

Medical Marijuana Laws and Regulations for Dispensaries: Maine, New Jersey, Rhode Island, and Washington, DC



This chart is intended for educational purposes only; you should not act or rely upon the information contained herein without first seeking the advice of an attorney licensed in your jurisdiction.

The categories listed on this chart are limited so as to provide a comparative perspective of legislation from various jurisdictions. Please note that the listed provisions may have features that are not summarized in this chart. Pending bills may also seek to amend, repeal, or supersede these provisions – such information is not included in this comparison.

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	Maine ME ST 15 § 5821-A, 22 M.R.S.A. § 2421 to 2430-A, 2383-B15 Code Me. R. 10-144 Ch. 122, § 1 to 11	New Jersey NJ ST 24:6I-1 to -16	Rhode Island RI ST §§ 21-28.6-12	Washington, DC DC ST § 7-1671.01 to 7-1671.13
Minimum Number Required to be Licensed By The State		Six (Two in the Northern, Central, and Southern regions of the state)	X ¹¹	
Maximum Number Required to be Licensed By the State	One registration for each of the 8 public health districts in the first year (Number may be amended by department after the first year)		Three	Five (Allows mayor to increase to eight)
Requires Individuals to Designate A Compassion Center as A Primary Caregiver			X	
State Required to Develop Educational Material				X ³
Required Information for Application				
Payment of Fee	X		X	
Proposed Legal Name and Proposed Articles of Incorporation	X		X	
Address	X		The proposed physical address or general area of the compassion center, or general location if precise address has not yet been determined	
Description of Facility That Would Be Used To Cultivate Marijuana			Must be description of enclosed locked facility and must include steps to ensure production will be out of sight of public	
Name, Address, and DOB of Each Principal Officer and Board Member	X (Must also submit photocopy of each person's ID)		X	
Name, Address, and DOB of Each Dispensary Agent or Employee	X			
Evidence of Compliance With Local Zoning Laws	X		X	
A Copy of By-Laws	X			
Business Plan and a Description of How the Dispensary Will Operate on a Not for Profit Basis	X ¹			
Acknowledgement of Adherence to Plant Growth Limitations				
Proposed Security and Safety Measures	Must describe the enclosed locked facility where marijuana will be grown, security, and if the area is visible from the street		X ¹²	
Proposed Procedures to Ensure Accurate Record Keeping			X	
Description of How Business Will Operate On a Non-Profit Basis			X	
A Draft of Operations Manual			X	

	Maine	New Jersey	Rhode Island	Washington, DC
Required Information for Application (Cont'd)				
List of All Persons or Business Entities Having Direct or Indirect Authority Over the Management or Policies			X	
List of All Persons or Business Entities Having 5% or More Ownership in the Compassion Center, Whether Direct or Indirect and Whether the Interest is in Profits, Land or Building, Including Owners of Any Business Entity Which Owns all or Part of the Land or Building	X		X	
Identity of All Creditors Holding Security Interest in the Premises	X		X	
Applicant Consent to Criminal Background Check		X		
The ID Card Number for Each Patient for Whom the Center Will Grow Marijuana				
Copy of Proposed Policies and Procedures	X			
Copy of Insurance Liability Policy	X			
Narrative Describing How Applicant Will Meet All Criteria	X			
Proof that the Facility is Within Legal Distance of School, Church or Day Care Center	Must be 500 ft. from preexisting school (Application must also state actual distance from nearest school)		500 ft. from any school	
Proof That the Board has At Least One Physician, Nurse or Other Provider				
Other Information Required By Rule		X		
Application is Considered To Be Approved If State Does Not Approve Or Deny Application Within A Specified Period of Time	Within 45 days			
Factors Required To Be Considered Before Granting Certificates	See note below ²			Will be established by rule, but rules must include these components
Applicant's Knowledge of State and Federal Marijuana Laws				X (Must have knowledge of DC law)
Convenience to Patients Throughout The State	X		X	
Applicants' Ability to Provide A Steady Supply to The Registered Qualifying Patients In The State	X		X	A review of the applicants "cultivation plan"
Applicants Skill and Knowledge of Organic Growing Methods	X			
Applicants' Experience Running A Non-profit or Business	X		X	

