

# **Medical Marijuana Laws and Regulations for Patients, Caregivers and Physicians: 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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	<b>Connecticut</b> 2012 HB 5389	<b>Maine</b> ME ST 15 § 5821-A, 22, 2421 to 2430-B Code Me. R. 10-144 Ch. 122, § 1 to 11,17-A M.R.S.A. § 1111-A	<b>Massachusetts</b> 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.	<b>Rhode Island</b> RI ST §§ 21-28.6-1 to .6-10, 6-12 RI ADC §§ 14 000 035, 31-2-7:1.0 to 11.0, 60-1-224 1 to 10, 69.51A.005 to .903	<b>Vermont</b> VT ST §§ 4471 to 4474d
<b>State Registration</b>					
Identification Cards Issued to Registered Users and Caregivers		X	X	X	X
Registry of Authorized Users, Physicians, and Primary Caregivers Maintained by the State	X	X	X	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	X
Authorized State or Local Law Enforcement to Verify that a Person is Lawfully in Possession of ID Card	X (Access granted for investigating or prosecuting a violation of the law)	X	X	Department may disclose validity of ID card by confirming registry ID number	Department may verify identity of cardholders; and dispensary, if any
To Treating Physicians and Primary Caregivers	X (pharmacists also)	X			
Pursuant to A Court Order		X			
With The Written Permission of the Patient or Legal Guardian		X			
Patients With Regard to Primary Caregiver or Patient's Information	X				
Public or Private Entities for Research or Educational Purposes, Provided no Individually Identifiable Health Information is Disclosed	X				
Licensed Dispensary	X				
<b>Application Information Required From Patient, Caregiver, or Physician Before Placement in Registry</b>	See note <sup>1</sup>				
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>	Must also state the patient's debilitating condition <sup>4</sup>	X	X <sup>12</sup>	X <sup>14</sup>
Name		Patient, Caregiver, Physician	Patient, Caregiver	Patient, Physician, Caregiver	Requires patient caregiver, and physician to submit unspecified contact information
Address		Patient, Caregiver, Physician	Patient (unless homeless), Caregiver	Patient, Physician, Caregiver	
Date of Birth		Patient, Caregiver	Patient, Caregiver	Patient, Caregiver	
Driver's License or ID Card Number		Patient, Caregiver (A copy of a state ID)			ID required for patient and caregiver

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Information Required For Registry From Patient, Caregiver, or Physician (Cont'd)					
Telephone Number		Physician		Physician	Physician contact information
Proof of Residency					
Patient Signature					X
Consent of Caregiver to A Criminal Background Check					
Social Security Number/Patient ID #					
Duties of Primary Caregiver					
Medical License # of Physician					X
A Release Signed by the Patient, the Patient's Guardian or the Patient's Health Care Power of Attorney Authorizing the State to Obtain Further Information, From the Physician Who Submits a Written Certification on Behalf of the Patient		X			
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					
Name, Address, and Phone Number of Treatment Center Patient Will Use					
Designation As To Whether The Qualifying Patient or The Caregiver Will Be Allowed To Possess Marijuana Plants		X (Homeless patients required to designate a caregiver or dispensary)			
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					
An Indication Regarding Whether or Not the Patient Would Like to Be Notified of Any Clinical Studies About Marijuana's Risk or Efficacy				X	
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
Photograph					
Statement That the Physician is Licensed in Good Standing and Possesses an Active Controlled Dangerous Substance Registration					
Statement that the Physician Has an Ongoing Responsibility for the Assessment, Care and Treatment of the Patient					

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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		X <sup>5</sup>			
A Statement That The Minor's Physician Has Explained the Potential Risks and Benefits to the Patient and Parent/Guardian		X		X	
<b>Parent/Guardian Must Consent in Writing to:</b> Allow the Medical Use of Marijuana		X <sup>6</sup>		X	
Agree to Serve As the Minor's Caregiver		X <sup>6</sup>		X	
Agree to Control the Acquisition of Marijuana, The Dosage, and Frequency of Use		X <sup>6</sup>		X	
Requires Physician to Perform Follow Up Services to Track Effectiveness of Treatment					
Information on ID Cards					
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	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		X			
Indication if Cardholder is Patient or Caregiver					
Other Information As Determined By The State					
Period of Time an ID Card is Valid	Certification is valid for one year	One Year		Two Years	One Year
Application is Considered To Be Approved If State Does Not Approve Or Deny Application Within A Specified Period of Time		For a minor's application: 10 days <sup>7</sup> ; 45 days for all other applications		35 Days	
Requirement to Notify State of Change in Name, Address, Physician, or Primary Caregiver	Within 5 days	Within 10 days; also applies for change in marijuana growing designation or loss of card		Within 10 Days	
Must Notify if Card is Lost or Stolen				X	

