

2022 -- S 2430 SUBSTITUTE A

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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: Senators Miller, McCaffrey, Goodwin, Ruggerio, Coyne, Pearson,
Acosta, Kallman, Archambault, and Murray

Date Introduced: March 01, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

3 CHAPTER 28.11

4 THE RHODE ISLAND CANNABIS ACT

5 21-28.11-1. Short title.

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

7 21-28.11-2. Organizational structure.

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

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

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

1 and regulations promulgated by the commission pursuant hereto.

2 **21-28.11-3. Definitions.**

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

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

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

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

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

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

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

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

30 (ii) Hemp; or

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

33 (7) "Cannabis accessories" or "marijuana accessories" means equipment, products, devices
34 or materials of any kind that are intended or designed for use in planting, propagating, cultivating,

1 growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing,
2 testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise
3 introducing cannabis into the human body.

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

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

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

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

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

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

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

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

27 (16) "Cannabis retailer" or "marijuana retailer" means an entity licensed pursuant to § 21-
28 28.11-10.2 to purchase and deliver cannabis and cannabis products from cannabis establishments
29 and to deliver, sell or otherwise transfer cannabis and cannabis products to cannabis establishments
30 and to consumers.

31 (17) "Cannabis testing laboratory" means a third-party analytical testing laboratory that is
32 licensed annually by the commission, in consultation with the department of health, to collect and
33 test samples of cannabis and cannabis products pursuant to regulations issued by the commission
34 and is:

1 (i) Independent financially from any medical cannabis treatment center or any licensee or
2 cannabis establishment for which it conducts a test; and

3 (ii) Qualified to test cannabis in compliance with regulations promulgated by the
4 commission pursuant to this chapter. The term includes, but is not limited to, a cannabis testing
5 laboratory as provided in § 21-28.11-11.

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

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

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

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

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

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

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

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

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

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

34 (v)(A) The area has a disproportionately high rates of arrest, conviction, and incarceration

1 related to the sale, possession, use, cultivation, manufacture, or transportation of cannabis in
2 comparison to other communities and localities in the state; or

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

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

11 (24) "Final issuance of the commission's rules and regulations" means the rules and
12 regulations adopted by the commission after compliance with requirements of chapter 35 of title
13 42 (the "administrative procedures act") and chapter 46 of title 42 (the "open meetings act") and
14 shall not include any emergency, provisional or interim rules, regulations, requirements, orders,
15 instructions or procedures.

16 (25) "Finished cannabis" means a usable cannabis, cannabis resin or cannabis concentrate.

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

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

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

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

32 (30) "Licensee" means a person or entity licensed by the commission pursuant to the
33 provisions of this chapter. Any business structure recognized under title 7 of the general laws,
34 including, but not limited to, corporations, partnerships, limited partnerships, limited-liability

1 companies, and workers' cooperatives, which is otherwise qualified, is eligible to be considered by
2 the commission as an entity licensee.

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

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

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

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

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

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

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

32 (38) "Social equity applicant" means an applicant that has been disproportionately
33 impacted by criminal enforcement of marijuana laws, including individuals convicted of nonviolent
34 marijuana offenses, immediate family members of individuals convicted of nonviolent marijuana

1 offenses and individuals who have resided in disproportionately impacted areas for at least five (5)
2 of the last ten (10) years, as determined by the commission after consultation with the cannabis
3 advisory board, and further specified in the rules and regulations that shall identify factors and other
4 considerations to be evaluated in certifying applicants as social equity applicants, provided that
5 such applicants shall at a minimum meet one of the following criteria:

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

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

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

13 (B) Is a member of an impacted family.

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

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

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

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

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

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

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

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

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

1 **21-28.11-4. Cannabis control commission.**

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

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

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

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

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

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

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

27 or

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

29 (d) Term Limits. Term limits on the initial commissioners shall be as follows: The
30 appointee chosen after consideration of the list provided to the governor by the speaker of the house
31 shall serve an initial term of three (3) years and shall be eligible for reappointment in accordance
32 with this section. Of the appointees chosen by the governor without regard to the list submitted by
33 the speaker of the house, one shall serve an initial term of two (2) years, and one shall serve an
34 initial term of one year and both shall be eligible for reappointment in accordance with this section.

1 (1) Each initial commissioner is eligible for reappointment for one six (6) year term or until
2 a successor is appointed. Each subsequent commissioner shall serve for a term of six (6) years or
3 until a successor is appointed. Every person appointed or reappointed to fill a vacancy on the
4 cannabis control commission shall be appointed in the manner established pursuant to this section.

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

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

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

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

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

32 (2) For purposes of this section, "procedural matters", as so designated by the chair, include
33 scheduling, inclusion of agenda items, administrative compliance decisions, ministerial matters,
34 routine clerical functions, and any other act delegated by the commission to be performed by an

1 employee of the commission or the cannabis office. Any procedural or administrative matter may
2 be heard, examined and investigated by a single commissioner or an employee of the commission
3 or the cannabis office as designated and assigned by the chair, with the concurrence of one other
4 commissioner. If designated by the commission or the cannabis office, the designated employee
5 shall make a report in writing relative to the hearing, examination and investigation of every
6 procedural or administrative matter. For the purposes of hearing, examining and investigating any
7 procedural or administrative matter, the designated employee shall have all of the powers conferred
8 upon a commissioner by this section. Any procedural or administrative decision made by a single
9 commissioner or designated employee may be appealed within ten (10) days of issuance of the
10 decision for a hearing before the full commission.

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

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

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

30 (k) Prohibition on discrimination. The commission and all personnel and employees
31 operating under the jurisdiction of the commission to include, but not limited to, personnel of the
32 cannabis office, shall not unlawfully discriminate by considering race, color, religion, sex, sexual
33 orientation, gender identity or expression, age, national origin, or disability in granting, denying,
34 or revoking a license, nor shall any person, corporation, or business firm which is licensed pursuant

1 to the provisions of this chapter unlawfully discriminate against or segregate any person based on
2 these grounds. All businesses licensed by the commission shall operate on a nondiscriminatory
3 basis, according to equal employment treatment and access to their services to all persons, unless
4 otherwise exempted by the laws of the state. Any licensee who fails to comply with this policy is
5 subject to any disciplinary action that is consistent with the legal authority and rules and regulations
6 of the commission. The commission shall cooperate with the state equal opportunity office to
7 prevent any person, corporation, or business firm from unlawfully discriminating because of race,
8 color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or
9 disability or from participating in any practice which may have a disparate effect on any protected
10 class within the population. The state equal opportunity office shall monitor the equal employment
11 opportunity activities and affirmative action plans of the commission.

12 **21-28.11-5. Powers and duties of the commission.**

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

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

18 (2) Determine which applicants shall be awarded licenses;

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

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

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

25 (6) Establish a registration process;

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

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

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

33 (10) Apply for and accept subventions, grants, loans, advances and contributions of money,
34 property, labor or other things of value from any source, to be held, used and applied for its purposes

1 subject to appropriation by the general assembly;

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

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

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

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

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

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

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

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

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

27 (16) In connection matters having to do with the discharge of the duties of the commission
28 pursuant to this chapter, the chairperson of the commission, in cases pending before the
29 commission, is hereby authorized and empowered to summon witnesses to attend and testify in a
30 like manner as in either the supreme or superior courts. The commission is authorized to compel
31 the production of all papers, books, documents, records, certificates, or other legal evidence that
32 may be necessary for the determination and the decision of any question or the discharge of any
33 duty required by law of the commission, by issuing a subpoena duces tecum signed by the
34 chairperson. Any person who shall willfully swear falsely in any proceedings, matter, or hearing

1 before the commission shall be subject to the law pertaining to the crime of perjury. Any person
2 who disobeys may be referred by the chairperson of the commission to the presiding justice of the
3 superior court for assignment of a hearing on civil contempt citation and/or to the attorney general
4 for criminal contempt prosecution

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

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

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

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

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

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

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

31 (24) Impose and collect fees, sanctions and administrative penalties, as authorized by this
32 chapter and established by regulation, and for a violation of any rule or regulation promulgated by
33 the commission except as of December 1, 2022, no fee shall be authorized or imposed for registry
34 identification cards or for plant tags;

1 (25) Establish adjudicatory procedures and conduct adjudicatory proceedings pursuant to
2 the provisions of chapter 35 of title 42 (the "administrative procedures act");

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

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

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

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

11 (30) Monitor any federal activity regarding cannabis;

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

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

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

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

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

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

34 (2) Requirements for the information to be furnished by an applicant or licensee;

1 (3) Criteria for evaluation of the application for a license;

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

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

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

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

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

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

21 (10) Minimum uniform standards of accounting procedures;

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

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

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

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

33 (15) Minimum security requirements for licensees sufficient to deter and prevent theft and
34 unauthorized entrance into areas containing cannabis, which may include ,but not be limited to, the

1 use of security personnel, security cameras, or alarms;

2 (16) Minimum standards for liability insurance coverage;

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

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

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

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

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

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

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

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

30 (23) Requirements to establish a process allowing the commission to order a prohibition
31 on the sale of a cannabis product found especially appealing to persons under twenty-one (21) years
32 of age including a means for allowing a cannabis product manufacturer to voluntarily submit a
33 product, its packaging and intended marketing to the commission for preliminary determination
34 whether the product is especially appealing to persons under twenty-one (21) years of age;

1 (24) Requirements that may prohibit cannabis product manufacturers from altering or
2 utilizing commercially-manufactured food products when manufacturing cannabis products unless
3 the food product was commercially manufactured specifically for use by the cannabis product
4 manufacturer to infuse with cannabis;

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

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

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

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

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

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

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

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

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

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

33 (viii) Include any additional requirements deemed necessary by the commission as
34 determined in consultation with the department of health; and

1 (ix) Allow the commission, in coordination with the department of health, at their
2 discretion, to temporarily remove, or phase in, any requirement for laboratory testing if it finds that
3 there is not sufficient laboratory capacity for the market;

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

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

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

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

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

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

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

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

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

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

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

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

31 (2) Require an adult retail purchaser to provide a cannabis retailer with identifying
32 information other than proper identification to determine the customer's age, and shall not require
33 the cannabis retailer to acquire or record personal information about customers other than
34 information typically required in a retail transaction;

1 (3) Except as provided pursuant to chapter 28.6 of title 21, authorize a cannabis retailer,
2 medical marijuana treatment center or a hybrid cannabis retailer to operate at a shared location with
3 a cultivator;

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

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

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

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

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

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

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

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

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

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

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

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

34 (e) The commission shall administer and enforce the provisions of this chapter and the rules

1 and regulations relating to licensing in this chapter and in its discretion and where appropriate may
2 delegate and authorize various administration and enforcement powers and duties to the cannabis
3 office.

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

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

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

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

17 **21-28.11-6. Cannabis advisory board.**

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

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

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

33 (2) The board shall consist of the following voting members: a social equity officer, who
34 shall be appointed by the governor and serve as chair of the advisory board; two (2) additional

1 members to be appointed by the governor, one of whom shall represent the cannabis laboratory
2 testing industry, and one of whom shall be appointed in accordance with subsection (e) of this
3 section; four (4) members to be appointed by the speaker of the house, one of whom shall represent
4 the cannabis cultivation industry, and three (3) of whom to be appointed in accordance with
5 subsection (e) of this section; and four (4) members to be appointed by the president of the senate,
6 one of whom shall represent the cannabis retail industry, and three (3) of whom to be appointed in
7 accordance with subsection (e) of this section.

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

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

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

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

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

25 (1) Consider all matters submitted to the board by the cannabis control commission;

26 (2) Advise and make recommendations to the commission on the preparation and
27 promulgation of guidelines, rules and regulations and any changes to guidelines, rules and
28 regulations that the advisory board deems fundamental or necessary for the commission's review
29 and consideration;

30 (3) Provide analysis and recommendations to the commission relating to the administration
31 and distribution of the social equity assistance fund established pursuant to § 21-28.11-31;

32 (4) Conduct all meetings in compliance with chapter 46 of title 42 (the "open meetings
33 act"); and

34 (5) Report the findings, analysis, recommendations and conclusions adopted and approved

1 by the board to the commission within thirty (30) days of adoption and approval.

2 (h) Subcommittees. The chair may appoint subcommittees in order to develop and report
3 recommendations and to expedite the work of the board; provided, however, that the chair shall
4 appoint:

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

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

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

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

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

19 **21-28.11-7. Licensed cannabis cultivators.**

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

25 (b) On August 1, 2022 and thereafter, any medical marijuana cultivator licensed or
26 approved pursuant to the provisions of § 21-28.6-16, upon payment of an additional license fee,
27 shall be permitted to cultivate, manufacture and process cannabis as a hybrid cannabis cultivator
28 for both adult use and medical use. The amount of the additional license fee shall be determined by
29 the office of cannabis regulation during the transitional period established by § 21-28.11-10 and
30 shall be subject to review by the commission pursuant to the final rules and regulations. The fee
31 shall be deposited in the social equity fund established in § 21-28.11-31. Sale of the cultivated
32 cannabis shall be made directly to a licensee pursuant to the provisions of this chapter and chapter
33 28.6 of title 21, subject to the following conditions:

34 (1) The cultivator must be in good standing and maintain the cultivator license pursuant to

1 the provisions of chapter 28.6 of title 21; and

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

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

9 (1) Cultivation and production history;

10 (2) Tax payment history;

11 (3) Existing inventory and inventory history;

12 (4) Sales contracts;

13 (5) Current and future projected market conditions; and

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

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

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

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

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

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

1 of the state;

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

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

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

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

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

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

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

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

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

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

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

1 (m) Persons issued cultivator licenses shall be subject to the following:

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

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

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

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

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

24 (n) Immunity.

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

31 (2) No principal officers, board members, agents, volunteers, or employees of a licensed
32 cannabis cultivator shall be subject to arrest; prosecution; search or seizure, except as authorized
33 pursuant to §§ 21-28.11-20 and 21-28.11-27 and subsection (f)(6) of this section; or penalty in any
34 manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary

1 action by a business, occupational, or professional licensing board or entity, solely for working for
2 or with a licensed cannabis cultivator to engage in acts permitted by this chapter, chapter 28.6 of
3 title 21 and rules and regulations promulgated by the commission.

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

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

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

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

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

25 **21-28.11-8. Moratorium report.**

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

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

1 **21-28.11-9. Cannabis product manufacturer or wholesaler.**

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

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

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

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

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

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

19 (5) Has provided a nonrefundable application fee as determined by the commission and
20 promulgated by rules and regulations; and

21 (6) Prior to issuance of any license and for any period of renewal, the applicant shall submit
22 an annual license fee as determined by the commission and promulgated by rules and regulations
23 to be deposited in the social equity fund established in § 21-28.1--31.

