

## **Medical Marijuana Laws and Regulations: A State By State Comparison –Northeast (Maine, New Jersey, Rhode Island, and Vermont)**

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 regional legislation. 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.

This information is current as of January 22, 2010.

	<b>Maine<sup>1</sup></b> ME ST 22 § 2383-B	<b>New Jersey</b> 2009 SB 119	<b>Rhode Island</b> RI ST §§ 21-28.6-1 to .6-10, 6-12 RI ADC §§ 14 000 035	<b>Vermont</b> VT ST §§ 4471 to 4474d
<b>State Registration</b>				
Identification Cards Issued to Registered Users and Caregivers		X	X	X
Registry of Authorized Users, Physicians, and Primary Caregivers Maintained by the State		X (Physician names not included)	X	X
Requires Development of 24 Hour Verification System for Law Enforcement				X
<b>Individuals Allowed Access to Registry</b>				
Authorized Employees of Administrative Department to Perform Official Duties		X	X	X
Authorized Employees of State or Local Law Enforcement to Verify that a Person is Lawfully in Possession of ID Card		X	Department may disclose validity of ID card by confirming registry ID number	Department may verify identity of cardholders
<b>Application Information Required From Patient, Caregiver, or Physician Before Placement in Registry</b>				
Written Certification From a Physician Stating That The Patient Has Been Diagnosed With A Debilitating Condition or That The Patient May Benefit From The Medical Use of Marijuana	X <sup>2</sup>	X	X (Must also state that the potential benefits of use would likely outweigh the health risks)	X <sup>9</sup>
Name		Patient, Physician, Caregiver	Patient, Physician, Caregiver	Requires patient and caregiver to submit unspecified contact information
Address		Patient, Physician, Caregiver	Patient, Physician, Caregiver	
Date of Birth		Patient and Caregiver	Patient, Caregiver	
Driver's License or ID Card Number				ID required for patient and caregiver
Telephone Number		Physician	Physician	Physician contact information
Proof of Residence				
Patient Signature				X
Consent of Caregiver to A Criminal Background Check		X		
Social Security Number/Patient ID #				
Duties of Primary Caregiver				
Medical License # of Physician				
A Statement By The Caregiver That The Caregiver Agrees to Serve as The Caregiver				
Length of Time the Patient Has Been Under the Care of the Practitioner				
Designation As To Whether The Qualifying Patient or The Caregiver Will Be Allowed To Possess Marijuana Plants				
Written Statement Signed By Physician Verifying That The Physician Was Presented With Photo ID of Patient and Caregiver				
A Complete Set of Fingerprints of Patient and Caregiver		Caregiver must submit fingerprints		

	Maine	New Jersey	Rhode Island	Vermont
Information Required For Registry From Patient, Caregiver, or Physician (Cont'd)				
A Notarized Program Waiver and Acknowledgment Form				
Signature of Physician and Date of Application				Must sign statement that physician meets state definition of physician, and list licensing state
Signature of Patient and Date of Application				
Additional Steps/Information That Must Be Submitted Before Use Can Be Approved for Minors				
Two Physicians Must Diagnose the Minor With A Debilitating Condition and Submit Written Certification				
A Statement That The Minor's Physician Has Explained the Potential Risks and Benefits to the Patient and Parent/Guardian			X	
<b>Parent/Guardian Must Consent in Writing to:</b> Allow the Medical Use of Marijuana	Does not have to be submitted to state	X	X	
Agree to Serve As the Minor's Caregiver		X	X	
Agree to Control the Acquisition of Marijuana, The Dosage, and Frequency of Use		X	X	
<b>Information on ID Cards</b>				
Name		X		X
Address		X		
Date of Birth		X		
Social Security Number				
Photo of ID Cardholder		X	X	X
Driver's License or ID Card				
Unique User ID or Serial Number			X	X
A Statement That The Person Is Registered With The State				
A Statement That The Person Has Been Diagnosed With A Debilitating Medical Condition				
Date of Issuance/Expiration Date		X	X	
Primary Caregiver Information Included on Patient's Card		X		
Patient's Information Included on Primary Caregiver's Card		X		
Phone Number of Administrative Agency				
Requirement to Return ID Card if Patient No Longer Has A Debilitating Medical Condition				
Designation As To Whether The Qualifying Patient or The Caregiver Will Be Allowed To Possess Marijuana Plants				
Phone Number of Real Time Verification System				
Other Information As Determined By The State		X		
Period of Time an ID Card is Valid		Two Years	Two Years	One Year
Application is Considered To Be Approved If State Does Not Approve Or Deny Application Within A Specified Period of Time			35 Days	
Requirement to Notify State of Change in Name, Address, Physician, or Primary Caregiver		Within 10 days	Within 10 Days	
Cardholder Must Return Card If They No Longer Have A Debilitating Condition		Must notify state of change in debilitating medical condition within 10 days	A person who no longer has a debilitating condition becomes subject to penalties that apply to the non-medical use of marijuana	Family must return within 72 hours after death

