

2021 -- S 0568 SUBSTITUTE A

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO FOOD AND DRUGS -- CANNABIS AUTHORIZATION, REGULATION
AND TAXATION

Introduced By: Senators Miller, McCaffrey, Goodwin, Ruggerio, Coyne, Felag, Euer,
Sosnowski, Pearson, and Acosta

Date Introduced: March 09, 2021

Referred To: Senate 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 chapter:

3 CHAPTER 28.11

4 THE CANNABIS AUTHORIZATION, REGULATION AND TAXATION ACT

5 **21-28.11-1. Short title.**

6 This chapter shall be known and may be cited as the "Cannabis Authorization, Regulation
7 and Taxation Act".

8 **21-28.11-2. Legislative intent.**

9 It is the intent of the general assembly in enacting this chapter to do the following:

10 (1) To regulate cannabis in order to more effectively limit minors' access to cannabis.

11 (2) To reduce criminal activity and violence associated with illegal cannabis cultivation,
12 smuggling and sale.

13 (3) To provide for public health and safety.

14 (4) To raise funds to address and discourage substance abuse, to encourage social justice
15 and support drug education and awareness.

16 **21-28.11-3. Definitions.**

17 For purposes of this chapter, the following words, terms and phrases shall have the
18 following meanings:

1 (1) "Cannabinoid" means any of several compounds produced by cannabis plants that have
2 medical and psychotropic effects.

3 (2) "Cannabinoid profile" means amounts, expressed as the dry-weight percentages, of
4 delta-nine-tetrahydrocannabinol, cannabidiol, tetrahydrocannabinolic acid and cannabidiolic acid
5 in a cannabis product. Amounts of other cannabinoids may be required by the commission.

6 (3) "Cannabis" or "Marijuana" has the same meaning as "Cannabis" as set forth in § 21-
7 28.6-3.

8 (4) "Cannabis concentrate" means the resin extracted from any part of the plant of the genus
9 cannabis and every compound, manufacture, salt, derivative, mixture or preparation of that resin
10 but shall not include the weight of any other ingredient combined with cannabis to prepare cannabis
11 products.

12 (5) "Close associate" means a person who holds a legally recognized financial interest in,
13 or is entitled to exercise power in, the business of an applicant or licensee and, by virtue of that
14 interest or power, is able to exercise a significant influence over the management or operation of a
15 cannabis establishment licensed under this chapter.

16 (6) "Consumer" means a person who is at least twenty-one (21) years of age.

17 (7) "Controlling person" means an officer, board member or other individual who has a
18 financial or voting interest of ten percent (10%) or greater in a cannabis establishment.

19 (8) "Commission" means the Rhode Island cannabis control commission established by §
20 21-28.11-4.

21 (9) "Craft cannabis cultivation" means a resident of the state licensed pursuant to the
22 provisions of § 21-28.11-5 to cultivate a limited quantity of cannabis as established by the
23 commission for sale to a licensed establishment or entity, but not to consumers.

24 (10) "Craft cannabis cultivator cooperative" means a cannabis cultivator comprised of more
25 than one resident of the state organized as a limited liability company or limited liability partnership
26 under the laws of the state, or an appropriate business structure as determined by the commission,
27 and that is licensed to cultivate, obtain, manufacture, process, package and brand cannabis and
28 cannabis products in limited quantities as established by the commission pursuant to § 21-28.11-5
29 and authorized to sell and deliver cannabis to a licensed cannabis establishment or entity but not to
30 consumers.

31 (11) "Cultivation batch" means a collection of cannabis plants from the same seed or plant
32 stock that are cultivated and harvested together, and receive an identical propagation and cultivation
33 treatment, including, but not limited to: growing media, ambient conditions, watering and light
34 regimes and agricultural or hydroponic inputs. The cannabis cultivator licensee shall assign and

1 record a unique, sequential alphanumeric identifier to each cultivation batch for the purposes of
2 production tracking, product labeling and product recalls.

3 (12) "Finished cannabis" means a usable cannabis, cannabis resin or cannabis concentrate.

4 (13) "Hemp" means the plant of the genus cannabis or any part of the plant, whether
5 growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed three tenths
6 of one percent (0.3%) on a dry weight basis of any part of the plant of the genus cannabis, or per
7 volume or weight of cannabis product, or the combined per cent of delta-9-tetrahydrocannabinol
8 and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture
9 content.

10 (14) "Host community" means a municipality in which a cannabis establishment or a
11 medical cannabis treatment center is located or in which an applicant has proposed locating a
12 cannabis establishment or a medical cannabis treatment center.

13 (15) "Independent testing laboratory" means a laboratory that is licensed by the commission
14 and is:

15 (i) Accredited to the most current International Organization for Standardization 17025 by
16 a third-party accrediting body that is a signatory to the International Laboratory Accreditation
17 Cooperation mutual recognition arrangement or that is otherwise approved by the commission;

18 (ii) Independent financially from any medical cannabis treatment center or any licensee or
19 cannabis establishment for which it conducts a test; and

20 (iii) Qualified to test cannabis in compliance with regulations promulgated by the
21 commission pursuant to this chapter. The term includes, but is not limited to, an independent testing
22 laboratory as provided in § 21-28.11-11.

23 (16) "Laboratory agent" means an employee of an independent testing laboratory who
24 transports, possesses or tests cannabis.

25 (17) "Licensee" means a person or entity licensed by the commission pursuant to the
26 provisions of this chapter. Any business structure recognized under title 7 of the general laws,
27 including but not limited to corporations, partnerships, limited partnerships, limited-liability
28 companies, and workers' cooperatives, which is otherwise qualified, is eligible to be considered by
29 the commission as an entity licensee.

30 (18) "Manufacture" means to compound, blend, extract, infuse or otherwise make or
31 prepare a cannabis product.

32 (19) "Marijuana" or "Marihuana" or "Cannabis" means all parts of any plant of the genus
33 cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted
34 from any part of the plant; and every compound, manufacture, salt, derivative, mixture or

1 preparation of the plant, its seeds or resin including tetrahydrocannabinol; provided, however, that
2 "cannabis" shall not include:

3 (i) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from
4 the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of
5 the mature stalks, fiber, oil or cake made from the seeds of the plant or the sterilized seed of the
6 plant that is incapable of germination;

7 (ii) Hemp; or

8 (iii) The weight of any other ingredient combined with cannabis to prepare topical or oral
9 administrations, food, drink or other products.

10 (20) "Marijuana accessories" or "cannabis accessories" means equipment, products,
11 devices or materials of any kind that are intended or designed for use in planting, propagating,
12 cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing,
13 preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or
14 otherwise introducing cannabis into the human body.

15 (21) "Marijuana cultivator" or "cannabis cultivator" means an entity licensed to cultivate,
16 process and package cannabis, to deliver cannabis to cannabis establishments and to transfer
17 cannabis to other cannabis establishments, but not to consumers.

18 (22) "Marijuana establishment" or "cannabis establishment" means a cannabis cultivator,
19 independent testing laboratory, cannabis product manufacturer, cannabis retailer or any other type
20 of licensed cannabis-related business.

21 (23) "Marijuana product manufacturer" or "cannabis product manufacturer" means an
22 entity licensed to obtain, manufacture, process and package cannabis and cannabis products, to
23 deliver cannabis and cannabis products to cannabis establishments and to transfer cannabis and
24 cannabis products to other cannabis establishments, but not to consumers.

25 (24) "Marijuana products" or "cannabis products" means products that have been
26 manufactured and contain cannabis or an extract from cannabis, including concentrated forms of
27 cannabis and products composed of cannabis and other ingredients that are intended for use or
28 consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

29 (25) "Marijuana retailer" or "cannabis retailer" means an entity licensed to purchase and
30 deliver cannabis and cannabis products from cannabis establishments and to deliver, sell or
31 otherwise transfer cannabis and cannabis products to cannabis establishments and to consumers.

32 (26) "Medical marijuana treatment center" or "Medical cannabis treatment center" includes
33 a compassion center, a medical marijuana emporium, or marijuana establishment licensee who
34 operates a treatment center, all as defined in § 21-28.6-3.

1 (27) "Mycotoxin" means a secondary metabolite of a microfungus that is capable of causing
2 death or illness in humans and other animals. For the purposes of this chapter, mycotoxin shall
3 include alfatoxin B1, alfatoxin B2, alfatoxin G1, alfatoxin G2 and ochratoxin A.

4 (28) "Process" or "processing" means to harvest, dry, cure, trim and separate parts of the
5 cannabis plant by manual or mechanical means, except it shall not include manufacture as defined
6 in this section.

7 (29) "Production batch" means a batch of finished plant material, cannabis resin, cannabis
8 concentrate or cannabis-infused product made at the same time, using the same methods, equipment
9 and ingredients. The licensee shall assign and record a unique, sequential alphanumeric identifier
10 to each production batch for the purposes of production tracking, product labeling and product
11 recalls. All production batches shall be traceable to one or more cannabis cultivation batches.

12 (30) "Residual solvent" means a volatile organic chemical used in the manufacture of a
13 cannabis product and that is not completely removed by practical manufacturing techniques.

14 (31) "Terpenoid" means an isoprene that are the aromatic compounds found in cannabis,
15 including, but not limited to: limonene, myrcene, pinene, linalool, eucalyptol, Δ-terpinene, β-
16 caryophyllene, caryophyllene oxide, nerolidol and phytol.

17 (32) "Unreasonable and impracticable" means that the measures necessary to comply with
18 the regulations, ordinances or by-laws adopted pursuant to this chapter subject licensees to
19 unreasonable risk or require such a high investment of risk, money, time or any other resource or
20 asset that a reasonably prudent businessperson would not operate a cannabis establishment.

21 **21-28.11-4. Establishment of commission.**

22 (a) There is hereby established a cannabis control commission which shall consist of five
23 (5) commissioners appointed by the governor with the advice and consent of the senate as follows:
24 one of whom shall be nominated by the governor in consultation with the director of the department
25 of health and shall have a background in public health, mental health, substance use or toxicology;
26 one of whom shall be nominated by the governor in consultation with the attorney general and shall
27 have a background in public safety; one of whom shall be nominated by the governor in
28 consultation with the general treasurer and shall have experience in corporate management, finance
29 or securities; and two (2) of whom shall be nominated by the governor, of whom one shall have
30 professional experience in oversight or industry management, including commodities, production
31 or distribution in a regulated industry, and the other one of whom shall have a background in legal,
32 policy or social justice issues related to a regulated industry. The members of the commission shall
33 select and designate the chair of the commission. The chair shall serve in that capacity throughout
34 the term of his or her initial appointment and until a successor shall be appointed. Prior to

1 appointment to the commission, a background investigation shall be conducted into the financial
2 stability, integrity and responsibility of a candidate, including the candidate's reputation for good
3 character, and honesty.

4 (b) Each commissioner shall be a resident of the state within ninety (90) days of
5 appointment, and while serving on the commission, shall not:

6 (1) Hold, or be a candidate for, federal, state or local elected office;

7 (2) Hold an appointed office in a federal, state or local government; or

8 (3) Serve as an official in a political party. Not more than three (3) commissioners shall be
9 from the same political party.

10 (c) Each commissioner shall serve for a term of five (5) years or until a successor is
11 appointed, and shall be eligible for reappointment; provided, however, that no commissioner shall
12 serve more than ten (10) years, and selection and designation of a chairperson shall occur at least
13 every five (5) years. A person appointed to fill a vacancy in the office of a commissioner shall be
14 appointed in a like manner and shall serve for only the unexpired term of that commissioner.

15 (d) A commissioner may be removed with or without cause pursuant to the provisions of §
16 36-1-7. The governor shall remove a commissioner with advice and consent of the senate if the
17 commissioner:

18 (1) Is guilty of malfeasance in office;

19 (2) Substantially neglects the duties of a commissioner;

20 (3) Is unable to discharge the powers and duties of the office;

21 (4) Commits gross misconduct; or

22 (5) Is convicted of a felony.

23 (e) Commissioners shall receive salaries as determined by the governor in consultation with
24 the speaker of the house and the president of the senate. Commissioners shall devote their full time
25 and attention to the duties of their office.

26 (f) The commission shall annually elect one of its members to serve as secretary and one
27 of its members to serve as treasurer. The secretary shall keep a record of the proceedings of the
28 commission and shall be the custodian and keeper of the records of all books, documents and papers
29 filed by the commission and of its minute book. The secretary shall cause copies to be made of all
30 minutes and other records and documents of the commission and shall certify that such copies are
31 true copies and all persons dealing with the commission may rely upon such certification. These
32 records shall also be subject to the provisions of title 38, "public records." The chair shall have and
33 exercise supervision and control over all the affairs of the commission. The chair shall preside at
34 all hearings at which the chair is present and shall designate a commissioner to act as chair in the

1 chair's absence. To promote efficiency in administration, the chair shall make such division or re-
2 division of the work of the commission among the commissioners as the chair deems expedient.

3 (g) The commissioners shall, if so directed by the chair, participate in the hearing and
4 decision of any matter before the commission; provided, however, that at least two (2)
5 commissioners shall participate in the hearing and decision of matters other than those of formal or
6 administrative character coming before the commission; and provided further, that any such matter
7 may be heard, examined and investigated by an employee of the commission designated and
8 assigned by the chair, with the concurrence of one other commissioner. For all formal matters, a
9 majority of the commissioners is required to hear and approve all formal matters. Such employee
10 shall make a report in writing relative to the hearing, examination and investigation of every such
11 matter to the commission for its decision. For the purposes of hearing, examining and investigating
12 any such matter, such employee shall have all of the powers conferred upon a commissioner by this
13 section.

14 (h) The commission shall appoint an executive director. The executive director shall serve
15 at the pleasure of the commission, shall receive such salary as may be determined by the
16 commission, and shall devote full time and attention to the duties of the office. The executive
17 director shall be a person with skill and experience in management, shall be the executive and
18 administrative head of the commission, and shall be responsible for administering and enforcing
19 the law relative to the commission and to each administrative unit thereof. The executive director
20 shall appoint and employ a chief financial and accounting officer and may, subject to the approval
21 of the commission, employ other employees, consultants, agents and advisors, including legal
22 counsel, and shall attend meetings of the commission. The chief financial and accounting officer
23 of the commission shall be in charge of its funds, books of account and accounting records. No
24 funds shall be transferred by the commission without the approval of the commission and the
25 signatures of the chief financial and accounting officer and the treasurer of the commission. In the
26 case of an absence or vacancy in the office of the executive director or in the case of disability as
27 determined by the commission, the commission may designate an acting executive director to serve
28 as executive director until the vacancy is filled or the absence or disability ceases. The acting
29 executive director shall have all of the powers and duties of the executive director and shall have
30 similar qualifications as the executive director.

31 (i) The provisions of chapter 14 of title 36, the state code of ethics, shall apply to the
32 commissioners and to employees of the commission; provided, however, that the commission may
33 promulgate an internal code of ethics for all members and employees that may be more restrictive
34 than the provisions of chapter 14 of title 36. A copy of any internal code of ethics adopted or as

1 amended shall be filed with the state ethics commission. The internal code may include provisions
2 reasonably necessary to carry out the purposes of this section.

3 (j) The cannabis control commission shall be a public body for the purposes of the open
4 meetings act, chapter 46 of title 42.

5 (k) The commission shall, for the purposes of compliance with state finance law, operate
6 as a state agency and shall be subject to the laws applicable to agencies under the control of the
7 governor; provided, however, that the executive director may identify any additional instructions
8 or actions necessary for the department of administration to manage fiscal operations in the state
9 accounting system and meet statewide and other governmental accounting and audit standards. The
10 commission shall properly classify the commission's operating and capital expenditures, and shall
11 not include any salaries of employees in the commission's capital expenditures. Unless otherwise
12 exempted by law, the commission shall participate in any other available state administrative
13 services including, but not limited to, the state payroll system, the state retirement system, and state
14 purchases.

15 (l) The commission shall not discriminate by considering race, color, religion, sex, sexual
16 orientation, gender identity or expression, age, national origin, or disability in granting, denying,
17 or revoking a license, nor shall any person, corporation, or business firm which is licensed pursuant
18 to the provisions of this chapter unlawfully discriminate against or segregate any person on these
19 grounds. All businesses licensed by the commission shall operate on a nondiscriminatory basis,
20 according to equal employment treatment and access to their services to all persons, except unless
21 otherwise exempted by the laws of the state. Any licensee, or retail sales permit holder who fails to
22 comply with this policy is subject to any disciplinary action that is consistent with the legal
23 authority and rules and regulations of the commission. The commission shall cooperate with the
24 state equal opportunity office to prevent any person, corporation, or business firm from
25 discriminating because of race, color, religion, sex, sexual orientation, gender identity or
26 expression, age, national origin, or disability or from participating in any practice which may have
27 a disparate effect on any protected class within the population. The state equal opportunity office
28 shall monitor the equal employment opportunity activities and affirmative action plans of the
29 commission.

30 **21-28.11-5. Powers and duties of the commission.**

31 (a) Subject to the state code of ethics and any internal ethics code adopted by the
32 commission, the commission shall have all the powers necessary or reasonable to carry out and
33 effectuate its purposes including, but not limited to, the power to:

34 (1) Appoint officers and hire employees;

- 1 (2) Establish and amend a plan of organization that it considers expedient;
- 2 (3) Execute all instruments necessary or reasonable for accomplishing the purposes of this
3 chapter;
- 4 (4) Enter into agreements or other transactions with a person, including, but not limited to,
5 a public entity or other governmental instrumentality or authority in connection with its powers and
6 duties under this chapter;
- 7 (5) Appear on its own behalf before boards, commissions, departments or other agencies
8 of municipal, state or federal government;
- 9 (6) Apply for and accept subventions, grants, loans, advances and contributions of money,
10 property, labor or other things of value from any source, to be held, used and applied for its
11 purposes;
- 12 (7) Provide and pay for advisory services and technical assistance as may be necessary in
13 its judgment to carry out the purpose and intent of this chapter and fix the compensation of persons
14 providing such services or assistance;
- 15 (8) Prepare, publish and distribute, with or without charge as the commission may
16 determine, such studies, reports, bulletins and other materials as the commission considers
17 appropriate;
- 18 (9) Require an applicant for licensure under this chapter to apply for such licensure and
19 approve or disapprove any such application or other transactions, events and processes as provided
20 in this chapter;
- 21 (10) Determine which applicants shall be awarded licenses;
- 22 (11) Deny an application or limit, condition, restrict, revoke or suspend a license;
- 23 (12) Establish a registration process;
- 24 (13) Review data and market conditions on an annual basis to determine the maximum
25 number of licenses that shall be issued to meet the production demands to implement the provisions
26 of this chapter;
- 27 (14) Conduct and administer procedures and hearings in compliance with the
28 Administrative Procedures Act, chapter 35 of title 42, for adoption of rules or regulations, issuance,
29 denial or revocation of licenses or permits; or for violation of the provisions of this chapter or the
30 rules and regulations adopted pursuant to the provisions of this chapter. The commissioner may
31 impose a civil penalty of not more than five thousand dollars (\$5,000) and a suspension or
32 revocation of any license for each violation of the provisions of this chapter or the rules and/or
33 regulations promulgated pursuant to the provisions of this chapter;
- 34 (15) Gather facts and information applicable to the commission's obligation to issue, deny,

- 1 suspend or revoke licenses and registrations for:
- 2 (i) A violation of this chapter or any rule or regulation adopted by the commission;
- 3 (ii) Willfully violating an order of the commission directed to a licensee or a person
4 required to be registered;
- 5 (iii) The conviction of a criminal offense for the purpose of determining whether said
6 conviction substantially relates to the occupation or activity to which the license or registration
7 applies; or
- 8 (iv) Any other action or conduct which would disqualify such a licensee from holding a
9 license;
- 10 (16) Conduct investigations into the qualifications of all applicants for employment by the
11 commission and all applicants for licensure;
- 12 (17) Receive from the state police, the department of attorney general or other criminal
13 justice agencies including, but not limited to, the Federal Bureau of Investigation and the Internal
14 Revenue Service, such criminal record information relating to criminal and background
15 investigations as necessary for the purpose of evaluating licensees, applicants for license, lab
16 agents, and any other employees or agents of a cannabis establishment, as determined by the
17 commission;
- 18 (18) Be present, through its inspectors and agents, at any reasonable time, in cannabis
19 establishments for the purposes of exercising its oversight responsibilities;
- 20 (19) Inspect cannabis establishments and have access to all equipment and supplies in a
21 cannabis establishment for the purpose of ensuring and enforcing compliance with this chapter and
22 all rules and regulations promulgated pursuant to this chapter;
- 23 (20) Seize and remove from the premises of a cannabis establishment and impound any
24 cannabis, equipment, supplies, documents and records obtained or possessed in violation of this
25 chapter or the rules and regulations of the commission;
- 26 (21) For cause, demand access to and inspect all papers, books and records of close
27 associates of a licensee whom the commission suspects is involved in the financing, operation or
28 management of the licensee; provided, however, that the inspection, examination, photocopying
29 and audit may take place on the affiliate's premises or elsewhere as practicable and in the presence
30 of the affiliate or its agent;
- 31 (22) Require that the books and financials or other records or statements of a licensee be
32 kept in a manner that the commission considers proper;
- 33 (23) Impose fees and civil penalties, as authorized by this chapter, and impose civil
34 penalties and sanctions for a violation of any rule or regulation promulgated by the commission;

- 1 (24) Collect fees and civil penalties pursuant to the provisions of this chapter;
- 2 (25) Conduct adjudicatory proceedings and promulgate regulations;
- 3 (26) Refer cases for criminal prosecution to the appropriate federal, state or local
4 authorities;
- 5 (27) Maintain an official internet website for the commission;
- 6 (28) Monitor any federal activity regarding cannabis; and
- 7 (29) Adopt, amend or repeal rules and regulations for the implementation, administration
8 and enforcement of this chapter.
- 9 (b) The commission shall, adopt rules and regulations consistent with this chapter for the
10 administration, clarification and enforcement of provisions regulating and licensing cannabis
11 establishments. The rules and regulations shall include but not be limited to:
- 12 (1) Methods and forms of application which an applicant for a license shall follow and
13 complete before consideration by the commission;
- 14 (2) A schedule of application, license and renewal fees; provided, however, that fees may
15 be relative to the volume of business conducted or to be conducted by the cannabis establishment;
- 16 (3) Qualifications for licensure and minimum standards for employment that are directly
17 and demonstrably related to the operation of a cannabis establishment and similar to qualifications
18 for licensure and employment standards in connection with the manufacture, distribution or sale of
19 alcoholic beverages as regulated under title 3 of the general laws; provided, that a criminal
20 conviction shall not automatically disqualify an individual or otherwise affect eligibility for
21 employment or licensure in connection with a cannabis establishment pursuant to § 21-28.11-21.1;
- 22 (4) Procedures and policies to promote and encourage full participation in the regulated
23 cannabis industry by people from communities that have previously been disproportionately
24 harmed by cannabis prohibition and enforcement and to positively impact those communities;
- 25 (5) Standards for the licensure of cannabis establishments, to include, but not be limited to,
26 utilization of the social equity assistance fund established pursuant to the provisions of § 21-28.11-
27 31;
- 28 (6) Standards for the reporting or payment of licensure fees and taxes;
- 29 (7) Requirements for the information to be furnished by an applicant or licensee;
- 30 (8) Criteria for evaluation of the application for a license;
- 31 (9) Requirements for the information to be furnished by a licensee to the licensee's
32 employees;
- 33 (10) Requirements for fingerprinting or other method of identification of an applicant for
34 a license or a licensee;