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Factors Required To Be Considered Before Granting Certificates (Cont'd)				
Wishes of Qualifying Patients Regarding Which Applicant Be Granted A Registration Certificate			X	
Suitability of Proposed Facility				X
Staffing Plan of the Organization				X
A Review of the Applicant's Product Safety and Labeling Plan				X
Wishes of the City or Town Where the Dispensary Would Be Located			X	Must, "Accord great weight to input provided by the Advisory Neighborhood Commission regarding the proposed location of a dispensary or cultivation center"
Applicants Plans to Ensure Purity and Consistency of Dose	X			A Review of the Applicant's "Product Safety and Labeling Plan"
Sufficiency of Applicants Plans for Record Keeping and Security of Health Records Considered Confidential Health Information			X	
Sufficiency of Applicants Plans for Safety and Security	X		X	Must be assessed by Metro Police
Required Information to Be Submitted After An Application Is Approved But Before Operations Begin				
A Fee Paid to The State			X	
Legal Name and Articles of Incorporation			X	
The Physical Address			X	
Name, Address, and DOB of Each Principal Officer and Board Member			X	
Name, Address, and DOB of Any Person Who Will Be an Agent or Employee			X	
Documentation to Demonstrate Compliance With the Fire Safety Code			X	
Requirements for Application for Registration ID Cards	Cards are only valid in combination with other state issued ID		ID Cards Are Issued to Board Members, Principal Officers, Volunteers, and Employees	
Fee			X	
Name, Address, and DOB of Applicant			X	
Criminal Background Check	X		X	
Copy of State Issued ID	X			
Information Required to Be On Registry ID Cards				
Names, Addresses, and DOBs of the Cardholder	X		X	
Legal Name of the Dispensary	X		X	
Category of the Person's Affiliation			X	
Unique Random Identification Number	X		X	
Date of Issuance/Expiration Date of the Registry ID Card	X		X	
Cardholders Must Notify State of Change of Name or Address			Within 10 days	
Specification if the person is a principal officer, board member or employee	X			
Photograph	If required by department regulation		X	

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Length of Time an ID Card is Valid	One Year		One Year or upon the expiration of the organization registration certificate, whichever occurs first	
Requires All Cardholders to Be Citizens of the State	All Board Members and Principals		X	
Requires Treatment Center to Notify State of Any Change In Information		Within 10 Days	Must notify within 10 days if board members, principal officers, volunteers, or employees no longer works for dispensary	
Center is Permitted to Receive Payment		X		
Maximum Number of Patients a Center May Assist				
Reasons an Application May Be Denied				
Drug Conviction	X ³	X (Allows for federal conviction relating to possession or sale of marijuana that is protected under state law) ¹⁰	X ¹³	X (Also prohibits individuals convicted drug related misdemeanor)
Failure of Applicant to Pay Child Support				
Statutory Protections for Permit Holders and Employees				
From Arrest, Prosecution or Penalty	Protected from any penalty or disciplinary action	X	X	
Civil Penalty	X	X	X	
Discipline from A Professional Licensing Board	X	X	X	
Prohibits Forfeiture of Property Used In Connection With Medical Marijuana				
Prohibits Search and Seizure of Center			X (Allows for inspections conducted by the State Department of Health)	
Possession Limits				
Ounce limit	2.5 ounces of prepared marijuana and incidental marijuana for each patient the dispensary serves		2.5 ounces for each qualifying patient to whom the compassion center is connected through the state's registry	
Plant Limit	6 plants for each patient the dispensary serves ⁴		12 plants stored in an indoor facility for each qualifying patient to whom the caregiver is connected to through the state's registry	95
Maximum Amount Allowed to Be Dispensed	2.5 ounces in a 15 day period		2.5 ounces per qualifying patient in a 15 day period; or knowingly dispensing to a patient enough marijuana that would cause the recipient to possess more than the maximum allowed under state law	2 ounces in a 30 day period (allows the Mayor to increase to 4 ounces)
Must Adhere to Labeling Requirements to Ensure Compliance With Limitation	Requires trip tickets to identify the dispensary and time of dispensing			