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

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

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

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

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

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

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

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

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

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

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

26 (i) Immunity.

27 (1) No licensed cannabis product manufacturer or wholesaler shall be subject to: arrest;
28 prosecution; search or seizure, except as authorized pursuant to §§ 21-28.11-20 and 21-28.11-27
29 and by subsection (e) of this section; or penalty in any manner, or denied any right or privilege,
30 including, but not limited to, civil penalty or disciplinary action by a business, occupational, or
31 professional licensing board or entity, solely for acting in accordance with this chapter, chapter
32 28.6 of title 21 and rules and regulations promulgated by the commission.

33 (2) No principal officers, board members, agents, volunteers, or employees of a licensed
34 cannabis product manufacturer or wholesaler shall be subject to arrest; prosecution; search or

1 seizure, except as authorized pursuant to §§ 21-28.11-20 and 21-28.11-27 and by subsection (e) of
2 this section; or penalty in any manner, or denied any right or privilege, including, but not limited
3 to, civil penalty or disciplinary action by a business, occupational, or professional licensing board
4 or entity, solely for working for or with a licensed cannabis product manufacturer or wholesaler to
5 engage in acts permitted by this chapter, chapter 28.6 of title 21 or rules and regulations
6 promulgated by the commission.

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

15 **21-28.11-10. Hybrid cannabis retailers.**

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

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

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

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

29 (b) During the transitional period specified in § 21-28.11-10.1, hybrid cannabis retailers
30 shall comply with directives of state agencies, departments and offices exercising regulatory
31 authority pursuant to § 21-28.11-10.1(b), and directives provided or issued by the commission to
32 protect public health and public safety. Failure to comply with a rule or directive issued pursuant
33 to provisions of this subsection and § 21-28.11-10.1(b), may result in a revocation or suspension
34 of the authorization to conduct adult use cannabis sales as ordered by the commission or office of

1 cannabis regulation.

2 (c) Following the final issuance of the commission's rules and regulations, hybrid cannabis
3 retailers shall be subject to the commission's rules and regulations for all sales authorization and
4 renewals to include, but not limited to, any licensing requirements.

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

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

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

28 **21-28.11-10.1. Transitional period and transfer of authority.**

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

34 (b) During the transitional period, the office of cannabis regulation shall prescribe such

1 forms, procedures, and requirements as necessary to facilitate the acquisition of hybrid retail and
2 cultivation licenses by compassion centers and cultivators licensed pursuant to chapter 28.6 of title
3 21.

4 (c) Such forms, procedures, and requirements shall be posted on the website of the office
5 of cannabis regulation no later than October 15, 2022, at which time an application period will
6 commence. Applications shall be received, reviewed, and approved on a rolling basis provided that
7 in no case shall an approved hybrid retailer begin adult use sales before December 1, 2022.

8 (d) The forms, procedures, and requirements prescribed by the office of cannabis regulation
9 shall incorporate, but shall not be limited to, the following:

10 (1) Requirements pertaining to the physical premises of hybrid retail licensees. Where
11 physically possible these shall include prospective licensee plans to physically separate marijuana
12 and marijuana products designated for adult use and medical sales, respectively, in inventory,
13 storage, and customer-facing floor and display areas; plans to physically separate sales areas for
14 adult use and medical sales, which may be provided by a temporary or semi-permanent physical
15 barrier; plans to provide and maintain a patient consultation area that will allow privacy for
16 confidential consultation with qualifying patients; and plans to prioritize patient and caregiver
17 identification verification and physical entry into retail areas in the event of capacity or other
18 constraints; however, if the premises of a hybrid retail licensee does not allow the licensee to meet
19 the requirements of this subsection or would cause undue hardship on the licensee, the office of
20 cannabis regulation may authorize the hybrid retail licensee to conduct adult use sales at an adjunct
21 location. In authorizing any such adjunct location, the office shall require, at a minimum, the
22 following:

23 (i) The adjunct location must be physically located within the same municipality and
24 geographic zone;

25 (ii) The adjunct location must comply with all municipal zoning requirements and obtain
26 municipal approval;

27 (iii) The approval of any adjunct location will not cause undue hardship upon another
28 licensed cannabis retailer; and

29 (iv) In the instance that an adjunct location is approved by the office, the hybrid cannabis
30 retailer shall not be permitted to engage in the sale of cannabis for adult use at more than one
31 premises.

32 (2) Requirements pertaining to inventory, product, and sales tracking. These shall include
33 prospective licensee submission of plans to electronically separate finished marijuana products
34 designated for medical or adult use sales in hybrid licensees' inventory and sales tracking systems.

1 If prospective hybrid licensees are conducting cultivation activities, they shall submit plans to
2 distinguish between sales of marijuana or finished marijuana products at wholesale based on
3 designation for medical or adult use sales.

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **21-28.11-10.2. Cannabis retail sales.**

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

21 (1) The retail licenses shall be issued pursuant to geographic zones as specified in § 21-
22 28.11-10.3.

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

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

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

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

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

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

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

34 (3) Undergo a criminal record background check pursuant to § 21-28.11-12.1 and on any

1 terms established by the commission;

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

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

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

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

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

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

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

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

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

31 (2) When a licensed cannabis retailer notifies the commission of any changes listed in this
32 subsection, the commission shall issue the licensed cannabis retailer a new license identification
33 document after the commission approves the changes and receives from the licensee payment of a
34 fee specified in regulation;

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

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

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

13 (i) Immunity.

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

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

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

34 **21-28.11-10.3. Geographic zones.**

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

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

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

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

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

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

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

16 **21-28.11-10.4. Medical marijuana program parity.**

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

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

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

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

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

32 **21-28.11-11. Cannabis testing laboratories -- Licensure and oversight.**

33 (a) In consultation with the department of health, the commission shall have authority to
34 promulgate regulations to create and implement all licenses involving cannabis reference testing

1 requirements, including approval of laboratory proficiency programs and proficiency sample
2 providers, quality assurance sample providers, round robin testing and regulations establishing
3 quality control and test standardization, and create and implement additional types and classes of
4 licensed cannabis testing facilities in accordance with regulations promulgated hereunder.

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

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

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

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

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

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

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

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

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

1 of the state;

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

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

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

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

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

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

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

19 (3) A laboratory agent shall undergo a criminal background check pursuant to § 21-28.11-
20 12.1 and on terms established by the commission, prior to volunteering or working at a cannabis
21 testing laboratory. Laboratory agents shall also have a continuing duty to notify the commission of
22 any criminal conviction(s) that occur after the issuance of a registration document. A criminal
23 conviction shall not automatically result in suspension or revocation of registration, but shall be
24 subject to § 21-28.11-12.1; and

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

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

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

1 (g) Persons issued cannabis testing laboratory licenses shall be subject to the following:

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

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

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

15 (4) A licensed cannabis testing laboratory has a continuing duty to notify the commission
16 of any criminal conviction(s) of a laboratory licensee or agent that occurs after the issuance of a
17 license or registration. A criminal conviction relating solely to a cannabis offense shall not
18 automatically result in suspension or revocation of a license, but shall be subject to § 21-28.11-
19 12.1.

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

23 (h) Immunity.

24 (1) No licensed cannabis testing laboratory licensee or agent shall be subject to: arrest;
25 prosecution; search or seizure, except as authorized pursuant to §§ 21-28.11-20 and 21-28.11-27
26 and by subsection (f) of this section; or penalty in any manner, or denied any right or privilege,
27 including, but not limited to, civil penalty or disciplinary action by a business, occupational, or
28 professional licensing board or entity, solely for acting in accordance with this chapter, chapter
29 28.6 of title 21 and the rules and regulations promulgated by the commission.

30 (2) No principal officers, board members, agents, volunteers, or employees of a licensed
31 cannabis testing laboratory shall be subject to arrest; prosecution; search or seizure, except as
32 authorized pursuant to §§ 21-28.11-20 and 21-28.11-27 and by subsection (f) of this section; or
33 penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty
34 or disciplinary action by a business, occupational, or professional licensing board or entity, solely

1 for working for or with a licensed cannabis cultivator to engage in acts permitted by this chapter,
2 chapter 28.6 of title 21 and the rules and regulations promulgated by the commission.

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

11 **21-28.11-12. Licenses for handlers and employees.**

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

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

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

22 (a) The commission shall require all applicants for license and registration under this
23 chapter to undergo a national criminal background check prior to issuing any license or registration.
24 The applicant shall apply to the bureau of criminal identification of the department of attorney
25 general, department of public safety division of state police, or local police department for a
26 national background check that shall include fingerprints submitted to the Federal Bureau of
27 Investigation. Upon the discovery of any criminal record information, the bureau of criminal
28 identification of the department of attorney general, department of public safety division of state
29 police, or the local police department shall inform the applicant, in writing, of the nature of the
30 criminal record information. The bureau of criminal identification of the department of attorney
31 general, department of public safety division of state police, or the local police department shall
32 also inform the commission, in writing, of the nature of the criminal record information. In those
33 situations in which no criminal record information has been found, the bureau of criminal
34 identification of the department of attorney general, department of public safety division of state

1 police, or the local police department shall inform the applicant and the commission, in writing, of
2 this fact. The applicant shall be responsible for any expense associated with the national
3 background check.

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

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

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

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

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

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

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

33 (1) The state's legitimate interest in protecting the property and the safety and welfare of
34 specific individuals or the general public;

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

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

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

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

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

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

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

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

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

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

25 (1) Juvenile adjudications;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 **21-28.11-12.2. Labor peace agreement -- Requirements.**

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

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

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

33 (b) All retail licensees, including retail licensees pursuant to § 21-28.11-10.2, hybrid
34 cannabis retailers pursuant to § 21-28.11-10, and compassion centers licensed pursuant to chapter

1 28.6 of title 21 shall, enter into, maintain, and abide by the terms of a labor peace agreement, and
2 shall submit to the commission an attestation by a bona fide labor organization stating that the
3 applicant meets this section's requirements.

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

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

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

14 **21-28.11-13. Taxes.**

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

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

18 (2) A state cannabis excise tax equal to ten percent (10%) of each retail sale as defined in
19 § 44-18-8; and

20 (3) A local cannabis excise tax equal to three percent (3%) of each retail sale as defined in
21 § 44-18-8.

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

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

33 (d) There is created within the general fund a restricted receipt account known as the
34 "marijuana trust fund." Revenue collected from the state cannabis excise tax or associated amounts

1 as penalties, forfeitures, interest, costs of suit, and fines for failure to timely report or pay the state
2 cannabis excise tax shall be deposited into this account and used to fund programs and activities
3 related to program administration; revenue collection and enforcement; substance use disorder
4 prevention for adults and youth; education and public awareness campaigns, including awareness
5 campaigns relating to driving under the influence of cannabis; treatment and recovery support
6 services; public health monitoring, research, data collection, and surveillance; law enforcement
7 training and technology improvements, including grants to local law enforcement; and such other
8 related uses that may be deemed necessary.

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

10 **21-28.11-14. Municipal fees.**

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

15 **21-28.11-15. Municipal authority.**

16 (a) Other than a city or town that is a host community for an existing licensed medical
17 cannabis treatment center, any city or town may, by resolution of the city or town council, cause to
18 be printed on the ballot in an election held on or before November 8, 2022, the following question:
19 "Shall new cannabis related licenses for businesses involved in the cultivation, manufacture,
20 laboratory testing and for the retail sale of adult recreational use cannabis be issued in the city (or
21 town)?"

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

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

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

1 21-28.11-13.

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

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

8 **21-28.11-16. Local control.**

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

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

15 (i) Prevent the conversion of a medical marijuana compassion center licensed or registered
16 engaged in the manufacture or sale of cannabis or cannabis products to an adult use retail cannabis
17 establishment engaged in the same type of activity under this chapter; or

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

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

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

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

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

33 (c) No city or town shall prohibit the transportation of cannabis or cannabis products or
34 adopt an ordinance or by-law that makes the transportation of cannabis or cannabis products

1 unreasonable and impracticable.

2 **21-28.11-17. No right to license.**

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

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

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

12 **21-28.11-17.1 General conditions for licenses.**

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

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

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

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

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

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

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

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

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

9 (6) Every individual who will be a controlling person of the proposed cannabis
10 establishment has not been convicted of a felony or convicted of an offense in another state that
11 would be a felony in this state and which would substantially relate to the occupation for which the
12 applicant has applied for licensure, or the prior conviction is solely for a marijuana possession
13 offense subject to expungement, or the individual is determined to be not disqualified pursuant to
14 § 21-28.11-12.1.

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

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

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

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

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

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

34 (g) No cannabis establishment shall allow any person under twenty-one (21) years of age

1 to volunteer or work for the cannabis establishment.

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

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

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

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

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

15 **21-28.11-18. Enforcement.**

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

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

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

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

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

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

32 (2) If the commission finds that emergency action imperative to public health, safety, or
33 welfare is required, and incorporates a finding to that effect in its order, summary suspension of
34 license or registration and/or cease and desist may be ordered pending proceedings for revocation

1 or other action. Any such proceedings shall be promptly instituted and determined pursuant to the
2 provisions of § 21-28.11-5(a)(31).

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

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

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

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

25 **21-28.11-18.1. Cannabis office.**

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

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

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

34 (d) The administrator of the cannabis office shall report to the commission, and consistent

1 with the provisions of this chapter and in furtherance of coordinating the oversight and
2 administration of cannabis use shall have the following powers, duties and responsibilities:

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

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

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

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

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

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

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

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

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

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

26 (11) Issue guidance and industry advisories;

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

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

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

1 and

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

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

12 **21-28.11-19. Multiple licenses restricted.**

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

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

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

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

25 **21-28.11-20. Inspections, audits and investigations.**

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

32 (b) The commission may request and authorize administrative inspections to be conducted
33 by the department of health or the state police. For purposes of this section, "administrative
34 inspection" shall mean any inspection, independent of a criminal investigation, that is conducted

1 for the purpose of determining compliance with applicable state law and rules and regulations of
2 the commission.

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

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

10 **21-28.11-21. Expiration and renewal.**

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

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

17 **21-28.11-22. Personal use of cannabis.**

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

22 (1) Possessing, using, purchasing from a licensed cannabis retailer, or processing one ounce
23 (1 oz.) or less of cannabis, or the equivalent amount in the form of cannabis concentrate;

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

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

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

34 (5) Giving away or otherwise transferring without remuneration up to one ounce (1 oz.) of

1 cannabis, or the equivalent amount in the form of cannabis concentrate, to a person twenty-one (21)
2 years of age or older, as long as the transfer is not advertised or promoted to the public.

