

## Comparison of New England medical marijuana laws

<b>ISSUE</b>	<b>CT</b>	<b>MA</b>	<b>RI</b>	<b>VT</b>	<b>ME</b>
<b>Strict definition of debilitating medical condition</b>	Yes*	No*	Yes*	Yes*	Yes*
<b>Minimum age limit</b>	18	None	18	18	18
<b>Parental consent if under 18</b>	Yes	No	Yes	Yes	Yes
<b>Limit on amount prescribed</b>	30 days	60 days	12 plants/ 2.5oz	2 plants/7 immature plants/ 2 oz	6 plants/2.5 oz
<b>Ban on smoking in presence of children</b>	Yes	No	No	No	No
<b>Limit # of patients a personal caregiver can have</b>	Yes	No	Yes	Yes	Yes
<b>Card expiration date</b>	Yes	No	Yes	Yes	Yes
<b>State regulation of dispensaries</b>	Yes†	TBD†	Yes	Yes	Yes
<b>Must dispensaries be non-profits?</b>	Yes	Yes	Yes	Yes	Yes
<b>Req. dispensary protections against diversion and theft</b>	Yes†	TBD†	Yes	Yes	Yes
<b>Dispenser must be licensed pharmacist</b>	Yes	No	No	No	No
<b>Dispenser must regularly renew license</b>	Yes	No	Yes	Yes	Yes
<b>Limits on where dispensaries can be sited</b>	Yes#	No#	Yes#	Yes#	Yes#
<b>State ability to pass other regs as needed</b>	Yes	TBD##	Yes	Yes	Yes
<b>Schedule marijuana as a Schedule II controlled substance</b>	Yes	No	No	No	No
<b>Track marijuana purchases through PMP/other means</b>	Yes	No	No	Yes††	Yes††

<b>Separate required registration for growers/cultivators</b>	Yes	No	No	No	No
<b>Limit on number of cultivators/growers</b>	Yes	No	No	Yes **	Yes**
<b>Req'd protections by grower against diversion/theft</b>	Yes†	TBD†	No	Yes†	Yes
<b>Dispensary/growhouses records can be inspected</b>	Yes	No	Yes	Yes	Yes
<b>Define "pharmaceutical grade marijuana"</b>	Yes	No	No	No	No
<b>Establish medical review/advisory board</b>	Yes	No	No	Yes	No
<b>Standardized prescription forms</b>	Yes	No	Yes	Yes	Yes
<b>Allow temporary certifications during regulatory process</b>	Yes	Yes	Yes	No	No
<b>State has ability to reject application</b>	No	No	Yes	Yes	No

**\* CT language:** "Debilitating medical condition" means (A) cancer, glaucoma, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, Parkinson's disease, multiple sclerosis, damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity, epilepsy, cachexia, wasting syndrome, Crohn's disease, posttraumatic stress disorder, or (B) any medical condition, medical treatment or disease approved by the Department of Consumer Protection pursuant to regulations adopted under section 14 of this act;

**MA language:** (C) Debilitating medical condition shall mean: Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis and other conditions as determined in writing by a qualifying patient's physician.

**RI language:** (3) "Debilitating medical condition" means: (i) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, Hepatitis C, or the (ii) A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or (iii) Any other medical condition or its treatment approved by the department, as provided for in § 21-28.6-5.

**VT language:** (b) The program shall be used only for treating cancer patients and for such other medical uses as are prescribed by the commissioner by rule. Also: (4) "Debilitating medical condition," provided that, in the context of the specific disease or condition described in subdivision (A) or (B) of this subdivision (4), reasonable medical efforts have been made over a reasonable amount of time without success to relieve the symptoms, means: (A) cancer, multiple sclerosis, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, or the treatment of these conditions, if the disease or the treatment results in severe, persistent, and intractable symptoms; or (B) a disease, medical condition, or its treatment that is chronic, debilitating, and produces severe, persistent, and one or more of the following intractable symptoms: cachexia or wasting syndrome; severe pain; severe nausea; or seizures. Also, physician assessments must include an in-person examination

**ME language:** 2. Debilitating medical condition. "Debilitating medical condition" means: A. Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, agitation of Alzheimer's disease, nail-patella syndrome or the treatment of these conditions; B. A chronic or debilitating disease or medical condition or its treatment that produces intractable pain, which is pain that has not responded to ordinary medical or surgical measures for more than 6 months; C. A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe nausea; seizures, including but not limited to those characteristic of epilepsy; or severe and persistent muscle spasms, including but not limited to those characteristic of multiple sclerosis; or D. Any other medical condition or its treatment approved by the department as provided for in section 2424, subsection 2.