	Maine	New Jersey	Rhode Island	Vermont
<b>Primary Caregiver Conditions and Requirements</b>				
Minimum Age	18	18	21	21
Disqualification For A Felony Conviction/ Probation or Parole		X (Felony Drug Conviction) <sup>7</sup>	For felony drug conviction <sup>8</sup>	For conviction of a drug related crime
Maximum Number of Patients a Primary Caregiver May Assist		One	Five	One
Caregiver is Allowed to Receive Compensation			Reimbursement for costs	
Number of Designated Caregivers a Qualified User Is Allowed			Two	One
<b>Qualifying Diseases and Debilitating Conditions</b>				
Cancer	X <sup>4</sup>	X (Terminal Cancer)	X	X
Glaucoma	X	X	X	
HIV/AIDS	X <sup>3</sup>	X	X	X
Hepatitis C			X	
Alzheimer's Disease			X	
Nail Patella				
Amyotrophic Lateral Sclerosis		X		
Cachexia/Wasting Syndrome	X <sup>3</sup>	X	X <sup>4</sup>	X <sup>4</sup>
Severe/Chronic Pain		X	X <sup>4</sup>	X <sup>4</sup>
Severe Nausea	X <sup>3</sup>	X	X <sup>4</sup>	X <sup>4</sup>
Seizures	X <sup>4</sup>	X	X <sup>4</sup>	X <sup>4</sup>
Intractable Skeletal Muscular Spasticity		X		
Anorexia				
Severe and Persistent Muscle Spasms MS/Crohns's	X <sup>4</sup>	X	X <sup>4</sup>	MS
Damage to the Nervous Tissue of The Spinal Cord, With Neurological Indication of Intractable Spasticity				
Appetite Loss				
Cramping				
Arthritis				
Migraine				
Admission to Hospice Care/Terminal Illness		For terminal illness if a physician had determined a prognosis of less than 12 months of life		
Any Other Chronic or Persistent Medical Condition				
Other Medical Conditions Approved by the State		Department of Health and Senior Services may approve new diseases and conditions by regulation	X (pursuant to a petition)	
<b>Reasons an Application May Be Denied</b>				
Information Provided is False			X	
Information Cannot Be Verified				
Not All Required Information Was Submitted			X	
Failure to Establish Chronic or Debilitating Medical Condition				
Failure to Document a Consultation With an Attending Physician				
Failure to Comply With Established Regulations				
The Attending Physician Was Not Licensed in the State				
Primary Caregiver Denied If Caregiver Is Already Listed As Caregiver for Maximum Number of Patients				
Patient or Primary Caregiver Has Been Convicted of Selling A Controlled Substance		X (Applies to Primary Caregiver) <sup>6</sup>		
Patient Has Been Prohibited By A Court				
An Applicant Previously Had an ID Card Revoked, or Knowingly Violated A Provision Related to The Medical Use of Marijuana				
An Applicant Does Not Meet Established Criteria				

