

Medical Marijuana Laws and Regulations for Dispensaries: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont



© 2014 Research is current for all states except Massachusetts through May 24, 2012. Research for Massachusetts is current through January 3, 2013. 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. In order to ensure that the information contained herein is as current as possible, research is conducted using both nationwide legal database software and individual state legislative websites. Please contact Susan Weinstein at 703-836-6100, ext. 101 with any additional updates or information that may be relevant to this document. Headquarters Office: THE NATIONAL ALLIANCE FOR MODEL STATE DRUG LAWS, 215 Lincoln Ave., Suite 201, Santa Fe, NM, 87501.

	Connecticut	Maine	Massachusetts	New Hampshire	Rhode Island	Vermont
	Conn. Gen Stat. §§ 21a-408 to 21a-408o; Conn. Agencies Regs. 21a-408-1 to 21a-408-70	15 ME Rev. Stat. § 5821-A; 17-A ME. Rev. Stat. § 1111-A; 22 ME Rev. Stat. §§ 2421 to 2430-B; 26 ME Rev. Stat. § 772; 10-144 Code Me. R. ch. 122, §§ 1 to 11	Mass. Gen. Laws ch 94C §§ 1-2 to 1-17	NH Rev. Stat Ann §§ 126-X:1 to 126-X:11	RI Gen. Laws §§ 21-28.6-1 to 21.28.6-12; RI Admin. Code §§ 31-2-7:1.0 to 11.0; §§ 60-1-224 1 to 10	VT Stat. Ann. tit. 18 §§ 4471 to 4474l; VT Admin. Code 17-2-3:1 to 17-2-3:12
Minimum Number Required to be Licensed By The State	At least 1 ¹		Up to 35 centers with at least one and no more than 5 in each county.	At least 2 within 18 months of the effective date and no more than 4 after 2 years of the effective date.	X ⁵	
Maximum Number Required to be Licensed By the State	Each dispensary facility may employ no more than 5 dispensaries at a time.	One registration for each of the 8 public health districts.	Up to 35 centers with at least 1 and no more than 5 in each county. More may be approved, if it is determined that there is a need.		3	4
Requires Individuals to Designate A Compassion Center as A Primary Caregiver					X	X
State Required to Develop Educational Material						

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Required Information for Application						
Payment of Fee	X	X	X	X	X	X
Proposed Legal Name and Proposed Articles of Incorporation	X (names of facility, backers and facility manager)	X	X	X	X	X
Address	X	X	X (and 1 additional address where marijuana will be cultivated)	X (may include a second location where marijuana will be cultivated)	X (proposed physical address or general area of the compassion center, or general location if precise address has not yet been determined)	X (and any secondary location where marijuana will be cultivated)
Description of Facility That Would Be Used To Cultivate Marijuana				X	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	X	X	X	X
Name, Address and DOB of Each Dispensary Agent or Employee		X	X (plus a copy of a government issued ID)		X	
Evidence of Compliance With Local Zoning Laws	X	X		X	X	

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Required Information for Application (continued)						
Business Plan and a Description of How the Dispensary Will Operate on a Not for Profit Basis	X	X	X			X
Acknowledgement of Adherence to Plant Growth Limitations						
Proposed Security and Safety Measures	X	X (and information about whether the area is visible from the street)	X (operating procedures)	X	X	X
Proposed Procedures to Ensure Accurate Record Keeping	X		X	X	X	X
Description of How Business Will Operate On a Non-Profit Basis					X	X
A Draft of Operations Manual					X	
A Copy of By-Laws		X	X	X		
List of All Persons or Business Entities Having Direct or Indirect Authority Over the Management or Policies					X	

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Required Information for Application (continued)						
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		X	X
Identity of All Creditors Holding Security Interest in the Premises		X	X		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	X	X (for patients who cannot afford to purchase the marijuana)		
Copy of Insurance Liability Policy		X	X			
Narrative Describing How Applicant Will Meet All Criteria		X				

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Required Information for Application (continued)						
Proof that the Facility is Within Legal Distance of School, Church or Day Care Center	500 ft. from any school	500 ft. from preexisting school		X	1,000 ft. from any school	1,000 ft. from any preexisting 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	X (to apply for and operate dispensary)					
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				
Applicant's Knowledge of State and Federal Marijuana Laws			X			
Convenience to Patients Throughout The State		X		X	X	X
Applicants' Ability to Provide A Steady Supply to The Registered Qualifying Patients In The State		X			X	X

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Factors Required To Be Considered Before Granting Certificates (continued)						
Applicants Skill and Knowledge of Organic Growing Methods	Agricultural knowledge must be considered for a grow site certificate	X		X		
Applicants' Experience Running A Non-profit or Business		X	X	X	X	X
Wishes of Qualifying Patients Regarding Which Applicant Be Granted A Registration Certificate					X	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		X		
Sufficiency of Applicants Plans for Record Keeping and Security of Health Records Considered Confidential Health Information				X	X	X

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Factors Required To Be Considered Before Granting Certificates (continued)						
Sufficiency of Applicants Plans for Safety and Security		X	X		X	X
Comments of Patients and Caregivers						X
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	X
Name, Address and DOB of Each Principal Officer and Board Member					X	X (plus 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				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	X

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Factors Required To Be Considered Before Granting Certificates (continued)						
Name, Address and DOB of Applicant			X		X	
Criminal Background Check	X	X			X	X
Copy of State Issued ID		X	X			
Information Required to Be On Registry ID Cards						
Names, Addresses and DOBs of the Cardholder		X	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	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