- 1 (11) Procedures and grounds for the revocation or suspension of a license or registration;
- 2 (12) Minimum uniform standards of accounting procedures;
- 3 (13) Requirements for record keeping by cannabis establishments and procedures to track
4 cannabis cultivated, processed, manufactured, delivered or sold by cannabis establishments;
- 5 (14) Any necessary registration requirements for employees working at the cannabis
6 establishment;
- 7 (15) Requirements that all cannabis establishment employees be properly trained in their
8 respective professions as necessary;
- 9 (16) Procedures for the interim authorization of a cannabis establishment under this
10 chapter;
- 11 (17) Minimum standards for the requirement that all licensees possess and operate an
12 interoperable publicly available application programming interface seed-to-sale tracking system
13 sufficient to ensure the appropriate track and trace of all cannabis cultivated, processed or
14 manufactured pursuant to this chapter;
- 15 (18) Minimum security requirements for licensees sufficient to deter and prevent theft and
16 unauthorized entrance into areas containing cannabis, which may include ,but not be limited to, the
17 use of security personnel, security cameras, or alarms provided that the requirements shall not
18 prohibit the cultivation of cannabis outdoors or in greenhouses;
- 19 (19) Minimum standards for liability insurance coverage or requirements that a certain
20 monetary sum be placed in escrow to be expended for potential liabilities;
- 21 (20) Requirements and standards sufficient to ensure for the virtual separation of cannabis
22 cultivated, processed, manufactured, delivered or sold by a licensee that is also licensed as a
23 medical marijuana treatment center pursuant to the provisions of chapter 28.6 of title 21.
24 Requirements shall leverage seed-to-sale tracking technology and may allow for the appropriate
25 transfer or acquisition of cannabis seeds, clones, cuttings, plants or plant tissue between such
26 entities;
- 27 (21) Requirements and procedures to prevent the sale, delivery or transfer of cannabis to
28 persons under twenty-one (21) years of age, or the purchase of cannabis on behalf of a person under
29 twenty-one (21) years of age, including a prohibition on persons under twenty-one (21) entering
30 cannabis establishments;
- 31 (22) Standards for manufacturing or extracting cannabinoid oils or butane hash oil;
- 32 (23) Health and safety standards, established in consultation with the department of health
33 and the department of environmental management, for the cultivation, processing, manufacturing
34 and distribution of cannabis, including standards regarding sanitation for the preparation, storage,

1 handling and sale of food products, including compliance with state sanitation requirements, and
2 health inspections; provided, however, that the authority to promulgate regulations pertaining to
3 the use of pesticides shall remain with the department of environmental management pursuant to
4 the provisions of chapter 25 of title 23;

5 (24) Requirements for the packaging of cannabis and cannabis products that shall, at a
6 minimum:

7 (i) Require the most current consumer product safety commission standards, set forth in 16
8 C.F.R. 1700 et seq.;

9 (ii) Protect children from accidentally ingesting cannabis or cannabis products, including by
10 making packaging certified child-resistant and resealable;

11 (iii) Require the separation of each serving within a package containing multiple servings
12 shall be furnished in a manner that allows consumers and cardholders to easily identify a single
13 serving;

14 (iv) Prohibit the use of bright colors, cartoon characters and other features designed to
15 appeal to minors;

16 (v) Ensure that packaging is opaque or plain in design;

17 (vi) Limit each serving size to no greater than ten milligrams (10 mg.) of delta-9-
18 tetrahydrocannabinol (Δ 9-THC); and

19 (vii) Prohibit any packaging that imitates or has a semblance to any existing branded
20 consumer products, including foods and beverages that do not contain cannabis;

21 (25) Requirements for the potency or dosing limitations of edible cannabis products sold
22 by licensees;

23 (26) Requirements for the labeling of a package containing cannabis or cannabis products
24 that shall, at a minimum, include:

25 (i) A symbol or other easily recognizable mark issued by the commission that indicates the
26 package contains cannabis or a cannabis product;

27 (ii) A symbol or other easily recognizable mark issued by the commission on the package
28 indicating to children that the product is harmful to children;

29 (iii) The name and contact information of the cannabis cultivator or the cannabis product
30 manufacturer who produced the cannabis or cannabis product;

31 (iv) The results of sampling, testing and analysis conducted by a licensed independent
32 testing laboratory;

33 (v) A seal certifying the cannabis meets such testing standards;

34 (vi) A unique batch number identifying the production batch associated with

1 manufacturing, processing, and cultivating;

2 (vii) A list of ingredients and possible allergens;

3 (viii) The amount of delta-9-tetrahydrocannabinol (Δ 9-THC) in the package and in each

4 serving of a cannabis product as expressed in absolute terms and as a percentage of volume;

5 (ix) The number of servings in a package if there are multiple servings;

6 (x) A use-by date, if applicable; and

7 (xi) The following statement, including capitalization: "This product has not been analyzed

8 or approved by the FDA. There is limited information on the side effects of using this product, and

9 there may be associated health risks. Cannabis use during pregnancy and breast-feeding may pose

10 potential harm. It is against the law to drive or operate machinery when under the influence of this

11 product. KEEP THIS PRODUCT AWAY FROM CHILDREN.";

12 (27) Procedures and policies, in cooperation with the department of environmental

13 management, to promote and encourage full participation in the regulated cannabis industry by

14 farmers and businesses of all sizes, which shall include creating a schedule of cultivator license

15 fees commensurate with cultivation size and regulations to create a craft cannabis cultivator

16 cooperative system including, but not limited to, the following:

17 (i) A limitation on ownership interests in a cannabis cultivator cooperative;

18 (ii) A limit on the total cannabis produced by a craft cannabis cultivator by the number of

19 plants, surface area used for cultivation or output by weight; and

20 (iii) A reasonable fee for licensure as a craft cannabis cultivator cooperative;

21 (28) Requirements for the safe disposal of excess, contaminated, adulterated or deteriorated

22 cannabis, which shall consider policies which promote the recycling of such waste, including, but

23 not limited to, recycled industrial products;

24 (29) Requirements for advertising, marketing and branding of cannabis and cannabis

25 products that shall, at a minimum, include, but shall not be limited to:

26 (i) A prohibition on advertising, marketing and branding in such a manner that is deemed

27 to be deceptive, false or misleading;

28 (ii) A prohibition on advertising, marketing and branding by means of television, radio,

29 internet, billboard or print publication unless at least eighty-five percent (85%) of the audience is

30 reasonably expected to be twenty-one (21) years of age or older, as determined by reliable, up-to-

31 date audience composition data;

32 (iii) A prohibition on advertising, marketing and branding that utilizes statements, designs,

33 representations, pictures or illustrations that portray anyone less than twenty-one (21) years of age;

34 (iv) A prohibition on advertising, marketing and branding including, but not limited to,

1 mascots, cartoons, brand sponsorships and celebrity endorsements, that is deemed to appeal to a
2 person less than twenty-one (21) years of age;

3 (v) A prohibition on advertising, marketing and branding, including statements by a
4 licensee, that makes any false or misleading statements concerning other licensees and the conduct
5 and products of such other licensees;

6 (vi) A prohibition on advertising, marketing and branding through certain identified
7 promotional items as determined by the commission, including giveaways, coupons or "free" or
8 "donated" cannabis;

9 (vii) A prohibition on advertising, marketing and branding by a licensee that asserts its
10 products are safe, other than labeling required pursuant to this chapter;

11 (viii) A reasonable prohibition on timing and use of illuminated external signage, which
12 shall comply with all local ordinances and requirements, and a prohibition on neon signage;

13 (ix) A prohibition of the use of vehicles equipped with radio or loud speakers for the
14 advertising of cannabis;

15 (x) A prohibition on the use of radio or loudspeaker equipment in any cannabis
16 establishment for the purpose of attracting attention to the sale of cannabis;

17 (xi) An allowance that a licensee may sponsor a charitable, sporting or similar event, but a
18 prohibition of advertising, marketing and branding at, or in connection with, such an event unless
19 at least eight-five percent (85%) of the audience is reasonably expected to be twenty-one (21) years
20 of age or older, as determined by reliable, up-to-date audience composition data;

21 (xii) A requirement that the website of a cannabis establishment shall verify that the entrant
22 is at least twenty-one (21) years of age;

23 (xiii) A prohibition on the use of unsolicited pop-up advertisements on the internet; and

24 (xiv) A requirement that all advertising, marketing or branding materials for cannabis and
25 cannabis products contain a standard health warning developed by the department of health;

26 (30) Procedures and requirements to enable the transfer of a license for a cannabis
27 establishment to another qualified person or to another suitable location with notification and
28 approval by the commission;

29 (31) Requirements to establish a process allowing the commission to order a prohibition
30 on the sale of a cannabis product found especially appealing to persons under twenty-one (21) years
31 of age;

32 (32) Requirements to establish a process allowing a cannabis product manufacturer to
33 voluntarily submit a product, its packaging and intended marketing to the commission for
34 preliminary determination whether the product is especially appealing to persons under twenty-one

1 (21) years of age;

2 (33) Requirements that prohibit cannabis product manufacturers from altering or utilizing
3 commercially-manufactured food products when manufacturing cannabis products unless the food
4 product was commercially manufactured specifically for use by the cannabis product manufacturer
5 to infuse with cannabis; provided, however, that a commercially-manufactured food product may
6 be used as an ingredient in a cannabis product if: (i) It is used in a way that renders it unrecognizable
7 as the commercial food product in the cannabis product; and (ii) There is no statement or
8 advertisement indicating that the cannabis product contains the commercially-manufactured food
9 product; and

10 (34) Energy and environmental standards for licensure and licensure renewal of cannabis
11 establishments licensed as a cannabis cultivator or cannabis product manufacturer.

12 (c) In furtherance of the intent of this chapter, the commission may also adopt regulations
13 in accordance with this chapter which establish and provide for issuance of additional types or
14 classes of licenses to operate cannabis-related businesses, including: licenses that authorize only
15 limited cultivation by a craft cannabis cultivation or a craft cannabis cultivation operative,
16 processing, manufacture, possession or storage of cannabis or cannabis products, limited delivery
17 of cannabis or cannabis products to consumers, licenses that authorize the consumption of cannabis
18 or cannabis products on the premises where sold, licenses that authorize the consumption of
19 cannabis at special events in limited areas and for a limited time and licenses intended to facilitate
20 scientific research or education;

21 (d) Regulations made pursuant to this section shall not:

22 (1) Prohibit the operation of a cannabis establishment either expressly or through
23 regulations that make operation of a cannabis establishment unreasonable and impracticable;

24 (2) Require a customer to provide a cannabis retailer with identifying information other
25 than identification to determine the customer's age, and shall not require the cannabis retailer to
26 acquire or record personal information about customers other than information typically required
27 in a retail transaction;

28 (3) Prohibit a medical marijuana treatment center and a cannabis establishment from
29 operating at a shared location;

30 (4) Prohibit cannabis establishments from transferring or acquiring cannabis seeds, clones,
31 cuttings, plants or plant tissue from other cannabis establishments or from medical cannabis
32 treatment centers or prohibit a cannabis establishment from transferring or otherwise selling
33 cannabis to a cannabis retailer, a cannabis product manufacturer or a cannabis cultivator; or

34 (5) Prohibit cannabis establishments from using inorganic cultivation methods.

1 (e) The commission shall administer and enforce the provisions of this chapter and the rules
2 and regulations relating to licensing in this chapter.

3 (f) Each fiscal year the commission shall submit an annual finance plan to the governor,
4 the speaker of the house and the president of the senate, and updates to such plan.

5 (g) The commission shall investigate, in conjunction with the department of health, the
6 effects of cannabis and cannabis products with a high potency of tetrahydrocannabinol on the
7 human body and recommend whether there should be restrictions on the potency of
8 tetrahydrocannabinol in cannabis and cannabis products.

9 (h) The commission shall be subject to all the provisions of chapter 35 of title 42.

10 (i) The commission shall annually submit a complete and detailed report of the
11 commission's activities, including a review of the implementation and enforcement of this chapter
12 and the governance structure established in this chapter, not more than ninety (90) days after the
13 end of the fiscal year to the governor, the attorney general, the treasurer, the speaker of the house,
14 and the president of the senate.

15 (j) The commission shall annually review the tax rates established by this chapter and may
16 make recommendations to the general assembly, as appropriate, regarding any changes to the tax
17 rates that further the intent of this chapter. The commission may study cannabis commerce and
18 make recommendations to the general assembly regarding changes in the laws that further the intent
19 of this chapter by filing those recommendations with the governor, the speaker of the house, and
20 the president of the senate.

21 (k) The commission shall deposit all license, registration and monetary penalties collected
22 pursuant to this chapter in the social equity assistance fund established pursuant to § 21-28.11-31.

23 (l) The commission, shall work collaboratively with other state agencies and departments
24 to ensure that the production and distribution of cannabis is effectively regulated in the state in
25 furtherance of the intent of this act.

26 **21-28.11-6. Cannabis advisory board.**

27 (a)(1) There is hereby established a cannabis advisory board to study and make
28 recommendations to the Rhode Island cannabis control commission on the regulation and taxation
29 of cannabis. The board shall consist of the following: the executive director of the cannabis control
30 commission who shall serve as chair; the secretary of commerce or a designee; the state tax
31 administrator or a designee; the director of the department of health or a designee; the director of
32 the department of environmental management or a designee; the director of the department of
33 public safety or a designee; the director of the department of business regulation or a designee; two
34 (2) registered cardholders as defined in § 21-28.6-3, one to be appointed by the speaker of the house

1 and one to be appointed by the president of the senate; the executive director of the American Civil
2 Liberties Union of Rhode Island, Inc. or a designee; five (5) persons to be appointed by the
3 treasurer, one of whom shall have experience or expertise in cannabis cultivation, one of whom
4 shall have experience or expertise in cannabis retailing, one of whom shall have experience or
5 expertise in cannabis product manufacturing, one of whom shall have experience or expertise in
6 laboratory sciences and toxicology and one of whom shall have experience or expertise in providing
7 legal services to cannabis businesses; five (5) persons to be appointed by the governor, one of
8 whom shall have experience or expertise in minority business development, one of whom shall
9 have experience or expertise in economic development strategies for under-resourced communities,
10 one of whom shall have experience or expertise in farming or representing the interests of farmers,
11 one of whom shall have experience or expertise representing the interests of employers and one of
12 whom shall have experience or expertise in municipal law enforcement with advanced training in
13 impairment detection and evaluation; and five (5) persons to be appointed by the attorney general,
14 one of whom shall have experience or expertise in social welfare or social justice, one of whom
15 shall have experience or expertise in criminal justice reform to mitigate the disproportionate impact
16 of drug prosecutions on communities of color, one of whom shall have experience or expertise in
17 minority business ownership, one of whom shall have experience or expertise in women-owned
18 business ownership and one of whom shall have experience or expertise in the prevention and
19 treatment of substance use disorders. Members of the board shall serve for terms of two (2) years.
20 Members of the board shall serve without compensation but may be reimbursed for their expenses
21 actually and necessarily incurred in the discharge of their official duties. Members of the board
22 shall not be state employees by virtue of their service on the board. To take action at a meeting, a
23 majority of the members of the board must be present and voting to constitute a quorum.

24 (2) The cannabis advisory board shall:

25 (i) Consider all matters submitted to it by the commission;

26 (ii) On its own initiative, recommend to the commission guidelines, rules and regulations
27 and any changes to guidelines, rules and regulations that the advisory board considers important or
28 necessary for the commission's review and consideration; and

29 (iii) Advise on the preparation of regulations pursuant to this title.

30 (3) The chair may appoint subcommittees in order to expedite the work of the board;
31 provided, however, that the chair shall appoint:

32 (i) A subcommittee on public health to develop recommendations on products, labelling,
33 marketing, advertising, related public health issues, potency, which may include a recommended
34 maximum limit for individual servings of cannabis products, and packaging, which may include

1 the development and implementation of a public health warning to appear on cannabis products;

2 (ii) A subcommittee on public safety and community mitigation to develop
3 recommendations on law enforcement, property, business and consumer issues;

4 (iii) A subcommittee on the cannabis industry to develop recommendations on cultivation,
5 processing, manufacturing, transportation, distribution, seed-to-sale tracking and market stability;

6 and

7 (iv) A subcommittee on market participation to develop recommendations on minority and
8 veteran-owned businesses, local agriculture and growing cooperatives.

9 **21-28.11-7. Licensed cannabis cultivators.**

10 (a) There shall be no new cannabis cultivators' licenses issued prior to July 1, 2023. This
11 prohibition shall not apply to cannabis cultivators licensed on or before July 1, 2021 pursuant to
12 chapter 28.6 of title 21.

13 (b) A cannabis cultivator licensed pursuant to the provisions of § 21-28.11-8 engaged in
14 cultivation in compliance with the provisions of a license that authorizes only limited cultivation
15 pursuant to § 21-28.11-5(b), may acquire, possess, manufacture, cultivate, deliver, or transfer
16 cannabis to entities licensed pursuant to the provisions of this chapter and chapter 28.6 of title 21.

17 (c) The commission shall promulgate regulations that govern how many cannabis plants,
18 mature and immature; how much wet cannabis; and how much usable cannabis a licensed cannabis
19 cultivator may possess. Every cannabis plant possessed by a licensed cannabis cultivator shall be
20 catalogued in a seed-to-sale inventory tracking system in accordance with regulations promulgated
21 by the commission.

22 (d) Cannabis cultivators shall sell cannabis only to an entity licensed pursuant to the
23 provisions of this chapter or chapter 28.6 of title 21.

24 (e) Notwithstanding any other provisions of the general laws, the manufacture of cannabis
25 using a solvent extraction process that includes the use of a compressed, flammable gas as a solvent
26 by a licensed cannabis cultivator shall not be subject to the protections of this chapter.

27 (f) Cannabis cultivators shall be licensed to grow cannabis only at a location or locations
28 registered with the cannabis commission. The commission may promulgate regulations governing
29 where cultivators are allowed to grow. Cannabis cultivators shall abide by all local ordinances,
30 including zoning ordinances.

31 (g) As a condition of licensing, cannabis cultivators shall consent and be subject to
32 reasonable inspection by the commission for the purposes of ensuring and enforcing compliance
33 with this chapter and all rules and regulations promulgated pursuant to this chapter, and the
34 provisions of § 28-5.1-14.

1 (h) To qualify for issuance of a cannabis cultivator license under this section, an applicant
2 shall satisfy all qualifications established by the commission to include but not limited to:

3 (1) Apply for a license in a manner prescribed by the commission;

4 (2) Provide proof that the applicant is twenty-one (21) years of age or older and is a resident
5 of the state;

6 (3) Undergo a criminal record background check pursuant to § 21-28.11-12.1 and on any
7 terms established by the commission;

8 (4) Provide proof that the applicant is current and in compliance with all obligations for
9 filings and payments for taxes with the division of taxation;

10 (5) Has provided a nonrefundable application fee pursuant to § 21-28.11-8; and

11 (6) Prior to the issuance of any license and for any period of renewal, the applicant shall
12 submit an annual fee pursuant to § 21-28.11-8.

13 (i) Persons issued cannabis cultivator licenses shall be subject to the following:

14 (1) A licensed cannabis cultivator shall notify and request approval from the commission
15 of any change in his or her name or address within ten (10) days of the change. A licensed cannabis
16 cultivator who fails to notify the commission of any of these changes is responsible for a civil
17 infraction, punishable by a fine of no more than one hundred fifty dollars (\$150).

18 (2) When a licensed cannabis cultivator notifies the commission of any changes listed in
19 this subsection, the commission shall issue the licensed cannabis cultivator a new registry
20 identification card after the department approves the changes and receives from the licensee
21 payment of a fee specified in regulation.

22 (3) If a licensed cannabis cultivator loses his or her license, he or she shall notify the
23 commission and submit a fee specified in regulation within ten (10) days of losing the card. The
24 commission shall issue a new license with a new random identification number.

25 (4) A licensed cannabis cultivator has a continuing duty to notify the commission of any
26 criminal conviction(s) that occurs after the issuance of a license or registration. A criminal
27 conviction shall not automatically result in suspension or revocation of a license, but shall be
28 subject to § 21-28.11-12.1;

29 (5) If a licensed cannabis cultivator violates any provision of this chapter or regulations
30 promulgated hereunder as determined by the commission, his or her issued license may be
31 suspended and/or revoked.

32 (j) Immunity.

33 (1) No licensed cannabis cultivator shall be subject to: arrest; prosecution; search or
34 seizure, except as authorized pursuant to § 21-28.11-5(a)(18) through (a)(21) and by subsection (f)

1 of this section; or penalty in any manner, or denied any right or privilege, including, but not limited
2 to, civil penalty or disciplinary action by a business, occupational, or professional licensing board
3 or entity, solely for acting in accordance with this chapter or rules and regulations promulgated by
4 the commission.

5 (2) No principal officers, board members, agents, volunteers, or employees of a licensed
6 cannabis cultivator shall be subject to arrest; prosecution; search or seizure, except as authorized
7 pursuant to § 21-28.11-5(a)(18) through (a)(21) and by subsection (f) of this section; or penalty in
8 any manner, or denied any right or privilege, including, but not limited to, civil penalty or
9 disciplinary action by a business, occupational, or professional licensing board or entity, solely for
10 working for or with a licensed cannabis cultivator to engage in acts permitted by this chapter or
11 rules and regulations promulgated by the commission.

12 (3) No state employee shall be subject to arrest; prosecution; search or seizure, except as
13 authorized pursuant to § 21-28.11-5(a)(18) through (a)(21) and by subsection (f) of this section; or
14 penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty,
15 disciplinary action, termination, or loss of employee or pension benefits, for any and all conduct
16 that occurs within the scope of his or her employment regarding the administration, execution,
17 and/or enforcement of this chapter or rules and regulations promulgated by the commission, and
18 the provisions of §§ 9-31-8 and 9-31-9 shall be applicable to this section.

19 (k) Nothing in this section shall be construed as authorizing a cannabis cultivator to transfer
20 or sell cannabis to a consumer. A direct sale or transfer from a cannabis cultivator to a consumer is
21 prohibited.

22 (l) A cannabis cultivator and all agents and employees of the cannabis cultivator shall
23 comply with all rules adopted by the commission and all applicable laws.

24 (m) No cannabis or cannabis product shall be sold or otherwise marketed pursuant to this
25 chapter that has not first been tested by an independent testing laboratory and determined to meet
26 the commission's testing protocols issued pursuant to § 21-28.11-11.

27 **21-28.11-8. Cultivation tiers.**

28 (a) A cannabis cultivator shall be responsible for submitting an application for issuance of
29 a proper tier license pursuant to the provisions of this section. Cultivation tiers shall be based on
30 square footage of canopy. Fees shall vary for indoor and outdoor cultivation. The license types,
31 application fees and annual license fee shall be as follows until amended by the commission
32 pursuant to the provisions of this chapter.

<u>License Types</u>	<u>Application Fees</u>	<u>Annual License Fee</u>
	<u>(Indoor/Outdoor)</u>	<u>(Indoor/Outdoor)</u>

1	<u>Limited quantity</u>		
2	<u>(Craft and Craft Cooperative):</u>		
3	<u>Up to 1,000 sq. ft.</u>	<u>\$80(I)/\$40(O)</u>	<u>\$250(I)/\$100(O)</u>
4	<u>Tier 1: 1,000 to 5, 000 sq. ft.</u>	<u>\$160 (I)/\$80 (O)</u>	<u>\$1,000 (I)/\$450 (O)</u>
5	<u>Tier 2: 5,001 to 10,000 sq. ft.</u>	<u>\$160 (I)/\$80 (O)</u>	<u>\$2,000 (I)/\$1,000 (O)</u>
6	<u>Tier 3: 10,001 to 20,000 sq. ft.</u>	<u>\$320 (I)/\$160 (O)</u>	<u>\$4,000 (I)/\$2,000 (O)</u>
7	<u>Tier 4: 20,001 to 30,000 sq. ft.</u>	<u>\$480 (I)/\$240 (O)</u>	<u>\$6,000 (I)/\$3,000 (O)</u>
8	<u>Tier 5: 30,001 to 40,000 sq. ft.</u>	<u>\$640 (I)/\$320 (O)</u>	<u>\$8,000 (I)/\$4,000 (O)</u>
9	<u>Tier 6: 40,001 to 50,000 sq. ft.</u>	<u>\$820 (I)/\$400 (O)</u>	<u>\$10,000 (I)/\$5,000 (O)</u>
10	<u>Tier 7: 50,001 to 60,000 sq. ft.</u>	<u>\$980 (I)/\$480 (O)</u>	<u>\$12,000 (I)/\$6,000 (O)</u>
11	<u>Tier 8: 60,001 to 70,000 sq. ft.</u>	<u>\$1,140 (I)/\$560 (O)</u>	<u>\$14,000 (I)/\$7,000 (O)</u>
12	<u>Tier 9: 70,001 to 80,000 sq. ft.</u>	<u>\$1,300 (I)/\$640 (O)</u>	<u>\$16,000 (I)/\$8,000 (O)</u>
13	<u>Tier 10: 80,001 to 90,000 sq. ft.</u>	<u>\$1,460 (I)/\$720 (O)</u>	<u>\$18,000 (I)/\$10,000 (O)</u>
14	<u>Tier 11: 90,001 to 100,000 sq. ft.</u>	<u>\$1,620 (I)/\$800 (O)</u>	<u>\$20,000 (I)/\$12,000 (O)</u>

15 (b) A cannabis cultivator may submit an application, in a time and manner determined by
16 the commission, to change the tier in which it is classified. A cannabis cultivator may change tiers
17 to either expand or reduce production.

