase
9 order.

- 10 4. In furtherance of the intent of R.I. Gen. Laws § 21-28.6-16(e) and pursuant to its
11 minimum oversight rulemaking authority under R.I. Gen. Laws § 21-28.6-16(b)(2), DBR
12 deems the sale and/or transfer of marijuana or marijuana products, with or without
13 consideration, to any other party that is not a Rhode Island registered compassion center,
14 including any transfer between licensed cultivators, to be prohibited.
- 15 5. Any transfer to or from a third party testing provider shall be in accordance with the DOH
16 Testing Regulations, once adopted.
- 17 6. Unless specifically permitted by Section 1.7, no other licensed cultivator sales or
18 transfers of marijuana or marijuana products are permitted.

19 C. Inventory Limitations; Sources of Inventory

20 1. Marijuana Plant Inventory

- 21 a. Prior to the implementation of the Medical Marijuana Tracking System, Class A
22 cultivator licensees may not possess more than two hundred and fifty (250)
23 mature marijuana plants and two hundred and fifty (250) seedlings which must
24 be properly tagged and tracked in accordance with acceptable alternative tagging
25 and tracking under Section 1.7(D).
- 26 b. Prior to the implementation of the Medical Marijuana Tracking System, Class B
27 cultivator licensees will be limited to five hundred (500) mature marijuana plants
28 and five hundred (500) seedlings which must be properly tagged and tracked in
29 accordance with acceptable alternative tagging and tracking under Section
30 1.7(D).
- 31 c. After implementation of the Medical Marijuana Tracking System, licensed
32 cultivators will not be subject to a numerical possession limit for marijuana plants,
33 provided every plant is properly tagged and tracked in the Medical Marijuana
34 Tracking System.

35 2. Wet Marijuana Inventory

36 Licensed cultivators will not be subject to a numerical possession limit for the amount of
37 wet marijuana provided the cultivator complies with the following:

- 38 a. All wet marijuana is tagged and tracked in accordance with the cultivator tagging
39 and tracking requirements provided in Section 1.7(D).
- 40 b. All wet marijuana must be stored in an environment conducive to the drying
41 process and may not be stored in an environment that artificially prolongs the
42 drying process or preserves marijuana in an unusable wet state.

1 3. Usable Marijuana Inventory

2 a. Pursuant to its authority under R.I. Gen. Laws § 21-28.6-16(d), DBR establishes
 3 limits on the amount of “uncommitted inventory” of usable marijuana a licensed
 4 cultivator may possess based on licensed facility size as provided in the below
 5 table. “Uncommitted inventory” shall refer to marijuana and marijuana product
 6 not under formal agreement to be purchased by a compassion center.

7

License class by size per Section 1.5(C)(1)	Pounds of dried usable marijuana	OR	10 mg THC units of infused edible product	OR	Grams of concentrate	OR any combined amount of dried usable marijuana, <u>infused edible product</u> , and/or concentrate that does not equate to more than the maximum limit of dried usable marijuana in pounds
Class A	5 max	OR	6,640 max	OR	616 max	OR”
Class B	10 max	OR	13,280 max	OR	1,232 max	OR”
Class C	15 max	OR	19,920 max	OR	1,848 max	OR”
Class D	20 max	OR	26,560 max	OR	2,464 max	OR”

8 b. The above uncommitted inventory limits are derived from the equivalency
 9 conversions delineated in DOH Regulations, Appendix A. To any extent these
 10 equivalency conversions are inconsistent with the DOH Regulations, the DOH
 11 Regulations shall be controlling. Limits for combined inventory of marijuana in
 12 mixed forms shall be calculated as a total equivalent to the maximum limit of
 13 dried usable marijuana in pounds in accordance with the equivalency
 14 conversions factors delineated in DOH Regulations, Appendix A.

15 c. In accordance with R.I. Gen. Laws § 21-28.6-16(e), all marijuana and marijuana
 16 product that exceeds the amount of uncommitted inventory permitted by the
 17 above chart must be under formal agreement to be purchased by a compassion
 18 center. If such excess marijuana is not under formal agreement to be purchased,
 19 the cultivator will have thirty (30) calendar days to sell the excess to a
 20 compassion center or destroy the excess in accordance with the destruction
 21 guidelines in Section 1.7(l)(9).

22 d. Formal agreement requirements are set forth in Section 1.7(B)(3).

23 4. Sources of inventory for licensed cultivators shall be limited to “legally pre-existing
 24 inventory” and “clone cutting procurement” as delineated below.

25 a. Legally Pre-Existing Inventory: If a licensed cultivator or its officers, directors,
 26 members/managers, or employees possessed medical marijuana plants in
 27 compliance with the provisions of the Act before the license was granted, such
 28 marijuana plants may be transferred to the licensed cultivator inventory as a one-
 29 time transaction upon licensure provided such marijuana plants are properly
 30 tagged and tracked in compliance with Section 1.7(D). Except as provided in the
 31 preceding sentence, transfers of marijuana and marijuana product between the

- 1 licensed cultivator and its officers, directors, members/managers, and/or
2 employees is strictly prohibited.
- 3 b. Clone Cutting Procurement: A licensed cultivator may acquire marijuana plant
4 cuttings to use as clones for plant development (“clone cuttings”) not more than
5 once per month in a single transaction of not more than twelve (12) clone
6 cuttings from a “non-affiliated licensed cooperative cultivation.” The clone
7 cuttings may be no longer than eight (8) inches in length, and may not contain
8 observable buds or flower. A licensed cultivator who acquires clone cuttings
9 must immediately tag such clone cuttings and track them in accordance with the
10 tagging and tracking requirements set forth in Section 1.7(D). A licensed
11 cultivator must keep records of all clone cutting procurements as required by
12 DBR. “Non-affiliated licensed cooperative cultivation” requirements are further
13 delineated in Section 1.8(O).
- 14 D. Medical Marijuana and Marijuana Product Tagging for Cultivators
- 15 1. Pursuant to R.I. Gen. Laws § 21-28.6-16(d), every marijuana plant possessed by a
16 licensed cultivator must be accompanied by a medical marijuana tag.
- 17 2. Properly using tags with unique identifiers through the Medical Marijuana Program
18 Tracking System, payment of the annual license fee, and compliance with the
19 requirements of this subsection shall be deemed to satisfy the requirements of R.I. Gen.
20 Laws § 21-28.6-16(d).
- 21 3. If a licensed cultivator begins to operate prior to the implementation of the Marijuana
22 Program Tracking System, DBR will advise the cultivator of acceptable alternative
23 inventory tagging and tracking systems and protocols. In such a case, any references to
24 the Medical Marijuana Program Tracking System in this section shall be deemed to
25 include the acceptable alternatives.
- 26 4. Cultivators must ensure that medical marijuana is marked with Medical Marijuana
27 Program Tracking System unique identifier tags through each stage of production the
28 cultivator is undertaking, from seed propagation through packaging, as may be
29 applicable.
- 30 5. Medical Marijuana Program Tracking System unique identifier tags shall contain the
31 following information and/or technical functions:
- 32 a. DBR license number.
- 33 b. Unique identifier(s) (such as barcodes and/or numerical/alphabetical codes) that
34 track marijuana product through each stage of production.
- 35 c. Licensed premises location.
- 36 d. Any other information or technical functions DBR deems appropriate (such as
37 radio frequency identification).
- 38 6. Medical Marijuana Program Tracking System unique identifier tags shall not be altered
39 or duplicated.
- 40 7. Unique identifier tags shall be placed in a manner so as to clearly display their
41 association with a particular plant, plant material, or product, such as affixed to the plant
42 itself, on the growing receptacle, or in the growing medium, by labeling drying racks and

1 other receptacles that wet marijuana dries on, by affixing the tag to the stalk for drying on
2 the stalk, on a label affixed to a storage/transport package and/or retail-ready package,
3 and other reasonable means.

4 8. The unique identifier tags may not be transferred or assigned except when affixed to
5 marijuana plants, wet marijuana, or usable marijuana which is being sold/transferred/
6 transported in accordance with Sections 1.7(B) and (1)(3).

7 9. Return of unique identifier tags by a licensed cultivator upon revocation or abandonment
8 of the license shall be specifically governed by DBR order or agreement and/or
9 coordinated efforts with law enforcement. Disposal of unique identifier tags by a licensed
10 cultivator as may be required by DBR, such as in the regular course of tagging if different
11 stages will require different tag forms or such as recall of tags due to new technology,
12 shall be handled in accordance with further instructions provided by DBR.

13 10. In addition to any and all other disciplinary actions and civil and criminal penalties
14 authorized by the Act and the DBR Regulations in the event that a licensed cultivator fails
15 to comply with the unique identifier tags provisions for licensed cultivators set forth
16 above, the licensed cultivator is subject to a fine between twenty-five dollars (\$25) and
17 five-thousand dollars (\$5,000) per mature marijuana plant that does not have the required
18 unique identifier tag. See R.I. Gen. Laws § 21-28.6-15(b)(4)(untagged plants exceeding
19 limits set by R.I. Gen. Laws § 21-28.6-16 subject to minimum of the tag fee that would be
20 paid by a cardholder (\$25), leaving discretion to DBR to establish a maximum penalty);
21 R.I. Gen. Laws § 21-28.6-16 (authorizing DBR to limit licensed cultivator inventory).

22 E. Inventory Control

23 1. Upon direction by DBR, each licensed cultivator shall utilize the state approved Medical
24 Marijuana Program Tracking System for all inventory tracking from seed to sale as further
25 defined herein.

26 2. If the licensed cultivator is notified by DBR that the Medical Marijuana Program Tracking
27 System is not available, the licensed cultivator will be provided with direction as to
28 alternative inventory control measures, which may include but are not necessarily limited
29 to the licensed cultivator being directed to:

30 a. Conduct an initial comprehensive inventory of all medical marijuana, including
31 usable marijuana available for sale, marijuana plants and seedlings, unusable
32 marijuana, and wet marijuana, as of a date certain set by DBR.

33 b. Conduct subsequent comprehensive inventories at intervals not to exceed
34 twenty-four (24) months from the date of the previous comprehensive inventory.

35 c. Conduct a monthly inventory review of stored, usable marijuana, seedlings,
36 plants, and wet marijuana.

37 3. Upon request, DBR may require the licensed cultivator to conduct and provide the results
38 of alternative inventory control measures outlined above, regardless of the availability
39 and use of the Medical Marijuana Program Tracking System.

40 F. Minimum Security Requirements

41 1. Authority

1 R.I. Gen. Laws § 21-28.6-16(b)(4) authorizes DBR to promulgate regulations regarding
2 the minimum security requirements for licensed cultivators.

3 2. General Security Requirements

4 a. Each licensed cultivator shall implement appropriate security and safety
5 measures to deter and prevent the unauthorized entrance into areas containing
6 marijuana and the theft of marijuana.

7 b. Use or carry of firearms on the premises and/or perimeter of the licensed
8 cultivator is a prohibited form of security, except by security guards licensed by
9 the Office of the Rhode Island Attorney General pursuant to R.I. Gen. Laws § 5-
10 5.1-13 and who are under written contract to provide security services to the
11 licensed cultivator and by law enforcement personnel during duty.

12 c. The outside perimeter of the licensed cultivator shall have adequate lighting to
13 deter theft which may include motion activated lighting acceptable to DBR.

14 d. Within any area where marijuana and marijuana products are grown, cultivated,
15 stored, weighed, packaged, processed, or manufactured, any person who does
16 not have a valid licensed cultivator registry identification card shall be considered
17 a "visitor" and must be escorted at all times by a licensed cultivator registry
18 identification card holder. The licensed cultivator must maintain a visitor log for
19 any such activity as detailed in Section 1.7(F)(6)(c).

20 e. Each licensed cultivator shall ensure that the storage of marijuana and any
21 marijuana products is in a locked area, meaning that at all points of ingress and
22 egress, the licensed cultivator shall ensure the use of a working commercial-
23 grade door lock.

24 3. Security Alarm Requirements

25 a. Each licensed cultivator shall have a fully operational security alarm system at
26 the premises that will provide suitable protection against theft and diversion,
27 including alarms at all outside perimeter entry points and outside perimeter
28 windows.

29 b. A fully operational security alarm system may include a combination of hard-
30 wired systems and systems interconnected with a radio frequency method such
31 as cellular or private radio signals that emit or transmit a remote or local audible,
32 visual, or electronic signal; motion detectors, pressure switches, duress alarms (a
33 silent system signal generated by the entry of a designated code into the arming
34 station to indicate that the user is disarming under duress); panic alarms (an
35 audible system signal to indicate an emergency situation); and hold-up alarms (a
36 silent system signal to indicate that a robbery is in progress).

