

1 **ARTICLE 13**

2 **RELATING TO STATE CONTROLLED ADULT USE MARIJUANA**

3 SECTION 1. Section 21-28.5-2 of Chapter 21-28.5 of the General Laws entitled “Sale of
4 Drug Paraphernalia” is hereby amended as follows:

5 **21-28.5-2. Manufacture or delivery of drug paraphernalia – Penalty.**

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

13 Notwithstanding any other provision of the general laws, the sale, manufacture, or delivery
14 of drug paraphernalia to a person acting in accordance with chapters 28.6, 28.11 and 28.12 of this
15 title shall not be considered a violation of this chapter.

16 SECTION 2. Section 21-28.6-6 of the General Laws in Chapter 21-28.6 entitled “The
17 Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act” is hereby amended as follows:

18 **21-28.6-6. Administration of departments of health and business regulation**
19 **regulations.**

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

- 23 (1) Written certification as defined in § 21-28.6-3;
- 24 (2) Application fee, as applicable;
- 25 (3) Name, address, and date of birth of the qualifying patient; provided, however, that if
26 the patient is homeless, no address is required;
- 27 (4) Name, address, and telephone number of the qualifying patient's practitioner;
- 28 (5) Whether the patient elects to grow medical marijuana plants for himself or herself; and
- 29 (6) Name, address, and date of birth of one primary caregiver of the qualifying patient and
30 any authorized purchasers for the qualifying patient, if any primary caregiver or authorized
31 purchaser is chosen by the patient or allowed in accordance with regulations promulgated by the
32 departments of health or business regulation.

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

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

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

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

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

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

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

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

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

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

31 (g) Following the promulgation of regulations pursuant to § 21-28.6-5(c), the department
32 of business regulation may issue or renew a registry identification card to the qualifying patient
33 cardholder's primary caregiver, if any, who is named in the qualifying patient's approved
34 application. The department of business regulation shall verify the information contained in

1 applications and renewal forms submitted pursuant to this chapter prior to issuing any registry
2 identification card. The department of business regulation may deny an application or renewal if
3 the applicant or appointing patient did not provide the information required pursuant to this section,
4 or if the department determines that the information provided was falsified, or if the applicant or
5 appointing patient has violated this chapter under his or her previous registration or has otherwise
6 failed to satisfy the application or renewal requirements.

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

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

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

32 (4) Notwithstanding any other provision of this chapter, the department of business
33 regulation or department of health may revoke or refuse to issue any class or type of registry
34 identification card or license if it determines that failing to do so would conflict with any federal

1 law or guidance pertaining to regulatory, enforcement, and other systems that states, businesses, or
2 other institutions may implement to mitigate the potential for federal intervention or enforcement.
3 This provision shall not be construed to prohibit the overall implementation and administration of
4 this chapter on account of the federal classification of marijuana as a schedule I substance or any
5 other federal prohibitions or restrictions.

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

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

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

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

29 (ii) All new and revised rules and regulations promulgated by the department of business
30 regulation and/or the department of health pursuant to this chapter shall be subject to approval by
31 the general assembly prior to enactment.

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

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

4 (3) Registry identification cards shall contain:

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

6 (ii) A random registry identification number;

7 (iii) A photograph; and

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

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

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

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

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

25 (4) When a qualifying patient cardholder or primary caregiver cardholder notifies the
26 department of health or department of business regulation, as applicable, of any changes listed in
27 this subsection, the department of health or department of business regulation, as applicable, shall
28 issue the qualifying patient cardholder and each primary caregiver cardholder a new registry
29 identification card within ten (10) days of receiving the updated information and a ten-dollar
30 (\$10.00) fee.

31 (5) When a qualifying patient cardholder changes his or her primary caregiver or authorized
32 purchaser, the department of health or department of business regulation, as applicable, shall notify
33 the primary caregiver cardholder or authorized purchaser within ten (10) days. The primary
34 caregiver cardholder's protections as provided in this chapter as to that patient shall expire ten (10)

1 days after notification by the issuing department. If the primary caregiver cardholder or authorized
2 purchaser is connected to no other qualifying patient cardholders in the program, he or she must
3 return his or her registry identification card to the issuing department.

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

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

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

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

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

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

33 (3) The department of health and the department of business regulation, as applicable, shall
34 maintain a confidential list of the persons to whom the department of health or department of

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

7 (l) Notwithstanding subsections (k) and (m) of this section, the departments of health and
8 business regulation, as applicable, shall verify to law enforcement personnel whether a registry
9 identification card is valid and may provide additional information to confirm whether a cardholder
10 is compliant with the provisions of this chapter and the regulations promulgated hereunder. The
11 department of business regulation shall verify to law enforcement personnel whether a registry
12 identification card is valid and may confirm whether the cardholder is compliant with the provisions
13 of this chapter and the regulations promulgated hereunder. Where the department of business
14 regulation has reasonable cause to believe that a primary caregiver is not in compliance with the
15 marijuana plant tagging requirements, possession and plant limits, and/or manufacturing
16 prohibitions under the Act or regulations promulgated thereunder, the department may notify law
17 enforcement officers who have been assigned by his/her respective law enforcement agency to
18 investigate criminal violations associated with such noncompliance. ~~This~~ese verifications and
19 notifications may occur through the use of a shared database, provided that any medical records or
20 confidential information in this database related to a cardholder's specific medical condition is
21 protected in accordance with subdivision (k)(1).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 SECTION 3. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby amended
7 by adding thereto the following chapters 28.11 and 28.12:

8 CHAPTER 28.11

9 ADULT USE OF MARIJUANA ACT

10 **21-28.11-1. Short title.**

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

12 **21-28.11-2. Legislative Findings.**

13 The general assembly finds and declares that:

14 (1) Regional and national shifts in cannabis policy are providing Rhode Island adults with
15 easy access to cannabis and marijuana products manufactured and sold from other states,
16 contributing to the funds these states use to safeguard public health, safety and welfare within their
17 borders, while providing no funds to the State of Rhode Island to address the public health, safety
18 and welfare externalities that come with increased access to cannabis, including marijuana.

19 (2) In the absence of a legal, tightly regulated and controlled market, an illicit industry has
20 developed undermining the public health, safety and welfare of Rhode Islanders.

21 (3) It is in the best interests of the State of Rhode Island to implement a new regulatory and
22 control framework and structure for the commercial production and sale of cannabis and cannabis
23 products, all aspects of which shall be tightly regulated and controlled by the provisions of this act,
24 chapter 28.12 of title 21, and the regulations promulgated thereunder by the office of cannabis
25 regulation, the revenue which may be used to regulate and control cannabis and cannabis products
26 and to study and mitigate the risks and deleterious impacts that cannabis and marijuana use may
27 have on the citizens and State of Rhode Island.

28 **21-28.11-3. Definitions.**

29 For purposes of this chapter:

30 (1) "Adult use" means the use, consumption, acquisition, purchase, possession, transfer, or
31 transportation of marijuana, marijuana products or marijuana paraphernalia by a person who is
32 twenty-one (21) years of age or older within the possession limitations and subject to and in
33 accordance with all other limitations, restrictions, and requirements of chapters 28.11 and 28.12
34 of title 21 and all regulations promulgated thereunder.

1 (2) “Adult use marijuana contract” means a contract entered into by and between the state and
2 an adult use marijuana contractor pursuant to the procurement procedures and requirements set forth
3 in chapter 2 of title 37 with respect to the provision of supplies and performance of services to, for, and
4 on behalf of, the state with respect to the state’s operation and control of adult use state stores.

5 (3) “Adult use marijuana contractor” means a contractor that is party to an adult use marijuana
6 contract with the state to provide supplies and perform services to, for, and on behalf of, the state with
7 respect to the state’s operation and control of adult use state stores and who shall be exempt from state
8 penalties for the provision of supplies and performance of services in compliance with the adult use
9 marijuana contract, chapters 28.11 and 28.12 of title 21, and regulations promulgated by the office of
10 cannabis regulation.

11 (4) "Adult use marijuana cultivator licensee" means any person or entity that is licensed under
12 chapter 28.12 of title 21 to be exempt from state penalties for cultivating, preparing, packaging, and
13 selling or transferring marijuana (but not marijuana products) in accordance with chapters 28.11 and
14 28.12 of title 21 and regulations promulgated thereunder to the state, an adult use state store, an adult
15 use marijuana contractor, a marijuana processor, another adult use marijuana cultivator licensee, a
16 cannabis testing laboratory, or another marijuana establishment licensee.

17 (5) “Adult use marijuana emporium” means any establishment, facility or club, whether
18 operated for-profit or nonprofit, or any commercial unit or other premises as further defined through
19 regulations promulgated by the department of business regulation, at which the sale, distribution,
20 transfer or use of marijuana or marijuana products is proposed and/or occurs to, by or among
21 members of the general public or other persons as further defined through regulations promulgated
22 by the department of business regulation. This shall not include a compassion center regulated and
23 licensed by the department of business regulation pursuant to chapter 28.6 of title 21 or an adult
24 use state store operated and controlled by the state in accordance with the terms of chapters 28.11
25 and 28.12 of title 21.

26 (6) "Adult use marijuana processor licensee" means an entity licensed under chapter 21-28.12
27 of title 21 to be exempt from state penalties for purchasing marijuana from adult use marijuana
28 cultivator licensees, other adult use marijuana processors, or other marijuana establishments,
29 manufacturing and/or processing marijuana products, and selling, giving, or transferring marijuana
30 products to the state, an adult use state store, an adult use marijuana contractor, a cannabis testing
31 laboratory, or other marijuana establishment licensee in accordance with chapters 28.11 and 28.12 of title
32 21 and regulations promulgated thereunder.

33 (7) "Adult use state store" means a facility operated and controlled by the state which shall
34 be exempt from state penalties for such operation and control and the procurement of supplies and

1 services and the retail sale of marijuana, marijuana products, and marijuana paraphernalia to
2 persons who are twenty-one (21) years of age or older in accordance with the provisions of chapters
3 28.11 and 28.12 of title 21 and regulations promulgated thereunder.