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Offenses Created				
Fabrication or Misrepresentation to Law Enforcement Official				
Failing to Notify State of Changes of Information State Requires for Registration				
Dispensing to Anyone Other Than A Patient or Primary Caregiver Who Has Registered With the Dispensary	X			
Conviction of Specified Drug Crime	Fine in addition to other criminal penalties for individuals affiliated with a dispensary			
Requirements for Operation				
Must Operate On A Not For Profit Basis	X		X	Requires dispensaries and cultivation centers to register as non profit or for profit corporation incorporated in DC
May Not Be Located Within A Specified Distance of a School	500 ft.		500 feet of a preexisting school	300 ft. (Includes recreational centers)
Required to Notify Agency When A Principal Officer, Board Member, Agent, Volunteer , or Employee No Longer Works At The Center	Within 10 days		Within 10 Days	
Required to Implement Security Measures To Prevent Unauthorized Entrance Into Areas Containing Marijuana	X ⁵		X (Requires each facility to have at least one security alarm system) ¹⁴	X (Must prevent theft and diversion)
Operating Documents Must Include Procedures of the Dispensary and Procedures To Ensure Accurate Record Keeping	X			
Must Develop Operation An Operations Manual			X ¹⁵	
Prohibited From Acquiring, Possessing, Cultivating, Manufacturing, Delivering, Transferring, Transporting, Supplying, or Dispensing Marijuana for Any Purpose Except to Assist Registered Qualifying Patients			X	
Must Develop Job Descriptions or Employment Contracts For Employees and Volunteers, Which Includes Duties, Authority, Responsibilities, Qualifications, and Supervisions	X		X	
Must Develop Policies for Training In and Adherence to State Confidentiality Laws			X	
Requires Business Records to be Maintained	X ⁶			
Requires a Record of Each Sale	X			X ¹⁹
Requires Maintenance of Financial Records and Requires Them to Be Open to Inspection				
Must Provide New Qualifying Patients With FAQ Sheet That Explains The Limitation on the Right to Use Medical Marijuana			X	
Must Report The Method of Disposal For Marijuana That Was Not Sold	X			X

	Maine	New Jersey	Rhode Island	Washington, DC
Requirements for Operation (Cont'd)				
Must Develop Training for Employees With Respect to Proper Use of Security Measures and How to Respond in An Emergency			X	X (Must be trained in security and theft prevention)
Employees Must Be Trained in Compliance With State Law Regarding Medical Use				X
Requires Food Establishment License if Establishment Wishes to Sell Food Products Infused With Marijuana	X			
Must Maintain Personnel Records for Each Employee	X ⁷		X	Name, address, phone number, and DOB must be kept
Must Develop Training for Employees With Respect to Professional Conduct, Ethics, and Patient Confidentiality			X	
Requires The Distribution of Educational Materials	X ⁸			X
Requires All Residents and Board Members to Be Residents of the State			X	
Requires the Development of a Drug and Alcohol Free Workplace	X ⁹			
Must Develop Training for Employees With Respect to Developments in the Field of Medical Use of Marijuana			X ¹⁶	
Requires Documentation of All Training			X	
Required to Conduct Inventory	Requires daily inventory		X ¹⁷	X
Prohibits Paraphernalia From Being Visible to Public				X
Requires Permit to Be on Display At All Times		X		
Length of Time A Registration Certificate is Valid	One Year		Two Years	
Must Notify Law Enforcement of Any Theft or Loss				Must notify chief of police in writing
Legislation Creates Oversight Committee			X	
Provides That Operational Certificates or Licenses are Non-Transferrable	X		Allows the Department to amend certificate if specified conditions are met	
Requires Notification to State in Case of Emergency Events			X ¹⁸	
Prohibits Physicians From Having an Office in Cultivation Center, and Prohibits Physicians From Receiving Payment from Cultivation Centers				X
Creates Inspection Procedures and Allows for Corrective Actions By the State	X			X
Provides That Applicant Records Maintained By The State Are Confidential				
Creates Testing Requirements to Ensure Quality of Marijuana	X			

¹The business plan must include: a detailed description about the amount and source of the equity and debt commitment for the proposed dispensary that demonstrates the immediate and long-term financial feasibility of the proposed financing plan, the relative availability of funds for capital and operating needs; and the financial capability to undertake the project; a copy of the proposed policy regarding services to registered patients who cannot afford to purchase marijuana for medical purposes; an indication regarding whether or not the applicant will accept unused excess marijuana from registered patients or caregivers, the process for assuring that the marijuana is not adulterated (how it will be tested) and how it will be redistributed (cannot be sold) to those registered patients who cannot afford marijuana for medical purposes; and the projected income statements for the first three (3) years after implementation (forms to be supplied by the department).