37 c. A fully operational security alarm system shall at a minimum provide for
38 immediate automatic or electronic notification to alert municipal and/or state law
39 enforcement agencies or public safety personnel to an unauthorized breach or
40 attempted unauthorized breach of security at the licensed cultivator premises and
41 to any loss-of-electrical support backup system to the security alarm system.

42 d. Each licensed cultivator shall establish a protocol for the testing and
43 maintenance of the security alarm system, which shall at a minimum provide for
44 a maintenance inspection/test of the alarm system for each authorized location at

1 intervals not to exceed thirty (30) calendar days from the previous inspection/test
2 and prompt completion of all necessary repairs to ensure the proper operation of
3 the alarm system.

4 e. If the licensed cultivator premises suffers a failure of the security alarm system,
5 due to loss of electrical support, mechanical function, or otherwise, that is
6 expected to exceed an eight (8) hour period, in addition to the notice
7 requirements provided in Section 1.7(F)(3)(c) and (F)(7), the licensed cultivator
8 must also close the licensed cultivator premises until the security alarm system
9 has been restored to full operation, or, if approved by DBR, provide alternative
10 security measures.

11 4. Video Surveillance Requirements

12 Each licensed cultivator must have a fully operational video surveillance and camera
13 recording system with appropriate protocols, which shall, at a minimum, comply with the
14 below requirements:

15 a. Video surveillance equipment shall, at a minimum, consist of digital or network
16 video recorders, video monitors, and digital archiving devices capable of
17 playback quality sufficient to identify and monitor all individuals (including
18 sufficient clarity of facial features) and activities in the monitored areas.

19 b. The recording system must record in digital format.

20 c. The date and time must be embedded on the recording without significantly
21 obscuring the picture. Time is to be measured in Eastern Standard Time.

22 d. All video surveillance systems must be equipped with a failure notification system
23 that provides prompt notification of any surveillance interruption and/or the
24 complete failure of the surveillance system. Said notification must be routed to
25 licensed cultivator personnel specifically designated by management and to
26 DBR.

27 e. All video surveillance equipment shall have sufficient battery backup to support a
28 minimum of four (4) hours of recording in the event of a power outage.

29 f. Video recordings must be archived in a format and maintained in a manner that
30 ensures authentication of the recording as legitimately-captured video and
31 guarantees that no alteration of the recorded image has taken place.

32 g. Remote access to a continuous live feed video on a real time basis must be
33 available at all times to licensed cultivator personnel specifically designated by
34 management and to DBR. Additionally, all video surveillance records and
35 recordings must be made available upon request to DBR.

36

37 h. The system must include a color printer or similar equipment capable of printing
38 still photos of a quality sufficient to identify individuals and activities in the
39 monitored areas.

40 i. Camera coverage is required for all areas where marijuana and marijuana
41 products are grown, cultivated, stored, weighed, packaged, processed, or
42 manufactured, including all areas of ingress and egress thereto, security rooms

1 (as defined below), all points of ingress and egress to the exterior of the licensed
2 cultivator, and any computer or other digital access points.

3 j. Camera views of required coverage areas shall be continuously recorded twenty
4 (24) hours a day, (7) seven days per week.

5 k. All surveillance recordings must be kept for a minimum of sixty (60) calendar
6 days.

7 l. Surveillance recording equipment and all video surveillance records and
8 recordings must be housed in a designated, locked and secured room or other
9 enclosure with access limited to licensed cultivator personnel specifically
10 authorized by management (the "security room"). The licensed cultivator must
11 keep on site a current list of all authorized employees and service personnel who
12 have access to the security room and a video surveillance equipment
13 maintenance activity log.

14 m. If the licensed cultivator suffers a failure of the surveillance system, due to loss of
15 electrical support, mechanical function, or otherwise, that is expected to exceed
16 an eight (8) hour period, in addition to the notice requirements provided in
17 Section 1.7(F)(4)(d) and 1.7(F)(7), the licensed cultivator must also close the
18 licensed cultivator premises until the video surveillance system has been
19 restored to full operation, or, if approved by DBR, provide alternative premises
20 monitoring.

21 5. Emergency Plan

22 The licensed cultivator shall develop and maintain an emergency plan with procedures to
23 be followed to prevent and, if not prevented, to adequately address and mitigate
24 consequences of theft or burglary or attempts thereof, fire, natural disasters, and other
25 emergencies, including cybersecurity and data breach procedures to prevent a
26 compromise of the integrity of the Medical Marijuana Program Tracking System. The
27 plan shall include training for employees on crime prevention and personal safety
28 techniques.

29 6. Security-Related Record-Keeping

30 The licensed cultivator shall maintain the following documentation on-site and with digital
31 back-up for a period of at least twenty-four (24) months after the event:

32 a. Inventory records including, at a minimum, the date the inventory was conducted,
33 a summary of the inventory findings and the name, signature and title of the
34 individual who conducted the inventory.

35 b. All records of maintenance, inspections, and tests of the security alarm and video
36 surveillance systems and of servicing, modifications, or upgrades performed on
37 said systems. These records shall include, at a minimum, the date of the action,
38 a summary of the action(s) performed and the purpose therefor, and the name,
39 signature and title of the individual who performed the action(s).

40 c. Visitor logs which shall include the name of each visitor, the date and time of the
41 beginning and end of the visit, the reason for the visit (i.e. maintenance,
42 authorized pickup, etc.), the name of the escorting licensed cultivator registry
43 identification cardholder.

- 1 d. Emergency notification reports as required by Section 1.7(F)(7).
- 2 7. Emergency Notifications and Reports
- 3 a. Licensed cultivators shall provide notification of emergency events to DBR and
4 municipal and/or state law enforcement as outlined below.
- 5 b. Immediately upon discovery of the event, the licensed cultivator shall provide
6 telephone notification to the appropriate municipal and/or state law enforcement
7 authorities regarding any of the following “emergency events:”
- 8 (1) Theft or burglary or an attempt thereof.
- 9 (2) Any fire.
- 10 (3) A natural disaster that results in the destruction of or damage to medical
11 marijuana or marijuana products.
- 12 (4) A failure of the security alarm system or video surveillance system, due
13 to loss of electrical support, mechanical function, or otherwise, that is
14 expected to exceed an eight (8) hour period.
- 15 (5) A security alarm activation.
- 16 (6) Any other event which requires response by law enforcement or public
17 safety personnel.
- 18 c. The licensed cultivator shall provide e-mail notification to DBR immediately upon
19 discovery of any data breach or cybersecurity threat to the Medical Marijuana
20 Program Tracking System, and within twenty-four (24) hours of discovery of any
21 other emergency event as defined above. A follow-up telephone notification to
22 DBR shall be provided no later than the next business day.
- 23 d. The licensed cultivator shall submit a follow-up written report to DBR within five
24 (5) business days for each emergency event. The written report shall include, at
25 a minimum, a description of the event(s), identification of known or suspected
26 cause(s) for the event(s), any corrective action(s) taken to prevent a recurrence,
27 and the name, title, and signature of the individual preparing the report.
- 28 e. Any notification and report of an emergency event required to be made to DBR
29 pursuant to these DBR Regulations shall be made using the mailing address,
30 telephone number, and/or e-mail address provided by DBR to approved
31 licensees.
- 32 f. Upon written direction to the licensed cultivator, DBR may require that the written
33 and telephone notifications and reporting must be replaced or supplemented by
34 notifications and reporting through the Medical Marijuana Program Tracking
35 System or any other electronic system or means DBR mandates the licensed
36 cultivator to utilize.
- 37 G. Record-Keeping and Reporting
- 38 1. Authority

1 R.I. Gen. Laws § 21-28.6-16(b)(3) authorizes DBR to promulgate regulations regarding
2 the minimum record-keeping requirements for licensed cultivators.

3 2. Operations Manual

4 Each licensed cultivator shall develop, implement, and maintain on the premises an
5 operations manual which addresses, at a minimum, the following subject areas and
6 requirements:

7 a. Procedures for the organization, administration, command, and control of the
8 licensed cultivator (including but not limited to organizational chart, chain of
9 command protocols, etc).

10 b. Procedures to ensure accurate record keeping, including protocols to ensure that
11 all acquisitions and authorized sales of marijuana are logged into the Medical
12 Marijuana Program Tracking System on a real time basis and procedures on
13 proper training and use of the Medical Marijuana Program Tracking System and
14 any other tracking system used by the licensed cultivator.

15 c. Records retention policies.

16 d. Ethics and compliance policies.

17 e. Alcohol and drug free work place policy.

18 f. If applicable, medical marijuana manufacturing protocols, safety measures, and
19 training information.

20 g. Odor control and mitigation plan.

21 3. Personnel Records

22 Each licensed cultivator shall maintain a personnel record for each employee or agent for
23 a period of at least six (6) months after termination of the individual's affiliation with the
24 license cultivator. Said personnel record shall contain the following minimum
25 documentation and information:

26 a. An application for employment or offers to provide services as an agent.

27 b. An employment or engagement description detailing duties, responsibilities,
28 authority, qualifications and supervision.

29 c. If applicable, a copy of any employment or engagement.

30 d. A record of any disciplinary action taken.

31 e. Documentation of all required training, which shall include a signed statement
32 from the individual indicating the date, time and place he or she received said
33 training, topics discussed, and the name and title of presenters.

34 4. Additional Records to be Maintained

35 In addition to all other specific record-keeping requirements of the Act, the DBR
36 Regulations, and the DOH Regulations, the licensed cultivator shall maintain the
37 following records for a minimum of five (5) years:

- 1 a. All contracts and purchase orders with compassion centers, including
2 documentation of any cancelled contracts or purchased orders and any contracts
3 and purchase orders voided by replacement contracts.
- 4 b. Invoices and any supporting documentation of all marijuana purchases,
5 acquisitions, sales, transfers, and payments.
- 6 c. Contracts pertaining to the security alarm and security camera systems.
- 7 d. Contracts with vendors, including any approved third party testing providers.
- 8 e. All records normally retained for tax purposes.
- 9 5. Storage of Records
- 10 Records pertaining to transactions occurring within the last six (6) months shall be stored
11 on the registered premises. Records dating further back may be stored off the premises
12 with DBR's approval.
- 13 6. Responsibility for Loss of Records and Data
- 14 The licensed cultivator shall exercise due diligence and reasonable care in preserving
15 and maintaining all required records to guard against loss of records and data, including
16 cybersecurity of electronically-maintained records.
- 17 H. Product Packaging and Labeling Requirements
- 18 1. Authority and Applicability
- 19 a. These product packaging and labeling requirements for licensed cultivators are
20 promulgated pursuant to R.I. Gen. Laws § 21-28.6-16(g). These requirements
21 were developed jointly with DOH.
- 22 b. Licensed cultivators shall have ninety (90) calendar days from the effective date
23 of these regulations to comply with these requirements.
- 24 c. Any container or packaging containing usable marijuana or marijuana product,
25 including both retail-retail ready packaging and product otherwise packaged for
26 the purpose of storage and/or authorized transport, must:
- 27 (1) Protect the product from contamination.
- 28 (2) Not impart any toxic or deleterious substance to the usable marijuana or
29 marijuana product.
- 30 (3) Contain the Inventory tracking ID number assigned by the Medical
31 Marijuana Program Tracking System or, if prior to the Medical Marijuana
32 Program Tracking System's implementation, an inventory tracking ID
33 number generated from an alternative inventory tracking system
34 approved by DBR.
- 35 (4) Be labeled with the quantity of the product.
- 36 d. The remainder of these product packaging and labeling requirements only apply
37 to retail-ready product packaging and labeling. Such requirements only apply to

