

2017 -- H 5555

LC000449

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO FOOD AND DRUGS -- ADULT USE OF CANNABIS ACT

Introduced By: Representatives Slater, Ajello, Edwards, Lima, and Walsh

Date Introduced: February 16, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby
2 amended by adding thereto the following chapters:

3 CHAPTER 28.10

4 ADULT USE OF CANNABIS ACT

5 **21-28.10-1. Short title.**

6 This chapter shall be known and may be cited as the "Adult Use of Cannabis Act."

7 **21-28.10-2. Legislative findings.**

8 The general assembly hereby finds and declares that:

9 (1) Prohibiting the possession, cultivation, and sale of cannabis to adults has proven to be
10 an ineffective, unfair, and costly policy for the state of Rhode Island. In the absence of a legal,
11 tightly regulated market, an illicit cannabis industry has thrived, undermining the public health
12 and safety of Rhode Islanders.

13 (2) Virtually every objective scientific study has found cannabis to be less harmful to the
14 consumer and society than alcohol. There is no evidence that cannabis use contributes to
15 criminality or violence, but the policy of cannabis prohibition, which leaves criminals in control
16 of the market, does.

17 (3) Colorado, Washington, Oregon, Alaska, California, Nevada, Massachusetts, and
18 Maine have each enacted measures to regulate cannabis in a manner similar to alcohol. These
19 states have chosen to replace illegal cannabis dealers with legitimate, taxpaying businesses.

1 (4) The regulation and taxation of cannabis for adult use in other states is working
2 successfully. Revenue is being diverted away from the illicit drug market and into projects such
3 as school construction and substance abuse treatment; far fewer people are receiving criminal
4 records for cannabis offenses; and the regulated cannabis market has created thousands of new
5 jobs and contributed to economic growth.

6 (5) Recognizing that a majority of Rhode Islanders support ending the failed policy of
7 cannabis prohibition, Rhode Island joins these other states in replacing cannabis prohibition with
8 regulation and taxation.

9 **21-28.10-3. Definitions.**

10 For purposes of this chapter:

11 (1) "Cannabis" means marijuana and all parts of the plant of the genus cannabis, whether
12 growing or not; the seeds thereof; the resin extracted from any part of the plant; and every
13 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. It
14 does not include hemp, the mature stalks of the plant, fiber produced from the stalks, oil or cake
15 made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture,
16 or preparation of the mature stalks (except the resin extracted from it), fiber, oil, or cake, or the
17 sterilized seed of the plant that is incapable of germination.

18 (2) "Cannabis cultivation facility" means an entity that is registered pursuant to chapter
19 28.11 of title 21, to be exempt from state penalties for cultivating, preparing, packaging, and
20 selling cannabis to a retailer, processor, or another cannabis cultivation facility, but not for
21 manufacturing or selling cannabis products or selling cannabis to the general public.

22 (3) "Cannabis establishment" means a cannabis cultivation facility, processor, retailer, or
23 cannabis testing facility.

24 (4) "Cannabis paraphernalia" means equipment, products, and materials which are used
25 or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing,
26 compounding, converting, producing, processing, preparing, testing, analyzing, packaging,
27 repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing
28 cannabis into the human body.

29 (5) "Cannabis processor" means an entity registered pursuant to chapter 28.11 of title 21
30 to be exempt from state penalties for purchasing cannabis from cannabis cultivation facilities,
31 manufacturing cannabis products, and selling, giving, or transferring cannabis products to a
32 cannabis retailer or a cannabis testing facility.

33 (6) "Cannabis products" means concentrated cannabis and products that are comprised of
34 cannabis and other ingredients that are intended for use or consumption, such as, but not limited

1 to, edible products, ointments, and tinctures.

2 (7) "Cannabis testing facility" means an entity that is registered pursuant to chapter 28.11
3 of title 21 to be exempt from state penalties for testing cannabis and cannabis products for
4 potency and contaminants.

5 (8) "Dwelling unit" means a room or group of rooms within a dwelling used or intended
6 for use by one family or household, or by no more than three (3) unrelated individuals, for living,
7 sleeping, cooking and eating.

8 (9) "Public place" means any street, alley, park, sidewalk, public building other than
9 individual dwellings, or any place of business or assembly open to or frequented by the public,
10 and any other place to which the public has access.

11 (10) "Retailer" means an entity that is registered pursuant to chapter 28.11 of title 21 to
12 be exempt from state penalties for purchasing cannabis from cannabis cultivation facilities,
13 manufacturing cannabis products and cannabis paraphernalia, and selling cannabis, cannabis
14 products, and cannabis paraphernalia to customers who are twenty-one (21) years of age or older.

15 (11) "Smoke" means to heat to at least the point of combustion, causing plant material to
16 burn. It does not include vaporizing, which means heating below the point of combustion and
17 resulting in a vapor or mist.

18 (12) "State prosecution" means prosecution initiated or maintained by the state of Rhode
19 Island or an agency or political subdivision of the state of Rhode Island.

20 **21-28.10-4. Exempt activities.**

21 Except as otherwise provided in this chapter:

22 (1) A person who is twenty-one (21) years of age or older is exempt from arrest, civil or
23 criminal penalty, seizure or forfeiture of assets, discipline by any state or local licensing board,
24 and state prosecution for the following acts:

25 (i) Actually or constructively using, obtaining, purchasing, transporting, or possessing
26 one ounce (1 oz) or less of cannabis, not including cannabis products;

27 (ii) Actually or constructively using, obtaining, purchasing, transporting, or possessing
28 cannabis products containing no more than three hundred milligrams (300 mg) of delta-9-
29 tetrahydrocannabinol;

30 (iii) Possessing five ounces (5 ozs) or less of cannabis in the person's primary residence;

31 (iv) Controlling any premises or vehicle where persons who are twenty-one (21) years of
32 age or older possess, process, or store amounts of cannabis and cannabis products that are legal
33 under state law under subsections (1)(i) and (1)(ii) of this section;

34 (v) Using, obtaining, manufacturing, producing, purchasing, transporting, or possessing,

1 actually or constructively, cannabis paraphernalia;
2 (vi) Giving away, without consideration, cannabis seeds to a cannabis establishment or to
3 a person who is twenty-one (21) years of age or older;
4 (vii) Selling, delivering, or transferring cannabis paraphernalia to cannabis establishments
5 or persons who are twenty-one (21) years of age or older;
6 (viii) Giving away, without consideration, the amounts of cannabis and cannabis products
7 that are legal under state law under subsections (1)(i) and (1)(ii) of this section if the recipient is a
8 person who is twenty-one (21) years of age or older;
9 (ix) Transferring or delivering cannabis products or up to one ounce (1oz) of cannabis to
10 a cannabis testing facility;
11 (x) Aiding and abetting another person who is twenty-one (21) years of age or older in
12 the actions allowed under this chapter;
13 (xi) Cultivating, possessing, growing, processing, or transporting no more than two (2)
14 cannabis plants, which are accompanied by valid cannabis tags issued by the department of
15 business regulation, with one or fewer being a mature, flowering plant;
16 (xii) Controlling any premises where other persons twenty-one (21) years of age or older
17 cultivate cannabis plants, which are accompanied by valid cannabis tags issued by the department
18 of business regulation, with the total number of mature, flowering plants not exceeding three (3)
19 in any dwelling unit unless a greater number is allowed pursuant to chapter 28.6 of title 21;
20 (xiii) Assisting with the cultivation of cannabis plants, which are accompanied by valid
21 cannabis tags issued by the department of business regulation, that are cultivated at the same
22 location for persons twenty-one (21) years of age or older, with the total number of mature,
23 flowering plants not exceeding three (3) in any dwelling unit; and
24 (xiv) Any combination of the acts described within subsections (1)(i) through (1)(xiii) of
25 this section, inclusive.
26 (2) Except as provided in this chapter and chapter 28.11 of title 21, a retailer or any
27 person who is twenty-one (21) years of age or older and acting in their capacity as an owner,
28 principal officer, partner, board member, employee, or agent of a retailer is exempt from arrest,
29 civil or criminal penalty, seizure or forfeiture of assets, discipline by any state or local licensing
30 board, and state prosecution for the following acts:
31 (i) Actually or constructively transporting or possessing cannabis, including seedlings or
32 cuttings, that was purchased from a cannabis cultivation facility or a retailer;
33 (ii) Actually or constructively transporting or possessing cannabis products that were
34 purchased from a processor or a retailer;

- 1 (iii) Obtaining or purchasing cannabis from a cannabis cultivation facility or cannabis and
2 cannabis products from a processor or a retailer;
- 3 (iv) Manufacturing, possessing, producing, obtaining, or purchasing cannabis
4 paraphernalia;
- 5 (v) Selling, delivering, or transferring cannabis or cannabis products to another retailer;
- 6 (vi) Selling, transferring, or delivering cannabis, including seedlings or cuttings, cannabis
7 products, or cannabis paraphernalia to any person who is twenty-one (21) years of age or older;
- 8 (vii) Transferring or delivering cannabis or cannabis products to a cannabis testing
9 facility;
- 10 (viii) Controlling any premises or vehicle where cannabis, cannabis products, and
11 cannabis paraphernalia are possessed, sold, or deposited in a manner that is not in conflict with
12 this chapter or the regulations pursuant thereto; and
- 13 (ix) Any combination of the acts described within subsections (2)(i) through (2)(viii) of
14 this section, inclusive.
- 15 (3) Except as provided in this chapter and chapter 28.11 of title 21, a cannabis cultivation
16 facility or any person who is twenty-one (21) years of age or older and acting in their capacity as
17 an owner, principal officer, partner, board member, employee, or agent of a cannabis cultivation
18 facility is exempt from arrest, civil or criminal penalty, seizure or forfeiture of assets, discipline
19 by any state or local licensing board, and state prosecution for the following acts:
- 20 (i) Cultivating, packing, processing, transporting, or manufacturing cannabis, but not
21 cannabis products;
- 22 (ii) Transporting or possessing cannabis that was produced by the cannabis cultivation
23 facility or another cannabis cultivation facility;
- 24 (iii) Transporting or possessing cannabis seeds;
- 25 (iv) Possessing, transporting, or producing cannabis paraphernalia;
- 26 (v) Selling, delivering, or transferring cannabis to a retailer, cannabis processor, or a
27 cannabis cultivation facility;
- 28 (vi) Purchasing cannabis from a cannabis cultivation facility;
- 29 (vii) Receiving cannabis seeds from a person who is twenty-one (21) years of age or
30 older;
- 31 (viii) Delivering or transferring cannabis to a cannabis testing facility;
- 32 (ix) Controlling any premises or vehicle where cannabis and cannabis paraphernalia are
33 possessed, manufactured, sold, or deposited; and
- 34 (x) Any combination of the acts described within subsections (3)(i) through (3)(ix) of this

1 section, inclusive.

2 (4) Except as provided in this chapter and chapter 28.11 of title 21, a cannabis processor
3 facility or any person who is twenty-one (21) years of age or older and acting in their capacity as
4 an owner, principal officer, partner, board member, employee, or agent of a cannabis processor
5 facility is exempt from arrest, civil or criminal penalty, seizure or forfeiture of assets, discipline
6 by any state or local licensing board, and state prosecution for the following acts:

7 (i) Producing, manufacturing, packing, processing, or transporting cannabis products;

8 (ii) Packing, processing, possessing, or transporting cannabis or cannabis seeds that were
9 produced by a cannabis cultivation center;

10 (iii) Possessing, transporting, or producing cannabis paraphernalia;

11 (iv) Manufacturing, possessing, or producing cannabis products;

12 (v) Selling, delivering, or transferring cannabis products to a cannabis retailer or another
13 cannabis processor;

14 (vi) Purchasing cannabis from a cannabis cultivation facility or another cannabis
15 processor;

16 (vii) Delivering or transferring cannabis or cannabis products to a cannabis testing
17 facility;

18 (viii) Controlling any premises or vehicle where cannabis products and cannabis
19 paraphernalia are possessed, manufactured, sold, or deposited;

20 (ix) Controlling any premises or vehicle where cannabis is possessed, packaged, or
21 deposited; and

22 (x) Any combination of the acts described within subsections (4)(i) through (4)(ix) of this
23 section, inclusive.

24 (5) Except as provided in this chapter and chapter 28.11 of title 21, a cannabis testing
25 facility or any person who is twenty-one (21) years of age or older and acting in their capacity as
26 an owner, principal officer, owner, partner, board member, employee, or agent of a cannabis
27 testing facility shall not be subject to state prosecution; search, except by the department of
28 business regulation or department of health pursuant to §21-28.11-8; seizure; or penalty in any
29 manner or be denied any right or privilege, including, but not limited to, civil penalty or
30 disciplinary action by a court or business licensing board or entity for the following acts:

31 (i) Acquiring, transporting, storing, or possessing cannabis or cannabis products;

32 (ii) Returning cannabis and cannabis products to cannabis cultivation facilities, cannabis
33 processor facilities, and retailers, or, if the quantity is no more than the amounts allowed under
34 the provisions of this section, to individuals twenty-one (21) years of age or older;

1 (iii) Receiving compensation for analytical testing, including for contaminants or
2 potency; and

3 (iv) Any combination of the acts described within subsections (4)(i) through (4)(iv) of
4 this section, inclusive.