²Maine uses a point system in its application process. Subject to restrictions on the maximum number of dispensaries allowed statewide, the department must award certificates to all applicants who receive a score of at least 70, pay all applicable fees, and submit all required information. Applicants must submit all required information, and points are awarded to applicants based upon ability to satisfy requirements. In addition to the application requirements, points are also awarded to applicants based upon: demonstrated convenience for registered patients and caregivers; ability to demonstrate that a steady supply of marijuana for medical use will be available to the projected number of registered patients; start-up timetable which provides an estimated time from registration of the dispensary to full operation, and the assumptions used for the basis of those estimates; demonstrated knowledge of organic growing methods to be used in their growing and cultivation of marijuana; demonstration that steps will be taken to ensure the quality of the marijuana, including purity and consistency of dose; disclosure the various strains of marijuana to be dispensed, and the form(s) in which marijuana will be dispensed; demonstrated experience running a non-profit organization or other business; demonstration that plans for record keeping, inventory, quality control and security and other policies and procedures will discourage unlawful activity; description of a staffing plan that will provide accessible business hours, safe growing and cultivation, and maintenance of confidential information regarding grow sites and the identity of patient information; indication of consent to pay for state and federal background checks for all proposed and future registry card holders; and an application that reflects a strong patient education component.

³Disqualifying drug offense means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more. It does not include: an offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; or an offense that consisted of conduct that would have been permitted under medical marijuana rules or statutes.

⁴ Allows dispensaries, in addition to the 6 live marijuana plants per registered patient, to have plants in varying stages of processing or cultivation in order to ensure that the dispensary is able to meet the needs of its registered patients. Allows dispensaries during the first 60 days after start-up, to have 12 marijuana live plants and others in various stages of cultivation without having any registered patients in order to build initial inventory.

⁵Maine rules creates a number of security requirements that are unique to Maine, including: requirements to provide: on-site parking; provide exterior lighting sufficient to deter nuisance activity and facilitate surveillance, that does not disturb neighbors; devices or a series of devices, including, but not limited to, a signal system interconnected with a radio frequency method such as cellular, private radio signals, or other mechanical or electronic device to detect an unauthorized intrusion; an interior must equipped with electronic monitoring, video cameras, and panic buttons; and methods to consistently and systematically prevent loitering.

⁶Requires business records to include manual or computerized records of assets and liabilities, sales records, monetary transactions, various journals, ledgers, and supporting documents, including agreements, checks, invoices, and vouchers which the dispensary keeps as its books of accounts.

⁷Personnel records must maintain: documentation of state residency for each principal officer and board member; a copy of current dispensary registry identification card and copy of a Maine driver's license of other state-issued photo identification card; employment application and required documentation; documented verification of references; documentation of background checks; job description or employment contract; documentation of training, including training regarding confidentiality requirements; documentation of periodic performance evaluations; documentation of disciplinary actions; and documented results of drug tests.

⁸Education materials must include information about: assisting in the selection of prepared marijuana; how to achieve proper dosage for different modes of administration, emphasizing use of the smallest amount possible to achieve the desired effect; information on tolerance, dependence and withdrawal; information regarding substance abuse signs and symptoms, as well as referral information; information on whether the dispensary's marijuana and associated products meet organic certification standards.

⁹All dispensaries are also required to test employees for substance abuse, have a policy providing for probable cause substance abuse testing, and develop an employee assistance program. Dispensaries are required to test for: marijuana; cocaine; opiates; amphetamines and methamphetamines; and PCP. Dispensaries must notify the state within one business day of receipt of a confirmed positive result to a lawfully administered substance abuse test.

¹⁰Provides that an individual will not be disqualified from serving as an employee if the individual has demonstrated to the Commissioner of the Department of Health and Senior Services clear and convincing evidence of rehabilitation. When making a determination, requires the Commissioner to consider: the nature and responsibility of the position which the convicted individual would hold, has held, or currently holds; the nature and seriousness of the crime or offense; the circumstances under

which the crime or offense occurred; the date of the crime or offense; the age of the individual when the crime or offense was committed; whether the crime or offense was an isolated or repeated incident; any social conditions which may have contributed to the commission of the crime or offense; and any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

¹¹Requires one center to be licensed within 190 days of the effective date of the act provided there has been at least one qualifying applicant. Provides that within two years after the effective date the Department of Health is required begin accepting applications for two additional compassion centers; and that within three years after the effective date, if fewer than three compassion centers are licensed, the department is required to begin accepting application.

