

State Sanctioned Medical Marijuana Grow Sites, Compassion Centers, Production Facilities, and Treatment Centers: A State By State Comparison

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.

	Rhode Island RI ST §§ 21-28.6-12	New Jersey 2009 SB 119	Oregon OR ST §§ 475.300 to .346 OR ADC §§ 333- 008-0000 to 0120	New Mexico ⁶ NM ADC 7.34.4
Minimum Number Required to be Licensed By The State	X ¹	Six (Two in the Northern, Central, and Southern regions of the state)		
Maximum Number Required to be Licensed By the State	Three			
Requires Individuals to Designate A Compassion Center as A Primary Caregiver	X			
Required Information for Application				
A Non-refundable Fee	X			X
Proposed Legal Name and Proposed Articles of Incorporation	X			X and proof that the entity is a non-profit corporation
Address	The Proposed Physical Address of the Compassion Center, or General Location if Precise Address Has Not Yet Been Determined		X	
Description of Facility That Would Be Used To Cultivate Marijuana	Must be description of enclosed locked facility			X
Name, Address, and DOB of Each Principal Officer and Board Member	X		Name, address and DOB of grower	Identity of all creditors holding stake in the non-profit and all individuals with management authority
Acknowledgement of Adherence to Plant Growth Limitations				X
Proposed Security and Safety Measures	X ²			X
Proposed Procedures to Ensure Accurate Record Keeping	X			
Applicant Consent to Criminal Background Check		X		X
The ID Card Number for Each Patient for Whom the Center Will Grow Marijuana			X	
Proof that the Facility is Within Legal Distance of School, Church or Day Care Center				X
Proof That the Board has At Least One Physician, Nurse or Other Provider				X
Other Information Required By Rule		X	X	X
Factors Required To Be Considered Before Granting Certificates				
Convenience to Patients Throughout The State	X			Sufficiency of overall supply available to patients in state
Applicants' Ability to Provide A Steady Supply to The Registered Qualifying Patients In The State	X			
Applicants Skill and Knowledge of Organic Growing Methods				X
Applicants' Experience Running A Non-profit or Business	X			Experience and expertise of board members
Wishes of Qualifying Patients Regarding Which Applicant Be Granted A Registration Certificate	X			

	Rhode Island	New Jersey	Oregon	New Mexico
Factors Required To Be Considered Before Granting Certificates (Cont'd)				
Wishes of the City or Town Where the Dispensary Would Be Located	X			
Applicants Plans to Ensure Purity and Consistency of Dose				X (Includes provisions for periodic testing)
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
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			
Information Required to Be On Registry ID Cards	ID Cards Are Issued to Board Members, Principal Officers, Volunteers, and Employees			
Names, Addresses, and DOBs of the Cardholder	X			
Legal Name of the Compassion Center	X			
Unique Random Identification Number	X			
Date of Issuance/Expiration Date of the Registry ID Card	X			
Photograph	If the state decides to require one			
Length of Time an ID Card is Valid	One Year or upon the expiration of the organization registration certificate, whichever occurs first			
Length of Time A Registration Certificate is Valid	Two Years			One Year
Requires All Cardholders to Be Citizens of the State	X			
Requires Treatment Center to Notify State of Any Change In Information		Within 10 Days		Within 30 Days
Center is Permitted to Receive Payment		X	Reimbursement	
Maximum Number of Patients a Center May Assist			Four	

	Rhode Island	New Jersey	Oregon	New Mexico
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) ⁴	X ⁵	X ⁷
Failure of Applicant to Pay Child Support				X
Statutory Protections for Permit Holders and Employees				
From Arrest, Prosecution or Penalty	X	X	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				X
Prohibits Search and Seizure of Center	X (Allows for inspections conducted by the State Department of Health)			
Possession Limits				
Ounce limit	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		24 ounces for each patient or caregiver	Amount that reflects current patient needs
Plant Limit	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		6 mature plants and up to 18 seedlings for each patient or caregiver	95
Maximum Amount Allowed to Be Dispensed	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			
Offenses Created				
Fabrication or Misrepresentation to Law Enforcement Official				X