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

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

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

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

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

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

30 **21-28.11-24. Lawful operation of cannabis establishments.**

31 (a) Notwithstanding any general or special law to the contrary, except as otherwise
32 provided in this chapter or in rules and regulations adopted pursuant to the provisions of this
33 chapter, the following persons involved in the distribution of cannabis as authorized by this chapter
34 shall not be arrested, prosecuted, penalized, sanctioned or disqualified and shall not be subject to

1 seizure or forfeiture of assets for activities specified for:

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

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

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

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

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

29 **21-28.11-25. Contracts pertaining to cannabis enforceable.**

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

1 permitted pursuant to the license is prohibited by federal law.

2 **21-28.11-26. Provision of professional services.**

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

7 **21-28.11-27. Penalties.**

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

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

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

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

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

26 **21-28.11-27.1. No minors on the premises of marijuana establishments.**

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

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

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

1 **21-28.11-27.2. Drug awareness program.**

2 The department of behavioral healthcare, development disabilities and hospitals (BHDDH)
3 shall develop substance abuse prevention programs and student assistance programs for youth
4 pursuant to chapter 21.1 and 21.3 of title 16, and in accordance with the criteria set forth in §§ 16-
5 21.2-4(a) and 16-21.3-2(a). The drug awareness program shall provide at least four (4) hours of
6 classroom instruction or group discussion and ten (10) hours of community service.

7 **21-28.11-28. Liability to state under this chapter as debt.**

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

12 **21-28.11-29. Prohibited activities.**

13 (a) This chapter shall not permit:

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

16 (2) The smoking or vaporizing of cannabis:

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

18 (ii) On any school grounds;

19 (iii) In any correctional facility;

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

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

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

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

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

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

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

34 (c) Fraudulent representation to a law enforcement official of any fact or circumstance

1 relating to the medical use of marijuana to avoid arrest or prosecution shall be punishable by a fine
2 of five hundred dollars (\$500) which shall be in addition to any other penalties that may apply for
3 making a false statement for the nonmedical use of cannabis.

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

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

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

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

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

34 (1) Driving, operating, or being in actual physical control of a vehicle or a vessel under

1 power or sail while impaired by cannabis or cannabis products;

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

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

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

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

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

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

18 **21-28.11-30. Employer's duties.**

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

22 **21-28.11-31. Social equity assistance program and fund.**

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

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

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

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

1 incarcerations.

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

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

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

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

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

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

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

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

29 (c) The social equity assistance fund shall be subject to appropriation. The fund shall
30 consist of all monies received on account of the state as a result of application for, and licensing of,
31 individuals and entities pursuant to the provisions of this chapter, exclusive of licensing fees paid
32 pursuant to the provisions of chapter 28.6 of title 21. Additionally, except as otherwise provided,
33 the fund shall consist of all administrative penalties received for violations of this chapter, except
34 tax violations and interest earned on balances in the fund.

1 (d) The commission shall administer the social equity assistance fund and the authorized
2 disbursement of funds, as appropriated by the general assembly. In consultation with the cannabis
3 advisory board, the commission shall promulgate rules and regulations establishing the criteria,
4 eligibility, qualifications and process for administering the disbursement of funds from the social
5 equity assistance fund.

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

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

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

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

14 (f) Fee waivers.

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

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

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

29 (h) Reporting.

30 (1) By September 1, 2023, and on the first day of September of every year thereafter, or
31 upon request by the commission, each cannabis establishment licensed under this chapter and § 21-
32 28.6-12 ("The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act") shall report to
33 the commission, on a form to be provided by the commission, information that will allow it to
34 assess the extent of diversity in the medical and adult use cannabis industry and methods for further

1 reducing or eliminating any identified barriers to entry, including without limitation, access to
2 capital.

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

7 (i) The number and percentage of licenses provided to social equity applicants;

8 (ii) The total number and percentage of employees in the cannabis industry who meet the
9 criteria in the definition of social equity applicant; and

10 (iii) Recommendations on reducing or eliminating any identified barriers to entry,
11 including access to capital, in the cannabis industry.

12 **21-28.11-32. Severability.**

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

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

19 CHAPTER 44-49

20 Taxation of Marijuana and Controlled Substances

21 CHAPTER 44-49

22 CONTROLLED SUBSTANCES TAXATION ACT

23 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-
24 49-9.1, 44-49-10, 44-49-11 and 44-49-12 of the General Laws in Chapter 44-49 entitled "Taxation
25 of Marijuana and Controlled Substances" are hereby amended to read as follows:

26 **44-49-1. Short title.**

27 This chapter shall be known as the "~~Marijuana and~~ Controlled Substances Taxation Act".

28 **44-49-2. Definitions.**

29 (a) "Controlled substance" means any drug or substance, whether real or counterfeit, as
30 defined in § 21-28-1.02(8), that is held, possessed, transported, transferred, sold, or offered to be
31 sold in violation of Rhode Island laws. "Controlled substance" does not include marijuana.

32 (b) "Dealer" means a person who in violation of Rhode Island law manufactures, produces,
33 ships, transports, or imports into Rhode Island or in any manner acquires or possesses ~~more than~~
34 ~~forty two and one half (42.5) grams of marijuana, or seven (7) or more grams of any controlled~~

1 substance, or ten (10) or more dosage units of any controlled substance which is not sold by weight.
2 A quantity of ~~marijuana~~ or a controlled substance is measured by the weight of the substance
3 whether pure or impure or dilute, or by dosage units when the substance is not sold by weight, in
4 the dealer's possession. A quantity of a controlled substance is dilute if it consists of a detectable
5 quantity of pure controlled substance and any excipients or fillers.

6 ~~(e) "Marijuana" means any marijuana, whether real or counterfeit, as defined in § 21-28-~~
7 ~~1.02(30), that is held, possessed, transported, transferred, sold, or offered to be sold in violation of~~
8 ~~Rhode Island laws.~~

9 **44-49-4. Rules.**

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

14 **44-49-5. Tax payment required for possession.**

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

18 **44-49-7. Pharmaceuticals.**

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

21 **44-49-8. Measurement.**

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

27 **44-49-9. Tax rate.**

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

30 ~~(1) On each gram of marijuana, or each portion of a gram, three dollars and fifty cents~~
31 ~~(\$3.50); and~~

32 ~~(2)(1)~~ On each gram of controlled substance, or portion of a gram, two hundred dollars
33 (\$200); or

34 ~~(3)(2)~~ On each ten (10) dosage units of a controlled substance that is not sold by weight,

1 or portion of the dosage units, four hundred dollars (\$400).

2 **44-49-9.1. Imposition of tax, interest and liens.**

3 (a) Any law enforcement agency seizing ~~marijuana and/or~~ controlled substances as defined
4 in § 44-49-2 in the quantities set forth in that section shall report to the division of taxation no later
5 than the twenty-fifth (25th) of each month, the amount of all ~~marijuana and~~ controlled substances
6 seized during the previous month and the name and address of each dealer from whom the
7 ~~marijuana and~~ controlled substances were seized.

8 (b) The tax administrator shall assess the dealer for any tax due at the rate provided by §
9 44-49-9. The tax shall be payable within fifteen (15) days after its assessment and, if not paid when
10 due, shall bear interest from the date of its assessment at the rate provided in § 44-1-7 until paid.

11 (c) The tax administrator may file a notice of tax lien upon the real property of the dealer
12 located in this state immediately upon mailing a notice of assessment to the dealer at the address
13 listed in the report of the law enforcement agency. The tax administrator may discharge the lien
14 imposed upon the filing of a bond satisfactory to the tax administrator in an amount equal to the
15 tax, interest and penalty imposed under this chapter.

16 **44-49-10. Penalties -- Criminal provisions.**

17 (a) Penalties. Any dealer violating this chapter is subject to a penalty of one hundred
18 percent (100%) of the tax in addition to the tax imposed by § 44-49-9. The penalty will be collected
19 as part of the tax.

20 (b) Criminal penalty; sale without affixed stamps. In addition to the tax penalty imposed,
21 a dealer distributing or possessing ~~marijuana or~~ controlled substances without affixing the
22 appropriate stamps, labels, or other indicia is guilty of a crime and, upon conviction, may be
23 sentenced to imprisonment for not more than five (5) years, or to payment of a fine of not more
24 than ten thousand dollars (\$10,000), or both.

25 (c) Statute of limitations. An indictment may be found and filed, or a complaint filed, upon
26 any criminal offense specified in this section, in the proper court within six (6) years after the
27 commission of this offense.

28 **44-49-11. Stamp price.**

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

32 **44-49-12. Payment due.**

33 (a) Stamps affixed. When a dealer purchases, acquires, transports, or imports into this state
34 ~~marijuana or~~ controlled substances on which a tax is imposed by § 44-49-9, and if the indicia

1 evidencing the payment of the tax have not already been affixed, the dealer shall have them
2 permanently affixed on the ~~marijuana~~ or controlled substance immediately after receiving the
3 substance. Each stamp or other official indicia may be used only once.

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

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

8 CHAPTER 70

9 CANNABIS TAX

10 44-70-1. Definitions.

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

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

15 (2) "Cannabis," "marijuana establishment," "marijuana paraphernalia," "marijuana
16 products" and "marijuana retailer", shall have the same meaning as defined in chapter 28.11 of title
17 21.

18 (3) "Cannabis control commission" means the entity established as set forth in chapter
19 28.11 of title 21.

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

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

22 44-70-2. State cannabis excise tax -- Rate -- Payment.

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

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

1 part of the price or charge, is a debt from the consumer or user to the state and is recoverable at law
2 in the same manner as other debts.

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

7 **44-70-3. Local cannabis excise tax.**

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

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

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

24 **44-70-4. Exemptions.**

25 The state cannabis excise tax and the local cannabis excise tax provided by this chapter
26 shall not apply to the sale of cannabis or cannabis products by a medical marijuana treatment center
27 as defined in § 21-28.11-3 to a primary caregiver to a qualifying patient as defined in § 21-28.6-3,
28 cardholder, compassion center cardholder, or authorized purchaser pursuant to chapter 28.6 of title
29 21.

30 **44-70-5. Application of tax revenue.**

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

1 **44-70-6. Rates of taxation.**

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

5 **44-70-7. Returns.**

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

10 (b) If for any reason an adult use cannabis retailer fails to collect the tax imposed §§ 44-
11 70-2 and 44-70-3 from the purchaser, the purchaser shall file a return and pay the tax directly to
12 the state, on or before the date required by subsection (a) of this section.

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

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

21 **44-70-8. Sale of contraband products prohibited.**

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

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

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

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

33 **44-70-9. Recordkeeping.**

34 (a) Each licensee shall maintain copies of invoices or equivalent documentation for, or

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

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

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

18 **44-70-10. Inspections and investigations.**

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

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

27 (c) For the purpose of determining the correctness of any return, determining the amount
28 of tax that should have been paid, determining whether or not the licensee should have made a
29 return or paid taxes, or collecting any taxes under this chapter, the tax administrator may examine,
30 or cause to be examined, any books, papers, records, or memoranda, that may be relevant to making
31 those determinations, whether the books, papers, records, or memoranda, are the property of or in
32 the possession of the licensee or another person. The tax administrator may require the attendance
33 of any person having knowledge or information that may be relevant, compel the production of
34 books, papers, records, or memoranda by persons required to attend, take testimony on matters

1 material to the determination, and administer oaths or affirmations. Upon demand of the tax
2 administrator or any examiner or investigator, any court shall issue a subpoena for the attendance
3 of a witness or the production of books, papers, records, and memoranda. Disobedience of
4 subpoenas issued under this chapter is punishable by the superior court of the district in which the
5 subpoena is issued.

6 **44-70-11. Suspension or revocation of license.**

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

11 **44-70-12. Seizure and destruction.**

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

21 **44-70-13. Penalties.**

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

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

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

33 (b) Negligence. If any part of a deficiency is due to negligence or intentional disregard of
34 the Rhode Island General Laws or rules or regulations under this chapter (but without intent to

1 defraud), five percent (5%) of that part of the deficiency shall be added to the tax.

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

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

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

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

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

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

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

1 **44-70-14. Claim for refund.**

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

9 **44-70-15. Hearings and appeals.**

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

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

27 **44-70-16. Disclosure of confidential information.**

28 (a) It shall be unlawful, except in proceedings before a court of competent jurisdiction or
29 to collect the taxes or enforce the penalties provided by chapter 70 of this title, for the tax
30 administrator or any person having an administrative duty under those chapters to make known in
31 any manner whatever the business affairs, operations, or information obtained by an investigation
32 of records and equipment of any cannabis retailer or any other person visited or examined in the
33 discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any
34 particular, stated or disclosed in any return, or to permit any return or copy or any book containing

1 any abstract or particulars to be seen or examined by any person. The tax administrator may
2 authorize examination of his or her records and the returns filed with the administrator by the tax
3 authorities of another state or of the federal government if a reciprocal arrangement exists.

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

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

12 **44-70-17. Transfer of revenue.**

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

17 **44-70-18. Rules and regulations.**

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

21 **44-70-19. Severability.**

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

26 **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**
27 **General Laws in Chapter 21-28.6 entitled "The Edward O. Hawkins and Thomas C. Slater Medical**
28 **Marijuana Act" are hereby amended to read as follows:**

29 **21-28.6-5. Departments of health and business regulation to issue regulations.**

30 (a) Not later than ninety (90) days after the effective date of this chapter, the department of
31 health shall promulgate regulations governing the manner in which it shall consider petitions from
32 the public to add debilitating medical conditions to those included in this chapter. In considering
33 such petitions, the department of health shall include public notice of, and an opportunity to
34 comment in a public hearing, upon such petitions. The department of health shall, after hearing,

1 approve or deny such petitions within one hundred eighty (180) days of submission. The approval
2 or denial of such a petition shall be considered a final department of health action, subject to judicial
3 review. Jurisdiction and venue for judicial review are vested in the superior court. The denial of a
4 petition shall not disqualify qualifying patients with that condition, if they have a debilitating
5 medical condition as defined in § 21-28.6-3. The denial of a petition shall not prevent a person with
6 the denied condition from raising an affirmative defense.

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

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

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

27 **21-28.6-6. Administration of departments of health and business regulation**
28 **regulations.**

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

- 32 (1) Written certification as defined in § 21-28.6-3;
- 33 (2) Application fee, as applicable;
- 34 (3) Name, address, and date of birth of the qualifying patient; provided, however, that if

1 the patient is homeless, no address is required;

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

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

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

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

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

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

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

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

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

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

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

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

31 (f) If the qualifying patient's practitioner notifies the department of health in a written
32 statement that the qualifying patient is eligible for hospice care or chemotherapy, the department
33 of health and department of business regulation, as applicable, shall give priority to these
34 applications when verifying the information in accordance with subsection (e) and issue a registry

1 identification card to these qualifying patients, primary caregivers and authorized purchasers within
2 seventy-two (72) hours of receipt of the completed application. The departments shall not charge a
3 registration fee to the patient, caregivers or authorized purchasers named in the application. The
4 department of health may identify through regulation a list of other conditions qualifying a patient
5 for expedited application processing.