5 (6) The acts listed in subsections (1) through (5) of this section, when undertaken in
6 compliance with the provisions of this chapter, are lawful under Rhode Island law.

7 **21-28.10-5. Authorized activities.**

8 (a) Any person who is twenty-one (21) years of age or older is authorized to manufacture,
9 produce, use, obtain, purchase, transport, or possess, actually or constructively, cannabis
10 paraphernalia.

11 (b) Any person who is twenty-one (21) years of age or older is authorized to distribute or
12 sell cannabis paraphernalia to cannabis establishments or persons who are twenty-one (21) years
13 of age or older.

14 **21-28.10-6. Public or unsecured cultivation of cannabis - Penalty.**

15 (a) The manufacture or cultivation of two (2) or fewer cannabis plants by any person who
16 is twenty-one (21) years of age or older in a manner that is contrary to this subsection is a
17 misdemeanor punishable by a fine of up to one thousand dollars (\$1,000), up to ten (10) days in
18 jail, or both.

19 (b) Cultivation shall not occur in a location where the cannabis plants are subject to
20 public view, including from another private property, without the use of binoculars, aircraft, or
21 other optical aids.

22 (c) Cannabis must be cultivated in an enclosed, locked location.

23 (d) Cultivation may only occur on property lawfully in possession of the cultivator.

24 (e) If one or more persons under twenty-one (21) years of age live in or are guests at the
25 property where cannabis is cultivated, reasonable precautions must be taken to prevent their
26 access to cannabis plants. For purposes of illustration and not limitation, cultivating cannabis in a
27 locked closet, room, or fully enclosed area to which the person or persons under twenty-one (21)
28 years of age do not possess a key, constitutes reasonable precautions.

29 (f) Unless the cultivator is a cannabis cultivation facility, cannabis plants must be
30 accompanied by valid cannabis tags issued by the department of business regulation.

31 **21-28.10-7. Activities not exempt.**

32 The provisions of this chapter do not exempt any person from arrest, civil or criminal
33 penalty, seizure or forfeiture of assets, discipline by any state or local licensing board, and state
34 prosecution for, nor may they establish an affirmative defense based on this chapter to charges

1 arising from, any of the following acts:

2 (1) Driving, operating, or being in actual physical control of a vehicle or a vessel under
3 power or sail while impaired by cannabis or cannabis products;

4 (2) Possessing cannabis or cannabis products if the person is a prisoner;

5 (3) Possessing cannabis or cannabis products in any local detention facility, county jail,
6 state prison, reformatory, or other correctional facility, including, without limitation, any facility
7 for the detention of juvenile offenders; or

8 (4) Manufacturing of cannabis products with the use of prohibited solvents, in violation
9 of §21- 28.10-12.

10 **21-28.10-8. Smoking cannabis shall be prohibited in all public places.**

11 (a) A person who smokes cannabis in a public place shall be liable for a civil penalty of
12 one hundred fifty dollars (\$150).

13 (b) Municipalities may impose additional fines for the public consumption of cannabis
14 that are equivalent to state fines for the consumption of alcohol in a public place.

15 **21-28.10-9. Places of employment.**

16 The provisions of this chapter do not require employers to accommodate the use or
17 possession of cannabis, or being under the influence of cannabis, in a place of employment.

18 **21-28.10-10. Private property.**

19 (a) Except as provided in this section, the provisions of this chapter do not require any
20 person, corporation, or any other entity that occupies, owns, or controls a property to allow the
21 consumption, cultivation, display, or transfer of cannabis on or in that property.

22 (b) Except as provided in this section, in the case of the rental of a residential dwelling
23 unit governed by chapter 18 of title 34, a landlord may not prohibit the consumption of cannabis
24 by non-smoked means, the display of cannabis, or the transfer without compensation of cannabis,
25 if it is done within a dwelling unit and is not visible from outside of the individual residential
26 dwelling unit. A landlord may prohibit the consumption, display, and transfer of cannabis by a
27 roomer as defined in §34-18-11.

28 **21-28.10-11. False age representation.**

29 (a) Any person who falsely represents themselves to be twenty-one (21) years of age or
30 older in order to obtain any cannabis, cannabis products, or cannabis paraphernalia pursuant to
31 this chapter is guilty of a violation.

32 (b) Any person who violates this section shall be punished for the first offense by a
33 mandatory fine of not less than one hundred dollars (\$100) nor more than five hundred dollars
34 (\$500) and shall be further punished by thirty (30) hours of community service and by a

1 suspension of their motor vehicle operator's license or driving privileges for a period of thirty (30)
2 days; for the second offense by a mandatory fine of not less than five hundred dollars (\$500) nor
3 more than seven hundred fifty dollars (\$750) and shall be further punished by forty (40) hours of
4 community service and by a suspension of their motor vehicle operator's license or driving
5 privileges for a period of three (3) months; and for the third and subsequent offenses by a
6 mandatory fine for each offense of not less than seven hundred fifty dollars (\$750) nor more than
7 one thousand dollars (\$1,000) and shall be further punished by fifty (50) hours of community
8 service and by a suspension of their motor vehicle operator's license or driving privileges for a
9 period of one year.

10 **21-28.10-12. Unlawful cannabis extraction, penalties.**

11 (a) No person, other than a processor complying with this chapter and accompanying
12 regulations or an agent of a processor acting in that capacity, may extract compounds from
13 cannabis using solvents other than water, glycerin, propylene glycol, vegetable oil, or food grade
14 ethanol (ethyl alcohol). No person may extract compounds from cannabis using ethanol in the
15 presence or vicinity of open flame.

16 (b) A person who violates this section is guilty of a felony punishable by up to three (3)
17 years in prison and a fine of up to five thousand dollars (\$5,000).

18 CHAPTER 28.11

19 CANNABIS REGULATION, CONTROL, AND TAXATION ACT

20 **21-28.11-1. Short title.**

21 This chapter shall be known and may be cited as the "Cannabis Regulation, Control, and
22 Taxation Act."

23 **21-28.11-2. Definitions.**

24 For purposes of this chapter:

25 (1) "Cannabis" means marijuana and all parts of the plant of the genus cannabis, whether
26 growing or not; the seeds thereof; the resin extracted from any part of the plant; and every
27 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. It
28 does not include hemp, the mature stalks of the plant, fiber produced from the stalks, oil or cake
29 made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture,
30 or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the
31 sterilized seed of the plant that is incapable of germination.

32 (2) "Cannabis cultivation facility" means an entity that is registered pursuant to chapter
33 28.11 of title 21, to be exempt from state penalties for cultivating, preparing, packaging, and
34 selling cannabis to a retailer, a cannabis processor, or another cannabis cultivation facility, but not

1 for manufacturing or selling cannabis products or selling cannabis to the general public.

2 (3) "Cannabis establishment" means a cannabis cultivation facility, processor, retailer, or
3 cannabis testing facility.

4 (4) "Cannabis processor" means an entity registered pursuant to chapter 28.11 of title 21
5 to be exempt from state penalties for purchasing cannabis from cannabis cultivation facilities,
6 manufacturing cannabis products, and selling, giving, or transferring cannabis products to a
7 cannabis retailer or a cannabis testing facility.

8 (5) "Cannabis products" means concentrated cannabis and products that are comprised of
9 cannabis and other ingredients and are intended for use or consumption, such as, but not limited
10 to, edible products, ointments, and tinctures.

11 (6) "Cannabis testing facility" means an entity that is registered pursuant to chapter 28.11
12 of title 21, to be exempt from state penalties for testing cannabis for potency and contaminants.

13 (7) "Retailer" means an entity that is registered pursuant to chapter 28.11 of title 21, to be
14 exempt from state penalties for purchasing cannabis from cannabis cultivation facilities,
15 manufacturing cannabis products and cannabis paraphernalia, and selling cannabis, cannabis
16 products, and cannabis paraphernalia to customers who are twenty-one (21) years of age or older.

17 (8) "State prosecution" means prosecution initiated or maintained by the state of Rhode
18 Island or an agency or political subdivision of the state of Rhode Island.

19 **21-28.11-3. Office of Cannabis Coordination.**

20 (a) There is hereby created within the office of the governor the office of cannabis
21 coordination, the head of which is the director of the office of cannabis coordination. Subject to
22 available appropriations, the director of the office shall be assisted by a deputy director and a staff
23 to fulfill the office's mission.

24 (b) The office of cannabis coordination shall coordinate the executive branch response to
25 the regulation of cannabis as directed by the governor. The coordination of the executive branch
26 response includes, but is not limited to, strategic planning, coordination and approval of
27 regulations, educational content, planning and implementation, community engagement, budget
28 coordination, data collection and analysis functions, and any other duties deemed necessary and
29 appropriate by the director of the office or the governor to carry out the provisions of this chapter.

30 (c) In furtherance of coordinating the oversight of adult use and medical cannabis across
31 state agencies, the office of cannabis coordination shall:

32 (1) Coordinate with the directors and staff of each state agency regarding the agency's
33 promulgation and implementation of rules on adult use and medical cannabis with the objective
34 of producing positive economic, public safety, and health outcomes for the state and its citizens;

1 (2) Offer guidance to and communicate with municipal officials regarding the
2 implementation and enforcement of this chapter;

3 (3) Align all policy suggestions and the promulgation of rules across state agencies to
4 increase efficiency and eliminate unintended negative impacts on the state and its citizens;

5 (4) Communicate with regulatory officials from other states that allow cannabis for adult
6 use to learn from the experiences of those states;

7 (5) Anticipate, prioritize, and respond to emerging issues with the regulation of cannabis;

8 (6) Collect data on adult use of cannabis regulation from state agencies and report to the
9 governor and legislature no later than January 1, 2018, and every year thereafter. The report shall
10 include, but is not limited to:

11 (i) The number and geographic distribution of all registered cannabis establishments;

12 (ii) Data on the total amount of sales of cannabis and the total amount of revenue raised
13 from taxes and fees levied on cannabis;

14 (iii) Projected estimate of the total cannabis revenue that will be raised in the proceeding
15 year; and

16 (iv) The distribution of funds to programs and agencies from revenue raised from fees
17 and taxes levied on cannabis.

18 (7) Facilitate periodic meetings of the cannabis advisory board in accordance with the
19 provisions outlined in §21-28.11-4.

20 (d) The office of cannabis coordination shall have final approval authority for all
21 guidelines, rules, and regulations pertaining to the implementation and enforcement of this
22 chapter.

23 **21-28.11-4. Cannabis advisory board.**

24 (a) The leaders of the general assembly shall establish a cannabis advisory board to study
25 and make recommendations on the regulation of cannabis and cannabis products.

26 (b) The cannabis advisory board shall consist of fifteen (15) members, seven (7)
27 appointed by the speaker of the house, seven (7) appointed the senate president, and one
28 appointed by the governor. Both the speaker of the house and the senate president shall appoint
29 one member of the general assembly, one expert in law enforcement, one expert in public health,
30 one expert in the legal cannabis business community, one attorney with experience in cannabis
31 law and policy, one expert in social welfare or social justice, and one individual who represents
32 cannabis consumers. The governor shall appoint one economist.

33 (c) Members of the cannabis advisory board shall serve terms of two (2) years.

34 (d) Members of the board shall serve without compensation but shall be reimbursed for

1 their expenses actually and necessarily incurred in the discharge of their official duties.

2 (e) The director of the office of cannabis coordination shall convene and facilitate
3 meetings of the board at their discretion, with no fewer than three (3) meetings in any twelve (12)
4 month period after the effective date of this chapter. Eight (8) or more members of the board
5 present and voting shall constitute a quorum.

6 (f) The cannabis advisory board's duties shall include:

7 (1) Advising the office of cannabis coordination on matters related to cannabis
8 cultivation, processing, manufacture, transport, distribution, testing and sale;

9 (2) Considering and formulating recommendations on all matters submitted to it by the
10 office of cannabis coordination;

11 (3) On its own initiative, recommending to the commission guidelines, rules and
12 regulations and any changes to guidelines, rules and regulations that the board considers
13 important or necessary;

14 (4) Holding public hearings to take testimony from experts and members of the general
15 public on issues related to the regulation and taxation of cannabis.

16 (g) All records of the cannabis advisory board shall be public records.

17 (h) The director of the office of cannabis coordination shall issue advance public notice at
18 least fourteen (14) days prior to each meeting of the cannabis advisory board.

19 **21-28.11-5. Registration of cannabis establishments.**

20 Except as otherwise provided in this chapter:

21 (1) A person or an entity may apply, in accordance with the provisions of this chapter and
22 the regulations adopted pursuant thereto, for the issuance of a registration exempting the entity
23 from state prosecution and penalties for operating as a cannabis retailer, cannabis cultivator,
24 cannabis processor, or cannabis testing facility pursuant to the provisions of this chapter.

25 (2) As directed by the office of cannabis coordination, the department of business
26 regulation shall have authority to issue registrations to cannabis cultivators, cannabis retailers,
27 and cannabis processors.

28 (3) As directed by the office of cannabis coordination, the department of health shall have
29 authority to issue registrations to cannabis testing facilities.