	Maine	New Jersey	Rhode Island	Vermont
<b>Places Where/Occasions When Use Is Prohibited</b>				
Any Place Where Smoking Is Prohibited By Law	Any Place Where Smoking Is Prohibited By Law	Any Place Where Smoking Is Prohibited By Law	Any Place Where Smoking Is Prohibited By Law	Any Place Where Smoking Is Prohibited By Law
Any Public Place	X		X	
Any Way That Endangers The Health or Well Being of Any Person				X
Grounds of a School, Recreation Center, or Youth Center		X	Any school grounds	X
On a School Bus		X	X	X
Public Transportation		X	X	X
Public Park or Beach		X		X
In the Workplace				X
In a Correctional Facility		X	X	X
In A Medical Facility				
Any Licensed Drug Treatment Facility			X	
Undertaking Tasks Under The Influence of Marijuana That Would Constitute Negligence or Professional Malpractice			X	
Operating Motor Vehicle While Under the Influence		X (Also prohibits use in a private vehicle unless the vehicle is stationary)	X	X
Operating a Boat While Under the Influence		X	X	X
Operating an Aircraft While Under the Influence		X	X	
While Operating Vehicle Propelled or Drawn By Power		(Railroad train)		X
Stationary Heavy Equipment		X		
While Possessing A Firearm				
Transporting Medical Marijuana Outside The State				
Provides That An Employer Will Not Be Required To Accommodate Use In The Workplace	X	X	X	X (Prohibited in places of employment)
<b>Statutory Protections for Patients and Caregivers for Medical Use of Marijuana as Defined By The State</b>				
Protected From Arrest, Prosecution, or Penalty		X	X	X
Civil Penalty		X	X	
Disciplinary Action By A Professional Licensing Board		X	X	
Assisting A Qualified Patient or Designated Caregiver				
Individuals Not Required to Obtain Identification Card to Claim Protection				
Prohibits A School, Employer, or Landlord From Refusing to Enroll, Employ, or Lease or Penalize an Individual Solely Upon The Individuals Status As A Qualifying Patient or Registered Caregiver			X	
Provides That Property Used in Connection With Medical Use Is Not Subject to Forfeiture			X	
Provides That Possession of a Registry ID Card, Or Applying for an ID Card Does Not Alone Constitute Probable Cause to Search an Individual or Property		X		
Allows Medical Use of Marijuana To Be Used As An Affirmative Defense to Criminal Prosecution	X	X	X	
Provides That Custody or Visitation of a Minor Will Not Be Denied Unless The Person's Behavior Creates Unreasonable Danger to the Minor				

	Maine	New Jersey	Rhode Island	Vermont
<b>Statutory Protections for Patients and Caregivers for Medical Use of Marijuana as Defined By The State (Cont'd)</b>				
Provides That Individuals Who Provide A Qualified Patient or Caregiver With Paraphernalia Are Not Subject to Arrest, Prosecution or Penalty				X
Prohibits Arrest or Prosecution of An Individual for Being In the Presence or Vicinity of Medical Use of Marijuana		X	X	
Provides That Parents/Guardians Who Have Legal Custody of a Qualifying Patient Are Not Subject to Arrest or Prosecution		X		
<b>Statutory Protections for Physicians When Acting In Compliance With State Medical Marijuana Statutes</b>				
Protection from Arrest or Prosecution		X	X	X
Civil Penalty		X	X	
Discipline from a Professional Licensing Board		X	X	X
<b>Reasons a Card May Be Revoked</b>				
It is Discovered Information on Application Was False				
If a Cardholder Sells Marijuana to a Person Who Is Not Authorized to Use Marijuana				
Conviction of Another Marijuana Relate Offense				
If A Person Violates A Section of the Act or Another Controlled Substances Law			X	
Pursuant to A Court Order				
The Discovery of Repeated Violations of Statute				
Failure To Provide Access To The State To Material and Information Necessary For Determining Compliance With Regulations				
<b>Possession Limitations for Patients and Primary Caregivers</b>			Total does not include unusable marijuana, including up to 12 seedlings	Applies to collective amount that can be held by patient and caregiver
Ounce Limit	2.5 ounces	Two Ounces <sup>7</sup>	Caregivers may possess 2.5 ounces for each qualifying patient the caregiver is connected to through the state's registry, but no more than 5 ounces total	2 ounces
Plant Limit	3 mature plants and 3 immature plants		Caregivers may possess 12 plants stored in an indoor facility for each qualifying patient the caregiver is connected to through the state's registry, but no more than 24 plants total	2 mature plants, and 7 immature plants
Exemptions			Compassion centers are exempt	
<b>Offenses Created</b>				
Fraudulent Representation of a Medical Condition to Obtain an ID Card				
Fraudulent Representation to Law Enforcement Relating to Medical Marijuana		X	X	X