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

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

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

31 (3) The department of health or department of business regulation, as applicable, shall
32 maintain on file evidence that a criminal records check has been initiated on all applicants seeking
33 a primary caregiver registry identification card or an authorized purchaser registry identification
34 card and the results of the checks. The primary caregiver cardholder shall not be required to apply

1 for a national criminal records check for each patient he or she is connected to through the
2 department's registration process, provided that he or she has applied for a national criminal records
3 check within the previous two (2) years in accordance with this chapter. The department of health
4 and department of business regulation, as applicable, shall not require a primary caregiver
5 cardholder or an authorized purchaser cardholder to apply for a national criminal records check
6 more than once every two (2) years.

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

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

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

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

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

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

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

10 (3) Registry identification cards shall contain:

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

12 (ii) A random registry identification number;

13 (iii) A photograph; and

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

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

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

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

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

31 (4) When a qualifying patient cardholder or primary caregiver cardholder notifies the
32 department of health or department of business regulation, as applicable, of any changes listed in
33 this subsection, the department of health or department of business regulation, as applicable, shall
34 issue the qualifying patient cardholder and each primary caregiver cardholder a new registry

1 identification card within ten (10) days of receiving the updated information and a ten-dollar
2 (\$10.00) fee.

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

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

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

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

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

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

33 (2) The application for a qualifying patient's registry identification card shall include a
34 question asking whether the patient would like the department of health to notify him or her of any

1 clinical studies about marijuana's risk or efficacy. The department of health shall inform those
2 patients who answer in the affirmative of any such studies it is notified of, that will be conducted
3 in Rhode Island. The department of health may also notify those patients of medical studies
4 conducted outside of Rhode Island.

5 (3) The department of health and the department of business regulation, as applicable, shall
6 maintain a confidential list of the persons to whom the department of health or department of
7 business regulation has issued authorized patient, primary caregiver, and authorized purchaser
8 registry identification cards. Individual names and other identifying information on the list shall be
9 confidential, exempt from the provisions of Rhode Island access to public records, chapter 2 of title
10 38, and not subject to disclosure, except to authorized employees of the departments of health and
11 business regulation as necessary to perform official duties of the departments and pursuant to
12 subsections (l) and (m) of this section.

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

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

32 (n) On or before the fifteenth day of the month following the end of each quarter of the
33 fiscal year, the department of health and the department of business regulation shall report to the
34 governor, the speaker of the house of representatives, and the president of the senate on applications

1 for the use of marijuana for symptom relief. The report shall provide:

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

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

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

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

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

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

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

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

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

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

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

7 **21-28.6-12. Compassion centers.**

8 (a) A compassion center licensed under this section may acquire, possess, cultivate,

9 manufacture, deliver, transfer, transport, supply, or dispense medical marijuana, or related supplies

10 and educational materials, to registered qualifying patients and their registered primary caregivers

11 or authorized purchasers, or out-of-state patient cardholders or other marijuana establishment

12 licensees. Except as specifically provided to the contrary, all provisions of this chapter (the Edward

13 O. Hawkins and Thomas C. Slater medical marijuana act), apply to a compassion center unless the

14 provision(s) conflict with a provision contained in this section.

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

16 regulation:

17 (1) Not later than ninety (90) days after the effective date of this chapter, the department

18 of health shall promulgate regulations governing the manner in which it shall consider applications

19 for licenses for compassion centers, including regulations governing:

- 20 (i) The form and content of license and renewal applications;
- 21 (ii) Minimum oversight requirements for compassion centers;
- 22 (iii) Minimum record-keeping requirements for compassion centers;
- 23 (iv) Minimum security requirements for compassion centers; and
- 24 (v) Procedures for suspending, revoking, or terminating the license of compassion centers
- 25 that violate the provisions of this section or the regulations promulgated pursuant to this subsection.

26 (2) Within ninety (90) days of the effective date of this chapter, the department of health

27 shall begin accepting applications for the operation of a single compassion center.

28 (3) Within one hundred fifty (150) days of the effective date of this chapter, the department

29 of health shall provide for at least one public hearing on the granting of an application to a single

30 compassion center.

31 (4) Within one hundred ninety (190) days of the effective date of this chapter, the

32 department of health shall grant a single license to a single compassion center, providing at least

33 one applicant has applied who meets the requirements of this chapter.

34 (5) If at any time after fifteen (15) months after the effective date of this chapter, there is

1 no operational compassion center in Rhode Island, the department of health shall accept
2 applications, provide for input from the public, and issue a license for a compassion center if a
3 qualified applicant exists.

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

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

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

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

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

29 (10) A licensed cultivator may apply for, and be issued, an available compassion center
30 license, provided that the licensed cultivation premises is disclosed on the compassion center
31 application as the permitted second location for growing medical marijuana in accordance with
32 subsection (c)(i) of this section. If a licensed cultivator is issued an available compassion center
33 license, their cultivation facility license will merge with and into their compassion center license in
34 accordance with regulations promulgated by the department of business regulation. Once merged,

1 the cultivation of medical marijuana may then be conducted under the compassion center license
2 in accordance with this section and the cultivation license will be considered null and void and of
3 no further force or effect.

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

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

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

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

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

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

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

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

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

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

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

34 (3) Each time a new compassion center license is issued, the decision shall be based upon

1 the overall health needs of qualified patients and the safety of the public, including, but not limited
2 to, the following factors:

- 3 (i) Convenience to patients from areas throughout the state of Rhode Island;
- 4 (ii) The applicant's ability to provide a steady supply to the registered qualifying patients
5 in the state;
- 6 (iii) The applicant's experience running a non-profit or business;
- 7 (iv) The interests of qualifying patients regarding which applicant be granted a license;
- 8 (v) The interests of the city or town where the dispensary would be located taking into
9 consideration need and population;
- 10 (vi) Nothing herein shall prohibit more than one compassion center being geographically
11 located in any city or town;
- 12 (vii) The sufficiency of the applicant's plans for record keeping and security, which records
13 shall be considered confidential healthcare information under Rhode Island law and are intended
14 to be deemed protected healthcare information for purposes of the Federal Health Insurance
15 Portability and Accountability Act of 1996, as amended; and
- 16 (viii) The sufficiency of the applicant's plans for safety and security, including proposed
17 location, security devices employed, and staffing.

18 (4) A compassion center approved by the department of health on or before December 31,
19 2016, shall submit the following to the department before it may begin operations:

- 20 (i) A fee paid to the department in the amount of five thousand dollars (\$5,000);
- 21 (ii) The legal name and articles of incorporation of the compassion center;
- 22 (iii) The physical address of the compassion center; this may include a second address for
23 the secure cultivation of marijuana;
- 24 (iv) The name, address, and date of birth of each principal officer and board member of the
25 compassion center; and
- 26 (v) The name, address, and date of birth of any person who will be an agent of, employee,
27 or volunteer of the compassion center at its inception.

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

- 31 (A) A fee paid to the department in the amount of five thousand dollars (\$5,000);
- 32 (B) The legal name and articles of incorporation of the compassion center;
- 33 (C) The physical address of the compassion center; this may include a second address for
34 the secure cultivation of medical marijuana;

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

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

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

8 (A) A fee paid to the department in the amount of five hundred thousand dollars
9 (\$500,000);

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

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

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

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

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

34 (i) The name, address, and date of birth of the principal officer, board member, agent,

1 volunteer, or employee;

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

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

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

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

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

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

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

34 (iii) All registry identification card applicants, except for employees with no ownership,

1 equity, financial interest, or managing control of a marijuana establishment license, shall be
2 responsible for any expense associated with the criminal background check with fingerprints.

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

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

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

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

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

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

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

32 (d) Expiration or termination of compassion center:

33 (1) On or before December 31, 2016, a compassion center's license shall expire two (2)
34 years after its license is issued. On or after January 1, 2017, a compassion center's license shall

1 expire one year after its license is issued. The compassion center may submit a renewal application
2 beginning sixty (60) days prior to the expiration of its license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (v) If any compassion center owner, member, officer, director, manager, investor, agent,
33 or key person as defined in regulations promulgated by the department of business regulation, has
34 any interest, direct or indirect, in another compassion center or another licensed cultivator, except

1 as permitted in subsection (b)(10) of this section or pursuant to § 21-28.11-19. Prohibited interests
2 shall also include interests arising pursuant to the use of shared management companies,
3 management agreements, or other agreements that afford third-party management or operational
4 control, or other familial or business relationships between compassion center or cultivator owners,
5 members, officers, directors, managers, investors, agents, or key persons that effect dual license
6 interests as determined by the department of business regulation.

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

12 (f) Compassion center requirements:

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

18 (i) Minimum security and surveillance requirements;

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

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

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

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

23 (vi) Minimum requirements to address odor mitigation;

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

25 (viii) Minimum requirements and prohibitions for advertising;

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

32 (x) A requirement that if a compassion center violates this chapter, or any regulation
33 thereunder, and the department of business regulation determines that violation does not pose an
34 immediate threat to public health or public safety, the compassion center shall pay to the department

1 of business regulation a fine of no less than five-hundred dollars (\$500); and

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

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

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

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

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

27 (5) A compassion center shall implement appropriate security measures to deter and
28 prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana and
29 shall ensure that each location has an operational security alarm system. Each compassion center
30 shall request that the department of public safety division of state police visit the compassion center
31 to inspect the security of the facility and make any recommendations regarding the security of the
32 facility and its personnel within ten (10) days prior to the initial opening of each compassion center.
33 The recommendations shall not be binding upon any compassion center, nor shall the lack of
34 implementation of the recommendations delay or prevent the opening or operation of any center.

1 If the department of public safety division of state police does not inspect the compassion center
2 within the ten-day (10) period, there shall be no delay in the compassion center's opening.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (i) The proper use of security measures and controls that have been adopted; and
2 (ii) Specific procedural instructions on how to respond to an emergency, including robbery
3 or violent accident.

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

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

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

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

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

31 (4) A compassion center operating as a hybrid cannabis retailer authorized to conduct adult
32 use cannabis sales pursuant to the provisions of § 21-28.11-10 may sell up to one ounce (1 oz.) of
33 cannabis to a person at least twenty-one (21) years of age as an intended consumer, in accordance
34 with the provisions of chapter 28.11 of title 21.

1 (h) Immunity:

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

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

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

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

23 (i) Prohibitions:

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

26 (2) A compassion center may not dispense, deliver, or otherwise transfer marijuana to a
27 person other than a patient cardholder or to a qualified patient's primary caregiver or authorized
28 purchaser. This provision shall not apply to hybrid cannabis retailers authorized pursuant to the
29 provisions of § 21-28.11-10;

30 (3) A compassion center may not procure, purchase, transfer, or sell marijuana to or from
31 any entity other than a marijuana establishment licensee in accordance with the provisions of this
32 chapter and chapter 28.11 of title 21 and the rules and regulations promulgated by the commission;

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

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

4 (6) No person who has been convicted of a felony drug offense or has entered a plea of
5 nolo contendere for a felony drug offense with a sentence of probation may be the principal officer,
6 board member, or agent of a compassion center unless the department has determined that the
7 person's conviction was for the medical use of marijuana or assisting with the medical use of
8 marijuana in accordance with the terms and conditions of this chapter. A person who is employed
9 by or is an agent, volunteer, principal officer, or board member of a compassion center in violation
10 of this section is guilty of a civil violation punishable by a fine of up to one thousand dollars
11 (\$1,000). A subsequent violation of this section is a misdemeanor; and

12 (7) After March 1, 2023, and in accordance with a timeline established by the commission,
13 no compassion center shall accept any out-of-state medical marijuana card unless the patient also
14 possesses and produces a valid government identification demonstrating residency in the same state
15 that issued the medical marijuana card.

16 (j) Legislative oversight committee:

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

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

26 (i) Patients' access to medical marijuana;

27 (ii) Efficacy of compassion centers;

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

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

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

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

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

1 21-28.6-15. Medical marijuana plant tags.

2 (a) Effective January 1, 2017, the department of business regulation shall make medical
3 marijuana tag sets available for purchase. Effective April 1, 2017, every marijuana plant, either
4 mature or immature, grown by a registered patient or primary caregiver, must be accompanied by
5 a physical medical marijuana tag ~~purchased through the department of business regulation and~~
6 ~~issued by the department of business regulation to qualifying patients and primary caregivers.~~
7 Effective December 1, 2022, all medical marijuana tag sets shall be provided without charge to
8 patient cardholders and/or primary caregivers authorized to grow medical cannabis. The
9 commission by rule and regulation may specify, alter or amend the method or manner of issuance
10 of tags; however, all issuance of tags after December 1, 2022, shall be without charge to patient
11 cardholders and/or primary caregivers authorized to grow medical cannabis.

12 (1) The department of business regulation shall charge an annual fee for each medical
13 marijuana tag set that shall include one tag for a mature medical marijuana plant and one tag for an
14 immature plant. If the required fee has not been paid, those medical marijuana tags shall be
15 considered expired and invalid. ~~The fee established by the department of business regulation shall~~
16 ~~be in accordance with the following requirements:~~

17 (i) ~~For patient cardholders authorized to grow medical marijuana by the department of~~
18 ~~business regulation, the fee per tag set shall not exceed twenty five dollars (\$25);~~

19 (ii) ~~For primary caregivers, the fee per tag set shall not exceed twenty five dollars (\$25);~~

20 (iii) ~~For patients who qualify for reduced registration due to income or disability status,~~
21 ~~there shall be no fee per tag set;~~

22 (iv) ~~For caregivers who provide care for a patient cardholder who qualifies for reduced~~
23 ~~registration due to income or disability status, there shall be no fee per tag set for the qualifying~~
24 ~~patient; and~~

25 (v) ~~For licensed medical marijuana cultivators, the fee per tag set shall be established in~~
26 ~~regulations promulgated by the department of business regulation.~~

27 (2) ~~Effective January 1, 2017, the department of business regulation shall verify with the~~
28 ~~department of health that all medical marijuana tag purchases are made by qualifying patient~~
29 ~~cardholders or primary caregiver cardholders. The department of health shall provide this~~
30 ~~verification according to qualifying patients' and primary caregivers' registry identification~~
31 ~~numbers and without providing access to any applications or supporting information submitted by~~
32 ~~qualifying patients to protect patient confidentiality.~~

33 (3) Effective January 1, 2019, and thereafter, the department of business regulation shall
34 verify with the department of health that all medical marijuana ~~tag purchases are made by tags~~

1 provided to registered patient cardholders, who have notified the department of health of their
2 election to grow medical marijuana, or primary caregiver cardholders. The department of health
3 shall provide this verification according to qualifying patients' and primary caregivers' registry
4 identification numbers and without providing access to any applications or supporting information
5 submitted by qualifying patients to protect patient confidentiality.