30 (4) In order to determine which entities are to be issued registrations for cannabis
31 establishments, the office of cannabis coordination, in coordination with the department of
32 business regulation and the department of health, shall:

33 (i) Set forth the procedures for entities to submit applications to become registered
34 cannabis establishments, including the content and form for applications;

1 (ii) Require remittance of an application fee, which may not exceed five thousand dollars
2 (\$5,000);

3 (iii) Establish minimum qualifications for registration that are directly and demonstrably
4 related to the operation of a cannabis cultivation facilities, cannabis processors, retailers, and
5 cannabis testing facilities;

6 (iv) Set forth procedures to issue registrations to applicants that meet the minimum
7 qualifications specified by the office of cannabis coordination.

8 (5) The office of cannabis coordination shall determine the number of registrations that
9 may be issued for each kind of cannabis establishment, with no fewer than twenty-five (25)
10 registrations issued for cannabis cultivation facilities, twenty (20) registrations for cannabis
11 processors, forty (40) registrations for retailers, and ten (10) registrations for cannabis testing
12 facilities, provided that there are a sufficient number of qualified applicants to meet this
13 requirement.

14 (6) The department of business regulation shall have the authority to adopt regulations
15 governing the allowable size of cannabis cultivation facilities and whether indoor or outdoor
16 cultivation is permitted. These regulations may include adoption of different classifications for
17 cannabis cultivation facilities based on their physical size or the total number of cannabis plants
18 allowed to be grown at the facility.

19 (7) The department of business regulation may not issue a cannabis cultivation facility,
20 cannabis processor, or retailer registration to any entity that operates or exercises ownership,
21 management, or other control over a cannabis testing facility.

22 (8) The department of health may not issue a cannabis testing facility registration to any
23 applicant that operates or exercises ownership, management, or other control over a cannabis
24 cultivation facility, cannabis, compassion center, cannabis product manufacturing facility, or
25 retailer or that shares joint ownership or management with any cultivation facility, compassion
26 center, cannabis product manufacturing facility, or retailer.

27 (9) The office of cannabis coordination shall determine an annual registration fee, not to
28 exceed ten thousand dollars (\$10,000) for cannabis processors, retailers, and cannabis testing
29 facilities and not to exceed twenty thousand dollars (\$20,000) for cannabis cultivation facilities. If
30 the department of business regulation adopts regulations to classify cannabis cultivation facilities
31 based on the physical size or total number of plants allowed to be grown, annual registration fees
32 for cannabis cultivation facilities with different classifications shall be determined in a manner
33 that is proportional to the physical size of the cannabis cultivation facility or the number of plants
34 it is allowed to cultivate. The registration fee must be paid upon the initial issuance of the

1 registration and every twelve (12) months thereafter. If the registration fee is not remitted to the
2 state in a timely manner, the registration shall be revoked.

3 (10) The office of cannabis coordination shall set forth procedures to require all owners
4 and investors with a five-percent (5%) or greater financial stake in the operation of a proposed
5 cannabis establishment to undergo a national background check conducted by the office of the
6 attorney general, the state police, a local police department, or some other agency approved by
7 the office of cannabis coordination. An application for a cannabis establishment registration may
8 be rejected if a background check of an owner or investor reveals past offenses that the office of
9 cannabis coordination deems to be disqualifying, except that any nonviolent cannabis offense
10 involving one pound (1lb) or less of cannabis, or an equivalent amount pursuant to regulations
11 promulgated by the department of health, or three (3) or fewer cannabis plants which was
12 committed prior to the effective date of this chapter shall not be considered disqualifying.

13 (11) The office of cannabis coordination shall consult with the office of diversity, equity,
14 and opportunity to set forth procedures to award registrations in a manner that promotes diversity
15 within the cannabis industry and creates economic opportunities for minority and women-owned
16 business enterprises as defined in §37-14.1-3.

17 (12) Whenever an entity seeks to renew a registration as a cannabis establishment, the
18 office of cannabis coordination shall require the renewal application to include a question
19 regarding any Occupational Safety and Health Administration actions. The office of cannabis
20 coordination shall consider whether additional regulations are necessary to address any such
21 actions in light of worker safety concerns.

22 (13) Nothing in this section shall prohibit an entity holding a registration or seeking a
23 registration as a cannabis cultivation facility, cannabis processor, or retailer from also holding a
24 separate registration or seeking a separate registration for another cannabis cultivation facility,
25 cannabis processor, or retailer.

26 (14) Nothing in this section shall prohibit an entity holding a registration or seeking a
27 registration as a cannabis cultivation facility, cannabis processor, or retailer from also holding a
28 registration as a compassion center or licensed cultivator or seeking a registration to operate as a
29 compassion center under §21-28.6-12 or a licensed cultivator under §21-28.6-16.

30 **21-28.11-6. Ineligibility for registration.**

31 (a) A cannabis establishment may not operate, and a prospective cannabis establishment
32 may not apply for a registration, if any of the following are true:

33 (1) The entity is applying for a registration to operate as a cannabis establishment, and the
34 establishment would operate in a location that would violate regulations adopted by the office of

1 cannabis coordination pursuant to §§21-28.11-8(p) and 21-28.11-8 (q); or

2 (2) The establishment would be located at a site that is not designated as either an
3 industrial, commercial, manufacturing, horticultural, pharmaceutical, or agricultural zone or if the
4 proposed location would violate a municipality's zoning ordinance; or

5 (3) The establishment would be located in a municipality in which residents have
6 approved, by a simple majority referendum, a ban on the kind of cannabis establishment being
7 proposed. For purpose of illustration but not limitation, a cannabis retailer may not operate in a
8 municipality in which residents have approved by a simple majority referendum a ban on
9 cannabis retailers.

10 (b) Prior to July 1, 2021, no applicant may operate or apply for registrations to operate
11 more than:

12 (1) Three (3) retailers;

13 (2) Three (3) cannabis cultivation facilities; and

14 (3) Three (3) cannabis processors.

15 (c) For the purpose of this section, the term "applicant" includes an investor owning ten
16 percent (10%) or greater of the business, all members of the board of directors, members of the
17 LLC, or partners in the business, and all officers or other managerial employees. It does not
18 include non-managerial employees.

19 (d) For the purpose of this section, the term "operate" includes owning ten percent (10%)
20 or greater of the business, serving as a member of the board of directors, being a member of an
21 LLC, being a partner in the business, or acting as an officer or other managerial employee. It does
22 not include working as a non-managerial employee.

23 **21-28.11-7. Suspension or termination of registration.**

24 The department of business regulation or department of health may suspend or terminate
25 the registration of a cannabis establishment that it issued a registration to if the cannabis
26 establishment commits violations of this chapter, regulations issued pursuant to it, or any other
27 state or local law.

28 **21-28.11-8. Regulation and control of cannabis establishments.**

29 (a) With input and recommendations from the cannabis advisory board and in
30 coordination with various other governmental agencies, the office of cannabis coordination, the
31 department of business regulation, and the department of health shall adopt all regulations
32 necessary and convenient to carry out and administer provisions in this chapter.

33 (b) The advertisement of cannabis and cannabis products is prohibited with the following
34 exceptions:

1 (1) A registered cannabis establishment may maintain a website advertising cannabis,
2 cannabis products, and cannabis paraphernalia, including the prices of those items, provided the
3 website requires the user to verify that they are twenty-one (21) years of age or older before
4 entering.

5 (2) A registered cannabis establishment may display signage outside its facility
6 displaying the name of the establishment, provided the signage conforms to all applicable local
7 guidelines and rules and does not display imagery of a cannabis leaf or the use of cannabis.

8 (3) A registered cannabis establishment may be listed in public phonebooks.

9 (4) A registered cannabis establishment and its logo may be listed as a sponsor of a
10 charitable event, provided the logo does not contain imagery of a cannabis leaf or the use of
11 cannabis.

12 (c) The office of cannabis coordination and the department of business regulation shall
13 adopt regulations that specify acceptable forms of packaging for cannabis and cannabis products,
14 including, but not limited to, requirements that the packaging be:

15 (1) Opaque; and

16 (2) Constructed to be significantly difficult for children under five (5) years of age to
17 open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995);
18 and

19 (3) Designed in a way that is not deemed as especially appealing to children.

20 (d) The office of cannabis coordination and the department of business regulation shall
21 adopt regulations specifying the content of mandatory labels that must be affixed to all packages
22 containing cannabis or cannabis products at the time of sales. These regulations shall include, but
23 are not limited to, requirements that the label display:

24 (1) The name of the establishment that cultivated the cannabis or produced the cannabis
25 product;

26 (2) The tetrahydrocannabinol (THC) content of the product;

27 (3) A "produced on" date; and

28 (4) Warnings that state: "Consumption of cannabis impairs your ability to drive a car or
29 operate machinery" and "Keep away from children" and, unless federal law has changed to
30 accommodate cannabis possession, "Possession of cannabis is illegal under federal law and in
31 many states outside of Rhode Island."

32 (e) All cannabis establishments are required to utilize an inventory tracking system
33 approved by the department of business regulation that tracks all cannabis from either seed or
34 immature plant stage up to and including the point of sale.

1 (f) The office of cannabis coordination shall establish security requirements and
2 regulations for all cannabis establishments to prevent theft and diversion. Security requirements
3 for cannabis establishments shall include, but are not limited to:

4 (1) An alarm system, with a backup power source, that alerts security personnel and local
5 law enforcement officials of any unauthorized breach;

6 (2) Perpetual video surveillance system, with a backup power source, that records video
7 surveillance must be stored for at least two (2) months and be accessible to law enforcement
8 officials upon request;

9 (3) Protocols that ensure the secure transport, delivery, and storage of cannabis and
10 cannabis products; and

11 (4) Additional security measures to protect against diversion or theft of cannabis from
12 cannabis cultivation facilities that cultivate cannabis outdoors.

13 (g) All employees of cannabis establishments must participate in a comprehensive
14 training on standard operating procedures, security protocols, health and sanitation standards,
15 workplace safety, and the provisions of this chapter prior to working at the establishment.
16 Employees must be retrained on an annual basis or if state officials discover a cannabis
17 establishment in violation of any rule, regulation, or guideline in the course of regular inspections
18 or audits.

19 (h) While performing duties related to their role as agent or employee of cannabis
20 establishment, individuals must wear unique identification badges displaying their name and
21 photo.

22 (i) Any individual that is an agent, employee, partner, owner, or manager for a cannabis
23 establishment must be twenty-one (21) years of age or older.

24 (j) In coordination with the office of cannabis coordination, the department of business
25 regulation and the division of taxation in the department of revenue shall have the authority to
26 collect fees and taxes levied on cannabis and shall put forth procedures for the collection of all
27 taxes and fees levied on cannabis.

28 (k) The office of cannabis coordination, the department of business regulation, and the
29 department of health shall have the authority to inspect and audit cannabis establishments and
30 shall adopt procedures for the regular inspection and audit of cannabis establishments.

31 (l) Under the direction of the office of cannabis coordination the department of
32 environmental management shall set forth regulations governing the allowable uses of pesticides
33 for the cultivation of cannabis. The department of environmental management shall set forth
34 procedures to regularly inspect cannabis cultivation facilities to ensure that these regulations are

1 followed. Any cannabis cultivation facility found to be in violation of these regulations shall be
2 considered in violation of this chapter.

3 (m) The office of cannabis coordination and the department of health shall set forth
4 regulations for the operation of cannabis testing facilities, including requirements for equipment,
5 training, and qualifications for personnel. These regulations shall set forth procedures that require
6 random sample testing to ensure quality control, including, but not limited to, ensuring that
7 cannabis and cannabis products are accurately labeled for tetrahydrocannabinol (THC) content.
8 The testing analysis must also include testing for residual solvents, poisons, or toxins; harmful
9 chemicals; dangerous molds or mildew; filth; and harmful microbials such as E. coli or
10 salmonella and pesticides.

11 (n) Before being made available for purchase at retailer establishments, all cannabis and
12 cannabis products must undergo random sample testing at a registered cannabis testing facility or
13 other laboratory equipped to test cannabis and cannabis products that has been approved by the
14 office of cannabis coordination.

15 (o) In coordination with the department of business regulation and department of health,
16 the office of cannabis coordination shall adopt regulations regarding edible cannabis products.
17 Prior to selling edible cannabis products to cannabis retailers, cannabis processors must submit a
18 proposal, which shall include photographs of the proposed product properly packaged and labeled
19 and any other materials deemed necessary by the office of cannabis coordination, to the office of
20 cannabis coordination for each line of edible cannabis products. The office of cannabis
21 coordination shall develop standards to prohibit cannabis products that pose public health risks,
22 that are easily confused with existing non-cannabis products, or that are especially attractive to
23 youth. Upon receipt of a proposal for an edible cannabis product line, the office of cannabis
24 coordination shall have up to ninety (90) days to deny the product proposal if it conflicts with the
25 cannabis product standards. Retailers and cannabis processors may only sell cannabis products
26 that have completed this review process. Additional regulations adopted by the office of cannabis
27 coordination regarding edible cannabis products shall include, but are not limited to:

28 (1) A determination of the amount of tetrahydrocannabinol (THC) that constitutes a
29 single serving in an edible cannabis product; and

30 (2) A requirement that separable edible cannabis products be individually packaged and
31 contain no more than a single serving of tetrahydrocannabinol (THC) as defined in regulations
32 adopted by the office of cannabis coordination.