- 1 a licensed cultivator if the licensed cultivator is engaged in retail-ready product
2 packaging and/or labeling services as part of the services provided for sale of a
3 retail-ready product to a compassion center pursuant to a written
4 contract/purchase order.
- 5 e. Compliance with these product packaging and labeling requirements shall
6 include the requirement that the licensed cultivator confirms before retail-ready
7 packaging/labeling that the product complies with the DOH Testing Regulation,
8 once adopted.
- 9 2. Packaging and labeling shall not:
- 10 a. Make any false or misleading statements including particularly any statements
11 regarding health or physical benefits to the consumer and the composition and profiles
12 that are advertised/indicated in the label.
- 13 b. Resemble the trademarked, characteristic or product-specialized packaging of
14 any commercially available snack, baked good, or beverage.
- 15 c. Contain any statement, artwork, or design that could reasonably mislead any
16 reasonably prudent person to believe that the package contains anything other than
17 medical marijuana or marijuana product.
- 18 d. Contain any seal, flag, crest, coat of arms, or other insignia that could reasonably
19 mislead any reasonably prudent person to believe that the product has been endorsed or
20 manufactured by the State of Rhode Island or any agency thereof or municipality within.
- 21 3. Packaging for retail-ready medical marijuana and marijuana products shall be opaque,
22 light-resistant, and tamper-evident.
- 23 4. Packaging and labeling shall not be designed such that it would be attractive to children.
24 This requires the packing and labeling be in black and white only, have no animal
25 characters, and does not contain the word "candy."
- 26 5. Retail-ready medical marijuana and marijuana products must be packaged in manner
27 that is "child-resistant," which for purposes of these Regulations shall mean that the
28 packaging is designed and constructed to be significantly difficult for children under five
29 years of age to open. Approved methods include but are not limited to:
- 30 a. Solid or liquid marijuana products may be packaged in plastic four mil or greater
31 in thickness and be heat sealed with no easy-open tab, dimple, corner, or flap.
- 32 b. Liquid marijuana products may also be packaged in a bottle and sealed using a
33 metal crown cork style bottle cap.
- 34 6. For solid edible marijuana products with more than one serving size in the outer package,
35 each serving must be packaged individually and placed in a child-resistant outer
36 package.
- 37 7. For liquid edible marijuana products with more than one serving in the package, a
38 measuring cap or dropper must be included in the package with the product.
- 39 8. All retail-ready medical marijuana and marijuana products must include a label affixed to
40 the package containing the following information, prominently displayed and in a clear
41 and legible English language font:

- 1 a. The business or trade name of the selling compassion center.
- 2 b. Inventory tracking ID number assigned by the Medical Marijuana Program
3 Tracking System or, if prior to the Medical Marijuana Program Tracking System's
4 implementation, an inventory tracking ID number generated from an alternative
5 inventory tracking system approved by DBR.
- 6 c. Date of final packaging, and, if applicable, the recommended expiration or "use
7 by" date.
- 8 d. Total weight in ounces and grams or volume as appropriate.
- 9 e. Total estimated amount of THC and CBD.
- 10 f. For edible marijuana products, a list of all ingredients used.
- 11 g. A statement that discloses all pesticides applied to the marijuana plants and
12 growing medium during production and processing.
- 13 h. If solvents were used, statement that discloses the type of extraction method,
14 including any solvents, gases, or other chemicals or compounds used to produce
15 or that are added to the extract.
- 16 i. Any applicable instructions for use and safe storage.
- 17 9. All retail-ready medical marijuana and marijuana products must include a label affixed to
18 the package containing the following warnings, prominently displayed and in a clear and
19 legible English language font. For products other than edibles and topical applications,
20 these warnings may be on an insert provided with the packaging.
- 21 a. "Warning: Marijuana has intoxicating effects and may be habit forming and
22 addictive. The intoxicating effects of marijuana may be delayed by up to two
23 hours."
- 24 b. "Warning: Do not operate a vehicle or machinery under its influence."
- 25 c. "Warning: There may be health risks associated with consumption of marijuana."
- 26 d. "Warning: For use only by adults twenty-one and older. Keep out of reach of
27 children."
- 28 e. "Warning: Marijuana should not be used by women that are pregnant or breast
29 feeding."
- 30 f. "Warning: Do not take this product across state lines."
- 31 g. "Warning: For medical use by a registered patient only. Not for resale."
- 32 h. "Warning: This product is not certified to be free of contaminants."
- 33 i. For product to be smoked, "Warning: Smoking is hazardous to your health."
- 34 j. If applicable, a warning regarding use or contact with any nuts or other known
35 allergens as defined in the federal Food Allergen Labeling and Consumer

1 Protection Act of 2004, as administered by the federal Food and Drug
2 Administration.

3 I. Other Licensed Cultivator Operation Requirements

4 1. Authority

5 R.I. Gen. Laws § 21-28.6-16(b)(2) authorizes DBR to promulgate regulations regarding
6 the minimum oversight requirements for licensed cultivators. The requirements set forth
7 in this section are promulgated in accordance with that statutory duty of general
8 regulatory supervision over the licensed cultivators.

9 2. Use on Premises Prohibited

10 Use of marijuana or marijuana products on the premises of the licensed cultivator is
11 strictly prohibited.

12 3. Transportation of Medical Marijuana to and from Licensed Cultivators

13 a. "Authorized transports" of marijuana and marijuana products to and from licensed
14 cultivators are limited to transports authorized in Section 1.7.

15 b. "Registered/licensed facility" shall refer to a either a licensed cultivator or
16 registered compassion center that is party to an "authorized transport," as the
17 context requires.

18 c. "Authorized transport vehicle" means a vehicle meeting the following criteria:

19 (1) The vehicle bears no markings that indicate that the vehicle is being
20 used to transport marijuana nor indicates the name of the
21 registered/licensed facility.

22 (2) The vehicle is equipped with a global positioning system monitoring
23 device that is monitored by the originating registered/licensed facility
24 during an authorized transport.

25 (3) The vehicle has a locked storage compartment within which the
26 marijuana and marijuana product being transported is secured.

27 d. "Detailed transport manifest" refers to a manifest which DBR may be required to
28 be generated through and/or maintained in the Medical Marijuana Program
29 Tracking System and that shall include the following minimum information:

30 (1) Departure date and approximate time of departure.

31 (2) Names, location addresses, and registration/license numbers of the
32 originating and receiving registered/licensed facilities.

33 (3) Product name or descriptions and quantities (by weight or unit) of each
34 product to be delivered to each specific destination location(s).

35 (4) Arrival date and approximate time of arrival.

36 (5) Delivery vehicle make and model and license plate number.

- 1 (6) Names, registry identification card numbers, and signatures of the
2 delivery persons.
- 3 e. The originating registered/licensed facility shall ensure that all delivery times and
4 routes are randomized.
- 5 f. Authorized transports may only be made by cardholders affiliated with the
6 particular registered/licensed facility that is the source or recipient party to an
7 authorized transaction. A minimum of two such cardholders must be on each
8 authorized transport. At least one cardholder shall remain in the authorized
9 transport vehicle at all times.
- 10 g. During all authorized transports, the delivery persons must have on their persons
11 their licensed cultivator or compassion center registry identification cards and the
12 detailed transport manifest.
- 13 h. Any authorized transport vehicle carrying marijuana and marijuana products shall
14 travel directly from the originating registered/licensed facility to the receiving
15 registered/licensed facility. In case of an emergency stop, a detailed written
16 account must be maintained describing the reason for the event, the duration, the
17 location, any activities occurring during the stop, and any personnel exiting the
18 vehicle during the stop.
- 19 i. Authorized transports shall be conducted in such a manner as to ensure that
20 marijuana and marijuana products are secured and safe at all times during
21 transport, which includes, but is not limited to, the requirements that marijuana is
22 not visible from outside the authorized transport vehicle at that any ingestible
23 marijuana products that are perishable are adequately refrigerated, if necessary.
- 24 j. Prior to leaving the originating registered/licensed facility for an authorized
25 transport to another registered/licensed facility, the originating registered/licensed
26 facility must weigh, inventory, and account for on video all marijuana and
27 marijuana product to be transported.
- 28 k. For authorized transports to and from a compassion center, the transport
29 manifest shall be accompanied by a copy of any contract/purchase order for
30 which the transport is being made and documentation of the actual payment
31 date, if prepaid.
- 32 l. The detailed transport manifest shall be prepared by the originating
33 registered/licensed facility and transmitted in advance to the receiving facility.
34 Both facilities shall retain copies of detailed transport manifests as part of their
35 record retention responsibilities.
- 36 m. Within eight (8) hours of after arrival at the destination registered/licensed facility,
37 the receiving party shall re-weigh, re-inventory, and account on video for all
38 marijuana and marijuana product transported.
- 39 n. Both the originating and recipient registered/licensed facilities shall timely adjust
40 their records to reflect in its records the completed authorized transport of
41 marijuana, including logging such information in the Medical Marijuana Program
42 Tracking System. All records and entries in the Medical Marijuana Program
43 Tracking System shall be easily reconciled, by product name and quantity, with
44 the applicable detailed transport manifest. Any unusual discrepancies in the
45 quantity described in the detailed transport manifest and the quantities received

1 shall be reported to DBR and municipal and/or state law enforcement within (24)
2 hours.

3 o. Any vehicle accidents, diversions, or losses during authorized transports of
4 marijuana shall be reported to DBR and law enforcement as an "emergency
5 event" pursuant to Section 1.7(F)(7).

6 p. Transportation to or from a third party testing provider shall be in accordance with
7 the DOH Testing Regulations, once adopted.

8 4. Manufacturing and Extraction

9 a. Pursuant to R.I. Gen. Laws § 21-28.6-16(h), licensed cultivators are not
10 permitted to manufacture marijuana using a solvent extraction process that
11 includes the use of a compressed, flammable gas as a solvent.

12 b. Any other manufacturing method using a solvent extraction process must be
13 approved by DBR. If the manufacturing method uses a flammable/combustible
14 material or heat source, the method must also be approved by the State Fire
15 Marshall and/or local fire department.

16 c. Only registered cultivator employees and agents may manufacture marijuana
17 products on the premises.

18 d. The licensed cultivator must maintain written standard operating procedures for
19 each manufacturing process, including step-by-step instructions.

20 e. The licensed cultivator must ensure that for each manufacturing process, all
21 safety and sanitary equipment appropriate for that manufacturing process,
22 including any personal protective equipment, is provided to any authorized
23 cultivator cardholder who will be involved in that manufacturing process.

24 f. All medical marijuana product manufacturing areas must be adequately lit during
25 manufacturing, cleaning, or other use.

26 g. All work surfaces on which medical marijuana products are manufactured shall
27 be non-porous, non-absorbent, and easily cleanable.

28 h. No eating or smoking shall be permitted in the manufacturing area.

29 i. The licensed cultivator must provide a training manual and instructional training
30 on each manufacturing process to any authorized cultivator cardholder who will
31 be involved in that manufacturing process.

32 5. Required Employee and Agent Training

33 Each employee and agent of the licensed cultivator shall receive, at the time of his or her
34 initial appointment and every year thereafter, at a minimum, training in the following:

35 a. The proper use of security measures and controls that have been adopted and
36 instruction on the licensed cultivator's emergency plan.

37 b. The use of the Medical Marijuana Program Tracking System and any other
38 tracking systems used by the licensed cultivator for persons responsible for using
39 the system.

- 1 6. Minimum Sanitation and Workplace Safety Conditions
- 2 a. The licensed cultivator facility shall be maintained in a safe, sanitary, and clean
3 manner, with all operations in the cultivation, receiving, inspecting, transporting,
4 segregating, preparing, manufacturing, packaging, and storing of medical
5 marijuana and marijuana products conducted in accordance with adequate
6 sanitation principles, as further detailed below.
- 7 b. The facility must meet the following minimum specifications:
- 8 (1) Adequate supply of potable hot and cold water.
- 9 (2) Non-porous, non-absorbent and easily cleanable floors, walls, and
10 ceilings in areas where marijuana is cultivated, manufactured, and
11 stored.
- 12 (3) Lavatory facilities that are readily-accessible to employees and that
13 comply with the Rhode Island State Plumbing Code Regulation.
- 14 (4) Adequate hand-washing area(s): hand washing sinks with effective
15 hand-cleaning and sanitizing preparations (such as soap dispensers)
16 and disposable towels or an air dryer for hands.
- 17 (5) Adequate screening or other protection against the entry of pests and
18 environmental contaminants.
- 19 c. All mechanical and electrical equipment shall be maintained in a safe operating
20 condition.
- 21 d. Waste disposal equipment shall be adequate and removal schedules timely so
22 as to minimize the risk of contamination to medical marijuana and marijuana
23 products, including the risk of the waste becoming an attractant, harborage, or
24 breeding place for pests.
- 25 e. All waste (including all liquid, chemical, hazardous, pesticide, manufacturing
26 solvent and chemical waste) must be stored, secured, and managed in
27 accordance with all applicable federal, state, and local statutes, regulations,
28 ordinances, or other legal requirements. Specific instructions for safe destruction
29 of any marijuana required to be destroyed and proper disposal of medical
30 marijuana waste are provided in Section 1.7(l)(9).
- 31 f. Floors, walls, and ceilings shall be kept clean and in good repair, free from dust,
32 debris, mold, mildew, and other contaminants and potentially hazardous
33 materials.
- 34 g. Lavatory facilities and hand washing areas shall be kept clean and sanitary and
35 in working condition at all times.
- 36 h. Toxic cleaning compounds, sanitizing agents, and other chemicals shall be
37 identified, held, stored and disposed of in a manner that protects against
38 contamination of medical marijuana and marijuana products and in a manner that
39 is in accordance with any applicable local, state, or federal law, rule, regulation,
40 or ordinance.