18 (c) In connection with the license renewal process for cannabis cultivators, the commission
19 will review the records of the cannabis cultivator during the six (6) months prior to the application
20 for renewal for an indoor cultivator. Except for limited quantity and tier 1 licenses, the commission
21 may reduce the cultivator licensee's maximum canopy to a lower tier if the cultivator licensee sold
22 less than seventy percent (70%) of what it produced during the six (6) months prior to the
23 application for renewal for an indoor cultivator or during the harvest season prior to the application
24 for renewal for an outdoor cultivator.

25 (d) When determining whether to allow expansion or reduction of a cultivator licensee to
26 a different tier, the commission may consider factors including, but not limited to:

- 27 (1) Cultivation and production history, including whether the plants/inventory suffered a
28 catastrophic event during the licensing period;
- 29 (2) Tax payment history;
- 30 (3) Existing inventory and inventory history;
- 31 (4) Sales contracts; and
- 32 (5) Any other factors relevant to ensuring responsible cultivation, production, and
33 inventory management.

34 (e) The commission may adjust the tier designations and/or fees pursuant to the

1 commissions rule making authority and in accordance with the provisions of chapter 35 of title 42.

2 (f) For purposes of this section, "canopy" means the total surface area within a cultivation
3 area, including indoor and outdoor cultivation areas, that is dedicated to the cultivation of mature
4 cannabis plants. The surface area of the canopy must be calculated in square feet and measured
5 using the outside boundaries of the area and must include all of the area within the boundaries. If
6 the surface area of the canopy consists of noncontiguous areas, each component area must be
7 separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area,
8 the surface area of each tier or shelf must be included in calculating the area of the canopy. The
9 canopy does not include the areas within the cultivation area that are used to cultivate immature
10 cannabis plants and seedlings and that are not used at any time to cultivate mature cannabis plants.

11 **21-28.11-9. Cannabis product manufacturer or wholesaler.**

12 (a) A cannabis product manufacturer or processor or wholesaler that does not hold a
13 cannabis cultivator's license shall have a cannabis product manufacturer's license issued by the
14 commission. A cannabis product manufacturer licensee may purchase cannabis from cultivators for
15 processing and shall only transfer or sell cannabis to other entities licensed pursuant to this chapter
16 or chapter 28.6 of title 21.

17 (b) To qualify and hold a cannabis product manufacturer's license under this section the
18 applicant shall satisfy all qualifications established by the commission to include, but not be limited
19 to:

20 (1) Apply for a license in a manner prescribed by the commission;

21 (2) Provide proof that the applicant is twenty-one (21) years of age or older and is a resident
22 of the state;

23 (3) Undergo a criminal record background check pursuant to § 21-28.11-12.1 and on any
24 terms established by the commission;

25 (4) Provide proof that the applicant is current and in compliance with all obligations for
26 filings and payments for taxes with the division of taxation;

27 (5) Has provided a nonrefundable application fee of three hundred dollars (\$300); and

28 (6) Prior to issuance of any license and for any period of renewal, the applicant shall submit
29 an annual fee of five thousand dollars (\$5,000).

30 (c) A cannabis product manufacturer or processor or wholesaler and all agents and
31 employees shall comply with all rules adopted by the commission and all applicable laws.

32 (d) The commission may adjust the application fee or annual license fee pursuant to the
33 commission rule making authority and in accordance with the provisions of chapter 35 of title 42.

34 (e) As a condition of licensing, cannabis product manufacturers or processors or

1 wholesalers shall consent and be subject to reasonable inspection by the commission for the
2 purposes of ensuring and enforcing compliance with this chapter and all rules and regulations
3 promulgated pursuant to this chapter, to include, but not be limited to, the provisions of § 28-5.1-
4 14.

5 (f) Nothing in this section shall be construed as authorizing a cannabis product
6 manufacturer or processor or wholesaler to transfer or sell cannabis to a consumer. A direct sale or
7 transfer from a cannabis product manufacturer licensee to a consumer is prohibited.

8 (g) No cannabis or cannabis product shall be sold or otherwise marketed pursuant to this
9 chapter that has not first been tested by an independent testing laboratory and determined to meet
10 the commission's testing protocols issued pursuant to § 21-28.11-11.

11 (h) Persons issued cannabis product manufacturer licenses shall be subject to the following:

12 (1) A licensed cannabis product manufacturer shall notify and request approval from the
13 commission of any change in his or her name or address within ten (10) days of the change. A
14 licensed cannabis product manufacturer who fails to notify the commission of any of these changes
15 is responsible for a civil infraction, punishable by a fine of no more than one hundred fifty dollars
16 (\$150).

17 (2) When a licensed cannabis product manufacturer notifies the commission of any changes
18 listed in this subsection (h), the commission shall issue the licensed cannabis product manufacturer
19 a new registry identification card after the department approves the changes and receives from the
20 licensee payment of a fee specified in regulation.

21 (3) If a licensed cannabis product manufacturer loses his or her license, he or she shall
22 notify the commission and submit a fee specified in regulation within ten (10) days of losing the
23 card. The commission shall issue a new license with a new random identification number.

24 (4) A licensed cannabis product manufacturer has a continuing duty to notify the
25 commission of any criminal conviction(s) that occur after the issuance of a license or registration.
26 A criminal conviction shall not automatically result in suspension or revocation of a license, but
27 shall be subject to § 21-28.11-12.1;

28 (5) If a licensed cannabis product manufacturer violates any provision of this chapter or
29 regulations promulgated hereunder as determined by the commission, his or her issued license may
30 be suspended and/or revoked.

31 (i) Immunity.

32 (1) No licensed cannabis product manufacturer shall be subject to: arrest; prosecution;
33 search or seizure, except as authorized pursuant to § 21-28.11-5(a)(18) through (a)(21) and by
34 subsection (e) of this section; or penalty in any manner, or denied any right or privilege, including,

1 but not limited to, civil penalty or disciplinary action by a business, occupational, or professional
2 licensing board or entity, solely for acting in accordance with this chapter or rules and regulations
3 promulgated by the commission.

4 (2) No principal officers, board members, agents, volunteers, or employees of a licensed
5 cannabis product manufacturer or wholesaler shall be subject to arrest; prosecution; search or
6 seizure, except as authorized pursuant to § 21-28.11-5(a)(18) through (a)(21) and by subsection (e)
7 of this section; or penalty in any manner, or denied any right or privilege, including, but not limited
8 to, civil penalty or disciplinary action by a business, occupational, or professional licensing board
9 or entity, solely for working for or with a licensed cannabis product manufacturer or wholesaler to
10 engage in acts permitted by this chapter or rules and regulations promulgated by the commission.

11 (3) No state employee shall be subject to arrest; prosecution; search or seizure, except as
12 authorized pursuant to § 21-28.11-5(a)(18) through (a)(21) and by subsection (e) of this section; or
13 penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty,
14 disciplinary action, termination, or loss of employee or pension benefits, for any and all conduct
15 that occurs within the scope of his or her employment regarding the administration, execution,
16 and/or enforcement of this chapter or rules and regulations promulgated by the commission, and
17 the provisions of §§ 9-31-8 and 9-31-9 shall be applicable to this section.

18 **21-28.11-10. Cannabis retail sales license.**

19 (a) A cannabis retailer shall have a cannabis retail sales license issued by the commission.
20 A cannabis retail sales licensee may purchase and deliver cannabis and cannabis products from
21 cannabis establishments and deliver, sell or otherwise transfer cannabis and cannabis products to
22 cannabis establishments and to consumers.

23 (b) The commission shall determine the maximum number of licenses, however a
24 minimum of three (3) licenses for retail sales of cannabis shall be granted for issuance in each
25 municipality except for any municipality which has elected against the granting of any licenses
26 pursuant to the provisions of § 21-28.11-15. One-third (1/3) of all licenses for retail sales in each
27 municipality shall be reserved for an applicant referred to in § 21-28.11-31(d).

28 (c) The commission may grant one additional license for every twenty thousand (20,000)
29 inhabitants in excess of thirty thousand (30,000) inhabitants, except for any municipality which has
30 elected against the granting of any licenses pursuant to the provisions of § 21-28.11-15.

31 (d) To qualify for issuance of a cannabis retail sales license under this section, an applicant
32 shall satisfy all qualifications established by the commission to include, but not be limited to:

33 (1) Apply for a license in a manner prescribed by the commission;

34 (2) Provide proof that the applicant is twenty-one (21) years of age or older and is a resident

1 of the state;

2 (3) Undergo a criminal record background check pursuant to § 21-28.11-12.1 and on any
3 terms established by the commission;

4 (4) Provide proof that the applicant is current and in compliance with all obligations for
5 filings and payments for taxes with the division of taxation;

6 (5) That the proposed location for the retail sale of cannabis complies with provisions of
7 municipal zoning and regulations or has been approved by the municipality;

8 (6) Has provided a nonrefundable application fee of five hundred dollars (\$500); and

9 (7) Prior to issuance of any license and for any period of renewal, the applicant shall submit
10 an annual fee of twenty thousand dollars (\$20,000).

11 (e) A cannabis retail sales licensee and all agents and employees shall comply with all rules
12 adopted by the commission and all applicable laws to include, but not be limited to, the provisions
13 of §§ 28-5.1-14 and 21-28.11-12.1;

14 (f) The commission may adjust the application fee or annual license fee pursuant to the
15 commission's rule making authority and in accordance with the provisions of chapter 35 of title 42.

16 (g) As a condition of licensing, cannabis retailers shall consent and be subject to reasonable
17 inspection by the commission for the purposes of ensuring and enforcing compliance with this
18 chapter and all rules and regulations promulgated pursuant to this chapter, to include, but not be
19 limited to, the provisions of § 28-5.1-14.

20 (h) No cannabis or cannabis product shall be sold or otherwise marketed pursuant to this
21 chapter that has not first been tested by an independent testing laboratory and determined to meet
22 the commission's testing protocols issued pursuant to § 21-28.11-11.

23 (i) Persons issued cannabis retail licenses shall be subject to the following:

24 (1) A licensed cannabis retailer shall notify and request approval from the commission of
25 any change in his or her name or address within ten (10) days of the change. A licensed cannabis
26 retailer who fails to notify the commission of any of these changes is responsible for a civil
27 infraction, punishable by a fine of no more than one hundred fifty dollars (\$150).

28 (2) When a licensed cannabis retailer notifies the commission of any changes listed in this
29 subsection, the commission shall issue the licensed cannabis retailer a new registry identification
30 card after the department approves the changes and receives from the licensee payment of a fee
31 specified in regulation.

32 (3) If a licensed cannabis retailer loses his or her license, he or she shall notify the
33 commission and submit a fee specified in regulation within ten (10) days of losing the card. The
34 commission shall issue a new license with a new random identification number.

1 (4) A licensed cannabis retailer has a continuing duty to notify the commission of any
2 criminal conviction(s) that occur after the issuance of a license or registration. A criminal
3 conviction shall not automatically result in suspension or revocation of a license, but shall be
4 subject to § 21-28.11-12.1;

5 (5) If a licensed cannabis retailer violates any provision of this chapter or regulations
6 promulgated hereunder as determined by the commission, his or her issued license may be
7 suspended and/or revoked.

8 (j) Compassions centers authorized pursuant to § 21-28.6-12 shall not be exempt from the
9 requirements of § 21-28.11-10.

10 (i) Immunity

11 (1) No licensed cannabis retailer shall be subject to: arrest; prosecution; search or seizure,
12 except as authorized pursuant to § 21-28.11-5(a)(18) through (a)(21) and by subsection (g) of this
13 section; or penalty in any manner, or denied any right or privilege, including, but not limited to,
14 civil penalty or disciplinary action by a business, occupational, or professional licensing board or
15 entity, solely for acting in accordance with this chapter or rules and regulations promulgated by the
16 commission.

17 (2) No principal officers, board members, agents, volunteers, or employees of a licensed
18 cannabis retailer shall be subject to arrest; prosecution; search or seizure, except as authorized
19 pursuant to § 21-28.11-5(a)(18) through (a)(21) and by subsection (g) of this section; or penalty in
20 any manner, or denied any right or privilege, including, but not limited to, civil penalty or
21 disciplinary action by a business, occupational, or professional licensing board or entity, solely for
22 working for or with a licensed cannabis retailer to engage in acts permitted by this chapter or rules
23 and regulations promulgated by the commission.

24 (3) No state employee shall be subject to arrest; prosecution; search or seizure, except as
25 authorized pursuant to § 21-28.11-5(a)(18) through (21) and by subsection (g) of this section; or
26 penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty,
27 disciplinary action, termination, or loss of employee or pension benefits, for any and all conduct
28 that occurs within the scope of his or her employment regarding the administration, execution,
29 and/or enforcement of this chapter or rules and regulations promulgated by the commission, and
30 the provisions of §§ 9-31-8 and 9-31-9 shall be applicable to this section.

31 **21-28.11-11. Independent testing laboratories -- Licensure and oversight.**

32 (a)(1) The commission shall promulgate regulations for the licensure and oversight of
33 independent testing laboratories, and shall establish testing protocols for the sampling, testing and
34 analysis of cannabis, finished cannabis and cannabis products in consultation with the department

1 of health. Such regulations shall be based on the most recent standards as issued by the United
2 States Pharmacopeial Convention and shall address sampling and analysis to characterize the
3 cannabinoid profile and biological and chemical contaminants, including, but not limited to,
4 terpenoids, pesticides, plant growth regulators, metals, microbiological contaminants, mycotoxins,
5 and residual solvents introduced through cultivation of cannabis plants and post-harvest processing
6 and handling of cannabis, cannabis products and ingredients.

7 (2) No cannabis or cannabis product shall be sold or otherwise marketed pursuant to this
8 chapter that has not first been tested by an independent testing laboratory and determined to meet
9 the commission's testing protocols issued pursuant to subsection (a)(1) of this section.

10 (3) A licensed independent testing laboratory shall transport, store, possess, and test
11 cannabis in compliance with regulations promulgated by the commission. Nothing in this section
12 shall be construed as authorizing an independent testing laboratory to transfer or sell cannabis to a
13 consumer. A direct sale or transfer from an independent testing laboratory licensee to a consumer
14 is prohibited.

15 (4) An independent testing laboratory shall report any results indicating contamination to
16 the commission, the department of health and the department of environmental management within
17 seventy-two (72) hours of identification.

18 (5) No laboratory agent or employee of an independent testing laboratory shall receive
19 direct or indirect financial compensation, other than such reasonable contractual fees to conduct
20 such testing, from any entity for which it is conducting testing pursuant to this chapter.

21 (6) No individual who possesses an interest in or is a laboratory agent employed by an
22 independent testing laboratory, and no immediate family member of that individual, shall possess
23 an interest in or be employed by a cannabis establishment.

24 (b) To qualify for issuance of an independent testing laboratory license under this section,
25 an applicant shall satisfy all qualifications established by the commission to include, but not be
26 limited to:

27 (1) Apply for a license in a manner prescribed by the commission;

28 (2) Provide proof that the applicant is twenty-one (21) years of age or older and is a resident
29 of the state;

30 (3) Undergo a criminal record background check pursuant to § 21-28.11-12.1 and on any
31 terms established by the commission;

32 (4) Provide proof that the applicant is current and in compliance with all obligations for
33 filings and payments for taxes with the division of taxation;

34 (5) Provide a nonrefundable application fee of three hundred dollars (\$300) and apply for

1 a testing license from the commission prior to testing, processing or transporting cannabis; and

2 (6) Prior to the issuance of any license and for any period of renewal, the applicant shall
3 submit an annual fee of five thousand dollars (\$5,000).

4 (c) Independent testing laboratories shall be responsible for ensuring the following, as
5 related to laboratory agents:

6 (1) A laboratory agent shall be registered with the commission prior to volunteering or
7 working at an independent testing laboratory;

8 (2) An independent testing laboratory shall apply to the commission for a registration card
9 for each affiliated laboratory agent by submitting, at a minimum, the name, address, and date of
10 birth of the laboratory agent.

11 (3) A laboratory agent shall undergo a criminal background check pursuant to § 21-28.11-
12 12.1 and on terms established by the commission, prior to volunteering or working at an
13 independent testing laboratory. Laboratory agents shall also have a continuing duty to notify the
14 commission of any criminal conviction(s) that occur after the issuance of a registration card. A
15 criminal conviction shall not automatically result in suspension or revocation of registration, but
16 shall be subject to § 21-28.11-12.1;

17 (4) An independent testing laboratory shall notify the commission within one business day
18 if a laboratory agent ceases to be associated with the laboratory, and the laboratory agent's
19 registration card shall be immediately revoked.

20 (d) An independent testing laboratory and all agents and employees shall comply with all
21 rules adopted by the commission and all applicable laws.

22 (e) The commission may adjust the application fee or annual license fee pursuant to the
23 commission's rule making authority and in accordance with the provisions of chapter 35 of title 42.

24 (f) As a condition of licensing, cannabis independent testing laboratories shall consent and
25 be subject to reasonable inspection by the commission for the purposes of ensuring and enforcing
26 compliance with this chapter and all rules and regulations promulgated pursuant to this chapter, to
27 include, but not be limited to, the provisions of § 28-5.1-14.

28 (g) Persons issued independent testing laboratory licenses shall be subject to the following:

29 (1) A licensed independent testing laboratory shall notify and request approval from the
30 commission of any change in his or her name or address within ten (10) days of the change. A
31 licensed independent testing laboratory who fails to notify the commission of any of these changes
32 is responsible for a civil infraction, punishable by a fine of no more than one hundred fifty dollars
33 (\$150).

34 (2) When a licensed independent testing laboratory notifies the commission of any changes

1 listed in this subsection (g), the commission shall issue the licensed independent testing laboratory
2 a new registry identification card after the department approves the changes and receives from the
3 licensee payment of a fee specified in regulation.

4 (3) If a licensed independent testing laboratory loses his or her license, he or she shall notify
5 the commission and submit a fee specified in regulation within ten (10) days of losing the card. The
6 commission shall issue a new license with a new random identification number.

7 (4) A licensed independent testing laboratory has a continuing duty to notify the
8 commission of any criminal conviction(s) that occur after the issuance of a license or registration.
9 A criminal conviction shall not automatically result in suspension or revocation of a license, but
10 shall be subject to § 21-28.11-12.1;

11 (5) If a licensed independent testing laboratory violates any provision of this chapter or
12 regulations promulgated hereunder as determined by the commission, his or her issued license may
13 be suspended and/or revoked.

14 (h) Immunity.

15 (1) No licensed cannabis independent testing laboratory shall be subject to: arrest;
16 prosecution; search or seizure, except as authorized pursuant to § 21-28.11-5(a)(18) through (a)(21)
17 and by subsection (f) of this section; or penalty in any manner, or denied any right or privilege,
18 including, but not limited to, civil penalty or disciplinary action by a business, occupational, or
19 professional licensing board or entity, solely for acting in accordance with this chapter.

20 (2) No principal officers, board members, agents, volunteers, or employees of a licensed
21 cannabis independent testing laboratory shall be subject to arrest; prosecution; search or seizure,
22 except as authorized pursuant to § 21-28.11-5(a)(18) through (a)(21) and by subsection (f) of this
23 section; or penalty in any manner, or denied any right or privilege, including, but not limited to,
24 civil penalty or disciplinary action by a business, occupational, or professional licensing board or
25 entity, solely for working for or with a licensed cannabis cultivator to engage in acts permitted by
26 this chapter.

27 (3) No state employee shall be subject to arrest; prosecution; search or seizure, except as
28 authorized pursuant to § 21-28.11-5(a)(18) through (a)(21) and by subsection (f) of this section; or
29 penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty,
30 disciplinary action, termination, or loss of employee or pension benefits, for any and all conduct
31 that occurs within the scope of his or her employment regarding the administration, execution,
32 and/or enforcement of this chapter, and the provisions of §§ 9-31-8 and 9-31-9 shall be applicable
33 to this section.

34 **21-28.11-12. Licenses for handlers and employees.**

1 The commission may promulgate rules and regulations to establish the registration or
2 licensing of an individual who performs work for or on behalf of a person or entity licensed
3 pursuant to the provisions of this chapter to include, but not be limited to, employees, independent
4 contractors, transporters, security personnel, quality control or testing personnel, packagers and
5 sales personnel. Individuals registered or licensed pursuant to this section shall be required to
6 comply with all rules adopted by the commission and all applicable laws.

7 **21-28.11-12.1. Criminal record information- Permitted use.**

8 (a) The commission shall require all applicants for license and registration under this
9 chapter to undergo a national criminal background check prior to issuing any license or registration.
10 The applicant shall apply to the bureau of criminal identification of the department of attorney
11 general, department of public safety division of state police, or local police department for a
12 national background check that shall include fingerprints submitted to the Federal Bureau of
13 Investigation. Upon the discovery of any criminal record information, the bureau of criminal
14 identification of the department of attorney general, department of public safety division of state
15 police, or the local police department shall inform the applicant, in writing, of the nature of the
16 criminal record information. The bureau of criminal identification of the department of attorney
17 general, department of public safety division of state police, or the local police department shall
18 also inform the commission, in writing of the nature of the criminal record information. In those
19 situations in which no criminal record information has been found, the bureau of criminal
20 identification of the department of attorney general, department of public safety division of state
21 police, or the local police department shall inform the applicant and the commission, in writing, of
22 this fact. The applicant shall be responsible for any expense associated with the national
23 background check.

24 (b) All applicants for license or registration have a duty to truthfully and fully disclose prior
25 criminal convictions to the commission and any information the commission requests related to
26 said convictions. If issued a license or registration by the commission, licensees have a continuing
27 duty to truthfully and fully disclose any subsequent criminal convictions to the commission, and
28 any information the commission requests related to said convictions. Failure to do so may result in
29 the denial, suspension, or revocation of a license or registration, and criminal prosecution.

30 (c) "Conviction" as used throughout this chapter shall mean judgments of conviction
31 entered by a court subsequent to a finding of guilty or a plea of guilty; and instances where the
32 defendant has entered a plea of nolo contendere and has received a sentence of probation or a
33 suspended sentence or incarceration or a fine.

34 (d) No person shall be disqualified to practice, pursue, or engage in any business or activity

1 licensed or registered by the commission pursuant to the provisions of this chapter, solely or in
2 part, because of a prior conviction of a crime or crimes unless:

3 (1) The underlying crime or crimes involved the distribution of a controlled substance,
4 including cannabis, to a minor; or

5 (2) The underlying crime or crimes substantially relate to the occupation to which the
6 license or registration applies. Any other state law to the contrary will be superseded by this
7 provision.

8 (e) No occupational license or registration issued by the commission shall be suspended or
9 revoked, solely or in part, because of a prior or subsequent conviction of a crime or crimes unless
10 the underlying crime or crimes substantially relate to the occupation to which the license or
11 registration applies. Any other state law to the contrary will be superseded by this provision.

12 (f) In determining if a conviction substantially relates to the occupation for which the
13 license or registration is sought, the commission shall consider:

14 (1) The state's legitimate interest in equal access to employment for individuals who have
15 had past contact with the criminal justice system;

16 (2) The state's legitimate interest in protecting the property and the safety and welfare of
17 specific individuals or the general public; and

18 (3) The relationship of the crime or crimes to the ability, capacity, and fitness required to
19 perform the duties and discharge the responsibilities of the position of employment or occupation.

20 (g) A person who has been convicted of a crime or crimes that substantially relate to the
21 occupation for which a license is sought shall not be disqualified from the occupation if the person
22 can show competent evidence of sufficient rehabilitation and present fitness to perform the duties
23 of the occupation for which the license is sought. The commission shall consider the time elapsed
24 since the conviction when determining sufficient rehabilitation, as well as any evidence presented
25 by the applicant regarding:

26 (1) Completion of a period of at least two (2) years after release from imprisonment, or at
27 least two (2) years after the sentencing date for a probation sentence or suspended sentence not
28 accompanied by incarceration, without subsequent conviction or pending criminal charge;

29 (2) The nature, seriousness, and relevance of the crime or crimes for which convicted;

30 (3) All circumstances relative to the crime or crimes, including mitigating circumstances
31 surrounding the commission of the crime or crimes;

32 (4) The age of the person at the time the crime or crimes were committed;

33 (5) Claims that the criminal record information is in error or inadmissible; and

34 (6) All other competent evidence of rehabilitation and present fitness presented, including,

1 but not limited to, letters of reference by persons who have been in contact with the applicant since
2 the applicant's release from any state or federal correctional institution.