	Maine	New Jersey	Rhode Island	Vermont
<b>Offenses Created</b>				
Fraudulent Use or Theft of an ID Card		Sale or transfer of ID card		
Counterfeit Production of ID Card				
Failure of Cardholder to Notify State of Change in Name, Address, Caregiver, or Physician			X	
Failure of Cardholder to Notify State That The Cardholder No Longer Has A Debilitating Condition			X	
Disclosing Confidential Information Maintained By Registry			X	
<b>Department/Agency in Charge/Contact</b>				
Department In Charge	Department of Health and Human Services	Department of Health and Senior Services	Department of Health	Department of Public Safety
Agency In Charge			Office of Health Professions Regulation	Marijuana Registry
Contact			401-222-2828	(802) 241-5115
Creates Research Program				X
Clarifies that Insurance Will Not Be Required to Provide Coverage		X	X	X
State Uses Program To Monitor Dispensation of Marijuana		Statute requires the use of system that serves the same purpose as, and is "cross referenced" with the state PMP		
Clarifies That An Employer Will Not Be Required To Provide Reimbursement For The Purposes of Workers' Compensation				X
Provides That A Penal Institution is Not Required to Accommodate Use				
State Honors Identification Card Issued By Another State			X	
ID Cards Issued By Another State Do Not Qualify An Individual For Medical Use				
Creates Severability			X	

<sup>1</sup>On November 3, 2009 Maine voters passed a referendum that would require the Department of Health and Human Services to establish a state registry. The referendum must now go before the legislature and will likely be amended before it becomes law.

<sup>2</sup>Maine does not have a state registry, and information does not need to be submitted to the state. In addition to having a debilitating a condition, a to qualify, a physician, in the context of a bona fide patient-physician relationship must: discuss with the patient the possible health risks and therapeutic or palliative benefits of the medical use of marijuana; provide the person with the physician's professional opinion concerning the possible balance of risks and benefits of the medical use of marijuana; advise the patient that they might benefit for the medical use of marijuana. The patient must disclose to the physician the person's medical use of marijuana; and the person is under the continuing care of the physician.

<sup>3</sup>Medical marijuana can be used to treat persistent nausea, vomiting, wasting syndrome or loss of appetite that results from AIDS, AIDS treatment, or chemotherapy or radiation therapy used to treat cancer.

<sup>4</sup>Must be associated with a chronic, debilitating disease or its treatment.

<sup>5</sup>Allows for a conviction that occurs after the effective date of the act, that is for a violation of federal law related to possession or sale of marijuana that is authorized under the act.

<sup>6</sup>Provides that an individual will not be disqualified from serving as a primary caregiver 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.

<sup>7</sup>In New Jersey, home growth is prohibited and physicians are required to provide written instructions for the total amount of usable marijuana a treatment center may dispense to a patient in a 30 day period. The maximum amount that may be dispensed in a 30 day period is two ounces.

<sup>8</sup>Individuals who have been convicted of a felony drug offense may not serve as a caregiver, unless the Department of Health waives this restriction for a specific individual. Additionally the Department of Health is required to allow a person to serve as a primary caregiver 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 .

<sup>9</sup>Patients must submit a verification sheet stating: that a "bona fide doctor-patient relationship" defined as, a treating or consulting relationship of not less than six months duration, in the course of which a physician has completed a full assessment of the registered patient's medical history and current medical condition, including a personal physical examination, exists between the patient and the physician; the debilitating medical condition is of recent or sudden onset and the patient has not had a previous physician who is able to verify the nature of the disease and its symptoms; a statement that reasonable medical efforts have been made over a reasonable amount of time without success to relieve the symptoms; that the patient has a debilitating medical condition; and physician contact information.