

Medical Marijuana Laws and Regulations for Dispensaries: Connecticut, Maine, Massachusetts, 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 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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	Connecticut 2012 HB 5389	Maine ME ST 15 § 5821-A, 22 M.R.S.A. § 2421 to 2430-A, 2383-B15, 26 M.R.S.A. § 772 Code Me. R. 10-144 Ch. 122, § 1 to 11	Massachusetts Ballot Initiative Question 3 This information was added as an update after the ballot initiative passed a vote on November 6, 2012. Information is current as of 1/3/13.	Rhode Island RI ST §§ 21-28.6-12 RI ADC 60-1-224 1 to 10	Vermont VT ST §§ 4471 to 4474d
Minimum Number Required to be Licensed By The State	3 grow sites must be licensed, dispensaries will be determined by rule at a later date		One in each county	X ¹¹	
Maximum Number Required to be Licensed By the State	10 grow sites may be licensed, dispensaries will be determined by rule at a later date	One registration for each of the 8 public health districts in the first year (Number may be amended by department after the first year)	35 and not more than five in one county during the first year. More may be approved in later years, if it is determined there is a need.	Three	Four
Requires Individuals to Designate A Compassion Center as A Primary Caregiver				X	X
State Required to Develop Educational Material					
Required Information for Application					
Payment of Fee		X	X	X	X
Proposed Legal Name and Proposed Articles of Incorporation		X	X	X	X
Address		X	X (and one additional address where marijuana will be cultivated)	The proposed physical address or general area 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 and must include steps to ensure production will be out of sight of public	X
Name, Address, and DOB of Each Principal Officer and Board Member		X (Must also submit photocopy of each person's ID)	X	X	X
Name, Address, and DOB of Each Dispensary Agent or Employee		X			
Evidence of Compliance With Local Zoning Laws		X		X	

	Connecticut	Maine	Massachusetts	Rhode Island	Vermont
Required Information for Application (Cont'd)					
Business Plan and a Description of How the Dispensary Will Operate on a Not for Profit Basis		X ²			
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	X
Proposed Procedures to Ensure Accurate Record Keeping				X	X
Description of How Business Will Operate On a Non-Profit Basis				X	
A Draft of Operations Manual				X	
A Copy of By-Laws		X			
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					
The ID Card Number for Each Patient for Whom the Center Will Grow Marijuana					
Copy of Proposed Policies and Procedures		X	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					
Requires Applicant to be a Pharmacist	To operate a dispensary				
Application is Considered To Be Approved If State Does Not Approve Or Deny Application Within A Specified Period of Time		Within 45 days			

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Factors Required To Be Considered Before Granting Certificates		See note below ³			
Applicant's Knowledge of State and Federal Marijuana Laws					
Convenience to Patients Throughout The State		X		X	X
Applicants' Ability to Provide A Steady Supply to The Registered Qualifying Patients In The State		X		X	X
Applicants Skill and Knowledge of Organic Growing Methods	Agricultural knowledge must be considered for a grow site certificate	X			
Applicants' Experience Running A Non-profit or Business		X		X	X
Wishes of Qualifying Patients Regarding Which Applicant Be Granted A Registration Certificate				X	
Suitability of Proposed Facility					
Staffing Plan of the Organization					
A Review of the Applicant's Product Safety and Labeling Plan					
Wishes of the City or Town Where the Dispensary Would Be Located				X	
Applicants Plans to Ensure Purity and Consistency of Dose		X			
Sufficiency of Applicants Plans for Record Keeping and Security of Health Records Considered Confidential Health Information				X	X
Sufficiency of Applicants Plans for Safety and Security		X		X	X
Comments of Patients and Caregivers					X

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Required Information to Be Submitted After An Application Is Approved But Before Operations Begin					
A Fee Paid to The State				X	X
Legal Name and Articles of Incorporation				X	X
The Physical Address				X	
Name, Address, and DOB of Each Principal Officer and Board Member				X	X and fingerprints
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	X
Name, Address, and DOB of Applicant			X	X	
Criminal Background Check		X		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	X
Legal Name of the Dispensary		X		X	X
Category of the Person's Affiliation				X	
Unique Random Identification Number		X		X	X
Date of Issuance/Expiration Date of the Registry ID Card		X		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			X
Photograph		If required by department regulation		X	X
Length of Time an ID Card is Valid		One Year		One Year or upon the expiration of the organization registration certificate, whichever occurs first	One Year
Requires All Cardholders to Be Citizens of the State		All Board Members and Principals		X	

