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July 2, 2018

The Honorable Gina M. Raimondo
Office of the Governor
82 Smith Street
Providence, RI 02903

BY FAX AND EMAIL

RE: VETO 18 H-8354 and 18 S-2442

Dear Governor Raimondo:

On behalf of the ACLU of Rhode Island, I urge your veto of 18 H-8354 and 18 S-2442, which would require that any use of a premises for marijuana cultivation be disclosed in any real estate transaction. We believe that enactment of this bill would seriously undermine the strong confidentiality provisions that are in place in the medical marijuana law to protect patients and caregivers who grow marijuana for their medical needs.

It is important to emphasize that this bill does not in any way circumscribe the term “marijuana cultivation.” It thus applies as much to the sick patient growing two plants in her home as it does to an actual “licensed cultivator” as defined in The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act who may have a large cultivating operation.

That Act contains, appropriately so, strict confidentiality protections for patients and caregivers. *See, e.g.,* R.I.G.L. § 21-28.6-6.1(j)(1) and (j)(3). Indeed, it is a crime to breach the confidentiality of information obtained about patients. R.I.G.L. § 21-28.6-6.1(l). Yet this bill would eliminate those protections in the context of a potential real estate transaction.

While we recognize that this bill may have been prompted by concerns that marijuana growing can potentially cause mold and fire code issues, these matters, as representatives from the Realtors Association testified, are already addressed in the disclosure process without the need of focusing explicitly on whether individuals are growing medical marijuana on the premises.

Finally, we note that this bill’s requirement could put mortgages at risk because banks may refuse to issue federally backed mortgages for properties that are engaged in illegal activity under federal law. *See, e.g.,* <https://www.cannalawblog.com/banks-loans-on-cannabis-property-tread-carefully/>

For all these reasons, we urge your veto of this legislation. Thank you for your consideration of our views.

Sincerely,

Steven Brown
Executive Director

cc: Claire Richards
Adi Goldstein
Norman Birenbaum