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Factors Required To Be Considered Before Granting Certificates (continued)						
Length of Time an ID Card is Valid		1 Year	1 Year	1 Year	1 year or upon the expiration of the organization registration certificate, whichever occurs first	1 Year
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			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		X				
Maximum Number of Patients a Center May Assist						
Reasons an Application May Be Denied						
Drug Conviction	X	X	X (felony drug offense)		X ⁶	If criminal history poses a demonstrable threat to public safety

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Reasons an Application May Be Denied (continued)						
Failure of Applicant to Pay Child Support			X			
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	X	X		X	X (Prosecution)
Civil Penalty	X	X	X		X	X
Discipline from A Professional Licensing Board	X	X			X	X
Prohibits Forfeiture of Property Used In Connection With Medical Marijuana						

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Possession Limits						
Ounce limit		2.5 ounces of prepared marijuana and incidental marijuana for each qualifying patient the dispensary serves	For a qualifying patient for less than 60 days, the amount must be no more than the appropriate proportion of a 60-day supply (e.g., a patient certified for 15 days may receive 2.5 ounces)		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 mature plants for each qualifying patient the dispensary serves			A center may not possess more than 150 plants, of which 99 are mature, and 1,500 ounces of usable marijuana.	28 mature, 98 immature; or 2 mature and 7 immature per patient if more than 14 patients are served
Maximum Amount Allowed to Be Dispensed		2.5 ounces in a 15- day period			2.5 ounces of usable marijuana per qualifying patient in a 15- day period	2 ounces per patient in a 30- day period
Must Adhere to Labeling Requirements to Ensure Compliance With Limitation		X	X	X		X
Offenses Created						
Fabrication or Misrepresentation to Law Enforcement Official						

	Connecticut	Maine	Massachusetts	New Hampshire	Rhode Island	Vermont
Offenses Created (continued)						
Failing to Notify State of Changes of Information State Requires for Registration	X					
Dispensing to Anyone Other Than A Patient or Primary Caregiver Who Has Registered With the Dispensary	X	X	X		X	
Conviction of Specified Drug Crime		X				
Requirements for Operation						
Must Operate On A Not-For-Profit Basis	X	X	X	X	X	X
Minimum Age of Employees	18	18	21			
May Not Be Located Within A Specified Distance of a School	500 ft.	500 ft.			1,000 ft.	1,000 ft.
Required to Notify Agency when a principal officer, board member, agent, volunteer or employee No Longer Works At The Center	Within 5 business days	Within 10 days	Within 1 business day		Within 10 Days	X
Required to Implement Security Measures To Prevent Unauthorized Entrance Into Areas Containing Marijuana	X	X ³	X	X	X (Requires each facility to have at least one security alarm system) ⁷	X

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Requirements for Operation (continued)						
Operating Documents Must Include Procedures of the Dispensary and Procedures To Ensure Accurate Record Keeping	X	X	X			X
Must Develop An Operations Manual			X		X	
Prohibited From Acquiring, Possessing, Cultivating, Manufacturing, Delivering, Transferring, Transporting, Supplying or Dispensing Marijuana for Any Purpose Except to Assist Registered Qualifying Patients	X		X		X	
Must Develop Job Descriptions or Employment Contracts For Employees and Volunteers, Which Includes Duties, Authority, Responsibilities, Qualifications and Supervisions		X	X (job description)		X	X
Must Develop Policies for Training In and Adherence to State Confidentiality Laws	X				X	X
Requires Business Records to be Maintained		X	X	X		

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Requirements for Operation (continued)						
Requires a Record of Each Sale	X	X	X			
Requires Maintenance of Financial Records and Requires Them to Be Open to Inspection	X		X	X	X	X (annual audit)
Requires Demonstrated Financial Capacity to Operate	X		X (at least \$500,000 in its control)	X		
Must Provide New Qualifying Patients With FAQ Sheet That Explains The Limitation on the Right to Use Medical Marijuana			X		X	
Requires Sliding Fee Schedule Based on Patient's Ability to Pay	X		X	X		X
Must Report the Method of disposal for Marijuana That Was Not Sold	X	X	X			
Must Develop Training for Employees With Respect to Proper Use of Security Measures and How to Respond in An Emergency	X		X		X	X
Employees Must Be Trained in Compliance With State Law Regarding Medical Use	X				X	

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Requirements for Operation (continued)						
Requires Food Establishment License if Establishment Wishes to Sell Food Products Infused With Marijuana		X				
Must Maintain Personnel Records for Each Employee	X	X			X	X
Must Develop Training for Employees With Respect to Professional Conduct, Ethics and Patient Confidentiality	X				X	
Requires The Distribution of Educational Materials		X	X (patient education)			
Requires All Residents and Board Members to Be Residents of the State					X	
Requires the Development of a Drug- and Alcohol-Free Workplace		X ⁴	X			
Must Develop Training for Employees With Respect to Developments in the Field of Medical Use of Marijuana	X		X		X	
Requires Documentation of All Training	X				X	
Required to Conduct Inventory	X	X	X		X	
Prohibits Paraphernalia From Being Visible to Public						

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Requirements for Operation (continued)						
Requires Permit to Be on Display At All Times						
Length of Time A Registration Certificate is Valid	2 Years	1 Year	1 Year		2 Years	
Must Notify Law Enforcement of Any Theft or Loss	X					
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 ⁸	
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						

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Requirements for Operation (continued)						
Creates Testing Requirements to Ensure Quality of Marijuana	X	X				
Allows Municipalities to Prohibit Establishment of Dispensary or Regulate Dispensing Procedures						X

¹Connecticut also issues producer licenses, and with respect to those, the number issued by the state is at least three but no more than 10.

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.

³Maine 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.

⁴All 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.

⁵Requires 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 to 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 applications.

⁶Allows 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.

⁷Rhode Island has also stipulated a number of specific security measures that are unique to the state. The measures also must: 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.

⁸Must 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.