3 (h) The following criminal records may not be used in connection with any application for
4 a license or registration submitted pursuant to the provisions of this chapter:

5 (1) Juvenile adjudications;

6 (2) Records of arrest not followed by a conviction;

7 (3) Convictions that have been, pursuant to law, annulled or expunged;

8 (4) Misdemeanor convictions for which no jail sentence can be imposed;

9 (5) A conviction that does not substantially relate to the occupation for which the license
10 or registration is sought, as determined by subsection (f) of this section.

11 (i) If a commission intends to deny, suspend, or revoke an occupational license, permit, or
12 registration solely or in part because of the individual's prior conviction of a crime that is
13 determined to be substantially related to the occupation for which the license or registration applies,
14 the commission shall notify the individual in writing of the following prior to the final decision:

15 (1) The specific conviction(s) that form the basis for the potential denial, suspension, or
16 revocation and the rationale for deeming the conviction substantially related to the occupation or
17 activity;

18 (2) A copy of the conviction history report, if any, on which the commission relies;

19 (3) A statement that the applicant may provide evidence of mitigation or rehabilitation, as
20 described in subsection (g) of this section; and

21 (4) Instructions on how to respond to the potential denial, suspension, or revocation.

22 (j) After receiving the notice of potential denial, suspension, or revocation, the individual
23 shall have thirty (30) business days to respond.

24 (k) If a commission denies, suspends, or revokes a license or registration solely or in part
25 because of the applicant's substantially related conviction, the commission shall issue a final written
26 decision that addresses the following:

27 (1) The specific conviction(s) that form the basis for the denial, suspension, or revocation
28 and the rationale for deeming the conviction(s) substantially related to the occupation or activity;

29 (2) A copy of the conviction history report, if any, on which the commission relies;

30 (3) The process for appealing the decision in accordance with chapter 35 of title 42; and

31 (4) The earliest date the person may reapply for license or registration which shall not be
32 longer than two (2) years from the date of the final decision.

33 (m) Notwithstanding any general or special law to the contrary, except as otherwise
34 provided in this chapter, any prior conviction for a crime that has been decriminalized, or is eligible

1 for expungement pursuant to § 12-1.3-5, cannot serve as grounds, either solely or in part, for denial,
2 suspension or revocation of a license or registration pursuant to § 21-28.11-5(a)(11).

3 **21-28.11-12.2. Labor peace agreement -- Requirements.**

4 (a) The commission shall require all applicants for cannabis retail sales licenses to submit
5 an attestation signed by a bona fide labor organization stating that the applicant has entered into a
6 labor peace agreement with such bona fide labor organization. The maintenance of a labor peace
7 agreement with such bona fide labor organization by a licensed cannabis retailer shall be an ongoing
8 material condition of the license for the cannabis retailer. Failure to enter or to make a good faith
9 effort to enter, into a collective bargaining agreement within two hundred (200) days of the opening
10 of an establishment of licensed cannabis retailer shall result in the suspension or revocation of the
11 licensed cannabis retailer's license.

12 (b) In ranking retail sale license applications, the commission shall give priority to the
13 following, regardless of whether there is any competition among applications for a particular
14 license:

15 (1) Applicants that include a significantly involved person or persons lawfully residing in
16 Rhode Island for at least five (5) years as of the date of the application.

17 (2) Applicants that are party to a collective bargaining agreement with a labor organization
18 that currently represents, or is actively seeking to represent cannabis workers in Rhode Island.

19 (3) Applicants that are party to a collective bargaining agreement with a labor organization
20 that currently represents cannabis workers in another state.

21 (4) Applicants that submit an attestation affirming that they will use best efforts to utilize
22 building trades' labor organizations in the construction or retrofit of the facilities associated with
23 the licensed entity.

24 (5) Applicants that submit an attestation affirming that they have a project labor agreement,
25 or will utilize a project labor agreement, which is a form of pre-hire collective bargaining agreement
26 covering terms and conditions of a specific project, including labor issues and worker grievances
27 associated with any construction or retrofit of facilities, or other applicable project, associated with
28 the licensed entity.

29 **21-28.11-13. Taxes.**

30 (a) The following taxes are imposed on the retail sale of cannabis pursuant to the provisions
31 of this chapter by individuals licensed pursuant to § 21-28.11-10.

32 (1) Sales tax pursuant to the provisions of § 44-18-18;

33 (2) A state cannabis excise tax equal to ten percent (10%) of each retail sale as defined in
34 § 44-18-8; and

1 (3) A local cannabis excise tax equal to three percent (3%) of each retail sale as defined in
2 § 44-18-8.

3 (b) The assessment, collection and enforcement of the sales tax pursuant to § 44-18-18, the
4 state cannabis excise tax, and the local cannabis excise tax shall be pursuant to the provisions of
5 chapters 18 and 19 of title 44 and paid to the tax administrator by the retailer at the time and in the
6 manner prescribed for sales tax in § 44-19-10. The retailer shall add the taxes imposed by this
7 chapter to the sales price or charge, and when added the taxes constitute a part of the price or charge,
8 is a debt from the consumer or user to the retailer, and is recoverable at law in the same manner as
9 other debts.

10 (c) All sums received by the division of taxation under this section as local cannabis excise
11 tax or associated amounts as penalties, forfeitures, interest, costs of suit, and fines shall be
12 distributed at least quarterly and credited and paid by the state treasurer to the city or town where
13 the cannabis is delivered.

14 **21-28.11-14. Municipal fees.**

15 No fee, tax, charge or expense shall be assessed or collected from an individual licensed
16 pursuant to the provisions of § 21-28.11-10 except for local cannabis excise tax pursuant to § 21-
17 28.11-13 and any other fee, tax, charge or expense generally assessed or collected from residents
18 or businesses located in the municipality.

19 **21-28.11-15. Local option.**

20 (a) Every city or town, prior to the election to be conducted on November 8, 2022, may by
21 resolution of the city or town council, cause to be printed on the ballot in an election held on or
22 before November 8, 2022, the following question: "Shall retail cannabis licenses be issued for the
23 sale of recreational cannabis in this town (or city)?".

24 (b) Upon the adoption of a resolution by the city or town council pursuant to the provisions
25 of subsection (a) of this section, the commission shall not issue any license for the retail sale of
26 cannabis pursuant to the provisions of § 21-28.11-10 unless and until the electors of the city or
27 town vote to approve the retail sale of cannabis for recreational use.

28 (c) If a majority of ballots cast on which the electors indicated their choice is against
29 granting the license, then no license pursuant to § 21-28.11-10 shall be issued by the commission
30 for retail sales in the city or town.

31 **21-28.11-16. Local control.**

32 (a) A city or town may adopt ordinances and by-laws that impose reasonable safeguards
33 on the operation of cannabis establishments, provided they are not unreasonable and impracticable
34 and are not in conflict with this chapter or with regulations made pursuant to this chapter and that:

1 (1) Govern the time, place and manner of cannabis establishment operations and of any
2 business dealing in cannabis accessories, except that zoning ordinances or by-laws shall not operate
3 to:

4 (i) Prevent the conversion of a medical marijuana treatment center licensed or registered
5 not later than July 1, 2021, engaged in the cultivation, manufacture or sale of cannabis or cannabis
6 products to a cannabis establishment engaged in the same type of activity under this chapter; or

7 (ii) Limit the number of cannabis establishments below the limits established pursuant to
8 this chapter;

9 (2) Restrict the licensed cultivation, processing and manufacturing of cannabis that is a
10 public nuisance;

11 (3) Establish reasonable restrictions on public signs related to cannabis establishments;
12 provided, however, that if a city or town enacts an ordinance or by-law more restrictive than the
13 commission's standard, than the local ordinance or by-law shall not impose a standard for signage
14 more restrictive than those applicable to retail establishments that sell alcoholic beverages within
15 that city or town;

16 (4) Establish a civil penalty for violation of an ordinance or by-law enacted pursuant to this
17 subsection, similar to a penalty imposed for violation of an ordinance or by-law relating to alcoholic
18 beverages.

19 (b) Notwithstanding the provisions of § 21-28.11-15, the council or highest governing
20 elected body of a city or town shall, upon the filing with the city or town clerk of a petition signed
21 by not fewer than ten percent (10%) of the number of voters of such city or town voting at the state
22 election preceding the filing of the petition and conforming to the provisions of the general laws
23 relating to initiative petitions at the municipal level, request that the question of whether to allow,
24 in such city or town, the sale of cannabis and cannabis products for consumption on the premises
25 where sold be submitted to the voters of such city or town at the next biennial state election. If a
26 majority of the votes cast in the city or town are not in favor of allowing the consumption of
27 cannabis or cannabis products on the premises where sold, such city or town shall be taken to have
28 not authorized the consumption of cannabis and cannabis products on the premises where sold.

29 (c) No city or town shall prohibit the transportation of cannabis or cannabis products or
30 adopt an ordinance or by-law that makes the transportation of cannabis or cannabis products
31 unreasonable and impracticable.

32 (d) If an ordinance or by-law shall be submitted for approval pursuant to subsection (a),
33 the following procedures shall be followed:

34 (1) The city solicitor or town counsel shall prepare a fair and concise summary of the

1 proposed ordinance or by-law which shall make clear the number and types of cannabis
2 establishments which shall be permitted to operate under the proposed ordinance and by-law and
3 shall be included on the ballot.

4 (2) A ballot shall be prepared asking "Shall this [city or town] adopt the following [by-law
5 or ordinance]? [solicitor/counsel summary] [full text of by-law or ordinance]."

6 (3) If the majority of the votes cast in answer to the question are in the affirmative, the city
7 or town may adopt the by-law or ordinance, but if the majority of votes cast is in the negative, the
8 city or town shall not adopt the by-law or ordinance.

9 (4) A ballot question under this subsection may be placed on the ballot at a regular or
10 special election held by the city or town by a vote of the board of selectmen or by the city or town
11 council, with the approval of the mayor or chief executive officer of a city that does not have a
12 mayor, and subject to a municipal charter, if applicable.

13 **21-28.11-17. General conditions for licenses.**

14 (a) Upon receipt of a complete cannabis establishment license application and the
15 application fee, the commission shall forward a copy of the application to the city or town in which
16 the cannabis establishment is to be located, determine whether the applicant and the premises
17 qualify for the license and has complied with this chapter and shall, within ninety (90) days:

18 (1) Issue the appropriate license; or

19 (2) Send to the applicant a notice of rejection setting forth specific reasons why the
20 commission did not approve the license application.

21 (b) The commission shall approve a cannabis establishment license application and issue a
22 license if:

23 (1) The prospective cannabis establishment has submitted an application in compliance
24 with regulations made by the commission, the applicant satisfies the requirements established by
25 the commission, the applicant is in compliance with this chapter and the regulations made by the
26 commission and the applicant has paid the required fee;

27 (2) The commission is not notified by the applicant that the city or town in which the
28 proposed cannabis establishment will be located that the proposed cannabis establishment is not in
29 compliance with an ordinance in effect at the time of application;

30 (3) The property where the proposed cannabis establishment is to be located, at the time
31 the license application is received by the commission, is not located within five hundred (500) feet
32 of a pre-existing public or private school providing education in kindergarten or any of grades one
33 through twelve (12), unless a city or town adopts an ordinance or by-law that reduces the distance
34 requirement;

1 (4) The applicant, and any agents or employees of the applicant as required by the
2 commission pursuant to its rules and regulations, have undergone a criminal background check
3 pursuant to § 21-28.11-12.1 and on terms established by the commission; and

4 (5) As a condition of licensing, cannabis establishments shall consent and be subject to
5 reasonable inspection by the commission for the purposes of ensuring and enforcing compliance
6 with this chapter and all rules and regulations promulgated pursuant to this chapter, to include, but
7 not be limited to, the provisions of § 28-5.1-14.

8 (c) In addition to requirements established by regulation or by a city or town pursuant to
9 this chapter, a cannabis establishment shall:

10 (1) Secure every entrance to the establishment in order that access to areas containing
11 cannabis is restricted to employees and others permitted by the cannabis establishment to access
12 the area and to agents of the commission or state and local law enforcement officers and emergency
13 personnel; and

14 (2) Secure its inventory and equipment during and after operating hours to deter and
15 prevent theft of cannabis, cannabis products and cannabis accessories.

16 (d) No cannabis establishment may cultivate, process, test, store or manufacture cannabis
17 or cannabis products at any location other than at a physical address approved by the commission
18 and within an area that is enclosed and secured in a manner that prevents access by persons not
19 permitted by the cannabis establishment to access the area. A greenhouse or outdoor cannabis
20 cultivation area shall have sufficient security measures to demonstrate that outdoor areas are not
21 readily accessible by unauthorized individuals, including perimeter security fencing designed to
22 prevent unauthorized entry.

23 (e) No cannabis establishment shall allow cultivation, processing, manufacture, sale or
24 display of cannabis or cannabis products to be visible from a public place without the use of
25 binoculars, aircraft or other optical aids, as determined by the commission.

26 (f) No cannabis establishment shall refuse representatives of the commission the right at
27 any time of operation to inspect the entire licensed premises or to audit the books and records of
28 the cannabis establishment for the purposes of ensuring and enforcing compliance with this chapter
29 and all rules and regulations promulgated by the commission pursuant to this chapter.

30 (g) No cannabis establishment shall allow any person under twenty-one (21) years of age
31 to volunteer or work for the cannabis establishment.

32 (h) No cannabis establishment shall cultivate, manufacture, sell or otherwise transact
33 business with any products containing cannabinoids other than those that were produced,
34 distributed and taxed in compliance with this chapter.

1 (i) All cannabis establishments shall be subject to any regulations promulgated by the
2 commission that specify how cannabis shall be tested, including but not limited to, potency,
3 cannabinoid profile, and contaminants.

4 (j) All cannabis establishments shall be subject to any product labeling requirements
5 promulgated by the commission.

6 (k) License required. No person or entity shall operate a cannabis establishment without an
7 appropriate license(s) and/or registration(s) issued by the commission.

8 (l) Each licensee shall file an emergency response plan with the fire department and police
9 department of the host community.

10 **21-28.11-18. Administration and enforcement -- Transfer of powers.**

11 (a) The commission shall be responsible for the enforcement and administration of the
12 provisions of this chapter and for the provisions of chapter 28.6 of title 21.

13 (b) The commission shall promulgate rules and regulations to carry out the purpose and
14 intent of this chapter and chapter 28.6 of title 21.

15 (c) Upon the effective date of the rules and regulations adopted by the commission pursuant
16 to subsection (b) of this section, all powers, duties and responsibilities of the department of
17 environmental management, the department of health and the department of business regulation
18 with respect to administration and enforcement of chapter 28.6 of title 21 shall be transferred to the
19 commission.

20 (d) Compassion centers authorized to purchase and deliver cannabis and cannabis products
21 to registered qualifying patients and their registered primary caregivers or authorized purchasers,
22 or out-of-state patient cardholders or other marijuana establishment licensees, pursuant to § 21-
23 28.6-12, shall be required to obtain a cannabis retail sales license pursuant to § 21-28.11-10, before
24 conducting retail sales of cannabis and cannabis products to consumers.

25 **21-28.11-19. Multiple licenses restricted.**

26 (a) No person or entity licensed pursuant to the provisions of this chapter shall be granted
27 more than one license.

28 (b) No licensee shall own, control, manage or operate any other entity licensed pursuant to
29 the provisions of this chapter.

30 (c) Nothing in this chapter shall be construed to prohibit a licensee pursuant to the
31 provisions of chapter 28.6 of title 21 from possessing one license issued pursuant to the provisions
32 of this chapter.

33 (d) Nothing in this chapter shall be construed to prohibit one person from investing in
34 multiple licensed entities under this chapter.

1 **21-28.11-20. Audits and reports.**

2 (a)(1) The commission shall audit as often as the commission determines necessary the
3 accounts, programs, activities, and functions of all licensees. To conduct the audit, authorized
4 officers and employees of the commission shall have access to such accounts at reasonable times
5 and the commission may require the production of books, documents, vouchers and other records
6 relating to any matter within the scope of the audit, except tax returns. The superior court shall have
7 jurisdiction to enforce the production of records that the commission requires to be produced under
8 this section and the court shall order the production of all such records within the scope of any such
9 audit. All audits shall be conducted in accordance with generally accepted auditing standards
10 established by the American Institute of Certified Public Accountants. In any audit report of the
11 accounts, funds, programs, activities and functions of a licensee issued by the commission
12 containing adverse or critical audit results, the commission may require a response, in writing, to
13 the audit results. The response shall be forwarded to the commission within fifteen (15) days of
14 notification by the commission.

15 (2) On or before April 1 of each year, the commission shall submit a report to the governor,
16 the speaker of the house of representatives and the president of the senate, which shall include, but
17 not be limited to:

- 18 (i) The number of audits performed under this section;
- 19 (ii) A summary of findings under the audits; and
- 20 (iii) The cost of each audit.

21 **21-28.11-21. Expiration and renewal.**

22 (a) All licenses under this chapter shall be effective for one year from the date of issuance.
23 (b) The commission shall issue a renewal license within thirty (30) days of receipt of a
24 renewal application and renewal license fee from licensees in good standing and who have filed all
25 required tax returns and paid all required taxes.

26 **21-28.11-22. Personal use of cannabis.**

27 (a) Notwithstanding any other general or special law to the contrary, except as otherwise
28 provided in this chapter, a person twenty-one (21) years of age or older shall not be arrested,
29 prosecuted, penalized, sanctioned or disqualified under the laws of the state in any manner, or
30 denied any right or privilege and shall not be subject to seizure or forfeiture of assets for:

31 (1) Possessing, using, purchasing from a licensed cannabis retailer, or processing one ounce
32 (1 oz.) or less of cannabis, except that not more than five grams (5 gr.) of cannabis may be in the
33 form of cannabis concentrate;

34 (2) Within the person's primary residence, possessing, cultivating or processing not more

1 than six (6) cannabis plants as long as not more than twelve (12) plants are cultivated on the
2 premises at once for personal use and as long as all security requirements as promulgated by the
3 commission are complied with;

4 (3) Within the person's primary residence, possessing up to ten ounces (10 oz.) of cannabis,
5 in addition to any cannabis produced by cannabis plants cultivated on the premises in compliance
6 with subsection (a)(2), as long as all security requirements as promulgated by the commission are
7 complied with;

8 (4) Assisting another person who is twenty-one (21) years of age or older in any of the acts
9 described in this section; or

10 (5) Giving away or otherwise transferring without remuneration up to one ounce (1 oz.) of
11 cannabis, except that not more than five grams (5 gr.) of cannabis may be in the form of cannabis
12 concentrate, to a person twenty-one (21) years of age or older, as long as the transfer is not
13 advertised or promoted to the public.

14 (b) Notwithstanding any other general or special law to the contrary, except as otherwise
15 provided in this chapter, a person shall not be arrested, prosecuted, penalized, sanctioned or
16 otherwise denied any benefit and shall not be subject to seizure or forfeiture of assets for allowing
17 property the person owns, occupies or manages to be used for any of the activities conducted
18 lawfully under this chapter or for enrolling or employing a person who engages in cannabis-related
19 activities lawfully under this chapter.

20 (c) Absent clear and convincing evidence that the person's actions related to cannabis have
21 created an unreasonable danger to the safety of a minor child, neither the presence of cannabinoid
22 components or metabolites in a person's bodily fluids nor conduct permitted under this chapter
23 related to the possession, consumption, transfer, cultivation, manufacture or sale of cannabis,
24 cannabis products or cannabis accessories by a person charged with the well-being of a child shall
25 form the sole or primary basis for substantiation, service plans, removal or termination or for denial
26 of custody, visitation or any other parental right or responsibility.

27 (d) The use of cannabis shall not disqualify a person from any needed medical procedure
28 or treatment, including organ and tissue transplants.

29 (e) Notwithstanding any general or special law to the contrary, except as otherwise
30 provided in this chapter, a person twenty-one (21) years of age or older shall not be arrested,
31 prosecuted, penalized, sanctioned or disqualified and is not subject to seizure or forfeiture of assets
32 for possessing, producing, processing, manufacturing, purchasing, obtaining, selling or otherwise
33 transferring or delivering hemp.

34 **21-28.11-23. Cannabis accessories authorized.**

1 Notwithstanding any general or special law to the contrary, except as otherwise provided
2 in this chapter, a person twenty-one (21) years of age or older shall not be arrested, prosecuted,
3 penalized, sanctioned or disqualified and shall not be subject to seizure or forfeiture of assets for
4 possessing, purchasing or otherwise obtaining or manufacturing cannabis accessories or for selling
5 or otherwise transferring cannabis accessories to a person who is twenty-one (21) years of age or
6 older.

7 **21-28.11-24. Lawful operation of cannabis establishments.**

8 (a) Notwithstanding any general or special law to the contrary, except as otherwise
9 provided in this chapter, the following persons involved in the distribution of cannabis as authorized
10 by this chapter shall not be arrested, prosecuted, penalized, sanctioned or disqualified and shall not
11 be subject to seizure or forfeiture of assets for activities specified for:

12 (1) A cannabis retailer or an owner, operator, employee or other agent acting on behalf of
13 a cannabis retailer possessing or testing cannabis or cannabis products, purchasing, selling or
14 otherwise transferring or delivering cannabis or cannabis products to or from a cannabis
15 establishment; or selling or otherwise transferring or delivering cannabis or cannabis products to a
16 consumer;

17 (2) A cannabis cultivator or an owner, operator, employee or other agent acting on behalf
18 of a cannabis cultivator cultivating, propagating, breeding, harvesting, processing, packaging,
19 testing, storing or possessing cannabis or cannabis products, or selling or otherwise transferring,
20 purchasing or delivering cannabis and cannabis products to or from a cannabis establishment;

21 (3) A cannabis product manufacturer or an owner, operator, employee or other agent acting
22 on behalf of a cannabis product manufacturer packaging, processing, manufacturing, storing,
23 testing or possessing cannabis or cannabis products, or delivering, selling or otherwise transferring
24 and purchasing cannabis or cannabis products to or from a cannabis establishment; or

25 (4) A cannabis independent testing laboratory or an owner, operator, employee or other
26 agent acting on behalf of a cannabis independent testing laboratory possessing, processing, storing,
27 transferring or testing cannabis or cannabis products.

28 (b) Any licensee, or agent or employee thereof, under this chapter who reasonably relies
29 on a valid state issued identification card, or on a valid motor vehicle license, or on a valid passport
30 issued by the United States government, or by the government of a foreign country recognized by
31 the United States government, or a valid United States issued military identification card, for proof
32 of a person's identity and age shall not suffer any modification, suspension, revocation or
33 cancellation of such license, nor shall the licensee, agent or employee suffer any criminal liability,
34 for delivering or selling cannabis or cannabis products to a person under twenty-one (21) years of

1 age. Any licensee, or agent or employee thereof, under this chapter, who reasonably relies on the
2 forms of identification listed in this subsection, for proof of a person's identity and age shall be
3 presumed to have exercised due care in making such delivery or sale of cannabis or cannabis
4 products to a person under twenty-one (21) years of age. Such presumption shall be rebuttable.

5 **21-28.11-25. Contracts pertaining to cannabis enforceable.**

6 It is the public policy of the state that contracts related to the operation of cannabis
7 establishments under this chapter shall be enforceable. A contract entered into by a licensee or its
8 agents as permitted pursuant to a valid license issued by the commission, or by those who allow
9 property to be used by a licensee or its agents as permitted pursuant to a valid license issued by the
10 commission, shall not be unenforceable or void exclusively because the actions or conduct
11 permitted pursuant to the license is prohibited by federal law.

12 **21-28.11-26. Provision of professional services.**

13 A person engaged in a profession or occupation subject to licensure shall not be subject to
14 disciplinary action by a professional licensing board solely for providing professional services to
15 prospective or licensed cannabis establishments related to activity under this chapter that is not
16 subject to criminal penalty under the laws of the state.

17 **21-28.11-27. Penalties.**

18 (a) No person shall cultivate or process cannabis plants pursuant to this chapter if the plants
19 are visible from a public place without the use of binoculars, aircraft or other optical aids or
20 cultivate or process cannabis plants outside of an area that is equipped with a lock or other security
21 device, as determined by the commission. A person who violates this subsection shall be punished
22 by a civil penalty of not more than three hundred dollars (\$300) and forfeiture of the cannabis, but
23 shall not be subject to any other form of criminal or civil punishment or disqualification solely for
24 this conduct.