33 (p) The office of cannabis coordination shall adopt regulations regarding allowable
34 locations for cannabis establishments. Such regulations may include, but are not limited to,

1 zoning restrictions and/or minimum distances from public or private preschools, primary schools,
2 elementary schools, or secondary schools.

3 (q) The office of cannabis coordination shall establish penalties for cannabis
4 establishments that violate approved rules and regulations, which may include fines and/or
5 revocation of registrations for violations of this chapter or regulations adopted pursuant thereto.

6 (r) The department of business regulation shall set forth procedures and a fee, not to
7 exceed fifty dollars (\$50.00), for individuals twenty-one (21) years or older to purchase unique
8 identifier cannabis plant tags, which must be affixed to any cannabis plant grown by an individual
9 in a residential space.

10 **21-28.11-9. Timeline for implementation of this chapter.**

11 (1) The governor shall establish the office of cannabis coordination and appoint the
12 director of the office of cannabis coordination no later than two (2) months after the effective date
13 of this chapter.

14 (2) The governor, the speaker of the house, and the senate president shall each appoint
15 members to the cannabis advisory board as defined in §21-28.11-4 no later than three (3) months
16 after the effective date of this chapter.

17 (3) The office of cannabis coordination shall coordinate with the department of business
18 regulation to set forth procedures for the application for and issuance of registrations for cannabis
19 cultivation facilities and cannabis retail establishments and minimum requirements for the
20 operation of cannabis cultivation facilities and retailers no later than five (5) months after the
21 effective date of this chapter.

22 (4) The office of cannabis coordination shall coordinate with the department of health to
23 set forth procedures for the application for and issuance of registrations for cannabis testing
24 facilities and minimum requirements for the operation of cannabis testing facilities no later than
25 five (5) months after the effective date of this chapter.

26 (5) Beginning five (5) months after the effective date of this chapter, authorized
27 representatives of properly registered compassion centers may submit a retailer application to the
28 department of business regulation. Six (6) months after the effective date of this chapter, the
29 department shall issue a retailer registration to the authorized representative of a properly
30 registered compassion center under §21-28.6-12 if the compassion center is in compliance with
31 all applicable rules and regulations and the authorized representative of the compassion center
32 submitted a retailer application. Only one retailer registration may be issued per compassion
33 center pursuant to this subsection. Any retailer registration issued pursuant to this subsection shall
34 be considered a business registration separate and distinct from the registration issued under

1 chapter 28.6 of title 21.

2 (6) No later than seven (7) months after the effective date of this chapter, the department
3 of business regulation shall begin accepting additional applications for retailer registrations,
4 including from applicants who are not authorized representatives of properly registered
5 compassion centers. By twelve (12) months after the effective date of this chapter, the department
6 of business regulation shall have issued at least twenty (20) retailer registrations, provided a
7 sufficient number of qualified applicants exist. An authorized representative of a
8 compassion center registered under §21-28.6-12 shall be given priority over other applicants in
9 any application process, unless an authorized representative of the same compassion center has
10 already been granted a retailer registration.

11 (7) Two (2) years after the effective date of this chapter, and every twelve (12)
12 months thereafter, the department of business regulation shall issue additional retailer registration
13 if the total number of registrations issued is fewer than forty (40). At no time after two (2) years
14 after the effective date of this chapter shall there be fewer than forty (40) retailer registrations
15 issued at any given time, provided a sufficient number of qualified applicants exists.

16 (8) Beginning five (5) months after the effective date of this chapter, authorized
17 representatives of properly registered compassion centers or licensed cultivators under chapter
18 28.6 of title 21 may submit a cannabis cultivation facility application to the department of
19 business regulation. Six (6) months after the effective date of this chapter, the department of
20 business regulation shall issue a cannabis cultivation facility registration to the authorized
21 representative of a properly registered compassion center under §21-28.6-12 or licensed cultivator
22 under §21-28.6-16 if the compassion center or licensed cultivator is in compliance with all
23 applicable rules and regulations and the authorized representative of the compassion center
24 submitted an application. Only one cultivation facility registration may be issued per compassion
25 center or licensed cultivator pursuant to this subsection. Any cannabis cultivation facility
26 registration issued pursuant to this subsection shall be considered a business registration separate
27 and distinct from the registration issued under chapter 28.6 of title 21.

28 (9) No later than seven (7) months after the effective date of this chapter, the department
29 of business regulation shall begin accepting applications for cannabis cultivation facilities,
30 including from applicants who are not authorized representatives of properly registered
31 compassion centers or licensed cultivators. Within twelve (12) months after the effective date of
32 this chapter, the department of business regulation shall have issued at least fifteen (15) cannabis
33 cultivation facility registrations, provided a sufficient number of qualified applicants exist.

34 (10) No later than two (2) years after the effective date of this chapter, and every twelve

1 (12) months thereafter, the department of business regulation shall issue additional cannabis
2 cultivation facility registrations if the total number of registrations issued is fewer than twenty-
3 five (25) or if the total number of registrations is insufficient to meet demand and outcompete the
4 illicit cannabis market.

5 (11) The office of cannabis coordination shall coordinate with the department of business
6 regulation to set forth procedures for the application for and issuance of registrations for cannabis
7 processor establishments and minimum requirements for the operation of cannabis processors no
8 later than eighteen (18) months after the effective date of this chapter.

9 (12) No later than eighteen (18) months after the effective date of this chapter, the office
10 of cannabis coordination shall coordinate with the department of health to adopt regulations
11 regarding infused cannabis products and edible cannabis product pursuant to §21-28.11-8(o).

12 (13) Beginning eighteen (18) months after the effective date of this chapter, authorized
13 representatives of properly registered compassion centers or licensed cultivators may submit a
14 cannabis processor application to the department of business regulation. Nineteen (19) months
15 after the effective date of this chapter, the department shall issue a cannabis processor facility
16 registration to the authorized representative of a properly registered compassion center or licensed
17 cultivator under chapter 28.6 of title 21 if the compassion center or licensed cultivator is in
18 compliance with all applicable rules and regulations and the authorized representative of the
19 compassion center or licensed cultivator submitted an application to operate a cannabis processor
20 facility. No more than one processor registration may be issued per compassion center or licensed
21 cultivator pursuant to this subsection. Any cannabis processor facility registration issued pursuant
22 to this subsection shall be considered a business registration separate and distinct from the
23 registration issued under chapter 28.6 of title 21.

24 (14) No later than eighteen (18) months after the effective date of this chapter, the
25 department of business regulation shall begin accepting applications for processor registrations,
26 including from applicants who are not authorized representatives of properly registered
27 compassion centers or licensed cultivators. No later than nineteen (19) months after the effective
28 date of this chapter, the department of business regulation shall issue processor facility
29 registrations to no fewer than fifteen (15) qualified applicants, provided there are a sufficient
30 number of qualified applicants to meet this requirement.

31 (15) Two (2) years after the effective date of this chapter, and every twelve (12) months
32 thereafter, the department of business regulation shall issue additional processor registrations if
33 the total number of registrations issued is fewer than twenty (20). At no time after two (2) years
34 after the effective date of this chapter shall there be fewer than twenty (20) processor registrations

1 issued at any given time, provided a sufficient number of qualified applicants exists.

2 (16) Beginning five (5) months after the effective date of this chapter, the department of
3 health shall accept applications to operate a cannabis testing facility.

4 (17) The department of health shall grant a one year registration to at least two (2)
5 cannabis testing facilities within six (6) months of the effective date of this chapter.

6 (18) The department of health shall grant a one year registration to a total of at least five
7 (5) cannabis testing facilities within twelve (12) months of the effective date of this chapter,
8 provided a sufficient number of qualified applicants exist.

9 (19) If at any time after two (2) years after the effective date of this chapter, there are
10 fewer than ten (10) valid cannabis testing facility registrations, the department of health shall
11 accept and process applications for cannabis testing facility registrations.

12 **21-28.11-10. Municipal control over cannabis establishments.**

13 (a) Municipalities shall have the authority to enact ordinances or regulations not in
14 conflict with this chapter or with rules and regulations adopted by the office of cannabis
15 coordination regulating the time, place, and manner of cannabis establishments' operations,
16 provided that no local government may prohibit any type of cannabis establishments' operation
17 altogether, either expressly or through the enactment of ordinances or regulations which make
18 any type of cannabis establishments' operation impracticable.

19 (b) Notwithstanding subsection (a) of this section, municipalities may prohibit specific
20 classes of cannabis establishments from operating within their jurisdiction if the residents of the
21 municipality have approved, by a simple majority referendum in the course of regularly
22 scheduled election, a proposal to ban cannabis cultivation facilities, retailers, processors, or
23 cannabis testing facilities. Municipalities must hold separate referenda to ban each class of
24 cannabis establishment. A single question to ban all classes of cannabis establishments shall not
25 be permitted.

26 (c) Municipalities may impose civil and criminal penalties on the violation of ordinances
27 enacted pursuant to this section.

28 **21-28.11-11. Transportation of cannabis.**

29 The office of cannabis coordination shall set forth regulations and procedures to facilitate
30 the secure transportation of cannabis for retailers delivering products to purchasers and shipments
31 of cannabis or cannabis products between cannabis establishments.

32 **21-28.11-12. Minors on the premises of cannabis establishments.**

33 (a) A cannabis establishment shall not allow any person who is under twenty-one (21)
34 years of age to be present inside any room where cannabis or cannabis products are stored,

1 produced, or sold by the cannabis establishment unless the person who is under twenty-one (21)
2 years of age is:

3 (1) A government employee performing their official duties;

4 (2) An elected official, a member of the media, a contractor performing labor that does
5 not include cannabis cultivation, manufacturing, packaging, or processing; or

6 (3) If the cannabis establishment is a retailer, a medical cannabis patient registered
7 pursuant to chapter 28.6 of title 21, if the retailer premises are also registered as a compassion
8 center pursuant to §21-28.6-12 and the individual under twenty-one (21) years of age is a
9 qualifying patient registered under chapter 28.6 of title 21.

10 (b) Except as otherwise provided in this subsection, in a prosecution for a violation of this
11 section, it is a complete defense that before allowing a person who is under twenty-one (21) years
12 of age into the room where cannabis is sold or stored, a staff member for the cannabis
13 establishment was shown a document which appeared to be issued by an agency of a federal,
14 state, tribal, or foreign sovereign government and which indicated that the person who was
15 allowed onto the premises of the cannabis establishment was twenty-one (21) years of age or
16 older at the time the person was allowed onto the premises. The complete defense set forth in this
17 subsection does not apply if:

18 (1) The document which was shown to the person who allowed the person who is under
19 twenty-one (21) years of age onto the premises of the retailer was counterfeit, forged, altered, or
20 issued to a person other than the person who was allowed onto the premises of the retailer; and

21 (2) Under the circumstances, a reasonable person would have known or suspected that the
22 document was counterfeit, forged, altered, or issued to a person other than the person who was
23 allowed onto the premises.

24 **21-28.11-13. Retailer violations.**

25 (a) A retailer shall not:

26 (1) Sell, give, deliver, or otherwise furnish cannabis, cannabis products, or cannabis
27 paraphernalia to any person who is under twenty-one (21) years of age unless the individual
28 under twenty-one (21) years of age is a qualifying patient registered under chapter 28.6 of title 21.

29 (i) The following documents shall serve as acceptable forms of identification for the
30 purpose of proving an individual's age: an armed service identification card, valid passport, the
31 identification card license, or any other documentation used for identification purposes that may
32 belong to any other person who is twenty-one (21) years or older; a motor vehicle operator's
33 license which bears the date of birth of the licensee, and which is issued by this state or any other
34 state.

1 (ii) If the retailer discovers evidence that the document presented to verify a person's age
2 is inaccurate or falsified in any way to misrepresent the age of the person attempting to purchase
3 cannabis or cannabis products, they shall refuse to sell cannabis or cannabis products to that
4 individual and notify law enforcement officials.

5 (iii) Except where regulations attendant to this chapter specifically modify or provide
6 otherwise, rules similar to the rules of §3-8-6, applying to alcohol retailers, shall apply to
7 cannabis retailers.

8 (iv) Proof of good faith reliance on any misrepresentation is a defense to the prosecution
9 of the retailer and/or the retailer's employer an alleged violation of this section.

10 (2) Sell, give, deliver, or otherwise furnish cannabis or cannabis products to any person
11 who is twenty-one (21) years of age or older unless the cannabis or cannabis products have
12 undergone random sample testing for potency and contaminants at a cannabis testing facility or
13 other laboratory equipped to test cannabis and cannabis products that has been approved by the
14 office of cannabis coordination.

15 (3) Except as provided in this section, sell, deliver, give, or otherwise furnish more than
16 the following quantities of cannabis or cannabis products to a person in a single transaction;

17 (i) One ounce (1 oz.) of cannabis, not including hashish;

18 (ii) Two (2) immature cannabis plants; and

19 (iii) Cannabis products containing 300 milligrams of delta-9-tetrahydrocannabinol.

20 (4) Except as provided in this section, knowingly and willfully sell, give, or otherwise
21 furnish an amount of cannabis to a person that would cause that person to possess more than the
22 quantities listed in subsection (3) of this section.

23 (5) Purchase cannabis from any person other than a cannabis cultivation facility or
24 retailer.