- 1 i. The licensed cultivator shall comply with all relevant statutes, regulations, and
2 requirements administered by the Federal Occupational Safety and Health
3 Administration (OSHA), including but not necessarily limited to standards for toxic
4 and flammable compounds and air contaminants.
- 5 j. All persons working in direct contact with medical marijuana and marijuana
6 products shall conform to hygienic practices while on duty, including but not
7 limited to maintaining adequate personal cleanliness and washing hands
8 thoroughly in an adequate hand-washing area before starting work and at any
9 other time when the hands may have become soiled or contaminated.
- 10 k. Any person whose medical condition, as determined by medical examination or
11 as observed by a supervisor, poses or reasonably appears to pose a risk of
12 contamination of medical marijuana and/or medical marijuana products shall be
13 excluded from medical marijuana operations until the condition is cleared.
14 Medical conditions posing a risk of contamination include open lesions, including
15 boils, sores, or infected wounds, or any other abnormal source of microbial
16 infection.
- 17 l. The licensed cultivator shall not permit the entry of any animal into the premises.
18 Service animals (as defined in the Americans with Disabilities Act) are exempted
19 from this prohibition.
- 20 7. Odor Control and Mitigation
- 21 a. Cultivation area(s) shall have ventilation and filtration systems installed that
22 prevent medical marijuana plant odors from exiting the interior of the structure to
23 an extent that would significantly alter the environmental odor outside, while
24 addressing the potential for mold.
- 25 b. The ventilation and filtration system, along with any plumbing improvements,
26 shall be installed in compliance with all applicable codes and ordinances,
27 including obtaining any necessary permits, and inspected by the municipality.
- 28 c. Measures to assure compliance with this section shall be documented in an odor
29 control and mitigation plan acceptable to DBR.
- 30 8. Pesticide Use and Records
- 31 a. The cultivation process shall use best practices to limit contamination of medical
32 marijuana and marijuana products, including but not limited to mold, mildew,
33 fungus, bacterial diseases, rot, pests, pesticides, and any other contaminant
34 identified as posing potential harm.
- 35 b. The use of pesticides on marijuana plants in Rhode Island by licensed cultivator
36 will not be considered a violation of these regulations provided that the product
37 must satisfy all of the following criteria:
- 38 (1) The product must be a "minimum risk pesticide" under 40 C.F.R. §
39 152.25(f), as the same may be amended from time to time.
- 40 (2) The product must be labelled for use on "all plants," "other plants,"
41 bedding plants, unspecified plants, or unspecified crops.
- 42 (3) The label must not prohibit indoor or greenhouse use, as applicable.

- 1 (4) All active ingredients must be eligible for food use as determined by the
2 federal Environmental Protection Agency (EPA). See EPA's Active
3 Ingredients Eligible for Minimum Risk Pesticide Products (last updated
4 December 2015), as the same may be updated and/or amended from
5 time to time. [https://www.epa.gov/sites/production/files/2015-](https://www.epa.gov/sites/production/files/2015-12/documents/minrisk-active-ingredients-tolerances-2015-12-15.pdf)
6 [12/documents/minrisk-active-ingredients-tolerances-2015-12-15.pdf](https://www.epa.gov/sites/production/files/2015-12/documents/minrisk-active-ingredients-tolerances-2015-12-15.pdf).
- 7 (5) All inert/other ingredients must be eligible for food use. See EPA's Inert
8 Ingredients Eligible for FIFRA 25(b) Pesticide Products (last updated
9 December 2015), as the same may be updated and/or amended from
10 time to time. [https://www.epa.gov/sites/production/files/2016-](https://www.epa.gov/sites/production/files/2016-07/documents/section25b_inerts.pdf)
11 [07/documents/section25b_inerts.pdf](https://www.epa.gov/sites/production/files/2016-07/documents/section25b_inerts.pdf).
- 12 (6) The product must be registered for sale in Rhode Island. To verify a
13 product's registration in Rhode Island, please consult the online National
14 Pesticide Information Retrieval System through the Center for
15 Environmental and Regulatory Information Systems. See
16 http://npirspublic.ceris.purdue.edu/state/state_menu.aspx?state=RI.
- 17 c. No application of pesticides shall be made after the vegetative stage of growth of
18 the cannabis plant.
- 19 d. Pesticides shall be identified, held, stored and disposed of in a manner that
20 protects against contamination of medical marijuana and marijuana products and
21 in a manner that is in accordance with any applicable local, state, or federal law,
22 rule, regulation, or ordinance.
- 23 e. Licensed cultivators must keep detailed records of any pesticide products used
24 and application regiments, including video recording during pesticide applications
25 which must cease if there is a failure or disruption of the video surveillance
26 system.
- 27 9. Safe Disposal of Medical Marijuana Waste and Safe Destruction of Usable Medical
28 Marijuana
- 29 a. Marijuana and marijuana product waste (including all liquid, chemical, hazardous,
30 pesticide, manufacturing solvent and chemical waste containing any traces of
31 marijuana) must be stored, secured, and managed in accordance with all
32 applicable federal, state, and local statutes, regulations, ordinances, or other
33 legal requirements.
- 34 b. Prior to disposal, marijuana and marijuana product waste must be made
35 unusable and any marijuana plant material made indistinguishable from other
36 plant material. This may be accomplished by grinding and incorporating the
37 marijuana plant waste with other non-consumable solid waste or other ground
38 materials so the resulting mixture is at least fifty percent non-marijuana waste by
39 volume. Other methods to render marijuana waste unusable must be approved
40 by DBR before implementing. Marijuana waste rendered unusable following an
41 approved method may be delivered to a licensed solid waste disposal facility in
42 Rhode Island for final disposition or disposed of in an alternative manner
43 approved by DBR.
- 44 c. Destruction of marijuana and marijuana materials other than waste generated in
45 the regular course of processing and/or manufacturing (such as destruction of
46 whole plants, wet, or usable marijuana that are found to be in excess of statutory

1 possession limits or destruction of a contaminated batch of medical marijuana
2 product) shall be in a manner acceptable to DBR, which may include consultation
3 with law enforcement.

4 d. Destruction of marijuana and marijuana materials upon revocation or
5 abandonment of the license shall be specifically governed by DBR order or
6 agreement and/or coordinated efforts with law enforcement.

7 e. Licensed cultivators must maintain accurate and comprehensive records
8 regarding waste material that accounts for, reconciles, and evidences all waste
9 activity related to the disposal of marijuana and marijuana products (including
10 any waste material produced through the trimming or pruning of a marijuana
11 plant prior to harvest). DBR may mandate storage of any such records or
12 summaries of such records to be through the Medical Marijuana Program
13 Tracking System or any other electronic system DBR designates.

14 J. Inspections and Audits; Enforcement Actions

15 1. Pursuant to R.I. Gen. Laws § 21-28.6-16(j), licensed cultivators are subject to reasonable
16 inspection by DBR. Accordingly, DBR and its authorized representatives have authority
17 to enter a licensed cultivator premises at reasonable times and to inspect in a reasonable
18 manner, the premises and all equipment, materials, containers, and other things therein,
19 including without limitation all records, files, financials, sales, transport, pricing, and
20 employee data, research, papers, processes, controls and to inventory any stock of
21 marijuana, labels, containers, paraphernalia and other materials and products.

22 2. DBR may review and audit the books and records of a licensed cultivator to ascertain
23 compliance with the Act, the DBR Regulations, and/or the DOH Regulations. The
24 licensed cultivator must make such books and records immediately available for
25 reviewing and copying by DBR. DBR may retain an independent auditor to act as its
26 agent for purposes of this section, the cost of which shall be borne by the licensed
27 cultivator.

28 3. Nothing herein shall be interpreted to limit the real time access of DBR and DOH to
29 information stored in the Medical Marijuana Program Tracking System consistent with the
30 Act.

31 4. Pursuant to R.I. Gen. Laws § 21-28.6-16(e), if a licensed cultivator violates R.I. Gen.
32 Laws § 21-28.6-16 (entitled "Licensed Cultivator") or any portion of the DBR Regulations
33 or DOH Regulations which regulate licensed cultivators and licensed cultivator
34 cardholders, DBR may suspend/revoke a cultivator license and/or impose an
35 administrative penalty, as determined by DBR. Pursuant to R.I. Gen. Laws § 21-28.6-
36 16(l)(5), if a licensed cultivator violates any other provision of the Act, the DBR
37 Regulations, or the DOH Regulations, the cultivator license may be suspended/revoked.

38 5. If an officer, director or manager/member, employee, or agent affiliated with a licensed
39 cultivator violates the Act, the DBR Regulations, and/or the DOH Regulations when
40 acting in their capacity as an officer, director or manager/member, employee, or agent of
41 the licensed cultivator, the licensed cultivator may be subject to suspension/revocation
42 and/or administrative penalties for failure to exercise adequate supervision.

43 **1.8 Cooperative Cultivation Provisions**

44 A. Authority and Effective Date

- 1 1. Pursuant to R.I. Gen. Laws § 21-28.6-14(a)(10), DBR is charged with promulgating
2 regulations governing the licensing and operation of cooperative cultivations, and may
3 promulgate regulations that set a fee for a cooperative cultivation license.
- 4 2. Pursuant to R.I. Gen. Laws § 21-28.6-14(a)(1), cooperative cultivations (defined below)
5 must apply to obtain a license from DBR effective January 1, 2017. For cooperative
6 cultivations in existence prior to January 1, 2017 that have submitted a completed
7 cooperative license application no later than January 1, 2017, the cooperative cultivation
8 may continue its operations until its license application is acted upon by DBR.

9 B. Cooperative Cultivation Definitions

- 10 1. “Cooperative cultivation” shall mean two (2) or more qualifying patient or primary
11 caregiver cardholders that elect to cooperatively cultivate marijuana in the same dwelling
12 unit or commercial unit. This excludes the situations of a) two (2) qualifying patient or
13 primary caregiver cardholder(s) who are residents, owners, or lessees of the same
14 dwelling unit or commercial unit growing in the same unit who do not elect to
15 cooperatively cultivate, and b) three (3) or more qualifying patient or primary caregiver
16 cardholder(s) who are primary residents of the same dwelling unit where the medical
17 marijuana plants are grown and who do not elect to cooperatively cultivate. See R.I.
18 Gen. Laws § 21-28.6-14(entitled “Cooperative Cultivations”); R.I. Gen. Laws § 21-28.6-
19 4(q)(if election to grow as cooperative cultivation is not made, no more than twenty-four
20 (24) plants may be grown at a single dwelling unit or commercial unit); R.I. Gen. Laws §
21 21-28.6-3(10)(defining “dwelling unit”); R.I. Gen. Laws § 21-28.6-3(3)(defining
22 “commercial unit”).
- 23 2. “Licensed cooperative cultivation” shall mean a cooperative cultivation that is required to
24 obtain a license from DBR pursuant to R.I. Gen. Laws § 21-28.6-14 and shall include
25 both “licensed residential cooperative cultivations” and “licensed non-residential
26 cooperative cultivations.”
- 27 3. “Licensed residential cooperative cultivation” shall mean a licensed cooperative
28 cultivation in a location zoned for residential use and that complies with the provisions of
29 Section 1.8(F)(3).
- 30 4. “Licensed non-residential cooperative cultivation” shall mean a licensed cooperative
31 cultivation that complies with the provisions of Section 1.8(F)(4).

32 C. Licensed Cooperative Cultivation “Member” Requirements and Restrictions

- 33 1. “Member” of a licensed cooperative cultivation means any qualifying patient or primary
34 caregiver with a registry identification card in good standing with DOH who has elected to
35 grow cooperatively with the other members at the cooperative cultivation premises.
- 36 2. No other person other than a “member” may participate in the management or operation
37 of the cooperative cultivation or exert any direct or indirect authority over the
38 management or operations of the cooperative cultivation.
- 39 3. If the cooperative cultivation organizes as a legal entity, then any directors/officers and
40 managers/members must be “members” of the cooperative cultivation as defined above.
- 41 4. All “members” of a licensed cooperative cultivation must be listed on the application.