25 (b) The possession of more than one ounce (1 oz.) but not more than two ounces (2 oz.) of
26 cannabis outside of one's own place of residence shall be punished by a civil penalty of not more
27 than one hundred dollars (\$100) and forfeiture of the cannabis. Notwithstanding any public, special,
28 or general law to the contrary, this civil penalty of one hundred dollars (\$100) and forfeiture of the
29 cannabis shall apply if the offense is the first or second violation within the previous eighteen (18)
30 months. Third or subsequent violations within the previous eighteen (18) months shall be guilty of
31 a misdemeanor, and upon conviction, may be imprisoned for not more than one year, or fined not
32 less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or both.

33 (c) The possession of more than ten ounces (10 oz.) but not more than twenty ounces (20
34 oz.) of cannabis within the person's place of residence, in addition to any cannabis produced by

1 cannabis plants cultivated on the premises in compliance with § 21-28.11-22(a)(2), shall be
2 punished by a civil penalty of not more than one hundred dollars (\$100) and forfeiture of the
3 cannabis. Notwithstanding any public, special, or general law to the contrary, this civil penalty of
4 one hundred dollars (\$100) and forfeiture of the cannabis shall apply if the offense is the first or
5 second violation within the previous eighteen (18) months. Third or subsequent violations within
6 the previous eighteen (18) months shall be guilty of a misdemeanor, and upon conviction, may be
7 imprisoned for not more than one year, or fined not less than two hundred dollars (\$200) nor more
8 than five hundred dollars (\$500), or both.

9 (d) The possession, cultivating or processing of more than six (6) but not more than twelve
10 (12) cannabis plants for personal use, within one's primary residence, shall be punished by a civil
11 penalty of not more than one hundred dollars (\$100) and forfeiture of the cannabis. Notwithstanding
12 any public, special, or general law to the contrary, this civil penalty of one hundred dollars (\$100)
13 and forfeiture of the cannabis shall apply if the offense is the first or second violation within the
14 previous eighteen (18) months. Any person who commits a third or subsequent violation within an
15 eighteen (18) month period shall be guilty of a misdemeanor, and upon conviction, may be
16 imprisoned for not more than one year, or fined not less than two hundred dollars (\$200) nor more
17 than five hundred dollars (\$500), or both.

18 (e) Any person who fails to abide by all security requirements as promulgated by the
19 commission, in relation to the possession, storage, cultivation, and processing of cannabis, shall be
20 punished by a civil penalty of not more than three hundred dollars (\$300) and forfeiture of the
21 cannabis. Notwithstanding any public, special, or general law to the contrary, this civil penalty of
22 not more than three hundred dollars (\$300) and forfeiture of the cannabis shall apply if the offense
23 is the first or second violation within the previous eighteen (18) months. Third or subsequent
24 violations within the previous eighteen (18) months shall be guilty of a misdemeanor, and upon
25 conviction, may be imprisoned for not more than one year, or fined not less than three hundred
26 dollars (\$300) nor more than five hundred dollars (\$500), or both.

27 (f) No person shall consume cannabis in a public place or smoke cannabis where smoking
28 tobacco is prohibited. A person who violates this subsection shall be punished by a civil penalty of
29 not more than one hundred dollars (\$100). This subsection shall not apply to a person who
30 consumes cannabis or cannabis products in a designated area of a cannabis establishment located
31 in a city or town that has voted to allow consumption on the premises where sold and shall not be
32 construed to limit the medical use of marijuana as authorized under chapter 28.6 of title 21.

33 (g) No person shall, upon any way or in any place to which the public has a right of access,
34 or upon any way or in any place to which members of the public have access as invitees or licensees

1 or upon any public highway, possess an open container of cannabis or cannabis products in the
2 passenger area of any motor vehicle. A person who violates this subsection shall be punished by a
3 civil penalty of not more than five hundred dollars (\$500) and forfeiture of the cannabis or cannabis
4 products. For purposes of this section, "open container" shall mean that the package containing
5 cannabis or cannabis products has its seal broken or from which the contents have been partially
6 removed or consumed and "passenger area" shall mean the area designed to seat the driver and
7 passengers while the motor vehicle is in operation and any area that is readily accessible to the
8 driver or passenger while in a seated position; provided however that the passenger area shall not
9 include a motor vehicle's trunk, locked glove compartment or the living quarters of a house coach
10 or house trailer, or if a motor vehicle is not equipped with a trunk, the area behind the last upright
11 seat or an area not designed to be occupied by the driver or passenger while the vehicle is in motion.

12 (h) A person who is at least eighteen (18) years of age, but is under twenty-one (21) years
13 of age, except a qualifying patient holding a valid registration card for the medical use of cannabis,
14 who purchases or attempts to purchase cannabis, cannabis products or cannabis accessories, or
15 makes arrangements with any person to purchase or in any way procure cannabis, cannabis products
16 or cannabis accessories, or who willfully misrepresents such person's age, or in any way alters,
17 defaces or otherwise falsifies identification offered as proof of age, with the intent of purchasing
18 cannabis, cannabis products or cannabis accessories, shall be punished by a civil penalty of not
19 more than one hundred dollars (\$100) and shall complete a drug awareness program as defined in
20 § 21-28.11-27.2

21 (i) A person who is at least eighteen (18) years of age, but is less than twenty-one (21)
22 years of age, who violates any of the provisions of § 21-28.11-22 or this section, shall complete a
23 drug awareness program as defined in § 21-28.11-27.2 in addition to the penalties as provided in
24 this chapter.

25 (j) Whoever furnishes cannabis, cannabis products or cannabis accessories to a person less
26 than twenty-one (21) years of age, either for the person's own use or for the use of the person's
27 parent, or any other person, shall be punished by a fine of not more than two thousand dollars
28 (\$2,000) or by imprisonment for not more than one year, or both.

29 (k) For the purposes of this subsection, "furnish" shall mean to knowingly or intentionally
30 supply, give, provide to or allow use by, a person less than twenty-one (21) years of age, except for
31 the children and grandchildren of the person being charged.

32 (l) No person shall, in applying for a license or registration for a cannabis establishment,
33 including any renewal of a license or registration, give false information or offer false evidence.
34 Violation of this provision may be punished by a fine of not more than five thousand dollars

1 (\$5,000), or imprisonment for not more than five (5) years, or both.

2 (m) Any person who steals or attempts to steal any cannabis, cannabis products, or cannabis
3 accessories from a licensed cannabis establishment shall be punished by a fine of not more than
4 five thousand dollars (\$5,000), or by imprisonment of not more than five (5) years, or both.

5 (n) No violation of this section shall be considered a violation of parole, bail, or probation.

6 (o) No person may be arrested for a violation of subsection (b) of this section except as
7 provided in this subparagraph. Any person in possession of an identification card, license, or other
8 form of identification issued by the state or any state, city, or town, or any college or university,
9 who fails to produce the same upon request of a police officer who informs the person that he or
10 she has been found in possession of what appears to the officer to be over one ounce (1 oz.) of
11 marijuana, or any person without any such forms of identification who fails or refuses to truthfully
12 provide his or her name, address, and date of birth to a police officer who has informed such person
13 that the officer intends to provide such individual with a citation for possession of over one ounce
14 (1 oz.) of marijuana, may be arrested.

15 (p) This section shall not apply to the possession, cultivation, processing, sale, delivery or
16 furnishing of medical cannabis, which is otherwise compliant with the provisions of chapter 28.6
17 of title 21.

18 (q) Any and all violations of § 21-28.11-22 and this section shall be the exclusive
19 jurisdiction of the Rhode Island traffic tribunal.

20 **21-28.11-27.1. Juvenile penalties.**

21 (a) It shall be a violation of this section for any person under the age of eighteen (18),
22 except a qualifying patient holding a valid registration card for the medical use of cannabis acting
23 in compliance with chapter 28.6 of title 21 to do the following:

24 (1) To be in possession of up to two ounces (2 oz.) of cannabis outside of his or her primary
25 residence;

26 (2) To be in possession of cannabis products or cannabis accessories;

27 (3) To purchase or attempt to purchase cannabis, cannabis products or cannabis
28 accessories, or make arrangements with any person to purchase or in any way procure cannabis,
29 cannabis products or cannabis accessories, or to willfully misrepresents such person's age, or in any
30 way alters, defaces or otherwise falsifies identification offered as proof of age, with the intent of
31 purchasing cannabis, cannabis products or cannabis accessories;

32 (4) The possession of up to twenty ounces (20 oz.) of cannabis within one's primary
33 residence; or

34 (5) To possess, cultivate or process up to twelve (12) cannabis plants within one's primary

1 residence for personal use.

2 (b) The penalties for violations of this section are as follows:

3 (1) Upon a first violation under this section, a civil penalty of not more than one hundred
4 dollars (\$100) shall be imposed, forfeiture of the cannabis, cannabis products or cannabis
5 accessories, and the child shall be ordered to complete a drug awareness program consistent with
6 the mandates of this chapter within one year of the first violation.

7 (2) Upon a second violation under this section, a civil penalty of not more than two hundred
8 dollars (\$200) shall be imposed, forfeiture of the cannabis, cannabis products or cannabis
9 accessories, and the child shall be ordered to complete a drug awareness program consistent with
10 the mandates of this chapter within one year of the second violation.

11 (3) Upon a third or subsequent violation of this section, shall be found wayward, shall be
12 fined no more than five hundred dollars (\$500), forfeiture of the cannabis, cannabis products or
13 cannabis accessories, and shall be ordered to cooperate with a court approved substance abuse
14 evaluation and any/all recommendations of said evaluation.

15 (c) For any violation of this section, the drug awareness program must be completed within
16 one year of the violation date. Upon completion of the program, the violator or his or her parent or
17 legal guardian shall file with the clerk of the family court a certificate that the violator has
18 completed a drug awareness program consistent with the mandates of this section within one year
19 of the relevant violation. If a certificate of completion is not filed within one year of the relevant
20 violation, the clerk of the family court shall schedule and notify the violator, parent or guardian,
21 and the enforcing department which issued the original summons, of a hearing to show cause why
22 the civil penalty should not be increased to one thousand dollars (\$1,000). Factors to be considered
23 in weighing cause shall be limited to financial capacity to pay any increase, the violator's ability to
24 participate in a compliant drug awareness program and the availability of a suitable drug awareness
25 program.

26 (d) All civil penalties imposed under the provisions of this section shall inure to the social
27 equity assistance fund.

28 (e) The failure to complete the drug awareness program within one year of the violation
29 date, regardless of whether it is considered a first, second, or further subsequent violation, may be
30 a basis for wayward proceedings for persons under the age of eighteen (18) years of age at the time
31 of the violation.

32 (f) Any person under the age of eighteen (18) alleged to have violated any of the provisions
33 of this section shall be issued a summons to appear in family court and shall not be taken into
34 custody based solely on this violation absent a warrant. It shall be the responsibility of the

1 individual or department issuing the summons to file the appropriate petition with the family court.

2 (g) The family court shall have sole jurisdiction of all alleged violations under this section
3 and any other cannabis-related violations pertaining to any persons under the age of eighteen (18)
4 at the time of the alleged violation.

5 **21-28.11-27.2. Drug awareness program.**

6 The department of behavioral healthcare, developmental disabilities and hospitals
7 (BHDDH) shall develop substance abuse prevention programs and student assistance programs for
8 youth pursuant to chapters 21.1 and 21.3 of title 16, and in accordance with the criteria set forth in
9 §§ 16-21.2-4(a) and 16-21.3-2(a). The drug awareness program shall provide at least four (4) hours
10 of classroom instruction or group discussion and ten (10) hours of community service.

11 **21-28.11-28. Liability to state under this chapter as debt.**

12 Any liability to the state under this chapter shall constitute a debt to the state. Once a
13 statement naming a licensee is recorded, registered or filed, any such debt shall constitute a lien on
14 all commercial property owned by a licensee in the state and shall have priority over an
15 encumbrance recorded, registered or filed with respect to any site.

16 **21-28.11-29. Scope of chapter.**

17 (a) This chapter shall not permit:

18 (1) Any person to undertake any task under the influence of cannabis when doing so would
19 constitute negligence or professional malpractice;

20 (2) The smoking of cannabis:

21 (i) In a school bus or other form of public transportation;

22 (ii) On any school grounds;

23 (iii) In any correctional facility;

24 (iv) In any public place;

25 (v) In any licensed drug treatment facility in this state; or

26 (vi) Where exposure to the cannabis smoke significantly adversely affects the health,
27 safety, or welfare of children; or

28 (3) Any person to operate, navigate, or be in actual physical control of any motor vehicle,
29 aircraft, or motorboat while under the influence of cannabis. However, a person shall not be
30 considered to be under the influence solely for having cannabis metabolites in his or her system.

31 (b) Nothing in this chapter shall be construed to require:

32 (1) A government medical assistance program or private health insurer or workers'
33 compensation insurer, workers' compensation group self-insurer, or employer self-insured for
34 workers' compensation under § 28-36-1 to reimburse a person for costs associated with the medical

1 use of cannabis; or

2 (2) An employer to accommodate the medical use of marijuana in any workplace.

3 (c) Fraudulent representation to a law enforcement official of any fact or circumstance
4 relating to the medical use of marijuana to avoid arrest or prosecution shall be punishable by a fine
5 of five hundred dollars (\$500) which shall be in addition to any other penalties that may apply for
6 making a false statement for the nonmedical use of cannabis.

7 (d) Nothing contained in this chapter shall be construed to require employers to
8 accommodate the use or possession of cannabis, or being under the influence of cannabis, in any
9 workplace. Employers may implement drug use policies which prohibit the use or possession of
10 cannabis in the workplace or working under the influence of cannabis, provided that unless such
11 use is prohibited pursuant to the terms of a collective bargaining agreement, an employer shall not
12 fire or take disciplinary action against an employee solely for an employee's private, lawful use of
13 cannabis outside the workplace and as long as the employee has not and is not working under the
14 influence of cannabis except to the extent that the employer is a federal contractor or otherwise
15 subject to federal law or regulations such that failure to take such action would cause the employer
16 to lose a monetary or licensing related benefit thereunder.

17 **21-28.11-30. Activities not exempt.**

18 The provisions of this chapter do not exempt any person from arrest, civil or criminal
19 penalty, seizure or forfeiture of assets, discipline by any state or local licensing board or authority,
20 and state prosecution for, nor may they establish an affirmative defense based on this chapter to
21 charges arising from, any of the following acts:

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

24 (2) Possessing or using cannabis or cannabis products if the person is in state custody;

25 (3) Possessing or using cannabis or cannabis products in any local detention facility, jail,
26 state prison, reformatory, or other correctional facility, including, without limitation, any facility
27 for the detention of juvenile offenders; or

28 (4) Manufacturing or processing of cannabis products with the use of prohibited solvents,
29 in violation of this chapter and chapter 28.6 of title 21; or

30 (5) Possessing, using, distributing, cultivating, processing or manufacturing cannabis or
31 cannabis products which do not satisfy the requirements of this chapter and chapter 28.6 of title 21.

32 **21-28.11-31. Social equity assistance fund.**

33 (a) There shall be established and set up on the books of the state within the general fund,
34 a separate fund to be known as the "social equity assistance fund".

1 (b) It shall, subject to appropriation, consist of all monies received on account of the state
2 as a result of application for and licensing of individuals and entities pursuant to the provisions of
3 this chapter, all civil penalties received for violations of this chapter and interest earned on balances
4 in the fund.

5 (c) Subject to appropriation, money in the fund shall be expended for the implementation
6 and administration of programming for restorative justice, jail diversion, drug rehabilitation and
7 education workforce development for jobs related to cannabis cultivation, transportation,
8 distribution and sales, mentoring services for economically-disadvantaged persons in communities
9 disproportionately impacted by high rates of arrest and incarceration for cannabis and direct
10 financial assistance to economically disadvantaged persons to gain entry into lawful cannabis
11 business.

12 (d) Disbursement from the fund may include provisions for interest free loans to pay the
13 application and annual licensing fee for individuals who have previously been disproportionately
14 impacted by criminal enforcement of marijuana laws to include individuals convicted of nonviolent
15 marijuana offenses, immediate family members of individuals convicted of non-violent marijuana
16 offenses, and for those individuals who have resided in disproportionately impacted areas for at
17 least five (5) of the last ten (10) years.

18 (e) The commission in consultation with the office of diversity, equity and opportunity
19 shall promulgate rules establishing the criteria, eligibility, qualifications and process for
20 administering disbursement of the funds.

21 (f) The commission shall administer the program and the authorized disbursement of funds
22 as appropriated.

23 **21-28.11-32. Tax receipts.**

24 Revenue collected as sales tax or state cannabis excise tax pursuant to the provisions of §
25 21-28.11-13 shall be paid into the state's general fund.

26 SECTION 2. Title 44 of the General Laws entitled "TAXATION" is hereby amended by
27 adding thereto the following chapter:

28 CHAPTER 70

29 CANNABIS TAX

30 **44-70-1. Definitions.**

31 (a) As used in this chapter, the following words shall, unless the context clearly requires
32 otherwise, have the following meanings:

33 (1) "Administrator" means the state tax administrator in the department of revenue as set
34 forth in chapter 1 of title 44.

1 (2) "Cannabis control commission" means the entity established as set forth in chapter
2 28.11 of title 21.

3 (3) "Cannabis," "Marijuana establishment," "Marijuana paraphernalia," "Marijuana
4 products" and "Marijuana retailer", shall have the same meaning as defined in chapter 28.11 of title
5 21.

6 (4) "Local cannabis excise tax" means the tax set forth in § 44-70-3.

7 (5) "State cannabis excise tax" means the tax set forth in § 44-70-2.

8 **44-70-2. State cannabis excise tax -- Rate -- Payment.**

9 (a) Except for a sale in compliance with the provisions of chapter 28.6 of the title 21, a
10 state cannabis excise tax is hereby imposed upon the sale of cannabis or cannabis products by a
11 cannabis retailer to anyone other than a cannabis establishment at a rate of ten percent (10%) of the
12 total sales price received by the cannabis retailer as consideration for the sale of cannabis or
13 cannabis products. The state cannabis excise tax shall be levied in addition to any sales and use
14 state tax imposed upon the sale of property or services as provided in chapter 18 of title 44 and
15 shall be paid by a cannabis retailer to the administrator at the time provided for filing the return
16 required by chapters 18 and 19 of title 44.

17 (b) The assessment, collection and enforcement of the state cannabis excise tax shall be
18 pursuant to the provisions of chapters 18 and 19 of title 44 and paid to the administrator by the
19 retailer at the time and in the manner prescribed for sales tax in § 44-19-10. The retailer shall add
20 the tax imposed by this section to the sales price or charge, and when added the tax constitutes a
21 part of the price or charge, is a debt from the consumer or user to the retailer and is recoverable at
22 law in the same manner as other debts.

23 (c) Failure to pay the state cannabis excise tax to the state, or any amount of tax required
24 to be collected and paid to the state, shall result in interest at the annual rate provided by § 44-1-7
25 from the date on which the tax or amount of the tax required to be collected became due and payable
26 to the state until date of payment.

27 **44-70-3. Local cannabis excise tax.**

28 (a) Except for a sale in compliance with the provisions of chapter 28.6 of title 21, a city or
29 town shall impose a local cannabis excise tax upon sale or transfer of cannabis or cannabis products
30 by a cannabis retailer operating within the city or town to anyone other than a cannabis
31 establishment at a rate of three percent (3%) of the total sales price received by the cannabis retailer
32 as consideration for the sale of cannabis or cannabis products.

33 (b) The assessment, collection and enforcement of the local cannabis excise tax shall be
34 pursuant to the provisions of chapters 18 and 19 of title 44 and paid to the tax administrator by the

1 retailer at the time and in the manner proscribed for sales tax in § 44-19-10. The retailer shall add
2 the tax imposed by this section to the sales price or charge, and when added the tax constitutes a
3 part of the price or charge, is a debt from the consumer or user to the retailer, and is recoverable at
4 law in the same manner as other debts.

5 (c) All sums received by the division of taxation under this section as local cannabis excise
6 tax or associated amounts as penalties, forfeitures, interest, costs of suit, and fines shall be
7 distributed at least quarterly and credited and paid by the state treasurer to the city or town where
8 the cannabis is delivered.

9 **44-70-4. Exemptions.**

10 The state cannabis excise tax and the local cannabis excise tax provided by this chapter
11 shall not apply to the sale of cannabis or cannabis products by a medical marijuana treatment center
12 as defined in § 21-28.11-3 or a registered primary caregiver to a qualifying patient as defined in §
13 21-28.6-3, cardholder, compassion center cardholder, or authorized purchaser pursuant to chapter
14 28.6 of title 21.

15 **44-70-5. Application of tax revenue.**

16 The administrator shall deposit revenue collected pursuant to this chapter from the excise
17 tax and the sales tax into the general fund.

18 **44-70-6. Rates of taxation.**

19 The general assembly may adjust the rates of taxation provided for in this chapter from
20 time to time. The cannabis control commission may make such recommendations to the general
21 assembly as the commission deems appropriate in regard to the rate of taxation set forth in this
22 chapter.

23 SECTION 3. Sections 21-28.6-12 and 21-28.6-17 of the General Laws in Chapter 21-28.6
24 entitled "The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act" are hereby
25 amended to read as follows:

26 **21-28.6-12. Compassion centers.**

27 (a) A compassion center licensed under this section may acquire, possess, cultivate,
28 manufacture, deliver, transfer, transport, supply, or dispense medical marijuana, or related supplies
29 and educational materials, to registered qualifying patients and their registered primary caregivers
30 or authorized purchasers, or out-of-state patient cardholders or other marijuana establishment
31 licensees. Except as specifically provided to the contrary, all provisions of this chapter (the Edward
32 O. Hawkins and Thomas C. Slater medical marijuana act), apply to a compassion center unless the
33 provision(s) conflict with a provision contained in this section.

34 (b) License of compassion centers -- authority of the departments of health and business

1 regulation:

2 (1) Not later than ninety (90) days after the effective date of this chapter, the department
3 of health shall promulgate regulations governing the manner in which it shall consider applications
4 for licenses for compassion centers, including regulations governing:

5 (i) The form and content of license and renewal applications;

6 (ii) Minimum oversight requirements for compassion centers;

7 (iii) Minimum record-keeping requirements for compassion centers;

8 (iv) Minimum security requirements for compassion centers; and

9 (v) Procedures for suspending, revoking, or terminating the license of compassion centers
10 that violate the provisions of this section or the regulations promulgated pursuant to this subsection.

11 (2) Within ninety (90) days of the effective date of this chapter, the department of health
12 shall begin accepting applications for the operation of a single compassion center.

13 (3) Within one hundred fifty (150) days of the effective date of this chapter, the department
14 of health shall provide for at least one public hearing on the granting of an application to a single
15 compassion center.

16 (4) Within one hundred ninety (190) days of the effective date of this chapter, the
17 department of health shall grant a single license to a single compassion center, providing at least
18 one applicant has applied who meets the requirements of this chapter.

19 (5) If at any time after fifteen (15) months after the effective date of this chapter, there is
20 no operational compassion center in Rhode Island, the department of health shall accept
21 applications, provide for input from the public, and issue a license for a compassion center if a
22 qualified applicant exists.

23 (6) Within two (2) years of the effective date of this chapter, the department of health shall
24 begin accepting applications to provide licenses for two (2) additional compassion centers. The
25 department shall solicit input from the public, and issue licenses if qualified applicants exist.

26 (7)(i) Any time a compassion center license is revoked, is relinquished, or expires on or
27 before December 31, 2016, the department of health shall accept applications for a new compassion
28 center.

29 (ii) Any time a compassion center license is revoked, is relinquished, or expires on or after
30 January 1, 2017, the department of business regulation shall accept applications for a new
31 compassion center.

32 (8)(i) If at any time after three (3) years after the effective date of this chapter and on or
33 before December 31, 2016, fewer than three (3) compassion centers are holding valid licenses in
34 Rhode Island, the department of health shall accept applications for a new compassion center. If at

1 any time on or after January 1, 2017, fewer than three (3) compassion centers are holding valid
2 licenses in Rhode Island, the department of business regulation shall accept applications for a new
3 compassion center. There shall be nine (9) compassion centers that may hold valid licenses at one
4 time. If at any time on or after July 1, 2019, fewer than nine (9) compassion centers are holding
5 valid licenses in Rhode Island, the department of business regulation shall accept applications for
6 new compassion centers and shall continue the process until nine (9) licenses have been issued by
7 the department of business regulation.

8 (9) Any compassion center application selected for approval by the department of health
9 on or before December 31, 2016, or selected for approval by the department of business regulation
10 on or after January 1, 2017, shall remain in full force and effect, notwithstanding any provisions of
11 this chapter to the contrary, and shall be subject to state law adopted herein and rules and regulations
12 adopted by the departments of health and business regulation subsequent to passage of this
13 legislation.