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Requires Treatment Center to Notify State of Any Change In Information			Must notify within one business day if a dispensary agent ceases to be associated with the center	Must notify within 10 days if board members, principal officers, volunteers, or employees no longer works for dispensary	
Center is Permitted to Receive Payment					
Maximum Number of Patients a Center May Assist					
Reasons an Application May Be Denied					
Drug Conviction		X ⁴	Applications for ID cards may be denied for any felony drug conviction	X ¹³	If criminal history poses a demonstrable threat to public safety
Failure of Applicant to Pay Child Support					
A Principal Officer or Board Member has Served as a Principal Officer or Board Member for a Treatment Center that Previously Had a Registration Certificate Revoked			X		
Statutory Protections for Permit Holders and Employees					
From Arrest, Prosecution or Penalty	X	Protected from any penalty or disciplinary action	X	X	Prosecution
Civil Penalty	X	X		X	X
Discipline from A Professional Licensing Board	X	X		X	X
Prohibits Forfeiture of Property Used In Connection With Medical Marijuana					
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	28 oz. or 2 oz. per patient if more than 14 patients are served
Plant Limit		6 plants for each patient the dispensary serves ⁵		12 plants stored in an indoor facility for each qualifying patient to whom the caregiver is connected to through the state's registry	28 mature, 98 immature; or 2 mature and 7 immature per patient if more than 14 patients are served

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Possession Limits (Cont'd)					
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 per patient in a 30 day period
Must Adhere to Labeling Requirements to Ensure Compliance With Limitation		Requires trip tickets to identify the dispensary and time of dispensing			
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	See note ¹				
Must Operate On A Not For Profit Basis		X		X	X
Minimum Age of Employees		18	21		
May Not Be Located Within A Specified Distance of a School		500 ft.		500 ft. of a preexisting school	1,000 ft.
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	X
Required to Implement Security Measures To Prevent Unauthorized Entrance Into Areas Containing Marijuana	Specifics determined by rule at a later date	X ⁶		X (Requires each facility to have at least one security alarm system) ¹⁴	X
Operating Documents Must Include Procedures of the Dispensary and Procedures To Ensure Accurate Record Keeping		X			X
Must Develop Operation An Operations Manual				X ¹⁵	

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Requirements for Operation (Cont'd)					
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	X
Must Develop Policies for Training In and Adherence to State Confidentiality Laws				X	X
Requires Business Records to be Maintained		X ⁷			
Requires a Record of Each Sale		X			
Requires Maintenance of Financial Records and Requires Them to Be Open to Inspection					Requires reporting of an annual audit
Requires Demonstrated Financial Capacity to Operate	Growers must demonstrate an ability to build and operate a production facility and may be required to maintain \$2 million in escrow				
Must Provide New Qualifying Patients With FAQ Sheet That Explains The Limitation on the Right to Use Medical Marijuana				X	
Requires Sliding Fee Schedule Based on Patient's Ability to Pay					X
Must Report The Method of Disposal For Marijuana That Was Not Sold		X			
Must Develop Training for Employees With Respect to Proper Use of Security Measures and How to Respond in An Emergency				X	X
Employees Must Be Trained in Compliance With State Law Regarding Medical Use					
Requires Food Establishment License if Establishment Wishes to Sell Food Products Infused With Marijuana		X			
Must Maintain Personnel Records for Each Employee		X ⁸		X	X
Must Develop Training for Employees With Respect to Professional Conduct, Ethics, and Patient Confidentiality				X	
Requires The Distribution of Educational Materials		X ⁹			

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Requirements for Operation (Cont'd)					
Requires All Residents and Board Members to Be Residents of the State				X	
Requires the Development of a Drug and Alcohol Free Workplace		X ¹⁰			
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	
Prohibits Paraphernalia From Being Visible to Public					
Requires Permit to Be on Display At All Times					
Length of Time A Registration Certificate is Valid	Two years for dispensary, 5 years for grow site	One Year		Two Years	
Must Notify Law Enforcement of Any Theft or Loss					
Legislation Creates Oversight Committee				X	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	Physicians may not have a financial interest in the dispensary				
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	Growers must demonstrate the ability to cultivate pharmaceutical grade marijuana for palliative use in a secure indoor facility	X			
Allows Municipalities to Prohibit Establishment of Dispensary or Regulate Dispensing Procedures					X

¹Statutes require the development of regulations for a distribution system. Those regulations had not been issued at the time this document was created.

²The 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).

³Maine 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.

⁴Disqualifying 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.

⁵Maine 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.

⁶Maine 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.

⁷Requires 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.

⁸Personnel 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.

⁹Education 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.

¹⁰All 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.

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.

¹⁴Rhode 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.