6 (4) The department of business regulation shall maintain information pertaining to medical
7 marijuana tags.

8 (5) All primary caregivers shall ~~purchase~~ acquire at least one medical marijuana tag set for
9 each patient under their care and all patients growing medical marijuana for themselves shall
10 purchase at least one medical marijuana tag set.

11 (6) All licensed medical marijuana cultivators shall ~~purchase~~ acquire at least one medical
12 marijuana tag set or utilize a seed-to-sale tracking system.

13 (7) The department of business regulation shall promulgate regulations to establish a
14 process by which medical marijuana tags may be returned. The department of business regulation
15 may choose to reimburse a portion or the entire amount of any fees paid for medical marijuana tags
16 that are subsequently returned.

17 (b) Enforcement until issuance of final rules and regulations by the commission pursuant
18 to chapter 28.11 of title 21:

19 (1) If a patient cardholder, primary caregiver cardholder, licensed compassion center, or
20 licensed medical marijuana cultivator violates any provision of this chapter or the regulations
21 promulgated hereunder as determined by the departments of business regulation or health, his or
22 her medical marijuana tags may be revoked. In addition, the cardholder's registration or the license
23 may revoke the cardholder's registration or license.

24 (2) The department of business regulation may revoke and not reissue, pursuant to
25 regulations, medical marijuana tags to any cardholder or licensee who is convicted of; placed on
26 probation; whose case is filed pursuant to § 12-10-12 where the defendant pleads nolo contendere;
27 or whose case is deferred pursuant to § 12-19-19 where the defendant pleads nolo contendere for
28 any felony offense under chapter 28 of this title ("Rhode Island controlled substances act") or a
29 similar offense from any other jurisdiction.

30 (3) If a patient cardholder, primary caregiver cardholder, licensed cooperative cultivation,
31 compassion center, licensed medical marijuana cultivator, or any other person or entity is found to
32 have marijuana plants, or marijuana material without valid medical marijuana tags sets or which
33 are not tracked in accordance with regulation, the department of business regulation shall impose
34 an administrative penalty in accordance with regulations promulgated by the department on the

1 patient cardholder, primary caregiver cardholder, licensed cooperative cultivation, compassion
2 center, licensed medical marijuana cultivator, or other person or entity for each untagged marijuana
3 plant or unit of untracked marijuana material.

4 (4) [Deleted by P.L. 2019, ch. 88, art. 15, § 5].

5 (c) Enforcement after issuance of final rules and regulations by the commission:

6 (1) If a patient cardholder, primary caregiver cardholder, licensed compassion center, or
7 licensed medical marijuana cultivator violates any provision of this chapter or the regulations
8 promulgated hereunder as determined by the commission, his or her medical marijuana tags may
9 be revoked. In addition, the cardholder's registration or license may be revoked.

10 (2) The commission may revoke and not reissue, pursuant to regulations, medical
11 marijuana tags to any cardholder or licensee who is convicted of; placed on probation; whose case
12 is filed pursuant to § 12-10-12 where the defendant pleads nolo contendere; or whose case is
13 deferred pursuant to § 12-19-19 where the defendant pleads nolo contendere for any felony offense
14 under chapter 28 of this title ("Rhode Island controlled substances act") or a similar offense from
15 any other jurisdiction.

16 (3) If a patient cardholder, primary caregiver cardholder, licensed cooperative cultivation,
17 compassion center, licensed medical marijuana cultivator, or any other person or entity is found to
18 have marijuana plants, or marijuana material without valid medical marijuana tags sets or which
19 are not tracked in accordance with regulation, the commission shall impose an administrative
20 penalty in accordance with regulations promulgated by the commission on the patient cardholder,
21 primary caregiver cardholder, licensed cooperative cultivation, compassion center, licensed
22 medical marijuana cultivator, or other person or entity for each untagged marijuana plant or unit of
23 untracked marijuana material.

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

25 (a) Effective July 1, 2016, except for the one hundred twenty-five thousand dollar
26 (\$125,000) fee paid by hybrid cannabis retailers pursuant to § 21-28.11-10, all fees collected by the
27 departments of health and business regulation from applicants, registered patients, primary
28 caregivers, authorized purchasers, licensed medical marijuana cultivators, cooperative cultivations,
29 compassion centers, other licensees licensed pursuant to this chapter, and compassion-center and
30 other registry identification cardholders shall be placed in restricted-receipt accounts to support the
31 state's medical marijuana program, including but not limited to, payment of expenses incurred by
32 the departments of health and business regulation for the administration of the program. The
33 restricted-receipt account will be known as the "medical marijuana licensing account" and will be
34 housed within the budgets of the departments of business regulation and health until final issuance

1 of rules and regulations by the commission, at which time said account shall be housed within the
2 budget of the commission.

3 (b) All revenues remaining in the restricted-receipt accounts after payments specified in
4 subsection (a) of this section shall first be paid to cover any existing deficit in the department of
5 health's restricted-receipt account or the department of business regulation's restricted-receipt
6 account. These transfers shall be made annually on the last business day of the fiscal year until final
7 issuance of rules and regulations of the commission, at which time the revenues subject to this
8 subsection shall be used to cover any existing deficit in the commission's budget.

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

12 SECTION 6. Chapter 21-28.6 of the General Laws entitled "The Edward O. Hawkins and
13 Thomas C. Slater Medical Marijuana Act" is hereby amended by adding thereto the following
14 section:

15 **21-28.6-19. Transfer of powers.**

16 Upon final issuance of rules and regulations by the cannabis control commission pursuant
17 to the provisions of chapter 28.11 of title 21, including, but not limited to, § 21-28.11-18, all powers,
18 and duties, rulemaking authority, hearings, enforcement actions and administrative responsibilities
19 and duties of the department of business regulation and department of environmental management
20 with respect to this chapter shall be transferred to the cannabis control commission established
21 pursuant to § 21-28.11-4.

22 SECTION 7. Section 21-28.5-2 of the General Laws in Chapter 21-28.5 entitled "Sale of
23 Drug Paraphernalia" is hereby amended to read as follows:

24 **21-28.5-2. Manufacture or delivery of drug paraphernalia -- Penalty.**

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

32 Notwithstanding any other provision of the general laws, the sale, manufacture, or delivery
33 of drug paraphernalia to a person acting in accordance with ~~chapter~~ chapters 28.6 and 28.11 of this
34 title shall not be considered a violation of this chapter. Any person violating this section, who but

1 for his or her age at the time of the violation would be acting in accordance with chapter 28.11 of
2 this title, shall be punished by a fine of one hundred dollars (\$100), forfeiture of any drug
3 paraphernalia, and shall be ordered to complete a drug awareness program pursuant to § 21-28.11-
4 27.2.

5 SECTION 8. Chapter 12-1.3 of the General Laws entitled "Expungement of Criminal
6 Records" is hereby amended by adding thereto the following section:

7 **12-1.3-5. Expungement of marijuana records.**

8 (a) Any person with a prior civil violation, misdemeanor or felony conviction for
9 possession only of a marijuana offense that has been decriminalized subsequent to the date of
10 conviction shall be entitled to have the civil violation or criminal conviction automatically
11 expunged, notwithstanding the provisions of chapter 1.3 of title 12. For purposes of this section,
12 "conviction" means, in addition to judgments of conviction entered by a court subsequent to a
13 finding of guilty, or plea of guilty, those instances where the defendant has entered a plea of nolo
14 contendere and has received a jail sentence or a suspended jail sentence, or those instances wherein
15 the defendant has entered into a deferred sentence agreement with the Rhode Island attorney
16 general and the period of deferment has not been completed.

17 (b) Records shall be expunged pursuant to procedures and a timeline to be determined by
18 the presiding justice; provided however, that all eligible records shall be expunged before July 1,
19 2024.

20 (c) The presiding justice may provide for an expedited procedure for expungement of a
21 prior misdemeanor or felony conviction for possession only of a marijuana offense that has been
22 decriminalized subsequent to the date of conviction. Any such expedited procedure shall require a
23 written request by the person requesting expungement, and any expedited expungement shall be
24 granted in accordance with a timeline to be determined by the presiding justice.

25 (d) If the amount of marijuana is not stated in the record of conviction or any related record,
26 report or document, then the court shall presume the amount to have been two ounces (2 oz.) or
27 less.

28 (e) Any person who has been incarcerated for misdemeanor or felony possession of
29 marijuana shall have all court costs waived with respect to expungement of his or her criminal
30 record under this section.

31 (f) If the court determines a record is to be expunged in accordance with the provisions of
32 this section, it shall order all records and records of conviction or civil adjudication relating to the
33 conviction or civil adjudication expunged and all index and other references to it removed from
34 public inspection. Within a reasonable time, the court shall send a copy of the order to the

1 department of the attorney general, the police department that originally brought the charge against
2 the person, and any other agency known by the petitioner to have possession of the records of
3 conviction or adjudication.

4 (g) Eligible expungement of convictions and civil adjudications pursuant to this section
5 shall be granted notwithstanding the existence of:

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

8 (2) Pending criminal proceedings; and

9 (3) Outstanding court-imposed or court-related fees, fines, costs, assessments or charges.

10 Any outstanding fees, fines, costs, assessments or charges related to the eligible conviction or civil
11 adjudication shall be waived.

12 (h) Nothing in this section shall be construed to restrict or modify a person's right to have
13 their records expunged, except as otherwise may be provided in this chapter, or diminish or
14 abrogate any rights or remedies otherwise available to the individual.

15 (i) The existence of convictions in other counts within the same case that are not eligible
16 for expungement pursuant to this section or other applicable laws shall not prevent any conviction
17 otherwise eligible for expungement under this section from being expunged pursuant to this section.
18 In such circumstances, the court shall make clear in its order what counts are expunged and what
19 counts are not expunged and/or remain convictions. In such circumstances, notwithstanding
20 subsection (e) of this section, any expungement pursuant to this subsection shall not affect the
21 records related to any count or conviction in the same case that are not eligible for expungement.

22 (j) Nothing in this section shall be construed to require the court or any other private or
23 public agency to reimburse any petitioner for fines, fees, and costs previously incurred, paid or
24 collected in association with the eligible conviction or civil adjudication.

25 (k) Any conviction or civil adjudication ordered expunged pursuant to this section shall not
26 be considered as a prior conviction or civil adjudication when determining the sentence to be
27 imposed for any subsequent crime or civil violation.

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

1 fact of a conviction or civil adjudication.

2 (m) Whenever the records of any conviction or civil adjudication of an individual have
3 been expunged under the provisions of this section, any custodian of the records of conviction or
4 civil adjudication relating to that crime or violation shall not disclose the existence of the records
5 upon inquiry from any source, unless the inquiry is that of the individual whose record was
6 expunged, that of a bar admission, character and fitness, or disciplinary committee, board, or
7 agency, or court which is considering a bar admission, character and fitness, or disciplinary matter,
8 or that of the commissioner of elementary and secondary education, or that of any law enforcement
9 agency when the nature and character of the offense in which an individual is to be charged would
10 be affected by virtue of the person having been previously convicted or adjudicated of the same
11 offense. The custodian of any records which have been expunged pursuant to the provisions of this
12 section shall only release or allow access to those records for the purposes specified in this
13 subsection or by order of a court.

14 (n) The judiciary and its employees and agents are immune from any civil liability for any
15 act of commission or omission, taken in good faith, arising out of and in the course of participation
16 in, or assistance with the expungement procedures set forth in this section. This immunity shall be
17 in addition to and not in limitation of any other immunity provided by law.

18 SECTION 9. Section 28-7-3 of the General Laws in Chapter 28-7 entitled "Labor Relations
19 Act" is hereby amended to read as follows:

20 **28-7-3. Definitions.**

21 When used in this chapter:

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

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

32 (3)(i) "Employees" includes, but is not restricted to, any individual employed by a labor
33 organization; any individual whose employment has ceased as a consequence of, or in connection
34 with, any current labor dispute or because of any unfair labor practice, and who has not obtained

1 any other regular and substantially equivalent employment; and shall not be limited to the
2 employees of a particular employer, unless the chapter explicitly states otherwise;

3 (ii) "Employees" does not include any individual employed by his or her parent or spouse
4 or in the domestic service of any person in his or her home, or any individuals employed only for
5 the duration of a labor dispute, or any individuals employed as farm laborers; provided that, any
6 individual employed by an employer in an industry established or regulated pursuant to chapters
7 28.6 or 28.11 of title 21 shall be an employee within the meaning of this chapter and shall not be
8 considered a farm laborer.

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

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

19 (6) "Labor organization" means any organization which exists and is constituted for the
20 purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning
21 grievances, terms or conditions of employment, or of other mutual aid or protection and which is
22 not a company union as defined in this section.

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

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

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

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

30 SECTION 10. Section 21-28-4.01 of the General Laws in Chapter 21-28 entitled "Uniform
31 Controlled Substances Act" is hereby amended to read as follows:

32 21-28-4.01. Prohibited acts A -- Penalties. [As amended by P.L. 2021, ch. 286, § 2 and
33 P.L. 2021, ch. 287, § 2.]

34 (a)(1) Except as authorized by this chapter and chapters 28.6 and 28.11 of title 21, it shall

1 be unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver
2 a controlled substance.

3 (2) Any person who is not a drug-addicted person, as defined in § 21-28-1.02, who violates
4 this subsection with respect to a controlled substance classified in schedule I or II, ~~except the~~
5 ~~substance classified as marijuana,~~ is guilty of a crime and, upon conviction, may be imprisoned to
6 a term up to life or fined not more than five hundred thousand dollars (\$500,000) nor less than ten
7 thousand dollars (\$10,000), or both.

8 (3) Where the deliverance as prohibited in this subsection shall be the proximate cause of
9 death to the person to whom the controlled substance is delivered, it shall not be a defense that the
10 person delivering the substance was, at the time of delivery, a drug-addicted person as defined in §
11 21-28-1.02.

12 (4) Any person, except as provided for in subsection (a)(2), who violates this subsection
13 with respect to:

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

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

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

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

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

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

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

1 more than twenty thousand dollars (\$20,000), or both.

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

5 (c)(1) It shall be unlawful for any person knowingly or intentionally to possess a controlled
6 substance, unless the substance was obtained directly from, or pursuant to, a valid prescription or
7 order of a practitioner while acting in the course of his or her professional practice, or except as
8 otherwise authorized by this chapter or chapters 28.6 and 28.11 of title 21.