14 (10) A licensed cultivator may apply for, and be issued, an available compassion center
15 license, provided that the licensed cultivation premises is disclosed on the compassion center
16 application as the permitted second location for growing medical marijuana in accordance with
17 subsection (c)(i) of this section. If a licensed cultivator is issued an available compassion center
18 license, their cultivation facility license will merge with and into their compassion center license in
19 accordance with regulations promulgated by the department of business regulation. Once merged,
20 the cultivation of medical marijuana may then be conducted under the compassion center license
21 in accordance with this section and the cultivation license will be considered null and void and of
22 no further force or effect.

23 (c) Compassion center and agent applications and license:

24 (1) Each application for a compassion center shall be submitted in accordance with
25 regulations promulgated by the department of business regulation and shall include, but not be
26 limited to:

27 (i) A non-refundable application fee paid to the department in the amount of ten thousand
28 dollars (\$10,000);

29 (ii) The proposed legal name and proposed articles of incorporation of the compassion
30 center;

31 (iii) The proposed physical address of the compassion center, if a precise address has been
32 determined, or, if not, the general location where it would be located. This may include a second
33 location for the cultivation of medical marijuana;

34 (iv) A description of the enclosed, locked facility that would be used in the cultivation of

1 medical marijuana;

2 (v) The name, address, and date of birth of each principal officer and board member of the
3 compassion center;

4 (vi) Proposed security and safety measures that shall include at least one security alarm
5 system for each location, planned measures to deter and prevent the unauthorized entrance into
6 areas containing marijuana and the theft of marijuana, as well as a draft, employee-instruction
7 manual including security policies, safety and security procedures, personal safety, and crime-
8 prevention techniques; and

9 (vii) Proposed procedures to ensure accurate record keeping.

10 (2)(i) For applications submitted on or before December 31, 2016, any time one or more
11 compassion center license applications are being considered, the department of health shall also
12 allow for comment by the public and shall solicit input from registered qualifying patients,
13 registered primary caregivers, and the towns or cities where the applicants would be located;

14 (ii) For applications submitted on or after January 1, 2017, any time one or more
15 compassion center license applications are being considered, the department of business regulation
16 shall also allow for comment by the public and shall solicit input from registered qualifying
17 patients, registered primary caregivers, and the towns or cities where the applicants would be
18 located.

19 (3) Each time a new compassion center license is issued, the decision shall be based upon
20 the overall health needs of qualified patients and the safety of the public, including, but not limited
21 to, the following factors:

22 (i) Convenience to patients from areas throughout the state of Rhode Island;

23 (ii) The applicant's ability to provide a steady supply to the registered qualifying patients
24 in the state;

25 (iii) The applicant's experience running a non-profit or business;

26 (iv) The interests of qualifying patients regarding which applicant be granted a license;

27 (v) The interests of the city or town where the dispensary would be located taking into
28 consideration need and population;

29 (vi) Nothing herein shall prohibit more than one compassion center being geographically
30 located in any city or town;

31 (vii) The sufficiency of the applicant's plans for record keeping and security, which records
32 shall be considered confidential healthcare information under Rhode Island law and are intended
33 to be deemed protected healthcare information for purposes of the Federal Health Insurance
34 Portability and Accountability Act of 1996, as amended; and

1 (viii) The sufficiency of the applicant's plans for safety and security, including proposed
2 location, security devices employed, and staffing.

3 (4) A compassion center approved by the department of health on or before December 31,
4 2016, shall submit the following to the department before it may begin operations:

5 (i) A fee paid to the department in the amount of five thousand dollars (\$5,000);

6 (ii) The legal name and articles of incorporation of the compassion center;

7 (iii) The physical address of the compassion center; this may include a second address for
8 the secure cultivation of marijuana;

9 (iv) The name, address, and date of birth of each principal officer and board member of the
10 compassion center; and

11 (v) The name, address, and date of birth of any person who will be an agent of, employee,
12 or volunteer of the compassion center at its inception.

13 (5)(i) A compassion center approved or renewed by the department of business regulation
14 on or after January 1, 2017, but before July 1, 2019, shall submit materials pursuant to regulations
15 promulgated by the department of business regulation before it may begin operations:

16 (A) A fee paid to the department in the amount of five thousand dollars (\$5,000);

17 (B) The legal name and articles of incorporation of the compassion center;

18 (C) The physical address of the compassion center; this may include a second address for
19 the secure cultivation of medical marijuana;

20 (D) The name, address, and date of birth of each principal officer and board member of the
21 compassion center;

22 (E) The name, address, and date of birth of any person who will be an agent, employee, or
23 volunteer of the compassion center at its inception.

24 (ii) A compassion center approved or renewed by the department of business regulation on
25 or after July 1, 2019, shall submit materials pursuant to regulations promulgated by the department
26 of business regulation before it may begin operations, which shall include but not be limited to:

27 (A) A fee paid to the department in the amount of five hundred thousand dollars
28 (\$500,000);

29 (B) The legal name and articles of incorporation of the compassion center;

30 (C) The physical address of the compassion center; this may include a second address for
31 the secure cultivation of medical marijuana;

32 (D) The name, address, and date of birth of each principal officer and board member of the
33 compassion center, and any person who has a direct or indirect ownership interest in any marijuana
34 establishment licensee, which ownership interest shall include, but not be limited to, any interests

1 arising pursuant to the use of shared management companies, management agreements or other
2 agreements that afford third-party management or operational control, or other familial or business
3 relationships between compassion center or cultivator owners, members, officers, directors,
4 managers, investors, agents, or key persons that effect dual license interests as determined by the
5 department of business regulation;

6 (E) The name, address, and date of birth of any person who will be an agent, employee, or
7 volunteer of the compassion center at its inception.

8 (6) Except as provided in subsection (c)(7) of this section, the department of health or the
9 department of business regulation shall issue each principal officer, board member, agent,
10 volunteer, and employee of a compassion center a registry identification card or renewal card after
11 receipt of the person's name, address, date of birth; a fee in an amount established by the department
12 of health or the department of business regulation; and, except in the case of an employee,
13 notification to the department of health or the department of business regulation by the department
14 of public safety division of state police, attorney general's office, or local law enforcement that the
15 registry identification card applicant has not been convicted of a felony drug offense or has not
16 entered a plea of nolo contendere for a felony drug offense and received a sentence of probation.
17 Each card shall specify that the cardholder is a principal officer, board member, agent, volunteer,
18 or employee of a compassion center and shall contain the following:

19 (i) The name, address, and date of birth of the principal officer, board member, agent,
20 volunteer, or employee;

21 (ii) The legal name of the compassion center to which the principal officer, board member,
22 agent, volunteer, or employee is affiliated;

23 (iii) A random identification number that is unique to the cardholder;

24 (iv) The date of issuance and expiration date of the registry identification card; and

25 (v) A photograph, if the department of health or the department of business regulation
26 decides to require one.

27 (7) Except as provided in this subsection, neither the department of health nor the
28 department of business regulation shall issue a registry identification card to any principal officer,
29 board member, or agent, of a compassion center who has been convicted of a felony drug offense
30 or has entered a plea of nolo contendere for a felony drug offense and received a sentence of
31 probation. If a registry identification card is denied, the compassion center will be notified in
32 writing of the purpose for denying the registry identification card. A registry identification card
33 may be granted if the offense was for conduct that occurred prior to the enactment of the Edward
34 O. Hawkins and Thomas C. Slater medical marijuana act or that was prosecuted by an authority

1 other than the state of Rhode Island and for which the Edward O. Hawkins and Thomas C. Slater
2 medical marijuana act would otherwise have prevented a conviction.

3 (i) All registry identification card applicants shall apply to the department of public safety
4 division of state police, the attorney general's office, or local law enforcement for a national
5 criminal identification records check that shall include fingerprints submitted to the federal bureau
6 of investigation. Upon the discovery of a felony drug offense conviction or a plea of nolo
7 contendere for a felony drug offense with a sentence of probation, and in accordance with the rules
8 promulgated by the department of health and the department of business regulation, the department
9 of public safety division of state police, the attorney general's office, or local law enforcement shall
10 inform the applicant, in writing, of the nature of the felony and the department of public safety
11 division of state police shall notify the department of health or the department of business
12 regulation, in writing, without disclosing the nature of the felony, that a felony drug offense
13 conviction or a plea of nolo contendere for a felony drug offense with probation has been found.

14 (ii) In those situations in which no felony drug offense conviction or plea of nolo
15 contendere for a felony drug offense with probation has been found, the department of public safety
16 division of state police, the attorney general's office, or local law enforcement shall inform the
17 applicant and the department of health or the department of business regulation, in writing, of this
18 fact.

19 (iii) All registry identification card applicants, except for employees with no ownership,
20 equity, financial interest, or managing control of a marijuana establishment license, shall be
21 responsible for any expense associated with the criminal background check with fingerprints.

22 (8) A registry identification card of a principal officer, board member, agent, volunteer,
23 employee, or any other designation required by the department of business regulation shall expire
24 one year after its issuance, or upon the expiration of the licensed organization's license, or upon the
25 termination of the principal officer, board member, agent, volunteer, or employee's relationship
26 with the compassion center, whichever occurs first.

27 (9) A compassion center cardholder shall notify and request approval from the department
28 of business regulation of any change in his or her name or address within ten (10) days of the
29 change. A compassion center cardholder who fails to notify the department of business regulation
30 of any of these changes is responsible for a civil infraction, punishable by a fine of no more than
31 one hundred fifty dollars (\$150).

32 (10) When a compassion center cardholder notifies the department of health or the
33 department of business regulation of any changes listed in this subsection, the department shall
34 issue the cardholder a new registry identification card within ten (10) days of receiving the updated

1 information and a ten-dollar (\$10.00) fee.

2 (11) If a compassion center cardholder loses his or her registry identification card, he or
3 she shall notify the department of health or the department of business regulation and submit a ten-
4 dollar (\$10.00) fee within ten (10) days of losing the card. Within five (5) days, the department
5 shall issue a new registry identification card with new random identification number.

6 (12) On or before December 31, 2016, a compassion center cardholder shall notify the
7 department of health of any disqualifying criminal convictions as defined in subsection (c)(7) of
8 this section. The department of health may choose to suspend and/or revoke his or her registry
9 identification card after the notification.

10 (13) On or after January 1, 2017, a compassion center cardholder shall notify the
11 department of business regulation of any disqualifying criminal convictions as defined in
12 subsection (c)(7) of this section. The department of business regulation may choose to suspend
13 and/or revoke his or her registry identification card after the notification.

14 (14) If a compassion center cardholder violates any provision of this chapter or regulations
15 promulgated hereunder as determined by the departments of health and business regulation, his or
16 her registry identification card may be suspended and/or revoked.

17 (d) Expiration or termination of compassion center:

18 (1) On or before December 31, 2016, a compassion center's license shall expire two (2)
19 years after its license is issued. On or after January 1, 2017, a compassion center's license shall
20 expire one year after its license is issued. The compassion center may submit a renewal application
21 beginning sixty (60) days prior to the expiration of its license.

22 (2) The department of health or the department of business regulation shall grant a
23 compassion center's renewal application within thirty (30) days of its submission if the following
24 conditions are all satisfied:

25 (i) The compassion center submits the materials required under subsections (c)(4) and
26 (c)(5) of this section, including a five-hundred-thousand-dollar (\$500,000) fee except on the
27 effective date of chapter 28.11 of title 21 the fee shall be reduced to two hundred fifty thousand
28 dollars (\$250,000);

29 (ii) The compassion center's license has never been suspended for violations of this chapter
30 or regulations issued pursuant to this chapter; and

31 (iii) The department of business regulation finds that the compassion center is adequately
32 providing patients with access to medical marijuana at reasonable rates.

33 (3) If the department of health or the department of business regulation determines that any
34 of the conditions listed in subsections (d)(2)(i) -- (iii) of this section have not been met, the

1 department may begin an open application process for the operation of a compassion center. In
2 granting a new license, the department of health or the department of business regulation shall
3 consider factors listed in subsection (c)(3) of this section.

4 (4) The department of business regulation shall issue a compassion center one or more
5 thirty-day (30) temporary licenses after that compassion center's license would otherwise expire if
6 the following conditions are all satisfied:

7 (i) The compassion center previously applied for a renewal, but the department had not yet
8 come to a decision;

9 (ii) The compassion center requested a temporary license; and

10 (iii) The compassion center has not had its license suspended or revoked due to violations
11 of this chapter or regulations issued pursuant to this chapter.

12 (5) A compassion center's license shall be denied, suspended, or subject to revocation if
13 the compassion center:

14 (i) Possesses an amount of marijuana exceeding the limits established by this chapter;

15 (ii) Is in violation of the laws of this state;

16 (iii) Is in violation of other departmental regulations;

17 (iv) Employs or enters into a business relationship with a medical practitioner who provides
18 written certification of a qualifying patient's medical condition; or

19 (v) If any compassion center owner, member, officer, director, manager, investor, agent,
20 or key person as defined in regulations promulgated by the department of business regulation, has
21 any interest, direct or indirect, in another compassion center or another licensed cultivator, except
22 as permitted in subsection (b)(10) of this section [or § 21-28.11-19](#). Prohibited interests shall also
23 include interests arising pursuant to the use of shared management companies, management
24 agreements, or other agreements that afford third-party management or operational control, or other
25 familial or business relationships between compassion center or cultivator owners, members,
26 officers, directors, managers, investors, agents, or key persons that effect dual license interests as
27 determined by the department of business regulation.

28 (e) Inspection. Compassion centers are subject to reasonable inspection by the department
29 of health, division of facilities regulation, and the department of business regulation. During an
30 inspection, the departments may review the compassion center's confidential records, including its
31 dispensing records, which shall track transactions according to qualifying patients' registry
32 identification numbers to protect their confidentiality.

33 (f) Compassion center requirements:

34 (1) A compassion center shall be operated on a not-for-profit basis for the mutual benefit

1 of its patients. A compassion center need not be recognized as a tax-exempt organization by the
2 Internal Revenue Service. A compassion center shall be subject to regulations promulgated by the
3 department of business regulation for general operations and record keeping, which shall include,
4 but not be limited to:

5 (i) Minimum security and surveillance requirements;

6 (ii) Minimum requirements for workplace safety and sanitation;

7 (iii) Minimum requirements for product safety and testing;

8 (iv) Minimum requirements for inventory tracking and monitoring;

9 (v) Minimum requirements for the secure transport and transfer of medical marijuana;

10 (vi) Minimum requirements to address odor mitigation;

11 (vii) Minimum requirements for product packaging and labeling;

12 (viii) Minimum requirements and prohibitions for advertising;

13 (ix) Minimum requirements for the testing and destruction of marijuana. Wherever
14 destruction of medical marijuana and medical marijuana product is required to bring a person or
15 entity into compliance with any provision of this chapter, any rule or regulation promulgated
16 thereunder, or any administrative order issued in accordance therewith, the director of the
17 department of business regulation may designate his or her employees or agents to facilitate the
18 destruction;

19 (x) A requirement that if a compassion center violates this chapter, or any regulation
20 thereunder, and the department of business regulation determines that violation does not pose an
21 immediate threat to public health or public safety, the compassion center shall pay to the department
22 of business regulation a fine of no less than five-hundred dollars (\$500); and

23 (xi) A requirement that if a compassion center violates this chapter, or any regulation
24 promulgated hereunder, and the department of business regulation determines that the violation
25 poses an immediate threat to public health or public safety, the compassion center shall pay to the
26 department of business regulation a fine of no less than two thousand dollars (\$2,000) and the
27 department shall be entitled to pursue any other enforcement action provided for under this chapter
28 and the regulations.

29 (2) A compassion center may not be located within one thousand feet (1,000') of the
30 property line of a preexisting public or private school.

31 (3) On or before December 31, 2016, a compassion center shall notify the department of
32 health within ten (10) days of when a principal officer, board member, agent, volunteer, or
33 employee ceases to work at the compassion center. On or after January 1, 2017, a compassion
34 center shall notify the department of business regulation within ten (10) days of when a principal

1 officer, board member, agent, volunteer, or employee ceases to work at the compassion center. His
2 or her card shall be deemed null and void and the person shall be liable for any penalties that may
3 apply to any nonmedical possession or use of marijuana by the person.

4 (4)(i) On or before December 31, 2016, a compassion center shall notify the department of
5 health in writing of the name, address, and date of birth of any new principal officer, board member,
6 agent, volunteer, or employee and shall submit a fee in an amount established by the department
7 for a new registry identification card before that person begins his or her relationship with the
8 compassion center;

9 (ii) On or after January 1, 2017, a compassion center shall notify the department of business
10 regulation, in writing, of the name, address, and date of birth of any new principal officer, board
11 member, agent, volunteer, or employee and shall submit a fee in an amount established by the
12 department of business regulation for a new registry identification card before that person begins
13 his or her relationship with the compassion center;

14 (5) A compassion center shall implement appropriate security measures to deter and
15 prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana and
16 shall ensure that each location has an operational security alarm system. Each compassion center
17 shall request that the department of public safety division of state police visit the compassion center
18 to inspect the security of the facility and make any recommendations regarding the security of the
19 facility and its personnel within ten (10) days prior to the initial opening of each compassion center.
20 The recommendations shall not be binding upon any compassion center, nor shall the lack of
21 implementation of the recommendations delay or prevent the opening or operation of any center.
22 If the department of public safety division of state police does not inspect the compassion center
23 within the ten-day (10) period, there shall be no delay in the compassion center's opening.

24 (6) The operating documents of a compassion center shall include procedures for the
25 oversight of the compassion center and procedures to ensure accurate record keeping.

26 (7) A compassion center is prohibited from acquiring, possessing, cultivating,
27 manufacturing, delivering, transferring, transporting, supplying, or dispensing marijuana for any
28 purpose except to assist patient cardholders with the medical use of marijuana directly or through
29 the qualifying patient's primary caregiver or authorized purchaser.

30 (8) All principal officers and board members of a compassion center must be residents of
31 the state of Rhode Island.

32 (9) Each time a new, registered, qualifying patient visits a compassion center, it shall
33 provide the patient with a frequently-asked-questions sheet, designed by the department, that
34 explains the limitations on the right to use medical marijuana under state law.

1 (10) Effective July 1, 2017, each compassion center shall be subject to any regulations
2 promulgated by the departments of health and business regulation that specify how marijuana must
3 be tested for items, included but not limited to, cannabinoid profile and contaminants.

4 (11) Effective January 1, 2017, each compassion center shall be subject to any product
5 labeling requirements promulgated by the department of business regulation.

6 (12) Each compassion center shall develop, implement, and maintain on the premises
7 employee, volunteer, and agent policies and procedures to address the following requirements:

8 (i) A job description or employment contract developed for all employees and agents, and
9 a volunteer agreement for all volunteers, that includes duties, authority, responsibilities,
10 qualifications, and supervision; and

11 (ii) Training in, and adherence to, state confidentiality laws.

12 (13) Each compassion center shall maintain a personnel record for each employee, agent,
13 and volunteer that includes an application and a record of any disciplinary action taken.

14 (14) Each compassion center shall develop, implement, and maintain on the premises an
15 on-site training curriculum, or enter into contractual relationships with outside resources capable
16 of meeting employee training needs, that includes, but is not limited to, the following topics:

17 (i) Professional conduct, ethics, and patient confidentiality; and

18 (ii) Informational developments in the field of medical use of marijuana.

19 (15) Each compassion center entity shall provide each employee, agent, and volunteer, at
20 the time of his or her initial appointment, training in the following:

21 (i) The proper use of security measures and controls that have been adopted; and

22 (ii) Specific procedural instructions on how to respond to an emergency, including robbery
23 or violent accident.

24 (16) All compassion centers shall prepare training documentation for each employee and
25 volunteer and have employees and volunteers sign a statement indicating the date, time, and place
26 the employee and volunteer received the training and topics discussed, to include name and title of
27 presenters. The compassion center shall maintain documentation of an employee's and a volunteer's
28 training for a period of at least six (6) months after termination of an employee's employment or
29 the volunteer's volunteering.

30 (g) Maximum amount of usable marijuana to be dispensed:

31 (1) A compassion center or principal officer, board member, agent, volunteer, or employee
32 of a compassion center may not dispense more than two and one-half ounces (2.5 oz.) of usable
33 marijuana, or its equivalent, to a qualifying patient directly or through a qualifying patient's primary
34 caregiver or authorized purchaser during a fifteen-day (15) period.

1 (2) A compassion center or principal officer, board member, agent, volunteer, or employee
2 of a compassion center may not dispense an amount of usable marijuana, or its equivalent, to a
3 patient cardholder, qualifying patient, a qualifying patient's primary caregiver, or a qualifying
4 patient's authorized purchaser that the compassion center, principal officer, board member, agent,
5 volunteer, or employee knows would cause the recipient to possess more marijuana than is
6 permitted under the Edward O. Hawkins and Thomas C. Slater medical marijuana act.

7 (3) Compassion centers shall utilize a database administered by the departments of health
8 and business regulation. The database shall contain all compassion centers' transactions according
9 to qualifying patients', authorized purchasers', and primary caregivers' registry identification
10 numbers to protect the confidentiality of patient personal and medical information. Compassion
11 centers will not have access to any applications or supporting information submitted by qualifying
12 patients, authorized purchasers or primary caregivers. Before dispensing marijuana to any patient
13 or authorized purchaser, the compassion center must utilize the database to ensure that a qualifying
14 patient is not dispensed more than two and one-half ounces (2.5 oz.) of usable marijuana or its
15 equivalent directly or through the qualifying patient's primary caregiver or authorized purchaser
16 during a fifteen-day (15) period.

17 (4) A compassion center may sell and disburse up to fifty percent (50%) of the total
18 marijuana/cannabis sold to adult non-medical customers. Non-medical sales shall be in compliance
19 with all the provisions of chapter 28.11 of title 21. All taxes and fees shall be collected on non-
20 medical sales. Notwithstanding the authorization that fifty percent (50%) of the marijuana/cannabis
21 sold may be to non-medical users, a compassion center shall sell no marijuana/cannabis purchased
22 or produced for sale as medical marijuana at retail to a non-medical marijuana/cannabis purchaser.
23 Authorized sales to any non-medical marijuana/cannabis purchaser by a compassion center shall
24 be solely limited to cannabis cultivated by a licensee cultivating cannabis pursuant to a license
25 issued in compliance with the provisions of § 21-28.11-7, or to cannabis purchased from an entity
26 licensed pursuant to the provisions of chapter 28.11 of title 21. A compassion center may acquire
27 a cultivator's license pursuant to the provisions of § 21-28.11-7 to cultivate cannabis for retail sale
28 to non-medical customers.

29 (h) Immunity:

30 (1) No licensed compassion center shall be subject to prosecution; search, except by the
31 departments pursuant to subsection (e) of this section; seizure; or penalty in any manner, or denied
32 any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business,
33 occupational, or professional licensing board or entity, solely for acting in accordance with this
34 section to assist registered qualifying patients.

1 (2) No licensed compassion center shall be subject to prosecution, seizure, or penalty in
2 any manner, or denied any right or privilege, including, but not limited to, civil penalty or
3 disciplinary action, by a business, occupational, or professional licensing board or entity, for
4 selling, giving, or distributing marijuana in whatever form, and within the limits established by, the
5 department of health or the department of business regulation to another registered compassion
6 center.

7 (3) No principal officers, board members, agents, volunteers, or employees of a registered
8 compassion center shall be subject to arrest, prosecution, search, seizure, or penalty in any manner,
9 or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by
10 a business, occupational, or professional licensing board or entity, solely for working for or with a
11 compassion center to engage in acts permitted by this section.

12 (4) No state employee shall be subject to arrest, prosecution or penalty in any manner, or
13 denied any right or privilege, including, but not limited to, civil penalty, disciplinary action,
14 termination, or loss of employee or pension benefits, for any and all conduct that occurs within the
15 scope of his or her employment regarding the administration, execution and/or enforcement of this
16 act, and the provisions of §§ 9-31-8 and 9-31-9 shall be applicable to this section.