4 (8) "Cannabis" means all parts of the plant of the genus marijuana, also known as marijuana
5 sativa L, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and
6 every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin
7 regardless of cannabinoid content or cannabinoid potency including "marijuana", and "industrial
8 hemp" or "industrial hemp products" which satisfy the requirements of chapter 26 of title 2.

9 (9) "Cannabis testing laboratory" means a third-party analytical testing laboratory licensed
10 by the departments of health, in coordination with the department of business regulation, to collect
11 and test samples of cannabis pursuant to regulations promulgated under chapters 28.11 and 28.12
12 of title 21.

13 (10) "Contract" has the meaning given that term in § 37-2-7.

14 (11) "Department" or "department of business regulation" means the office of cannabis
15 regulation within the department of business regulation or its successor agency.

16 (12) "Dwelling unit" means a room or group of rooms within a residential dwelling used or
17 intended for use by one family or household, or by no more than three (3) unrelated individuals, with
18 facilities for living, sleeping, sanitation, cooking, and eating.

19 (13) "Equivalent amount" means the portion of usable marijuana, be it in extracted, edible,
20 concentrated, or any other form, found to be equal to a portion of dried, marijuana, as defined by
21 regulations promulgated by the office of cannabis regulation.

22 (14) "Hemp" or "industrial hemp" has the meaning given that term in § 2-26-3.

23 (15) "Hemp products" or "industrial hemp products" has the meaning given that term in §
24 2-26-3.

25 (16) "Hemp-derived consumable CBD products" has the meaning given that term in § 2-
26 26-3.

27 (17) "Marijuana" means all parts of the plant cannabis sativa L., whether growing or not; the
28 seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture,
29 salt, derivative, mixture, or preparation of the plant, its seeds or resin, but shall not include the
30 mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the
31 plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks,
32 (except the resin extracted from it), fiber, oil or cake, or the sterilized seed from the plant which is
33 incapable of germination. Marijuana shall not include "industrial hemp" or "industrial hemp
34 products" which satisfy the requirements of chapter 26 of title 2.

1 (18) "Marijuana establishment" and "marijuana establishment licensee" means any person,
2 entity or facility that is licensed under chapters 28.12 or 28.6 of title 21, to be exempt from state
3 penalties for engaging in or conducting the activities permitted under its respective license and
4 includes but is not limited to an adult use marijuana cultivator licensee, an adult use marijuana
5 processor licensee, an adult use marijuana contractor, a cannabis testing laboratory, a licensed
6 compassion center, a licensed medical marijuana cultivator, or any other entity licensed by the
7 office of cannabis regulation under chapter 28.12 or 28.6 or title 21.

8 (19) "Marijuana paraphernalia" means equipment, products, and materials which are used
9 or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing,
10 compounding, converting, producing, processing, preparing, testing, analyzing, packaging,
11 repackaging, storing, containing, concealing, ingesting, or inhaling marijuana, or otherwise
12 introducing marijuana into the human body.

13 (20) "Marijuana plant" means a marijuana plant, rooted or unrooted, mature, or immature,
14 with or without flowers or buds.

15 (21) "Marijuana products" means any form of marijuana, including concentrated marijuana
16 and products that are comprised of marijuana and other ingredients that are intended for use or
17 consumption, such as, but not limited to, extracts, infusions, edible products, ointments, and tinctures, as
18 further defined in regulations promulgated by the office of cannabis regulation.

19 (22) "Office of cannabis regulation" means the office of cannabis regulation within the
20 department of business regulation.

21 (23) "Procurement" has the meaning given that term in § 37-2-7.

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

25 (25) "Registry identification card" means a document issued by the department of business
26 regulation or department of health that identifies a person as a registered officer, director, manager,
27 member, partner, employee, or agent of an adult use marijuana cultivator licensee, an adult use
28 marijuana processor licensee, an adult use marijuana contractor, an adult use state store, a cannabis
29 testing laboratory, or any other marijuana establishment licensee.

30 (26) "Services" has the meaning given in § 37-2-7.

31 (27) "Smoke" or "smoking" means heating to at least the point of combustion, causing plant
32 material to burn, inhaling, exhaling, burning, or carrying any lighted or heated cigarette, pipe, weed, plant,
33 other marijuana product in any manner or in any form intended for inhalation in any manner or form and
34 includes but is not limited to the use of electronic cigarettes, electronic pipes, electronic marijuana delivery

1 system products, or other similar products that rely on vaporization or aerosolization.

2 (28) "State" means the state of Rhode Island and, to the extent of any delegation of purchase
3 control pursuant to § 37-2-54, the department of business regulation through its office of cannabis
4 regulation which shall be exempt from state penalties for the procurement of supplies and services and
5 the operation and control of adult use state stores and the retail sale of marijuana, marijuana products,
6 and marijuana paraphernalia to persons who are twenty-one (21) years of age or older in accordance
7 with chapters 28.11 and 28.12 of title 21 and regulations promulgated thereunder.

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

10 (30) "Supplies" has the meaning given in § 37-2-7 and includes marijuana, marijuana products,
11 and marijuana paraphernalia to be sold at adult use state stores.

