2022 -- H 7593 SUBSTITUTE A AS AMENDED

==================================
LC003594/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N   A C T

RELATING TO FOOD AND DRUGS -- THE RHODE ISLAND CANNABIS ACT

Introduced By: Representatives Slater, Hull, Williams, Kazarian, Solomon, McNamara, O’Brien, Potter, Bennett, and Morales

Date Introduced: March 01, 2022

Referred To: House Finance

It is enacted by the General Assembly as follows:

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

CHAPTER 28.11

THE RHODE ISLAND CANNABIS ACT


This chapter shall be known and may be cited as "The Rhode Island Cannabis Act".


(a) The regulation, licensing, and enforcement requirements pertaining to regulated cannabis establishments shall be conducted pursuant to the provisions of this chapter by virtue of an independent three (3) member commission which shall exercise all powers necessary for the implementation, administration and enforcement of cannabis regulation and policy for both medical and adult use cannabis.

(b) The commission shall work in conjunction with the cannabis advisory board which shall provide advice, recommendations and proposals to the commission relative to the equitable administration and regulation of cannabis, including the distribution of funds from the social equity assistance fund pursuant to the provisions of this chapter.

(c) Additionally, pursuant to the provisions of this chapter following the final issuance of the commission's rules and regulations, there shall be established the "cannabis office" which shall provide administrative and other support to the commission subject to this chapter and the rules.
and regulations promulgated by the commission pursuant hereto.


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

(1) "Administrator" means the administrator of the cannabis office appointed by the governor pursuant to the provisions of § 21-28.11-18.1.

(2) "Adult use cannabis" or "recreational cannabis" means cannabis which may be legally possessed and consumed for non-medical purposes by a person who is at least twenty-one (21) years of age.

(3) "Applicant" means a Rhode Island resident or a business entity with a principal place of business located in Rhode Island to include, but not limited to, a corporation, limited liability company, limited liability partnership or partnership, and in which fifty-one percent (51%) of the equity in the business entity is owned by residents of Rhode Island, and the Rhode Island resident or business entity has made application for issuance of a license or certificate to own or engage in a cannabis business subject to the provisions of this chapter.

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

(5) "Cannabinoid profile" means amounts, expressed as the dry-weight percentages, of delta-9-tetrahydrocannabinol, cannabidiol, tetrahydrocannabinolic acid and cannabidiolic acid in a cannabis product. Amounts of other cannabinoids may be regulated by the commission.

(6) "Cannabis" or "marijuana" or "marihuana" means all parts of any plant of the genus cannabis not excepted herein, and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol; provided, however, that "cannabis" shall not include:

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

(ii) Hemp; or

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

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

(8) "Cannabis advisory board" or "advisory board" means the cannabis advisory board established pursuant to the provisions of § 21-28.11-6.

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

(10) "Cannabis control commission" or "commission" means the Rhode Island cannabis control commission established by § 21-28.11-4.

(11) "Cannabis cultivator" or "marijuana cultivator" means an entity licensed to cultivate, process and package cannabis, to deliver cannabis to cannabis establishments and to transfer cannabis to other cannabis establishments, but not to consumers.

(12) "Cannabis establishment" or "marijuana establishment" means a cannabis cultivator, cannabis testing laboratory, cannabis product manufacturer, cannabis retailer, hybrid cannabis retailer or any other type of licensed cannabis-related business.

(13) "Cannabis office" means the office established pursuant to § 21-28.11-18.1.

(14) "Cannabis product manufacturer" or "marijuana product manufacturer" means an entity licensed to obtain, manufacture, process and package cannabis and cannabis products, to deliver cannabis and cannabis products to cannabis establishments and to transfer cannabis and cannabis products to other cannabis establishments, but not to consumers.

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

(16) "Cannabis retailer" or "marijuana retailer" means an entity licensed pursuant to § 21-28.11-10.2 to purchase and deliver cannabis and cannabis products from cannabis establishments and to deliver, sell or otherwise transfer cannabis and cannabis products to cannabis establishments and to consumers.

(17) "Cannabis testing laboratory" means a third-party analytical testing laboratory that is licensed annually by the commission, in consultation with the department of health, to collect and test samples of cannabis and cannabis products pursuant to regulations issued by the commission and is:
(i) Independent financially from any medical cannabis treatment center or any licensee or cannabis establishment for which it conducts a test; and
(ii) Qualified to test cannabis in compliance with regulations promulgated by the commission pursuant to this chapter. The term includes, but is not limited to, a cannabis testing laboratory as provided in § 21-28.11-11.

(18) "Chairperson" means the chairperson of the cannabis control commission established pursuant to § 21-28.11-4.

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

(20) "Consumer" means a person who is at least twenty-one (21) years of age, and who is authorized by law to consume or use cannabis.

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

(22) "Cultivation batch" means a collection of cannabis plants from the same seed or plant stock that are cultivated and harvested together, and receive an identical propagation and cultivation treatment, including, but not limited to: growing media, ambient conditions, watering and light regimes and agricultural or hydroponic inputs. Every cannabis cultivator licensee shall assign and record a unique, sequential alphanumeric identifier to each cultivation batch for the purposes of production tracking, product labeling and product recalls.

(23) "Disproportionately impacted area" means a census tract or comparable geographic area that satisfies at least one of the following criteria as determined by the commission, that:

(i) The area has a poverty rate of at least twenty percent (20%) according to the latest federal decennial census;

(ii) Seventy-five percent (75%) or more of the children in the area participate in the federal free lunch program according to reported statistics from the Rhode Island board of education;

(iii) At least twenty percent (20%) of the households in the area receive assistance under the Supplemental Nutrition Assistance Program (SNAP);

(iv) The area has an average unemployment rate, as determined by the Rhode Island department of labor and training, that is more than one hundred twenty percent (120%) of the national unemployment average, as determined by the United States Department of Labor, for a period of at least two (2) consecutive calendar years preceding the date of the application; or

(v)(A) The area has a disproportionately high rates of arrest, conviction, and incarceration
related to the sale, possession, use, cultivation, manufacture, or transportation of cannabis in
comparison to other communities and localities in the state; or

(B) The area has a history of arrests, convictions, and other law enforcement practices in a
certain geographic area, such as, but not limited to, precincts, zip codes, neighborhoods, and
political subdivisions, reflecting a disparate enforcement of cannabis prohibition during a certain
time period, when compared to the remainder of the state.

(vi) The commission shall, with recommendations from the cannabis advisory board and
the chief equity officer, issue guidelines to determine how to assess which communities have been
disproportionately impacted and how to assess if someone is a member of a community
disproportionately impacted.

(24) “Final issuance of the commission’s rules and regulations” means the rules and
regulations adopted by the commission after compliance with requirements of chapter 35 of title
42 (the “administrative procedures act”) and chapter 46 of title 42 (the “open meetings act”) and
shall not include any emergency, provisional or interim rules, regulations, requirements, orders,
instructions or procedures.

(25) “Finished cannabis” means a usable cannabis, cannabis resin or cannabis concentrate.

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

(27) “Host community” means a municipality in which a cannabis establishment or a
medical cannabis treatment center is located or in which an applicant has proposed locating a
cannabis establishment or a medical cannabis treatment center.

(28) “Hybrid cannabis retailer” or “hybrid compassion center” means a compassion center
licensed pursuant to chapter 28.6 of title 21 that is in good standing with the department of business
regulation and that has paid the fee pursuant to § 21-28.11-10 and has been authorized to sell non-
medical or adult use cannabis to consumers.

(29) “Laboratory agent” means a registered employee of a cannabis testing laboratory who
transports, possesses or tests cannabis.

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

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

(32) "Medical cannabis" means cannabis and cannabis products that satisfy the
requirements of chapter 28.6 of title 21 and have been given the designation of "medical cannabis"
or "medical marijuana" due to dose, potency and form. Medical cannabis products are only
available for use by patient cardholders, and may only be sold to or possessed by patient
cardholders, or their registered caregiver, or authorized purchaser in accordance with chapter 28.6
of title 21. Medical cannabis may not be sold to, possessed by, manufactured by, or used by any
person except as permitted pursuant to chapter 28.6 of title 21.

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

(34) "Member of an impacted family" means an individual who has a parent, legal
guardian, child, spouse, or dependent, or was a dependent of an individual who, prior to the
effective date of this chapter, was arrested for, charged with, convicted of, or adjudicated delinquent
for any offense that is eligible for expungement under this chapter.

(35) "Ownership and control" means ownership of at least fifty-one percent (51%) of the
cannabis establishment, and control over the management and day-to-day operations of the
cannabis establishment, and an interest in the capital, assets, and profits and losses of the cannabis
establishment proportionate to percentage of ownership.

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

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

(38) "Social equity applicant" means an applicant that has been disproportionately
impacted by criminal enforcement of marijuana laws, including individuals convicted of nonviolent
marijuana offenses, immediate family members of individuals convicted of nonviolent marijuana
of the last ten (10) years, as determined by the commission after consultation with the cannabis advisory board, and further specified in the rules and regulations that shall identify factors and other considerations to be evaluated in certifying applicants as social equity applicants, provided that such applicants shall at a minimum meet one of the following criteria:

(i) An applicant with at least fifty-one percent (51%) ownership and control by one or more individuals who have resided for at least five (5) of the preceding ten (10) years in a disproportionately impacted area.

(ii) An applicant with at least fifty-one percent (51%) ownership and control by one or more individuals who:

(A) Have been arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement under this chapter; or

(B) Is a member of an impacted family;

(iii) For applicants with a minimum of ten (10) full-time employees, an applicant with at least fifty-one percent (51%) of current employees who:

(A) Currently reside in a disproportionately impacted area; or

(B) Have been arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement under this chapter or is a member of an impacted family;

(iv) Can demonstrate significant past experience in or business practices that promote economic empowerment in disproportionately impacted areas.

(v) Had income which does not exceed four hundred percent (400%) of the median income, as defined by the commission, in a disproportionately impacted area for at least five (5) of the past ten (10) years.

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

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

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

(42) "Workers' cooperative" means an applicant organized and operated pursuant to the provisions of chapter 6.2 of title 7.

(a) Establishment of commission. There is hereby established an independent commission known as the Rhode Island Cannabis Control Commission (commission). The purpose of the commission is to oversee the regulation, licensing and control of adult use and medical cannabis and upon transfer of powers pursuant to the provisions of § 21-28.11-10.1, to exercise primary responsibility to oversee the regulation, licensing and control of all cannabis and marijuana use to include medical marijuana.

(b) Appointment of commissioners. The Rhode Island Cannabis Control Commission shall consist of three (3) voting commissioners as follows:

(1) The governor shall appoint, with the advice and consent of the senate, the three (3) voting members of the commission. The speaker of the house shall, within thirty (30) days of the effective date of this chapter, submit to the governor a list of three (3) individuals that the governor shall give due consideration in appointing one individual from this list. The governor shall appoint the other two (2) commissioners without regard to the list submitted by the speaker of the house. The governor shall designate one of the members to serve as chairperson of the commission. Within forty (40) days of the effective date of this chapter, the governor shall submit to the senate for advice and consent the list of three (3) individuals for appointment to the commission along with the governor's designation of chairperson.

(2) Prior to appointment to the commission, a background investigation shall be conducted into the financial stability, integrity and responsibility of each appointee, including the appointee's reputation for good character, and honesty. No commissioner or commissioner's spouse, or child shall have any interest whatsoever in any entity regulated by the commission.

(c) Commissioner requirements. Each commissioner shall be a resident of the state within ninety (90) days of appointment, and while serving on the commission, shall not:

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

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

or

(3) Serve as an official in a political party.

(d) Term Limits. Term limits on the initial commissioners shall be as follows: The appointee chosen after consideration of the list provided to the governor by the speaker of the house shall serve an initial term of three (3) years and shall be eligible for reappointment in accordance with this section. Of the appointees chosen by the governor without regard to the list submitted by the speaker of the house, one shall serve an initial term of two (2) years, and one shall serve an initial term of one year and both shall be eligible for reappointment in accordance with this section.
(1) Each initial commissioner is eligible for reappointment for one six (6) year term or until
a successor is appointed. Each subsequent commissioner shall serve for a term of six (6) years or
until a successor is appointed. Every person appointed or reappointed to fill a vacancy on the
cannabis control commission shall be appointed in the manner established pursuant to this section.

(2) If a vacancy is created prior to the expiration of any commissioner's term, said vacancy
shall be filled in the manner established pursuant to this section. Any person appointed to fill said
vacancy shall complete the commissioner's unexpired term and shall then be eligible for
reappointment for one additional term pursuant to this section.

(e) Compensation. The chairperson of the commission shall devote their full time attention
to the duties of the commission. Upon confirmation, the chairperson shall become a state employee
and shall receive a salary as determined by the governor subject to appropriation by the general
assembly. The remaining commissioners shall not be state employees but shall receive a monthly
stipend as determined by the governor, subject to appropriation by the general assembly, and shall
devote sufficient time and attention to the commission to adequately perform their duties.

(f) Records. The commission shall keep a record of the proceedings of the commission and
the chair shall be the custodian and keeper of the records of all books, documents and papers filed
by the commission and of its minute book. The chair shall cause copies to be made of all minutes
and other records and documents of the commission and shall certify that such copies are true
copies and all persons dealing with the commission may rely upon such certification. These records
shall also be subject to the provisions of title 38, "public records." The chair shall have and exercise
supervision and control over all the affairs of the commission. The chair shall preside at all hearings
at which the chair is present and shall designate a commissioner to act as chair in the chair's absence.
To promote efficiency in administration, the chair shall make such division or re-division of the
work of the commission among the commissioners, as the chair deems expedient.

(g) Conduct of hearings. The commissioners shall, if so directed by the chair, participate
in the hearing and decision of any matter before the commission.

(1) For purposes of this section "formal matter", as so designated by the chair, shall include
all non-procedural matters to include, but not limited to, hearings subject to the provisions of
chapter 35 of title 42 (the "administrative procedures act") and all decisions relative to the awarding
of a license or to the denial or revocation of licenses. A majority of the commissioners is required
to hear and approve all formal matters.

(2) For purposes of this section, "procedural matters", as so designated by the chair, include
scheduling, inclusion of agenda items, administrative compliance decisions, ministerial matters,
routine clerical functions, and any other act delegated by the commission to be performed by an
employee of the commission or the cannabis office. Any procedural or administrative matter may
be heard, examined and investigated by a single commissioner or an employee of the commission
or the cannabis office as designated and assigned by the chair, with the concurrence of one other
commissioner. If designated by the commission or the cannabis office, the designated employee
shall make a report in writing relative to the hearing, examination and investigation of every
procedural or administrative matter. For the purposes of hearing, examining and investigating any
procedural or administrative matter, the designated employee shall have all of the powers conferred
upon a commissioner by this section. Any procedural or administrative decision made by a single
commissioner or designated employee may be appealed within ten (10) days of issuance of the
decision for a hearing before the full commission.

(h) Ethics. The provisions of chapter 14 of title 36, the state code of ethics, shall apply to
the commissioners and to employees operating under the jurisdiction of the commission to include,
but not limited to, personnel of the cannabis office; provided, however, that the commission may
promulgate an internal code of ethics for all members and employees that may be more restrictive
than the provisions of chapter 14 of title 36. A copy of any internal code of ethics adopted or as
amended shall be filed with the state ethics commission. The internal code may include provisions
reasonably necessary to carry out the purposes of this chapter.

(i) Public body. The cannabis control commission shall be a public body for the purposes
of chapter 46 of title 42 (the "open meetings act").

(j) Finance. The commission shall, for the purposes of compliance with state finance law,
and subject to appropriation by the general assembly, operate as an independent state agency and
shall be subject to the laws applicable to agencies under the control of the governor; provided,
however, that the chairperson may identify any additional instructions or actions necessary for the
department of administration to manage fiscal operations in the state accounting system and meet
statewide and other governmental accounting and audit standards. The commission shall properly
classify the commission's operating and capital expenditures, and shall not include any salaries of
employees in the commission's capital expenditures. Unless otherwise exempted by law, the
commission shall participate in any other available state administrative services including, but not
limited to, the state payroll system, the state retirement system, and state purchases.

(k) Prohibition on discrimination. The commission and all personnel and employees
operating under the jurisdiction of the commission to include, but not limited to, personnel of the
cannabis office, shall not unlawfully discriminate by considering race, color, religion, sex, sexual
orientation, gender identity or expression, age, national origin, or disability in granting, denying,
or revoking a license, nor shall any person, corporation, or business firm which is licensed pursuant
to the provisions of this chapter unlawfully discriminate against or segregate any person based on these grounds. All businesses licensed by the commission shall operate on a nondiscriminatory basis, according to equal employment treatment and access to their services to all persons, unless otherwise exempted by the laws of the state. Any licensee who fails to comply with this policy is subject to any disciplinary action that is consistent with the legal authority and rules and regulations of the commission. The commission shall cooperate with the state equal opportunity office to prevent any person, corporation, or business firm from unlawfully discriminating because of race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability or from participating in any practice which may have a disparate effect on any protected class within the population. The state equal opportunity office shall monitor the equal employment opportunity activities and affirmative action plans of the commission.


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

(1) Adopt, amend or repeal rules and regulations for the implementation, administration and enforcement of this chapter;

(2) Determine which applicants shall be awarded licenses;

(3) Deny an application or limit, condition, restrict, revoke or suspend any license;

(4) Determine and establish the process and methodology by which licenses shall be awarded by the commission;

(5) Require an applicant for licensure under this chapter to apply for such licensure and approve or disapprove any such application or other transactions, events and processes as provided in this chapter;

(6) Establish a registration process;

(7) Execute all instruments necessary and appropriate, in the commission’s discretion, to fulfill the purposes of this chapter;

(8) Enter into agreements or other transactions with a person, including, but not limited to, a public entity or other governmental instrumentality or authority in connection with its powers and duties under this chapter;

(9) Appear on its own behalf before boards, commissions, departments or other agencies of municipal, state or federal government;

(10) Apply for and accept subventions, grants, loans, advances and contributions of money, property, labor or other things of value from any source, to be held, used and applied for its purposes.
subject to appropriation by the general assembly;

(11) Subject to appropriation by the general assembly, provide and pay for advisory services and technical and other assistance including the hiring of appropriate support staff personnel as may be necessary in its judgment to carry out the purpose and intent of this chapter, and subject to applicable law, fix the compensation of persons providing such services or assistance;

(12) Prepare, publish and distribute, with or without charge as the commission may determine, such studies, reports, bulletins and other materials as required by the provisions of this chapter or other applicable law or as the commission considers appropriate;

(13) Review data and market conditions on an annual basis to determine and recommend the maximum number of licenses that shall be issued to meet the production demands to implement the provisions of this chapter subject to enactment by the general assembly;

(14) Conduct and administer procedures and hearings in compliance with chapter 35 of title 42 (the “administrative procedures act”) for adoption of rules or regulations, issuance, denial or revocation of licenses or permits; or for violation of the provisions of this chapter or the rules and regulations adopted pursuant to the provisions of this chapter;

(15) Gather facts and information and take action applicable to the commission’s obligations pursuant to this chapter relating to:

(i) Any violation of this chapter or any rule or regulation adopted by the commission; and

(ii) Any willful violation of an order of the commission directed to a licensee or a person required to be registered;

(iii) The conviction of a criminal offense, for the purpose of determining whether said conviction substantially relates to the occupation or activity to which the license or registration applies;

(iv) Any other action or conduct which would disqualify a licensee from holding a license pursuant to the provisions of this chapter;

(16) In connection matters having to do with the discharge of the duties of the commission pursuant to this chapter, the chairperson of the commission, in cases pending before the commission, is hereby authorized and empowered to summon witnesses to attend and testify in a like manner as in either the supreme or superior courts. The commission is authorized to compel the production of all papers, books, documents, records, certificates, or other legal evidence that may be necessary for the determination and the decision of any question or the discharge of any duty required by law of the commission, by issuing a subpoena duces tecum signed by the chairperson. Any person who shall willfully swear falsely in any proceedings, matter, or hearing
before the commission shall be subject to the law pertaining to the crime of perjury. Any person
who disobeys may be referred by the chairperson of the commission to the presiding justice of the
superior court for assignment of a hearing on civil contempt citation and/or to the attorney general
for criminal contempt prosecution

(17) Conduct investigations into the qualifications of all applicants for employment by the
commission, the cannabis office and all applicants for licensure pursuant to the provisions of this
chapter;

(18) Receive from the state police, the department of attorney general or other criminal
justice agencies, including, but not limited to, the Federal Bureau of Investigation and the Internal
Revenue Service, such criminal record information relating to criminal and background
investigations as necessary for the purpose of evaluating licensees, applicants for licenses, lab
agents, and any other employee or agent of a cannabis establishment, as determined by the
commission or otherwise required by law;

(19) Be present, through its designated inspectors and agents, at any reasonable time, in
cannabis establishments for the purposes of exercising its powers and duties;

(20) Inspect cannabis establishments and have access to all equipment and supplies in a
cannabis establishment for the purpose of ensuring and enforcing compliance with this chapter,
chapter 28.6 of title 21, and all rules and regulations promulgated pursuant to this chapter and
chapter 28.6 of title 21;

(21) In accordance with all applicable law, coordinate with the state police to seize,
impound and remove from the premises of a cannabis establishment any cannabis, equipment,
supplies, documents and records obtained or possessed in violation of this chapter, chapter 28.6 of
title 21, or the rules and regulations of the commission;

(22) Require that the books and financial or other records or statements of a licensee be
kept in a manner that the commission deems proper;

(23) For cause, demand access to and inspect all papers, books and records of close
associates of a licensee whom the commission reasonably suspects is involved in the financing,
operation or management of the licensee; provided, however, that the inspection, examination,
photocopying and audit may take place on the affiliate's premises or elsewhere as practicable and
in the presence of the affiliate or its agent;

(24) Impose and collect fees, sanctions and administrative penalties, as authorized by this
chapter and established by regulation, and for a violation of any rule or regulation promulgated by
the commission except as of December 1, 2022, no fee shall be authorized or imposed for registry
identification cards or for plant tags:
(25) Establish adjudicatory procedures and conduct adjudicatory proceedings pursuant to the provisions of chapter 35 of title 42 (the "administrative procedures act");

(26) Refer cases for criminal prosecution to the appropriate federal, state or local authorities;

(27) Maintain an official Internet website for the commission that, in the discretion of the commission, may be in coordination with the cannabis office;

(28) Submit any matter to the advisory board for study, review or recommendation;

(29) Request and/or approve or disapprove recommendations by the cannabis advisory board made pursuant to § 21-28.11-6 to include, but not be limited to, distribution of funds from the social equity assistance fund established pursuant to § 21-28.11-31;

(30) Monitor any federal activity regarding cannabis;

(31) Delegate any administrative, procedural or operational matter to the cannabis office;

(32) Issue temporary emergency orders, directives or instructions, with or without prior notice or hearing, in an instance in which the public health or safety is in substantial or imminent danger as it relates to the activities, conduct or practices of a licensee or as a result of a defective or dangerous product offered for sale by a licensee. If a temporary emergency order, directive or instruction without notice or a hearing is issued by the commission then the order, directive or instruction shall expire after ten (10) days unless a hearing is noticed by the commission within the ten (10) day period, and the hearing is scheduled to be conducted within twenty (20) days of the issuance of the order, directive or instruction;

(33) Amend forms, procedures and requirements adopted by the office of cannabis regulation pursuant to § 21-28.11-10.1 related to the temporary regulation of cultivation, manufacture and sale of cannabis for adult use by hybrid cannabis retailers during the transitional period established by § 21-28.11-10.1; and

(34) Provide recommendations to the general assembly regarding any advisable or proposed amendments to chapter 26 of title 2 relative to the regulation of industrial hemp and the use of hemp as a commercial product.