25 (6) Purchase cannabis products from any person other than a cannabis processor.

26 (7) Violate regulations issued by the office of cannabis coordination.

27 (8) Offer customers special deals, coupons, or giveaways that allow avoidance of
28 cannabis taxes. Except as otherwise provided by regulation, the tax levied under this subsection
29 shall apply to the full price, if non-itemized, of any transaction involving both:

30 (i) Cannabis or cannabis products; and

31 (ii) Any other otherwise distinct and identifiable goods or services.

32 (b) The prohibitions on dispensing cannabis in subsections (a)(2) and (a)(3) of this
33 section do not apply in instances where the retailer holds a valid registration as a compassion
34 center under chapter 28.6 of title 21 and has verified that the person is a qualifying patient or

1 primary caregiver registered under chapter 28.6 of title 21 and the amount of cannabis dispensed
2 is within the qualifying patient's limits.

3 (c) In addition to any other penalty provided pursuant to specific statutes, a retailer who
4 violates this section is guilty of a misdemeanor and shall be punished by a fine of not more than
5 one thousand dollars (\$1,000).

6 **21-28.11-14. Cannabis cultivation facility violations.**

7 (a) A cannabis cultivation facility shall not:

8 (1) Manufacture, sell, give away, or otherwise distribute cannabis products;

9 (2) Sell, deliver, give away, or otherwise furnish cannabis to any person other than a
10 cannabis establishment or an agent or staff member acting on behalf of a cannabis establishment;

11 (3) Purchase cannabis from any person other than a cannabis cultivation facility; or

12 (4) Purchase or sell, deliver, give, or otherwise furnish cannabis in any manner other than
13 as is exempted from state penalties pursuant to the provisions of this chapter and any regulations
14 adopted pursuant thereto.

15 (b) In addition to any other penalty provided pursuant to specific statutes, a person who
16 violates this section is guilty of a misdemeanor and shall be punished by a fine of not more than
17 one thousand dollars (\$1,000).

18 **21-28.11-15. Cannabis processor facility violations.**

19 (a) A cannabis processor facility shall not:

20 (1) Manufacture, cultivate, or produce cannabis;

21 (2) Sell, deliver, give away, or otherwise furnish cannabis products to any person other
22 than a cannabis retailer or an agent or staff member acting on behalf of a cannabis retailer;

23 (3) Purchase cannabis from any person other than a cannabis cultivation facility; or

24 (4) Purchase or sell, deliver, give, or otherwise furnish cannabis products in any manner
25 other than as is exempted from state penalties pursuant to the provisions of this chapter and any
26 regulations adopted pursuant thereto.

27 (b) In addition to any other penalty provided pursuant to specific statutes, a person who
28 violates this section is guilty of a misdemeanor and shall be punished by a fine of not more than
29 one thousand dollars (\$1,000).

30 **21-28.11-16. Excise tax.**

31 Imposition of excise tax on retail cannabis sales.

32 (a) Except as provided for in subsection (b) of this section, an excise tax at a rate of
33 twenty-three percent (23%) of the sales price, in addition to the standard sales tax imposed by
34 §44-18-18, shall be imposed on all retail sales of cannabis, cannabis products, seedlings, and

1 cuttings.

2 (b) The excise tax does not apply to medical cannabis sales from a registered compassion
3 center to a registered qualifying patient or a registered primary caregiver pursuant to §21-28.6-12.

4 (c) Under the direction of the office of cannabis coordination, the division of taxation
5 shall have the authority to collect the proceeds of the excise tax on retail cannabis sales and
6 disburse the funds to the cannabis regulation fund pursuant to §21-28.11-17.

7 **21-28.11-17. Restricted receipt account and distribution of funds.**

8 (a) Fees and taxes collected pursuant to this chapter shall be deposited in a restricted
9 receipt account entitled "cannabis regulation fund."

10 (b) The amounts on deposit in the account for receipts of cannabis excise taxes and fees
11 shall be disbursed in the following manner:

12 (1) In the 2018 fiscal year budget and every fiscal year budget thereafter, the governor
13 shall submit a budget to the general assembly to appropriate funds from the cannabis regulation
14 fund to provide for all necessary expenses incurred by the office of cannabis coordination, the
15 department of business regulation, the department of health, the division of taxation, and the
16 department of environmental management in the performance of their duties pursuant to this
17 chapter.

18 (2) After sufficient funds are appropriated from the cannabis regulation fund to provide
19 for the expenses related to implementation and regulatory enforcement of this chapter, fifty
20 percent (50%) of remaining funds shall be deposited into the state's general fund and ten percent
21 (10%) shall be disbursed to municipalities, proportional to the total number of cannabis
22 establishments in each municipality. Five percent (5%) shall be disbursed to the state police for
23 the purpose of enforcing laws against impaired driving and training additional law enforcement
24 officers to become drug recognition experts. Thirty-five percent (35%) shall be disbursed to the
25 department of behavioral healthcare, developmental disabilities and hospitals, which shall
26 distribute funding to various programs and agencies for the purpose of providing substance use
27 disorder treatment and recovery services as well as programming for youth substance use
28 prevention.

29 **21-28.11-18. Contracts enforceable.**

30 It is the public policy of the state that contracts related to the operation of a cannabis
31 establishment, compassion center, or hemp cultivator registered pursuant to Rhode Island law
32 shall be enforceable. It is the public policy of the state that no contract entered into by a registered
33 cannabis establishment or hemp cultivator or its employees or agents as permitted pursuant to a
34 valid registration with a department of the state, or by those who allow property to be used by an

1 establishment, its employees, or its agents as permitted pursuant to a valid registration, shall be
2 unenforceable on the basis that cultivating, obtaining, manufacturing, distributing, dispensing,
3 transporting, selling, possessing, or using cannabis or hemp is prohibited by federal law.

4 **21-28.11-19. Compassion center registrants.**

5 (a) Each cannabis establishment that is at the same location as a compassion center must:

6 (1) Follow all provisions pursuant to chapter 28.6 of title 21 and all regulations related to
7 medical cannabis adopted by the office of cannabis coordination, the department of business, or
8 the department of health;

9 (2) Separate all inventory that is offered for sale or donation to medical cannabis
10 cardholders pursuant to chapter 28.6 of title 21 from cannabis and cannabis products that are
11 offered for sale to adult consumers;

12 (3) Label all cannabis and cannabis products that are offered for sale to adult consumers
13 §21-28.6-12 with "Retail cannabis - for use by adults 21 and older only."

14 (b) For purposes of this section, "adult consumer" means a person who is twenty-one (21)
15 years of age or older and who is not a medical cannabis cardholder obtaining medical cannabis
16 from a compassion center pursuant to chapter 28.6 of title 21.

17 **21-28.11-20. Failure of department to adopt regulations.**

18 (a) If the office of cannabis coordination fails to adopt regulations to implement this
19 chapter or fails to begin processing applications for cannabis establishments within twelve (12)
20 months of the effective date of this chapter, any citizen may commence an action in a court of
21 competent jurisdiction to compel the office of cannabis coordination to perform the actions
22 mandated pursuant to the provisions of this chapter.

23 **21-28.11-21. Severability.**

24 (a) If any provision of this chapter or its application thereof to any person or
25 circumstance is held invalid, such invalidity shall not affect other provisions or applications of
26 this chapter, which can be given effect without the invalid provision or application, and to this
27 end the provisions of this chapter are declared to be severable.

28 SECTION 2. Sections 12-1.3-2 and 12-1.3-3 of the General Laws in Chapter 12-1.3
29 entitled "Expungement of Criminal Records" are hereby amended to read as follows:

30 **12-1.3-2. Motion for expungement.**

31 (a) Any person who is a first offender may file a motion for the expungement of all
32 records and records of conviction for a felony or misdemeanor by filing a motion in the court in
33 which the conviction took place; provided, that no person who has been convicted of a crime of
34 violence shall have his or her records and records of conviction expunged; and provided, that all

1 outstanding court-imposed or court-related fees, fines, costs, assessments, charges, and/or any
2 other monetary obligations have been paid, unless such amounts are reduced or waived by order
3 of the court.

4 (b) Subject to subsection (a), a person may file a motion for the expungement of records
5 relating to a misdemeanor conviction after five (5) years from the date of the completion of his or
6 her sentence.

7 (c) Subject to subsection (a), a person may file a motion for the expungement of records
8 relating to a felony conviction after ten (10) years from the date of the completion of his or her
9 sentence.

10 (d) Subject to § 12-19-19(c), and without regard to subsections (a) through (c) of this
11 section, a person may file a motion for the expungement of records relating to a deferred sentence
12 upon its completion, after which the court will hold a hearing on the motion.

13 (e) With regard to subsections (a) through (c) of this section, a person may file a motion
14 for the expungement of records related to an offense that has been either decriminalized or
15 legalized subsequent to the date of such conviction, after which the court will hold a hearing on
16 the motion in the court in which the original conviction took place.

17 **12-1.3-3. Motion for expungement -- Notice -- Hearing -- Criteria for granting.**

18 (a) Any person filing a motion for expungement of the records of his or her conviction
19 pursuant to § 12-1.3-2 shall give notice of the hearing date set by the court to the department of
20 the attorney general and the police department that originally brought the charge against the
21 person at least ten (10) days prior to that date.

22 (b) The court, after the hearing at which all relevant testimony and information shall be
23 considered, may, in its discretion, order the expungement of the records of conviction of the
24 person filing the motion if it finds:

25 (1) (i) That in the five (5) years preceding the filing of the motion, if the conviction was
26 for a misdemeanor, or in the ten (10) years preceding the filing of the motion, if the conviction
27 was for a felony, the petitioner has not been convicted nor arrested for any felony or
28 misdemeanor; there are no criminal proceedings pending against the person; that the person does
29 not owe any outstanding court-imposed or court-related fees, fines, costs, assessments, or
30 charges, unless such amounts are reduced or waived by order of the court, and he or she has
31 exhibited good moral character; or

32 (ii) That after a hearing held under the provisions of § 12-19-19(c), the court finds that
33 the person has complied with all of the terms and conditions of the deferral agreement including,
34 but not limited to, the payment in full of any court-ordered fines, fees, costs, assessments, and

1 restitution to victims of crimes; there are no criminal proceedings pending against the person; and
2 he or she has established good moral character. Provided, that no person who has been convicted
3 of a crime of violence shall have their records relating to a deferred sentence expunged.

4 (2) That the petitioner's rehabilitation has been attained to the court's satisfaction and the
5 expungement of the records of his or her conviction is consistent with the public interest.

6 (c) If the court grants the motion, it shall, after payment by the petitioner of a one
7 hundred dollar (\$100) fee to be paid to the court, order all records and records of conviction
8 relating to the conviction expunged and all index and other references to it removed from public
9 inspection. A copy of the order of the court shall be sent to any law enforcement agency and other
10 agency known by either the petitioner, the department of the attorney general, or the court to have
11 possession of the records. Compliance with the order shall be according to the terms specified by
12 the court.

13 (d) The defendant shall be advised at the hearing that any and all bail money relating to a
14 case that remains on deposit and is not claimed at the time of expungement shall be escheated to
15 the state's general treasury in accordance with chapter 12 of title 8.

16 (e) In cases of expungement sought pursuant to §12-1.3-2(d), the court shall, after a
17 hearing at which it finds that all conditions of the original criminal sentence have been completed
18 and any and all fines, fees, and costs related to conviction have been paid in full, order the
19 expungement without cost to the petitioner. At said hearing, should the petitioner demonstrate, by
20 prima facie evidence, that the conviction of said offense resulted from conduct that is a
21 decriminalized civil violation under current law or has been legalized subsequent to the
22 conviction, the burden shifts to the state to demonstrate that the conviction does not qualify for
23 relief under this chapter.

24 SECTION 3. Sections 21-28-4.01, 21-28-4.01.1 and 21-28-4.01.2 of the General Laws in
25 Chapter 21-28 entitled "Uniform Controlled Substances Act" are hereby amended to read as
26 follows:

27 **21-28-4.01. Prohibited acts A -- Penalties.**

28 (a) (1) Except as authorized by this chapter, or exempted from annual penalties pursuant
29 to chapters 28.10 or 28.11 of title 21, it shall be unlawful for any person to manufacture, deliver,
30 or possess with intent to manufacture or deliver a controlled substance.

31 (2) Any person who is not a drug-addicted person, as defined in § 21-28-1.02(18), who
32 violates this subsection with respect to a controlled substance classified in schedule I or II, except
33 the substance classified as marijuana, is guilty of a crime and, upon conviction, may be
34 imprisoned to a term up to life or fined not more than five hundred thousand dollars (\$500,000)

1 nor less than ten thousand dollars (\$10,000), or both.

2 (3) Where the deliverance as prohibited in this subsection shall be the proximate cause of
3 death to the person to whom the controlled substance is delivered, it shall not be a defense that
4 the person delivering the substance was, at the time of delivery, a drug-addicted person as defined
5 in § 21-28-1.02(18).