12 (31) "Vaporize" or "vape" means heating below the point of combustion and resulting in a
13 vapor or mist.

14 **21-28.11-4. Exempt activities.**

15 Effective from and after January 1, 2021, except as otherwise provided in this chapter:

16 (1) A person who is twenty-one (21) years of age or older is exempt from arrest, civil or
17 criminal penalty, seizure or forfeiture of assets, discipline by any state or local licensing board, and state
18 prosecution for solely engaging in the following acts in accordance and compliance with chapters
19 28.11 and 28.12 of title 21 and the regulations promulgated thereunder by the office of cannabis
20 regulation:

21 (i) Actually or constructively using, obtaining, purchasing, transporting, or possessing one ounce
22 (1 oz.) or less of marijuana plant material, or an equivalent amount of marijuana product as determined
23 by regulations promulgated by the office of cannabis regulation, provided that a person who is twenty-
24 one (21) years of age or older may only purchase one ounce (1 oz.) of marijuana plant material, or an
25 equivalent amount of marijuana product as determined by regulations promulgated by the department
26 of office of cannabis regulation per day;

27 (ii) Possessing in the person's primary residence in secured and locked storage five ounces (5
28 oz.) or less of marijuana plant material or an equivalent amount of marijuana product as determined by
29 regulations promulgated by the office of cannabis regulation, or possessing in any dwelling unit used
30 as the primary residence by two or more persons who are each twenty-one (21) years of age or older
31 in secured and locked storage ten ounces (10 oz.) or less of marijuana plant material or an equivalent
32 amount of marijuana product as determined by regulations promulgated by the office of cannabis
33 regulation;

34 (iii) Controlling any premises or vehicle where persons who are twenty-one (21) years of age

1 or older possess, process, or store amounts of marijuana plant material and marijuana products that are
2 legal under state law under subsections (1)(i) and (1)(ii) of this section, provided that any and all
3 marijuana plant material and/or marijuana products in a vehicle are sealed, unused, and in their original
4 unopened packaging;

5 (iv) Giving away, without consideration, the amounts of marijuana and marijuana products that
6 are legal under state law under subsection (1)(i) of this section, if the recipient is a person who is
7 twenty-one (21) years of age or older, provided the gift or transfer of marijuana is not advertised or
8 promoted to the public and the gift or transfer of marijuana is not in conjunction with the sale or transfer
9 of any money, consideration or value, or another item or any other services in an effort to evade laws
10 governing the sale of marijuana;

11 (v) Aiding and abetting another person who is twenty-one (21) years of age or older in the
12 actions allowed under this chapter; and

13 (vi) Any combination of the acts described within subsections (1)(i) through (1)(v) of this
14 section, inclusive.

15 (2) Except as otherwise provided in this chapter and chapter 28.12 of title 21, an adult use
16 state store and any person who is twenty-one (21) years of age or older and acting in their capacity
17 as an owner, officer, director, partner, manager, member, employee, or registered agent of an adult
18 use marijuana contractor is exempt from arrest, civil or criminal penalty, seizure or forfeiture of
19 assets, discipline by any state or local licensing board, and state prosecution for solely engaging in the
20 following acts in accordance and compliance with chapters 28.11 and 28.12 of title 21, the regulations
21 promulgated thereunder by the office of cannabis regulation and any applicable adult use marijuana
22 contract:

23 (i) Actually or constructively obtaining, purchasing, transporting or possessing marijuana or
24 marijuana products that were purchased from an adult use marijuana cultivator licensee, an adult use
25 marijuana processor licensee, another adult use state store or adult use marijuana contractor, or any
26 other marijuana establishment licensee;

27 (ii) Manufacturing, possessing, producing, obtaining, purchasing or selling marijuana
28 paraphernalia;

29 (iii) Selling, delivering, or transferring marijuana, marijuana products or marijuana
30 paraphernalia to another adult use state store or adult use marijuana contractor;

31 (iv) Selling at retail, transferring, or delivering, no more than, one ounce (1 oz.) of marijuana, or
32 an equivalent amount of marijuana product per day, or marijuana paraphernalia to any person who
33 is twenty-one (21) years of age or older, within the transaction limits of and in accordance with this
34 chapter, chapter 28.12 of title 21 and regulations promulgated by the office of cannabis regulation;

1 (v) Transferring or delivering marijuana or marijuana products to a cannabis testing facility in
2 accordance with regulations promulgated by the office of cannabis regulation;

3 (vi) Managing and supervising under the operation and control of the state any state store or other
4 premises or vehicle where marijuana, marijuana products, and marijuana paraphernalia are
5 possessed, sold, or deposited in a manner that is not in conflict with this chapter, chapter 28.12 of title
6 21 or regulations promulgated by the office of cannabis regulation; and

7 (vii) Any combination of the acts described within subsections (2)(i) through (2)(vi) of this
8 section, inclusive.