1 5. No "member" of a licensed cooperative cultivation may grow medical marijuana at any
2 location other than the licensed cooperative cultivation premises. R.I. Gen. Laws § 21-
3 28.6-4(q).

4 D. Cooperative Cultivation Application and License Fees

5 1. There shall be a non-refundable application fee of fifty dollars (\$50) for initial cooperative
6 cultivation license applications.

7 2. The annual license fee for residential cooperative cultivations shall be two hundred and
8 fifty dollars (\$250).

9 3. The annual license fee for non-residential cooperative cultivations shall be five hundred
10 dollars (\$500).

11 4. These annual license fees shall be in addition to the individual qualifying patient and
12 primary caregiver registration fees and medical marijuana plant tag fees.

13 E. General Application Requirements for Cooperative Cultivation Licenses

14 1. Each initial application for a cooperative cultivation license shall be on such forms and
15 through such submission mechanisms as designated by DBR and shall include:

16 a. The signature of the individual identified as being primarily responsible for the
17 license ("primary applicant") and one designee.

18 b. A list of the legal name of each qualified patient cardholder and/or primary
19 caregiver cardholder that is or will be a member of the cooperative cultivation and
20 for each such person, their DOH registry identification card number, date of birth,
21 a mailing address and phone and/or e-mail address at which they can be best
22 reached.

23 c. If the cooperative cultivation chooses to be organized as a legal entity for legal
24 purposes without the intent of generating profit, the cooperative cultivation must
25 also provide the following information regarding any such legal entity:

26 (1) Legal and any d/b/a name(s), certificate of incorporation or organization
27 in Rhode Island or certificate of authority to transact business in Rhode
28 Island, articles of incorporation or organization, and bylaws or operating
29 agreement.

30 (2) The legal name, DOH registry identification card number, date of birth, of
31 any and all directors/officers or managers/members of the cooperative
32 cultivation, including a mailing address and phone and/or e-mail address
33 at which they can be best reached.

34 d. Tax Affidavit in accordance with R.I. Gen. Laws § 5-76-1 et seq. filled out by the
35 "primary applicant" or legal entity who will hold the license, if approved.

36 e. Evidence of compliance with location-specific initial application requirements and
37 security plan requirement as detailed in Sections 1.8(F)(6) and 1.8(G),
38 respectively.

39 2. Only initial applications which DBR has determined to be complete (i.e., adequately
40 address all application requirements above) shall be eligible for review. A primary

1 applicant who submits an incomplete initial application shall receive written notification
2 from DBR regarding the specific deficiencies and shall be allowed to resubmit additional
3 material to address these deficiencies within a reasonable timeframe.

4 3. When a primary applicant for a licensed cooperative cultivation is notified that the
5 application has been approved by DBR, he or she shall complete the below steps before
6 a license authorizing operation of cooperative cultivation will be issued:

7 a. Pay the annual license fee set forth in Section 1.8(D) above.

8 b. Provide any updates to previously submitted application information.

9 c. Provide evidence of compliance with final location-specific application
10 requirements as detailed in Section 1.8(F)(7).

11 d. For non-residential licensed cooperative cultivations, provide a copy of the
12 security plan as required by Section 1.8(G).

13 e. Provide evidence of completion of divestiture plan pursuant to Section 1.8(H).

14 F. Cooperative Cultivation Location Restrictions and Location-Specific Application Requirements

15 1. Pursuant to R.I. Gen. Laws § 21-28.6-14(a)(3), a single structural building may only have
16 one cooperative cultivation operating in it. This precludes a structural building with
17 multiple units from having more than one unit with a cooperative cultivation operating in it,
18 unless a single cooperative cultivation has been approved by DBR to occupy two or more
19 connected units provided any such approved occupation of multiple units does not
20 increase the applicable medical marijuana possession limits.

21 2. Cooperative cultivation licenses will only be issued for “secure indoor facilities.” The
22 secure indoor facility shall satisfy the following parameters:

23 a. Enclosed area with four walls and a roof.

24 b. Equipped with locks and any other appropriate security devices that limit access
25 to the members of the cooperative cultivation. Locks and devices must be
26 sufficient to discourage theft, unauthorized entrance, and access by persons
27 under eighteen (18).

28 c. Marijuana is not visible from the street or other public areas. See R.I. Gen. Laws
29 § 21-28.6-14(a)(4).

30 3. Pursuant to R.I. Gen. Laws § 21-28.6-14(a)(7)(ii), a licensed residential cooperative
31 cultivation must have displayed prominently on the premises an affidavit by a licensed
32 electrician that the cultivation has been inspected and is in compliance with any
33 applicable state or municipal housing and zoning codes for the municipality where the
34 licensed residential cooperative cultivation is located.

35 4. Pursuant to R.I. Gen. Laws § 21-28.6-14(a)(7)(i), a licensed non-residential cooperative
36 cultivation must have displayed prominently on the premises documentation from the
37 municipality where the single location is located that the location and the cultivation has
38 been inspected by the municipal building and/or zoning official and the municipal fire
39 department and is in compliance with any applicable state or municipal housing and
40 zoning codes.

- 1 5. Pursuant to R.I. Gen. Laws § 21-28.6-14(a)(8), licensed cooperative cultivations must
2 report the location of the licensed cooperative cultivation to RISP. Cooperative cultivation
3 licensees and applicants may designate DBR to report the location to RISP on their
4 behalf through the application process. If the cooperative cultivation licensee or applicant
5 will self-report, DBR will verify with RISP that they did in fact correctly report the
6 cooperative cultivation location. This reporting shall be made before a cooperative
7 cultivation license is issued.
- 8 6. Location-Specific Initial Application Requirements. In order to enable DBR to ascertain
9 compliance with the above location restrictions, the initial application for the cooperative
10 cultivation license must contain the following information regarding the proposed physical
11 location for the cooperative cultivation licensed premises:
- 12 a. A sufficient description of the location (by plat and lot number, mailing address,
13 etc.).
- 14 b. A description of objective parameters (such as approximate distances from
15 streets and public areas) and/or proposed measures (such as black-out window
16 shades) that ensure that marijuana at the premises shall not be visible from the
17 street or other public areas.
- 18 c. Evidence of either ownership of property by the primary applicant person or legal
19 entity applicant (as applicable) or any qualified patient or primary caregiver
20 cardholder that has been listed as associated with the cooperative cultivation
21 applying for the license, or agreement by owner of property to allow the operation
22 of a licensed cooperative cultivation on the property.
- 23 7. Location-Specific Final Application Requirements: If an applicant for a licensed
24 cooperative cultivation is notified that the application has been approved by DBR, it shall
25 complete the below steps before a license authorizing operation of cooperative cultivation
26 will be issued:
- 27 a. For residential cooperative cultivation license applicants, submit an affidavit by a
28 licensed electrician that the location and cultivation (if the cultivation predates the
29 licensing requirement) has been inspected and is in compliance with any
30 applicable state or municipal housing and zoning codes for the municipality
31 where the licensed residential cooperative cultivation is located.
- 32 b. For non-residential cooperative cultivation license applicants, submit:
- 33 (1) Documentation from the municipal building and/or zoning official and the
34 municipal fire department indicating that the location and the cultivation
35 (if the cultivation predates the licensing requirement) has been inspected
36 by and is in compliance with any applicable state or municipal housing
37 and zoning codes.
- 38 (2) A draft diagram of the premises, including where within the facility the
39 medical marijuana will be grown, stored, and processed, and showing
40 the location of the facility relative to streets and other public areas.
- 41 c. For all cooperative cultivations, residential or non-residential, provide any
42 updates to previously submitted application information regarding the location.
- 43 d. For all cooperative cultivations, residential or non-residential, contact DBR to
44 coordinate the pre-license DBR inspection. Nothing in this paragraph should be

1 construed as limiting inspections at an earlier time in addition to the final pre-
2 license inspection.

3 G. Security Plan Requirement – For Non-Residential Cooperative Cultivation License Applicants
4 Only

- 5 1. Non-residential cooperative cultivation license applicants must submit and approved
6 licensees must maintain a security plan that meets the below general criteria.
- 7 2. Security and safety measures (such as locks and lighting) shall be sufficiently designed
8 to deter and prevent theft of marijuana.
- 9 3. The security plan must include an emergency plan component with procedures to be
10 followed to prevent and, if not prevented, to adequately address and mitigate
11 consequences of theft or burglary or attempts thereof, fire, natural disasters, and other
12 emergencies.
- 13 4. Use or carry of firearms on the premises and/or perimeter of the non-residential
14 cooperative cultivation is a prohibited form of security, except by law enforcement
15 personnel during duty.

16 H. Divestiture of Prohibited Material Financial Interest and Control

- 17 1. A licensed cooperative cultivation and “key persons” thereof may not have any “material
18 financial interest or control” in another licensed cooperative cultivation, a compassion
19 center, or a licensed cultivator or vice versa. See R.I. Gen. Laws § 21-28.6-
20 12(c)(1)(iii)(limiting a compassion center to one additional location to cultivate its
21 marijuana); R.I. Gen. Laws § 21-28.6-12(b)(1)(ii)(DBR minimum oversight over
22 compassion centers); R.I. Gen. Laws § 21-28.6-16(i)(cultivator to be licensed at one
23 location only); R.I. Gen. Laws § 21-28.6-16(b)(2)(DBR minimum oversight over
24 cultivators); R.I. Gen. Laws § 21-28.6-3(4)(i) and R.I. Gen. Laws § 21-28.6-
25 3(12)(separately defining “compassion center” and “licensed cultivator,” respectively); R.I.
26 Gen. Laws § 21-28.6-14(a)(10)(DBR authority to regulate operations of licensed
27 cooperative cultivations); R.I. Gen. Laws § 21-28.6-4(q)(qualifying patient and primary
28 caregiver cardholders may only grow at one location).
- 29 2. “Material financial interest or control” shall mean: i) any ownership interest, regardless of
30 the size of the holding, and including any ownership interest through a subsidiary or
31 affiliate; ii) trusteeship, mortgage, guarantor, endorser or surety relationship, or loan
32 relationship, except that loan relationship for the purposes of this definition shall exclude
33 accounts payable and accounts receivable on account of a medical marijuana purchase
34 order; iii) any other beneficial financial interest such that the holder bears the risk of loss
35 (other than as an insurer) or has an opportunity to gain profit from the operation or sale of
36 the regulated medical marijuana business; iv) operational control including but not limited
37 to interlocking directors or officers or through a management agreement.
- 38 3. “Key persons” shall mean officers, directors, LLC managers/members and any persons
39 with managing or operational control.
- 40 4. Therefore, if a licensed cooperative cultivation application is approved and any prohibited
41 material financial interest or control has been identified by DBR or is otherwise known to
42 the applicant, such interest or control must be divested prior to issuance of the
43 cooperative cultivation license. The plan of divestiture shall be filed with DBR.

- 1 5. The duty to divest prohibited material financial interests and control is a continuing
2 obligation of licensure.
- 3 I. Prior Notice of Material Changes; Continuing Duty to Update Application; Change in Location
- 4 1. A licensed cooperative cultivation shall provide DBR with written notice of any change
5 described below at least ten (10) business days prior to the proposed effective date of the
6 change:
- 7 a. Any disassociation of a member from the licensed cooperative cultivation.
- 8 b. Any new member of the licensed cooperative cultivation.
- 9 2. A licensed cooperative cultivation shall provide DBR with written notice of any change
10 described below at least sixty (60) calendar days prior to the proposed effective date of
11 the change:
- 12 a. If organized as a legal entity, any change in such legal entity's organization (e.g.
13 change in legal form from corporation to limited liability company, change in the
14 board of directors for corporation, change in managers/members for limited
15 liability companies, etc.)
- 16 b. Any request for change in the licensed and inspected location.
- 17 3. For updates in information other than the categories requiring the above delineated prior
18 notice, the licensed cooperative cultivation has a continuing obligation to update, amend
19 and/or correct any information requested and/or submitted in the application process
20 within ten (10) business days of any change in the information submitted and/or any
21 material change in circumstances related to the application.
- 22 4. Requests for change in the licensed and inspected location for the cooperative cultivation
23 require following the location-specific application requirements set forth in Section 1.8(F)
24 and no move may take place unless the request is approved by DBR after satisfaction of
25 those application requirements. If a move is approved, the DBR will provide specific
26 instructions for movement of medical marijuana, which may involve consultation with law
27 enforcement.
- 28 J. Licensed Residential Cooperative Cultivation Possession Limits
- 29 1. Marijuana plants possessed by a licensed residential cooperative cultivation are limited to
30 the number of plants that are properly tagged in compliance with all provisions of Section
31 1.9 and as specifically capped in accordance with subsection 1,9(D)(5) therein.
- 32 2. Possession of usable marijuana by a licensed residential cooperative cultivation is limited
33 to the lesser of: (a) ten (10) ounces of dried usable marijuana as capped by R.I. Gen.
34 Laws § 21-28.6-14(6)(ii); and (b) the aggregate total maximum amount of dried usable
35 marijuana that all members of the cooperative cultivation are permitted to possess
36 pursuant to R.I. Gen. Laws § 21-28.6-4(a), (e), and (o). Possession under this paragraph
37 may include any combination of dried usable, edible, or concentrate marijuana that when
38 calculated for total aggregate equivalency amount to dried usable marijuana does not
39 exceed the maximum limit of this paragraph. Possession limits for marijuana possessed
40 in mixed forms shall be calculated as a total equivalent to the maximum limit of dried
41 usable marijuana in pounds in accordance with the equivalency conversion factors
42 delineated in Appendix A of the DOH Regulations. This paragraph was developed jointly
43 with DOH.