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Cardholder Must Return Card If They No Longer Have A Debilitating Condition		Must notify within 10 days (After physician notifies state, card becomes void 10 days after written notice is sent to the patient)		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
<b>Primary Caregiver Conditions and Requirements</b>		See note below <sup>8</sup>			
Minimum Age	18	21	21	21	21
Disqualification For A Felony Conviction/ Probation or Parole	Specified drug convictions	X <sup>9</sup>		For felony drug conviction <sup>13</sup>	For conviction of a drug related crime
Maximum Number of Patients a Primary Caregiver May Assist	One <sup>3</sup>	Five		Five	One
Caregiver is Allowed to Receive Compensation		Compensation for costs		Reimbursement for costs	
Maximum Number of Designated Caregivers a Qualified User Is Allowed	One			Two	One
Allows Qualifying Patients to Furnish Medical Marijuana For Other Patients Provided Amount Furnished is Within Possession Limitations		If nothing of value is transferred in return			
<b>Qualifying Diseases and Debilitating Conditions</b>					
Cancer	X	X	X	X	X
Glaucoma	X	X	X	X	
HIV/AIDS	X	X	X	X	X
Hepatitis C		X	X	X	
Alzheimer's Disease		X		X	
Nail Patella		X			
Amyotrophic Lateral Sclerosis		X	X		
Cachexia/Wasting Syndrome	X	X		X	X
Severe/Chronic Pain				X	X
Severe Nausea		X		X	X
Seizures	Epilepsy	X		X	X
Intractable Skeletal Muscular Spasticity					
Anorexia					
Severe and Persistent Muscle Spasms MS/Crohn's	X	X	X	X	MS
Damage to the Nervous Tissue of The Spinal Cord, With Neurological Indication of Intractable Spasticity	X				
Appetite Loss					
Cramping					
Arthritis					
Inflammatory Bowel Disease					
Severe, Debilitating, Chronic Pain		Must not have responded to ordinary medical or surgical treatment for more than 6 months			

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<b>Qualifying Diseases and Debilitating Conditions (Cont'd)</b>					
Migraine Headaches					
Admission to Hospice Care/Terminal Illness					
Any Other Chronic or Persistent Medical Condition					
Parkinson's Disease	X		X		
Posttraumatic Stress Disorder	X				
Other Medical Conditions Approved by the State	X	Pursuant to petition and approval by advisory board		X (pursuant to a petition)	
Other Medical Conditions as Determined By a Qualifying Patient's Physician			X		
<b>Reasons an Application May Be Denied</b>					
Information Provided is False		X		X	
Information Cannot Be Verified					
Not All Required Information Was Submitted		X		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					
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					
<b>Places Where/Occasions When Use Is Prohibited</b>					
Any Place Where Smoking Is Prohibited By Law					
Any Public Place	X	Prohibits smoking	Clarifies that law does not require accommodation	X	
Any Way That Endangers The Health or Well Being of Any Person	X				X
Where Exposure to Marijuana Smoke Effects The Health and Welfare of Children	Prohibited in the presence of a minor			X	
Grounds of a School, Recreation Center, or Youth Center	School grounds	School Grounds (Prohibits Possession)	Clarifies that law does not require accommodation	Any school grounds	X
On a School Bus	X	Prohibits Possession	Clarifies that law does not require accommodation	X	X
Public Transportation	Motor bus	Prohibits smoking		X	X
Public Park or Beach					X