9 (3) Except as otherwise provided in this chapter and chapter 28.12 of title 21, an adult use
10 marijuana cultivator licensee or any person who is twenty-one (21) years of age or older and acting in
11 their capacity as an owner, officer, director, partner, manager, member, employee, or registered
12 agent of an adult use marijuana cultivator licensee is exempt from arrest, civil or criminal penalty,
13 seizure or forfeiture of assets, discipline by any state or local licensing board, and state prosecution
14 for solely engaging in the following acts in accordance and compliance with chapters 28.11 and 28.12
15 of title 21, and the regulations promulgated thereunder by the office of cannabis regulation:

16 (i) Cultivating, packing, processing, transporting, or manufacturing marijuana, but not
17 marijuana products;

18 (ii) Transporting or possessing marijuana that was produced by the adult use marijuana
19 cultivator licensee or another marijuana establishment;

20 (iii) Selling, delivering, or transferring marijuana to the state, an adult use state store or adult
21 use marijuana contractor, an adult use marijuana processor licensee, another adult use marijuana
22 cultivator licensee, or any other marijuana establishment;

23 (iv) Purchasing marijuana from an adult use marijuana cultivator licensee;

24 (v) Delivering or transferring marijuana to a cannabis testing laboratory;

25 (vi) Managing, supervising and controlling any premises or vehicle where marijuana is
26 possessed, manufactured, sold, or deposited, in accordance with regulations promulgated by the
27 office of cannabis regulation; and

28 (vii) Any combination of the acts described within subsections (3)(i) through (3)(vi) of this
29 section, inclusive.

30 (4) Except as otherwise provided in this chapter and chapter 28.12 of title 21, an adult use
31 marijuana processor licensee or any person who is twenty-one (21) years of age or older and acting in
32 their capacity as an owner, officer, director, partner, manager, member, employee, or registered
33 agent of an adult use marijuana processor licensee is exempt from arrest, civil or criminal penalty,
34 seizure or forfeiture of assets, discipline by any state or local licensing board, and state prosecution for

1 solely engaging in the following acts in accordance and in accordance and compliance with chapters
2 28.11 and 28.12 of title 21 and the regulations promulgated thereunder by the office of cannabis
3 regulation:

4 (i) Producing, manufacturing, packing, processing, or transporting marijuana products;

5 (ii) Packing, processing, possessing, or transporting marijuana that was produced by an adult
6 use marijuana cultivator licensee;

7 (iii) Possessing, transporting, or producing marijuana paraphernalia;

8 (iv) Manufacturing, possessing, or producing marijuana products;

9 (v) Selling, delivering, or transferring marijuana products to the state, an adult use state store
10 or adult use marijuana contractor, another adult use marijuana processor licensee, or any other
11 marijuana establishment;

12 (vi) Purchasing marijuana from an adult use marijuana cultivator licensee, or another adult
13 use marijuana processor licensee, or any other marijuana establishment;

14 (vii) Delivering or transferring marijuana or marijuana products to a cannabis testing laboratory;

15 (viii) Managing, supervising or controlling any premises or vehicle where marijuana products and
16 marijuana paraphernalia are possessed, manufactured, sold, or deposited;

17 (ix) Managing, supervising or controlling any premises or vehicle where marijuana is
18 possessed, processed, packaged, or deposited; and

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

21 (5) Except as otherwise provided in this chapter and chapter 28.12 of title 21, a cannabis
22 testing laboratory or any person who is twenty-one (21) years of age or older and acting in their
23 capacity as an owner, officer, director, partner, manager, member, employee, or registered agent
24 of a cannabis testing laboratory shall not be subject to state prosecution; search, except by the
25 department of business regulation or department of health pursuant to § 21-28.12-8; seizure; or penalty
26 in any manner or be denied any right or privilege, including, but not limited to, civil penalty or
27 disciplinary action by a court or business licensing board or entity solely engaging in for the following
28 acts in accordance and compliance with chapters 28.11 and 28.12 of title 21, the regulations
29 promulgated thereunder by the department of health and the office of cannabis regulation:

30 (i) Acquiring, transporting, storing, or possessing marijuana or marijuana products;

31 (ii) Returning marijuana and marijuana products to adult use marijuana cultivator licensees,
32 adult use marijuana processor licensees, the state, adult use state stores or adult use marijuana
33 contractors, other marijuana establishment licensees and industrial hemp license holders;

34 (iii) Receiving compensation for analytical testing, including but not limited to testing for

1 contaminants and potency; and

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

4 (6) The acts listed in subsections (1) through (5) of this section, when undertaken in
5 accordance and compliance with the provisions of chapters 28.11 and 28.12 of title 21 and regulations
6 promulgated thereunder, are lawful under Rhode Island law.

7 (7) Except as otherwise provided in chapters 28.11 and 28.12 of title 21, a marijuana
8 establishment licensee or any person who is twenty-one (21) years of age or older and acting in their
9 capacity as an owner, officer, director, partner, manager, member, employee, or registered agent
10 of a marijuana establishment licensed by the office of cannabis regulation is exempt from arrest,
11 civil or criminal penalty, seizure or forfeiture of assets, discipline by any state or local licensing board,
12 and state prosecution solely for obtaining, possessing, transferring, or delivering marijuana,
13 marijuana products or marijuana paraphernalia or otherwise engaging in activities permitted under
14 the specific marijuana establishment license it holds as issued by the office of cannabis regulation
15 in accordance and compliance with chapters 28.11 and 28.12 of title 21 and the corresponding
16 marijuana establishment license regulations promulgated by the office of cannabis regulation.