17 (i) Prohibitions:

18 (1) A compassion center must limit its inventory of seedlings, plants, and marijuana to
19 reflect the projected needs of qualifying patients;

20 (2) A compassion center may not dispense, deliver, or otherwise transfer marijuana to a
21 person other than a patient cardholder or to a qualified patient's primary caregiver or authorized
22 purchaser;

23 (3) A compassion center may not procure, purchase, transfer, or sell marijuana to or from
24 any entity other than a marijuana establishment licensee in accordance with the provisions of this
25 chapter;

26 (4) A person found to have violated subsection (h)(2) or (h)(3) of this section may not be
27 an employee, agent, volunteer, principal officer, or board member of any compassion center;

28 (5) An employee, agent, volunteer, principal officer or board member of any compassion
29 center found in violation of subsection (h)(2) or (h)(3) of this section shall have his or her registry
30 identification revoked immediately; and

31 (6) No person who has been convicted of a felony drug offense or has entered a plea of
32 nolo contendere for a felony drug offense with a sentence of probation may be the principal officer,
33 board member, or agent of a compassion center unless the department has determined that the
34 person's conviction was for the medical use of marijuana or assisting with the medical use of

1 marijuana in accordance with the terms and conditions of this chapter. A person who is employed
2 by or is an agent, volunteer, principal officer, or board member of a compassion center in violation
3 of this section is guilty of a civil violation punishable by a fine of up to one thousand dollars
4 (\$1,000). A subsequent violation of this section is a misdemeanor.

5 (j) Legislative oversight committee:

6 (1) The general assembly shall appoint a nine-member (9) oversight committee comprised
7 of: one member of the house of representatives; one member of the senate; one physician to be
8 selected from a list provided by the Rhode Island medical society; one nurse to be selected from a
9 list provided by the Rhode Island state nurses association; two (2) registered qualifying patients;
10 one registered primary caregiver; one patient advocate to be selected from a list provided by the
11 Rhode Island patient advocacy coalition; and the superintendent of the department of public safety,
12 or his/her designee.

13 (2) The oversight committee shall meet at least six (6) times per year for the purpose of
14 evaluating and making recommendations to the general assembly regarding:

15 (i) Patients' access to medical marijuana;

16 (ii) Efficacy of compassion centers;

17 (iii) Physician participation in the Medical Marijuana Program;

18 (iv) The definition of qualifying medical condition; and

19 (v) Research studies regarding health effects of medical marijuana for patients.

20 (3) On or before January 1 of every even numbered year, the oversight committee shall
21 report to the general assembly on its findings.

22 (k) License required. No person or entity shall engage in activities described in this section
23 without a compassion center license issued by the department of business regulation.

24 **21-28.6-17. Revenue.**

25 ~~(a) Effective July 1, 2016, Upon the effective date of the rules and regulations adopted by~~
26 ~~the Rhode Island cannabis control commission established by § 21-28.11-4, all fees collected by~~
27 ~~the departments of health and business regulation~~ from applicants, registered patients, primary
28 caregivers, authorized purchasers, licensed medical marijuana cultivators, cooperative cultivations,
29 compassion centers, other licensees licensed pursuant to this chapter, and compassion-center and
30 other registry identification cardholders shall be paid to the social equity assistance fund established
31 by § 21-28.11. ~~placed in restricted receipt accounts to support the state's medical marijuana~~
32 ~~program, including but not limited to, payment of expenses incurred by the departments of health~~
33 ~~and business regulation for the administration of the program. The restricted receipt account will~~
34 ~~be known as the "medical marijuana licensing account" and will be housed within the budgets of~~

1 ~~the departments of business regulation and health.~~

2 ~~(b) All revenues remaining in the restricted receipt accounts after payments specified in~~
3 ~~subsection (a) of this section shall first be paid to cover any existing deficit in the department of~~
4 ~~health's restricted receipt account or the department of business regulation's restricted receipt~~
5 ~~account. These transfers shall be made annually on the last business day of the fiscal year.~~

6 ~~(c) All revenues remaining in the restricted receipt accounts after payments specified in~~
7 ~~subsections (a) and (b) shall be paid into the state's general fund. These payments shall be made~~
8 ~~annually on the last business day of the fiscal year.~~

9 SECTION 4. Chapter 21-28.6 of the General Laws entitled "The Edward O. Hawkins and
10 Thomas C. Slater Medical Marijuana Act" is hereby amended by adding thereto the following
11 section:

12 **21-28.6-19. Transfer of powers.**

13 Upon promulgation of rules and regulations by the cannabis control commission pursuant
14 to the provisions of chapter 28.11 of title 21, including, but not limited to, § 21-28.11-18, all rule
15 making authority, hearings, enforcement actions and administrative responsibilities and duties of
16 the department of health, department of business regulation and department of environmental
17 management with respect to this chapter are transferred to the cannabis control commission.

18 SECTION 5. Section 21-28.5-2 of the General Laws in Chapter 21-28.5 entitled "Sale of
19 Drug Paraphernalia" is hereby amended to read as follows:

20 **21-28.5-2. Manufacture or delivery of drug paraphernalia -- Penalty.**

21 It is unlawful for any person to deliver, sell, possess with intent to deliver, or sell, or
22 manufacture with intent to deliver, or sell drug paraphernalia, knowing that it will be used to plant,
23 propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare,
24 test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or introduce into the human
25 body a controlled substance in violation of chapter 28 of this title. A violation of this section shall
26 be punishable by a fine not exceeding five thousand dollars (\$5,000) or imprisonment not exceeding
27 two (2) years, or both.

28 Notwithstanding any other provision of the general laws, the sale, manufacture, or delivery
29 of drug paraphernalia to a person acting in accordance with ~~chapter~~ chapters 28.6 and 28.11 of this
30 title shall not be considered a violation of this chapter. Any person violating this section, who but
31 for his or her age at the time of the violation would be acting in accordance with chapter 28.11 of
32 this title, shall be punished by a fine of one hundred dollars (\$100), forfeiture of any drug
33 paraphernalia, and shall be ordered to complete a drug awareness program pursuant to § 21-28.11-
34 27.2.

1 SECTION 6. Section 21-28.6-6 of the General Laws in Chapter 21-28.6 entitled "The
2 Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act" is hereby amended to read as
3 follows:

4 **21-28.6-6. Administration of departments of health and business regulation**
5 **regulations.**

6 (a) The department of health shall issue registry identification cards to qualifying patients
7 who submit the following, in accordance with the department's regulations. Applications shall
8 include but not be limited to:

9 (1) Written certification as defined in § 21-28.6-3;

10 (2) Application fee, as applicable;

11 (3) Name, address, and date of birth of the qualifying patient; provided, however, that if
12 the patient is homeless, no address is required;

13 (4) Name, address, and telephone number of the qualifying patient's practitioner;

14 (5) Whether the patient elects to grow medical marijuana plants for himself or herself; and

15 (6) Name, address, and date of birth of one primary caregiver of the qualifying patient and
16 any authorized purchasers for the qualifying patient, if any primary caregiver or authorized
17 purchaser is chosen by the patient or allowed in accordance with regulations promulgated by the
18 departments of health or business regulation.

19 (b) The department of health shall not issue a registry identification card to a qualifying
20 patient under the age of eighteen (18) unless:

21 (1) The qualifying patient's practitioner has explained the potential risks and benefits of the
22 medical use of marijuana to the qualifying patient and to a parent, guardian, or person having legal
23 custody of the qualifying patient; and

24 (2) A parent, guardian, or person having legal custody consents in writing to:

25 (i) Allow the qualifying patient's medical use of marijuana;

26 (ii) Serve as the qualifying patient's primary caregiver or authorized purchaser; and

27 (iii) Control the acquisition of the marijuana, the dosage, and the frequency of the medical
28 use of marijuana by the qualifying patient.

29 (c) The department of health shall renew registry identification cards to qualifying patients
30 in accordance with regulations promulgated by the department of health and subject to payment of
31 any applicable renewal fee.

32 (d) The department of health shall not issue a registry identification card to a qualifying
33 patient seeking treatment for post-traumatic stress disorder (PTSD) under the age of eighteen (18).

34 (e) The department of health shall verify the information contained in an application or

1 renewal submitted pursuant to this section, and shall approve or deny an application or renewal
2 within thirty-five (35) days of receiving it. The department may deny an application or renewal
3 only if the applicant did not provide the information required pursuant to this section, or if the
4 department determines that the information provided was falsified, or that the renewing applicant
5 has violated this chapter under their previous registration. Rejection of an application or renewal is
6 considered a final department action, subject to judicial review. Jurisdiction and venue for judicial
7 review are vested in the superior court.

8 (f) If the qualifying patient's practitioner notifies the department of health in a written
9 statement that the qualifying patient is eligible for hospice care or chemotherapy, the department
10 of health and department of business regulation, as applicable, shall give priority to these
11 applications when verifying the information in accordance with subsection (e) and issue a registry
12 identification card to these qualifying patients, primary caregivers and authorized purchasers within
13 seventy-two (72) hours of receipt of the completed application. The departments shall not charge a
14 registration fee to the patient, caregivers or authorized purchasers named in the application. The
15 department of health may identify through regulation a list of other conditions qualifying a patient
16 for expedited application processing.

17 (g) Following the promulgation of regulations pursuant to § 21-28.6-5(c), the department
18 of business regulation may issue or renew a registry identification card to the qualifying patient
19 cardholder's primary caregiver, if any, who is named in the qualifying patient's approved
20 application. The department of business regulation shall verify the information contained in
21 applications and renewal forms submitted pursuant to this chapter prior to issuing any registry
22 identification card. The department of business regulation may deny an application or renewal if
23 the applicant or appointing patient did not provide the information required pursuant to this section,
24 or if the department determines that the information provided was falsified, or if the applicant or
25 appointing patient has violated this chapter under his or her previous registration or has otherwise
26 failed to satisfy the application or renewal requirements.

27 (1) A primary caregiver applicant or an authorized purchaser applicant shall apply to the
28 bureau of criminal identification of the department of attorney general, department of public safety
29 division of state police, or local police department for a national criminal records check that shall
30 include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any
31 disqualifying information as defined in subsection (g)(5) of this section, and in accordance with the
32 rules promulgated by the director, the bureau of criminal identification of the department of
33 attorney general, department of public safety division of state police, or the local police department
34 shall inform the applicant, in writing, of the nature of the disqualifying information; and, without

1 disclosing the nature of the disqualifying information, shall notify the department of business
2 regulation or department of health, as applicable, in writing, that disqualifying information has been
3 discovered.

4 (2) In those situations in which no disqualifying information has been found, the bureau of
5 criminal identification of the department of attorney general, department of public safety division
6 of state police, or the local police shall inform the applicant and the department of business
7 regulation or department of health, as applicable, in writing, of this fact.

8 (3) The department of health or department of business regulation, as applicable, shall
9 maintain on file evidence that a criminal records check has been initiated on all applicants seeking
10 a primary caregiver registry identification card or an authorized purchaser registry identification
11 card and the results of the checks. The primary caregiver cardholder shall not be required to apply
12 for a national criminal records check for each patient he or she is connected to through the
13 department's registration process, provided that he or she has applied for a national criminal records
14 check within the previous two (2) years in accordance with this chapter. The department of health
15 and department of business regulation, as applicable, shall not require a primary caregiver
16 cardholder or an authorized purchaser cardholder to apply for a national criminal records check
17 more than once every two (2) years.

18 (4) Notwithstanding any other provision of this chapter, the department of business
19 regulation or department of health may revoke or refuse to issue any class or type of registry
20 identification card or license if it determines that failing to do so would conflict with any federal
21 law or guidance pertaining to regulatory, enforcement, and other systems that states, businesses, or
22 other institutions may implement to mitigate the potential for federal intervention or enforcement.
23 This provision shall not be construed to prohibit the overall implementation and administration of
24 this chapter on account of the federal classification of marijuana as a schedule I substance or any
25 other federal prohibitions or restrictions.

26 (5) Information produced by a national criminal records check pertaining to a conviction
27 for any felony offense under chapter 28 of this title ("Rhode Island controlled substances act");
28 murder; manslaughter; rape; first-degree sexual assault; second-degree sexual assault; first-degree
29 child molestation; second-degree child molestation; kidnapping; first-degree arson; second-degree
30 arson; mayhem; robbery; burglary; breaking and entering; assault with a dangerous weapon; assault
31 or battery involving grave bodily injury; and/or assault with intent to commit any offense
32 punishable as a felony or a similar offense from any other jurisdiction shall result in a letter to the
33 applicant and the department of health or department of business regulation, as applicable,
34 disqualifying the applicant. If disqualifying information has been found, the department of health

1 or department of business regulation, as applicable, may use its discretion to issue a primary
2 caregiver registry identification card or an authorized purchaser registry identification card if the
3 applicant's connected patient is an immediate family member and the card is restricted to that
4 patient only.

5 (6) The primary caregiver or authorized purchaser applicant shall be responsible for any
6 expense associated with the national criminal records check.

7 (7) For purposes of this section, "conviction" means, in addition to judgments of conviction
8 entered by a court subsequent to a finding of guilty or a plea of guilty, those instances where the
9 defendant has entered a plea of nolo contendere and has received a sentence of probation and those
10 instances where a defendant has entered into a deferred sentence agreement with the attorney
11 general.

12 (8) The office of cannabis regulation may adopt rules and regulations based on federal
13 guidance provided those rules and regulations are designed to comply with federal guidance and
14 mitigate federal enforcement against the registrations and licenses issued under this chapter.

15 (h)(1) On or before December 31, 2016, the department of health shall issue registry
16 identification cards within five (5) business days of approving an application or renewal that shall
17 expire two (2) years after the date of issuance.

18 (2) Effective January 1, 2017, and thereafter, the department of health or the department of
19 business regulation, as applicable, shall issue registry identification cards within five (5) business
20 days of approving an application or renewal that shall expire one year after the date of issuance.

21 (3) Registry identification cards shall contain:

22 (i) The date of issuance and expiration date of the registry identification card;

23 (ii) A random registry identification number;

24 (iii) A photograph; and

25 (iv) Any additional information as required by regulation of the department of health or
26 business regulation as applicable.

27 (i) Persons issued registry identification cards by the department of health or department
28 of business regulation shall be subject to the following:

29 (1) A qualifying patient cardholder shall notify the department of health of any change in
30 his or her name, address, primary caregiver, or authorized purchaser; or if he or she ceases to have
31 his or her debilitating medical condition, within ten (10) days of the change.

32 (2) A qualifying patient cardholder who fails to notify the department of health of any of
33 these changes is responsible for a civil infraction, punishable by a fine of no more than one hundred
34 fifty dollars (\$150). If the patient cardholder has ceased to suffer from a debilitating medical

1 condition, the card shall be deemed null and void and the person shall be liable for any other
2 penalties that may apply to the person's nonmedical use of marijuana.

3 (3) A primary caregiver cardholder or authorized purchaser shall notify the issuing
4 department of any change in his or her name or address within ten (10) days of the change. A
5 primary caregiver cardholder or authorized purchaser who fails to notify the department of any of
6 these changes is responsible for a civil infraction, punishable by a fine of no more than one hundred
7 fifty dollars (\$150).

8 (4) When a qualifying patient cardholder or primary caregiver cardholder notifies the
9 department of health or department of business regulation, as applicable, of any changes listed in
10 this subsection, the department of health or department of business regulation, as applicable, shall
11 issue the qualifying patient cardholder and each primary caregiver cardholder a new registry
12 identification card within ten (10) days of receiving the updated information and a ten-dollar
13 (\$10.00) fee.

14 (5) When a qualifying patient cardholder changes his or her primary caregiver or authorized
15 purchaser, the department of health or department of business regulation, as applicable, shall notify
16 the primary caregiver cardholder or authorized purchaser within ten (10) days. The primary
17 caregiver cardholder's protections as provided in this chapter as to that patient shall expire ten (10)
18 days after notification by the issuing department. If the primary caregiver cardholder or authorized
19 purchaser is connected to no other qualifying patient cardholders in the program, he or she must
20 return his or her registry identification card to the issuing department.

21 (6) If a cardholder or authorized purchaser loses his or her registry identification card, he
22 or she shall notify the department that issued the card and submit a ten-dollar (\$10.00) fee within
23 ten (10) days of losing the card. Within five (5) days, the department of health or department of
24 business regulation shall issue a new registry identification card with a new random identification
25 number.

26 (7) Effective January 1, 2019, if a patient cardholder chooses to alter his or her registration
27 with regard to the growing of medical marijuana for himself or herself, he or she shall notify the
28 department prior to the purchase of medical marijuana tags or the growing of medical marijuana
29 plants.

30 (8) If a cardholder or authorized purchaser willfully violates any provision of this chapter
31 as determined by the department of health or the department of business regulation, his or her
32 registry identification card may be revoked.

33 (j) Possession of, or application for, a registry identification card shall not constitute
34 probable cause or reasonable suspicion, nor shall it be used to support the search of the person or

1 property of the person possessing or applying for the registry identification card, or otherwise
2 subject the person or property of the person to inspection by any governmental agency.

3 (k)(1) Applications and supporting information submitted by qualifying patients, including
4 information regarding their primary caregivers, authorized purchaser, and practitioners, are
5 confidential and protected in accordance with the federal Health Insurance Portability and
6 Accountability Act of 1996, as amended, and shall be exempt from the provisions of chapter 2 of
7 title 38 et seq. (Rhode Island access to public records act) and not subject to disclosure, except to
8 authorized employees of the departments of health and business regulation as necessary to perform
9 official duties of the departments, and pursuant to subsections (l) and (m).

10 (2) The application for a qualifying patient's registry identification card shall include a
11 question asking whether the patient would like the department of health to notify him or her of any
12 clinical studies about marijuana's risk or efficacy. The department of health shall inform those
13 patients who answer in the affirmative of any such studies it is notified of, that will be conducted
14 in Rhode Island. The department of health may also notify those patients of medical studies
15 conducted outside of Rhode Island.

16 (3) The department of health and the department of business regulation, as applicable, shall
17 maintain a confidential list of the persons to whom the department of health or department of
18 business regulation has issued authorized patient, primary caregiver, and authorized purchaser
19 registry identification cards. Individual names and other identifying information on the list shall be
20 confidential, exempt from the provisions of Rhode Island access to public records, chapter 2 of title
21 38, and not subject to disclosure, except to authorized employees of the departments of health and
22 business regulation as necessary to perform official duties of the departments and pursuant to
23 subsections (l) and (m) of this section.

24 (l) Notwithstanding subsections (k) and (m) of this section, the departments of health and
25 business regulation, as applicable, shall verify to law enforcement personnel whether a registry
26 identification card is valid and may provide additional information to confirm whether a cardholder
27 is compliant with the provisions of this chapter and the regulations promulgated hereunder. The
28 department of business regulation shall verify to law enforcement personnel whether a registry
29 identification card is valid and may confirm whether the cardholder is compliant with the provisions
30 of this chapter, [or the cannabis control commission may verify if a sale is within the provisions of](#)
31 [chapter 28.11 of title 21](#) and the regulations promulgated hereunder. This verification may occur
32 through the use of a shared database, provided that any medical records or confidential information
33 in this database related to a cardholder's specific medical condition is protected in accordance with
34 subsection (k)(1).

1 (m) It shall be a crime, punishable by up to one hundred eighty (180) days in jail and a one
2 thousand dollar (\$1,000) fine, for any person, including an employee or official of the departments
3 of health, business regulation, public safety, or another state agency or local government, to breach
4 the confidentiality of information obtained pursuant to this chapter. Notwithstanding this provision,
5 the department of health and department of business regulation employees may notify law
6 enforcement about falsified or fraudulent information submitted to the department or violations of
7 this chapter. Nothing in this act shall be construed as to prohibit law enforcement, public safety,
8 fire, or building officials from investigating violations of, or enforcing state law.

9 (n) On or before the fifteenth day of the month following the end of each quarter of the
10 fiscal year, the department of health and the department of business regulation shall report to the
11 governor, the speaker of the house of representatives, and the president of the senate on applications
12 for the use of marijuana for symptom relief. The report shall provide:

13 (1) The number of applications for registration as a qualifying patient, primary caregiver,
14 or authorized purchaser that have been made to the department of health and the department of
15 business regulation during the preceding quarter, the number of qualifying patients, primary
16 caregivers, and authorized purchasers approved, the nature of the debilitating medical conditions
17 of the qualifying patients, the number of registrations revoked, and the number and specializations,
18 if any, of practitioners providing written certification for qualifying patients.

19 (o) On or before September 30 of each year, the department of health and the department
20 of business regulation, as applicable, shall report to the governor, the speaker of the house of
21 representatives, and the president of the senate on the use of marijuana for symptom relief. The
22 report shall provide:

23 (1) The total number of applications for registration as a qualifying patient, primary
24 caregiver, or authorized purchaser that have been made to the department of health and the
25 department of business regulation, the number of qualifying patients, primary caregivers, and
26 authorized purchasers approved, the nature of the debilitating medical conditions of the qualifying
27 patients, the number of registrations revoked, and the number and specializations, if any, of
28 practitioners providing written certification for qualifying patients;

29 (2) The number of active qualifying patient, primary caregiver, and authorized purchaser
30 registrations as of June 30 of the preceding fiscal year;

31 (3) An evaluation of the costs permitting the use of marijuana for symptom relief, including
32 any costs to law enforcement agencies and costs of any litigation;

33 (4) Statistics regarding the number of marijuana-related prosecutions against registered
34 patients and caregivers, and an analysis of the facts underlying those prosecutions;

1 (5) Statistics regarding the number of prosecutions against physicians for violations of this
2 chapter; and

3 (6) Whether the United States Food and Drug Administration has altered its position
4 regarding the use of marijuana for medical purposes or has approved alternative delivery systems
5 for marijuana.

6 (p) After June 30, 2018, the department of business regulation shall report to the speaker
7 of the house, senate president, the respective fiscal committee chairpersons, and fiscal advisors
8 within 60 days of the close of the prior fiscal year. The report shall provide:

9 (1) The number of applications for registry identification cards to compassion center staff,
10 the number approved, denied and the number of registry identification cards revoked, and the
11 number of replacement cards issued;

12 (2) The number of applications for compassion centers and licensed cultivators;

13 (3) The number of marijuana plant tag sets ordered, delivered, and currently held within
14 the state;

15 (4) The total revenue collections of any monies related to its regulator activities for the
16 prior fiscal year, by the relevant category of collection, including enumerating specifically the total
17 amount of revenues foregone or fees paid at reduced rates pursuant to this chapter.

18 SECTION 7. Chapter 12-1.3 of the General Laws entitled "Expungement of Criminal
19 Records" is hereby amended by adding thereto the following sections:

20 **12-1.3-5. Expedited expungement of marijuana records.**

21 (a) Notwithstanding any law to the contrary, any person who has been convicted of
22 possession of two ounces (2 oz.) or less of marijuana may file a petition for an expedited
23 expungement of the marijuana conviction record with the court in which the conviction took place.

24 (b) Notwithstanding any law to the contrary, any person who has been adjudicated as a
25 civil violator for the possession of one ounce (1 oz.) or less of marijuana may file a petition for an
26 expedited expungement of the marijuana civil violation record with the court in which the violation
27 was adjudicated.

28 (c) The court in which the conviction or civil adjudication took place shall have jurisdiction
29 to order expungement of records subject to the provisions of this section in accordance with the
30 provisions of this section.

31 (d) The superior court, district court, and traffic tribunal shall prepare and provide without
32 charge, a petition form, which upon completion by the petitioner, reasonably identifies the
33 individual petitioner, the petitioner's current address, and the conviction or civil adjudication
34 record(s) subject to the petition.

1 (e) No filing, service or other fee shall be charged to the petitioner for the filing of the
2 petition. The petitioner shall not be required to give notice to the department of attorney general or
3 the police department that originally brought the charge or civil violation.

4 (f) Within ninety (90) days of the receipt and filing of the completed petition, the court
5 shall review the records of all convictions for possession of two ounces (2 oz.) of marijuana or less
6 and all civil adjudications for possession of one ounce (1 oz.) of marijuana or less and order records
7 subject to the provisions of this section to be expunged. No hearing shall be required for the court
8 to order the record expunged.

9 (g) If the court grants the petition, it shall order all records and records of conviction or
10 civil adjudication relating to the conviction or civil adjudication expunged and all index and other
11 references to it removed from public inspection. The court shall send a copy of the order to the
12 department of the attorney general, the police department that originally brought the charge against
13 the person, and any other agency known by the petitioner to have possession of the records of
14 conviction or adjudication, within ten (10) days of the court's decision.

15 (h) The court shall send notice of the court's decision to the petitioner at the address
16 provided on the petition. If the court denies the petition, the petitioner is entitled to a hearing within
17 ten (10) days of receipt of notice of the denial.

18 (i) Eligible expungement of convictions and civil adjudications pursuant to this section
19 shall be granted notwithstanding the existence of:

20 (1) Prior arrests, convictions, or civil adjudications including convictions for crimes of
21 violence as defined by § 12-1.3-1;

22 (2) Pending criminal proceedings; and

23 (3) Outstanding court-imposed or court-related fees, fines, costs, assessments or charges.
24 Any outstanding fees, fines, costs, assessments or charges related to the eligible conviction or civil
25 adjudication shall be waived.