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

10 (i) Except as otherwise provided in §§ 21-28-4.01.1 and 21-28-4.01.2, ten grams (10 g.) or
11 less of a mixture or substance containing a detectable amount of a controlled substance classified
12 in schedules I, II, III, IV, and V, except buprenorphine and the substance classified as marijuana,
13 is guilty of a misdemeanor and, upon conviction, may be imprisoned for not more than two (2)
14 years, or fined not more than five hundred dollars (\$500) or both.

15 (ii) Except as otherwise provided in §§ 21-28-4.01.1 and 21-28-4.01.2, more than ten grams
16 (10 g.), but less than one ounce (1 oz.) of a mixture or substance containing a detectable amount of
17 a controlled substance classified in schedules I, II and III, IV, and V, except buprenorphine and the
18 substance classified as marijuana, is guilty of a felony and, upon conviction, may be imprisoned
19 for not more than three (3) years, or fined not more than five thousand dollars (\$5,000), or both.

20 (iii) Except as otherwise provided in §§ 21-28-4.01.1 and 21-28-4.01.2, more ~~More~~ than
21 one ounce (1 oz.) two ounces (2 oz.) or the equivalent amount in the form of cannabis concentrate
22 of a controlled substance classified in schedule I as marijuana is guilty of a misdemeanor unless
23 possessed inside one's own primary residence, except for those persons subject to (a)(1), and, upon
24 conviction, may be imprisoned for not more than one year, or fined not more than five hundred
25 dollars (\$500), or both. Exclusive of live marijuana plants, more than ten ounces (10 oz.) of a
26 controlled substance classified in schedule I as marijuana or the equivalent amount in the form of
27 cannabis concentrate, when possessed within one's personal residence is guilty of a misdemeanor,
28 except for those persons subject to (a)(1), and, upon conviction, may be imprisoned for not more
29 than one year, or fined not less than two hundred dollars (\$200) nor more than five hundred dollars
30 (\$500), or both.

31 Possession of live marijuana plants in excess of the number authorized pursuant to § 21-
32 28.11-22 but less than twenty-five (25) marijuana plants is guilty of a misdemeanor, except for
33 those persons subject to (a)(1) and, upon conviction, may be imprisoned for not more than one year,
34 or fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or

1 both.

2 Possession of twenty-five (25) or more live marijuana plants is guilty of a felony, except
3 for those persons subject to (a)(1), and upon conviction, may be imprisoned for not more than three
4 (3) years or fined not more than five thousand dollars (\$5,000), or both.

5 (iv) Notwithstanding any public, special, or general law to the contrary, and except as
6 otherwise provided in §§ 21-28-4.01.1 and 21-28-4.01.2, the possession of more than one ounce (1
7 oz.) ~~or less~~ but not more than two ounces (2 oz.) of marijuana or the equivalent amount in the form
8 of cannabis concentrate by a person who is ~~eighteen (18) years of age or older~~ at least twenty-one
9 (21) years old, and who is not exempted from penalties pursuant to chapter 28.6 of this title, shall
10 constitute a civil offense, rendering the offender liable to a civil penalty in the amount of one
11 hundred fifty dollars (\$150) and forfeiture of the marijuana, but not to any other form of criminal
12 or civil punishment or disqualification. Notwithstanding any public, special, or general law to the
13 contrary, this civil penalty of one hundred fifty dollars (\$150) and forfeiture of the marijuana shall
14 apply if the offense is the first (1st) or second (2nd) violation within the previous eighteen (18)
15 months.

16 (v) Notwithstanding any public, special, or general law to the contrary, possession of ~~one~~
17 ~~ounce (1 oz.)~~ two ounces (2 oz.) or less of marijuana or the equivalent amount in the form of
18 cannabis concentrate by a person who is ~~seventeen (17) years of age or older and under the age of~~
19 ~~eighteen (18)~~ between seventeen (17) and twenty (20) years old, and who is not exempted from
20 penalties pursuant to chapter 28.6 of this title, shall constitute a civil offense, rendering the offender
21 liable to a civil penalty in the amount of one hundred fifty dollars (\$150) and forfeiture of the
22 marijuana; provided the minor offender completes an approved, drug-awareness program and
23 community service as determined by the court. If the person seventeen (17) years of age or older
24 and under the age of eighteen (18) years fails to complete an approved, drug-awareness program
25 and community service within one year of the disposition, the penalty shall be a three hundred
26 dollar (\$300) civil fine and forfeiture of the marijuana, except that if no drug-awareness program
27 or community service is available, the penalty shall be a fine of one hundred fifty dollars (\$150)
28 and forfeiture of the marijuana. The parents or legal guardian of any offender seventeen (17) years
29 of age or older and under the age of eighteen (18) shall be notified of the offense and the availability
30 of a drug-awareness and community-service program. The drug-awareness program must be
31 approved by the court, but shall, at a minimum, provide four (4) hours of instruction or group
32 discussion and ten (10) hours of community service. Notwithstanding any other public, special, or
33 general law to the contrary, this civil penalty shall apply if the offense is the first or second violation
34 within the previous eighteen (18) months.

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

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

11 (viii) No person may be arrested for a violation of (c)(2)(iv) or (c)(2)(v) of this subsection
12 except as provided in this subparagraph. Any person in possession of an identification card, license,
13 or other form of identification issued by the state or any state, city, or town, or any college or
14 university, who fails to produce the same upon request of a police officer who informs the person
15 that he or she has been found in possession of what appears to the officer to be more than one ounce
16 (1 oz.) of marijuana, or the equivalent amount in the form of cannabis concentrate or any person
17 without any such forms of identification who fails or refuses to truthfully provide his or her name,
18 address, and date of birth to a police officer who has informed such person that the officer intends
19 to provide such individual with a citation for possession of more than one ounce (1 oz.) but less
20 than two ounces (2 oz.) of marijuana or the equivalent amount in the form of cannabis concentrate,
21 may be arrested.

22 (ix) No violation of (c)(2)(iv) or (c)(2)(v) of this subsection shall be considered a violation
23 of parole or probation.

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

27 (3) Jurisdiction.

28 (i) Any and all adjudications of violations of (c)(2)(i) shall be within the original
29 jurisdiction of the Rhode Island superior court. The department of attorney general shall prosecute
30 any and all violations of (c)(2)(i).

31 (ii) Any and all violations of (c)(2)(iv) and (c)(2)(v) shall be the exclusive jurisdiction of
32 the Rhode Island traffic tribunal. All money associated with the civil fine issued under (c)(2)(iv) or
33 (c)(2)(v) shall be payable to the Rhode Island traffic tribunal. Fifty percent (50%) of all fines
34 collected by the Rhode Island traffic tribunal from civil penalties issued pursuant to (c)(2)(iv) or

1 (c)(2)(v) shall be expended on drug-awareness and treatment programs for youth.

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

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

7 (ii) Attend and complete a drug-counseling and education program, as prescribed, by the
8 director of the department of behavioral healthcare, developmental disabilities and hospitals
9 (BHDDH) similar to that in § 21-28.11-27.2, and pay the sum of four hundred dollars (\$400) to
10 help defray the costs of this program which shall be deposited as general revenues. Failure to attend
11 may result, after hearing by the court, in jail sentence up to one year;

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

14 (iv) If the offense involves the use of any automobile to transport the substance or the
15 substance is found within an automobile, then a person convicted or who pleads nolo contendere
16 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)
17 months for a first offense and one year for each offense after.

18 (5) All fees assessed and collected pursuant to (c)(2)(iii) shall be deposited as general
19 revenues and shall be collected from the person convicted or who pleads nolo contendere before
20 any other fines authorized by this chapter.

21 (d) It shall be unlawful for any person to manufacture, distribute, or possess with intent to
22 manufacture or distribute, an imitation controlled substance. Any person who violates this
23 subsection is guilty of a crime and, upon conviction, shall be subject to the same term of
24 imprisonment and/or fine as provided by this chapter for the manufacture or distribution of the
25 controlled substance that the particular imitation controlled substance forming the basis of the
26 prosecution was designed to resemble and/or represented to be; but in no case shall the
27 imprisonment be for more than five (5) years nor the fine for more than twenty thousand dollars
28 (\$20,000).

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

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

11 SECTION 11. Section 14-1-3 of the General Laws in Chapter 14-1 entitled "Proceedings
12 in Family Court" is hereby amended to read as follows:

13 **14-1-3. Definitions.**

14 The following words and phrases when used in this chapter shall, unless the context
15 otherwise requires, be construed as follows:

16 (1) "Adult" means a person eighteen (18) years of age or older.

17 (2) "Appropriate person," as used in §§ 14-1-10 and 14-1-11, except in matters relating to
18 adoptions and child marriages, means and includes:

19 (i) Any police official of this state, or of any city or town within this state;

20 (ii) Any duly qualified prosecuting officer of this state, or of any city or town within this
21 state;

22 (iii) Any director of public welfare of any city or town within this state, or his or her duly
23 authorized subordinate;

24 (iv) Any truant officer or other school official of any city or town within this state;

25 (v) Any duly authorized representative of any public or duly licensed private agency or
26 institution established for purposes similar to those specified in § 8-10-2 or 14-1-2; or

27 (vi) Any maternal or paternal grandparent, who alleges that the surviving parent, in those
28 cases in which one parent is deceased, is an unfit and improper person to have custody of any child
29 or children.

30 (3) "Child" means a person under eighteen (18) years of age.

31 (4) "The court" means the family court of the state of Rhode Island.

32 (5) "Delinquent," when applied to a child, means and includes any child who has committed
33 any offense that, if committed by an adult, would constitute a felony, or who has on more than one
34 occasion violated any of the other laws of the state or of the United States or any of the ordinances

1 of cities and towns, other than ordinances relating to the operation of motor vehicles.

2 (6) "Dependent" means any child who requires the protection and assistance of the court
3 when his or her physical or mental health or welfare is harmed, or threatened with harm, due to the
4 inability of the parent or guardian, through no fault of the parent or guardian, to provide the child
5 with a minimum degree of care or proper supervision because of:

6 (i) The death or illness of a parent; or

7 (ii) The special medical, educational, or social-service needs of the child which the parent
8 is unable to provide.

9 (7) "Justice" means a justice of the family court.

10 (8) "Neglect" means a child who requires the protection and assistance of the court when
11 his or her physical or mental health or welfare is harmed, or threatened with harm, when the parents
12 or guardian:

13 (i) Fails to supply the child with adequate food, clothing, shelter, or medical care, though
14 financially able to do so or offered financial or other reasonable means to do so;

15 (ii) Fails to provide the child proper education as required by law; or

16 (iii) Abandons and/or deserts the child.

17 (9) "Supervised independent living setting" means a supervised setting in which a young
18 adult is living independently, that meets any safety and/or licensing requirements established by
19 the department for this population, and is paired with a supervising agency or a supervising worker,
20 including, but not limited to, single or shared apartments or houses, host homes, relatives' and
21 mentors' homes, college dormitories or other postsecondary educational or vocational housing. All
22 or part of the financial assistance that secures an independent supervised setting for a young adult
23 may be paid directly to the young adult if there is no provider or other child-placing intermediary,
24 or to a landlord, a college, or to a supervising agency, or to other third parties on behalf of the
25 young adult in the discretion of the department.

26 (10) "Voluntary placement agreement for extension of care" means a written agreement
27 between the state agency and a young adult who meets the eligibility conditions specified in § 14-
28 1-6(c), acting as their own legal guardian that is binding on the parties to the agreement. At a
29 minimum, the agreement recognizes the voluntary nature of the agreement, the legal status of the
30 young adult and the rights and obligations of the young adult, as well as the services and supports
31 the agency agrees to provide during the time that the young adult consents to giving the department
32 legal responsibility for care and placement.

33 (11) "Wayward," when applied to a child, means and includes any child:

34 (i) Who has deserted his or her home without good or sufficient cause;

- 1 (ii) Who habitually associates with dissolute, vicious, or immoral persons;
- 2 (iii) Who is leading an immoral or vicious life;
- 3 (iv) Who is habitually disobedient to the reasonable and lawful commands of his or her
- 4 parent or parents, guardian, or other lawful custodian;
- 5 (v) Who, being required by chapter 19 of title 16 to attend school, willfully and habitually
- 6 absents himself or herself from school or habitually violates the rules and regulations of the school
- 7 when he or she attends;
- 8 (vi) Who has, on any occasion, violated any of the laws of the state or of the United States
- 9 or any of the ordinances of cities and towns, other than ordinances relating to the operation of motor
- 10 vehicles; or
- 11 (vii) Any child under seventeen (17) years of age who ~~is in possession of one ounce (1 oz.)~~
- 12 ~~or less of marijuana, as defined in § 21-28-1-02~~ violates § 21-28.11-22, and who is not exempted
- 13 from the penalties pursuant to chapter 28.6 of title 21.

14 (12) "Young adult" means an individual who has attained the age of eighteen (18) years

15 but has not reached the age of twenty-one (21) years and was in the legal custody of the department

16 on their eighteenth birthday pursuant to an abuse, neglect or dependency petition; or was a former

17 foster child who was adopted or placed in a guardianship after attaining age sixteen (16).

18 (13) The singular shall be construed to include the plural, the plural the singular, and the

19 masculine the feminine, when consistent with the intent of this chapter.

20 (14) For the purposes of this chapter, "electronic surveillance and monitoring devices"

21 means any "radio frequency identification device (RFID)" or "global positioning device" that is

22 either tethered to a person or is intended to be kept with a person and is used for the purposes of

23 tracking the whereabouts of that person within the community.

24 SECTION 12. Sections 31-27-2, 31-27-2.1 and 31-27-2.9 of the General Laws in Chapter

25 31-27 entitled "Motor Vehicles Offenses" are hereby amended to read as follows:

26 **31-27-2. Driving under influence of liquor or drugs.**

27 (a) Whoever drives or otherwise operates any vehicle in the state while under the influence

28 of any intoxicating liquor, drugs, toluene, or any controlled substance as defined in chapter 28 of

29 title 21, or any combination of these, shall be guilty of a misdemeanor, except as provided in

30 subsection (d)(3), and shall be punished as provided in subsection (d) of this section.

31 (b)(1) Any person charged under subsection (a), whose blood alcohol concentration is eight

32 one-hundredths of one percent (.08%) or more by weight, as shown by a chemical analysis of a

33 blood, breath, or urine sample, shall be guilty of violating subsection (a). This provision shall not

34 preclude a conviction based on other admissible evidence, including the testimony of a drug

1 recognition expert or evaluator, certified pursuant to training approved by the Rhode Island
2 department of transportation office on highway safety. Proof of guilt under this section may also
3 be based on evidence that the person charged was under the influence of intoxicating liquor, drugs,
4 toluene, or any controlled substance defined in chapter 28 of title 21, or any combination of these,
5 to a degree that rendered the person incapable of safely operating a vehicle. The fact that any person
6 charged with violating this section is, or has been, legally entitled to use alcohol or a drug shall not
7 constitute a defense against any charge of violating this section.