¹²Requires facilities to have at least one security alarm system for each location, planned measures to deter and prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana, as well as a draft employee instruction manual including security policies, safety and security procedures, personal safety and crime prevention techniques.

¹³Allows the Department of Health is to grant an ID card to a person if the Department determines the offense was for conduct that occurred prior to the enactment of Rhode Island's medical marijuana legislation, or that the person was prosecuted by an authority other than the state for acts that are protected by Rhode Island's medical marijuana statutes.

¹⁴ Rhode Island has also stipulated a number of specific security measures that are unique to Rhode Island. Security measures must also: keep access from outside the premises to a minimum and be well-controlled; keep the outside perimeter of the premises well-lighted; establish protocol for the testing and maintenance of an alarm system; provide for the testing of alarms at least every 30 days and maintain a record of tests and maintenance of alarms; provide alternative security measures approved by the Department or close authorized physical address(es) impacted by a failure/malfunction (if the system is expected to be down for more than eight hours) until the security alarm system has been restored to full operation; provide documentation of all events that require a response by public safety personnel and all other breaches of security; and when appropriate, provide protection against theft or diversion that is facilitated or hidden by tampering with computers or electronic records. When determining if security is adequate, the state considers: quantity of usable marijuana that will be kept on hand at each authorized location; the compassion center's inventory system for tracking and dispensing usable marijuana; the number of principal officers, board members, agents, volunteers or employees who have or could have access to the usable marijuana; the geographic location of the compassion center (i.e., high or low crime area); scope and sustainability of the alarm system; and root cause analysis of any breach of security and/or inventory discrepancy for usable marijuana at that location. Alarms must provide: immediate automatic or electronic notification to alert local or municipal law enforcement agencies to an unauthorized breach of security at the compassion center or at any other authorized physical address; and immediate automatic or electronic notification to local or municipal public safety personnel of a loss-of-electrical support backup system.

¹⁵Manual must include: procedures for the oversight of the compassion center; procedures for safely dispensing medical marijuana; procedures to ensure accurate record keeping, including protocols to ensure that quantities purchased do not suggest re-distribution; employee security policies; safety and security procedures, including a disaster plan with procedures to be followed in case of fire or other emergencies; personal safety and crime prevention techniques; a job description or employment contract developed for all employees and a volunteer agreement for all volunteers, which includes duties, responsibilities, authority, qualification and supervision; the compassion center's alcohol and drug free work place policy; and a description of the compassion center's required education and outreach activities to registered qualifying patients or their other registered primary caregivers; and a description of the packaging of the useable marijuana that includes A label containing the name of the strain, batch and quantity, and a statement that the product is for medical use and not for resale.

¹⁶Training must include: professional conduct, ethics, and state and federal laws regarding patient confidentiality; informational developments in the field of medical use of marijuana; the proper use of security measures and controls that have been adopted; and specific procedural instructions for responding to an emergency, including robbery or violent accident.

¹⁷Grow centers must: conduct an initial comprehensive inventory of all medical marijuana, including usable marijuana available for dispensing, mature marijuana plants and unusable marijuana, at each authorized location on the date the compassion center first dispenses medical marijuana; conduct the comprehensive inventory of at least 24 months from the date of the previous comprehensive inventory; conduct a monthly inventory review of stored, usable marijuana; maintain records of inventory; and within 24 hours of discovery of the event, notify the Department and appropriate local law enforcement authorities by telephone of discrepancies identified during inventories.

¹⁸Must provide telephone notification within 24 hours and written notification within 5 days if: an unplanned implementation of any portion of the compassion center's disaster plan; a failure/mechanical malfunction of the security alarm system that is expected to exceed an eight (8) hour period; or an alarm activation or other event which requires response by public safety personnel.

¹⁹Must record the quantity of medical marijuana distributed or dispensed; the consideration given for the medical marijuana; and the recipient of the medical marijuana.