17 (8) No state employee shall be subject to arrest, prosecution, or penalty in any manner, or
18 denied any right or privilege, including, but not limited to, civil penalty, criminal penalty, seizure
19 or forfeiture of assets, discipline by any state or local licensing board, state prosecution, disciplinary
20 action, termination, or loss of employee or pension benefits, for any and all conduct that occurs
21 within the scope of his or her employment regarding the administration, execution, implementation
22 and/or enforcement of chapters 28.11 and 28.12 of title 21 and the regulations promulgated
23 thereunder, and the provisions of §§ 9-31-8 and 9-31-9 shall be applicable to this section.

24 (9) Except for the exemptions set forth in subsections (1) and (2) of this section which shall
25 be effective from and after January 1, 2021, the exemption set forth in subsection (8) of this section
26 which shall be effective upon passage of this act, the exemptions set forth in subsections (3), (4),
27 (5), (6) and (7) of this section shall be effective as to a marijuana establishment licensee from and
28 after the date of issuance of a license by the office of cannabis regulation.

29 **21-28.11-5. Authorized activities; paraphernalia.**

30 (a) Any person who is twenty-one (21) years of age or older is authorized to manufacture,
31 produce, use, obtain, purchase, transport, or possess, actually or constructively, marijuana
32 paraphernalia in accordance with all applicable laws.

33 (b) Any person who is twenty-one (21) years of age or older is authorized to distribute or
34 sell marijuana paraphernalia to marijuana establishments or persons who are twenty-one (21) years

1 of age or older in accordance with all applicable laws.

2 **21-28.11-6. Unlawful activities; penalties.**

3 (a) Except as expressly provided in chapters 28.6, 28.11 and 28.12 of title 21, no person or
4 entity shall cultivate, grow, acquire, purchase, possess, sell, transfer, manufacture, process, or
5 otherwise produce marijuana, marijuana plants or marijuana products.

6 (b) Any person or entity who cultivates, grows, acquires, purchases, possesses, sells,
7 manufactures, processes, or otherwise produces marijuana, marijuana plants or marijuana products
8 in violation of chapters 28.6, 28.11 and 28.12 of title 21, and/or the regulations promulgated
9 thereunder shall be subject to imposition of an administrative penalty and order by the office of
10 cannabis regulation as follows:

11 (i) for a violation of this section involving one (1) to five (5) marijuana plants, an
12 administrative penalty of \$2,000 per plant and an order requiring forfeiture and/or destruction of
13 said plants;

14 (ii) for a violation of this section involving six (6) to ten (10) marijuana plants, an
15 administrative penalty of \$3,000 per plant and an order requiring forfeiture and/or destruction of
16 said plants;

17 (iii) for a violation of this section involving eleven (11) to twenty (20) marijuana plants, an
18 administrative penalty of \$4,000 per plant and an order requiring forfeiture and/or destruction of
19 said plants;

20 (iv) for a violation of this section involving more than twenty (20) marijuana plants, an
21 administrative penalty of \$5,000 per plant and an order requiring forfeiture and/or destruction of
22 said plants;

23 (v) for any violation of this section involving more than twenty (20) marijuana plants, such
24 person and, in the case of an entity each of such entity's owners, officers, directors, managers,
25 members, partners and other key persons, shall also be guilty of a felony, and upon conviction shall
26 be punished by imprisonment and a fine as provided in chapter 28 of title 21 and the attorney
27 general shall prosecute such criminal violation; and

28 (vi) for any violation of this section involving marijuana material or marijuana products over the
29 legal possession limits of this chapter, there shall be an administrative penalty of \$2,000 per ounce of
30 equivalent marijuana material over the legal possession limit and an order requiring forfeiture and/or
31 destruction of said marijuana.

32 **21-28.11-7. Activities not exempt.**

33 The provisions of this chapter do not exempt any person from arrest, civil or criminal penalty,
34 seizure or forfeiture of assets, discipline by any state or local licensing board or authority, and state

1 prosecution for, nor may they establish an affirmative defense based on this chapter to charges arising
2 from, any of the following acts:

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

5 (2) Possessing marijuana or marijuana products if the person is a prisoner;

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

9 (4) Manufacturing or processing of marijuana products with the use of prohibited solvents,
10 in violation of § 21-28.11-16.

11 **21-28.11-8. Marijuana use prohibitions.**

12 (a) No person shall smoke, vaporize or otherwise consume or use cannabis in a public
13 place. A person who violates this section shall be subject to imposition of an administrative penalty
14 by the office of cannabis regulation of one hundred fifty dollars (\$150) per violation, in addition to
15 and not in lieu of any applicable penalty or fine by the municipality where the public consumption
16 or use occurred.