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**# CT language:** [Commissioner of Consumer Protection shall] (F) Describe areas in this state where licensed dispensaries may not be located, after considering the criteria for the location of retail liquor permit premises set forth in subsection (a) of section 30-46 of the general statutes;

**RI language:** (2) A compassion center may not be located within five hundred feet (500') of the property line of a preexisting public or private school;

**VT language:** (c) A dispensary shall not be located within 1,000 feet of the property line of a preexisting public or private school or licensed or regulated child care facility.

Also: § 4474L. Regulation by municipalities

Nothing in this subchapter shall be construed to prevent a municipality from prohibiting the establishment of a dispensary within its boundaries or from regulating the time, place, and manner of dispensary operation through zoning or other local ordinances.

**ME language:** B. A nonprofit dispensary may not be located within 500 feet of the property line of a preexisting public or private school. Also: 10. Local regulation. This chapter does not prohibit a political subdivision of this State from limiting the number of nonprofit dispensaries that may operate in the political subdivision or from enacting reasonable zoning regulations applicable to nonprofit dispensaries

**††VT language** Patients may only purchase from one dispensary. In addition: (2) The department of public safety shall adopt such rules with the goal of protecting against diversion and theft without imposing an undue burden on a registered dispensary or compromising the confidentiality of registered patients and their registered caregivers. Any dispensing records that a registered dispensary is required to keep shall track transactions according to registered patients' and registered caregivers' registry identification numbers, rather than their names, to protect confidentiality.

ME language: Patients may only purchase from one dispensary

**†CT language:** [Commissioner of Consumer Protection shall] (G) Establish health, safety and security requirements for licensed dispensaries, which may include, but need not be limited to: (i) The ability to maintain adequate control against the diversion, theft and loss of marijuana acquired or possessed by the licensed dispensary, and (ii) the ability to maintain the knowledge, understanding, judgment, procedures, security controls and ethics to ensure optimal safety and accuracy in the distributing, dispensing and use of palliative marijuana;

**MA language:** [The department shall issue a registration if the prospective nonprofit medical marijuana treatment center has submitted:] (c) Operating procedures consistent with department rules for oversight, including cultivation and storage of marijuana only in enclosed, locked facilities.

**RI language:** (vi) Proposed security and safety measures which shall include 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; and (vii) Proposed procedures to ensure accurate record keeping;

**VT language** (d)(1) A dispensary shall implement appropriate security measures to deter and prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana and shall ensure that each location has an operational security alarm system. All cultivation of marijuana shall take place in an enclosed, locked facility which is either indoors or otherwise not visible to the public and which can only be accessed by principal officers and employees of the dispensary who have valid registry identification cards. The department of public safety shall perform an annual on-site assessment of each dispensary and may perform on-site assessments of a dispensary without limitation for the purpose of determining compliance with this subchapter and any rules adopted pursuant to this subchapter and may enter a dispensary at any time for such purpose. During an inspection, the department may review the dispensary's confidential records, including its dispensing records, which shall track transactions accsection 2.registered patients' registry identification numbers to protect their confidentiality.

**ME language** 3. Rules. Not later than 120 days after the effective date of this chapter, the department shall adopt rules governing the manner in which it considers applications for and renewals of registration certificates for nonprofit dispensaries, including rules governing: A. The form and content of registration and renewal applications; B. Minimum oversight requirements for nonprofit dispensaries; C. Minimum record-keeping requirements for nonprofit dispensaries; D. Minimum security requirements for nonprofit dispensaries; and E. Procedures for suspending or terminating the registration of nonprofit dispensaries that violate the provisions of this section or the rules adopted pursuant to this subsection.

**\*\* VT langauge** limits total number of disepnsaires to 4. In addition, grow operations are only allowed to: (3) Cultivate and possess at any one time up to 28 mature marijuana plants, 98 immature marijuana plants, and 28 ounces of usable marijuana. However, if a dispensary is designated by more than 14 registered patients, the dispensary may cultivate and possess at any one time two mature marijuana plants, seven immature plants, and two ounces of usable marijuana for every registered patient for which the dispensary serves as the designated dispensary.

**ME language:** Each dispensary is allowed to operate one off-site cultivation operation.

Also limited to 6 live plants per registered patient

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**## MA language:** Unlike other New England states, where the statute clearly gives the state the power to set regulations as needed, the MA language is significantly more vague. Various sections of the MA law specifically gives DPH power to set regulations, and expressly leaves out that power in other sections. Section 13 of the MA law requires DPH to issue regs within 120 days implementing specific sections, however thso sections only specifically mention the "registration of" treatment centers, disepnsary agents, and hardship cultivations, leaving little room for DPH to regulate issues beyond that scope.