6 (4) Any person under twenty-one (21) years of age, except as provided for in subdivision
7 (2) of this subsection, who violates this subsection with respect to the manufacture of two (2) or
8 fewer total marijuana plants is guilty of a crime and upon conviction may be imprisoned for not
9 more than six (6) months, or fined not more than five hundred dollars (\$500), or both:

10 (5) Any person, except as provided for in subsections (2) or (4) of this section, who
11 violates this subsection with respect to:

12 (i) A controlled substance, classified in schedule I or II, is guilty of a crime and, upon
13 conviction, may be imprisoned for not more than thirty (30) years, or fined not more than one
14 hundred thousand dollars (\$100,000) nor less than three thousand dollars (\$3,000), or both;

15 (ii) The manufacture of three (3) or more marijuana plants, is guilty of a crime and upon
16 conviction may be imprisoned for not more than three (3) years or fined not more than two
17 thousand five hundred dollars (\$2,500) for each plant over the allowed limit of two (2), or both;

18 (iii) The delivery of marijuana is guilty of a crime and upon conviction may be
19 imprisoned for not more than five (5) years or fined not more than one hundred thousand dollars
20 (\$100,000), or both;

21 ~~(iv)~~ (iv) A controlled substance, classified in schedule III or IV, is guilty of a crime and,
22 upon conviction, may be imprisoned for not more than twenty (20) years, or fined not more than
23 forty thousand dollars (\$40,000), or both; provided, with respect to a controlled substance
24 classified in schedule III(d), upon conviction may be imprisoned for not more than five (5) years,
25 or fined not more than twenty thousand dollars (\$20,000), or both.

26 ~~(v)~~ (v) A controlled substance, classified in schedule V, is guilty of a crime and, upon
27 conviction, may be imprisoned for not more than one year, or fined not more than ten thousand
28 dollars (\$10,000), or both.

29 (b) (1) Except as authorized by this chapter, it is unlawful for any person to create,
30 deliver, or possess with intent to deliver, a counterfeit substance.

31 (2) Any person who violates this subsection with respect to:

32 (i) A counterfeit substance, classified in schedule I or II, is guilty of a crime and, upon
33 conviction, may be imprisoned for not more than thirty (30) years, or fined not more than one
34 hundred thousand dollars (\$100,000), or both;

1 (ii) A counterfeit substance, classified in schedule III or IV, is guilty of a crime and, upon
2 conviction, may be imprisoned for not more than twenty (20) years, or fined not more than forty
3 thousand dollars (\$40,000), or both; provided, with respect to a controlled substance classified in
4 schedule III(d), upon conviction may be imprisoned for not more than five (5) years, or fined not
5 more than twenty thousand dollars (\$20,000), or both.

6 (iii) A counterfeit substance, classified in schedule V, is guilty of a crime and, upon
7 conviction, may be imprisoned for not more than one year, or fined not more than ten thousand
8 dollars (\$10,000), or both.

9 (c) (1) It shall be unlawful for any person knowingly or intentionally to possess a
10 controlled substance, unless the substance was obtained directly from, or pursuant to, a valid
11 prescription or order of a practitioner while acting in the course of his or her professional
12 practice, or except as otherwise authorized by this chapter [or exempt from arrest by chapters](#)
13 [28.10 or 28.11 of title 21](#).

14 (2) Any person who violates this subsection with respect to:

15 (i) A controlled substance classified in schedules I, II and III, IV, and V, except the
16 substance classified as marijuana, is guilty of a crime and, upon conviction, may be imprisoned
17 for not more than three (3) years, or fined not less than five hundred dollars (\$500) nor more than
18 five thousand dollars (\$5,000), or both;

19 (ii) More than one ounce (1 oz.) of a controlled substance classified in schedule I as
20 marijuana is guilty of a misdemeanor, except for those persons subject to (a)(1), and, upon
21 conviction, may be imprisoned for not more than one year, or fined not less than two hundred
22 dollars (\$200) nor more than five hundred dollars (\$500), or both.

23 (iii) Notwithstanding any public, special, or general law to the contrary, the possession of
24 one ounce (1 oz.) or less of marijuana by a person who is eighteen (18) years of age or older [but](#)
25 [who is less than twenty-one \(21\) years of age](#), and who is not exempted from penalties pursuant
26 to chapter 28.6 of this title, shall constitute a civil offense, rendering the offender liable to a civil
27 penalty in the amount of one hundred fifty dollars (\$150) and forfeiture of the marijuana, but not
28 to any other form of criminal or civil punishment or disqualification. Notwithstanding any public,
29 special, or general law to the contrary, this civil penalty of one hundred fifty dollars (\$150) and
30 forfeiture of the marijuana shall apply if the offense is the first (1st) or second (2nd) violation
31 within the previous eighteen (18) months.

32 (iv) Notwithstanding any public, special, or general law to the contrary, possession of one
33 ounce (1 oz.) or less of marijuana by a person who is seventeen (17) years of age or older and
34 under the age of eighteen (18) years, and who is not exempted from penalties pursuant to chapter

1 28.6 of this title, shall constitute a civil offense, rendering the offender liable to a civil penalty in
2 the amount of one hundred fifty dollars (\$150) and forfeiture of the marijuana; provided the
3 minor offender completes an approved, drug-awareness program and community service as
4 determined by the court. If the person seventeen (17) years of age or older and under the age of
5 eighteen (18) years fails to complete an approved, drug-awareness program and community
6 service within one year of the disposition, the penalty shall be a three hundred dollar (\$300) civil
7 fine and forfeiture of the marijuana, except that if no drug-awareness program or community
8 service is available, the penalty shall be a fine of one hundred fifty dollars (\$150) and forfeiture
9 of the marijuana. The parents or legal guardian of any offender seventeen (17) years of age or
10 older and under the age of eighteen (18) shall be notified of the offense and the availability of a
11 drug-awareness and community-service program. The drug-awareness program must be approved
12 by the court, but shall, at a minimum, provide four (4) hours of instruction or group discussion
13 and ten (10) hours of community service. Notwithstanding any other public, special, or general
14 law to the contrary, this civil penalty shall apply if the offense is the first or second violation
15 within the previous eighteen (18) months.

16 (v) Notwithstanding any public, special, or general law to the contrary, a person who is
17 less than twenty-one (21) years of age and who is not exempted from penalties pursuant to
18 chapter 28.6 of this title found in possession of one ounce (1 oz.) or less of marijuana is guilty of
19 a misdemeanor and, upon conviction, may be imprisoned for not more than thirty (30) days, or
20 fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or both,
21 if that person has been previously adjudicated on a violation for possession of less than one ounce
22 (1 oz.) of marijuana under (c)(2)(iii) or (c)(2)(iv) two (2) times in the eighteen (18) months prior
23 to the third (3rd) offense.

24 (vi) Any unpaid civil fine issued under (c)(2)(iii) or (c)(2)(iv) shall double to three
25 hundred dollars (\$300) if not paid within thirty (30) days of the disposition. The civil fine shall
26 double again to six hundred dollars (\$600) if it has not been paid within ninety (90) days.

27 (vii) No person may be arrested for a violation of (c)(2)(iii) or (c)(2)(iv) of this
28 subsection except as provided in this subparagraph. Any person in possession of an identification
29 card, license, or other form of identification issued by the state or any state, city, or town, or any
30 college or university, who fails to produce the same upon request of a police officer who informs
31 the person that he or she has been found in possession of what appears to the officer to be one
32 ounce (1 oz.) or less of marijuana, or any person without any such forms of identification who
33 fails or refuses to truthfully provide his or her name, address, and date of birth to a police officer
34 who has informed such person that the officer intends to provide such individual with a citation

1 for possession of one ounce (1 oz.) or less of marijuana, may be arrested.

2 (viii) No violation of (c)(2)(iii) or (c)(2)(iv) of this subsection shall be considered a
3 violation of parole or probation.

4 (ix) Any records collected by any state agency, tribunal, or the family court that include
5 personally identifiable information about violations of (c)(2)(iii) or (c)(2)(iv) shall not be open to
6 public inspection in accordance with § 8-8.2-21.

7 (3) Jurisdiction. Any and all violations of (c)(2)(iii) and (c)(2)(iv) shall be the exclusive
8 jurisdiction of the Rhode Island traffic tribunal. All money associated with the civil fine issued
9 under (c)(2)(iii) or (c)(2)(iv) shall be payable to the Rhode Island traffic tribunal. Fifty percent
10 (50%) of all fines collected by the Rhode Island traffic tribunal from civil penalties issued
11 pursuant to (c)(2)(iii) or (c)(2)(iv) shall be expended on drug-awareness and treatment programs
12 for youth.

13 (4) Additionally, every person convicted or who pleads nolo contendere under (c)(2)(i) or
14 convicted or who pleads nolo contendere a second or subsequent time under (c)(2)(ii), who is not
15 sentenced to a term of imprisonment to serve for the offense, shall be required to:

16 (i) Perform up to one hundred (100) hours of community service;

17 (ii) Attend and complete a drug-counseling and education program, as prescribed, by the
18 director of the department of behavioral healthcare, developmental disabilities and hospitals and
19 pay the sum of four hundred dollars (\$400) to help defray the costs of this program which shall be
20 deposited as general revenues. Failure to attend may result, after hearing by the court, in jail
21 sentence up to one year;

22 (iii) The court shall not suspend any part or all of the imposition of the fee required by
23 this subsection, unless the court finds an inability to pay;

24 (iv) If the offense involves the use of any automobile to transport the substance or the
25 substance is found within an automobile, then a person convicted or who pleads nolo contendere
26 under (c)(2)(i) and (c)(2)(ii) shall be subject to a loss of license for a period of six (6) months for
27 a first offense and one year for each offense after.

28 (5) All fees assessed and collected pursuant to (c)(3)(ii) shall be deposited as general
29 revenues and shall be collected from the person convicted or who pleads nolo contendere before
30 any other fines authorized by this chapter.

31 (d) It shall be unlawful for any person to manufacture, distribute, or possess with intent to
32 manufacture or distribute, an imitation controlled substance. Any person who violates this
33 subsection is guilty of a crime and, upon conviction, shall be subject to the same term of
34 imprisonment and/or fine as provided by this chapter for the manufacture or distribution of the

1 controlled substance that the particular imitation controlled substance forming the basis of the
2 prosecution was designed to resemble and/or represented to be; but in no case shall the
3 imprisonment be for more than five (5) years nor the fine for more than twenty thousand dollars
4 (\$20,000).

5 (e) It shall be unlawful for a practitioner to prescribe, order, distribute, supply, or sell an
6 anabolic steroid or human growth hormone for: (1) Enhancing performance in an exercise, sport,
7 or game, or (2) Hormonal manipulation intended to increase muscle mass, strength, or weight
8 without a medical necessity. Any person who violates this subsection is guilty of a misdemeanor
9 and, upon conviction, may be imprisoned for not more than six (6) months or a fine of not more
10 than one thousand dollars (\$1,000), or both.

11 (f) It is unlawful for any person to knowingly or intentionally possess, manufacture,
12 distribute, or possess with intent to manufacture or distribute, any extract, compound, salt
13 derivative, or mixture of salvia divinorum or datura stramonium or its extracts unless the person
14 is exempt pursuant to the provisions of § 21-28-3.30. Notwithstanding any laws to the contrary,
15 any person who violates this section is guilty of a misdemeanor and, upon conviction, may be
16 imprisoned for not more than one year, or fined not more than one thousand dollars (\$1,000), or
17 both. The provisions of this section shall not apply to licensed physicians, pharmacists, and
18 accredited hospitals and teaching facilities engaged in the research or study of salvia divinorum or
19 datura stramonium and shall not apply to any person participating in clinical trials involving the
20 use of salvia divinorum or datura stramonium.

21 **21-28-4.01.1. Minimum sentence -- Certain quantities of controlled substances.**

22 (a) Except as authorized by this chapter, it shall be unlawful for any person to
23 manufacture, sell, or possess with intent to manufacture, or sell, a controlled substance classified
24 in schedules I or II (excluding marijuana) or to possess or deliver the following enumerated
25 quantities of certain controlled substances:

26 (1) One ounce (1 oz.) to one kilogram (1 kg.) of a mixture or substance containing a
27 detectable amount of heroin;

28 (2) One ounce (1 oz.) to one kilogram (1 kg.) of a mixture or substance containing a
29 detectable amount of:

30 (i) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine,
31 ecgonine, and derivatives of ecgonine or their salts have been removed;

32 (ii) Cocaine, its salts, optical and geometric isomers, and salts of isomers;

33 (iii) Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

34 (iv) Any compound, mixture, or preparation which contains any quantity of any of the

1 substances referred to in paragraphs (i) -- (iii) of this subdivision;

2 (3) One gram (1 g.) to ten grams (10 gs.) of phencyclidine (PCP) or one hundred (100) to
3 one thousand (1,000) tablets of a mixture or substance containing a detectable amount of
4 phencyclidine (PCP);

5 (4) One-tenth of a gram (0.1 g.) to one gram (1 g.) of lysergic acid diethylamide (LSD) or
6 one hundred (100) to one thousand (1,000) tablets of a mixture or substance containing a
7 detectable amount of lysergic acid diethylamide (LSD);

8 (5) ~~One kilogram (1 kg.) to five (5 kgs.) kilograms of a mixture containing a detectable~~
9 ~~amount of marijuana; or~~

10 (6) One ounce (1 oz.) to one kilogram (1 kg.) of a mixture or substance containing a
11 detectable amount of synthetic drugs.