17 (b) No person shall smoke or vaporize cannabis in, on or about the premises of any housing
18 that is subject to regulation or otherwise within the purview of chapters 25, 26, 53 or 60 of title 45
19 and any regulations promulgated thereunder. A person who smokes or vaporizes cannabis in, on or
20 about such housing premises shall be subject to imposition of an administrative penalty by the
21 office of cannabis regulation of one hundred fifty dollars (\$150) per violation, in addition to and
22 not in lieu of any applicable penalty, access prohibition or restriction, eviction or other action that
23 may lawfully be taken by the owner and/or applicable authority with respect to said housing.

24 (c) No person shall smoke or vaporize cannabis in, on or about the premises of any multi-
25 unit housing complex or building without the written permission of the owner of such property
26 and/or any applicable governing body of the housing complex or building. A person who smokes
27 or vaporizes cannabis in, on or about any multi-unit housing complex or building premises without
28 such written permission shall be subject to imposition of an administrative penalty by the office of
29 cannabis regulation of one hundred fifty dollars (\$150) per violation, in addition to and not in lieu
30 of any applicable penalty, access prohibition or restriction, eviction or other action that may
31 lawfully be taken by the owner and/or any applicable authority with respect to such multi- unit
32 housing complex or building.

33 (d) No person may smoke, vaporize or otherwise consume or use, sell, distribute or
34 otherwise transfer or propose any such sale, distribution or transfer, cannabis or cannabis products

1 in, on or about the premises of any place of business, establishment, or club, whether public or
2 private, and whether operated for-profit or nonprofit, or any commercial property or other premises
3 as further defined through regulations promulgated by the office of cannabis regulation, unless a
4 cannabis social use license or temporary cannabis social use permit has been issued by the office
5 of cannabis regulation with respect to such business, establishment, club or commercial property
6 premises in accordance with regulations promulgated by the office of cannabis regulation. Any
7 person who violates this section shall be subject to imposition of administrative fine and/or other
8 penalty as prescribed by the office of cannabis regulation in such regulations.

9 **21-28.11-9. Scope of chapter.**

10 This chapter shall not permit:

11 (a) Any person to undertake any task under the influence of marijuana, when doing so
12 would constitute negligence or professional malpractice;

13 (b) The smoking of marijuana:

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

15 (2) On any school grounds;

16 (3) In any correctional facility;

17 (4) In any public place;

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

19 (6) Where exposure to the marijuana smoke affects the health, safety, or welfare of
20 children.

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

24 (d) The operation of a marijuana emporium is prohibited in this state without a license
25 issued by the department of business regulation.

26 **21-28.11-10. Places of employment.**

27 (a) Nothing in this chapter shall be construed to require an employer to accommodate the
28 use or possession of marijuana, or being under the influence of marijuana, in any workplace.

29 (b) An employer shall be entitled to implement policies prohibiting the use or possession
30 of marijuana in the workplace and/or working under the influence of marijuana, provided such
31 policies are in writing and uniformly applied to all employees and an employee is given prior
32 written notice of such policies by the employer.

33 (c) The provisions of this chapter shall not permit any person to undertake any task under
34 the influence of marijuana when doing so would constitute negligence or professional malpractice,

1 jeopardize workplace safety, or to operate, navigate or be in actual physical control of any motor
2 vehicle or other transport vehicle, aircraft, motorboat, machinery or equipment, or firearms under
3 the influence of marijuana.

4 (d) Notwithstanding any other section of the general laws, upon specific request of a person
5 who is a qualifying medical marijuana patient cardholder under chapter 28.6 of title 21, the
6 department of health may verify the requesting cardholder's status as a valid patient cardholder to
7 the qualifying patient cardholder's employer, in order to ensure compliance with patient
8 protections of §21-28.6-4(f).

9 (e) Notwithstanding any other section of the general laws, an employer may take
10 disciplinary action against an employee, including termination of employment, if the results of a
11 drug test administered in accordance with section §28-6.5-1 of the general laws demonstrates that
12 the employee was under the influence of or impaired by marijuana while in the workplace or
13 during the performance of work. For purposes of this subsection (e), a drug test that yields a
14 positive result for cannabis metabolites shall not be construed as proof that an employee is under
15 the influence of or impaired by marijuana unless the test yields a positive result for active THC,
16 delta-9-tetrahydrocannabinol, delta-8-tetrahydrocannabinol, or any other active cannabinoid
17 found in marijuana which is an intoxicant or causes impairment.

18 **21-28.11-11. Private property.**

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

22 (b) Except as provided in this section, in the case of the rental of a residential dwelling unit
23 governed by chapter 18 of title 34, a landlord may not prohibit the consumption of cannabis by non-
24 smoked or non-vaporized means, or the transfer without compensation of cannabis by the tenant as
25 defined in § 34-18-11, provided the tenant is in compliance with the possession and transfer limits
26 and other requirements set forth in § 21-28.11-4(1)(i) and (iv), and provided any such consumption
27 or transfer by the tenant is done within the tenant's dwelling unit and is not visible from outside of the
28 individual residential dwelling unit. A landlord may prohibit the consumption, display, and transfer of
29 cannabis by a roomer as defined in §34-18-11 and by any other person who is not a tenant.