(b) The commission shall, pursuant to subsection (a) of this section, adopt rules and regulations consistent with this chapter for the administration, clarification and enforcement of provisions regulating and licensing cannabis establishments and the sale, possession and use of cannabis. The rules and regulations shall include, but not be limited to:

(1) Methods and forms of application which an applicant for a license shall follow and complete before consideration by the commission;

(2) Requirements for the information to be furnished by an applicant or licensee;
(3) Criteria for evaluation of the application for a license;

(4) Qualifications for licensure and minimum standards for employment that are directly and demonstrably related to the operation of a cannabis establishment and similar to qualifications for licensure and employment standards in connection with the manufacture, distribution or sale of alcoholic beverages as regulated under title 3 of the general laws; provided, that a criminal conviction relating solely to the possession of marijuana or cannabis shall not automatically disqualify an individual from eligibility for employment or licensure in connection with a cannabis establishment pursuant to § 21-28.11-12.1;

(5) In consultation with the cannabis advisory board, identification of factors to be evaluated in the approval and certification of social equity applicants and establishment of procedures and policies to promote and encourage full participation in the regulated cannabis industry by people from communities that have previously been disproportionately harmed by cannabis prohibition and enforcement;

(6) In accordance with all applicable law, standards for the payment or reporting of licensure fees and taxes;

(7) Requirements for the information to be furnished by a licensee to the licensee's employees;

(8) Requirements for fingerprinting or other method of identification of an applicant for a license or a licensee and the employees of licensees;

(9) Procedures and grounds for the revocation or suspension of a license or registration;

(10) Minimum uniform standards of accounting procedures;

(11) Requirements for record keeping by cannabis establishments and procedures to track cannabis cultivated, processed, manufactured, delivered or sold by cannabis establishments;

(12) Minimum standards for the requirement that all licensees possess and operate an interoperable publicly available application programming interface seed-to-sale tracking system sufficient to ensure the appropriate track and trace of all cannabis cultivated, processed or manufactured pursuant to this chapter;

(13) Standards and procedures to leverage seed-to-sale tracking technology which may allow for the appropriate transfer or acquisition of cannabis seeds, clones, cuttings, plants or plant tissue between medical and nonmedical establishments;

(14) Registration requirements for employees of cannabis establishments including ensuring that employees be properly trained in the performance of their duties as necessary;

(15) Minimum security requirements for licensees sufficient to deter and prevent theft and unauthorized entrance into areas containing cannabis, which may include, but not be limited to, the
use of security personnel, security cameras, or alarms;

(16) Minimum standards for liability insurance coverage;

(17) Requirements and procedures, utilizing best practices, to prevent the sale, delivery or transfer of cannabis to persons under twenty-one (21) years of age, or the purchase of cannabis on behalf of a person under twenty-one (21) years of age to include, but not limited to, the establishment of age verification procedures;

(18) Health and safety standards, established in consultation with the department of health, for the cultivation, processing, manufacturing and distribution of cannabis, including standards regarding sanitation for the preparation, storage, handling and sale of food products, including compliance with state sanitation requirements, and health inspections; provided, however, that the authority to promulgate regulations pertaining to the use of pesticides shall remain with the department of environmental management pursuant to the provisions of chapter 25 of title 23;

(19) Requirements for the packaging and labeling of cannabis and cannabis products that shall, at a minimum:

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

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

(20) Requirements and restrictions for advertising, marketing and branding of cannabis and cannabis products;

(21) Requirements for the safe disposal of excess, contaminated, adulterated or deteriorated cannabis, which shall consider policies which promote the reasonable remediation and/or recycling of such waste, including, but not limited to, recycled industrial products;

(22) Procedures and requirements to enable the transfer of a license for a cannabis establishment to another qualified person or to another suitable location in compliance with the provisions of § 21-28.11-10.2 following notification and approval by the commission; provided however, that a license issued to a social equity applicant shall only be transferred to another qualified social equity applicant, and a license issued to a workers' cooperative applicant shall only be transferred to another qualified workers' cooperative applicant;

(23) Requirements to establish a process allowing the commission to order a prohibition on the sale of a cannabis product found especially appealing to persons under twenty-one (21) years of age including a means for allowing a cannabis product manufacturer to voluntarily submit a product, its packaging and intended marketing to the commission for preliminary determination whether the product is especially appealing to persons under twenty-one (21) years of age;
(24) Requirements that may prohibit cannabis product manufacturers from altering or utilizing commercially-manufactured food products when manufacturing cannabis products unless the food product was commercially manufactured specifically for use by the cannabis product manufacturer to infuse with cannabis;

(25) Energy and environmental standards for licensure and licensure renewal of cannabis establishments licensed as a cannabis cultivator or cannabis product manufacturer;

(26) If determined necessary to protect or promote public health and safety, the commission may establish reasonable limits for cannabis product potency and/or dosing; provided that, in the interest of maintaining a stable cannabis market, before imposing such limits, the commission shall give due consideration to the limits on potency and/or dosing imposed by neighboring states;

(27) The testing and safety of cannabis and cannabis products, including but not limited to, regulations promulgated by the commission in consultation with the department of health, as applicable which:

(i) License and regulate the operation of cannabis laboratory testing facilities, including requirements for equipment, training, and qualifications for personnel;

(ii) Set forth procedures that require random sample testing to ensure quality control, including, but not limited to, ensuring that cannabis and cannabis products are accurately labeled for tetrahydrocannabinol (THC) content and any other product profile;

(iii) Establish testing for residual solvents or toxins; harmful chemicals; dangerous molds or mildew; filth; and harmful microbial such as E. coli or salmonella and pesticides, and any other compounds, elements, or contaminants;

(iv) Require that all cannabis and cannabis products must undergo random sample testing at a licensed cannabis testing facility or other laboratory equipped to test cannabis and cannabis products that have been approved by the commission;

(v) Require any products which fail testing be quarantined and/or recalled and destroyed in accordance with regulations;

(vi) Allow for the establishment of other quality assurance mechanisms which may include but not be limited to, the designation or creation of a reference laboratory, creation of a secret shopper program, round robin testing, or any other mechanism to ensure the accuracy of product testing and labeling;

(vii) Require cannabis establishment licensees and cannabis products to comply with any applicable food safety requirements determined by the commission and/or the department of health;

(viii) Include any additional requirements deemed necessary by the commission as determined in consultation with the department of health; and
(ix) Allow the commission, in coordination with the department of health, at their
discretion, to temporarily remove, or phase in, any requirement for laboratory testing if it finds that
there is not sufficient laboratory capacity for the market;

(28) Standards and restrictions for cannabis manufacturing and processing which shall
include, but not be limited to, requirements that cannabis processors;

(i) Comply with all applicable building and fire codes;

(ii) Receive approval from the state fire marshal’s office for all forms of manufacturing
that use a heat source or flammable solvent;

(iii) Require any cannabis processor that manufactures edibles of cannabis infused food
products to comply with all applicable requirements and regulations and obtain a food business
license as defined by § 21-27-1 issued by the department of health’s office of food safety; and

(iv) Comply with any other requirements deemed suitable by the commission;

(29) Standards for manufacturing or extracting cannabinoid oils or butane hash oil;

(30) General operating requirements, minimum oversight, and any other activities,
functions, or aspects of a cannabis establishment licensee in furtherance of creating a stable,
regulated cannabis industry and mitigating its impact on public health and safety;

(31) Rules and regulations based on federal law, provided such rules and regulations are
designed to comply with federal guidance and mitigate federal enforcement against the cannabis
establishments and adult use establishments authorized, licensed and operated pursuant to this
chapter;

(32) Coordinate and implement the transition and transfer of regulatory authority of
medical marijuana from the department of business regulation to the commission; and

(33) Requirements that, after March 1, 2023, according to a timeline determined by the
commission, patients with out-of-state medical marijuana cards must also possess and produce a
valid government issued identification demonstrating residency in the same state jurisdiction that
issued the medical marijuana card.

(c) Regulations made pursuant to this section shall not:

(1) Except to protect public health and safety, prohibit the operation of a cannabis
establishment either expressly or through regulations that make operation of a cannabis
establishment unreasonable and impracticable;

(2) Require an adult retail purchaser to provide a cannabis retailer with identifying
information other than proper identification to determine the customer’s age, and shall not require
the cannabis retailer to acquire or record personal information about customers other than
information typically required in a retail transaction;
(3) Except as provided pursuant to chapter 28.6 of title 21, authorize a cannabis retailer, medical marijuana treatment center or a hybrid cannabis retailer to operate at a shared location with a cultivator;

(4) Authorize a cannabis establishment to transfer or acquire cannabis seeds, clones, cuttings, plants or plant tissue to or from another cannabis establishment unless notice of the transfer or acquisition is provided to the commission; or

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

(d) Reports. In furtherance of the intent of this chapter:

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

(2) The commission shall annually review the tax rates established by this chapter and may make recommendations to the general assembly, as appropriate, regarding any changes to the tax rates that further the intent of this chapter.

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

(4) The commission may study cannabis commerce and make recommendations to the general assembly regarding changes to existing law that further the intent of this chapter by reporting those recommendations to the governor, the speaker of the house, and the president of the senate.

(5) The commission may conduct an analysis and report to the general assembly if it finds that conditions are appropriate for the issuance of additional types or classes of licenses to operate cannabis-related businesses, including, but not limited to:

(i) Licenses that authorize limited or restricted cultivation, processing, manufacture, possession or storage of cannabis or cannabis products, limited delivery of cannabis or cannabis products to consumers;

(ii) Licenses that authorize the consumption of cannabis or cannabis products on the premises where sold;

(iii) Licenses that authorize the consumption of cannabis at special events in limited areas and for a limited time; and

(iv) Licenses intended to facilitate scientific research or education.

(e) The commission shall administer and enforce the provisions of this chapter and the rules
and regulations relating to licensing in this chapter and in its discretion and where appropriate may delegate and authorize various administration and enforcement powers and duties to the cannabis office.

(f) The commission may investigate, in conjunction with the department of health, the effects of cannabis and cannabis products with a high potency of tetrahydrocannabinol on human health and consider restrictions on the potency of tetrahydrocannabinol in cannabis and cannabis products that are necessary for protection of public health or safety in accordance with the provisions of § 21-28.11-5(b)(26).

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

(h) The commission shall cause to be deposited all fees and monetary penalties collected pursuant to this chapter in the social equity assistance fund established pursuant to § 21-28.11-31, excluding medical compassion center license fees pursuant to § 21-28.6-12, tax penalties and any funds designated to be deposited in the marijuana trust fund pursuant to § 21-28.11-13(d).

(i) The commission shall work collaboratively with other state agencies and departments to ensure that the production and distribution of cannabis is effectively regulated in the state in furtherance of this chapter.


(a) There is hereby established a cannabis advisory board, which is directed to work in collaboration with the commission and the administrator of the cannabis office to advise and issue recommendations on the use, commerce, regulation and effects of adult-use and medical cannabis within the state. The advisory board shall additionally provide recommendations to the commission regarding the administration and distribution of the social equity assistance fund established pursuant to § 21-28.11-31.

(b) Membership. The advisory board shall consist of eleven (11) voting members, and eight (8) non-voting members.

(1) The board shall consist of the following non-voting members: the secretary of commerce or designee, the director of the department of labor and training or designee, the director of the department of health or designee, the commissioner of education or designee, the superintendent of public safety or designee, the director of the department of business regulation or designee, the secretary of the Executive Office of Health and Human Services (EOHHS) or designee, and a representative from the University of Rhode Island College of Pharmacy selected by the commission.

(2) The board shall consist of the following voting members: a social equity officer, who shall be appointed by the governor and serve as chair of the advisory board; two (2) additional
members to be appointed by the governor, one of whom shall represent the cannabis laboratory
testing industry, and one of whom shall be appointed in accordance with subsection (e) of this
section; four (4) members to be appointed by the speaker of the house, one of whom shall represent
the cannabis cultivation industry, and three (3) of whom to be appointed in accordance with
subsection (e) of this section; and four (4) members to be appointed by the president of the senate,
one of whom shall represent the cannabis retail industry, and three (3) of whom to be appointed in
accordance with subsection (e) of this section.

(c) Term of voting members. The voting members shall be appointed to serve three (3) year
terms or until a successor is appointed. In the event of vacancy, the vacancy shall be filled in the
manner of the original appointment for the remainder of the term.

(d) Compensation. The appointed members and representatives shall receive no
compensation for their services.

(e) Representation. The members of the advisory board appointed by the governor, the
speaker of the house and the president of the senate pursuant to the provisions of the chapter shall
to the extent possible be individuals with expertise in the following areas: public and behavioral
health, substance use disorder treatment, effective rehabilitative treatment for adults and juveniles,
homelessness and housing, economic development, criminal justice, law enforcement and drug
policy. Further, the advisory board shall include representation from communities most impacted
by cannabis prohibition, such as individuals with prior drug convictions, the formerly incarcerated,
and representatives of organizations servicing communities impacted by past federal and state drug
policies.

(f) Quorum. To take action at a meeting, a majority of voting members of the board must
be present and voting to constitute a quorum.

(g) Role and responsibilities. The advisory board shall:

(1) Consider all matters submitted to the board by the cannabis control commission;
(2) Advise and make recommendations to the commission on the preparation and
promulgation of guidelines, rules and regulations and any changes to guidelines, rules and
regulations that the advisory board deems fundamental or necessary for the commission's review
and consideration;
(3) Provide analysis and recommendations to the commission relating to the administration
and distribution of the social equity assistance fund established pursuant to § 21-28.11-31;
(4) Conduct all meetings in compliance with chapter 46 of title 42 (the "open meetings
act"); and
(5) Report the findings, analysis, recommendations and conclusions adopted and approved
(h) Subcommittees. The chair may appoint subcommittees in order to develop and report recommendations and to expedite the work of the board; provided, however, that the chair shall appoint:

(1) A subcommittee on public health to develop recommendations on: products, labelling, marketing, advertising, related public health issues; potency, which may include a recommended maximum limit for individual servings of cannabis products; and packaging, which may include the development and implementation of a public health warning to appear on cannabis products;

(2) A subcommittee on public safety and community mitigation to develop recommendations on law enforcement, property, business, consumer, and any other issues that may have an affect on the locality of the cannabis establishment and the surrounding environment;

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

(4) A subcommittee on market participation to develop recommendations on minority and veteran-owned businesses, local agriculture and growing cooperatives; and

(5) A subcommittee on social equity to develop recommendations on remedying the harm to individuals directly and adversely impacted by the past enforcement of cannabis-related laws.


(a) Except as provided pursuant to the provisions of subsection (b) of this section or § 21-28.11-8, there shall be a moratorium on the issuance of new cannabis cultivator licenses until the date that is two (2) years following the final issuance of the commission's rules and regulations pursuant to the provisions of this chapter. This moratorium shall not apply to cannabis cultivators licensed pursuant to chapter 28.6 of title 21 on or before enactment of this chapter.

(b) On August 1, 2022 and thereafter, any medical marijuana cultivator licensed or approved pursuant to the provisions of § 21-28.6-16, upon payment of an additional license fee, shall be permitted to cultivate, manufacture and process cannabis as a hybrid cannabis cultivator for both adult use and medical use. The amount of the additional license fee shall be determined by the office of cannabis regulation during the transitional period established by § 21-28.11-10 and shall be subject to review by the commission pursuant to the final rules and regulations. The fee shall be deposited in the social equity fund established in § 21-28.11-31. Sale of the cultivated cannabis shall be made directly to a licensee pursuant to the provisions of this chapter and chapter 28.6 of title 21, subject to the following conditions:

(1) The cultivator must be in good standing and maintain the cultivator license pursuant to
the provisions of chapter 28.6 of title 21; and

(2) The cultivator must make good faith efforts to ensure the adult use cannabis production portion of the cultivation operation has no significant adverse effect on the medical marijuana program and patient needs.

(c) During the moratorium pursuant to this section, the commission, with the assistance of the advisory board, as required, shall submit a report to the general assembly which evaluates the cultivation of adult use and medical cannabis. The report shall consider factors, including, but not limited to:

(1) Cultivation and production history;

(2) Tax payment history;

(3) Existing inventory and inventory history;

(4) Sales contracts;

(5) Current and future projected market conditions; and

(6) Any other factors relevant to ensuring responsible cultivation, production, and inventory management for both medical and adult use cannabis.

(d) Upon expiration of the moratorium pursuant to this section, the commission may adopt rules and regulations authorizing issuance of additional cultivator licenses; provided, however, a new cultivator licensee's canopy shall not exceed ten thousand square feet (10,000 ft²). In determining whether to issue additional cultivator licenses, the cannabis control commission shall consider the findings of the report submitted pursuant to subsection (c) of this section.

(e) For the purposes of this section, “canopy” means the total surface area within a cultivation area that is dedicated to the cultivation of mature cannabis plants. The surface area of the canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area, the surface area of each tier or shelf must be included in calculating the area of the canopy. The canopy does not include the areas within the cultivation area that are used to cultivate immature cannabis plants and seedlings and that are not used at any time to cultivate mature cannabis plants.

(f) To qualify for issuance of any cannabis cultivator license under subsection (d) of this section, an applicant shall satisfy all requirements and qualifications established by the commission to include but not limited to, the following:

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

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

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

(4) Provide proof that the applicant is current with and in compliance with all obligations required by the division of taxation, including filings and payment of taxes;

(5) Has provided a nonrefundable application fee as determined by the commission; and

(6) Shall consent and be subject to inspections by the commission for the purposes of ensuring and enforcing compliance with this chapter and all rules and regulations promulgated pursuant to this chapter; and

(7) Prior to the issuance of any license and for any period of renewal, the applicant shall submit an annual license fee pursuant to subsection (b) of this section to be deposited in the social equity fund established in § 21-28.11-31.

(g) The commission may determine and adjust the application fee or annual license fee pursuant to the commission's rulemaking authority and in accordance with the provisions of chapter 35 of title 42.

(h) Every individual cannabis plant possessed by a licensed cannabis cultivator shall be catalogued in a seed-to-sale inventory tracking system. The commission shall review the current seed-to-sale tracking system utilized pursuant to chapter 28.6 of title 21 and promulgate new or additional regulations, as it deems appropriate. As of December 1, 2022, any cannabis tags issued to provide seed-to-sale inventory and tracking, shall be issued without charge to patient cardholders and/or primary caregivers authorized to grow medical cannabis.

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

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

(k) Cannabis cultivators shall be licensed to grow cannabis only at a location or locations registered with and approved by the cannabis commission. The commission may promulgate regulations governing locations where cultivators are authorized to grow. Cannabis cultivators shall abide by all local ordinances, including zoning ordinances.

(l) As a condition of licensing, cannabis cultivators shall consent and be subject to inspection by the commission for the purposes of ensuring and enforcing compliance with this chapter and chapter 28.6 of title 21, all rules and regulations promulgated pursuant to this chapter, and the provisions of § 28-5.1-14.
(m) Persons issued cultivator licenses shall be subject to the following:

1. A licensed cannabis cultivator shall notify and request approval from the commission of any change in his or her name or address within ten (10) days of the change. A licensed cannabis cultivator who fails to notify the commission of any of these changes commits shall be subject to an administrative fine of no more than one hundred fifty dollars ($150), or other penalty as determined by the commission.

2. When a licensed cannabis cultivator notifies the commission of any changes listed in this subsection, the commission shall issue the licensed cannabis cultivator a new license identification document after the commission approves the changes and receives from the licensee payment of a fee specified in regulations.

3. If a licensed cannabis cultivator loses his or her license or certification document, he or she shall notify the commission and submit a fee specified in regulation within ten (10) days of losing the document. The commission shall issue a new license document with a new random identification number, upon receipt of payment of a fee promulgated in the rules and regulations not to exceed the amount of one hundred dollars ($100).

4. A licensed cannabis cultivator has a continuing duty to notify the commission of any criminal conviction(s) that occurs after the issuance of a license or registration. A criminal conviction may not automatically result in suspension or revocation of a license, but shall be subject to § 21-28.11-12.1. The commission may suspend and/or revoke his or her license after the notification, pending a final determination of disqualification pursuant to § 21-28.11-12.1.

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

(n) Immunity.

1. No licensed cannabis cultivator shall be subject to arrest; prosecution; search or seizure, except as authorized pursuant to §§ 21-28.11-20 and 21-28.11-27 and subsection (f)(6) of this section; or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business, occupational, or professional licensing board or entity, solely for acting in accordance with this chapter, chapter 28.6 of title 21 and rules and regulations promulgated by the commission.

2. No principal officers, board members, agents, volunteers, or employees of a licensed cannabis cultivator shall be subject to arrest; prosecution; search or seizure, except as authorized pursuant to §§ 21-28.11-20 and 21-28.11-27 and subsection (f)(6) of this section; or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary
action by a business, occupational, or professional licensing board or entity, solely for working for
or with a licensed cannabis cultivator to engage in acts permitted by this chapter, chapter 28.6 of
title 21 and rules and regulations promulgated by the commission.

(3) No state employee or commission member shall be subject to arrest; prosecution; search
or seizure, except as authorized pursuant to §§ 21-28.11-20 and 21-28.11-27; or penalty in any
manner, or denied any right or privilege, including, but not limited to, civil penalty, disciplinary
action, termination, or loss of employee or pension benefits, for any and all conduct that occurs
within the scope of his or her employment regarding the administration, execution, and/or
enforcement of this chapter, chapter 28.6 of title 21 and rules and regulations promulgated by the
commission, and the provisions of §§ 9-31-8 and 9-31-9 shall be applicable to this section.

(o) Nothing in this section shall be construed as authorizing a cannabis cultivator to transfer
or sell cannabis directly to a consumer. A direct sale or transfer from a cannabis cultivator to a
consumer is prohibited and shall be grounds for revocation of license and criminal prosecution.

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

(q) No cannabis or cannabis product shall be sold or otherwise marketed pursuant to this
chapter that has not first been tested by a cannabis testing laboratory and determined to meet the
commission's testing protocols issued pursuant to § 21-28.11-11. Cannabis cultivators shall be
subject to any regulations promulgated by the commission that specify how marijuana shall be
tested, including, but not limited to, potency, cannabinoid profile and contaminants. Cannabis
cultivators shall be subject to any product labeling requirements promulgated by the commission
or otherwise required by law.

(r) License required. No person or entity shall engage in activities described in this section
without a cultivator license issued pursuant to this chapter.


(a) If the commission determines that the moratorium on issuing cultivator licenses is
preventing an adequate supply of cannabis to fulfill the market demand pursuant to chapters 28.6
and 28.11 of title 21, then the commission shall report the basis of the determination to the speaker
of the house, the president of the senate and the governor.

(b) No later than May 1, 2024, the commission shall conduct and deliver to the governor,
the speaker of the house and the president of the senate, a study relating to the impact of the
moratorium imposed pursuant to § 21-28.11-7 on the availability of cannabis for medical marijuana
and adult use sales, and the projected need for the issuance of additional cultivator licenses to satisfy
projected market needs.