1 3. Pursuant to R.I. Gen. Laws § 21-28.6-14(6)(ii), possession of wet marijuana by a licensed
2 residential cooperative cultivation is limited to the lesser of: (a) fifty (50) ounces of wet
3 marijuana (which, based on the conversion factors adopted in Appendix A of the DOH
4 Regulations, is the equivalent of ten (10) ounces of dried usable marijuana as capped by
5 R.I. Gen. Laws § 21-28.6-14(6)(ii)); and (b) the aggregate total maximum amount of wet
6 marijuana that all members of the cooperative cultivation are permitted to possess. This
7 paragraph was developed jointly with DOH.

8 K. Licensed Non-Residential Cooperative Cultivation Possession Limits

9 1. Marijuana plants possessed by a licensed non-residential cooperative cultivation are
10 limited to the number of plants that are properly tagged in compliance with all provisions
11 of Section 1.9 and as specifically capped in accordance with subsection 1.9(D)(6) therein.

12 2. Possession of usable marijuana by a licensed non-residential cooperative cultivation is
13 limited to the lesser of: (a) ten (10) ounces of dried usable marijuana as capped by R.I.
14 Gen. Laws § 21-28.6-14(6)(i); and (b) the aggregate total maximum amount of dried
15 usable marijuana or its edible or concentrate equivalent that all members of the
16 cooperative cultivation are permitted to possess pursuant to R.I. Gen. Laws § 21-28.6-
17 4(a), (e), and (o). Possession under this paragraph may include any combination of dried
18 usable, edible, or concentrate marijuana that when calculated for total aggregate
19 equivalency amount to dried usable marijuana does not exceed the maximum limit of this
20 paragraph. Possession limits for marijuana possessed in mixed forms shall be calculated
21 as a total equivalent to the maximum limit of dried usable marijuana in pounds in
22 accordance with the equivalency conversion factors delineated in Appendix A of the DOH
23 Regulations. This paragraph was developed jointly with DOH.

24 3. Pursuant to R.I. Gen. Laws § 21-28.6-14(6)(i), possession of wet marijuana by a licensed
25 non-residential cooperative cultivation shall be limited to the lesser of: (a) fifty (50)
26 ounces of wet marijuana (which, based on the conversion factors adopted in Appendix A
27 of the DOH Regulations, is the equivalent of ten (10) ounces of dried usable marijuana as
28 capped by R.I. Gen. Laws § 21-28.6-14(6)(i)); and (b) the aggregate total maximum
29 amount of wet marijuana that all member of the cooperative cultivation are permitted to
30 possess. This paragraph was developed jointly with DOH.

31 L. Odor Control and Mitigation

32 Licensed cooperative cultivations shall take any and all reasonable efforts to prevent marijuana
33 plant odors from exiting the interior of the approved structure to an extent that would significantly
34 alter the environmental odor outside. For example, such reasonable efforts may include
35 ventilation and filtration systems.

36 M. Manufacturing

37 1. Pursuant to R.I. Gen. Laws § 21-28.6-4(s), patient and primary caregiver cardholders are
38 prohibited from the manufacture of marijuana using a solvent extraction process that
39 includes the use of a compressed, flammable gas as a solvent. This prohibition extends
40 to licensed cooperative cultivations.

41 2. Any other manufacturing method using a solvent extraction process must be approved by
42 DBR. If the manufacturing method uses a flammable/combustible material or heat
43 source, the method must also be approved by the State Fire Marshall and/or local fire
44 department. The licensed cooperative cultivation must provide any information and
45 documentation as required to consider any such requests for approval.

- 1 N. Safe Disposal of Medical Marijuana Waste and Safe Destruction of Usable Medical Marijuana
- 2 1. Marijuana and marijuana product waste (including all liquid, chemical, hazardous,
3 pesticide, manufacturing solvent and chemical waste containing any traces of marijuana)
4 must be stored, secured, and managed in accordance with all applicable federal, state,
5 and local statutes, regulations, ordinances, or other legal requirements.
- 6 2. Prior to disposal, marijuana and marijuana product waste must be made unusable and
7 any marijuana plant material made indistinguishable from other plant material. This may
8 be accomplished by grinding and incorporating the marijuana plant waste with other non-
9 consumable solid waste or other ground materials so the resulting mixture is at least fifty
10 percent non-marijuana waste by volume. Other methods to render marijuana waste
11 unusable must be approved by DBR before implementing. Marijuana waste rendered
12 unusable following an approved method may be delivered to a licensed solid waste
13 disposal facility in Rhode Island for final disposition or disposed of in an alternative
14 manner approved by DBR.
- 15 3. Destruction of marijuana and marijuana materials other than waste generated in the
16 regular course of processing and/or manufacturing (such as destruction of whole plants,
17 wet, or usable marijuana that are found to be in excess of statutory possession limits or
18 destruction of a contaminated batch of medical marijuana product) shall be in a manner
19 acceptable to DBR, which may include consultation with law enforcement.
- 20 4. Destruction of marijuana and marijuana materials upon revocation or abandonment of the
21 license shall be specifically governed by DBR order or agreement and/or coordinated
22 efforts with law enforcement.
- 23 5. In addition to the above requirements, non-residential cooperative cultivations must also
24 maintain accurate and comprehensive records regarding waste material that accounts
25 for, reconciles, and evidences all waste activity related to the disposal of marijuana and
26 marijuana products (including any waste material produced through the trimming or
27 pruning of a marijuana plant prior to harvest).
- 28 O. Prohibited and Permitted Sales and Transfers
- 29 1. Pursuant to R.I. Gen. Laws § 21-28.6-4(c) and (i), a qualifying patient cardholder or
30 primary caregiver is prohibited from selling, giving, or distributing marijuana to a
31 compassion center after December 31, 2016. This prohibition extends to sales and
32 transfers by licensed cooperative cultivations.
- 33 2. Clone Cutting Procurement
- 34 a. Section 1.7(C)(4)(b) of these regulations permits a licensed cultivator to acquire
35 from a “non-affiliated licensed cooperative cultivation” not more than twelve (12)
36 marijuana plant cuttings in a single monthly transaction to use as clones for plant
37 development (“clone cuttings”). Such clone cuttings may be no longer than eight
38 (8) inches in length, and may not contain observable buds or flower.
- 39 b. For purposes of the provisions of these regulations regarding clone cutting
40 procurement, a “non-affiliated licensed cooperative cultivation” shall refer to a
41 licensed cooperative cultivation that does not have any members who are also
42 officers, directors, managers/members, employees, or agents of the licensed
43 cultivator which the licensed cooperative cultivation would be supplying with
44 clone cuttings.

- 1 c. Each licensed cooperative cultivation that elects to supply clone cuttings as
2 permitted by these regulations is limited to supplying no more than two (2)
3 licensed cultivators per month and must keep records of all clone cutting
4 procurements as required by DBR.
- 5 3. Except for clone cutting procurements as permitted above, transfer of medical marijuana
6 and medical marijuana products for consideration by the licensed cooperative cultivation
7 or any of its members is strictly limited to transfer amongst members of that cooperative
8 cultivation and to transfer by caregiver members to their associated patients.

9 P. Documentation Required to be Posted on the Premises

- 10 1. Pursuant to R.I. Gen. Laws § 21-28.6-14(a)(7)(iii), the cooperative cultivation license
11 issued by DBR must be displayed prominently on the premises. The license displayed
12 shall be the document printed for the most recent renewal period.
- 13 2. Pursuant to R.I. Gen. Laws § 21-28.6-14(a)(5), each member of the licensed cooperative
14 cultivation shall sign a written acknowledgement of the limitations of the right to use and
15 possess marijuana for medical purposes in Rhode Island. Said acknowledgment shall be
16 on such forms as directed by DBR. This documentation must be displayed prominently in
17 the cooperative cultivation premises.
- 18 3. Pursuant to R.I. Gen. Laws § 21-28.6-14(a)(7)(i), a licensed non-residential cooperative
19 cultivation must have the municipal inspection/compliance documentation (as further
20 described in Section 1.8(F)(4)) displayed prominently on the premises.
- 21 4. Pursuant to R.I. Gen. Laws § 21-28.6-14(a)(7)(ii), a licensed residential cooperative
22 cultivation must have the licensed electrician inspection/compliance affidavit (as further
23 described in Section 1.8(F)(3)) displayed prominently on the premises.
- 24 5. As used in this section, the requirement of documentation being “displayed prominently”
25 shall be deemed satisfied by posting the documentation on a wall with clear visibility and
26 access within or immediately outside the premises.

27 Q. Compliance Standards

- 28 1. Licensed cooperative cultivations must be organized and operated in a manner to ensure
29 compliance with all relevant state and local laws and regulations and to safeguard
30 against diversion of marijuana to illicit markets.
- 31 2. The person identified as the primary applicant and the designee of the licensed
32 cooperative cultivation shall each be responsible for the verification that each member of
33 the cooperative cultivation is the holder of a valid and active qualified patient or primary
34 caregiver registry identification card. This includes keeping on the premises copies of the
35 qualified patient or primary caregiver cardholder cards printed for the most recent
36 renewal period.

37 R. Inspections and Enforcement

- 38 1. Pursuant to R.I. Gen. Laws § 21-28.6-14(a)(6)(v), cooperative cultivations are subject to
39 reasonable inspection by DBR for the purposes of enforcing applicable provisions of the
40 Act, the DBR Regulations, and the DOH Regulations. Because the Act and the DBR
41 Regulations require inspections for compliance with applicable state and local zoning,
42 housing, and fire codes, DBR may be accompanied by state or local officials authorized
43 to determine compliance with said codes as part of its inspection pursuant to this section.

1 2. Pursuant to R.I. Gen. Laws § 21-28.6-14(b), any violation of any applicable provision of
2 the Act, the DBR Regulations, or the DOH Regulations may result in the revocation or
3 suspension of the cooperative cultivation license. Administrative fines may also be
4 assessed in accordance with R.I. Gen. Laws § 21-28.6-15 (entitled "Medical Marijuana
5 Plant Tags") and Section 1.9(N) herein.

6 3. Nothing in this section shall alter or impair the ability of law enforcement to confiscate
7 excess, untagged, and/or invalidly tagged marijuana plants and revoked and/or otherwise
8 invalid plant tags in accordance with applicable criminal law and procedures.

9 S. Medical Marijuana Plant Tag Procedures Upon Termination of Cooperative Cultivation License

10 1. Subject to paragraph 2 below, upon termination of a cooperative cultivation license,
11 whether by voluntary dissolution and surrender of license or by revocation of the license
12 by DBR, the cooperative cultivation shall destroy all medical marijuana and plants and
13 return each and every medical marijuana plant tag associated with the cooperative
14 cultivation within ten (10) business days of license termination.

15 2. If an individual registered patient or primary caregiver cardholder has medical marijuana,
16 plants and associated tags tied to a cooperative cultivation grow location and the
17 cooperative cultivation license for that location is surrendered or revoked, the individual
18 can only retain the medical marijuana, plants and associated tags that are associated
19 with their individual registration (up to the individual maximum number of plants) if the
20 individual's registration as a patient or caregiver is still in good standing with DOH. A
21 qualifying individual shall follow the following steps prior to transportation of any
22 marijuana plants.

23 a. The individual must apply to DBR for transfer of the marijuana plant tags to a
24 new location, on such forms and through such mechanisms as DBR designates.

25 b. Then, DBR will verify with DOH the continued validity of the registry identification
26 card(s) for which the tags were issued as well as confirm the registration of the
27 new grow location.