12 (b) Any person who violates this section shall be guilty of a crime, and upon conviction,
13 may be imprisoned for a term up to fifty (50) years and fined not more than five hundred
14 thousand dollars (\$500,000).

15 **21-28-4.01.2. Minimum sentence -- Certain quantities of controlled substances.**

16 (a) Except as authorized by the chapter, it shall be unlawful for any person to possess,
17 manufacture, sell, or deliver the following enumerated quantities of certain controlled substances:

18 (1) More than one kilogram (1 kg.) of a mixture or substance containing a detectable
19 amount of heroin;

20 (2) More than one kilogram (1 kg.) of a mixture or substance containing a detectable
21 amount of:

22 (i) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine,
23 ecgonine, and derivatives of ecgonine or their salts have been removed;

24 (ii) Cocaine, its salts, optical and geometric isomers, and salts of isomers;

25 (iii) Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

26 (iv) Any compound, mixture, or preparation which contains any quantity of any of the
27 substances referred to in paragraphs (i) -- (iii) of this subdivision;

28 (3) More than ten grams (10 gs.) of phencyclidine (PCP) or more than one thousand
29 (1,000) tablets of a mixture or substance containing a detectable amount of phencyclidine (PCP);

30 (4) More than one gram (1 g.) of lysergic acid diethylamide (LSD); or more than one
31 thousand (1,000) tablets of a mixture or substance containing a detectable amount of lysergic acid
32 diethylamide (LSD);

33 (5) ~~More than five kilograms (5 kgs.) of a mixture containing a detectable amount of~~
34 ~~marijuana; or~~

1 (6) More than one kilogram (1 kg.) of a mixture or substance containing a detectable
2 amount of synthetic drugs.

3 (b) Any person who violates this section shall be guilty of a crime, and upon conviction,
4 may be imprisoned for a term up to life and fined not more than one million dollars (\$1,000,000).

5 SECTION 4. Chapter 31-22 of the General Laws entitled "Miscellaneous Rules" is
6 hereby amended by adding thereto the following section:

7 **31-22-31. Consuming marijuana in a moving vehicle.**

8 (a) No person shall consume marijuana while driving a motor vehicle on any street or
9 highway within the state.

10 (b) No person shall smoke or vaporize marijuana while they are a passenger in a motor
11 vehicle that is being operated on any street or highway within the state.

12 (c) Any person found in violation of this section may be fined not more than two hundred
13 dollars (\$200) or have their driver's license suspended for up to six (6) months, or both, for the
14 first violation, and for each subsequent violation may be fined not more than five hundred dollars
15 (\$500) or have their driver's license suspended for up to one year, or both.

16 (d) The original jurisdiction of this section shall be exclusively in the traffic tribunal.

17 SECTION 5. Sections 31-27-2 and 31-27-2.4 of the General Laws in Chapter 31-27
18 entitled "Motor Vehicle Offenses" are hereby amended to read as follows:

19 **31-27-2. Driving under influence of liquor or drugs.**

20 (a) Whoever drives or otherwise operates any vehicle in the state while under the
21 influence of any intoxicating liquor, drugs, toluene, or any controlled substance as defined in
22 chapter 28 of title 21, or any combination of these, shall be guilty of a misdemeanor, except as
23 provided in subdivision (d)(3), and shall be punished as provided in subsection (d).

24 (b) (1) Any person charged under subsection (a), whose blood alcohol concentration is
25 eight one-hundredths of one percent (.08%) or more by weight, as shown by a chemical analysis
26 of a blood, breath, or urine sample, shall be guilty of violating subsection (a). This provision shall
27 not preclude a conviction based on other admissible evidence. Proof of guilt under this section
28 may also be based on evidence that the person charged was under the influence of intoxicating
29 liquor, drugs, toluene, or any controlled substance defined in chapter 28 of title 21, or any
30 combination of these, to a degree that rendered the person incapable of safely operating a vehicle.
31 The fact that any person charged with violating this section is, or has been, legally entitled to use
32 alcohol or a drug shall not constitute a defense against any charge of violating this section. A
33 person twenty-one (21) years of age or older or a person exempt from criminal penalties for the
34 medical use of marijuana pursuant to chapter 28.6 of title 21 shall not be considered under the

1 [influence of marijuana solely because of the presence of marijuana metabolites or components of](#)
2 [marijuana.](#)

3 (2) [Except as provided in this subsection,](#) ~~Whoever~~ [whoever](#) drives, or otherwise
4 operates, any vehicle in the state with a blood presence of any scheduled controlled substance as
5 defined within chapter 28 of title 21, as shown by analysis of a blood or urine sample, shall be
6 guilty of a misdemeanor and shall be punished as provided in subsection (d).

7 (c) In any criminal prosecution for a violation of subsection (a), evidence as to the
8 amount of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of
9 title 21, or any combination of these, in the defendant's blood at the time alleged as shown by a
10 chemical analysis of the defendant's breath, blood, or urine or other bodily substance, shall be
11 admissible and competent, provided that evidence is presented that the following conditions have
12 been complied with:

13 (1) The defendant has consented to the taking of the test upon which the analysis is made.
14 Evidence that the defendant had refused to submit to the test shall not be admissible unless the
15 defendant elects to testify.

16 (2) A true copy of the report of the test result was mailed within seventy-two (72) hours
17 of the taking of the test to the person submitting to a breath test.

18 (3) Any person submitting to a chemical test of blood, urine, or other body fluids shall
19 have a true copy of the report of the test result mailed to him or her within thirty (30) days
20 following the taking of the test.

21 (4) The test was performed according to methods and with equipment approved by the
22 director of the department of health of the state of Rhode Island and by an authorized individual.

23 (5) Equipment used for the conduct of the tests by means of breath analysis had been
24 tested for accuracy within thirty (30) days preceding the test by personnel qualified as
25 hereinbefore provided, and breathalyzer operators shall be qualified and certified by the
26 department of health within three hundred sixty-five (365) days of the test.

27 (6) The person arrested and charged with operating a motor vehicle while under the
28 influence of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of
29 title 21, or, any combination of these in violation of subsection (a), was afforded the opportunity
30 to have an additional chemical test. The officer arresting or so charging the person shall have
31 informed the person of this right and afforded him or her a reasonable opportunity to exercise this
32 right, and a notation to this effect is made in the official records of the case in the police
33 department. Refusal to permit an additional chemical test shall render incompetent and
34 inadmissible in evidence the original report.

1 (d) (1) (i) Every person found to have violated subdivision (b)(1) shall be sentenced as
2 follows: for a first violation whose blood alcohol concentration is eight one-hundredths of one
3 percent (.08%), but less than one-tenth of one percent (.1%), by weight, or who has a blood
4 presence of any scheduled controlled substance as defined in subdivision (b)(2), shall be subject
5 to a fine of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300);
6 shall be required to perform ten (10) to sixty (60) hours of public community restitution, and/or
7 shall be imprisoned for up to one year. The sentence may be served in any unit of the adult
8 correctional institutions in the discretion of the sentencing judge and/or shall be required to attend
9 a special course on driving while intoxicated or under the influence of a controlled substance;
10 provided, however, that the court may permit a servicemember or veteran to complete any court-
11 approved counseling program administered or approved by the Veterans' Administration, and his
12 or her driver's license shall be suspended for thirty (30) days up to one hundred eighty (180) days.
13 The sentencing judge or magistrate may prohibit that person from operating a motor vehicle that
14 is not equipped with an ignition interlock system as provided in § 31-27-2.8.

15 (ii) Every person convicted of a first violation whose blood alcohol concentration is one-
16 tenth of one percent (.1%) by weight or above, but less than fifteen hundredths of one percent
17 (.15%), or whose blood alcohol concentration is unknown, shall be subject to a fine of not less
18 than one hundred (\$100) dollars, nor more than four hundred dollars (\$400), and shall be required
19 to perform ten (10) to sixty (60) hours of public community restitution and/or shall be imprisoned
20 for up to one year. The sentence may be served in any unit of the adult correctional institutions in
21 the discretion of the sentencing judge. The person's driving license shall be suspended for a
22 period of three (3) months to twelve (12) months. The sentencing judge shall require attendance
23 at a special course on driving while intoxicated or under the influence of a controlled substance
24 and/or alcoholic or drug treatment for the individual; provided, however, that the court may
25 permit a servicemember or veteran to complete any court-approved counseling program
26 administered or approved by the Veterans' Administration. The sentencing judge or magistrate
27 may prohibit that person from operating a motor vehicle that is not equipped with an ignition
28 interlock system as provided in § 31-27-2.8.

29 (iii) Every person convicted of a first offense whose blood alcohol concentration is
30 fifteen hundredths of one percent (.15%) or above, or who is under the influence of a drug,
31 toluene, or any controlled substance as defined in subdivision (b)(1), shall be subject to a fine of
32 five hundred dollars (\$500) and shall be required to perform twenty (20) to sixty (60) hours of
33 public community restitution and/or shall be imprisoned for up to one year. The sentence may be
34 served in any unit of the adult correctional institutions in the discretion of the sentencing judge.

1 The person's driving license shall be suspended for a period of three (3) months to eighteen (18)
2 months. The sentencing judge shall require attendance at a special course on driving while
3 intoxicated or under the influence of a controlled substance and/or alcohol or drug treatment for
4 the individual; provided, however, that the court may permit a servicemember or veteran to
5 complete any court-approved counseling program administered or approved by the Veterans'
6 Administration. The sentencing judge or magistrate shall prohibit that person from operating a
7 motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

8 (2) (i) Every person convicted of a second violation within a five-year (5) period with a
9 blood alcohol concentration of eight one-hundredths of one percent (.08%) or above, but less than
10 fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is unknown, or
11 who has a blood presence of any controlled substance as defined in subdivision (b)(2), and every
12 person convicted of a second violation within a five-year (5) period, regardless of whether the
13 prior violation and subsequent conviction was a violation and subsequent conviction under this
14 statute or under the driving under the influence of liquor or drugs statute of any other state, shall
15 be subject to a mandatory fine of four hundred dollars (\$400). The person's driving license shall
16 be suspended for a period of one year to two (2) years, and the individual shall be sentenced to
17 not less than ten (10) days, nor more than one year, in jail. The sentence may be served in any
18 unit of the adult correctional institutions in the discretion of the sentencing judge; however, not
19 less than forty-eight (48) hours of imprisonment shall be served consecutively. The sentencing
20 judge shall require alcohol or drug treatment for the individual; provided, however, that the court
21 may permit a servicemember or veteran to complete any court-approved counseling program
22 administered or approved by the Veterans' Administration and shall prohibit that person from
23 operating a motor vehicle that is not equipped with an ignition interlock system as provided in §
24 31-27-2.8.

25 (ii) Every person convicted of a second violation within a five-year (5) period whose
26 blood alcohol concentration is fifteen hundredths of one percent (.15%) or above, by weight as
27 shown by a chemical analysis of a blood, breath, or urine sample, or who is under the influence of
28 a drug, toluene, or any controlled substance as defined in subdivision (b)(1), shall be subject to
29 mandatory imprisonment of not less than six (6) months, nor more than one year; a mandatory
30 fine of not less than one thousand dollars (\$1,000); and a mandatory license suspension for a
31 period of two (2) years from the date of completion of the sentence imposed under this
32 subsection. The sentencing judge shall require alcohol or drug treatment for the individual;
33 provided, however, that the court may permit a servicemember or veteran to complete any court
34 approved counseling program administered or approved by the Veterans' Administration. The

1 sentencing judge or magistrate shall prohibit that person from operating a motor vehicle that is
2 not equipped with an ignition interlock system as provided in § 31-27-2.8

3 (3) (i) Every person convicted of a third or subsequent violation within a five-year (5)
4 period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or
5 above, but less than fifteen hundredths of one percent (.15%), or whose blood alcohol
6 concentration is unknown or who has a blood presence of any scheduled controlled substance as
7 defined in subdivision (b)(2), regardless of whether any prior violation and subsequent conviction
8 was a violation and subsequent conviction under this statute or under the driving under the
9 influence of liquor or drugs statute of any other state, shall be guilty of a felony and be subject to
10 a mandatory fine of four hundred (\$400) dollars. The person's driving license shall be suspended
11 for a period of two (2) years to three (3) years, and the individual shall be sentenced to not less
12 than one year and not more than three (3) years in jail. The sentence may be served in any unit of
13 the adult correctional institutions in the discretion of the sentencing judge; however, not less than
14 forty-eight (48) hours of imprisonment shall be served consecutively. The sentencing judge shall
15 require alcohol or drug treatment for the individual; provided, however, that the court may permit
16 a servicemember or veteran to complete any court-approved counseling program administered or
17 approved by the Veterans' Administration, and shall prohibit that person from operating a motor
18 vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

19 (ii) Every person convicted of a third or subsequent violation within a five-year (5) period
20 whose blood alcohol concentration is fifteen hundredths of one percent (.15%) above by weight
21 as shown by a chemical analysis of a blood, breath, or urine sample, or who is under the influence
22 of a drug, toluene, or any controlled substance as defined in subdivision (b)(1), shall be subject to
23 mandatory imprisonment of not less than three (3) years, nor more than five (5) years; a
24 mandatory fine of not less than one thousand dollars (\$1,000), nor more than five thousand
25 dollars (\$5,000); and a mandatory license suspension for a period of three (3) years from the date
26 of completion of the sentence imposed under this subsection. The sentencing judge shall require
27 alcohol or drug treatment for the individual. The sentencing judge or magistrate shall prohibit that
28 person from operating a motor vehicle that is not equipped with an ignition interlock system as
29 provided in § 31-27-2.8.