	Rhode Island	New Jersey	Oregon	New Mexico ⁸
Requirements for Operation				
Must Operate On A Not For Profit Basis	X			
May Not Be Located Within A Specified Distance of a School	500 feet of a preexisting school			300 feet (Includes Churches and Daycare Centers)
Required to Notify Agency When A Principal Officer, Board Member, Agent, Volunteer , or Employee No Longer Works At The Center	Within 10 Days			
Required to Implement Security Measures To Prevent Unauthorized Entrance Into Areas Containing Marijuana	X (Requires that each facility have at least one security alarm system)			X (Requires that each facility have at least one security alarm system)
Operating Documents must include procedures for the Oversight of Compassion Center and Procedures To Ensure Accurate Record Keeping	X			
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			X
Must Provide New Qualifying Patients With FAQ Sheet That Explains The Limitation on the Right to Use Medical Marijuana	X			
Must Develop Training for Employees With Respect to Proper Use of Security Measures and How to Respond in An Emergency	X			X
Must Maintain Personnel Records for Each Employee	X			X
Must Develop Training for Employees With Respect to Professional Conduct, Ethics, and Patient Confidentiality	X			X
Must Develop Training for Employees With Respect to Developments in the Field of Medical Use of Marijuana	X			X
Requires Documentation of All Training	X			X
Requires Permit to Be on Display At All Times		X	Registration card for each patient for whom marijuana is being produced must be on display at all times.	Must be kept in a safe location and produced immediately by the department or law enforcement
Legislation Creates Oversight Committee	X			

¹Requires 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.

²Requires 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.

³Allows 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 .

⁴Provides 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.

⁵Individuals convicted of one Class A or Class B felony for the manufacture or delivery of a controlled substance in Schedule I and II on or after January 1, 2006, may be issued a grow site registration card five years after the date of conviction. Individuals convicted more than once may not be issued a grow site registration.

⁶When applying for a permit, New Mexico requires the submission of a number of items not required by other states. Those items unique to New Mexico are: a description of the means the private non-profit shall employ to make qualified patients or the primary caregiver aware of the quality of the product; a description of the means the private non-profit shall employ to safely dispense the marijuana to qualified patients or the qualified patient's primary caregivers; a description of ingestion options of useable marijuana provided by the private non-profit entity; a description of safe smoking techniques that shall be provided to qualified patients; a description of potential side effects and how this shall be communicated to qualified patients and the qualified patient's primary caregivers; a description of the private entity's means for educating the qualified patient and the primary caregiver on the limitation of the right to possess and use marijuana; a description of the packaging of the useable marijuana that the private non-profit entity shall be utilizing, including a label that shall contain the name of the strain, batch, quantity and a statement that the product is for medical use and not for resale; a description of the private non-profit entity's confidential sale records, ensuring that quantities purchased do not suggest re-distribution; both clients and the department shall have access to this information at any time; and a description of the private non-profit entity's policy on the right of the entity to refuse service.

⁷Individuals convicted of more than one felony offense, trafficking a controlled substance, or selling to minors are prohibited from serving on boards or working for entities. Individuals with one felony offense that is not a conviction for trafficking a controlled substance or selling to minors may serve on a board or work for an entity five years after the final completion of a sentence.

⁸A number of qualifications are unique to New Mexico. Those qualifications are: the development of distribution criteria for qualified patients or primary caregivers appropriate for marijuana services, and requires the qualified patient's or the primary caregiver's distribution criteria to include a clear identifiable photocopy of all qualified patient's or the primary caregiver's registry identification card served by the private entity; and plans for the development, implementation and maintenance of an alcohol and drug free workplace program.