(a) A cannabis product manufacturer or processor or wholesaler that does not hold a cannabis cultivator’s license shall have a cannabis product manufacturer’s license issued by the commission. A cannabis product manufacturer licensee may purchase cannabis from cultivators for processing and shall only transfer or sell cannabis products to other entities licensed pursuant to this chapter or chapter 28.6 of title 21. A cannabis product manufacturer's licensee or processor or wholesaler shall report to the commission, pursuant to regulations, the purchase or acquisition and the sale or transfer of all cannabis and cannabis products.

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

1. Apply for a license in a manner prescribed by the commission;
2. Provide proof that the applicant is twenty-one (21) years of age or older and is a resident of the state;
3. Undergo a criminal record background check pursuant to § 21-28.11-12.1 and on any terms established by the commission;
4. Provide proof that the applicant is current and in compliance with all obligations for filings and payments for taxes with the division of taxation;
5. Has provided a nonrefundable application fee as determined by the commission and promulgated by rules and regulations; and
6. Prior to issuance of any license and for any period of renewal, the applicant shall submit an annual license fee as determined by the commission and promulgated by rules and regulations to be deposited in the social equity fund established in § 21-28.1-31.

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

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

(e) As a condition of licensing, cannabis product manufacturers or processors or wholesalers shall consent and be subject to inspections by the commission for the purposes of ensuring and enforcing compliance with this chapter and all rules and regulations promulgated pursuant to this chapter, and pursuant to the provisions of § 21-28.11-20.

(f) Nothing in this section shall be construed as authorizing a cannabis product manufacturer or processor or wholesaler to transfer or sell cannabis to a consumer. A direct sale or transfer from a cannabis product manufacturer licensee to a consumer is prohibited.
(g) No cannabis or cannabis product shall be sold or otherwise marketed pursuant to this chapter that has not first been tested by a cannabis testing laboratory and determined to meet the commission's testing protocols issued pursuant to § 21-28.11-11.

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

(1) A licensed cannabis product manufacturer shall notify and request approval from the commission of any change in his or her name or address within ten (10) days of the change. A licensed cannabis product manufacturer who fails to notify the commission of any of these changes shall be subject to an administrative fine of no more than one hundred fifty dollars ($150) or other penalty as determined by the commission.

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

(3) If a licensed cannabis product manufacturer loses his or her document, he or she shall notify the commission and submit a fee specified in regulation not to exceed one hundred dollars ($100), within ten (10) days of losing the document. The commission shall issue a new license with a new random identification number.

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

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

(i) Immunity.

(1) No licensed cannabis product manufacturer or wholesaler shall be subject to: arrest; prosecution; search or seizure, except as authorized pursuant to §§ 21-28.11-20 and 21-28.11-27 and by subsection (e) of this section; or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business, occupational, or professional licensing board or entity, solely for acting in accordance with this chapter, chapter 28.6 of title 21 and rules and regulations promulgated by the commission.

(2) No principal officers, board members, agents, volunteers, or employees of a licensed cannabis product manufacturer or wholesaler shall be subject to arrest; prosecution; search or
seizure, except as authorized pursuant to §§ 21-28.11-20 and 21-28.11-27 and by subsection (e) of this section; or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business, occupational, or professional licensing board or entity, solely for working for or with a licensed cannabis product manufacturer or wholesaler to engage in acts permitted by this chapter, chapter 28.6 of title 21 or rules and regulations promulgated by the commission.

(3) No state employee or commission member shall be subject to arrest; prosecution; search or seizure, except as authorized pursuant to §§ 21-28.11-20 and 21-28.11-27 and by subsection (e) of this section; or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty, disciplinary action, termination, or loss of employee or pension benefits, for any and all conduct that occurs within the scope of his or her employment regarding the administration, execution, and/or enforcement of this chapter, chapter 28.6 of title 21 and rules and regulations promulgated by the commission, and the provisions of §§ 9-31-8 and 9-31-9 shall be applicable to this section.


(a) On or after December 1, 2022, a compassion center licensed pursuant to the provisions of chapter 28.6 of title 21, upon payment to the office of cannabis regulation of an hybrid cannabis retailer fee of one hundred twenty-five thousand dollars ($125,000) to be deposited in the social equity fund, is permitted to sell adult use cannabis pursuant to the provisions of this chapter for a period of one year, subject to the following conditions:

(1) The compassion center must be in good standing and maintain its compassion center license with the office of cannabis regulation pursuant to the provisions of chapter 28.6 of title 21;

(2) The compassion center shall make good faith efforts to ensure that the sale of cannabis for adult use as a hybrid cannabis retailer has no significant adverse effect on the medical marijuana program and patient needs; and

(3) The compassion center shall post in a conspicuous place a copy of a certificate of authorization evidencing a license in good standing and payment of the hybrid cannabis retailer fee.

(b) During the transitional period specified in § 21-28.11-10.1, hybrid cannabis retailers shall comply with directives of state agencies, departments and offices exercising regulatory authority pursuant to § 21-28.11-10.1(b), and directives provided or issued by the commission to protect public health and public safety. Failure to comply with a rule or directive issued pursuant to provisions of this subsection and § 21-28.11-10.1(b), may result in a revocation or suspension of the authorization to conduct adult use cannabis sales as ordered by the commission or office of
(c) Following the final issuance of the commission's rules and regulations, hybrid cannabis retailers shall be subject to the commission's rules and regulations for all sales authorization and renewals to include, but not limited to, any licensing requirements.

(d) Notwithstanding any other provision of the general laws, a licensed compassion center authorized as a hybrid cannabis retailer pursuant to subsection (a) of this section and the rules and regulations promulgated by the commission shall be exempt from the requirements of chapter 28.6 of title 21 requiring registration as a not-for-profit corporation under chapter 6 of title 7, provided the compassion center maintains operation as a hybrid cannabis retailer in good standing with the commission. The commission may promulgate regulations or issue guidance to facilitate the transition from a not-for-profit corporation to a for-profit corporation or other entity, including, but not limited to, the requirement that the compassion center must update and/or resubmit licensing and application documents which reflect this change.

(e) If the commission has failed to make final issuance of the commission's rules and regulations after one year from the date the compassion center has paid the fee pursuant to subsection (a) of this section, then hybrid cannabis retailers shall be permitted to continue to engage in adult use cannabis sales upon payment of a monthly fee to the department of business regulation in the amount of ten thousand five hundred dollars ($10,500) for each month of operation following the one year period provided in subsection (a) of this section. Upon final issuance of the commission's rules and regulations, hybrid cannabis retailers shall comply with the provisions of the rules and regulations to maintain licensing and authorization to sell adult use cannabis in accordance with § 21-28.11-10.2.

(f) Notwithstanding any other general law, rule or regulation, after March 1, 2023, and in accordance with a timeline established by the commission, no hybrid cannabis retailer shall be authorized to sell medical marijuana to any patient with an out-of-state medical marijuana card who fails to possess and produce a valid government issued identification demonstrating residency in the same state that issued the medical marijuana card.

21-28.11-10.1. Transitional period and transfer of authority.

(a) To protect public health and public safety, upon the effective date of this chapter until final issuance of the commission's rules and regulations promulgated pursuant to the provisions of this chapter, there shall exist a transitional period of regulatory and enforcement authority regarding the production, possession, regulation, distribution, sale and use of cannabis relating to the sale by hybrid cannabis retailers of adult use cannabis pursuant to § 21-28.11-10.

(b) During the transitional period, the office of cannabis regulation shall prescribe such
forms, procedures, and requirements as necessary to facilitate the acquisition of hybrid retail and

cultivation licenses by compassion centers and cultivators licensed pursuant to chapter 28.6 of title

21.

(c) Such forms, procedures, and requirements shall be posted on the website of the office

of cannabis regulation no later than October 15, 2022, at which time an application period will

commence. Applications shall be received, reviewed, and approved on a rolling basis provided that

in no case shall an approved hybrid retailer begin adult use sales before December 1, 2022.

(d) The forms, procedures, and requirements prescribed by the office of cannabis regulation

shall incorporate, but shall not be limited to, the following:

(1) Requirements pertaining to the physical premises of hybrid retail licensees. Where

physically possible these shall include prospective licensee plans to physically separate marijuana

and marijuana products designated for adult use and medical sales, respectively, in inventory,

storage, and customer-facing floor and display areas; plans to physically separate sales areas for

adult use and medical sales, which may be provided by a temporary or semi-permanent physical

barrier; plans to provide and maintain a patient consultation area that will allow privacy for

confidential consultation with qualifying patients; and plans to prioritize patient and caregiver

identification verification and physical entry into retail areas in the event of capacity or other

constraints; however, if the premises of a hybrid retail licensee does not allow the licensee to meet

the requirements of this subsection or would cause undue hardship on the licensee, the office of

cannabis regulation may authorize the hybrid retail licensee to conduct adult use sales at an adjunct

location. In authorizing any such adjunct location, the office shall require, at a minimum, the

following:

(i) The adjunct location must be physically located within the same municipality and

geographic zone;

(ii) The adjunct location must comply with all municipal zoning requirements and obtain

municipal approval;

(iii) The approval of any adjunct location will not cause undue hardship upon another

licensed cannabis retailer; and

(iv) In the instance that an adjunct location is approved by the office, the hybrid cannabis

retailer shall not be permitted to engage in the sale of cannabis for adult use at more than one

premises.

(2) Requirements pertaining to inventory, product, and sales tracking. These shall include

prospective licensee submission of plans to electronically separate finished marijuana products

designated for medical or adult use sales in hybrid licensees’ inventory and sales tracking systems.
If prospective hybrid licensees are conducting cultivation activities, they shall submit plans to distinguish between sales of marijuana or finished marijuana products at wholesale based on designation for medical or adult use sales.

(3) Requirements relating to the maintenance of medical marijuana program service levels. These shall include prospective licensee submission of comprehensive policies and procedures detailing plans to maintain a sufficient quantity and variety of medical marijuana products, and if substitutions of medical marijuana products with adult use marijuana products are to be made, a justification for such substitutions. Prospective hybrid licensees shall also be required to designate an individual who will be primarily responsible for maintenance of medical marijuana program service levels and ongoing compliance with existing program requirements, rules, and regulations.

(4) Requirements relating to operating plans, policies, and procedures. These shall include prospective licensee submission, maintenance of, and adherence to a set of written standard operating procedures that encompass both adult use and medical marijuana service lines. These operating plans and procedures shall take the form of an updated operations manual as currently required under medical marijuana program regulations and shall include, but not be limited to, policies and procedures relating to the maintenance of medical marijuana program service levels as defined in this section.

(e) Notwithstanding the foregoing provisions of this section, all prospective and approved applicants for hybrid cannabis retailer and cannabis cultivator licenses under this chapter shall maintain compliance with the existing provisions of chapter 28.6 of title 21 of the general laws and the regulations promulgated thereunder until final issuance of the commission’s rules and regulations, including, but not limited to, existing restrictions and requirements related to financial disclosures; registration of owners, managers, key persons, agents, and employees; product testing; packaging and labeling; transportation; home delivery; and advertising.

(f) Forms, procedures, and requirements relating to this transitional period may be amended by the office of cannabis regulation or the commission up until the final issuance of the commission's regulations pursuant to the provisions of this chapter at which time the forms, procedures, and requirements will be superseded by the commission’s final rules and regulations.

(g) Upon final issuance of the commission's rules and regulations, the following shall occur:

(1) All powers, duties and responsibilities of the department of business regulation and the office of cannabis regulation with respect to the regulation administration and enforcement of the provisions of chapter 28.6 of title 21 shall be transferred to the commission or as designated by the commission to the cannabis office.
(2) All powers, duties and responsibilities of the department of environmental management with respect to regulation, administration and enforcement of chapter 28.6 of title 21 shall be transferred to the commission or as designated by the commission to the cannabis office.

(3) All powers, duties and responsibilities of the department of health with respect to regulation, administration and enforcement of chapter 28.6 of title 21 shall be transferred to the commission or as designated by the commission to the cannabis office, except for the following:

(i) Administration of registry identification cards to qualified patients; and

(ii) Powers delegated to the department pursuant to this chapter or by rules and regulations of the commission.

(4) There shall be established a "cannabis office" with the powers, duties and responsibilities authorized pursuant to § 21-28.11-18.1.

(5) All powers exercised by state agencies, departments and offices pursuant to the provisions of § 21-28.11-10.1(a) and (b) relating to transitional period authority shall cease.

(h) Upon final issuance of the commission's rules and regulations, whenever the term "office of cannabis regulation" appears in any general law or regulation, the term shall mean the "cannabis office" as defined in this chapter.

21-28.11-10.2. Cannabis retail sales.

(a) In addition to the hybrid cannabis retailer certificates that may be issued pursuant to the provisions of this chapter, after issuance of the final rules and regulations, the commission may grant twenty-four (24) retail licenses, subject to the following restrictions:

(1) The retail licenses shall be issued pursuant to geographic zones as specified in § 21-28.11-10.3.

(2) No more than four (4) retail licenses exclusive of any hybrid cannabis retail certificate shall be permitted in each geographic zone; and

(3) Of the four (4) retail licenses in each geographic zone:

(i) One shall be reserved for a workers' cooperative applicant; and

(ii) One shall be reserved for a social equity applicant.

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

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

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

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

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

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

(6) Paid a nonrefundable application fee as determined by the commission and promulgated by rules and regulations; and

(7) Prior to issuance of any license and for any period of renewal, the applicant shall pay an annual fee of thirty thousand dollars ($30,000) to be deposited in the social equity fund established in § 21-28.11-31.

(e) Compliance. A cannabis retail sales licensee and all agents and employees shall comply with all rules adopted by the commission and all applicable laws to include, but not limited to, chapter 5 of title 28 (the "fair employment practices act").

(f) Inspection. As a condition of licensing and pursuant to § 21-28.11-20, cannabis retailers shall consent and be subject to inspections by the commission or designated personnel for the purposes of ensuring and enforcing compliance with this chapter, all rules and regulations promulgated pursuant to this chapter and all other applicable law, to include, but not be limited to, the provisions of title 44 ("taxation"), chapter 28 of title 21 (the "uniform controlled substance act"), and chapter 5 of title 28 (the "fair employment practices act").

(g) Testing. No cannabis or cannabis product shall be sold or otherwise marketed pursuant to this chapter that has not first been collected and tested by a cannabis testing laboratory and found to meet the testing protocols issued pursuant to regulations promulgated by the department of health and determined to meet the commission's testing protocols issued pursuant to § 21-28.11-11.

(h) Minimum requirements. Persons issued cannabis retail licenses shall be subject to the following:

(1) A licensed cannabis retailer shall notify and request approval from the commission of any change in his or her name or address within ten (10) days of the change. A licensed cannabis retailer who fails to notify the commission of any of these changes shall be subject to an administrative fine of no more than one hundred fifty dollars ($150) or other penalty as determined by the commission;

(2) When a licensed cannabis retailer notifies the commission of any changes listed in this subsection, the commission shall issue the licensed cannabis retailer a new license identification document after the commission approves the changes and receives from the licensee payment of a fee specified in regulation:
(3) If a licensed cannabis retailer loses his or her license document, he or she shall notify the commission and submit a fee specified in regulation within ten (10) days of losing the document. The commission shall issue a new license document with a new random identification number upon payment of a fee promulgated in the rules and regulations not to exceed one hundred dollars ($100);

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

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

   (i) Immunity.

   (1) No licensed cannabis retailer shall be subject to: arrest; prosecution; search or seizure, except as authorized pursuant to §§ 21-28.11-20 and 21-28.11-27 and by subsection (f) of this section; or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business, occupational, or professional licensing board or entity, solely for acting in accordance with this chapter and rules and regulations promulgated by the commission.

   (2) No principal officers, board members, agents, volunteers, or employees of a licensed cannabis retailer shall be subject to arrest; prosecution; search or seizure, except as authorized pursuant to §§ 21-28.11-20 and 21-28.11-27 and by subsection (f) of this section; or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business, occupational, or professional licensing board or entity, solely for working for or with a licensed cannabis retailer to engage in acts permitted by this chapter and rules and regulations promulgated by the commission.

   (3) No state employee or commission member shall be subject to arrest; prosecution; search or seizure, except as authorized pursuant to §§ 21-28.11-20 and 21-28.11-27 and by subsection (f) of this section; or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty, disciplinary action, termination, or loss of employee or pension benefits, for any and all conduct that occurs within the scope of his or her employment regarding the administration, execution, and/or enforcement of this chapter and rules and regulations promulgated by the commission, and the provisions of §§ 9-31-8 and 9-31-9 shall be applicable to this section.

For purposes of issuance of cannabis retail licenses by the commission pursuant to the provisions of this chapter, the following geographic zones are established:

(1) Zone 1 shall consist of the towns of Burriville, Cumberland, Glocester, North Smithfield, Smithfield and the city of Woonsocket.

(2) Zone 2 shall consist of the towns of Johnston, Lincoln and North Providence and the cities of Central Falls and Providence.

(3) Zone 3 shall consist of the towns of Coventry, Foster, Scituate, West Greenwich and West Warwick.

(4) Zone 4 shall consist of the towns of East Greenwich and North Kingstown and the cities of Cranston and Warwick.

(5) Zone 5 shall consist of the towns of Charlestown, Exeter, Hopkinton, Narragansett, Richmond, South Kingstown and Westerly.

(6) Zone 6 shall consist of the towns of Barrington, Bristol, Jamestown, Little Compton, Middletown, New Shoreham, Portsmouth, Tiverton and Warren and the cities of East Providence, Newport and Pawtucket.

21-28.11-10.4. Medical marijuana program parity.

No later than April 1, 2024, the commission shall, in collaboration with the department of health and the office of management and budget, conduct and deliver to the governor, the speaker of the house of representatives, and the president of the senate a study relating to the impact of the implementation of adult use cannabis in Rhode Island on the existing medical marijuana program (MMP) established pursuant to chapter 28.6 of title 21. This study shall examine and make recommendations relating to, without limitation, the following:

(1) The extent to which the introduction of adult use cannabis has diminished or eliminated the availability of certain medical marijuana products or product types;

(2) The extent to which patient cardholders in Rhode Island have experienced new or greater obstacles to obtaining medical marijuana, including on the basis of price, quantity, product type, or geographic location;

(3) The extent to which the number of caregiver registrations and/or the number of plant tag certificates issued by the commission increases or decreases; and

(4) The extent to which the introduction of the new adult use cannabis tax and license fee structure requires a realignment of the existing medical marijuana tax and license fee structure.


(a) In consultation with the department of health, the commission shall have authority to promulgate regulations to create and implement all licenses involving cannabis reference testing
requirements, including approval of laboratory proficiency programs and proficiency sample
providers, quality assurance sample providers, round robin testing and regulations establishing
quality control and test standardization, and create and implement additional types and classes of
licensed cannabis testing facilities in accordance with regulations promulgated hereunder.

(b)(1) The regulations promulgated by the commission shall at a minimum provide for the
licensure and oversight of cannabis testing laboratories, and shall establish testing protocols for the
sampling, testing and analysis of cannabis, finished cannabis and cannabis products in consultation
with the department of health. Such regulations shall be based on the most recent standards as
issued by the United States Pharmacopeial Convention and shall address sampling and analysis to
determine the cannabinoid profile and biological and chemical contaminants, including, but not
limited to, pesticides, herbicides, plant growth regulators, metals, microbiological contaminants,
and residual solvents introduced through cultivation of cannabis plants and post-harvest processing
and handling of cannabis, cannabis products and ingredients.

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

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

(4) A cannabis testing laboratory shall report any results indicating contamination to the
commission, the department of health and the department of environmental management within
forty-eight (48) hours of identification.

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

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

(c) To qualify for issuance of a cannabis testing laboratory license under this section, an
applicant shall satisfy all qualifications established by the commission to include, but not be limited
to, the following:

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

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

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

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

(5) Provide a nonrefundable application fee as determined by the commission and promulgated by rules and regulations and apply for a testing license from the commission prior to testing, processing or transporting cannabis; and

(6) Prior to the issuance of any license and for any period of renewal, the applicant shall submit an annual license fee as determined by the commission and promulgated by rules and regulations.

(d) Cannabis testing laboratories shall be responsible for ensuring the following, as related to laboratory agents:

(1) A laboratory agent shall be registered with the commission prior to volunteering or working at a cannabis testing laboratory;

(2) A cannabis testing laboratory shall apply to the commission for a registration document for each affiliated laboratory agent by submitting, at a minimum, the name, address, and date of birth of the laboratory agent;

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

(4) A cannabis testing laboratory shall notify the commission within one business day if a laboratory agent ceases to be associated with the laboratory, and the laboratory agent's registration document shall be immediately revoked.

(e) A cannabis testing laboratory and all agents and employees shall comply with all rules adopted by the commission and all applicable laws.

(f) As a condition of licensing and pursuant to the provisions of § 21-28.11-20, cannabis testing laboratories shall consent and be subject to inspection by the commission or personnel designated by the commission for the purposes of ensuring and enforcing compliance with this chapter and all rules and regulations promulgated pursuant to this chapter, to include, but not be limited to, the provisions of chapter 5 of title 28 (the "fair employment practices act").
(g) Persons issued cannabis testing laboratory licenses shall be subject to the following:

1. A licensed cannabis testing laboratory shall notify and request approval from the commission of any change in his or her name or address within ten (10) days of the change. A licensed cannabis testing laboratory who fails to notify the commission of any of these changes shall be subject to an administrative fine of no more than one hundred fifty dollars ($150) or other penalty as determined by the commission.

2. When a licensed cannabis testing laboratory notifies the commission of any changes listed in this subsection, the commission shall issue the licensed cannabis testing laboratory a new registry identification document after the department approves the changes and receives from the licensee payment of a fee specified in regulation.

3. If a licensed cannabis testing laboratory loses his or her license document, he or she shall notify the commission and submit a fee specified in regulation not to exceed the amount of one hundred dollars ($100), within ten (10) days of losing the license document. The commission shall issue a new license with a new random identification number.

4. A licensed cannabis testing laboratory has a continuing duty to notify the commission of any criminal conviction(s) of a laboratory licensee or agent that occurs after the issuance of a license or registration. A criminal conviction relating solely to a cannabis offense shall not automatically result in suspension or revocation of a license, but shall be subject to § 21-28.11-12.1.

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

(h) Immunity.

1. No licensed cannabis testing laboratory licensee or agent shall be subject to: arrest; prosecution; search or seizure, except as authorized pursuant to §§ 21-28.11-20 and 21-28.11-27 and by subsection (f) of this section; or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business, occupational, or professional licensing board or entity, solely for acting in accordance with this chapter, chapter 28.6 of title 21 and the rules and regulations promulgated by the commission.

2. No principal officers, board members, agents, volunteers, or employees of a licensed cannabis testing laboratory shall be subject to arrest; prosecution; search or seizure, except as authorized pursuant to §§ 21-28.11-20 and 21-28.11-27 and by subsection (f) of this section; or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business, occupational, or professional licensing board or entity, solely
for working for or with a licensed cannabis cultivator to engage in acts permitted by this chapter, chapter 28.6 of title 21 and the rules and regulations promulgated by the commission.