28 c. Once the change of location application is processed, the transport shall be
29 conducted in the time period prescribed and be accompanied by a DBR receipt.

30 **1.9 Medical Marijuana Plant Tag Program**

31 A. Scope of Section

32 1. This section applies to patient cardholders who have chosen to grow medical marijuana
33 for themselves as an alternative to use of a caregiver or compassion center and to all
34 caregiver cardholders.

35 2. Eligibility for medical marijuana plant tags: only persons for whom DOH has approved an
36 application as a qualified patient or primary caregiver and issued a registry photo
37 identification card to the applicant; or, for qualified patients and primary caregivers who
38 are renewing their medical marijuana registration, for whom DOH has approved the
39 renewal application of the qualified patient or primary caregiver and issued a registry
40 photo identification card to the applicant.

41 3. Patient and caregiver cardholders who have elected to cooperatively cultivate are further
42 subject to all requirements of Section 1.8 regulating licensed cooperative cultivations.

1 4. Medical marijuana tagging and tracking requirements for licensed cultivators are set forth
2 in Section 1.7(D).

3 B. Administration of Plant Tag Program

4 DBR and DOH have jointly determined that DBR will primarily administer all aspects of the
5 medical marijuana plant tag program in order to fulfill the state obligation to monitor and verify
6 compliance with the statutory requirements that cardholders electing to grow do not exceed plant
7 limits, properly tag all permitted plants, and do not grow at more than one location. This Section
8 shall be deemed to be promulgated jointly with DOH. See R.I. Gen. Laws § 21-28.6-15 and § 21-
9 28.6-4; DOH Regulations § 4.9.

10 C. Plant Tag Program Timeline and Basic Guidelines

11 1. Pursuant to § 21-28.6-15(a) of the Act, effective April 1, 2017, every marijuana plant
12 possessed by a qualified patient or primary caregiver cardholder must be accompanied
13 by a physical medical marijuana plant tag purchased through DBR and issued by DOH.
14 Plant tags being issued by DOH shall mean the following:

15 a. DOH has approved the application of the qualified patient or primary caregiver
16 and issued a registry photo identification card to the applicant; or for qualified
17 patients and primary caregivers who are renewing their medical marijuana
18 registration, DOH has approved the renewal application of the qualified patient or
19 primary caregiver and issued a registry photo identification card to the applicant.

20 b. DBR verifies with DOH the status of the card and any information submitted on
21 the DBR plant tag purchasing form in accordance with § 21-28.6-15(a)(2) of the
22 Act. For plant tags issued to qualified patient cardholders after January 1, 2019,
23 DBR will verify both the status of the card and the election to grow with DOH in
24 accordance with § 21-28.6-15(a)(3).

25 c. The plant tag set fee is paid to DBR and the plant tag is distributed by DBR to the
26 qualified patient or primary caregiver cardholder.

27 2. Pursuant to R.I. Gen. Laws § 21-28.6-15(a)(1), medical marijuana plant tags will be sold
28 in "tag sets" of one plant tag for a mature plant and one plant tag for a seedling.

29 3. No later than April 1, 2017, all qualified patient cardholders who choose to grow for
30 themselves must obtain at least one (1) medical marijuana plant tag set and enough plant
31 tag sets to properly tag every marijuana plant in their lawful possession (up to the
32 maximum number of tags that may be issued pursuant to Section 1.9(D)(2) below).

33 4. No later than April 1, 2017, all primary caregiver cardholders must obtain at least one (1)
34 medical marijuana plant tag set for each qualified patient cardholder to whom the primary
35 caregiver cardholder is connected through DOH's registration process and enough plant
36 tag sets to properly tag every marijuana plant in their lawful possession (up to the
37 maximum number of tags that may be issued pursuant to Sections 1.9(D)(3) and (D)(4)
38 below).

39 5. Qualified patient cardholders who register with DOH after April 1, 2017 and who choose
40 to grow for themselves must obtain at least one (1) medical marijuana plant tag set within
41 ten (10) business days of receiving their registry identification card from DOH. Such
42 patients are further responsible for obtaining any additional medical marijuana plant tag
43 sets necessary and may not legally possess medical marijuana plants until such time as
44 the plant tags are obtained.

- 1 6. Primary caregiver cardholders who register with DOH after April 1, 2017, must obtain at
2 least one (1) medical marijuana plant tag set for each qualified patient cardholder to
3 whom the primary caregiver cardholder is connected through DOH's registration process
4 within ten (10) business days of receiving their registry identification card from DOH.
5 Such caregivers are further responsible for obtaining any additional medical marijuana
6 plant tag sets necessary and may not legally possess medical marijuana plants until such
7 time as the plant tags are obtained.
- 8 7. Any primary caregiver cardholder who becomes connected with any additional qualified
9 patient cardholder(s) through DOH's registration process after April 1, 2017, must obtain
10 at least one (1) medical marijuana plant tag set for each additional qualified patient
11 cardholder within ten (10) business days of said connection. Such caregivers are further
12 responsible for obtaining any additional medical marijuana plant tag sets necessary and
13 may not legally possess any additional medical marijuana plant(s) until such time as the
14 plant tags are obtained.
- 15 8. Every member of a licensed cooperative cultivation must be in compliance with the above
16 minimum tag requirements as a condition of the cooperative cultivation license.

17 D. Maximum Number of Plant Tag Sets

- 18 1. The maximum number of medical marijuana plant tag sets that can be purchased from
19 DBR corresponds to the maximum number of mature plants that may be possessed by
20 the purchaser under the Act.
- 21 2. A qualified patient cardholder may purchase no more than twelve (12) medical marijuana
22 plant tag sets (comprised of twelve (12) mature plant tags and twelve (12) seeding tags
23 for a total of twenty-four (24) medical marijuana plant tags), which corresponds to the
24 possession limits of twelve (12) mature plants and twelve (12) seedlings set by R.I. Gen.
25 Laws § 21-28.6-4(a) and § 21-28.6-4(f), respectively.
- 26 3. A primary caregiver cardholder connected with one (1) qualified patient cardholder
27 through DOH's registration process may purchase no more than twelve (12) medical
28 marijuana plant tag sets (comprised of twelve (12) mature plant tags and twelve (12)
29 seedling tags for a total of twenty-four (24) medical marijuana plant tags), which
30 corresponds to the possession limits of twelve (12) mature plants per qualified patient
31 cardholder and twelve (12) seedlings derived from R.I. Gen. Laws § 21-28.6-4(e) and §
32 21-28.6-4(f), respectively.
- 33 4. A primary caregiver cardholder connected with at least two (2) and up to five (5) qualified
34 patient cardholders through DOH's registration process may purchase no more than
35 twenty-four (24) medical marijuana plant tag sets (comprised of twenty-four (24) mature
36 plant tags and twenty-four (24) seedling tags for a total of forty-eight (48) medical
37 marijuana plant tags), which corresponds to the possession limits of twenty-four (24)
38 mature plants and twenty-four (24) seedlings set by R.I. Gen. Laws § 21-28.6-4(e) and §
39 21-28.6-4(f), respectively.
- 40 5. A residential cooperative cultivation formed by two (2) or more qualified patient and/or
41 primary caregiver cardholders may purchase no more than twenty-four (24) medical
42 marijuana plant tag sets (comprised of twenty-four (24) mature plant tags and twenty-four
43 (24) seedling tags for a total of forty-eight (48) medical marijuana plant tags), which
44 corresponds to the possession limits of twenty-four (24) mature plants and twenty-four
45 (24) seedlings set by R.I. Gen. Laws § 21-28.6-14(a)(6)(ii).

1 6. A non-residential cooperative cultivation may purchase plant tag sets of no more than the
2 lesser of: (a) forty-eight (48) medical marijuana plant tag sets (comprised of forty-eight
3 (48) mature plant tags and forty-eight (48) seedling tags for a total of ninety-six (96)
4 medical marijuana plant tags), which corresponds to the maximum possession limits for a
5 non-residential cooperative cultivation of forty-eight (48) mature plants and forty-eight
6 (48) seedlings set by R.I. Gen. Laws § 21-28.6-14(a)(6)(i); and (b) the number of medical
7 marijuana plant tag sets which would correspond to the total maximum amount of mature
8 plants that each individual qualified patient cardholder and each individual primary
9 caregiver cardholder growing at the cooperative cultivation is permitted to grow under the
10 mature plant and seedling possession limits delineated above.

11 E. Plant Tag Fees

12 1. R.I. Gen. Laws § 21-28.6-15(a)(1) mandates that DBR charge an annual fee for each
13 medical marijuana plant tag set which shall include one plant tag for a mature medical
14 marijuana plant and one plant tag for a seedling. Pursuant to the mandate, DBR hereby
15 establishes the below annual fee schedule.

16 2. Qualifying patient cardholder – Twenty-five dollars (\$25) per plant tag set.

17 3. Reduced-registration patient – The fee shall be waived for patients for which DOH has
18 determined qualification for reduced-registration due to income or disability status, as
19 may be periodically determined by DOH.

20 4. Primary caregiver cardholder – Twenty-five dollars (\$25) per plant tag set.

21 5. Caregiver registered with DOH to grow for reduced-registration patient(s) - The fee shall
22 be adjusted for caregivers registered with DOH to grow for one (1) to five (5) qualifying
23 patient cardholder(s) for which DOH has determined qualification for reduced- registration
24 due to income or disability status. Specifically:

25 a. If a primary caregiver is registered with DOH to grow for reduced-registration
26 patients only, the plant tag fees shall be waived entirely.

27 b. If a primary caregiver is registered with DOH to grow for one (1) or more
28 reduced-registration patients and one (1) or more full-registration patients, the
29 primary caregiver shall be required to purchase at least one (1) plant tag set per
30 full-registration patient at the rate of twenty-five dollars (\$25) per plant tag set. In
31 this case, the remainder of the plant tag sets up to the numerical limits delineated
32 herein may be obtained with a fee waiver; provided, however, that no more than
33 twelve (12) fee-waived plant tag sets may be obtained per reduced-registration
34 patient.

35 c. If a primary caregiver has used the plant tag fee reductions cited above and then
36 at any point prior to the next plant tag renewal date that primary caregiver is in
37 the position of having no associations with any reduced-registration patients, the
38 primary caregiver shall take one of the following actions within ten (10) business
39 days:

40 (1) Register with DOH to grow for one (1) or more other reduced-registration
41 patients;

42 (2) Register with DOH to grow for one (1) or more full-registration patients
43 and pay the balance of what would have been paid had the plant tag sets
44 been obtained or renewed with no reduced-registration patients; or

1 (3) If not registered with DOH to grow for any other existing or new patients
2 within ten (10) business days, destroy the marijuana plants and then also
3 return the plant tags within an additional ten (10) business day period.

4 F. Applications and Processes for Obtaining and Renewing Plant Tags

5 1. Applications to obtain medical marijuana plant tags pursuant to this Section and to renew
6 said plant tags shall be on such forms and through such submission mechanisms as
7 directed by DBR.

8 2. Required application information shall include, but is not necessarily limited to, the
9 registry identification number of the applicant, and, if the applicant is a caregiver, the
10 registry identification number(s) of the patient(s) the caregiver applicant is authorized to
11 grow for, a sufficiently specific identification of the single grow location selected by the
12 applicant, and current contact information.

13 3. Before issuing medical marijuana plant tags, DBR will verify with DOH the validity of the
14 applicant's registry identification card and, if the applicant is a caregiver, the validity of the
15 registry identification card(s) of the patient(s) the caregiver applicant is authorized to grow
16 for as well as confirm the registration of the grow location in accordance with R.I. Gen.
17 Laws § 21-28.6-15(a)(2) and R.I. Gen. Laws § 21-28.6-15(a)(3).

18 4. DBR will provide further guidance on the mechanism for paying the plant tag set fees for
19 initial applications and annual renewal.

20 5. DBR will provide further guidance on the mechanism for receiving plant tags from DBR,
21 including information about pick up schedule and authorization.

22 G. Conditions for Obtaining and Maintaining Plant Tags

23 1. The rules in this subsection are deemed to be continuing conditions for obtaining and
24 maintaining medical marijuana plant tags.

25 2. A medical marijuana plant tag holder may not grow marijuana at more than one location.
26 R.I. Gen. Laws § 21-28.6-4(q).

27 3. Medical marijuana plant tags will only be issued under the express and continuing
28 condition that they will only be used for plants that are stored in a "secure indoor
29 structure." The secure indoor structure shall satisfy the following parameters:

30 a. Enclosed area with four walls and a roof.