8 (2) [Deleted by P.L. 2021, ch. 170, § 1 and P.L. 2021, ch. 171, § 1.]

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

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

18 (2) A true copy of the report of the test result was hand delivered at the location of the test
19 or mailed within seventy-two (72) hours of the taking of the test to the person submitting to a breath
20 test.

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

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

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

30 (6) The person arrested and charged with operating a motor vehicle while under the
31 influence of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of
32 title 21 or any combination of these in violation of subsection (a), was afforded the opportunity to
33 have an additional chemical test. The officer arresting or so charging the person shall have informed
34 the person of this right and afforded him or her a reasonable opportunity to exercise this right, and

1 a notation to this effect is made in the official records of the case in the police department. Refusal
2 to permit an additional chemical test shall render incompetent and inadmissible in evidence the
3 original report.

4 (d)(1) (i) Every person found to have violated subsection (b)(1) shall be sentenced as
5 follows: for a first violation whose blood alcohol concentration is eight one-hundredths of one
6 percent (.08%), but less than one-tenth of one percent (.1%), by weight, or who has a blood presence
7 of any scheduled controlled substance as defined in chapter 28 of title 21, shall be subject to a fine
8 of not less than one hundred dollars (\$100), nor more than three hundred dollars (\$300); shall be
9 required to perform ten (10) to sixty (60) hours of public community restitution, and/or shall be
10 imprisoned for up to one year. The sentence may be served in any unit of the adult correctional
11 institutions in the discretion of the sentencing judge and/or shall be required to attend a special
12 course on driving while intoxicated or under the influence of a controlled substance; provided,
13 however, that the court may permit a servicemember or veteran to complete any court-approved
14 counseling program administered or approved by the Veterans' Administration, and his or her
15 driver's license shall be suspended for thirty (30) days up to one hundred eighty (180) days. The
16 sentencing judge or magistrate may prohibit that person from operating a motor vehicle, pursuant
17 to subsection (d)(9) or (d)(10) of this section, that is not equipped with an ignition interlock system
18 and/or blood and urine testing as provided in § 31-27-2.8.

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

33 (iii) Every person convicted of a first offense whose blood alcohol concentration is fifteen
34 hundredths of one percent (.15%) or above, or who is under the influence of a drug, toluene, or any

1 controlled substance as defined in subsection (b)(1), shall be subject to a fine of five hundred dollars
2 (\$500) and shall be required to perform twenty (20) to sixty (60) hours of public community
3 restitution and/or shall be imprisoned for up to one year. The sentence may be served in any unit
4 of the adult correctional institutions in the discretion of the sentencing judge. The person's driving
5 license shall be suspended for a period of three (3) months to eighteen (18) months. The sentencing
6 judge shall require attendance at a special course on driving while intoxicated or under the influence
7 of a controlled substance and/or alcohol or drug treatment for the individual; provided, however,
8 that the court may permit a servicemember or veteran to complete any court-approved counseling
9 program administered or approved by the Veterans' Administration. The sentencing judge or
10 magistrate shall prohibit that person from operating a motor vehicle, pursuant to subsection (d)(9)
11 or (d)(10) of this section, that is not equipped with an ignition interlock system and/or blood and
12 urine testing as provided in § 31-27-2.8.

13 (2)(i) Every person convicted of a second violation within a five-year (5) period with a
14 blood alcohol concentration of eight one-hundredths of one percent (.08%) or above, but less than
15 fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is unknown, or
16 who has a blood presence of any controlled substance as defined in chapter 28 of title 21, and every
17 person convicted of a second violation within a five-year (5) period, regardless of whether the prior
18 violation and subsequent conviction was a violation and subsequent conviction under this statute
19 or under the driving under the influence of liquor or drugs statute of any other state, shall be subject
20 to a mandatory fine of four hundred dollars (\$400). The person's driving license shall be suspended
21 for a period of one year to two (2) years, and the individual shall be sentenced to not less than ten
22 (10) days, nor more than one year, in jail. The sentence may be served in any unit of the adult
23 correctional institutions in the discretion of the sentencing judge; however, not less than forty-eight
24 (48) hours of imprisonment shall be served consecutively. The sentencing judge shall require
25 alcohol or drug treatment for the individual; provided, however, that the court may permit a
26 servicemember or veteran to complete any court-approved counseling program administered or
27 approved by the Veterans' Administration and shall prohibit that person from operating a motor
28 vehicle, pursuant to subsection (d)(9) or (d)(10) of this section, that is not equipped with an ignition
29 interlock system and/or blood and urine testing as provided in § 31-27-2.8.

30 (ii) Every person convicted of a second violation within a five-year (5) period whose blood
31 alcohol concentration is fifteen hundredths of one percent (.15%) or above, by weight as shown by
32 a chemical analysis of a blood, breath, or urine sample, or who is under the influence of a drug,
33 toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to mandatory
34 imprisonment of not less than six (6) months, nor more than one year; a mandatory fine of not less

1 than one thousand dollars (\$1,000); and a mandatory license suspension for a period of two (2)
2 years from the date of completion of the sentence imposed under this subsection. The sentencing
3 judge shall require alcohol or drug treatment for the individual; provided, however, that the court
4 may permit a servicemember or veteran to complete any court approved counseling program
5 administered or approved by the Veterans' Administration. The sentencing judge or magistrate shall
6 prohibit that person from operating a motor vehicle, pursuant to subsection (d)(9) or (d)(10) of this
7 section, that is not equipped with an ignition interlock system and/or blood and urine testing as
8 provided in § 31-27-2.8.

9 (3)(i) Every person convicted of a third or subsequent violation within a five-year (5)
10 period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or above,
11 but less than fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is
12 unknown or who has a blood presence of any scheduled controlled substance as defined in chapter
13 28 of title 21, regardless of whether any prior violation and subsequent conviction was a violation
14 and subsequent conviction under this statute or under the driving under the influence of liquor or
15 drugs statute of any other state, shall be guilty of a felony and be subject to a mandatory fine of
16 four hundred (\$400) dollars. The person's driving license shall be suspended for a period of two (2)
17 years to three (3) years, and the individual shall be sentenced to not less than one year and not more
18 than three (3) years in jail. The sentence may be served in any unit of the adult correctional
19 institutions in the discretion of the sentencing judge; however, not less than forty-eight (48) hours
20 of imprisonment shall be served consecutively. The sentencing judge shall require alcohol or drug
21 treatment for the individual; provided, however, that the court may permit a servicemember or
22 veteran to complete any court-approved counseling program administered or approved by the
23 Veterans' Administration, and shall prohibit that person from operating a motor vehicle, pursuant
24 to subsection (d)(9) or (d)(10) of this section, that is not equipped with an ignition interlock system
25 and/or blood and urine testing as provided in § 31-27-2.8.

26 (ii) Every person convicted of a third or subsequent violation within a ten-year (10) period
27 whose blood alcohol concentration is fifteen hundredths of one percent (.15%) above by weight as
28 shown by a chemical analysis of a blood, breath, or urine sample, or who is under the influence of
29 a drug, toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to
30 mandatory imprisonment of not less than three (3) years, nor more than five (5) years; a mandatory
31 fine of not less than one thousand dollars (\$1,000), nor more than five thousand dollars (\$5,000);
32 and a mandatory license suspension for a period of three (3) years from the date of completion of
33 the sentence imposed under this subsection. The sentencing judge shall require alcohol or drug
34 treatment for the individual. The sentencing judge or magistrate shall prohibit that person from

1 operating a motor vehicle, pursuant to subsection (d)(9) or (d)(10) of this section, that is not
2 equipped with an ignition interlock system and/or blood and urine testing as provided in § 31-27-
3 2.8.

4 (iii) In addition to the foregoing penalties, every person convicted of a third or subsequent
5 violation within a five-year (5) period, regardless of whether any prior violation and subsequent
6 conviction was a violation and subsequent conviction under this statute or under the driving under
7 the influence of liquor or drugs statute of any other state, shall be subject, in the discretion of the
8 sentencing judge, to having the vehicle owned and operated by the violator seized and sold by the
9 state of Rhode Island, with all funds obtained by the sale to be transferred to the general fund.

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

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

24 (ii) Any person over the age of eighteen (18) who is convicted under this section for
25 operating a motor vehicle while under the influence of alcohol, other drugs, or a combination of
26 these, while a child under the age of thirteen (13) years was present as a passenger in the motor
27 vehicle when the offense was committed shall be subject to immediate license suspension pending
28 prosecution. Any person convicted of violating this section shall be guilty of a misdemeanor for a
29 first offense and may be sentenced to a term of imprisonment of not more than one year and a fine
30 not to exceed one thousand dollars (\$1,000). Any person convicted of a second or subsequent
31 offense shall be guilty of a felony offense and may be sentenced to a term of imprisonment of not
32 more than five (5) years and a fine not to exceed five thousand dollars (\$5,000). The sentencing
33 judge shall also order a license suspension of up to two (2) years, require attendance at a special
34 course on driving while intoxicated or under the influence of a controlled substance, and alcohol

1 or drug education and/or treatment. The individual may also be required to pay a highway
2 assessment fee of no more than five hundred dollars (\$500) and the assessment shall be deposited
3 in the general fund.

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

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

10 (7)(i) If the person convicted of violating this section is under the age of eighteen (18)
11 years, for the first violation he or she shall be required to perform ten (10) to sixty (60) hours of
12 public community restitution and the juvenile's driving license shall be suspended for a period of
13 six (6) months, and may be suspended for a period up to eighteen (18) months. The sentencing
14 judge shall also require attendance at a special course on driving while intoxicated or under the
15 influence of a controlled substance and alcohol or drug education and/or treatment for the juvenile.
16 The juvenile may also be required to pay a highway assessment fine of no more than five hundred
17 dollars (\$500) and the assessment imposed shall be deposited into the general fund.

18 (ii) If the person convicted of violating this section is under the age of eighteen (18) years,
19 for a second or subsequent violation regardless of whether any prior violation and subsequent
20 conviction was a violation and subsequent conviction under this statute or under the driving under
21 the influence of liquor or drugs statute of any other state, he or she shall be subject to a mandatory
22 suspension of his or her driving license until such time as he or she is twenty-one (21) years of age
23 and may, in the discretion of the sentencing judge, also be sentenced to the Rhode Island training
24 school for a period of not more than one year and/or a fine of not more than five hundred dollars
25 (\$500).

26 (8) Any person convicted of a violation under this section may undergo a clinical
27 assessment at the community college of Rhode Island's center for workforce and community
28 education. Should this clinical assessment determine problems of alcohol, drug abuse, or
29 psychological problems associated with alcoholic or drug abuse, this person shall be referred to an
30 appropriate facility, licensed or approved by the department of behavioral healthcare,
31 developmental disabilities and hospitals, for treatment placement, case management, and
32 monitoring. In the case of a servicemember or veteran, the court may order that the person be
33 evaluated through the Veterans' Administration. Should the clinical assessment determine problems
34 of alcohol, drug abuse, or psychological problems associated with alcohol or drug abuse, the person

1 may have their treatment, case management, and monitoring administered or approved by the
2 Veterans' Administration.

3 (9) Notwithstanding any other sentencing and disposition provisions contained in this
4 chapter, if the judge or magistrate makes a finding beyond a reasonable doubt that a motorist was
5 operating a vehicle in the state while under the influence of drugs, toluene, or any controlled
6 substance as evidenced by the presence of controlled substances on or about the person or vehicle,
7 or other reliable indicia or articulable conditions thereof, but not intoxicating liquor based on a
8 preliminary breath test, results from a breathalyzer that indicates no blood alcohol concentration,
9 or both, the judge or magistrate may exercise his or her discretion and eliminate the requirement of
10 an ignition interlock system; provided, that blood and/or urine testing is mandated as a condition
11 to operating a motor vehicle as provided in § 31-27-2.8.

12 (10) Notwithstanding any other sentencing and disposition provisions contained in this
13 chapter, if the judge or magistrate makes a finding beyond a reasonable doubt that a motorist was
14 operating a vehicle in the state while under the influence of drugs, toluene, or any controlled
15 substance as evidenced by the presence of controlled substances on or about the person or vehicle,
16 or other reliable indicia or articulable conditions thereof and intoxicating liquor based on a
17 preliminary breath test, results from a breathalyzer that indicates blood alcohol concentration, or
18 both, the judge or magistrate may require an ignition interlock system in addition to blood and/or
19 urine testing as a condition to operating a motor vehicle as provided in § 31-27-2.8.

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

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

27 (2) Persons convicted under the provisions of this chapter shall be required to attend a
28 special course on driving while intoxicated or under the influence of a controlled substance, and/or
29 participate in an alcohol or drug treatment program, which course and programs must meet the
30 standards established by the Rhode Island department of behavioral healthcare, developmental
31 disabilities and hospitals; provided, however, that the court may permit a servicemember or veteran
32 to complete any court-approved counseling program administered or approved by the Veterans'
33 Administration. The course shall take into consideration any language barrier that may exist as to
34 any person ordered to attend, and shall provide for instruction reasonably calculated to

1 communicate the purposes of the course in accordance with the requirements of the subsection.
2 Any costs reasonably incurred in connection with the provision of this accommodation shall be
3 borne by the person being retrained. A copy of any violation under this section shall be forwarded
4 by the court to the alcohol and drug safety unit. In the event that persons convicted under the
5 provisions of this chapter fail to attend and complete the above course or treatment program, as
6 ordered by the judge, then the person may be brought before the court, and after a hearing as to
7 why the order of the court was not followed, may be sentenced to jail for a period not exceeding
8 one year.

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

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

15 (h) Jurisdiction for misdemeanor violations of this section shall be with the district court
16 for persons eighteen (18) years of age or older and to the family court for persons under the age of
17 eighteen (18) years. The courts shall have full authority to impose any sentence authorized and to
18 order the suspension of any license for violations of this section. Trials in superior court are not
19 required to be scheduled within thirty (30) days of the arraignment date.

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

23 (j) An order to attend a special course on driving while intoxicated, that shall be
24 administered in cooperation with a college or university accredited by the state, shall include a
25 provision to pay a reasonable tuition for the course in an amount not less than twenty-five dollars
26 (\$25.00), and a fee of one hundred seventy-five dollars (\$175), which fee shall be deposited into
27 the general fund.

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

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

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

6 **31-27-2.1. Refusal to submit to chemical test.**

7 (a) Any person who operates a motor vehicle within this state shall be deemed to have
8 given his or her consent to chemical tests of his or her breath, blood, saliva and/or urine for the
9 purpose of determining the chemical content of his or her body fluids or breath. No more than two
10 (2) complete tests, one for the presence of intoxicating liquor and one for the presence of toluene
11 or any controlled substance, as defined in § 21-28-1.02, shall be administered at the direction of a
12 law enforcement officer having reasonable grounds to believe the person to have been driving a
13 motor vehicle within this state while under the influence of intoxicating liquor, toluene, or any
14 controlled substance, as defined in chapter 28 of title 21, or any combination of these. The director
15 of the department of health is empowered to make and file, with the secretary of state, regulations
16 that prescribe the techniques and methods of chemical analysis of the person's body fluids or breath
17 and the qualifications and certification of individuals authorized to administer the testing and
18 analysis.