(3) No state employee or commission member shall be subject to arrest; prosecution; search or seizure, except as authorized pursuant to §§ 21-28.11-20 and 21-28.11-27 and by subsection (f) of this section; or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty, disciplinary action, termination, or loss of employee or pension benefits, for any and all conduct that occurs within the scope of his or her employment regarding the administration, execution, and/or enforcement of this chapter, chapter 28.6 of title 21 and the rules and regulations promulgated by the commission. The provisions of §§ 9-31-8 and 9-31-9 shall be applicable to this section.

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

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

(b) Fees for registration or licensing established by rules and regulations promulgated by the commission pursuant to the provisions of this section shall be set forth in the rules and regulations.


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

(b) All applicants for license or registration have a duty to truthfully and fully disclose prior criminal convictions to the commission and any information the commission requests related to said convictions. If issued a license or registration by the commission, licensees have a continuing duty to truthfully and fully disclose any subsequent criminal convictions to the commission, along with any information the commission requests related to said convictions. Failure to do so may result in the denial, suspension, or revocation of a license or registration, and criminal prosecution pursuant to § 21-28.11-27 and/or other applicable law.

(c) “Conviction” as used throughout this chapter shall have the same meaning as set forth in § 21-28.6-6(g).

(d) No person shall be automatically disqualified to practice, pursue, or engage in any business or activity licensed or registered by the commission pursuant to the provisions of this chapter, solely relating to a prior conviction of a cannabis or marijuana possession crime or crimes unless:

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

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

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

(f) A person who has been convicted of a crime may be disqualified to practice, pursue or engage in any business activity licensed by the commission pursuant to this chapter or chapter 28.6 of title 21 if the commission determines that the circumstances of the conviction are substantially related to the occupation for which the license or registration is sought. In determining if a conviction substantially relates to the occupation for which the license or registration is sought, the commission shall consider:

(1) The state's legitimate interest in protecting the property and the safety and welfare of specific individuals or the general public;
(2) The relationship of the crime or crimes to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the position of employment or occupation;

and

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

(g) A person who has been convicted of a crime or crimes that substantially relates to the occupation for which a license is sought may not be automatically disqualified from the occupation if the person can establish by competent evidence, satisfactory in the discretion of the commission, of sufficient rehabilitation and present fitness to perform the duties of the occupation for which the license is sought. The commission shall consider the time elapsed since the conviction when determining sufficient rehabilitation, as well as any evidence presented by the applicant regarding:

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

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

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

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

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

(6) All other competent evidence of rehabilitation and present fitness presented, including, but not limited to, letters of reference by persons who have been in contact with the applicant since the applicant's release from any state or federal correctional institution.

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

(1) Juvenile adjudications;

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

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

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

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

(i) If the commission intends to deny, suspend, or revoke an occupational license, permit, or registration solely or in part because of the individual's prior conviction of a crime that is determined to be substantially related to the occupation for which the license or registration applies, the commission shall notify the individual in writing of the following prior to the final decision:
(1) The specific conviction(s) that forms the basis for the potential denial, suspension, or revocation and the rationale for deeming the conviction substantially related to the occupation or activity;

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

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

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

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

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

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

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

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

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

(m) Notwithstanding any general or special law to the contrary, except as otherwise provided in this chapter, any prior conviction for a crime that has been decriminalized, or is eligible for expungement pursuant to the provisions of this chapter cannot serve as grounds, either solely or in part, for denial, suspension or revocation of a license or registration pursuant to this chapter.

(n) The commission shall adopt rules and regulations establishing standards and procedures consistent with the provisions of this section.

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

(a) For the purposes of this section, the following terms shall have the following meanings:

(1) "Bona fide labor organization" is a labor union that represents or is actively seeking to represent cannabis workers.

(2) "Labor peace agreement" means an agreement between a licensee and a bona fide labor organization that, at a minimum, protects the state's proprietary interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the entity.

(b) All retail licensees, including retail licensees pursuant to § 21-28.11-10.2, hybrid cannabis retailers pursuant to § 21-28.11-10, and compassion centers licensed pursuant to chapter...
28.6 of title 21 shall, enter into, maintain, and abide by the terms of a labor peace agreement, and
shall submit to the commission an attestation by a bona fide labor organization stating that the
applicant meets this section's requirements.

(c) Compassion centers authorized to purchase and deliver cannabis and cannabis products
to registered qualifying patients and their registered primary caregivers or authorized purchasers,
or other marijuana establishment licensees shall be required to meet the requirements established
in this section before conducting retail adult sales of cannabis and cannabis products to consumers
as a hybrid cannabis retailer pursuant to the provisions of this chapter.

(d) Compliance with the requirements of this section are deemed to be an ongoing material
condition of the license, and any violation may result in suspension, revocation and/or non-renewal
of the license by the commission.

(e) Nothing in this chapter shall be construed to limit the National Labor Relations Act,
Labor Management Relations Act, the Railway Labor Act, or other conflicting federal law


(a) The following taxes are imposed on the retail sale of adult use cannabis pursuant to the
provisions of this chapter.

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

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

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

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

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

(d) There is created within the general fund a restricted receipt account known as the
"marijuana trust fund." Revenue collected from the state cannabis excise tax or associated amounts
as penalties, forfeitures, interest, costs of suit, and fines for failure to timely report or pay the state cannabis excise tax shall be deposited into this account and used to fund programs and activities related to program administration; revenue collection and enforcement; substance use disorder prevention for adults and youth; education and public awareness campaigns, including awareness campaigns relating to driving under the influence of cannabis; treatment and recovery support services; public health monitoring, research, data collection, and surveillance; law enforcement training and technology improvements, including grants to local law enforcement; and such other related uses that may be deemed necessary.

(e) Revenue collected from the sales tax shall be deposited into the general fund.


No fee, tax, charge or expense shall be assessed or collected by or on behalf of a municipality from an individual licensed pursuant to the provisions of this chapter, except for any fee, tax, charge or expense generally assessed or collected from residents or businesses located in the municipality or as required by applicable law.


(a) Other than a city or town that is a host community for an existing licensed medical cannabis treatment center, any city or town may, by resolution of the city or town council, cause to be printed on the ballot in an election held on or before November 8, 2022, the following question:

"Shall new cannabis related licenses for businesses involved in the cultivation, manufacture, laboratory testing and for the retail sale of adult recreational use cannabis be issued in the city (or town)?"

(b) Upon the adoption of a resolution by the city or town council pursuant to the provisions of subsection (a) of this section, the commission shall not issue any new cannabis related license pursuant to the provisions of this chapter unless and until the electors of the city or town vote to approve the issuance of new cannabis related licenses within the city or town. This provision shall not apply to the issuance of hybrid cannabis retailer licenses.

(c) If a majority of ballots cast on which the electors indicated their choice is against granting the licenses, then no new license pursuant to this chapter shall be issued by the commission relating to the sale of recreational cannabis within the city or town. Provided, however, any existing marijuana cultivator or cannabis testing laboratory licensed pursuant to chapter 28.6 of title 21 shall be permitted to continue operating within the municipality pursuant to the conditions of licensure (including license renewals) without regard to a referendum conducted pursuant to this section.

(d) Any city or town that by referendum declines to allow the issuance of new licenses relating to the sale of recreational marijuana will not be eligible to receive revenue pursuant to §...

(e) A city or town that by referendum declines to allow the issuance of new cannabis related licenses pursuant to the provisions of this chapter may subsequently resubmit the question required by this section to the electors of the city or town, but only upon the passage of a joint resolution of approval by the general assembly.

(f) For the purpose of this section, "cannabis related licenses" includes licenses for cultivation, manufacture, laboratory testing and/or retail sale.

21-28.11-16. Local control.

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

1. Govern the time, place and manner of cannabis establishment operations and of any business dealing in cannabis accessories, except that zoning ordinances or by-laws shall not operate to:
   i. Prevent the conversion of a medical marijuana compassion center licensed or registered engaged in the manufacture or sale of cannabis or cannabis products to an adult use retail cannabis establishment engaged in the same type of activity under this chapter; or
   ii. Limit the number of cannabis establishments below the limits established pursuant to this chapter;

2. Restrict the licensed cultivation, processing and manufacturing of cannabis that is a public nuisance;

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

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

(b) A city or town may adopt ordinances that ban or impose restrictions on the smoking or vaporizing of cannabis in public places, including outdoor common areas, parks, beaches, athletic and recreational facilities and other public spaces.

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

21-28.11-17. No right to license.

(a) Nothing contained in this chapter shall be construed as establishing a right in any person
or entity to be issued a license or certificate pursuant to this chapter.

(b) The commission shall exercise discretion to issue licenses and certificates to further the
purposes of this chapter and may deny any application, suspend an application period, impose
moratoriums on applications and/or issuance of licenses to further the purpose of public safety, the
orderly administration of cannabis production, distribution and sale and to promote the purposes of
this chapter.

(c) No appeal for a denial of a license shall be sustained solely on the grounds that the
person or entity satisfied the qualifications for issuance of a license.

21-28.11-17.1 General conditions for licenses.

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

(1) Acknowledge that the application is satisfactory and complete; or

(2) Send to the applicant a notice of rejection setting forth specific reasons why the license
application is incomplete, rejected, unsatisfactory or fails to comply with the application
requirements.

(b) The commission may, subject to the rules and regulations promulgated by the
commission and in the exercise of the commission's discretion pursuant to § 21-28.11-17, approve
a cannabis establishment license application and issue a license if:

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

(2) No notification of non-compliance from the city or town has been received by the
commission within forty-five (45) days;

(3) The property where the proposed cannabis establishment is to be located, at the time
the license application is received by the commission, is not located within five hundred feet (500')
of a pre-existing public or private school providing education in kindergarten or any of grades one
through twelve (12), unless a city or town adopts an ordinance or by-law that reduces the distance
requirement;
(4) The applicant, and any agents or employees of the applicant as required by the commission pursuant to its rules and regulations, have undergone a criminal background check pursuant to § 21-28.11-12.1 and on terms established by the commission;

(5) As a condition of licensing, cannabis establishments shall consent and be subject to inspection by the commission for the purposes of ensuring and enforcing compliance with this chapter and all rules and regulations promulgated pursuant to this chapter, to include, but not be limited to, the provisions of chapter 5 of title 28 (the "fair employment practices act"), chapter 28 of title 21 (the "uniform controlled substances act") and title 44 ("taxation"); and

(6) Every individual who will be a controlling person of the proposed cannabis establishment has not been convicted of a felony or convicted of an offense in another state that would be a felony in this state and which would substantially relate to the occupation for which the applicant has applied for licensure, or the prior conviction is solely for a marijuana possession offense subject to expungement, or the individual is determined to be not disqualified pursuant to § 21-28.11-12.1.

(c) In addition to requirements established in regulation, by the commission, or by ordinance of a city or town pursuant to this chapter, a cannabis establishment shall:

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

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

(d) No cannabis establishment may cultivate, process, test, store or manufacture cannabis or cannabis products at any location other than at a physical address which has been approved by the commission and within an area that is enclosed and secured in a manner that prevents access by persons not permitted by the cannabis establishment to access the area.

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

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

(g) No cannabis establishment shall allow any person under twenty-one (21) years of age
(h) No cannabis establishment shall cultivate, manufacture, sell or otherwise transact business involving any products containing cannabinoids other than those that were produced, distributed and taxed in compliance with this chapter.

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

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

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

(l) Each licensee shall file an emergency response plan with the fire department and police department of the host community pursuant to rules and regulations promulgated by the commission pursuant to this chapter.


(a)(1) Notwithstanding any other provision of this chapter, if the commission has cause to believe that a violation of any provision of chapters 21-28.6 or 21-28.11 or any regulations promulgated thereunder has occurred by a licensee that is under the commission's jurisdiction pursuant to chapters 21-28.6 or 21-28.11, or that any person or entity is conducting any activities requiring licensure or registration by the commission under chapters 21-28.6 or 28.11 or the regulations promulgated thereunder without such licensure or registration, the commission may, in accordance with the requirements of the administrative procedures act, chapter 35 of title 42:

(i) With the exception of patients and authorized purchasers, revoke or suspend a license or registration;

(ii) Levy an administrative penalty in an amount established pursuant to law or regulations promulgated by the cannabis control commission;

(iii) Order the violator to cease and desist such actions;

(iv) Require a licensee or registrant or person or entity conducting any activities requiring licensure or registration under chapters 21-28.6 or 21-28.11 to take such actions as are necessary to comply with such chapter and the regulations promulgated thereunder; or

(v) Any combination of the penalties authorized by this section.

(2) If the commission finds that emergency action imperative to public health, safety, or welfare is required, and incorporates a finding to that effect in its order, summary suspension of license or registration and/or cease and desist may be ordered pending proceedings for revocation.
or other action. Any such proceedings shall be promptly instituted and determined pursuant to the

(b) If a person exceeds the possession limits in violation of law or is in violation of any
other section of chapters 21-28.6 or 21-28.11 or the regulations promulgated thereunder, he or she
may also be subject to arrest and prosecution under chapter 28 of title 21.

(c) All cannabis establishment licensees are subject to inspection by the cannabis control
commission, including, but not limited to, the licensed premises, all cannabis and cannabis products
located on the licensed premises, personnel files, training materials, security footage, all business
records and business documents including, but not limited to, purchase orders, transactions, sales,
and any other financial records or financial statements whether located on the licensed premises or
not.

(d) All cannabis products that are held within the borders of this state in violation of the
provisions of chapters 28.6 or 28.11 of title 21 or the regulations promulgated thereunder are
declared to be contraband goods and may be seized by the commission, the tax administrator or his
or her agents, or employees, or by any sheriff, or his or her deputy, or any police or other law
enforcement officer in accordance with applicable law when requested by the tax administrator or
cannabis control commission to do so, without a warrant. All contraband goods seized by the state
under this chapter may be destroyed or saved as evidence for the purposes of criminal prosecution.

(e) Notwithstanding any other provision of law, the commission may make available to
law enforcement and public safety personnel, any information that it may consider proper including
information contained in licensing records, inspection reports and other reports and records
maintained by the commission, as necessary or appropriate for purposes of ensuring compliance
with state laws and regulations. Nothing in this act shall be construed to prohibit law enforcement,
public safety, fire, or building officials from investigating violations of or enforcing state law.


(a) There is hereby established the "cannabis office". The director of the department of
business regulation shall grant to the cannabis office reasonable access to appropriate physical
accommodations and expert and other appropriate staff.

(b) Upon final issuance of the commission's rules and regulations, whenever in the general
laws, rules or regulations the term "office of cannabis regulation" appears, the term shall mean the
"cannabis office" established pursuant to the provisions of this section.

(c) The administrator of the cannabis office shall be appointed by the governor with the
advice and consent of the senate and shall be in the unclassified service.

(d) The administrator of the cannabis office shall report to the commission, and consistent
with the provisions of this chapter and in furtherance of coordinating the oversight and
administration of cannabis use shall have the following powers, duties and responsibilities:

(1) Exercise the powers and perform duties as directed and delegated by the commission
in relation to the administration of the cannabis office, including, but not limited to, budgetary and
fiscal matters;

(2) Advise and assist the commission in carrying out any of the commission's functions,
powers, and duties;

(3) As authorized by the commission, enter into contracts, memoranda of understanding,
and agreements to effectuate the policy and purpose of this chapter;

(4) Prescribe forms of applications for licenses under this chapter;

(5) Prepare reports and information as deemed necessary by the commission;

(6) Inspect or provide for inspections of any licensed premises where cannabis is cultivated,
processed, stored, distributed or sold as directed or authorized by the commission;

(7) Provide office accommodations, hearing rooms, and direct administrative and
personnel support and staff to the commission in order to carry out the commission's duties and
responsibilities;

(8) Maintain records of regulations, licenses, and permits issued and revoked by the
commission in a manner that information is readily available regarding identity of licensees,
including the names of officers and directors of corporate licensees and the location of all licensed
premises;

(9) Delegate the powers provided in this section to employees as may be deemed
appropriate;

(10) Coordinate across state agencies and departments to conduct research and to study
cannabis use and the regulated cannabis industry and the impact access to cannabis products may
have on public health and public safety;

(11) Issue guidance and industry advisories;

(12) Study the administration and alignment of cannabis regulation and as necessary make
recommendations to the commission to improve administration;

(13) As directed by the commission, coordinate with the staff designated by the respective
directors of each state agency regarding adult use of cannabis, medical cannabis and industrial
hemp with the objective of producing positive economic, public safety, and health outcomes for
the state and its citizens;

(14) As directed by the commission, offer guidance to and communicate with municipal
officials regarding the implementation and enforcement of this chapter and chapter 28.6 of title 21;
and

(15) As directed by the commission, communicate with regulatory officials from other states that allow cannabis for adult use and medical cannabis use, and benefit from the experiences of those states.

(c) Subject to appropriation by the general assembly, the administrator of the cannabis office is authorized to retain and employ employees of the office of cannabis regulation as employees in the cannabis office who shall remain in the classified service. Any proposed new hires or additional staff or employees to be employed by the cannabis office shall be approved by the commission and shall be in the classified service. Any employees hired by the office of cannabis regulation after the enactment of this chapter and prior to the appointment of the commission shall be in the classified service.


(a) No person or entity licensed pursuant to the provisions of this chapter or chapter 28.6 of title 21, except as provided in subsection (c) of this section, shall be granted more than one license.

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

(c) Nothing in this chapter or chapter 28.6 of title 21 shall be construed to prohibit a compassion center licensed pursuant to the provisions of chapter 28.6 of title 21 from acquiring additional licensing issued to conduct retail sales as a hybrid cannabis retailer pursuant to the provisions of this chapter.

(d) Nothing in this chapter shall be construed to prohibit one person from investing in multiple licensed entities under this chapter; provided no one person or entity shall be a majority owner in more than one licensed entity.

21-28.11-20. Inspections, audits and investigations.

(a) As a condition of licensure, cannabis establishments are subject to inspection by the commission or personnel designated by the commission. Inspections shall occur periodically, at reasonable times and shall be limited in scope to determine compliance with the provisions of this chapter and chapter 28.6 of title 21 and the rules and regulations promulgated by the commission. During inspections the commission or designated personnel may examine and inspect any premises, books, records, papers, stocks of cannabis or cannabis products.

(b) The commission may request and authorize administrative inspections to be conducted by the department of health or the state police. For purposes of this section, “administrative inspection” shall mean any inspection, independent of a criminal investigation, that is conducted...
for the purpose of determining compliance with applicable state law and rules and regulations of
the commission.

(c) The tax administrator shall have authority to conduct inspections of all matters
necessary to determine compliance with the provisions of this chapter and the provisions of title 44
("taxation").

(d) Any licensee who wrongfully fails to cooperate with an inspection authorized pursuant
to the provisions of this section shall be guilty of a misdemeanor punishable by imprisonment of
up to one year, or a fine of not more than five thousand dollars ($5,000) per violation per day, or
both, and revocation of a license.


(a) Except pursuant to § 21-28.11-10(e), all licenses under this chapter shall be effective
for one year from the date of issuance.

(b) Subject to rules and regulations, the commission shall issue a renewal license within
thirty (30) days of receipt of a renewal application and renewal license fee from licensees in good
standing as determined by the commission and who have filed all required tax returns and paid all
required taxes.


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

(1) Possessing, using, purchasing from a licensed cannabis retailer, or processing one ounce
(1 oz.) or less of cannabis, or the equivalent amount in the form of cannabis concentrate;

(2) Within any residence, possessing, cultivating or processing not more than a total of
three (3) mature cannabis plants and up to a total of three (3) immature cannabis plants per dwelling
unit for personal use and as long as all security requirements as promulgated by the commission
are complied with. These limits shall apply no matter how many persons reside at the premises;

(3) Within the person's primary residence, possessing up to ten ounces (10 oz.) total of
cannabis per resident, in addition to any live cannabis plants lawfully kept on the premises in
compliance with subsection (a)(2) of this section, as long as all security requirements are
promulgated by the commission are complied with;

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

(5) Giving away or otherwise transferring without remuneration up to one ounce (1 oz.) of
cannabis, or the equivalent amount in the form of cannabis concentrate, to a person twenty-one (21) years of age or older, as long as the transfer is not advertised or promoted to the public.

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

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

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

(e) Nothing contained within this chapter or chapter 28.6 of title 21 shall be construed as authorizing the smoking or vaporizing of cannabis in any public place. The smoking or vaporizing of cannabis is prohibited in any public place that prohibits the smoking or vaporizing of tobacco products as well as any place that prohibits the smoking or vaporizing of cannabis including by rule, regulation, or by local ordinance.


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


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

(1) A cannabis retailer or hybrid cannabis retailer or an owner, operator, employee or other agent acting on behalf thereof possessing cannabis or cannabis products, purchasing, selling or otherwise transferring or delivering cannabis or cannabis products to or from a cannabis establishment; or selling or otherwise transferring or delivering cannabis or cannabis products to a consumer;

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

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

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

(b) Any licensee, or agent or employee thereof, under this chapter who reasonably relies on a valid state issued identification card, or on a valid motor vehicle license, or on a valid passport issued by the United States government, or by the government of a foreign country recognized by the United States government, or a valid United States issued military identification card, for proof of a person's identity and age shall not suffer any modification, suspension, revocation or cancellation of such license, nor shall the licensee, agent or employee suffer any criminal liability, for delivering or selling cannabis or cannabis products to a person under twenty-one (21) years of age. Any licensee, or agent or employee thereof, under this chapter, who reasonably relies on the forms of identification listed in this subsection, for proof of a person’s identity and age, shall be presumed to have exercised due care in making such delivery or sale of cannabis or cannabis products to a person under twenty-one (21) years of age. Such presumption shall be rebuttable.


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


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


(a) Every person who engages in any activity regulated by this chapter without a license or registration required by the provisions of this chapter may be prosecuted and punished pursuant to the provisions of chapter 28 of title 21 (the “uniform controlled substances act”) or other applicable law.

(b) Every person who engages in any activity in violation of § 21-28.11-22 may be prosecuted and punished pursuant to the provisions of chapter 28 of title 21 (the uniform controlled substances act).

(c) Except as otherwise provided in this chapter, any person licensed pursuant to this chapter or acting as an agent for an entity licensed pursuant to this chapter shall be guilty of a felony and may be imprisoned not more than five (5) years and fined not more than ten thousand dollars ($10,000), or both and shall forfeit any licenses pursuant to this chapter if that person knowingly and willfully:

(1) By fraud, deceit, or misrepresentation or subterfuge materially omits or falsifies any information related to: (i) The application for a license or renewal of a license to be issued pursuant to this chapter; or (ii) Any report, notice or filing required to be submitted to the commission, the cannabis office, the tax administrator or the department of revenue; or

(2) Knowingly and willfully transfers cannabis to a minor in violation of the provisions of this chapter and chapter 28.6 of title 21.

21-28.11-27.1. No minors on the premises of marijuana establishments.

A cannabis establishment shall not allow any person who is under twenty-one (21) years of age to be present inside any room where cannabis or cannabis products are stored, produced, or sold by the cannabis establishment unless the person who is under twenty-one (21) years of age is:

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

(2) If the cannabis establishment is a hybrid cannabis retailer that also holds a compassion center license pursuant § 21-28.6-12 for the same licensed premises and the individual under twenty-one (21) years of age is a qualifying patient registered under chapter 28.6 of title 21 and the retail establishment complies with applicable regulations promulgated by the commission.