30 (iii) In addition to the foregoing penalties, every person convicted of a third or
31 subsequent violation within a five-year (5) period, regardless of whether any prior violation and
32 subsequent conviction was a violation and subsequent conviction under this statute or under the
33 driving under the influence of liquor or drugs statute of any other state, shall be subject, in the
34 discretion of the sentencing judge, to having the vehicle owned and operated by the violator

1 seized and sold by the state of Rhode Island, with all funds obtained by the sale to be transferred
2 to the general fund.

3 (4) Whoever drives or otherwise operates any vehicle in the state while under the
4 influence of any intoxicating liquor, drugs, toluene, or any controlled substance as defined in
5 chapter 28 of title 21, or any combination of these, when his or her license to operate is
6 suspended, revoked, or cancelled for operating under the influence of a narcotic drug or
7 intoxicating liquor, shall be guilty of a felony punishable by imprisonment for not more than three
8 (3) years and by a fine of not more than three thousand dollars (\$3,000). The court shall require
9 alcohol and/or drug treatment for the individual; provided, the penalties provided for in § 31-27-
10 2(d)(4) shall not apply to an individual who has surrendered his or her license and served the
11 court-ordered period of suspension, but who, for any reason, has not had his or her license
12 reinstated after the period of suspension, revocation, or suspension has expired; provided, further,
13 the individual shall be subject to the provisions of subdivision (d)(2)(i), (d)(2)(ii), (d)(3)(i),
14 (d)(3)(ii), or (d)(3)(iii) regarding subsequent offenses, and any other applicable provision of this
15 section.

16 (5) (i) For purposes of determining the period of license suspension, a prior violation
17 shall constitute any charge brought and sustained under the provisions of this section or § 31-27-
18 2.1.

19 (ii) Any person over the age of eighteen (18) who is convicted under this section for
20 operating a motor vehicle while under the influence of alcohol, other drugs, or a combination of
21 these, while a child under the age of thirteen (13) years was present as a passenger in the motor
22 vehicle when the offense was committed, may be sentenced to a term of imprisonment of not
23 more than one year, and further, shall not be entitled to the benefit of suspension or deferment of
24 this sentence. The sentence imposed under this section may be served in any unit of the adult
25 correctional institutions in the discretion of the sentencing judge.

26 (6) (i) Any person convicted of a violation under this section shall pay a highway
27 assessment fine of five hundred dollars (\$500) that shall be deposited into the general fund. The
28 assessment provided for by this subsection shall be collected from a violator before any other
29 fines authorized by this section.

30 (ii) Any person convicted of a violation under this section shall be assessed a fee of
31 eighty-six dollars (\$86).

32 (7) (i) If the person convicted of violating this section is under the age of eighteen (18)
33 years, for the first violation he or she shall be required to perform ten (10) to sixty (60) hours of
34 public community restitution and the juvenile's driving license shall be suspended for a period of

1 six (6) months, and may be suspended for a period up to eighteen (18) months. The sentencing
2 judge shall also require attendance at a special course on driving while intoxicated or under the
3 influence of a controlled substance and alcohol or drug education and/or treatment for the
4 juvenile. The juvenile may also be required to pay a highway assessment fine of no more than
5 five hundred dollars (\$500) and the assessment imposed shall be deposited into the general fund.

6 (ii) If the person convicted of violating this section is under the age of eighteen (18)
7 years, for a second or subsequent violation regardless of whether any prior violation and
8 subsequent conviction was a violation and subsequent under this statute or under the driving
9 under the influence of liquor or drugs statute of any other state, he or she shall be subject to a
10 mandatory suspension of his or her driving license until such time as he or she is twenty-one (21)
11 years of age and may, in the discretion of the sentencing judge, also be sentenced to the Rhode
12 Island training school for a period of not more than one year and/or a fine of not more than five
13 hundred dollars (\$500).

14 (8) Any person convicted of a violation under this section may undergo a clinical
15 assessment at the community college of Rhode Island's center for workforce and community
16 education. Should this clinical assessment determine problems of alcohol, drug abuse, or
17 psychological problems associated with alcoholic or drug abuse, this person shall be referred to
18 an appropriate facility, licensed or approved by the department of behavioral healthcare,
19 developmental disabilities and hospitals, for treatment placement, case management, and
20 monitoring. In the case of a servicemember or veteran, the court may order that the person be
21 evaluated through the Veterans' Administration. Should the clinical assessment determine
22 problems of alcohol, drug abuse, or psychological problems associated with alcohol or drug
23 abuse, the person may have their treatment, case management, and monitoring administered or
24 approved by the Veterans' Administration.

25 (e) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol
26 per one hundred (100) cubic centimeters of blood.

27 (f) (1) There is established an alcohol and drug safety unit within the division of motor
28 vehicles to administer an alcohol safety action program. The program shall provide for placement
29 and follow-up for persons who are required to pay the highway safety assessment. The alcohol
30 and drug safety action program will be administered in conjunction with alcohol and drug
31 programs licensed by the department of behavioral healthcare, developmental disabilities and
32 hospitals.

33 (2) Persons convicted under the provisions of this chapter shall be required to attend a
34 special course on driving while intoxicated or under the influence of a controlled substance,

1 and/or participate in an alcohol or drug treatment program; provided, however, that the court may
2 permit a servicemember or veteran to complete any court-approved counseling program
3 administered or approved by the Veterans' Administration. The course shall take into
4 consideration any language barrier that may exist as to any person ordered to attend, and shall
5 provide for instruction reasonably calculated to communicate the purposes of the course in
6 accordance with the requirements of the subsection. Any costs reasonably incurred in connection
7 with the provision of this accommodation shall be borne by the person being retrained. A copy of
8 any violation under this section shall be forwarded by the court to the alcohol and drug safety
9 unit. In the event that persons convicted under the provisions of this chapter fail to attend and
10 complete the above course or treatment program, as ordered by the judge, then the person may be
11 brought before the court, and after a hearing as to why the order of the court was not followed,
12 may be sentenced to jail for a period not exceeding one year.

13 (3) The alcohol and drug safety action program within the division of motor vehicles
14 shall be funded by general revenue appropriations.

15 (g) The director of the health department of the state of Rhode Island is empowered to
16 make and file with the secretary of state regulations that prescribe the techniques and methods of
17 chemical analysis of the person's body fluids or breath and the qualifications and certification of
18 individuals authorized to administer this testing and analysis.

19 (h) Jurisdiction for misdemeanor violations of this section shall be with the district court
20 for persons eighteen (18) years of age or older and to the family court for persons under the age
21 of eighteen (18) years. The courts shall have full authority to impose any sentence authorized, and
22 to order the suspension of any license, for violations of this section. All trials in the district court
23 and family court of violations of the section shall be scheduled within thirty (30) days of the
24 arraignment date. No continuance or postponement shall be granted except for good cause shown.
25 Any continuances that are necessary shall be granted for the shortest practicable time. Trials in
26 superior court are not required to be scheduled within thirty (30) days of the arraignment date.

27 (i) No fines, suspensions, assessments, alcohol or drug treatment programs, course on
28 driving while intoxicated or under the influence of a controlled substance, public community
29 restitution, or jail provided for under this section can be suspended.

30 (j) An order to attend a special course on driving while intoxicated that shall be
31 administered in cooperation with a college or university accredited by the state, shall include a
32 provision to pay a reasonable tuition for the course in an amount not less than twenty-five dollars
33 (\$25.00), and a fee of one hundred seventy-five dollars (\$175), which fee shall be deposited into
34 the general fund.

1 (k) For the purposes of this section, any test of a sample of blood, breath, or urine for the
2 presence of alcohol that relies in whole or in part upon the principle of infrared light absorption is
3 considered a chemical test.

4 (l) If any provision of this section, or the application of any provision, shall for any
5 reason be judged invalid, such a judgment shall not affect, impair, or invalidate the remainder of
6 the section, but shall be confined in this effect to the provision or application directly involved in
7 the controversy giving rise to the judgment.

8 (m) For the purposes of this section, "servicemember" means a person who is presently
9 serving in the armed forces of the United States, including the Coast Guard, a reserve component
10 thereof, or the National Guard. "Veteran" means a person who has served in the armed forces,
11 including the Coast Guard of the United States, a reserve component thereof, or the National
12 Guard, and has been discharged under other than dishonorable conditions.

13 **31-27-2.4. Driving while in possession of controlled substances.**

14 (a) In addition to any other penalty prescribed by law, whoever operates any motor
15 vehicle while knowingly having in the motor vehicle or in his or her possession, a controlled
16 substance, as defined in § 21-28-1.02, except for possession of up to one ounce (1 oz.) of
17 marijuana, shall have his or her license suspended for a period of six (6) months.

18 (b) This section shall not apply to any person who lawfully possesses a controlled
19 substance, as defined in § 21-28-1.02, as a direct result and pursuant to a valid prescription from a
20 licensed medical practitioner, or as otherwise authorized by chapter 28 of title 21.

21 [\(c\) This section shall not apply to any person who possesses marijuana as allowed by](#)
22 [chapters 28.6 or 28.11 of title 21.](#)

23 SECTION 6. Section 44-11-11 of the General Laws in Chapter 44-11 entitled "Business
24 Corporation Tax" is hereby amended to read as follows:

25 **44-11-11. "Net income" defined.**

26 (a) (1) "Net income" means, for any taxable year and for any corporate taxpayer, the
27 taxable income of the taxpayer for that taxable year under the laws of the United States, plus:

28 (i) Any interest not included in the taxable income;

29 (ii) Any specific exemptions;

30 (iii) The tax imposed by this chapter; and minus

31 (iv) Interest on obligations of the United States or its possessions, and other interest
32 exempt from taxation by this state; and

33 (v) The federal net operating loss deduction.

34 (2) All binding federal elections made by or on behalf of the taxpayer applicable either

1 directly or indirectly to the determination of taxable income shall be binding on the taxpayer
2 except where this chapter or its attendant regulations specifically modify or provide otherwise.
3 Rhode Island taxable income shall not include the "gross-up of dividends" required by the federal
4 Internal Revenue Code to be taken into taxable income in connection with the taxpayer's election
5 of the foreign tax credit.

6 (b) A net operating loss deduction shall be allowed which shall be the same as the net
7 operating loss deduction allowed under 26 U.S.C. § 172, except that:

8 (1) Any net operating loss included in determining the deduction shall be adjusted to
9 reflect the inclusions and exclusions from entire net income required by subsection (a) of this
10 section and § 44-11-11.1;

11 (2) The deduction shall not include any net operating loss sustained during any taxable
12 year in which the taxpayer was not subject to the tax imposed by this chapter; and

13 (3) The deduction shall not exceed the deduction for the taxable year allowable under 26
14 U.S.C. § 172; provided, that the deduction for a taxable year may not be carried back to any other
15 taxable year for Rhode Island purposes but shall only be allowable on a carry forward basis for
16 the five (5) succeeding taxable years.

17 (c) "Domestic international sales corporations" (referred to as DISCs), for the purposes of
18 this chapter, will be treated as they are under federal income tax law and shall not pay the amount
19 of the tax computed under § 44-11-2(a). Any income to shareholders of DISCs is to be treated in
20 the same manner as it is treated under federal income tax law as it exists on December 31, 1984.

21 (d) A corporation which qualifies as a "foreign sales corporation" (FSC) under the
22 provisions of subchapter N, 26 U.S.C. § 861 et seq., and which has in effect for the entire taxable
23 year a valid election under federal law to be treated as a FSC, shall not pay the amount of the tax
24 computed under § 44-11-2(a). Any income to shareholders of FSCs is to be treated in the same
25 manner as it is treated under federal income tax law as it exists on January 1, 1985.

26 (e) Notwithstanding any federal tax law to the contrary, in computing net income for
27 businesses exempted from criminal penalties under §§21-28.6-12 or 21-28.10-4, there shall be
28 allowed as a deduction from state taxes all the ordinary and necessary expenses paid or incurred
29 during the taxable year in carrying on any trade or business, including, but not limited to,
30 reasonable allowance for salaries or other compensation for personal services actually rendered.

31 SECTION 7. Chapter 44-49 of the General Laws entitled "Taxation of Marijuana and
32 Controlled Substances" is hereby amended by adding thereto the following section:

33 **44-49-17. No tax stamp required.**

34 Controlled substance tax payment with a stamp or other official indicia, as referred to in

1 [§44-49-5, is not required for marijuana establishments and the penalties provided for in this](#)
2 [chapter do not apply to those acting in accordance with the laws of and regulations enacted](#)
3 [through the authority of title 21.](#)

4 SECTION 8. This act shall take effect upon passage.

=====
LC000449
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO FOOD AND DRUGS -- ADULT USE OF CANNABIS ACT

1 This act would establish a system for the regulation and taxation for adult use and
2 cultivation of marijuana.

3 This act would take effect upon passage.

=====
LC000449
=====