

STATE OF RHODE ISLAND



Department of Behavioral Healthcare, Developmental Disabilities & Hospitals

OFFICE OF THE DIRECTOR

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April 9, 2026

The Honorable Melissa A. Murray, Chair
Senate Committee on Health and Human Services
State House
Providence, RI 02903

RE: 2026— S 2872 — An Act Relating to Food and Drugs – Compassionate Access to Medical Cannabis Act

Dear Chair Murray:

Please accept this letter of concern regarding S 2872, which would require healthcare facilities as defined under § 23-15-2 to allow terminally ill patients to use medical cannabis within the facility and specifies the conditions for such use.

BHDDH is committed to ensuring the health and safety of all individuals under our care, including those who are patients at Eleanor Slater Hospital (ESH). While we acknowledge the admirable intent of this legislation to provide compassionate access to medical cannabis for terminally ill patients, we are deeply concerned about the practical implementation within a hospital setting, particularly given the implications for a hospital violating federal laws and/or regulations.

Cannabis remains a Schedule I substance under federal law, a designation which would place healthcare facilities as defined under § 23-15-2 including Eleanor Slater Hospital (ESH) in a very difficult position as S 2872 expressly disallows a healthcare facility from prohibiting patient use of medical cannabis based solely on the Schedule I designation.

Hospitals receiving Medicare and Medicaid funding are required to comply with the provisions of the Conditions of Participation (CoP) pursuant to 42 CFR § 482.25. Permitting the use of a Schedule I drug within a hospital would constitute a violation of the CoP. As healthcare facility accrediting bodies such as The Joint Commission are required to follow federal law, compliance with the provisions of S 2872 would subject ESH to the potential loss of accreditation.

Allowing hospitals to suspend compliance with S 2872 only after a federal regulating agency or the United States Department of Justice undertakes an enforcement action against a healthcare facility; or if a federal agency, including Center for Medicare and Medicaid Services (CMS), issues a rule or provides notification expressly prohibiting the use of medical cannabis within a healthcare facility, would require hospitals to violate current federal laws and/or regulations.

Compliance with S 2872, if enacted, would therefore jeopardize federal funding, including Medicare and Medicaid, which are critical for the operation of ESH and the provision of care to our patients. Federal enforcement actions also could be taken against ESH, its staff, and the State.

Thank you for the opportunity to express BHDDH's concerns regarding S 2872.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Leclerc". The signature is fluid and cursive, with the first name being more prominent.

Richard Leclerc
Director

cc: The Honorable Members of the Senate Committee on Health and Human Services
The Honorable Pamela J. Lauria
Kristen Silvia, Director of Legislation and Deputy Chief of Staff