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

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

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

21-28.11-29. Prohibited activities.

(a) This chapter shall not permit:

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

(2) The smoking or vaporizing of cannabis:

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

(ii) On any school grounds;

(iii) In any correctional facility;

(iv) In any public place or other place where smoking or vaporizing of tobacco is prohibited by federal or state law or by local ordinance;

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

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

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

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

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

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

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

(d) Nothing contained in this chapter shall be construed to require employers to accommodate the use or possession of cannabis, or being under the influence of cannabis, in any workplace or the use of cannabis in any other location while an employee is performing work, including remote work. Employers may implement drug use policies which prohibit the use or possession of cannabis in the workplace or while performing work from being under the influence of cannabis, provided that unless such use is prohibited pursuant to the terms of a collective bargaining agreement, an employer shall not fire or take disciplinary action against an employee solely for an employee's private, lawful use of cannabis outside the workplace and as long as the employee has not and is not working under the influence of cannabis except to the extent that:

(1) The employer is a federal contractor or otherwise subject to federal law or regulations such that failure to take such action would cause the employer to lose a monetary or licensing related benefit thereunder; or

(2) The employee is employed in a job, occupation or profession that is hazardous, dangerous or essential to public welfare and safety. If the employee's job, occupation or profession involves work that is hazardous, dangerous or essential to public welfare and safety then the employer may adopt and implement policies which prohibit the use or consumption of cannabis within the twenty-four (24) hour period prior to a scheduled work shift or assignment. For purposes of this section, hazardous, dangerous or essential to public welfare and safety shall include, but not be limited to: operation of an aircraft, watercraft, heavy equipment, heavy machinery, commercial vehicles, school buses or public transportation; use of explosives; public safety first responder jobs; and emergency and surgical medical personnel.

(e) Nothing contained in this chapter shall prevent an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's violation of a workplace drug policy or because that person was working while under the influence of cannabis.

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

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

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

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

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

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

(g) Except as provided in this section, the provisions of this chapter do not require any person, corporation, state department or any other entity that occupies, owns, or controls a property to allow the consumption, or transfer of marijuana on or in that property.

(h) Except as provided in this section, in the case of the rental of a residential dwelling governed by chapter 18 of title 34, a landlord may not prohibit the consumption of cannabis by non-smoked or non-vaporized means, or the transfer without compensation of cannabis by the tenant as defined in § 34-18-11, provided the tenant is in compliance with the possession and transfer limits and other requirements set forth in this chapter.


Nothing in this chapter shall be construed to preempt or limit the duties of any employer under applicable law, or shall permit an employer to require an employee to disclose sealed or expunged offenses, unless otherwise required by law.


(a)(1) Findings. The general assembly finds that additional efforts are needed to reduce barriers to ownership and/or participation in the cannabis industry for individuals and communities most adversely impacted by the enforcement of cannabis-related laws.

(2) In the interest of establishing a legal cannabis industry that is equitable and accessible to those most adversely impacted by the enforcement of cannabis-related laws, the general assembly finds and declares that a social equity program should be established.

(3) The general assembly also finds and declares that individuals who have been arrested or incarcerated due to cannabis related laws suffer long-lasting negative consequences, including impacts to employment, business ownership, housing, health, and long-term financial well-being.

(4) The general assembly also finds and declares that family members, especially children, and communities of those who have been arrested or incarcerated due to cannabis related laws, suffer from emotional, psychological, and financial harms as a result of such arrests or
incarcerations.

(5) Furthermore, the general assembly finds and declares that certain communities have disproportionately suffered the harms of enforcement of cannabis-related laws. Those communities face greater difficulties accessing capital to finance the start-up costs for cannabis establishments.

(6) The general assembly also finds that individuals who have resided in areas of high poverty suffer negative consequences, including barriers to entry in employment, business ownership, housing, health, and long-term financial well-being.

(7) The general assembly also finds and declares that promotion of business ownership by individuals who have resided in areas of high poverty and high enforcement of cannabis-related laws furthers a more equitable cannabis industry.

(8) Therefore, in the interest of mitigating the harms resulting from the enforcement of cannabis-related laws, the general assembly finds and declares that a social equity program should offer, among other things, business assistance and license application benefits to individuals most directly and adversely impacted by the enforcement of cannabis-related laws who are interested in establishing or participating in a cannabis business entity.

(b) There is created in the state treasury within the general fund, a fund which shall be held separate and apart from all other state monies, to be known as the social equity assistance fund. The social equity assistance fund, subject to appropriation, shall be exclusively used for the following purposes:

(1) To provide grants to approved social equity applicants to pay for ordinary and necessary expenses to establish and/or operate a cannabis establishment, and to also further promote the goals of this chapter, including without limitation, job training and workforce development, mentoring services and technical assistance;

(2) To support the waiver or reduction of application and licensing fees pursuant to this section for social equity applicants; and

(3) To implement and administer programming for restorative justice, jail diversion, drug rehabilitation and education workforce development for jobs related to cannabis cultivation, transportation, distribution and sales;

(c) The social equity assistance fund shall be subject to appropriation. The fund shall consist of all monies received on account of the state as a result of application for, and licensing of, individuals and entities pursuant to the provisions of this chapter, exclusive of licensing fees paid pursuant to the provisions of chapter 28.6 of title 21. Additionally, except as otherwise provided, the fund shall consist of all administrative penalties received for violations of this chapter, except tax violations and interest earned on balances in the fund.
(d) The commission shall administer the social equity assistance fund and the authorized
disbursement of funds, as appropriated by the general assembly. In consultation with the cannabis
advisory board, the commission shall promulgate rules and regulations establishing the criteria,
eligibility, qualifications and process for administering the disbursement of funds from the social
equity assistance fund.

(e) Reporting. Beginning September 1, 2023, and each year thereafter, the commission
shall annually report to the governor and the general assembly on the outcomes and effectiveness
of this section that shall include, but not be limited to, the following:

(1) The number of persons or businesses receiving assistance under this section;

(2) The amount in financial assistance awarded in the aggregate, in addition to the amount
of grants awarded; and

(3) If applicable, the number of new jobs and other forms of economic impact created as a
result of assistance from the social equity assistance fund.

(f) Fee waivers.

(1) For social equity applicants as defined in § 21-28.11-3, the commission may waive up
to one hundred percent (100%) of any nonrefundable license application fees or any nonrefundable
fees associated with acquiring a license to operate a cannabis establishment, pursuant to rules and
regulations promulgated by the commission in consultation with the cannabis advisory board.

(2) If the commission determines that an applicant who applied as a social equity applicant
is not eligible for social equity status, the applicant shall be provided an additional ten (10) days to
provide alternative evidence that the applicant qualifies as a social equity applicant. Alternatively,
the applicant may pay all required fees and be considered as a non-social equity applicant. If the
applicant cannot do either, then any application fee shall be returned and the application process
shall be terminated.

(g) Transfers of cannabis establishment licenses awarded to a social equity applicant are
subject to all other provisions of this chapter, and applicable law; provided however, that a license
issued to a social equity applicant shall only be transferred to another qualified social equity
applicant as determined and approved by the commission.

(h) Reporting.

(1) By September 1, 2023, and on the first day of September of every year thereafter, or
upon request by the commission, each cannabis establishment licensed under this chapter and § 21-
28.6-12 ("The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act") shall report to
the commission, on a form to be provided by the commission, information that will allow it to
assess the extent of diversity in the medical and adult use cannabis industry and methods for further
reducing or eliminating any identified barriers to entry, including without limitation, access to capital.

(2) Failure of a cannabis establishment to respond to the request of the commission to complete the form, report, and any other request for information may be grounds for disciplinary action by the commission pursuant to this chapter. The information to be collected shall identify, without limitation, the following:

(i) The number and percentage of licenses provided to social equity applicants;
(ii) The total number and percentage of employees in the cannabis industry who meet the criteria in the definition of social equity applicant; and
(iii) Recommendations on reducing or eliminating any identified barriers to entry, including access to capital, in the cannabis industry.

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

SECTION 2. The title of Chapter 44-49 of the General Laws entitled "Taxation of Marijuana and Controlled Substances" is hereby amended to read as follows:

CHAPTER 44-49
Taxation of Marijuana and Controlled Substances

CHAPTER 44-49
CONTROLLED SUBSTANCES TAXATION ACT

SECTION 3. Sections 44-49-1, 44-49-2, 44-49-4, 44-49-5, 44-49-7, 44-49-8, 44-49-9, 44-49-10, 44-49-11 and 44-49-12 of the General Laws in Chapter 44-49 entitled "Taxation of Marijuana and Controlled Substances" are hereby amended to read as follows:

44-49-1. Short title.
This chapter shall be known as the "Marijuana and Controlled Substances Taxation Act".

(a) "Controlled substance" means any drug or substance, whether real or counterfeit, as defined in § 21-28-1.02(8), that is held, possessed, transported, transferred, sold, or offered to be sold in violation of Rhode Island laws. "Controlled substance" does not include marijuana.
(b) "Dealer" means a person who in violation of Rhode Island law manufactures, produces, ships, transports, or imports into Rhode Island or in any manner acquires or possesses more than forty-two and one half (42.5) grams of marijuana, or seven (7) or more grams of any controlled
substance, or ten (10) or more dosage units of any controlled substance which is not sold by weight.

A quantity of marijuana or a controlled substance is measured by the weight of the substance whether pure or impure or dilute, or by dosage units when the substance is not sold by weight, in the dealer's possession. A quantity of a controlled substance is dilute if it consists of a detectable quantity of pure controlled substance and any excipients or fillers.

(c) "Marijuana" means any marijuana, whether real or counterfeit, as defined in § 21-28-1.02(30), that is held, possessed, transported, transferred, sold, or offered to be sold in violation of Rhode Island laws.


The tax administrator may adopt rules necessary to enforce this chapter. The tax administrator shall adopt a uniform system of providing, affixing, and displaying official stamps, official labels, or other official indicia for marijuana and controlled substances on which a tax is imposed.

44-49-5. Tax payment required for possession.

No dealer may possess any marijuana or controlled substance upon which a tax is imposed under this chapter unless the tax has been paid on the marijuana or a controlled substance as evidenced by a stamp or other official indicia.


Nothing in this chapter shall require persons lawfully in possession of marijuana or a controlled substance to pay the tax required under this chapter.


For the purpose of calculating this tax, a quantity of marijuana or a controlled substance is measured by the weight of the substance whether pure or impure or dilute, or by dosage units when the substance is not sold by weight, in the dealer's possession. A quantity of a controlled substance is dilute if it consists of a detectable quantity of pure controlled substance and any excipients or fillers.


A tax is imposed on marijuana and controlled substances as defined in § 44-49-2 at the following rates:

(1) On each gram of marijuana, or each portion of a gram, three dollars and fifty cents ($3.50); and

(2)(1) On each gram of controlled substance, or portion of a gram, two hundred dollars ($200); or

(2)(2) On each ten (10) dosage units of a controlled substance that is not sold by weight,
or portion of the dosage units, four hundred dollars ($400).

44-49-9.1. Imposition of tax, interest and liens.
(a) Any law enforcement agency seizing marijuana and/or controlled substances as defined in § 44-49-2 in the quantities set forth in that section shall report to the division of taxation no later than the twenty-fifth (25th) of each month, the amount of all marijuana and controlled substances seized during the previous month and the name and address of each dealer from whom the marijuana and controlled substances were seized.
(b) The tax administrator shall assess the dealer for any tax due at the rate provided by § 44-49-9. The tax shall be payable within fifteen (15) days after its assessment and, if not paid when due, shall bear interest from the date of its assessment at the rate provided in § 44-1-7 until paid.
(c) The tax administrator may file a notice of tax lien upon the real property of the dealer located in this state immediately upon mailing a notice of assessment to the dealer at the address listed in the report of the law enforcement agency. The tax administrator may discharge the lien imposed upon the filing of a bond satisfactory to the tax administrator in an amount equal to the tax, interest and penalty imposed under this chapter.

(a) Penalties. Any dealer violating this chapter is subject to a penalty of one hundred percent (100%) of the tax in addition to the tax imposed by § 44-49-9. The penalty will be collected as part of the tax.
(b) Criminal penalty; sale without affixed stamps. In addition to the tax penalty imposed, a dealer distributing or possessing marijuana or controlled substances without affixing the appropriate stamps, labels, or other indicia is guilty of a crime and, upon conviction, may be sentenced to imprisonment for not more than five (5) years, or to payment of a fine of not more than ten thousand dollars ($10,000), or both.
(c) Statute of limitations. An indictment may be found and filed, or a complaint filed, upon any criminal offense specified in this section, in the proper court within six (6) years after the commission of this offense.

Official stamps, labels, or other indicia to be affixed to all marijuana or controlled substances shall be purchased from the tax administrator. The purchaser shall pay one hundred percent (100%) of face value for each stamp, label, or other indicia at the time of the purchase.

44-49-12. Payment due.
(a) Stamps affixed. When a dealer purchases, acquires, transports, or imports into this state marijuana or controlled substances on which a tax is imposed by § 44-49-9, and if the indicia
evidencing the payment of the tax have not already been affixed, the dealer shall have them
permanently affixed on the marijuana or controlled substance immediately after receiving the
substance. Each stamp or other official indicia may be used only once.

(b) Payable on possession. Taxes imposed upon marijuana or controlled substances by this
chapter are due and payable immediately upon acquisition or possession in this state by a dealer.

SECTION 4. Title 44 of the General Laws entitled "TAXATION" is hereby amended by
adding thereto the following chapter:

CHAPTER 70
CANNABIS TAX

44-70-1. Definitions.

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

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

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

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

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

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

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

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

(b) The assessment, collection and enforcement of the state cannabis excise tax shall be
pursuant to the provisions of chapters 18 and 19 of title 44 and paid to the administrator by the
retailer at the time and in the manner prescribed for sales tax in § 44-19-10. The retailer shall add
the tax imposed by this section to the sales price or charge, and when added, the tax constitutes a

LC003594/SUB A - Page 65 of 125
part of the price or charge, is a debt from the consumer or user to the state and is recoverable at law
in the same manner as other debts.

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

44-70-3. Local cannabis excise tax.

(a) Except for a sale in compliance with the provisions of chapter 28.6 of title 21, there is
hereby levied and imposed a local cannabis excise tax upon the sale or transfer of cannabis or
cannabis products by a cannabis retailer to anyone other than a cannabis establishment at a rate of
three percent (3%) of the total sales price received by the cannabis retailer as consideration for the
sale of cannabis or cannabis products.

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

(c) All sums received by the division of taxation under this section as local cannabis excise
tax or associated amounts as penalties, forfeitures, interest, costs of suit, and fines for failure to
properly pay taxes due pursuant to the provisions of this section, shall be distributed at least
quarterly and credited and paid by the state treasurer to the city or town where the cannabis is
delivered.

44-70-4. Exemptions.

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

44-70-5. Application of tax revenue.

The administrator shall deposit revenue collected pursuant to this chapter from the state
cannabis excise tax or associated amounts as penalties, forfeitures, interest, costs of suit, and fines
for failure to timely report or pay the state cannabis excise tax into the marijuana trust fund pursuant
to § 21-28.11-13(d) and revenue from the sales tax into the general fund.
44-70-6. Rates of taxation.

The general assembly may adjust the rates of taxation provided for in this chapter at any time. The cannabis control commission may make such recommendations to the general assembly, as the commission deems appropriate, in regard to the rate of taxation set forth in this chapter.

44-70-7. Returns.

(a) Every licensed adult use cannabis retailer shall, on or before the twentieth day of the month following the sale of cannabis products, make a return to the tax administrator for taxes due under §§ 44-70-2 and 44-70-3. Adult use cannabis retailers shall file their returns on a form as prescribed by the tax administrator.

(b) If for any reason an adult use cannabis retailer fails to collect the tax imposed §§ 44-70-2 and 44-70-3 from the purchaser, the purchaser shall file a return and pay the tax directly to the state, on or before the date required by subsection (a) of this section.

(c) Notwithstanding any other provision of law, the cannabis control commission and tax administrator may, on a periodic basis, prepare and publish for public distribution a list of entities and their active licenses administered under this chapter. Each list may contain the license type, name of the licensee, and the amount of tax paid under this chapter.

(d) Notwithstanding any other provision of law, the cannabis control commission and tax administrator may, on a periodic basis, prepare and publish for public distribution a list of entities and their active licenses administered under this chapter. Each list may contain the license type, name of the licensee, and the amount of tax paid under this chapter.


(a) No person shall sell, offer for sale, display for sale, or possess with intent to sell any contraband cannabis, or cannabis products.

(b) Any cannabis or cannabis products exchanged in which one of the two (2) entities does not have a license or exchanged between a non-licensed entity and a consumer shall be considered contraband.

(c) Any cannabis or cannabis products for which applicable taxes have not been paid as specified in title 44 shall be considered contraband.

(d) Failure to comply with the provisions of this chapter may result in the imposition of the applicable civil penalties in § 44-70-13; however, the possession of cannabis or cannabis products as described in this chapter do not constitute contraband for purposes of imposing a criminal penalty under chapter 28 of title 21.


(a) Each licensee shall maintain copies of invoices or equivalent documentation for, or
itemized for, each transaction involving the sale or transfer of cannabis or cannabis products. All 
records and invoices required under this section must be safely preserved for three (3) years in a 
manner to insure permanency and accessibility for inspection by the administrator or his or her 
authorized agents.

(b) Records required under this section shall be preserved on the premises described in the 
relevant license in such a manner as to ensure permanency and accessibility for inspection at 
reasonable hours by authorized personnel of the administrator.

(c) Any person who fails to submit the reports required in this chapter or by the tax 
administrator under this chapter, or who makes any incomplete, false, or fraudulent report, or who 
refuses to permit the tax administrator or his or her authorized agent to examine any books, records, 
papers, or stocks of cannabis or cannabis products as provided in this chapter, or who refuses to 
supply the tax administrator with any other information which the tax administrator requests for 
the reasonable and proper enforcement of the provisions of this chapter, shall be guilty of a 
misdemeanor punishable by imprisonment up to one (1) year, or a fine of not more than five 
thousand dollars ($5,000), or both, for the first offense, and for each subsequent offense, shall be 
fined not more than ten thousand dollars ($10,000), or be imprisoned not more than five (5) years, 
or both.

44-70-10. Inspections and investigations.

(a) The tax administrator or his or her duly authorized agent shall have authority to enter 
and inspect, without a warrant during normal business hours, and with a warrant during nonbusiness 
hours, the facilities and records of any licensee.

(b) In any case where the administrator or his or her duly authorized agent, or any police 
officer of this state, has knowledge or reasonable grounds to believe that any vehicle is transporting 
cannabis or cannabis products in violation of this chapter, the administrator, such agent, or such 
police officer, is authorized to stop such vehicle and to inspect the same for contraband cannabis 
or cannabis products.

(c) For the purpose of determining the correctness of any return, determining the amount 
of tax that should have been paid, determining whether or not the licensee should have made a 
return or paid taxes, or collecting any taxes under this chapter, the tax administrator may examine, 
or cause to be examined, any books, papers, records, or memoranda, that may be relevant to making 
those determinations, whether the books, papers, records, or memoranda, are the property of or in 
the possession of the licensee or another person. The tax administrator may require the attendance 
of any person having knowledge or information that may be relevant, compel the production of 
books, papers, records, or memoranda by persons required to attend, take testimony on matters
material to the determination, and administer oaths or affirmations. Upon demand of the tax
administrator or any examiner or investigator, any court shall issue a subpoena for the attendance
of a witness or the production of books, papers, records, and memoranda. Disobedience of
subpoenas issued under this chapter is punishable by the superior court of the district in which the
subpoena is issued.

44-70-11. Suspension or revocation of license.

The tax administrator shall inform the commission and upon the receipt of such information
the commission shall be authorized to suspend or revoke any license under this chapter for failure
of the licensee to comply with any provision of this chapter or with any provision of any other law
or ordinance relative to the sale or transfer of cannabis or cannabis products.

44-70-12. Seizure and destruction.

Any cannabis or cannabis products found in violation of this chapter shall be declared to
be contraband goods and may be seized by the tax administrator, his or her agents, or employees,
or by any deputy sheriff, or police officer when directed by the tax administrator to do so, without
a warrant. For the purposes of seizing and destroying contraband cannabis, employees of the
commission or cannabis office may act as agents of the tax administrator. The seizure and/or
destruction of any cannabis or cannabis products under the provisions of this section does not
relieve any person from a fine or other penalty for violation of this chapter. The commission, in
conjunction with the tax administrator and the department of public safety, may promulgate rules
and regulations for the destruction of contraband goods pursuant to this section.


(a) Failure to file tax returns or to pay tax. In the case of failure:

(1) To file. The tax return on or before the prescribed date, unless it is shown that the failure
is due to reasonable cause and not due to willful neglect, an addition to tax shall be made equal to
ten percent (10%) of the tax required to be reported. For this purpose, the amount of tax required
to be reported shall be reduced by an amount of the tax paid on or before the date prescribed for
payment and by the amount of any credit against the tax which may properly be claimed upon the
return.

(2) To pay. The amount shown as tax on the return on or before the prescribed date for
payment of the tax unless it is shown that the failure is due to reasonable cause and not due to
willful neglect, there shall be added to the amount shown as tax on the return ten percent (10%) of
the amount of the tax.

(b) Negligence. If any part of a deficiency is due to negligence or intentional disregard of
the Rhode Island General Laws or rules or regulations under this chapter (but without intent to
defraud), five percent (5%) of that part of the deficiency shall be added to the tax.

(c) Fraud. If any part of a deficiency is due to fraud, fifty percent (50%) of that part of the deficiency shall be added to the tax. This amount shall be in lieu of any other additional amounts imposed by subsections (a) and (b) of this section.

(d) Failure to collect and pay over tax. Any person required to collect, truthfully account for, and pay over any tax under this title who willfully fails to collect the tax or truthfully account for and pay over the tax or willfully attempts in any manner to evade or defeat the tax or the payment thereof, shall, in addition to other penalties provided by law, be liable for the imposition of a civil penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over.

(e) Additions and penalties treated as tax. The additions to the tax and civil penalties provided by this section shall be paid upon notice and demand and shall be assessed, collected, and paid in the same manner as taxes.

(f) Bad checks. If any check or money order in payment of any amount receivable under this title is not duly paid, in addition to any other penalties provided by law, there shall be paid as a penalty by the person who tendered the check, upon notice and demand by the tax administrator or his or her delegate, in the same manner as tax, an amount equal to one percent (1%) of the amount of the check, except that if the amount of the check is less than five hundred dollars ($500), the penalty under this section shall be five dollars ($5.00). This subsection shall not apply if the person tendered the check in good faith and with reasonable cause to believe that it would be duly paid.

(g) Misuse of trust funds. Any retailer and any officer, agent, servant, or employee of any corporate retailer responsible for either the collection or payment of the tax, who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter, shall upon conviction for each offense be fined not more than ten thousand dollars ($10,000), or be imprisoned for one year, or by both fine and imprisonment, in addition to any other penalty provided by this chapter.

(h) Whoever fails to pay any tax imposed by this chapter at the time prescribed by law or regulations, shall, in addition to any other penalty provided in this chapter, be liable for a penalty of one thousand dollars ($1,000) or not more than five (5) times the tax due but unpaid, whichever is greater.