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Places Where/Occasions When Use Is Prohibited (Cont'd)					
In a Correctional Facility		Prohibits Possession	Clarifies that law does not require accommodation	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		X	
Operating Motor Vehicle While Under the Influence	Any moving vehicle	X	X	X	X
Operating a Boat While Under the Influence		X	X	X	X
Operating an Aircraft While Under the Influence		X	X	X	
While Operating Vehicle Propelled or Drawn By Power		Snowmobile, or all-terrain vehicle			X
Stationary Heavy Equipment					
While Possessing A Firearm					
Transporting Medical Marijuana Outside The State					
Provides That An Employer Will Not Be Required To Accommodate Use In The Workplace	Prohibited in a workplace	X	X	X	X (Prohibited in places of employment)
Statutory Protections for Patients and Caregivers for Medical Use of Marijuana as Defined By The State					
Protected From Arrest, Prosecution, or Penalty	X	Protected from any penalty or disciplinary action	X	X	X
Civil Penalty	X	X	X	X	
Disciplinary Action By A Professional Licensing Board	X	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	X <sup>10</sup>		X	
Provides That Property Used in Connection With Medical Use Is Not Subject to Forfeiture	Provides that property must be returned upon court determination that individual is patient or caregiver	X	X	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		X	

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Statutory Protections for Patients and Caregivers for Medical Use of Marijuana as Defined By The State (Cont'd)					
Allows Medical Use of Marijuana To Be Used As An Affirmative Defense to Criminal Prosecution				X	
Provides That Custody or Visitation of a Minor Will Not Be Denied Unless The Person's Behavior Creates Unreasonable Danger to the Minor		X			
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	X	X	
Provides That Parents/Guardians Who Have Legal Custody of a Qualifying Patient Are Not Subject to Arrest or Prosecution					
Statutory Protections for Physicians When Acting In Compliance With State Medical Marijuana Statutes				Includes nurses and pharmacists	
Protection from Arrest or Prosecution	X		Prohibits penalization in any manner or denial of any rights or privileges	X	X
Civil Penalty	X			X	
Discipline from a Professional Licensing Board	X	May sanction for failing to properly evaluate or treat a patient's medical condition or otherwise violating the applicable standard of care		X	X
Reasons a Card May Be Revoked					
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					
Violation of a Section of the Act or Another Controlled Substances Law		X (Specified disqualifying drug offenses)	Willful violation of medical marijuana act	X	
Pursuant to A Court Order					
For Violating Confidentiality Requirements		Applies to caregivers			
The Discovery of Repeated Violations of Statute					
Failure To Provide Access To The State To Material and Information Necessary For Determining Compliance With Regulations					



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Reasons a Card May Be Revoked (Cont'd)					
If a Caregiver De-Designated		X (Also applies to workers of hospice facilities who cease to be employed by the facility)			
Failing A Substance Abuse Test		2 in 12 months			
If Patient Ceases to Have Debilitating Condition					
Failure to Notify State of Change in Name, Address, Physician, or Primary Caregiver					
Possession Limitations for Patients and Primary Caregivers		Caregivers May Possess Maximum for Each Registered Patient		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	No more than a 60 day supply	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		Six in an enclosed locked facility (Applies to designated individual)	Individuals with a demonstrated financial hardship, physical incapacity to access transportation, or lack of treatment center within reasonable distance may be issued a cultivation registration sufficient to maintain a 60 day supply	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	Patients/Caregivers may possess a one month supply as determined by the state administrative agency			Compassion centers are exempt	
Offenses Created					
Fraudulent Representation of a Medical Condition to Obtain an ID Card					
Fraudulent Representation to Law Enforcement Relating to Medical Marijuana	X (penalty is increased if fraud is related to a written certification)			X	X
Fraudulent Use or Theft of an ID Card			X		
Counterfeit Production of ID Card					
Failure of Cardholder to Notify State of Change in Name, Address, Caregiver, or Physician		X		X	

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<b>Offenses Created</b>					
Failure of Cardholder to Notify State That The Cardholder No Longer Has A Debilitating Condition				X	
Disclosing Confidential Information Maintained By Registry		X		X	
Willful Violation of Medical Marijuana Laws				X	
<b>Department/Agency in Charge/Contact</b>					
Department In Charge		Department of Health and Human 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	X	X (Includes Medicaid)
State Uses Program To Monitor Dispensation of Marijuana					
Allows Caregivers and Patients to Other Caregivers and Patients to Whom They Are Not Connected Through The State Registry				Must not exceed maximum possession limits	
Database Subject to HIPAA Privacy Protections				X	
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		Allows visiting patients who meet qualification of another state to use for 30 days <sup>11</sup>		X	
ID Cards Issued By Another State Do Not Qualify An Individual For Medical Use					
Creates Oversight Committee	X				X
Creates Severability				X	

<sup>1</sup>Connecticut statute does not specify exact information that must be submitted by patients, but requires individuals to provide sufficient identifying information as determined by the state agency overseeing the medical marijuana program.