31 b. Equipped with locks and any other appropriate security devices that limit access
32 to the individual authorized to grow the marijuana. Locks must be sufficient to
33 discourage theft and unauthorized entrance.

34 c. Marijuana is not visible from the street or other public areas.

35 d. Reasonable efforts must be taken to prevent marijuana plant odors from exiting
36 the building to an extent that would significantly alter the environmental odor
37 outside.

38 e. For licensed cooperative cultivations, consult Section 1.8(F), for any additional
39 location restrictions and/or security requirements.

1 4. Medical marijuana plant tags may only be used by the individual and/or licensed
2 cooperative cultivation to whom and at the location for which they were issued. They
3 may not be transferred or assigned.

4 5. Medical marijuana plant tags shall not be altered or duplicated.

5 H. Plant Tag Data

6 1. Medical marijuana plant tags shall be printed with, electronically embedded with, or
7 otherwise contain the following plant tag data:

8 a. Unique numerical or alpha-numerical identifiers:

9 (1) For a qualified patient cardholder who is growing individually, the
10 identifier shall correspond to his or her DOH patient registry identification
11 card number.

12 (2) For a primary caregiver cardholder who is growing individually, the
13 identifier shall correspond to his or her DOH caregiver registry
14 identification card number and the number(s) of the qualified patient
15 cardholder(s) he or she is registered with DOH to grow for.

16 (3) For cooperative cultivations, the medical marijuana plant tag shall
17 contain identifiers that correspond to both the DBR license number for
18 the cooperative cultivation as well as the DOH registry identification card
19 numbers for the qualified patient cardholders and/or primary caregiver
20 cardholders and their associated patients forming the cooperative
21 cultivation.

22 b. Expiration date of the plant tag.

23 c. Registered or licensed grow location.

24 d. Designation as to whether the medical marijuana plant tag is for a mature plant
25 or seedling.

26 e. Any other information DBR deems appropriate that is not subject to the patient
27 privacy provisions of the Act.

28 2. DBR and DOH will have access to the above medical marijuana plant tag data, through
29 the Medical Marijuana Program Tracking System, or, if the System is not available,
30 through other data sharing mechanisms.

31 I. Placement of Plant Tags

32 Plant tags shall be placed in a manner so as to clearly display their association with a particular
33 plant, such as affixed to the plant itself, on the growing receptacle, or in the growing medium.

34 J. Duty to Update Application Information; Approved Transports of Tagged Medical Marijuana
35 Plants

36 1. The medical marijuana plant tag holder has a continuing obligation to update all
37 application information in a timely manner. Contact information (legal name, physical and
38 mailing address, phone number, e-mail address, etc.) must be updated no later than
39 three (3) business days after the change.

- 1 2. Change of information regarding the grow location must be provided to DBR at least ten
2 (10) business days before the change.

- 3 3. Medical marijuana plant tags do not authorize transport of marijuana plants outside the
4 borders of the state of Rhode Island under any circumstances.

- 5 4. Medical marijuana plant tags are non-transferrable to another location within the state of
6 Rhode Island unless the steps outlined in this section are followed.

- 7 5. If an individual qualified patient cardholder or primary caregiver cardholder who is not
8 growing as part of a cooperative cultivation needs to change his or her registered grow
9 location, the individual shall follow the following steps prior to transportation of any
10 marijuana plants:
 - 11 a. The individual must apply to DBR for transfer of the marijuana plant tags, on
12 such forms and through such mechanisms as DBR designates.

 - 13 b. Then, DBR will verify with DOH the continued validity of the registry identification
14 card(s) for which the tags were issued as well as confirm the registration of the
15 new grow location.

 - 16 c. Once the change of location application is processed, the transport shall be
17 conducted within the time period prescribed and accompanied by a DBR receipt.

- 18 6. The medical marijuana plant tag procedures surrounding any change in grow location for
19 a cooperative cultivation and transportation of the plants of an individual patient or
20 caregiver upon dissolution or disassociation with the cooperative cultivation is addressed
21 in Section 1.9(R).

- 22 K. Lost and Stolen Tags and DBR-Mandated Tag Replacement
 - 23 1. Any stolen or lost medical marijuana plant tags must be reported to DBR and law
24 enforcement within one (1) business day that the tag holder becomes aware of the theft
25 or loss of the tags.

 - 26 2. The circumstances surrounding the loss or theft must be disclosed to DBR.

 - 27 3. If DBR determines that the loss or theft of the tags is the result of improper tag use in
28 violation of these regulations or the Act, then DBR may refuse to issue replacement tags.

 - 29 4. For any periodic recall of tags by DBR (circumstances such as wearing out, new
30 technology, etc.), no replacement cost will be assessed to the tag holder.

- 31 L. DBR Processes for Monitoring and Verifying Compliance with Tagging Requirements and
32 Marijuana Plant Possession Limits
 - 33 1. If DBR has reasonable grounds to believe that a medical marijuana plant tag holder, a
34 primary caregiver who has not obtained or renewed tags, or a qualified patient cardholder
35 who has made an election to grow who has not obtained or renewed tags, may be in
36 violation of the tagging requirements and/or plant possession limits set forth in the Act
37 and/or these regulations, the below steps may be taken to verify compliance or prompt
38 the person to come into compliance.

 - 39 2. First Written Notice: A written notice may be sent to the person explaining the tagging
40 requirements and plant possession limits set forth in the Act and these regulations and

- 1 why the DBR has reason to believe the person may be out of compliance and outlining
2 the information the person may provide and/or the action(s) the person may take to verify
3 or come into compliance. The recipient will have ten (10) business days from the date of
4 mailing to reply to this notice.
- 5 3. Second Written Notice: If the recipient fails to respond to the first written notice with
6 information that verifies compliance or fails to take the necessary actions to come into
7 compliance, a second written notice may be sent and the recipient will have an additional
8 ten (10) business days from the date of mailing to reply.
- 9 4. Alternative Contact Attempt: If the recipient fails to respond to the second written notice
10 with information that verifies compliance or fails to take the necessary actions to come
11 into compliance, the DBR may attempt to contact the person utilizing other contact
12 methods through information provided on any tag purchasing form submitted to DBR
13 (e.g. telephone) or other contact information reasonably obtained by DBR (e.g. public
14 telephone listings).
- 15 5. Reasonable Inspection: If an alternative contact attempt has been unsuccessful or, if
16 after ten (10) business days following an alternative contact, the person has not yet
17 provided information that verifies compliance or taken the necessary actions to come into
18 compliance, then the person may be subject to reasonable inspection by DBR to ensure
19 compliance with the tagging requirements and plant possession limits set forth in the Act
20 and these regulations. DBR shall make an effort to schedule inspections in advance.

21 M. Revocation of Medical Marijuana Plant Tags

- 22 1. R.I. Gen. Laws § 21-28.6-15(b)(1) authorizes DBR to revoke medical marijuana plant
23 tags for violation of any provision of the Act, the DBR Regulations, or the DOH
24 Regulations.
- 25 2. Grounds for revocation of medical marijuana plant tags shall include, but are not limited
26 to, failure to maintain or timely renew the required underlying qualifying patient, primary
27 caregiver, or cooperative cultivation registration or license, as applicable, which is a legal
28 prerequisite to obtaining the medical marijuana plant tag and being able to grow medical
29 marijuana under the Act; having excess and/or untagged plants; misrepresentation in
30 applying for plant tags; permitting unauthorized use of tags by another party; growing in
31 more than one location; and transferring plants from the registered grow location without
32 complying with the rules for said transport.
- 33 3. If DOH revokes the registration of a primary caregiver due to disqualifying criminal
34 information as delineated in the Act or for any other reason, that primary caregiver's
35 medical marijuana plant tags shall be automatically and immediately revoked by DBR.
- 36 4. If DOH revokes the registration of a patient for any reason, any medical marijuana plant
37 tags issued to that patient and/or issued to any caregiver registered with DOH to grow for
38 that patient shall be automatically and immediately revoked by DBR.
- 39 5. Before medical marijuana plant tags are revoked pursuant to this section, the tag holder
40 will be given ten (10) business days advance notice to destroy the marijuana plants that
41 were previously associated with the plant tags and to then return said plant tags within
42 the 10 day timeframe.
- 43 6. The fact that a patient or primary caregiver is a member of a cooperative cultivation shall
44 not in any way preclude revocation of their medical marijuana plant tags as provided in
45 this subsection.

1 N. Administrative Penalties

2 1. Pursuant to R.I. Gen. Laws § 21-28.6-15(b)(3), as to any patient cardholder, primary
3 caregiver cardholder, or licensed cooperative cultivation who is found to have mature
4 marijuana plants that are within the relevant possession limits of the Act but which do not
5 have valid medical marijuana tags, DBR may impose an administrative penalty up to the
6 total fee that would be paid by a cardholder or licensee who purchased medical
7 marijuana plant tags for such plants in compliance with the Act.

8 2. Pursuant to R.I. Gen. Laws § 21-28.6-15(b)(4), as to any patient cardholder, primary
9 caregiver cardholder, or licensed cooperative cultivation who is found to have mature
10 marijuana plants that exceed the relevant possession limits of the Act, DBR may impose
11 an administrative penalty of no less than the total fee that would be paid by a cardholder
12 or licensee who purchased medical marijuana plant tags for such plants in compliance
13 with the Act. DBR hereby sets the maximum administrative penalty at five thousand
14 dollars (\$5,000) per plant.

15 O. Criminal Penalties and Law Enforcement

16 1. R.I. Gen. Laws § 21-28.6-15(b)(4) provides that any administrative penalties for
17 possession of marijuana plants in excess of the numerical limits of the Act may be in
18 addition to the criminal penalties provided for by § 21-33 28.6-9, subsection (c) of which
19 provides for arrest and prosecution under Chapter 28 of Title 21 (the "Rhode Island
20 Controlled Substances Act").

21 2. Nothing in this section shall alter or impair the ability of law enforcement to confiscate
22 excess, untagged, and/or invalidly tagged marijuana plants and revoked and/or otherwise
23 invalid plant tags in accordance with applicable criminal law and procedures.

24 3. DBR may notify law enforcement if it reasonably believes a tag holder is engaged in a
25 material violation of the Act or these regulations.

26 4. Law enforcement may be granted access to the Medical Marijuana Program Tracking
27 System to verify the validity of plant tags and tag data, or, if the System is not available,
28 through other data sharing mechanisms, in accordance with applicable law.

29 P. Return of Plant Tags

30 1. When return of tags is required by these regulations, the medical marijuana plants
31 associated with those tags shall be destroyed prior to the required return date.

32 2. A patient shall return his or her medical marijuana plant tags to DBR within ten business
33 (10) business days of any of the following occurrences: a) election to no longer grow
34 medical marijuana for himself or herself, b) voluntary surrender of the registry
35 identification card, or c) revocation of the registry identification card.

36 3. A primary caregiver shall return all medical marijuana plant tags associated with a
37 particular patient within ten (10) business days of any of the following occurrences
38 concerning that patient: a) death, b) termination of the relationship with the primary
39 caregiver, c) voluntary surrender of the registry identification card, or d) revocation of the
40 registry identification card. If during such ten (10) business day period, the primary
41 caregiver re-associates with another qualified patient cardholder through DOH and re-
42 associates the tags to the other existing or new patient by registry identification number
43 through DBR, the plant tags need not be returned.

- 1 4. A primary caregiver shall return each and every medical marijuana plant tag within ten
2 (10) business days of his or her voluntary surrender of or DOH's revocation of his or her
3 registry identification card.
- 4 5. The fact that a patient or primary caregiver is a member of a cooperative cultivation shall
5 not in any way relieve his or her individual medical marijuana plant tag return obligations
6 under this subsection.
- 7 6. DBR will provide a person returning medical marijuana plant tags with a receipt
8 documenting the return.
- 9 7. For additional provisions regarding return of tags associated with licensed cooperative
10 cultivations, consult Section 1.8(S).

11 **1.10 Severability**

12 If any provision of the DBR Regulations, or the application thereof to any person or circumstance, is held
13 to be invalid, such invalidity shall not affect other provisions or application of the DBR Regulations which
14 can be given effect without the invalid provision or application, and to this end the provisions are declared
15 to be severable.

16 **1.11 Effective Date**

17 Sections 1.2, 1.3, and 1.4 regarding compassion centers and 1.9 regarding medical marijuana plant tags
18 shall be effective on the later of January 1, 2017 and twenty (20) days from the date of filing with the
19 Secretary of State. All other Sections of these regulations shall be effective twenty (20) days from the
20 date of filing with the Secretary of State.