(i) When determining the amount of a penalty sought or imposed under this section, evidence of mitigating or aggravating factors, including history, severity, and intent, shall be considered.

Whenever the tax administrator determines that any person is entitled to a refund of any monies paid by a person under the provisions of this chapter, or whenever a court of competent jurisdiction orders a refund of any monies paid, the general treasurer shall, upon certification by the tax administrator and with the approval of the director of revenue, pay the refund from any monies in the treasury not appropriated without any further act or resolution making appropriation for the refund. No refund is allowed unless a claim is filed with the tax administrator within three (3) years from the fifteenth day after the close of the month for which the overpayment was made.


(a) Any person aggrieved by any action under this chapter of the tax administrator or his or her authorized agent for which a hearing is not elsewhere provided may apply to the tax administrator, in writing, within thirty (30) days of the action for a hearing, stating the reasons why the hearing should be granted and the manner of relief sought. The tax administrator shall notify the applicant of the time and place fixed for the hearing. After the hearing, the tax administrator may make the order in the premises as may appear to the tax administrator just and lawful and shall furnish a copy of the order to the applicant. The tax administrator may, by notice in writing, at any time, order a hearing on his or her own initiative and require the licensee or any other individual whom the tax administrator believes to be in possession of information concerning any growing, processing, distribution, sales, or transfer of cannabis products to appear before the tax administrator or his or her authorized agent with any specific books of account, papers, or other documents, for examination relative to the hearing.

(b) Appeals from administrative orders or decisions made pursuant to any provisions of this chapter shall be to the sixth division district court pursuant to chapter 8 of title 8. The taxpayer's right to appeal under this section shall be expressly made conditional upon prepayment of all taxes, interest, and penalties, unless the taxpayer moves for and is granted an exemption from the prepayment requirement pursuant to § 8-8-26.


(a) It shall be unlawful, except in proceedings before a court of competent jurisdiction or to collect the taxes or enforce the penalties provided by chapter 70 of this title, for the tax administrator or any person having an administrative duty under those chapters to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any cannabis retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular, stated or disclosed in any return, or to permit any return or copy or any book containing
any abstract or particulars to be seen or examined by any person. The tax administrator may authorize examination of his or her records and the returns filed with the administrator by the tax authorities of another state or of the federal government if a reciprocal arrangement exists.

(b) Nothing in this section shall be construed to prevent the disclosure or publication of statistical or other information where the identity of individual taxpayers is not made known.

(c) Notwithstanding subsections (a) or (b) of this section or any other provision of law, the tax administrator shall make available to an authorized agent of the commission or the office of cannabis, any information that the administrator may consider proper contained in tax reports or returns or any audit or the report of any investigation made with respect to them, filed pursuant to the tax laws of this state, to whom disclosure is necessary for the purpose of ensuring compliance with state law and regulations.

44-70-17. Transfer of revenue.

The division of taxation shall transfer all collections remitted by adult use marijuana retailers pursuant to this chapter due to the net revenue of marijuana products. The tax administrator may base this transfer on an estimate of the net revenue of marijuana products derived from any other tax data collected under title 44 or data shared by the commission or cannabis office.


The tax administrator is authorized to promulgate rules and regulations to carry out the provisions, policies, and purposes of this chapter. The provisions of this chapter shall be liberally construed to foster the enforcement of and compliance with all provisions herein related to taxation.


If any provision of this chapter or the application of this chapter to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION 5. Sections 21-28.6-5, 21-28.6-6, 21-28.6-12, 21-28.6-15 and 21-28.6-17 of the General Laws in Chapter 21-28.6 entitled "The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act" are hereby amended to read as follows:

21-28.6-5. Departments of health and business regulation to issue regulations.

(a) Not later than ninety (90) days after the effective date of this chapter, the department of health shall promulgate regulations governing the manner in which it shall consider petitions from the public to add debilitating medical conditions to those included in this chapter. In considering such petitions, the department of health shall include public notice of, and an opportunity to comment in a public hearing, upon such petitions. The department of health shall, after hearing,
approve or deny such petitions within one hundred eighty (180) days of submission. The approval
or denial of such a petition shall be considered a final department of health action, subject to judicial
review. Jurisdiction and venue for judicial review are vested in the superior court. The denial of a
petition shall not disqualify qualifying patients with that condition, if they have a debilitating
medical condition as defined in § 21-28.6-3. The denial of a petition shall not prevent a person with
the denied condition from raising an affirmative defense.

(b) Not later than ninety (90) days after the effective date of this chapter, the department
of health shall promulgate regulations governing the manner in which it shall consider applications
for, and renewals of, registry identification cards for qualifying patients and authorized purchasers.
The department of health's regulations shall establish application and renewal fees that generate
revenues sufficient to offset all expenses of implementing and administering this chapter. The
department of health may vary the application and renewal fees along a sliding scale that accounts
for a qualifying patient's or caregiver's income. The department of health may accept donations
from private sources in order to reduce the application and renewal fees.

(c) Not later than October 1, 2019, the department of business regulation shall promulgate
regulations not inconsistent with law, to carry into effect the provisions of this section, governing
the manner in which it shall consider applications for, and renewals of, registry identification cards
for primary caregivers. The department of business regulation's regulations shall establish
application and renewal fees. The department of business regulation may vary the application and
renewal fees along a sliding scale that accounts for a qualifying patient's or caregiver's income. The
department of business regulation may accept donations from private sources in order to reduce the
application and renewal fees.

(d) On and after December 1, 2022, no fee shall be charged for application, registration or
renewal of an identification card for a patient or primary caregiver pursuant to the provisions of
this section. Registry identification cards for qualifying patients, authorized purchasers and primary
caregivers shall be issued without charge.

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

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

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

(2) Application fee, as applicable;

(3) Name, address, and date of birth of the qualifying patient; provided, however, that if
(4) Name, address, and telephone number of the qualifying patient's practitioner;

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) A primary caregiver applicant or an authorized purchaser applicant shall apply to the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or local police department for a national criminal records check that shall include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any disqualifying information as defined in subsection (g)(5) of this section, and in accordance with the rules promulgated by the director, the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or the local police department shall inform the applicant, in writing, of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information, shall notify the department of business regulation or department of health, as applicable, in writing, that disqualifying information has been discovered.

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

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

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

(5) Information produced by a national criminal records check pertaining to a conviction for any felony offense under chapter 28 of this title ("Rhode Island controlled substances act"); murder; manslaughter; rape; first-degree sexual assault; second-degree sexual assault; first-degree child molestation; second-degree child molestation; kidnapping; first-degree arson; second-degree arson; mayhem; robbery; burglary; breaking and entering; assault with a dangerous weapon; assault or battery involving grave bodily injury; and/or assault with intent to commit any offense punishable as a felony or a similar offense from any other jurisdiction shall result in a letter to the applicant and the department of health or department of business regulation, as applicable, disqualifying the applicant. If disqualifying information has been found, the department of health or department of business regulation, as applicable, may use its discretion to issue a primary caregiver registry identification card or an authorized purchaser registry identification card if the applicant's connected patient is an immediate family member and the card is restricted to that patient only.

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

(7) For purposes of this section, "conviction" means, in addition to judgments of conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances where the defendant has entered a plea of nolo contendere and has received a sentence of probation and those instances where a defendant has entered into a deferred sentence agreement with the attorney general.
(8) The office of cannabis regulation may adopt rules and regulations based on federal
guidance provided those rules and regulations are designed to comply with federal guidance and
mitigate federal enforcement against the registrations and licenses issued under this chapter.

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

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

(3) Registry identification cards shall contain:

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

(ii) A random registry identification number;

(iii) A photograph; and

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

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

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

(2) A qualifying patient cardholder who fails to notify the department of health of any of
these changes is responsible for a civil infraction, punishable by a fine of no more than one hundred
fifty dollars ($150). If the patient cardholder has ceased to suffer from a debilitating medical
condition, the card shall be deemed null and void and the person shall be liable for any other
penalties that may apply to the person's nonmedical use of marijuana.

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

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

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

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

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

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

(j) Possession of, or application for, a registry identification card shall not constitute probable cause or reasonable suspicion, nor shall it be used to support the search of the person or property of the person possessing or applying for the registry identification card, or otherwise subject the person or property of the person to inspection by any governmental agency.

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

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

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

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

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

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

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

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

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

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

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

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

   5. Statistics regarding the number of prosecutions against physicians for violations of this chapter; and

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

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

   1. The number of applications for registry identification cards to compassion center staff, the number approved, denied and the number of registry identification cards revoked, and the number of replacement cards issued;
(2) The number of applications for compassion centers and licensed cultivators;
(3) The number of marijuana plant tag sets ordered, delivered, and currently held within
the state;
(4) The total revenue collections of any monies related to its regulator activities for the
prior fiscal year, by the relevant category of collection, including enumerating specifically the total
amount of revenues foregone or fees paid at reduced rates pursuant to this chapter.

(a) A compassion center licensed under this section may acquire, possess, cultivate,
manufacture, deliver, transfer, transport, supply, or dispense medical marijuana, or related supplies
and educational materials, to registered qualifying patients and their registered primary caregivers
or authorized purchasers, or out-of-state patient cardholders or other marijuana establishment
licensees. Except as specifically provided to the contrary, all provisions of this chapter (the Edward
O. Hawkins and Thomas C. Slater medical marijuana act), apply to a compassion center unless the
provision(s) conflict with a provision contained in this section.
(b) License of compassion centers -- authority of the departments of health and business
regulation:
(1) Not later than ninety (90) days after the effective date of this chapter, the department
of health shall promulgate regulations governing the manner in which it shall consider applications
for licenses for compassion centers, including regulations governing:
(i) The form and content of license and renewal applications;
(ii) Minimum oversight requirements for compassion centers;
(iii) Minimum record-keeping requirements for compassion centers;
(iv) Minimum security requirements for compassion centers; and
(v) Procedures for suspending, revoking, or terminating the license of compassion centers
that violate the provisions of this section or the regulations promulgated pursuant to this subsection.
(2) Within ninety (90) days of the effective date of this chapter, the department of health
shall begin accepting applications for the operation of a single compassion center.
(3) Within one hundred fifty (150) days of the effective date of this chapter, the department
of health shall provide for at least one public hearing on the granting of an application to a single
compassion center.
(4) Within one hundred ninety (190) days of the effective date of this chapter, the department
of health shall grant a single license to a single compassion center, providing at least
one applicant has applied who meets the requirements of this chapter.
(5) If at any time after fifteen (15) months after the effective date of this chapter, there is
no operational compassion center in Rhode Island, the department of health shall accept
applications, provide for input from the public, and issue a license for a compassion center if a
qualified applicant exists.

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

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

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

(8)(i) If at any time after three (3) years after the effective date of this chapter and on or
before December 31, 2016, fewer than three (3) compassion centers are holding valid licenses in
Rhode Island, the department of health shall accept applications for a new compassion center. If at
any time on or after January 1, 2017, fewer than three (3) compassion centers are holding valid
licenses in Rhode Island, the department of business regulation shall accept applications for a new
compassion center. There shall be nine (9) compassion centers that may hold valid licenses at one
time. If at any time on or after July 1, 2019, fewer than nine (9) compassion centers are holding
valid licenses in Rhode Island, the department of business regulation shall accept applications for
new compassion centers and shall continue the process until nine (9) licenses have been issued by
the department of business regulation.

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

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

(c) Compassion center and agent applications and license:

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

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

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

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

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

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

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

(vii) Proposed procedures to ensure accurate record keeping.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) The physical address of the compassion center; this may include a second address for the secure cultivation of medical marijuana;
(D) The name, address, and date of birth of each principal officer and board member of the
compassion center;

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

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

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

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

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

(D) The name, address, and date of birth of each principal officer and board member of the
compassion center, and any person who has a direct or indirect ownership interest in any marijuana
establishment licensee, which ownership interest shall include, but not be limited to, any interests
arising pursuant to the use of shared management companies, management agreements or other
agreements that afford third-party management or operational control, or other familial or business
relationships between compassion center or cultivator owners, members, officers, directors,
managers, investors, agents, or key persons that effect dual license interests as determined by the
department of business regulation;

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) When a compassion center cardholder notifies the department of health or the
department of business regulation of any changes listed in this subsection, the department shall
issue the cardholder a new registry identification card within ten (10) days of receiving the updated
information and a ten-dollar ($10.00) fee.

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

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

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

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

(d) Expiration or termination of compassion center:

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

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

(i) The compassion center submits the materials required under subsections (c)(4) and
(c)(5) of this section, including a five-hundred-thousand-dollar ($500,000) fee;

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

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

(3) If the department of health or the department of business regulation determines that any
of the conditions listed in subsections (d)(2)(i) -- (iii) of this section have not been met, the
department may begin an open application process for the operation of a compassion center. In
granting a new license, the department of health or the department of business regulation shall
consider factors listed in subsection (c)(3) of this section.

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

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

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

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

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

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

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

(iii) Is in violation of other departmental regulations;

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

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

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

(f) Compassion center requirements:

(1) A compassion center shall be operated on a not-for-profit basis for the mutual benefit of its patients. A compassion center need not be recognized as a tax-exempt organization by the Internal Revenue Service. A compassion center shall be subject to regulations promulgated by the department of business regulation for general operations and record keeping, which shall include,

but not be limited to:

(i) Minimum security and surveillance requirements;

(ii) Minimum requirements for workplace safety and sanitation;

(iii) Minimum requirements for product safety and testing;

(iv) Minimum requirements for inventory tracking and monitoring;

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

(vi) Minimum requirements to address odor mitigation;

(vii) Minimum requirements for product packaging and labeling;

(viii) Minimum requirements and prohibitions for advertising;

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

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

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

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

(3) On or before December 31, 2016, a compassion center shall notify the department of health within ten (10) days of when a principal officer, board member, agent, volunteer, or employee ceases to work at the compassion center. On or after January 1, 2017, a compassion center shall notify the department of business regulation within ten (10) days of when a principal officer, board member, agent, volunteer, or employee ceases to work at the compassion center. His or her card shall be deemed null and void and the person shall be liable for any penalties that may apply to any nonmedical possession or use of marijuana by the person.

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

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

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

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

(7) A compassion center is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying, or dispensing marijuana for any purpose except to assist patient cardholders with the medical use of marijuana directly or through the qualifying patient's primary caregiver or authorized purchaser. This provision shall not apply to hybrid cannabis retailers authorized pursuant to the provisions of § 21-28.11-10.

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

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

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

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

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

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

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

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

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

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

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

(15) Each compassion center entity shall provide each employee, agent, and volunteer, at the time of his or her initial appointment, training in the following:
(i) The proper use of security measures and controls that have been adopted; and

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

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

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

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

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

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

(4) A compassion center operating as a hybrid cannabis retailer authorized to conduct adult use cannabis sales pursuant to the provisions of § 21-28.11-10 may sell up to one ounce (1 oz.) of cannabis to a person at least twenty-one (21) years of age as an intended consumer, in accordance with the provisions of chapter 28.11 of title 21.
(h) Immunity:

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

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

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

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

(i) Prohibitions:

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

(2) A compassion center may not dispense, deliver, or otherwise transfer marijuana to a person other than a patient cardholder or to a qualified patient's primary caregiver or authorized purchaser. This provision shall not apply to hybrid cannabis retailers authorized pursuant to the provisions of § 21-28.11-10;

(3) A compassion center may not procure, purchase, transfer, or sell marijuana to or from any entity other than a marijuana establishment licensee in accordance with the provisions of this chapter and chapter 28.11 of title 21 and the rules and regulations promulgated by the commission;

(4) A person found to have violated subsection (h)(2) or (h)(3) of this section may not be an employee, agent, volunteer, principal officer, or board member of any compassion center;
(5) An employee, agent, volunteer, principal officer or board member of any compassion center found in violation of subsection (h)(2) or (h)(3) of this section shall have his or her registry identification revoked immediately; and

(6) No person who has been convicted of a felony drug offense or has entered a plea of nolo contendere for a felony drug offense with a sentence of probation may be the principal officer, board member, or agent of a compassion center unless the department has determined that the person's conviction was for the medical use of marijuana or assisting with the medical use of marijuana in accordance with the terms and conditions of this chapter. A person who is employed by or is an agent, volunteer, principal officer, or board member of a compassion center in violation of this section is guilty of a civil violation punishable by a fine of up to one thousand dollars ($1,000). A subsequent violation of this section is a misdemeanor; and

(7) After March 1, 2023, and in accordance with a timeline established by the commission, no compassion center shall accept any out-of-state medical marijuana card unless the patient also possesses and produces a valid government identification demonstrating residency in the same state that issued the medical marijuana card.

(j) Legislative oversight committee:

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

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

(i) Patients' access to medical marijuana;

(ii) Efficacy of compassion centers;

(iii) Physician participation in the Medical Marijuana Program;

(iv) The definition of qualifying medical condition; and

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

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

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

(a) Effective January 1, 2017, the department of business regulation shall make medical marijuana tag sets available for purchase. Effective April 1, 2017, every marijuana plant, either mature or immature, grown by a registered patient or primary caregiver, must be accompanied by a physical medical marijuana tag purchased through the department of business regulation and issued by the department of business regulation to qualifying patients and primary caregivers. Effective December 1, 2022, all medical marijuana tag sets shall be provided without charge to patient cardholders and/or primary caregivers authorized to grow medical cannabis. The commission by rule and regulation may specify, alter or amend the method or manner of issuance of tags; however, all issuance of tags after December 1, 2022, shall be without charge to patient cardholders and/or primary caregivers authorized to grow medical cannabis.

(1) The department of business regulation shall charge an annual fee for each medical marijuana tag set that shall include one tag for a mature medical marijuana plant and one tag for an immature plant. If the required fee has not been paid, those medical marijuana tags shall be considered expired and invalid. The fee established by the department of business regulation shall be in accordance with the following requirements:

(i) For patient cardholders authorized to grow medical marijuana by the department of business regulation, the fee per tag set shall not exceed twenty-five dollars ($25);

(ii) For primary caregivers, the fee per tag set shall not exceed twenty-five dollars ($25);

(iii) For patients who qualify for reduced registration due to income or disability status, there shall be no fee per tag set;

(iv) For caregivers who provide care for a patient cardholder who qualifies for reduced registration due to income or disability status, there shall be no fee per tag set for the qualifying patient; and

(v) For licensed medical marijuana cultivators, the fee per tag set shall be established in regulations promulgated by the department of business regulation.

(2) Effective January 1, 2017, the department of business regulation shall verify with the department of health that all medical marijuana tag purchases are made by qualifying patient cardholders or primary caregiver cardholders. The department of health shall provide this verification according to qualifying patients' and primary caregivers' registry identification numbers and without providing access to any applications or supporting information submitted by qualifying patients to protect patient confidentiality.

(3) Effective January 1, 2019, and thereafter, the department of business regulation shall verify with the department of health that all medical marijuana tag purchases are made by: tags.
provided to registered patient cardholders, who have notified the department of health of their election to grow medical marijuana, or primary caregiver cardholders. The department of health shall provide this verification according to qualifying patients’ and primary caregivers' registry identification numbers and without providing access to any applications or supporting information submitted by qualifying patients to protect patient confidentiality.

(4) The department of business regulation shall maintain information pertaining to medical marijuana tags.

(5) All primary caregivers shall purchase acquire at least one medical marijuana tag set for each patient under their care and all patients growing medical marijuana for themselves shall purchase at least one medical marijuana tag set.

(6) All licensed medical marijuana cultivators shall purchase acquire at least one medical marijuana tag set or utilize a seed-to-sale tracking system.

(7) The department of business regulation shall promulgate regulations to establish a process by which medical marijuana tags may be returned. The department of business regulation may choose to reimburse a portion or the entire amount of any fees paid for medical marijuana tags that are subsequently returned.

(b) Enforcement until issuance of final rules and regulations by the commission pursuant to chapter 28.11 of title 21:

(1) If a patient cardholder, primary caregiver cardholder, licensed compassion center, or licensed medical marijuana cultivator violates any provision of this chapter or the regulations promulgated hereunder as determined by the departments of business regulation or health, his or her medical marijuana tags may be revoked. In addition, the cardholder's registration or the license may revoke the cardholder's registration or license.

(2) The department of business regulation may revoke and not reissue, pursuant to regulations, medical marijuana tags to any cardholder or licensee who is convicted of; placed on probation; whose case is filed pursuant to § 12-10-12 where the defendant pleads nolo contendere; or whose case is deferred pursuant to § 12-19-19 where the defendant pleads nolo contendere for any felony offense under chapter 28 of this title ("Rhode Island controlled substances act") or a similar offense from any other jurisdiction.

(3) If a patient cardholder, primary caregiver cardholder, licensed cooperative cultivation, compassion center, licensed medical marijuana cultivator, or any other person or entity is found to have marijuana plants, or marijuana material without valid medical marijuana tags sets or which are not tracked in accordance with regulation, the department of business regulation shall impose an administrative penalty in accordance with regulations promulgated by the department on the
patient cardholder, primary caregiver cardholder, licensed cooperative cultivation, compassion
center, licensed medical marijuana cultivator, or other person or entity for each untagged marijuana
plant or unit of untracked marijuana material.

(4) [Deleted by P.L. 2019, ch. 88, art. 15, § 5].

(c) Enforcement after issuance of final rules and regulations by the commission:

(1) If a patient cardholder, primary caregiver cardholder, licensed compassion center, or
licensed medical marijuana cultivator violates any provision of this chapter or the regulations
promulgated hereunder as determined by the commission, his or her medical marijuana tags may
be revoked. In addition, the cardholder's registration or license may be revoked.

(2) The commission may revoke and not reissue, pursuant to regulations, medical
marijuana tags to any cardholder or licensee who is convicted of; placed on probation; whose case
is filed pursuant to § 12-10-12 where the defendant pleads nolo contendere; or whose case is
deferred pursuant to § 12-19-19 where the defendant pleads nolo contendere for any felony offense
under chapter 28 of this title ("Rhode Island controlled substances act") or a similar offense from
any other jurisdiction.

(3) If a patient cardholder, primary caregiver cardholder, licensed cooperative cultivation,
compassion center, licensed medical marijuana cultivator, or any other person or entity is found to
have marijuana plants, or marijuana material without valid medical marijuana tags sets or which
are not tracked in accordance with regulation, the commission shall impose an administrative
penalty in accordance with regulations promulgated by the commission on the patient cardholder,
primary caregiver cardholder, licensed cooperative cultivation, compassion center, licensed
medical marijuana cultivator, or other person or entity for each untagged marijuana plant or unit of
untracked marijuana material.

21-28.6-17. Revenue.

(a) Effective July 1, 2016, except for the one hundred twenty-five thousand dollar
($125,000) fee paid by hybrid cannabis retailers pursuant to § 21-28.11-10, all fees collected by the
departments of health and business regulation from applicants, registered patients, primary
caregivers, authorized purchasers, licensed medical marijuana cultivators, cooperative cultivations,
compassion centers, other licensees licensed pursuant to this chapter, and compassion-center and
other registry identification cardholders shall be placed in restricted-receipt accounts to support the
state's medical marijuana program, including but not limited to, payment of expenses incurred by
the departments of health and business regulation for the administration of the program. The
restricted-receipt account will be known as the "medical marijuana licensing account" and will be
housed within the budgets of the departments of business regulation and health until final issuance
of rules and regulations by the commission, at which time said account shall be housed within the budget of the commission.