<sup>2</sup>Requires: issuance pursuant to a bona fide physician-patient relationship; the physician must explain the potential risks and benefits of the use of medical marijuana to the patient, or the patient's parent or guardian; and that the physician has no financial interest in a dispensary.

<sup>3</sup>Caregiver may care for more than one patient if the caregiver and patient have a parental, guardianship, conservatorship or sibling relationship.

<sup>4</sup>Must be in the context of a proven bona-fide practitioner-patient relationship as defined, and must also state that the potential benefits of use would likely outweigh the health risks and the person's debilitating condition. Physicians must also: follow Chapter 11, *Use Of Controlled Substances In Treatment Of Pain* when certifying a patient; counsel patients as to the risks and benefits of the use of medical marijuana and provide their professional opinion concerning the balance of risks and benefits; demonstrate that a bona fide relationship between the patient and physician exists; agree to monitor the patient's on-going need for the medical use of marijuana; agree to retain and maintain records that support the decision to recommend the medical use of marijuana; and a nonbinding estimate of the length of time that the medical use of marijuana is needed for the treatment of the debilitating medical condition. Physicians must also specify the diagnosis of the debilitating medical condition, including; provide a description of the ordinary medical or surgical measures for intractable pain that the patient has not responded to for more than 6 months; or a description of the symptoms resulting from a chronic or debilitating disease or medical condition or its treatment that satisfies the criteria; Patients must disclose the medical use of marijuana to their physicians, and must also remain under the continuing care of the physician.

<sup>5</sup>Legal guardians in Maine must sign a consent form that would allow the commissioner to refer the minor patient to be examined by or their medical records reviewed by a pediatrician and psychiatrist. Prior to approving an application for a minor the commissioner or the commissioner's designee must have received confirmation from a pediatrician and a psychiatrist chosen by the commission or commissioner's designee from a list maintained by the advisory board, that the pediatrician and psychiatrist have reviewed the medical file of or examined the qualifying patient and that in their professional opinions the qualifying patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

<sup>6</sup>For incapacitated adult patients, the legal guardian must agree to the same requirements. Applications for incapacitated adults must also present a copy of the legal documentation issued by the court which names the guardian; or a copy of the incapacitated adult patient-applicant's durable health care power of attorney.

<sup>7</sup>Application for minors are deemed approved within 10 days if the required statements from a physician and psychiatrist have been received.

<sup>8</sup>Definition of primary caregiver includes nursing facilities and hospices that take care of qualifying patients. Such facilities: are prohibited from cultivating marijuana; must have ID cards for staff members authorized to administer marijuana and purchase marijuana for patients; must maintain trip tickets for every purchase of marijuana; must adhere to daily inventory requirements; and must store marijuana in compliance with controlled substance storage requirements

<sup>9</sup>Individuals convicted of violating a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more are prohibited from serving as primary caregivers. Creates exceptions for: offenses for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; and offenses that consisted of conduct that would have been permitted under this chapter.

<sup>10</sup>Creates exceptions if failing to do so would put the school, employer or landlord in violation of federal law or cause it to lose a federal contract or funding. Also allows a landlord to: place a restriction on the administration or cultivation of marijuana on premises when that administration or cultivation would be inconsistent with the general use of the premises; and prohibit the smoking of marijuana for medical purposes on the premises of the landlord if the landlord prohibits all smoking on the premises and posts notice to that effect on the premises.

<sup>11</sup>Visiting patients are prohibited from obtaining marijuana in Maine based on a registry ID card from another jurisdiction.

<sup>12</sup>Must be in the context of a bona-fide practitioner-patient relationship as defined, and must also state that the potential benefits of use would likely outweigh the health risks and the person's debilitating condition.

<sup>13</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>14</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.