19 (b) If a person, for religious or medical reasons, cannot be subjected to blood tests, the
20 person may file an affidavit with the division of motor vehicles stating the reasons why he or she
21 cannot be required to take blood tests and a notation to this effect shall be made on his or her
22 license. If that person is asked to submit to chemical tests as provided under this chapter, the person
23 shall only be required to submit to chemical tests of his or her breath, saliva or urine. When a person
24 is requested to submit to blood tests, only a physician or registered nurse, or a medical technician
25 certified under regulations promulgated by the director of the department of health, may withdraw
26 blood for the purpose of determining the alcoholic content in it. This limitation shall not apply to
27 the taking of breath, saliva or urine specimens. The person tested shall be permitted to have a
28 physician of his or her own choosing, and at his or her own expense, administer chemical tests of
29 his or her breath, blood, saliva and/or urine in addition to the tests administered at the direction of
30 a law enforcement officer. If a person, having been placed under arrest, refuses upon the request of
31 a law enforcement officer to submit to the tests, as provided in § 31-27-2, none shall be given.

32 (1) At the initial traffic tribunal appearance, the magistrate shall review the incident, action,
33 and/or arrest reports submitted by the law enforcement officer to determine if there exists
34 reasonable grounds to believe that the person had been driving a motor vehicle while under the

1 influence of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of
2 title 21, or any combination thereof. The magistrate shall also determine if the person had been
3 informed of the penalties incurred as a result of failing to submit to a chemical test as provided in
4 this section and that the person had been informed of the implied consent notice contained in
5 subsection (c)(10) of this section. For the purpose of this subsection only, "driving a motor vehicle
6 while under the influence of any controlled substance as defined in chapter 28 of title 21" shall be
7 indicated by the presence or aroma of a controlled substance on or about the person or vehicle of
8 the individual refusing the chemical test or other reliable indicia or articulable conditions that the
9 person was impaired due to their intake of a controlled substance.

10 (2) If the magistrate determines that subsection (b)(1) of this section has been satisfied they
11 shall promptly order that the person's operator's license or privilege to operate a motor vehicle in
12 this state be immediately suspended. Said suspension shall be subject to the hardship provisions
13 enumerated in § 31-27-2.8.

14 (c) A traffic tribunal judge or magistrate, or a district court judge or magistrate, pursuant
15 to the terms of subsection (d) of this section, shall order as follows:

16 (1) Impose, for the first violation, a fine in the amount of two hundred dollars (\$200) to
17 five hundred dollars (\$500) and shall order the person to perform ten (10) to sixty (60) hours of
18 public community restitution. The person's driving license in this state shall be suspended for a
19 period of six (6) months to one year. The traffic tribunal judge or magistrate shall require attendance
20 at a special course on driving while intoxicated or under the influence of a controlled substance
21 and/or alcohol or drug treatment for the individual. The traffic tribunal judge or magistrate may
22 prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock
23 system and/or blood and urine testing as provided in § 31-27-2.8.

24 (2) Every person convicted of a second violation within a five-year (5) period, except with
25 respect to cases of refusal to submit to a blood test, shall be guilty of a misdemeanor; shall be
26 imprisoned for not more than six (6) months; shall pay a fine in the amount of six hundred dollars
27 (\$600) to one thousand dollars (\$1,000); perform sixty (60) to one hundred (100) hours of public
28 community restitution; and the person's driving license in this state shall be suspended for a period
29 of one year to two (2) years. The judge or magistrate shall require alcohol and/or drug treatment
30 for the individual. The sentencing judge or magistrate shall prohibit that person from operating a
31 motor vehicle that is not equipped with an ignition interlock system and/or blood and urine testing
32 as provided in § 31-27-2.8.

33 (3) Every person convicted for a third or subsequent violation within a five-year (5) period,
34 except with respect to cases of refusal to submit to a blood test, shall be guilty of a misdemeanor;

1 and shall be imprisoned for not more than one year; fined eight hundred dollars (\$800) to one
2 thousand dollars (\$1,000); shall perform not less than one hundred (100) hours of public community
3 restitution; and the person's operator's license in this state shall be suspended for a period of two
4 (2) years to five (5) years. The sentencing judge or magistrate shall prohibit that person from
5 operating a motor vehicle that is not equipped with an ignition interlock system and/or blood and
6 urine testing as provided in § 31-27-2.8. The judge or magistrate shall require alcohol or drug
7 treatment for the individual. Provided, that prior to the reinstatement of a license to a person charged
8 with a third or subsequent violation within a three-year (3) period, a hearing shall be held before a
9 judge or magistrate. At the hearing, the judge or magistrate shall review the person's driving record,
10 his or her employment history, family background, and any other pertinent factors that would
11 indicate that the person has demonstrated behavior that warrants the reinstatement of his or her
12 license.

13 (4) For a second violation within a five-year (5) period with respect to a case of a refusal
14 to submit to a blood test, a fine in the amount of six hundred dollars (\$600) to one thousand dollars
15 (\$1,000); the person shall perform sixty (60) to one hundred (100) hours of public community
16 restitution; and the person's driving license in this state shall be suspended for a period of two (2)
17 years. The judicial officer shall require alcohol and/or drug treatment for the individual. The
18 sentencing judicial officer shall prohibit that person from operating a motor vehicle that is not
19 equipped with an ignition interlock system as provided in § 31-27-2.8. Such a violation with respect
20 to refusal to submit to a chemical blood test shall be a civil offense.

21 (5) For a third or subsequent violation within a five-year (5) period with respect to a case
22 of a refusal to submit to a blood test, a fine in the amount of eight hundred dollars (\$800) to one
23 thousand dollars (\$1,000); the person shall perform not less than one hundred (100) hours of public
24 community restitution; and the person's driving license in this state shall be suspended for a period
25 of two (2) to five (5) years. The sentencing judicial officer shall prohibit that person from operating
26 a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.
27 The judicial officer shall require alcohol and/or drug treatment for the individual. Such a violation
28 with respect to refusal to submit to a chemical test of blood shall be a civil offense. Provided, that
29 prior to the reinstatement of a license to a person charged with a third or subsequent violation within
30 a three-year (3) period, a hearing shall be held before a judicial officer. At the hearing, the judicial
31 officer shall review the person's driving record, his or her employment history, family background,
32 and any other pertinent factors that would indicate that the person has demonstrated behavior that
33 warrants the reinstatement of their license.

34 (6) For purposes of determining the period of license suspension, a prior violation shall

1 constitute any charge brought and sustained under the provisions of this section or § 31-27-2.

2 (7) In addition to any other fines, a highway safety assessment of five hundred dollars
3 (\$500) shall be paid by any person found in violation of this section, the assessment to be deposited
4 into the general fund. The assessment provided for by this subsection shall be collected from a
5 violator before any other fines authorized by this section.

6 (8) In addition to any other fines and highway safety assessments, a two-hundred-dollar
7 (\$200) assessment shall be paid by any person found in violation of this section to support the
8 department of health's chemical testing programs outlined in §§ 31-27-2(f) and 31-27-2(g), that
9 shall be deposited as general revenues, not restricted receipts.

10 (9) No fines, suspensions, assessments, alcohol or drug treatment programs, course on
11 driving while intoxicated or under the influence of a controlled substance, or public community
12 restitution provided for under this section can be suspended.

13 (10) Implied consent notice for persons eighteen (18) years of age or older: "Rhode Island
14 law requires you to submit to a chemical test of your blood, breath, or urine for the purpose of
15 determining the chemical content of your body fluids or breath. If you refuse this testing, certain
16 penalties can be imposed and include the following: for a first offense, your Rhode Island driver's
17 license or privilege to operate a motor vehicle in this state can be suspended for six (6) months to
18 one year or modified to permit operation in connection with an ignition interlock device for a period
19 specified by law; a fine from two hundred dollars (\$200) to five hundred dollars (\$500) can be
20 imposed; and you can be ordered to perform ten (10) to sixty (60) hours of community service and
21 attend a special course on driving while intoxicated or under the influence of a controlled substance
22 and/or alcohol or drug treatment. If you have had one or more previous offenses within the past
23 five (5) years, your refusal to submit to a chemical test of breath or urine at this time can have
24 criminal penalties, including incarceration up to six (6) months for a second offense and up to one
25 year for a third or subsequent offense, and can carry increased license suspension or ignition
26 interlock period, fines, and community service. All violators shall pay a five hundred dollar (\$500)
27 highway safety assessment fee, a two hundred dollar (\$200) department of health chemical testing
28 programs assessment fee, and a license reinstatement fee. Refusal to submit to a chemical test of
29 blood shall not subject you to criminal penalties for the refusal itself, but if you have one or more
30 previous offenses other civil penalties may increase. You have the right to be examined at your
31 own expense by a physician selected by you. If you submit to a chemical test at this time, you have
32 the right to have an additional chemical test performed at your own expense. You will be afforded
33 a reasonable opportunity to exercise these rights. Access to a telephone will be made available for
34 you to make those arrangements. You may now use a telephone."

1 Use of this implied consent notice shall serve as evidence that a person's consent to a
2 chemical test is valid in a prosecution involving driving under the influence of liquor, controlled
3 substances, and/or drugs.

4 (d) Upon suspending or refusing to issue a license or permit as provided in subsection (a),
5 the traffic tribunal or district court shall immediately notify the person involved in writing, and
6 upon his or her request, within fifteen (15) days, afford the person an opportunity for a hearing as
7 early as practical upon receipt of a request in writing. Upon a hearing, the judge may administer
8 oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books
9 and papers. If the judge finds after the hearing that:

10 (1) The law enforcement officer making the sworn report had reasonable grounds to believe
11 that the arrested person had been driving a motor vehicle within this state while under the influence
12 of intoxicating liquor, toluene, or any controlled substance, as defined in chapter 28 of title 21, or
13 any combination of these;

14 (2) The person, while under arrest, refused to submit to the tests upon the request of a law
15 enforcement officer;

16 (3) The person had been informed of his or her rights in accordance with § 31-27-3; and

17 (4) The person had been informed of the penalties incurred as a result of noncompliance
18 with this section, the judge shall sustain the violation. The judge shall then impose the penalties set
19 forth in subsection (c) of this section. Action by the judge must be taken within seven (7) days after
20 the hearing or it shall be presumed that the judge has refused to issue his or her order of suspension.

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

24 (f) If any provision of this section, or the application of any provision, shall, for any reason,
25 be judged invalid, the judgment shall not affect, impair, or invalidate the remainder of the section,
26 but shall be confined in this effect to the provisions or application directly involved in the
27 controversy giving rise to the judgment.

28 **31-27-2.9. Administration of chemical test.**

29 (a) Notwithstanding any provision of § 31-27-2.1, if an individual refuses to consent to a
30 chemical test as provided in § 31-27-2.1, and a peace officer, as defined in § 12-7-21, has probable
31 cause to believe that the individual has violated one or more of the following sections: 31-27-1, 31-
32 27-1.1, 31-27-2.2, or 31-27-2.6 and that the individual was operating a motor vehicle under the
33 influence of any intoxicating liquor, toluene or any controlled substance as defined in chapter 21-
34 28, or any combination thereof, a chemical test may be administered without the consent of that

1 individual provided that the peace officer first obtains a search warrant authorizing administration
2 of the chemical test. The chemical test shall determine the amount of the alcohol or the presence of
3 a controlled substance in that person's blood, saliva or breath.

4 (b) The chemical test shall be administered in accordance with the methods approved by
5 the director of the department of health as provided for in subdivision 31-27-2(c)(4). The individual
6 shall be afforded the opportunity to have an additional chemical test as established in subdivision
7 31-27-2(c)(6).

8 (c) Notwithstanding any other law to the contrary, including, but not limited to, chapter 5-
9 37.3, any health care provider who, as authorized by the search warrant in subsection (a):

10 (i) Takes a blood, saliva or breath sample from an individual; or

11 (ii) Performs the chemical test; or

12 (iii) Provides information to a peace officer pursuant to subsection (a) above and who uses
13 reasonable care and accepted medical practices shall not be liable in any civil or criminal
14 proceeding arising from the taking of the sample, from the performance of the chemical test or from
15 the disclosure or release of the test results.

16 (d) The results of a chemical test performed pursuant to this section shall be admissible as
17 competent evidence in any civil or criminal prosecution provided that evidence is presented in
18 compliance with the conditions set forth in subdivisions 31-27-2(c)(3), 31-27-2(c)(4) and 31-27-
19 2(c)(6).

20 (e) All chemical tests administered pursuant to this section shall be audio and video
21 recorded by the law enforcement agency which applied for and was granted the search warrant
22 authorizing the administration of the chemical test.

23 **SECTION 13. This act shall take effect upon passage.**

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LC005360/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO FOOD AND DRUGS -- THE RHODE ISLAND CANNABIS ACT

1 This act would legalize the possession of up to one ounce (1 oz.) of cannabis for personal
2 use by adults aged twenty-one (21) and older. This act would establish the independent cannabis
3 control commission and supporting advisory board to regulate the cultivation, manufacture and sale
4 of cannabis for both medical and adult recreational use. The act would provide additional tax
5 revenue, with a municipal three percent (3%) local excise tax for participating municipalities and a
6 ten percent (10%) state excise tax added to the sale price for adult recreational use cannabis. This
7 act would further permit the existing compassion centers to sell adult recreational use cannabis to
8 adults over the age of twenty-one (21), on or after December 1, 2022, upon payment of a fee of one
9 hundred twenty-five thousand dollars (\$125,000). Upon promulgation of final rules and regulations
10 by the cannabis control commission, twenty-four (24) retail licenses may be issued. Twenty-five
11 percent (25%) of the retail licenses would be reserved for social equity applicants and an additional
12 twenty-five percent (25%) would be reserved for issuance to workers' cooperatives. The act would
13 offer local control over the establishment of cannabis-related license holders within each
14 municipality through their municipal council, and a ballot referendum to be placed on the
15 November 8, 2022, ballot. The act would further require that the revenue obtained through all
16 application and license fees, except license fees paid pursuant to chapter 28.6 of title 21
17 (compassion center fees) shall be used to create a social equity fund to benefit those negatively
18 impacted by the criminalization of cannabis. The act would also provide for automatic
19 expungement for prior cannabis possession convictions which have been decriminalized.

20 This act would take effect upon passage.

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