(b) All revenues remaining in the restricted-receipt accounts after payments specified in subsection (a) of this section shall first be paid to cover any existing deficit in the department of health's restricted-receipt account or the department of business regulation's restricted-receipt account. These transfers shall be made annually on the last business day of the fiscal year until final issuance of rules and regulations of the commission, at which time the revenues subject to this subsection shall be used to cover any existing deficit in the commission's budget.

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

SECTION 6. Chapter 21-28.6 of the General Laws entitled "The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act" is hereby amended by adding thereto the following section:


Upon final issuance of rules and regulations by the cannabis control commission pursuant to the provisions of chapter 28.11 of title 21, including, but not limited to, § 21-28.11-18, all powers, and duties, rulemaking authority, hearings, enforcement actions and administrative responsibilities and duties of the department of business regulation and department of environmental management with respect to this chapter shall be transferred to the cannabis control commission established pursuant to § 21-28.11-4.

SECTION 7. Section 21-28.5-2 of the General Laws in Chapter 21-28.5 entitled "Sale of Drug Paraphernalia" is hereby amended to read as follows:


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

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

SECTION 8. Chapter 12-1.3 of the General Laws entitled “Expungement of Criminal Records” is hereby amended by adding thereto the following section:

12-1.3-5. Expungement of marijuana records.

(a) Any person with a prior civil violation, misdemeanor or felony conviction for possession only of a marijuana offense that has been decriminalized subsequent to the date of conviction shall be entitled to have the civil violation or criminal conviction automatically expunged, notwithstanding the provisions of chapter 1.3 of title 12. For purposes of this section, “conviction” means, in addition to judgments of conviction entered by a court subsequent to a finding of guilty, or plea of guilty, those instances where the defendant has entered a plea of nolo contendere and has received a jail sentence or a suspended jail sentence, or those instances wherein the defendant has entered into a deferred sentence agreement with the Rhode Island attorney general and the period of deferment has not been completed.

(b) Records shall be expunged pursuant to procedures and a timeline to be determined by the presiding justice; provided however, that all eligible records shall be expunged before July 1, 2024.

(c) The presiding justice may provide for an expedited procedure for expungement of a prior misdemeanor or felony conviction for possession only of a marijuana offense that has been decriminalized subsequent to the date of conviction. Any such expedited procedure shall require a written request by the person requesting expungement, and any expedited expungement shall be granted in accordance with a timeline to be determined by the presiding justice.

(d) If the amount of marijuana is not stated in the record of conviction or any related record, report or document, then the court shall presume the amount to have been two ounces (2 oz.) or less.

(e) Any person who has been incarcerated for misdemeanor or felony possession of marijuana shall have all court costs waived with respect to expungement of his or her criminal record under this section.

(f) If the court determines a record is to be expunged in accordance with the provisions of this section, it shall order all records and records of conviction or civil adjudication relating to the conviction or civil adjudication expunged and all index and other references to it removed from public inspection. Within a reasonable time, the court shall send a copy of the order to the
department of the attorney general, the police department that originally brought the charge against
the person, and any other agency known by the petitioner to have possession of the records of
conviction or adjudication.

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

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

(2) Pending criminal proceedings; and

(3) Outstanding court-imposed or court-related fees, fines, costs, assessments or charges.

Any outstanding fees, fines, costs, assessments or charges related to the eligible conviction or civil
adjudication shall be waived.

(h) Nothing in this section shall be construed to restrict or modify a person’s right to have
their records expunged, except as otherwise may be provided in this chapter, or diminish or
abrogate any rights or remedies otherwise available to the individual.

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

(j) Nothing in this section shall be construed to require the court or any other private or
public agency to reimburse any petitioner for fines, fees, and costs previously incurred, paid or
collected in association with the eligible conviction or civil adjudication.

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

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

(m) Whenever the records of any conviction or civil adjudication of an individual have been expunged under the provisions of this section, any custodian of the records of conviction or civil adjudication relating to that crime or violation shall not disclose the existence of the records upon inquiry from any source, unless the inquiry is that of the individual whose record was expunged, that of a bar admission, character and fitness, or disciplinary committee, board, or agency, or court which is considering a bar admission, character and fitness, or disciplinary matter, or that of the commissioner of elementary and secondary education, or that of any law enforcement agency when the nature and character of the offense in which an individual is to be charged would be affected by virtue of the person having been previously convicted or adjudicated of the same offense. The custodian of any records which have been expunged pursuant to the provisions of this subsection or by order of a court shall only release or allow access to those records for the purposes specified in this subsection or by order of a court.

(n) The judiciary and its employees and agents are immune from any civil liability for any act of commission or omission, taken in good faith, arising out of and in the course of participation in, or assistance with the expungement procedures set forth in this section. This immunity shall be in addition to and not in limitation of any other immunity provided by law.

SECTION 9. Section 28-7-3 of the General Laws in Chapter 28-7 entitled "Labor Relations Act" is hereby amended to read as follows:

28-7-3. Definitions.

When used in this chapter:

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

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

(3)(i) "Employees" includes, but is not restricted to, any individual employed by a labor organization; any individual whose employment has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained
any other regular and substantially equivalent employment; and shall not be limited to the
employees of a particular employer, unless the chapter explicitly states otherwise;
(ii) "Employees" does not include any individual employed by his or her parent or spouse
or in the domestic service of any person in his or her home, or any individuals employed only for
the duration of a labor dispute, or any individuals employed as farm laborers; provided that, any
individual employed by an employer in an industry established or regulated pursuant to chapters
28.6 or 28.11 of title 21 shall be an employee within the meaning of this chapter and shall not be
considered a farm laborer.
(4) "Employer" includes any person acting on behalf of or in the interest of an employer,
directly or indirectly, with or without his or her knowledge, but a labor organization or any officer
or its agent shall only be considered an employer with respect to individuals employed by the
organization.
(5) "Labor dispute" includes, but is not restricted to, any controversy between employers
and employees or their representatives as defined in this section concerning terms, tenure, or
conditions of employment or concerning the association or representation of persons in negotiating,
fixing, maintaining, changing, or seeking to negotiate, fix, maintain, or change terms or conditions
of employment, or concerning the violation of any of the rights granted or affirmed by this chapter,
regardless of whether the disputants stand in the proximate relation of employer and employee.
(6) "Labor organization" means any organization which exists and is constituted for the
purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning
grievances, terms or conditions of employment, or of other mutual aid or protection and which is
not a company union as defined in this section.
(7) "Person" includes one or more individuals, partnerships, associations, corporations,
legal representatives, trustees, trustees in bankruptcy, or receivers.
(8) "Policies of this chapter" means the policies set forth in § 28-7-2.
(9) "Representatives" includes a labor organization or an individual whether or not
employed by the employer of those whom he or she represents.
(10) "Unfair labor practice" means only those unfair labor practices listed in §§ 28-7-13
and 28-7-13.1.
SECTION 10. Section 21-28-4.01 of the General Laws in Chapter 21-28 entitled "Uniform
Controlled Substances Act" is hereby amended to read as follows:
21-28-4.01, Prohibited acts A -- Penalties. [As amended by P.L. 2021, ch. 286, § 2 and
P.L. 2021, ch. 287, § 2.]
(a)(1) Except as authorized by this chapter and chapters 28.6 and 28.11 of title 21, it shall
be unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver
a controlled substance.

(2) Any person who is not a drug-addicted person, as defined in § 21-28-1.02, who violates
this subsection with respect to a controlled substance classified in schedule I or II, except the
substance classified as marijuana, is guilty of a crime and, upon conviction, may be imprisoned to
a term up to life or fined not more than five hundred thousand dollars ($500,000) nor less than ten
thousand dollars ($10,000), or both.

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

(4) Any person, except as provided for in subsection (a)(2), who violates this subsection
with respect to:

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

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

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

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

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

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

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

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

(c)(1) It shall be unlawful for any person knowingly or intentionally to possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter or chapters 28.6 and 28.11 of title 21.

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

(i) Except as otherwise provided in §§ 21-28-4.01.1 and 21-28-4.01.2, ten grams (10 g.) or less of a mixture or substance containing a detectable amount of a controlled substance classified in schedules I, II, III, IV, and V, except buprenorphine and the substance classified as marijuana, is guilty of a misdemeanor and, upon conviction, may be imprisoned for not more than two (2) years, or fined not more than five hundred dollars ($500) or both.

(ii) Except as otherwise provided in §§ 21-28-4.01.1 and 21-28-4.01.2, more than ten grams (10 g.), but less than one ounce (1 oz.) of a mixture or substance containing a detectable amount of a controlled substance classified in schedules I, II and III, IV, and V, except buprenorphine and the substance classified as marijuana, is guilty of a felony and, upon conviction, may be imprisoned for not more than three (3) years, or fined not more than five thousand dollars ($5,000), or both.

(iii) Except as otherwise provided in §§ 21-28-4.01.1 and 21-28-4.01.2, more than one ounce (1 oz.) of the equivalent amount in the form of cannabis concentrate of a controlled substance classified in schedule I as marijuana is guilty of a misdemeanor unless possessed inside one's own primary residence, except for those persons subject to (a)(1), and, upon conviction, may be imprisoned for not more than one year, or fined not less than two hundred dollars ($200) nor more than five hundred dollars ($500), or both.

Possession of live marijuana plants in excess of the number authorized pursuant to § 21-28.11-22 but less than twenty-five (25) marijuana plants is guilty of a misdemeanor, except for those persons subject to (a)(1) and, upon conviction, may be imprisoned for not more than one year, or fined not less than two hundred dollars ($200) nor more than five hundred dollars ($500), or both.
Possession of twenty-five (25) or more live marijuana plants is guilty of a felony, except for those persons subject to (a)(1), and upon conviction, may be imprisoned for not more than three (3) years or fined not more than five thousand dollars ($5,000), or both.

(iv) Notwithstanding any public, special, or general law to the contrary, and except as otherwise provided in §§ 21-28-4.01.1 and 21-28-4.01.2, the possession of more than one ounce (1 oz.) or less but not more than two ounces (2 oz.) of marijuana or the equivalent amount in the form of cannabis concentrate by a person who is eighteen (18) years of age or older at least twenty-one (21) years old, and who is not exempted from penalties pursuant to chapter 28.6 of this title, shall constitute a civil offense, rendering the offender liable to a civil penalty in the amount of one hundred fifty dollars ($150) and forfeiture of the marijuana, but not to any other form of criminal or civil punishment or disqualification. Notwithstanding any public, special, or general law to the contrary, this civil penalty of one hundred fifty dollars ($150) and forfeiture of the marijuana shall apply if the offense is the first (1st) or second (2nd) violation within the previous eighteen (18) months.

(v) Notwithstanding any public, special, or general law to the contrary, possession of one ounce (1 oz.) two ounces (2 oz.) or less of marijuana or the equivalent amount in the form of cannabis concentrate by a person who is seventeen (17) years of age or older and under the age of eighteen (18) between seventeen (17) and twenty (20) years old, and who is not exempted from penalties pursuant to chapter 28.6 of this title, shall constitute a civil offense, rendering the offender liable to a civil penalty in the amount of one hundred fifty dollars ($150) and forfeiture of the marijuana; provided the minor offender completes an approved, drug-awareness program and community service as determined by the court. If the person seventeen (17) years of age or older and under the age of eighteen (18) years fails to complete an approved, drug-awareness program and community service within one year of the disposition, the penalty shall be a three hundred dollar ($300) civil fine and forfeiture of the marijuana, except that if no drug-awareness program or community service is available, the penalty shall be a fine of one hundred fifty dollars ($150) and forfeiture of the marijuana. The parents or legal guardian of any offender seventeen (17) years of age or older and under the age of eighteen (18) shall be notified of the offense and the availability of a drug-awareness and community-service program. The drug-awareness program must be approved by the court, but shall, at a minimum, provide four (4) hours of instruction or group discussion and ten (10) hours of community service. Notwithstanding any other public, special, or general law to the contrary, this civil penalty shall apply if the offense is the first or second violation within the previous eighteen (18) months.
(vi) Notwithstanding any public, special, or general law to the contrary, a person not
exempted from penalties pursuant to chapter 28.6 of this title found in possession of one ounce (1
oz.) or less of marijuana is guilty of a misdemeanor and, upon conviction, may be imprisoned for
not more than thirty (30) days, or fined not less than two hundred dollars ($200) nor more than five
hundred dollars ($500), or both, if that person has been previously adjudicated on a violation for
possession of less than one ounce (1 oz.) of marijuana under (c)(2)(iv) or (c)(2)(v) two (2) times in
the eighteen (18) months prior to the third (3rd) offense.

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

(viii) No person may be arrested for a violation of (c)(2)(iv) or (c)(2)(v) of this subsection
except as provided in this subparagraph. Any person in possession of an identification card, license,
or other form of identification issued by the state or any state, city, or town, or any college or
university, who fails to produce the same upon request of a police officer who informs the person
that he or she has been found in possession of what appears to the officer to be more than one ounce
(1 oz.) of marijuana, or the equivalent amount in the form of cannabis concentrate or any person
without any such forms of identification who fails or refuses to truthfully provide his or her name,
address, and date of birth to a police officer who has informed such person that the officer intends
to provide such individual with a citation for possession of more than one ounce (1 oz.) but less
than two ounces (2 oz.) of marijuana or the equivalent amount in the form of cannabis concentrate,
may be arrested.

(ix) No violation of (c)(2)(iv) or (c)(2)(v) of this subsection shall be considered a violation
of parole or probation.

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

(3) Jurisdiction.

(i) Any and all adjudications of violations of (c)(2)(i) shall be within the original
jurisdiction of the Rhode Island superior court. The department of attorney general shall prosecute
any and all violations of (c)(2)(i).

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

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

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

(ii) Attend and complete a drug-counseling and education program, as prescribed, by the director of the department of behavioral healthcare, developmental disabilities and hospitals (BHDDH) similar to that in § 21-28.11-27.2, and pay the sum of four hundred dollars ($400) to help defray the costs of this program which shall be deposited as general revenues. Failure to attend may result, after hearing by the court, in jail sentence up to one year;

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

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

(5) All fees assessed and collected pursuant to (c)(2)(iii) shall be deposited as general revenues and shall be collected from the person convicted or who pleads nolo contendere before any other fines authorized by this chapter.

(d) It shall be unlawful for any person to manufacture, distribute, or possess with intent to manufacture or distribute, an imitation controlled substance. Any person who violates this subsection is guilty of a crime and, upon conviction, shall be subject to the same term of imprisonment and/or fine as provided by this chapter for the manufacture or distribution of the controlled substance that the particular imitation controlled substance forming the basis of the prosecution was designed to resemble and/or represented to be; but in no case shall the imprisonment be for more than five (5) years nor the fine for more than twenty thousand dollars ($20,000).

(e) It shall be unlawful for a practitioner to prescribe, order, distribute, supply, or sell an anabolic steroid or human growth hormone for: (1) Enhancing performance in an exercise, sport, or game, or (2) Hormonal manipulation intended to increase muscle mass, strength, or weight without a medical necessity. Any person who violates this subsection is guilty of a misdemeanor and, upon conviction, may be imprisoned for not more than six (6) months or a fine of not more than one thousand dollars ($1,000), or both.
(f) It is unlawful for any person to knowingly or intentionally possess, manufacture,
distribute, or possess with intent to manufacture or distribute, any extract, compound, salt
derivative, or mixture of salvia divinorum or datura stramonium or its extracts unless the person is
exempt pursuant to the provisions of § 21-28-3.30. Notwithstanding any laws to the contrary, any
person who violates this section is guilty of a misdemeanor and, upon conviction, may be
imprisoned for not more than one year, or fined not more than one thousand dollars ($1,000), or
both. The provisions of this section shall not apply to licensed physicians, pharmacists, and
accredited hospitals and teaching facilities engaged in the research or study of salvia divinorum or
datura stramonium and shall not apply to any person participating in clinical trials involving the
use of salvia divinorum or datura stramonium.

SECTION 11. Section 14-1-3 of the General Laws in Chapter 14-1 entitled "Proceedings
in Family Court" is hereby amended to read as follows:

14-1-3. Definitions.
The following words and phrases when used in this chapter shall, unless the context
otherwise requires, be construed as follows:

(1) "Adult" means a person eighteen (18) years of age or older.

(2) "Appropriate person," as used in §§ 14-1-10 and 14-1-11, except in matters relating to
adoptions and child marriages, means and includes:

(i) Any police official of this state, or of any city or town within this state;

(ii) Any duly qualified prosecuting officer of this state, or of any city or town within this
state;

(iii) Any director of public welfare of any city or town within this state, or his or her duly
authorized subordinate;

(iv) Any truant officer or other school official of any city or town within this state;

(v) Any duly authorized representative of any public or duly licensed private agency or
institution established for purposes similar to those specified in § 8-10-2 or 14-1-2; or

(vi) Any maternal or paternal grandparent, who alleges that the surviving parent, in those
cases in which one parent is deceased, is an unfit and improper person to have custody of any child
or children.

(3) "Child" means a person under eighteen (18) years of age.

(4) "The court" means the family court of the state of Rhode Island.

(5) "Delinquent," when applied to a child, means and includes any child who has committed
any offense that, if committed by an adult, would constitute a felony, or who has on more than one
occasion violated any of the other laws of the state or of the United States or any of the ordinances
of cities and towns, other than ordinances relating to the operation of motor vehicles.

(6) "Dependent" means any child who requires the protection and assistance of the court when his or her physical or mental health or welfare is harmed, or threatened with harm, due to the inability of the parent or guardian, through no fault of the parent or guardian, to provide the child with a minimum degree of care or proper supervision because of:

(i) The death or illness of a parent; or

(ii) The special medical, educational, or social-service needs of the child which the parent is unable to provide.

(7) "Justice" means a justice of the family court.

(8) "Neglect" means a child who requires the protection and assistance of the court when his or her physical or mental health or welfare is harmed, or threatened with harm, when the parents or guardian:

(i) Fails to supply the child with adequate food, clothing, shelter, or medical care, though financially able to do so or offered financial or other reasonable means to do so;

(ii) Fails to provide the child proper education as required by law; or

(iii) Abandons and/or deserts the child.

(9) "Supervised independent living setting" means a supervised setting in which a young adult is living independently, that meets any safety and/or licensing requirements established by the department for this population, and is paired with a supervising agency or a supervising worker, including, but not limited to, single or shared apartments or houses, host homes, relatives' and mentors' homes, college dormitories or other postsecondary educational or vocational housing. All or part of the financial assistance that secures an independent supervised setting for a young adult may be paid directly to the young adult if there is no provider or other child-placing intermediary, or to a landlord, a college, or to a supervising agency, or to other third parties on behalf of the young adult in the discretion of the department.

(10) "Voluntary placement agreement for extension of care" means a written agreement between the state agency and a young adult who meets the eligibility conditions specified in § 14-1-6(c), acting as their own legal guardian that is binding on the parties to the agreement. At a minimum, the agreement recognizes the voluntary nature of the agreement, the legal status of the young adult and the rights and obligations of the young adult, as well as the services and supports the agency agrees to provide during the time that the young adult consents to giving the department legal responsibility for care and placement.

(11) "Wayward," when applied to a child, means and includes any child:

(i) Who has deserted his or her home without good or sufficient cause;
(ii) Who habitually associates with dissolute, vicious, or immoral persons;

(iii) Who is leading an immoral or vicious life;

(iv) Who is habitually disobedient to the reasonable and lawful commands of his or her parent or parents, guardian, or other lawful custodian;

(v) Who, being required by chapter 19 of title 16 to attend school, willfully and habitually absents himself or herself from school or habitually violates the rules and regulations of the school when he or she attends;

(vi) Who has, on any occasion, violated any of the laws of the state or of the United States or any of the ordinances of cities and towns, other than ordinances relating to the operation of motor vehicles; or

(vii) Any child under seventeen (17) years of age who is in possession of one ounce (1 oz.) or less of marijuana, as defined in § 21-28-1.02 violates § 21-28.11-22, and who is not exempted from the penalties pursuant to chapter 28.6 of title 21.

(12) “Young adult” means an individual who has attained the age of eighteen (18) years but has not reached the age of twenty-one (21) years and was in the legal custody of the department on their eighteenth birthday pursuant to an abuse, neglect or dependency petition; or was a former foster child who was adopted or placed in a guardianship after attaining age sixteen (16).

(13) The singular shall be construed to include the plural, the plural the singular, and the masculine the feminine, when consistent with the intent of this chapter.

(14) For the purposes of this chapter, “electronic surveillance and monitoring devices” means any “radio frequency identification device (RFID)” or “global positioning device” that is either tethered to a person or is intended to be kept with a person and is used for the purposes of tracking the whereabouts of that person within the community.

SECTION 12. Sections 31-27-2, 31-27-2.1 and 31-27-2.9 of the General Laws in Chapter 31-27 entitled “Motor Vehicles Offenses” are hereby amended to read as follows:

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

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

(b)(1) Any person charged under subsection (a), whose blood alcohol concentration is eight one-hundredths of one percent (.08%) or more by weight, as shown by a chemical analysis of a blood, breath, or urine sample, shall be guilty of violating subsection (a). This provision shall not preclude a conviction based on other admissible evidence, including the testimony of a drug
recognition expert or evaluator, certified pursuant to training approved by the Rhode Island
department of transportation office on highway safety. Proof of guilt under this section may also
be based on evidence that the person charged was under the influence of intoxicating liquor, drugs,
toluene, or any controlled substance defined in chapter 28 of title 21, or any combination of these,
to a degree that rendered the person incapable of safely operating a vehicle. The fact that any person
charged with violating this section is, or has been, legally entitled to use alcohol or a drug shall not
constitute a defense against any charge of violating this section.

(2) [Deleted by P.L. 2021, ch. 170, § 1 and P.L. 2021, ch. 171, § 1.]

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

(1) The defendant has consented to the taking of the test upon which the analysis is made.

Evidence that the defendant had refused to submit to the test shall not be admissible unless the
defendant elects to testify.

(2) A true copy of the report of the test result was hand delivered at the location of the test
or mailed within seventy-two (72) hours of the taking of the test to the person submitting to a breath
test.

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

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

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

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

(d)(1) (i) Every person found to have violated subsection (b)(1) shall be sentenced as follows: for a first violation whose blood alcohol concentration is eight one-hundredths of one percent (.08%), but less than one-tenth of one percent (.1%), by weight, or who has a blood presence of any scheduled controlled substance as defined in chapter 28 of title 21, shall be subject to a fine of not less than one hundred dollars ($100), nor more than three hundred dollars ($300); shall be required to perform ten (10) to sixty (60) hours of public community restitution, and/or shall be imprisoned for up to one year. The sentence may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge and/or shall be required to attend a special course on driving while intoxicated or under the influence of a controlled substance; provided, however, that the court may permit a servicemember or veteran to complete any court-approved counseling program administered or approved by the Veterans’ Administration, and his or her driver’s license shall be suspended for thirty (30) days up to one hundred eighty (180) days. The sentencing judge or magistrate may prohibit that person from operating a motor vehicle, pursuant to subsection (d)(9) or (d)(10) of this section, that is not equipped with an ignition interlock system and/or blood and urine testing as provided in § 31-27-2.8.