26 (j) The existence of convictions in other counts within the same case that are not eligible
27 for expungement pursuant to this section or other applicable laws shall not prevent any conviction
28 otherwise eligible for expungement under this section from being expunged pursuant to this section.
29 In such circumstances, the court shall make clear in its order what counts are expunged and what
30 counts are not expunged and/or remain convictions. In such circumstances, notwithstanding
31 subsection (g) of this section, any expungement pursuant to this subsection shall not affect the
32 records related to any count or conviction in the same case that are not eligible for expungement.

33 (k) Nothing in this section shall be construed to require the court or any other private or
34 public agency to reimburse any petitioner for fines, fees, and costs previously incurred, paid or

1 collected in association with the eligible conviction or civil adjudication.

2 (l) Any conviction or civil adjudication ordered expunged pursuant to this section shall not
3 be considered as a prior conviction or civil adjudication when determining the sentence to be
4 imposed for any subsequent crime or civil violation.

5 (m) In any application for employment, license, or other civil right or privilege, or any
6 appearance as a witness, a person whose conviction of a crime or civil adjudication has been
7 expunged pursuant to this chapter may state that he or she has never been convicted of the crime
8 or found to be a civil violator; provided, that if the person is an applicant for a law enforcement
9 agency position, for admission to the bar of any court, an applicant for a teaching certificate, under
10 chapter 11 of title 16, a coaching certificate under § 16-11.1-1, or the operator or employee of an
11 early childhood education facility pursuant to chapter 48.1 of title 16, the person shall disclose the
12 fact of a conviction or civil adjudication.

13 (n) Whenever the records of any conviction or civil adjudication of an individual have been
14 expunged under the provisions of this section, any custodian of the records of conviction or civil
15 adjudication relating to that crime or violation shall not disclose the existence of the records upon
16 inquiry from any source unless the inquiry is that of the individual whose record was expunged,
17 that of a bar admission, character and fitness, or disciplinary committee, board, or agency, or court
18 which is considering a bar admission, character and fitness, or disciplinary matter, or that of the
19 commissioner of elementary and secondary education, or that of any law enforcement agency when
20 the nature and character of the offense in which an individual is to be charged would be affected
21 by virtue of the person having been previously convicted or adjudicated of the same offense. The
22 custodian of any records which have been expunged pursuant to the provisions of this section shall
23 only release or allow access to those records for the purposes specified in this subsection or by
24 order of a court. Any agency and/or person who willfully refuses to carry out the expungement of
25 the records of conviction and civil adjudication pursuant to this section or willfully releases or
26 willfully allows access to records of conviction or civil adjudication, knowing them to have been
27 expunged, shall be civilly liable.

28 **12-1.3-5.1. Expedited sealing of marijuana records.**

29 (a) Notwithstanding any law to the contrary, any person who has been acquitted or
30 otherwise exonerated of possession of two ounces (2 oz.) or less of marijuana, including, but not
31 limited to, dismissal or filing of a no true bill or no information, may file a petition for an expedited
32 sealing of the marijuana court record with the court in which the case took place.

33 (b) The court in which the case took place shall have jurisdiction to order the sealing of
34 records subject to the provisions of this section in accordance with the provisions of this section.

1 (c) The superior court and district court shall prepare and provide without charge, a petition
2 form, which upon completion by the petitioner, reasonably identifies the individual petitioner, the
3 petitioner's current address, and the record(s) subject to the petition.

4 (d) No filing, service or other fee shall be charged to the petitioner for the filing of the
5 petition. The petitioner shall not be required to give notice to the department of attorney general or
6 the police department that made the arrest and/or originally brought the charge.

7 (e) Within ninety (90) days of the receipt and filing of the completed petition, the court
8 shall review the records for possession of two ounces (2 oz.) of marijuana or less and order records
9 subject to the provisions of this section to be sealed. No hearing shall be required for the court to
10 order the records sealed.

11 (f) The clerk of the court shall, within forty-five (45) days of the order granting the petition
12 to seal, place under seal the court records in the case in which the acquittal, dismissal, no true bill,
13 no information or other exoneration has been entered. The court shall send a copy of the order to
14 the department of the attorney general, the police department that originally brought the charge
15 against the person, and any other agency known by the petitioner to have possession of the records,
16 within ten (10) days of the court's decision.

17 (g) The court shall send notice of the court's decision to the petitioner at the address
18 provided on the petition. If the court denies the petition, the petitioner is entitled to a hearing within
19 ten (10) days of receipt of notice of the denial.

20 (h) Eligible sealing of records pursuant to this section shall be granted notwithstanding the
21 existence of:

22 (1) Prior arrests or convictions, including convictions for crimes of violence as defined by
23 § 12-1.3-1;

24 (2) Pending criminal proceedings; and

25 (3) Outstanding court-imposed or court-related fees, fines, costs, assessments or charges.
26 Should there be any outstanding fees, fines, costs, assessments or charges related to the eligible
27 record being sealed, said fees, fines, costs, assessments or charges shall be waived.

28 (i) Nothing in this section shall be construed to require the court or any other private or
29 public agency to reimburse any petitioner for fines, fees, and costs previously incurred, paid or
30 collected in association with the eligible sealing.

31 SECTION 8. Section 28-7-3 of the General Laws in Chapter 28-7 entitled "Labor Relations
32 Act" is hereby amended to read as follows:

33 **28-7-3. Definitions.**

34 When used in this chapter:

1 (1) "Board" means the labor relations board created by § 28-7-4.

2 (2) "Company union" means any committee employee representation plan or association
3 of employees which exists for the purpose, in whole or in part, of dealing with employers
4 concerning grievances or terms and conditions of employment, which the employer has initiated or
5 created or whose initiation or creation he or she has suggested, participated in or in the formulation
6 of whose governing rules or policies or the conducting of whose management, operations, or
7 elections the employer participates in or supervises, or which the employer maintains, finances,
8 controls, dominates, or assists in maintaining or financing, whether by compensating any one for
9 services performed in its behalf or by donating free services, equipment, materials, office or
10 meeting space or any thing else of value, or by any other means.

11 (3)(i) "Employees" includes, but is not restricted to, any individual employed by a labor
12 organization; any individual whose employment has ceased as a consequence of, or in connection
13 with, any current labor dispute or because of any unfair labor practice, and who has not obtained
14 any other regular and substantially equivalent employment; and shall not be limited to the
15 employees of a particular employer, unless the chapter explicitly states otherwise;

16 (ii) "Employees" does not include any individual employed by his or her parent or spouse
17 or in the domestic service of any person in his or her home, or any individuals employed only for
18 the duration of a labor dispute, or any individuals employed as farm laborers, provided that any
19 individual employed by an employer in an industry established or regulated pursuant to chapters
20 28.6 or 28.11 of title 21 shall be an employee within the meaning of this act and shall not be
21 considered a farm laborer.

22 (4) "Employer" includes any person acting on behalf of or in the interest of an employer,
23 directly or indirectly, with or without his or her knowledge, but a labor organization or any officer
24 or its agent shall only be considered an employer with respect to individuals employed by the
25 organization.

26 (5) "Labor dispute" includes, but is not restricted to, any controversy between employers
27 and employees or their representatives as defined in this section concerning terms, tenure, or
28 conditions of employment or concerning the association or representation of persons in negotiating,
29 fixing, maintaining, changing, or seeking to negotiate, fix, maintain, or change terms or conditions
30 of employment, or concerning the violation of any of the rights granted or affirmed by this chapter,
31 regardless of whether the disputants stand in the proximate relation of employer and employee.

32 (6) "Labor organization" means any organization which exists and is constituted for the
33 purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning
34 grievances, terms or conditions of employment, or of other mutual aid or protection and which is

1 not a company union as defined in this section.

2 (7) "Person" includes one or more individuals, partnerships, associations, corporations,
3 legal representatives, trustees, trustees in bankruptcy, or receivers.

4 (8) "Policies of this chapter" means the policies set forth in § 28-7-2.

5 (9) "Representatives" includes a labor organization or an individual whether or not
6 employed by the employer of those whom he or she represents.

7 (10) "Unfair labor practice" means only those unfair labor practices listed in §§ 28-7-13
8 and 28-7-13.1.

9 SECTION 9. Section 21-28-4.1 of the General Laws in Chapter 21-28 entitled "Uniform
10 Controlled Substances Act" is hereby amended to read as follows:

11 **21-28-4.01. Prohibited acts A -- Penalties.**

12 (a)(1) Except as authorized by this chapter [and chapter 28.11 of title 21](#), it shall be unlawful
13 for any person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled
14 substance.

15 (2) Any person who is not a drug-addicted person, as defined in § 21-28-1.02(20), who
16 violates this subsection with respect to a controlled substance classified in schedule I or II, except
17 the substance classified as marijuana, is guilty of a crime and, upon conviction, may be imprisoned
18 to a term up to life or fined not more than five hundred thousand dollars (\$500,000) nor less than
19 ten thousand dollars (\$10,000), or both.

20 (3) Where the deliverance as prohibited in this subsection shall be the proximate cause of
21 death to the person to whom the controlled substance is delivered, it shall not be a defense that the
22 person delivering the substance was, at the time of delivery, a drug-addicted person as defined in §
23 21-28-1.02(20).

24 (4) Any person, except as provided for in subdivision (2) of this subsection, who violates
25 this subsection with respect to:

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

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

34 (iii) A controlled substance, classified in schedule V, is guilty of a crime and, upon

1 conviction, may be imprisoned for not more than one year, or fined not more than ten thousand
2 dollars (\$10,000), or both.

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

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

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

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

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

17 (c)(1) It shall be unlawful for any person knowingly or intentionally to possess a controlled
18 substance, unless the substance was obtained directly from, or pursuant to, a valid prescription or
19 order of a practitioner while acting in the course of his or her professional practice, or except as
20 otherwise authorized by this chapter [or chapters 28.6 or 28.11 of this title](#).

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

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

26 (ii) More than ~~one ounce (1 oz.)~~ [two ounces \(2 oz.\)](#) of a controlled substance classified in
27 schedule I as marijuana, [unless possessed inside one's own primary residence](#), is guilty of a
28 misdemeanor, except for those persons subject to (a)(1), and, upon conviction, may be imprisoned
29 for not more than one year, or fined not less than two hundred dollars (\$200) nor more than five
30 hundred dollars (\$500), or both.

31 ~~(iii) Notwithstanding any public, special, or general law to the contrary, the possession of~~
32 ~~one ounce (1 oz.) or less of marijuana by a person who is eighteen (18) years of age or older, and~~
33 ~~who is not exempted from penalties pursuant to chapter 28.6 of this title, shall constitute a civil~~
34 ~~offense, rendering the offender liable to a civil penalty in the amount of one hundred fifty dollars~~

1 ~~(\$150) and forfeiture of the marijuana, but not to any other form of criminal or civil punishment or~~
2 ~~disqualification. Notwithstanding any public, special, or general law to the contrary, this civil~~
3 ~~penalty of one hundred fifty dollars (\$150) and forfeiture of the marijuana shall apply if the offense~~
4 ~~is the first (1st) or second (2nd) violation within the previous eighteen (18) months. More than~~
5 ~~twenty ounces (20 oz.) of a controlled substance classified in schedule I as marijuana when~~
6 ~~possessed within one's personal residence is guilty of a misdemeanor, except for those persons~~
7 ~~subject to (a)(1), and, upon conviction, may be imprisoned for not more than one year, or fined not~~
8 ~~less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or both.~~

9 (iv) ~~Notwithstanding any public, special, or general law to the contrary, possession of one~~
10 ~~ounce (1 oz.) or less of marijuana by a person who is seventeen (17) years of age or older and under~~
11 ~~the age of eighteen (18) years, and who is not exempted from penalties pursuant to chapter 28.6 of~~
12 ~~this title, shall constitute a civil offense, rendering the offender liable to a civil penalty in the amount~~
13 ~~of one hundred fifty dollars (\$150) and forfeiture of the marijuana; provided the minor offender~~
14 ~~completes an approved, drug awareness program and community service as determined by the~~
15 ~~court. If the person seventeen (17) years of age or older and under the age of eighteen (18) years~~
16 ~~fails to complete an approved, drug awareness program and community service within one year of~~
17 ~~the disposition, the penalty shall be a three hundred dollar (\$300) civil fine and forfeiture of the~~
18 ~~marijuana, except that if no drug awareness program or community service is available, the penalty~~
19 ~~shall be a fine of one hundred fifty dollars (\$150) and forfeiture of the marijuana. The parents or~~
20 ~~legal guardian of any offender seventeen (17) years of age or older and under the age of eighteen~~
21 ~~(18) shall be notified of the offense and the availability of a drug awareness and community service~~
22 ~~program. The drug awareness program must be approved by the court, but shall, at a minimum,~~
23 ~~provide four (4) hours of instruction or group discussion and ten (10) hours of community service.~~
24 ~~Notwithstanding any other public, special, or general law to the contrary, this civil penalty shall~~
25 ~~apply if the offense is the first or second violation within the previous eighteen (18) months.~~

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

33 (vi) ~~Any unpaid civil fine issued under (c)(2)(iii) or (c)(2)(iv) shall double to three hundred~~
34 ~~dollars (\$300) if not paid within thirty (30) days of the disposition. The civil fine shall double again~~

1 ~~to six hundred dollars (\$600) if it has not been paid within ninety (90) days.~~

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

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

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

16 (3) ~~Jurisdiction. Any and all violations of (c)(2)(iii) and (c)(2)(iv) shall be the exclusive~~
17 ~~jurisdiction of the Rhode Island traffic tribunal. All money associated with the civil fine issued~~
18 ~~under (c)(2)(iii) or (c)(2)(iv) shall be payable to the Rhode Island traffic tribunal. Fifty percent~~
19 ~~(50%) of all fines collected by the Rhode Island traffic tribunal from civil penalties issued pursuant~~
20 ~~to (c)(2)(iii) or (c)(2)(iv) shall be expended on drug awareness and treatment programs for youth.~~

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

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

25 (ii) Attend and complete a drug-counseling and education program, as prescribed, by the
26 ~~director of the~~ department of behavioral healthcare, developmental disabilities and hospitals
27 (BHDDH) similar to that in § 21-28.11-27.2, and pay the sum of four hundred dollars (\$400) to
28 help defray the costs of this program which shall be deposited as general revenues. Failure to attend
29 may result, after hearing by the court, in jail sentence up to one year;

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

32 (iv) If the offense involves the use of any automobile to transport the substance or the
33 substance is found within an automobile, then a person convicted or who pleads nolo contendere
34 under (c)(2)(i) ~~and (c)(2)(ii)~~ shall be subject to a loss of license for a period of six (6) months for a

1 first offense and one year for each offense after.

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

5 (d) It shall be unlawful for any person to manufacture, distribute, or possess with intent to
6 manufacture or distribute, an imitation controlled substance. Any person who violates this
7 subsection is guilty of a crime and, upon conviction, shall be subject to the same term of
8 imprisonment and/or fine as provided by this chapter for the manufacture or distribution of the
9 controlled substance that the particular imitation controlled substance forming the basis of the
10 prosecution was designed to resemble and/or represented to be; but in no case shall the
11 imprisonment be for more than five (5) years nor the fine for more than twenty thousand dollars
12 (\$20,000).

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

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

29 SECTION 10. Section 21-28-4.07 of the General Laws in Chapter 21-28 entitled "Uniform
30 Controlled Substances Act" is hereby amended to read as follows:

31 **21-28-4.07. Distribution to persons under age 18.**

32 (a) Any person eighteen (18) years of age or over who violates § 21-28-4.01(a) by
33 distributing a controlled substance, excluding marijuana, listed in schedules I and II to a person
34 under eighteen (18) years of age who is at least three (3) years his or her junior shall be imprisoned

1 to a term of not less than fifteen (15) years and may be imprisoned for life, or fined not more than
2 five hundred thousand dollars (\$500,000), or both. In all such cases, the justice imposing sentence
3 shall impose a minimum sentence of fifteen (15) years' imprisonment and may only impose a
4 sentence less than that minimum if he or she finds that substantial and compelling circumstances
5 exist which justify imposition of the alternative sentence. The finding may be based upon the
6 character and background of the defendant, the cooperation of the defendant with law enforcement
7 authorities, the nature and circumstances of the offense, and/or the nature and quality of the
8 evidence presented at trial. If a sentence which is less than imprisonment for a term of fifteen (15)
9 years is imposed, the trial justice shall set forth on the record the circumstances, which he or she
10 found as justification for imposition of the lesser sentence.

11 (b) Any person eighteen (18) years of age or over who violates § 21-28-4.01(a) by
12 distributing a controlled substance listed in schedules III and IV to a person under eighteen (18)
13 years of age who is at least three (3) years his or her junior shall be imprisoned to a term of not less
14 than five (5) years nor more than twenty (20) years, or fined not more than forty thousand dollars
15 (\$40,000), or both.

16 (c) Any person eighteen (18) years of age or over who violates § 21-28-4.01(a) by
17 distributing any controlled substance listed in schedule V ~~or marijuana~~ to a person under eighteen
18 (18) years of age who is at least three (3) years his or her junior shall be imprisoned to a term of
19 not less than two (2) years nor more than five (5) years, or fined not more than ten thousand dollars
20 (\$10,000), or both.

21 (d) Any person eighteen (18) years of age or over who violates § 21-28-4.01(d) by
22 distributing an imitation controlled substance to a person under eighteen (18) years of age who is
23 at least three (3) years his or her junior shall be punished by imposition of a fine authorized by §
24 21-28-4.01(d), and by a term of imprisonment up to twice that authorized by § 21-28-4.01(d), or
25 both.

26 SECTION 11. Section 14-1-3 of the General Laws in Chapter 14-1 entitled "Proceedings
27 in Family Court" is hereby amended to read as follows:

28 **14-1-3. Definitions.**

29 The following words and phrases when used in this chapter shall, unless the context
30 otherwise requires, be construed as follows:

31 (1) "Adult" means a person eighteen (18) years of age or older.

32 (2) "Appropriate person," as used in §§ 14-1-10 and 14-1-11, except in matters relating to
33 adoptions and child marriages, means and includes:

34 (i) Any police official of this state, or of any city or town within this state;

1 (ii) Any duly qualified prosecuting officer of this state, or of any city or town within this
2 state;

3 (iii) Any director of public welfare of any city or town within this state, or his or her duly
4 authorized subordinate;

5 (iv) Any truant officer or other school official of any city or town within this state;

6 (v) Any duly authorized representative of any public or duly licensed private agency or
7 institution established for purposes similar to those specified in § 8-10-2 or 14-1-2; or

8 (vi) Any maternal or paternal grandparent, who alleges that the surviving parent, in those
9 cases in which one parent is deceased, is an unfit and improper person to have custody of any child
10 or children.

11 (3) "Child" means a person under eighteen (18) years of age.

12 (4) "The court" means the family court of the state of Rhode Island.

13 (5) "Delinquent," when applied to a child, means and includes any child who has committed
14 any offense that, if committed by an adult, would constitute a felony, or who has on more than one
15 occasion violated any of the other laws of the state or of the United States or any of the ordinances
16 of cities and towns, other than ordinances relating to the operation of motor vehicles.

17 (6) "Dependent" means any child who requires the protection and assistance of the court
18 when his or her physical or mental health or welfare is harmed, or threatened with harm, due to the
19 inability of the parent or guardian, through no fault of the parent or guardian, to provide the child
20 with a minimum degree of care or proper supervision because of:

21 (i) The death or illness of a parent; or

22 (ii) The special medical, educational, or social-service needs of the child which the parent
23 is unable to provide.

24 (7) "Justice" means a justice of the family court.

25 (8) "Neglect" means a child who requires the protection and assistance of the court when
26 his or her physical or mental health or welfare is harmed, or threatened with harm, when the parents
27 or guardian:

28 (i) Fails to supply the child with adequate food, clothing, shelter, or medical care, though
29 financially able to do so or offered financial or other reasonable means to do so;

30 (ii) Fails to provide the child proper education as required by law; or

31 (iii) Abandons and/or deserts the child.

32 (9) "Supervised independent living setting" means a supervised setting in which a young
33 adult is living independently, that meets any safety and/or licensing requirements established by
34 the department for this population, and is paired with a supervising agency or a supervising worker,

1 including, but not limited to, single or shared apartments or houses, host homes, relatives' and
2 mentors' homes, college dormitories or other postsecondary educational or vocational housing. All
3 or part of the financial assistance that secures an independent supervised setting for a young adult
4 may be paid directly to the young adult if there is no provider or other child-placing intermediary,
5 or to a landlord, a college, or to a supervising agency, or to other third parties on behalf of the
6 young adult in the discretion of the department.

7 (10) "Voluntary placement agreement for extension of care" means a written agreement
8 between the state agency and a young adult who meets the eligibility conditions specified in § 14-
9 1-6(c), acting as their own legal guardian that is binding on the parties to the agreement. At a
10 minimum, the agreement recognizes the voluntary nature of the agreement, the legal status of the
11 young adult and the rights and obligations of the young adult, as well as the services and supports
12 the agency agrees to provide during the time that the young adult consents to giving the department
13 legal responsibility for care and placement.

14 (11) "Wayward," when applied to a child, means and includes any child:

- 15 (i) Who has deserted his or her home without good or sufficient cause;
- 16 (ii) Who habitually associates with dissolute, vicious, or immoral persons;
- 17 (iii) Who is leading an immoral or vicious life;
- 18 (iv) Who is habitually disobedient to the reasonable and lawful commands of his or her
19 parent or parents, guardian, or other lawful custodian;
- 20 (v) Who, being required by chapter 19 of title 16 to attend school, willfully and habitually
21 absents himself or herself from school or habitually violates the rules and regulations of the school
22 when he or she attends;
- 23 (vi) Who has, on any occasion, violated any of the laws of the state or of the United States
24 or any of the ordinances of cities and towns, other than ordinances relating to the operation of motor
25 vehicles; or

26 (vii) Any child under ~~seventeen (17)~~ eighteen (18) years of age who ~~is in possession of one~~
27 ~~ounce (1 oz.) or less of marijuana, as defined in § 21-28-1.02~~ violates § 21-28-11.27, and who is
28 not exempted from the penalties pursuant to chapter 28.6 of title 21.

29 (12) "Young adult" means an individual who has attained the age of eighteen (18) years
30 but has not reached the age of twenty-one (21) years and was in the legal custody of the department
31 on their eighteenth birthday pursuant to an abuse, neglect or dependency petition; or was a former
32 foster child who was adopted or placed in a guardianship after attaining age sixteen (16).

33 (13) The singular shall be construed to include the plural, the plural the singular, and the
34 masculine the feminine, when consistent with the intent of this chapter.

1 (14) For the purposes of this chapter, "electronic surveillance and monitoring devices"
2 means any "radio frequency identification device (RFID)" or "global positioning device" that is
3 either tethered to a person or is intended to be kept with a person and is used for the purposes of
4 tracking the whereabouts of that person within the community.

5 SECTION 12. Section 14-5-8 of the General Laws in Chapter 14-5 entitled "Treatment of
6 Juveniles for Chemical Dependency" is hereby repealed.

7 ~~**14-5-8. Possession of one ounce (1 oz.) or less of marijuana.**~~

8 ~~Notwithstanding any public, special, or general law to the contrary, possession of one~~
9 ~~ounce (1 oz.) or less of marijuana, as defined in § 21-28-1.02, by a child under seventeen (17) years~~
10 ~~of age and who is not exempted from penalties pursuant to chapter 28.6 of title 21, shall constitute~~
11 ~~a status offense pursuant to § 14-1-3(11)(vii) and forfeiture of the marijuana. The family court may~~
12 ~~order a substance abuse assessment and, if recommended, substance abuse treatment. The parents~~
13 ~~or legal guardian of any child under seventeen (17) years of age shall be notified of the offense.~~

14 SECTION 13. This act shall take effect upon passage.

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LC002305/SUB A/3
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO FOOD AND DRUGS -- CANNABIS AUTHORIZATION, REGULATION
AND TAXATION

1 This act would establish the cannabis control commission. The commission would license
2 the cultivation and sale of cannabis for adult use. In addition to sales tax, a municipal three percent
3 (3%) local excise tax and a ten percent (10%) state excise tax would be added to the sales price.
4 The act would further provide for the creation of a social equity assistance fund and program to be
5 funded by licensing and renewal fees, as appropriated. The act would also provide for an expedited
6 expungement procedure for prior marijuana arrests and convictions involving one ounce or less of
7 marijuana.

8 This act would take effect upon passage.

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LC002305/SUB A/3
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