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

(iii) Every person convicted of a first offense whose blood alcohol concentration is fifteen hundredths of one percent (.15%) or above, or who is under the influence of a drug, toluene, or any
controlled substance as defined in subsection (b)(1), shall be subject to a fine of five hundred dollars ($500) and shall be required to perform twenty (20) to sixty (60) hours of public community restitution and/or shall be imprisoned for up to one year. The sentence may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge. The person's driving license shall be suspended for a period of three (3) months to eighteen (18) months. The sentencing judge shall require attendance at a special course on driving while intoxicated or under the influence of a controlled substance and/or alcohol or drug treatment for the individual; provided, however, that the court may permit a servicemember or veteran to complete any court-approved counseling program administered or approved by the Veterans' Administration. The sentencing judge or magistrate shall prohibit that person from operating a motor vehicle, pursuant to subsection (d)(9) or (d)(10) of this section, that is not equipped with an ignition interlock system and/or blood and urine testing as provided in § 31-27-2.8.

(2)(i) Every person convicted of a second violation within a five-year (5) period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or above, but less than fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is unknown, or who has a blood presence of any controlled substance as defined in chapter 28 of title 21, and every person convicted of a second violation within a five-year (5) period, regardless of whether the prior violation and subsequent conviction was a violation and subsequent conviction under this statute or under the driving under the influence of liquor or drugs statute of any other state, shall be subject to a mandatory fine of four hundred dollars ($400). The person's driving license shall be suspended for a period of one year to two (2) years, and the individual shall be sentenced to not less than ten (10) days, nor more than one year, in jail. The sentence may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge; however, not less than forty-eight (48) hours of imprisonment shall be served consecutively. The sentencing judge shall require alcohol or drug treatment for the individual; provided, however, that the court may permit a servicemember or veteran to complete any court-approved counseling program administered or approved by the Veterans' Administration and shall prohibit that person from operating a motor vehicle, pursuant to subsection (d)(9) or (d)(10) of this section, that is not equipped with an ignition interlock system and/or blood and urine testing as provided in § 31-27-2.8.

(ii) Every person convicted of a second violation within a five-year (5) period whose blood alcohol concentration is fifteen hundredths of one percent (.15%) or above, by weight as shown by a chemical analysis of a blood, breath, or urine sample, or who is under the influence of a drug, toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to mandatory imprisonment of not less than six (6) months, nor more than one year; a mandatory fine of not less
than one thousand dollars ($1,000); and a mandatory license suspension for a period of two (2) years from the date of completion of the sentence imposed under this subsection. The sentencing judge shall require alcohol or drug treatment for the individual; provided, however, that the court may permit a servicemember or veteran to complete any court approved counseling program administered or approved by the Veterans' Administration. The sentencing judge or magistrate shall prohibit that person from operating a motor vehicle, pursuant to subsection (d)(9) or (d)(10) of this section, that is not equipped with an ignition interlock system and/or blood and urine testing as provided in § 31-27-2.8.

(3)(i) Every person convicted of a third or subsequent violation within a five-year (5) period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or above, but less than fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is unknown or who has a blood presence of any scheduled controlled substance as defined in chapter 28 of title 21, regardless of whether any prior violation and subsequent conviction was a violation and subsequent conviction under this statute or under the driving under the influence of liquor or drugs statute of any other state, shall be guilty of a felony and be subject to a mandatory fine of four hundred ($400) dollars. The person's driving license shall be suspended for a period of two (2) years to three (3) years, and the individual shall be sentenced to not less than one year and not more than three (3) years in jail. The sentence may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge; however, not less than forty-eight (48) hours of imprisonment shall be served consecutively. The sentencing judge shall require alcohol or drug treatment for the individual; provided, however, that the court may permit a servicemember or veteran to complete any court-approved counseling program administered or approved by the Veterans' Administration, and shall prohibit that person from operating a motor vehicle, pursuant to subsection (d)(9) or (d)(10) of this section, that is not equipped with an ignition interlock system and/or blood and urine testing as provided in § 31-27-2.8.

(ii) Every person convicted of a third or subsequent violation within a ten-year (10) period whose blood alcohol concentration is fifteen hundredths of one percent (.15%) above by weight as shown by a chemical analysis of a blood, breath, or urine sample, or who is under the influence of a drug, toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to mandatory imprisonment of not less than three (3) years, nor more than five (5) years; a mandatory fine of not less than one thousand dollars ($1,000), nor more than five thousand dollars ($5,000); and a mandatory license suspension for a period of three (3) years from the date of completion of the sentence imposed under this subsection. The sentencing judge shall require alcohol or drug treatment for the individual. The sentencing judge or magistrate shall prohibit that person from
operating a motor vehicle, pursuant to subsection (d)(9) or (d)(10) of this section, that is not equipped with an ignition interlock system and/or blood and urine testing as provided in § 31-27-2.8.

(iii) In addition to the foregoing penalties, every person convicted of a third or subsequent violation within a five-year (5) period, regardless of whether any prior violation and subsequent conviction was a violation and subsequent conviction under this statute or under the driving under the influence of liquor or drugs statute of any other state, shall be subject, in the discretion of the sentencing judge, to having the vehicle owned and operated by the violator seized and sold by the state of Rhode Island, with all funds obtained by the sale to be transferred to the general fund.

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

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

(ii) Any person over the age of eighteen (18) who is convicted under this section for operating a motor vehicle while under the influence of alcohol, other drugs, or a combination of these, while a child under the age of thirteen (13) years was present as a passenger in the motor vehicle when the offense was committed shall be subject to immediate license suspension pending prosecution. Any person convicted of violating this section shall be guilty of a misdemeanor for a first offense and may be sentenced to a term of imprisonment of not more than one year and a fine not to exceed one thousand dollars ($1,000). Any person convicted of a second or subsequent offense shall be guilty of a felony offense and may be sentenced to a term of imprisonment of not more than five (5) years and a fine not to exceed five thousand dollars ($5,000). The sentencing judge shall also order a license suspension of up to two (2) years, require attendance at a special course on driving while intoxicated or under the influence of a controlled substance, and alcohol
or drug education and/or treatment. The individual may also be required to pay a highway
assessment fee of no more than five hundred dollars ($500) and the assessment shall be deposited
in the general fund.

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

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

(7)(i) If the person convicted of violating this section is under the age of eighteen (18)
years, for the first violation he or she shall be required to perform ten (10) to sixty (60) hours of
public community restitution and the juvenile's driving license shall be suspended for a period of
six (6) months, and may be suspended for a period up to eighteen (18) months. The sentencing
judge shall also require attendance at a special course on driving while intoxicated or under the
influence of a controlled substance and alcohol or drug education and/or treatment for the juvenile.
The juvenile may also be required to pay a highway assessment fine of no more than five hundred
dollars ($500) and the assessment imposed shall be deposited into the general fund.

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

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

(9) Notwithstanding any other sentencing and disposition provisions contained in this
chapter, if the judge or magistrate makes a finding beyond a reasonable doubt that a motorist was
operating a vehicle in the state while under the influence of drugs, toluene, or any controlled
substance as evidenced by the presence of controlled substances on or about the person or vehicle,
or other reliable indicia or articulable conditions thereof, but not intoxicating liquor based on a
preliminary breath test, results from a breathalyzer that indicates no blood alcohol concentration,
or both, the judge or magistrate may exercise his or her discretion and eliminate the requirement of
an ignition interlock system; provided, that blood and/or urine testing is mandated as a condition
to operating a motor vehicle as provided in § 31-27-2.8.

(10) Notwithstanding any other sentencing and disposition provisions contained in this
chapter, if the judge or magistrate makes a finding beyond a reasonable doubt that a motorist was
operating a vehicle in the state while under the influence of drugs, toluene, or any controlled
substance as evidenced by the presence of controlled substances on or about the person or vehicle,
or other reliable indicia or articulable conditions thereof and intoxicating liquor based on a
preliminary breath test, results from a breathalyzer that indicates blood alcohol concentration, or
both, the judge or magistrate may require an ignition interlock system in addition to blood and/or
urine testing as a condition to operating a motor vehicle as provided in § 31-27-2.8.

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

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

(2) Persons convicted under the provisions of this chapter shall be required to attend a
special course on driving while intoxicated or under the influence of a controlled substance, and/or
participate in an alcohol or drug treatment program, which course and programs must meet the
standards established by the Rhode Island department of behavioral healthcare, developmental
disabilities and hospitals; provided, however, that the court may permit a servicemember or veteran
to complete any court-approved counseling program administered or approved by the Veterans'
Administration. The course shall take into consideration any language barrier that may exist as to
any person ordered to attend, and shall provide for instruction reasonably calculated to
communicate the purposes of the course in accordance with the requirements of the subsection.

Any costs reasonably incurred in connection with the provision of this accommodation shall be borne by the person being retrained. A copy of any violation under this section shall be forwarded by the court to the alcohol and drug safety unit. In the event that persons convicted under the provisions of this chapter fail to attend and complete the above course or treatment program, as ordered by the judge, then the person may be brought before the court, and after a hearing as to why the order of the court was not followed, may be sentenced to jail for a period not exceeding one year.

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

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

(h) Jurisdiction for misdemeanor violations of this section shall be with the district court for persons eighteen (18) years of age or older and to the family court for persons under the age of eighteen (18) years. The courts shall have full authority to impose any sentence authorized and to order the suspension of any license for violations of this section. Trials in superior court are not required to be scheduled within thirty (30) days of the arraignment date.

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

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

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

(l) If any provision of this section, or the application of any provision, shall for any reason be judged invalid, such a judgment shall not affect, impair, or invalidate the remainder of the section, but shall be confined in this effect to the provision or application directly involved in the controversy giving rise to the judgment.
(m) For the purposes of this section, "servicemember" means a person who is presently serving in the armed forces of the United States, including the Coast Guard, a reserve component thereof, or the National Guard. "Veteran" means a person who has served in the armed forces, including the Coast Guard of the United States, a reserve component thereof, or the National Guard, and has been discharged under other than dishonorable conditions.

31-27-2.1. Refusal to submit to chemical test.

(a) Any person who operates a motor vehicle within this state shall be deemed to have given his or her consent to chemical tests of his or her breath, blood, saliva and/or urine for the purpose of determining the chemical content of his or her body fluids or breath. No more than two (2) complete tests, one for the presence of intoxicating liquor and one for the presence of toluene or any controlled substance, as defined in § 21-28-1.02, shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving a motor vehicle within this state while under the influence of intoxicating liquor, toluene, or any controlled substance, as defined in chapter 28 of title 21, or any combination of these. The director of the department of health is empowered to make and file, with the secretary of state, regulations that prescribe the techniques and methods of chemical analysis of the person's body fluids or breath and the qualifications and certification of individuals authorized to administer the testing and analysis.

(b) If a person, for religious or medical reasons, cannot be subjected to blood tests, the person may file an affidavit with the division of motor vehicles stating the reasons why he or she cannot be required to take blood tests and a notation to this effect shall be made on his or her license. If that person is asked to submit to chemical tests as provided under this chapter, the person shall only be required to submit to chemical tests of his or her breath, saliva or urine. When a person is requested to submit to blood tests, only a physician or registered nurse, or a medical technician certified under regulations promulgated by the director of the department of health, may withdraw blood for the purpose of determining the alcoholic content in it. This limitation shall not apply to the taking of breath, saliva or urine specimens. The person tested shall be permitted to have a physician of his or her own choosing, and at his or her own expense, administer chemical tests of his or her breath, blood, saliva and/or urine in addition to the tests administered at the direction of a law enforcement officer. If a person, having been placed under arrest, refuses upon the request of a law enforcement officer to submit to the tests, as provided in § 31-27-2, none shall be given.

(1) At the initial traffic tribunal appearance, the magistrate shall review the incident, action, and/or arrest reports submitted by the law enforcement officer to determine if there exists reasonable grounds to believe that the person had been driving a motor vehicle while under the
influence of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of
title 21, or any combination thereof. The magistrate shall also determine if the person had been
informed of the penalties incurred as a result of failing to submit to a chemical test as provided in
this section and that the person had been informed of the implied consent notice contained in
subsection (c)(10) of this section. For the purpose of this subsection only, "driving a motor vehicle
while under the influence of any controlled substance as defined in chapter 28 of title 21" shall be
indicated by the presence or aroma of a controlled substance on or about the person or vehicle of
the individual refusing the chemical test or other reliable indicia or articulable conditions that the
person was impaired due to their intake of a controlled substance.

(2) If the magistrate determines that subsection (b)(1) of this section has been satisfied they
shall promptly order that the person's operator's license or privilege to operate a motor vehicle in
this state be immediately suspended. Said suspension shall be subject to the hardship provisions
enumerated in § 31-27-2.8.

(c) A traffic tribunal judge or magistrate, or a district court judge or magistrate, pursuant
to the terms of subsection (d) of this section, shall order as follows:

(1) Impose, for the first violation, a fine in the amount of two hundred dollars ($200) to
five hundred dollars ($500) and shall order the person to perform ten (10) to sixty (60) hours of
public community restitution. The person's driving license in this state shall be suspended for a
period of six (6) months to one year. The traffic tribunal judge or magistrate shall require attendance
at a special course on driving while intoxicated or under the influence of a controlled substance
and/or alcohol or drug treatment for the individual. The traffic tribunal judge or magistrate may
prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock
system and/or blood and urine testing as provided in § 31-27-2.8.

(2) Every person convicted of a second violation within a five-year (5) period, except with
respect to cases of refusal to submit to a blood test, shall be guilty of a misdemeanor; shall be
imprisoned for not more than six (6) months; shall pay a fine in the amount of six hundred dollars
($600) to one thousand dollars ($1,000); perform sixty (60) to one hundred (100) hours of public
community restitution; and the person's driving license in this state shall be suspended for a period
of one year to two (2) years. The judge or magistrate shall require alcohol and/or drug treatment
for the individual. The sentencing judge or magistrate shall prohibit that person from operating a
motor vehicle that is not equipped with an ignition interlock system and/or blood and urine testing
as provided in § 31-27-2.8.

(3) Every person convicted for a third or subsequent violation within a five-year (5) period,
except with respect to cases of refusal to submit to a blood test, shall be guilty of a misdemeanor;
and shall be imprisoned for not more than one year; fined eight hundred dollars ($800) to one
thousand dollars ($1,000); shall perform not less than one hundred (100) hours of public community
restitution; and the person's operator's license in this state shall be suspended for a period of two
(2) years to five (5) years. The sentencing judge or magistrate shall prohibit that person from
operating a motor vehicle that is not equipped with an ignition interlock system and/or blood and
urine testing as provided in § 31-27-2.8. The judge or magistrate shall require alcohol or drug
treatment for the individual. Provided, that prior to the reinstatement of a license to a person charged
with a third or subsequent violation within a three-year (3) period, a hearing shall be held before a
judge or magistrate. At the hearing, the judge or magistrate shall review the person's driving record,
his or her employment history, family background, and any other pertinent factors that would
indicate that the person has demonstrated behavior that warrants the reinstatement of his or her license.

(4) For a second violation within a five-year (5) period with respect to a case of a refusal
to submit to a blood test, a fine in the amount of six hundred dollars ($600) to one thousand dollars
($1,000); the person shall perform sixty (60) to one hundred (100) hours of public community
restitution; and the person's driving license in this state shall be suspended for a period of two (2)
years. The judicial officer shall require alcohol and/or drug treatment for the individual. The
sentencing judicial officer shall prohibit that person from operating a motor vehicle that is not
equipped with an ignition interlock system as provided in § 31-27-2.8. Such a violation with respect
to refusal to submit to a chemical blood test shall be a civil offense.

(5) For a third or subsequent violation within a five-year (5) period with respect to a case
of a refusal to submit to a blood test, a fine in the amount of eight hundred dollars ($800) to one
thousand dollars ($1,000); the person shall perform not less than one hundred (100) hours of public
community restitution; and the person's driving license in this state shall be suspended for a period
of two (2) to five (5) years. The sentencing judicial officer shall prohibit that person from operating
a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.
The judicial officer shall require alcohol and/or drug treatment for the individual. Such a violation
with respect to refusal to submit to a chemical test of blood shall be a civil offense. Provided, that
prior to the reinstatement of a license to a person charged with a third or subsequent violation within
a three-year (3) period, a hearing shall be held before a judicial officer. At the hearing, the judicial
officer shall review the person's driving record, his or her employment history, family background,
and any other pertinent factors that would indicate that the person has demonstrated behavior that
warrants the reinstatement of their license.

(6) For purposes of determining the period of license suspension, a prior violation shall
constitute any charge brought and sustained under the provisions of this section or § 31-27-2.

(7) In addition to any other fines, a highway safety assessment of five hundred dollars ($500) shall be paid by any person found in violation of this section, the assessment to be deposited into the general fund. The assessment provided for by this subsection shall be collected from a violator before any other fines authorized by this section.

(8) In addition to any other fines and highway safety assessments, a two-hundred-dollar ($200) assessment shall be paid by any person found in violation of this section to support the department of health's chemical testing programs outlined in §§ 31-27-2(f) and 31-27-2(g), that shall be deposited as general revenues, not restricted receipts.

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

(10) Implied consent notice for persons eighteen (18) years of age or older: "Rhode Island law requires you to submit to a chemical test of your blood, breath, or urine for the purpose of determining the chemical content of your body fluids or breath. If you refuse this testing, certain penalties can be imposed and include the following: for a first offense, your Rhode Island driver's license or privilege to operate a motor vehicle in this state can be suspended for six (6) months to one year or modified to permit operation in connection with an ignition interlock device for a period specified by law; a fine from two hundred dollars ($200) to five hundred dollars ($500) can be imposed; and you can be ordered to perform ten (10) to sixty (60) hours of community service and attend a special course on driving while intoxicated or under the influence of a controlled substance and/or alcohol or drug treatment. If you have had one or more previous offenses within the past five (5) years, your refusal to submit to a chemical test of breath or urine at this time can have criminal penalties, including incarceration up to six (6) months for a second offense and up to one year for a third or subsequent offense, and can carry increased license suspension or ignition interlock period, fines, and community service. All violators shall pay a five hundred dollar ($500) highway safety assessment fee, a two hundred dollar ($200) department of health chemical testing programs assessment fee, and a license reinstatement fee. Refusal to submit to a chemical test of blood shall not subject you to criminal penalties for the refusal itself, but if you have one or more previous offenses other civil penalties may increase. You have the right to be examined at your own expense by a physician selected by you. If you submit to a chemical test at this time, you have the right to have an additional chemical test performed at your own expense. You will be afforded a reasonable opportunity to exercise these rights. Access to a telephone will be made available for you to make those arrangements. You may now use a telephone."

LC003594/SUB A - Page 122 of 125
Use of this implied consent notice shall serve as evidence that a person’s consent to a chemical test is valid in a prosecution involving driving under the influence of liquor, controlled substances, and/or drugs.

(d) Upon suspending or refusing to issue a license or permit as provided in subsection (a), the traffic tribunal or district court shall immediately notify the person involved in writing, and upon his or her request, within fifteen (15) days, afford the person an opportunity for a hearing as early as practical upon receipt of a request in writing. Upon a hearing, the judge may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers. If the judge finds after the hearing that:

(1) The law enforcement officer making the sworn report had reasonable grounds to believe that the arrested person had been driving a motor vehicle within this state while under the influence of intoxicating liquor, toluene, or any controlled substance, as defined in chapter 28 of title 21, or any combination of these;

(2) The person, while under arrest, refused to submit to the tests upon the request of a law enforcement officer;

(3) The person had been informed of his or her rights in accordance with § 31-27-3; and

(4) The person had been informed of the penalties incurred as a result of noncompliance with this section, the judge shall sustain the violation. The judge shall then impose the penalties set forth in subsection (c) of this section. Action by the judge must be taken within seven (7) days after the hearing or it shall be presumed that the judge has refused to issue his or her order of suspension.

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

(f) If any provision of this section, or the application of any provision, shall, for any reason, be judged invalid, the judgment shall not affect, impair, or invalidate the remainder of the section, but shall be confined in this effect to the provisions or application directly involved in the controversy giving rise to the judgment.


(a) Notwithstanding any provision of § 31-27-2.1, if an individual refuses to consent to a chemical test as provided in § 31-27-2.1, and a peace officer, as defined in § 12-7-21, has probable cause to believe that the individual has violated one or more of the following sections: 31-27-1, 31-27-1.1, 31-27-2.2, or 31-27-2.6 and that the individual was operating a motor vehicle under the influence of any intoxicating liquor, toluene or any controlled substance as defined in chapter 21-28, or any combination thereof, a chemical test may be administered without the consent of that
individual provided that the peace officer first obtains a search warrant authorizing administration
of the chemical test. The chemical test shall determine the amount of the alcohol or the presence of
a controlled substance in that person's blood, saliva or breath.

(b) The chemical test shall be administered in accordance with the methods approved by
the director of the department of health as provided for in subdivision 31-27-2(c)(4). The individual
shall be afforded the opportunity to have an additional chemical test as established in subdivision
31-27-2(c)(6).

(c) Notwithstanding any other law to the contrary, including, but not limited to, chapter 5-
37.3, any health care provider who, as authorized by the search warrant in subsection (a):

(i) Takes a blood, saliva or breath sample from an individual; or

(ii) Performs the chemical test; or

(iii) Provides information to a peace officer pursuant to subsection (a) above and who uses
reasonable care and accepted medical practices shall not be liable in any civil or criminal
proceeding arising from the taking of the sample, from the performance of the chemical test or from
the disclosure or release of the test results.

(d) The results of a chemical test performed pursuant to this section shall be admissible as
competent evidence in any civil or criminal prosecution provided that evidence is presented in
compliance with the conditions set forth in subdivisions 31-27-2(c)(3), 31-27-2(c)(4) and 31-27-
2(c)(6).

(e) All chemical tests administered pursuant to this section shall be audio and video
recorded by the law enforcement agency which applied for and was granted the search warrant
authorizing the administration of the chemical test.

SECTION 13. This act shall take effect upon passage.

==========
LC003594/SUB A
==========
This act would legalize the possession of up to one ounce (1 oz.) of cannabis for personal use by adults aged twenty-one (21) and older. This act would establish the independent cannabis control commission and supporting advisory board to regulate the cultivation, manufacture and sale of cannabis for both medical and adult recreational use. The act would provide additional tax revenue, with a municipal three percent (3%) local excise tax for participating municipalities and a ten percent (10%) state excise tax added to the sale price for adult recreational use cannabis. This act would further permit the existing compassion centers to sell adult recreational use cannabis to adults over the age of twenty-one (21), on or after December 1, 2022, upon payment of a fee of one hundred twenty-five thousand dollars ($125,000). Upon promulgation of final rules and regulations by the cannabis control commission, twenty-four (24) retail licenses may be issued. Twenty-five percent (25%) of the retail licenses would be reserved for social equity applicants and an additional twenty-five percent (25%) would be reserved for issuance to workers’ cooperatives. The act would offer local control over the establishment of cannabis-related license holders within each municipality through their municipal council, and a ballot referendum to be placed on the November 8, 2022, ballot. The act would further require that the revenue obtained through all application and license fees, except license fees paid pursuant to chapter 28.6 of title 21 (compassion center fees) shall be used to create a social equity fund to benefit those negatively impacted by the criminalization of cannabis. The act would also provide for automatic expungement for prior cannabis possession convictions which have been decriminalized.

This act would take effect upon passage.