30 **21-28.11-12. False age representation.**

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

34 (b) Any person who violates this section shall be subject to the following penalties which shall

1 be enforced by the division of motor vehicles in accordance with chapter 11 of title 31 and any
2 regulations promulgated thereunder or hereunder:

3 (i) for the first offense, imposition of a mandatory fine of not less than one hundred dollars
4 (\$100) nor more than five hundred dollars (\$500), the requirement to perform thirty (30) hours of
5 community service and suspension of his/her motor vehicle operator's license or permit and driving
6 privileges for a period of thirty (30) days;

7 (ii) for the second offense, imposition of a mandatory fine of not less than five hundred
8 dollars (\$500) nor more than seven hundred fifty dollars (\$750), the requirement to perform forty (40)
9 hours of community service and suspension of his/her motor vehicle operator's license or permit and
10 driving privileges for a period of three (3) months; and

11 (iii) for the third and subsequent offenses, imposition of a mandatory fine for each offense
12 of not less than seven hundred fifty dollars (\$750) nor more than one thousand dollars (\$1,000), the
13 requirement to perform by fifty (50) hours of community service and suspension of his/her motor
14 vehicle operator's license or permit and driving privileges for a period of one (1) year.

15 (c) In addition to and not in lieu of the penalties described in subsection (b), the department
16 of elementary and secondary education and, with the prior approval of the department, any city,
17 town or school district under its authority, may adopt and implement marijuana drug use policies
18 which require students to face disciplinary actions including but not limited to, suspension,
19 expulsion, community service, and prohibition from participation in school sanctioned events, for
20 any violation of this section or for the possession or use of marijuana, provided that nothing herein
21 shall alter, modify or otherwise impair the medical use protections afforded under chapter 28.6 of
22 title 21 to qualifying patients that are registered with the department of health under § 21-28.6-6(b).
23 The department of elementary and secondary education shall have the authority to adopt rules and
24 regulations as are necessary and proper to carry out the foregoing.

25 **21-28.11-13. Unlawful distribution to minors; penalties.**

26 (a) Except as expressly provided in chapters 28.6 of title 21, no person or entity shall sell,
27 deliver, distribute or otherwise transfer or furnish to, or purchase or otherwise procure for, any
28 person who is under twenty-one (21) years of age marijuana, marijuana plants, marijuana products
29 or marijuana paraphernalia.

30 (b) Any person or entity who sells, delivers, distributes or otherwise transfers or furnishes
31 to, or purchases or otherwise procures for, any person who is under twenty-one (21) years of age
32 marijuana, marijuana plants, marijuana products or marijuana paraphernalia in violation of this
33 chapter and chapter 28.12 and/or the regulations promulgated hereunder shall be subject to
34 imposition of an administrative penalty by the office of cannabis regulation in the amount of

1 \$10,000 per violation.

2 (c) As to any knowing violation of this section, by any person who is twenty-one (21) years
3 of age or older where the sale, delivery, distribution, transfer or furnishing to, or purchase or
4 procurement for, is as to a person who is at least three (3) years his or her junior, such person, and
5 in the case of an entity each of such entity's owners, officers, directors, managers, members,
6 partners and other key persons, shall also be guilty of a felony, and upon conviction shall be
7 punished by imprisonment and a fine as provided in chapter 28 of title 21 and the attorney general
8 shall prosecute such criminal violation.

9 (d) It is no defense to a prosecution for a violation of subsection (c) that in the transaction
10 upon which the prosecution is based, any person who has not reached his or her twenty-first (21st)
11 birthday acted as the agent or representative of another, or that the defendant dealt with any person
12 who has not reached his or her twenty-first (21st) birthday as the agent or representative of another,
13 or that any person who has not reached his or her twenty-first (21st) birthday misrepresented or
14 misstated his or her age, or the age of any other person or misrepresented his or her age through the
15 presentation of any of the documents described in § 3-8-6(a)(3)(i)-(iii) of the general laws.

16 **21-28.11-14. Compliance check.**

17 (a) As used in this section the term "compliance check" means the sending of a minor into
18 a marijuana establishment to see if that minor could purchase marijuana. As used in this section the
19 term "purchase survey" refers to compliance checks that are a part of a statewide survey.

20 (b) Underage individuals acting as agents for state or municipal law enforcement may
21 purchase, with impunity from prosecution, marijuana for the purposes of law enforcement,
22 provided that the underage individuals are supervised by an adult law enforcement official. Any
23 individual participating in an unannounced compliance check and/or purchase survey must state
24 his/her accurate age if asked by the employee of the licensed establishment being checked.

25 (c) If the compliance check is a part of a general enforcement operation and results in the
26 sale of marijuana to the minor, the manager of the marijuana establishment shall be notified within
27 48 hours of the violation. If the compliance check is a part of a purchase survey and results in the
28 sale of marijuana to the minor, the manager of the marijuana establishment shall be notified of the
29 violation upon completion of the purchase survey in that community.

30 **21-28.11-15. Transportation of marijuana by underage persons.**

31 (a) Any person who has not reached his or her twenty-first (21st) birthday and who operates
32 a motor vehicle upon the public highways, except when accompanied by a parent, legal guardian,
33 or another adult who is over the age of twenty-one (21) years and related, whether by blood,
34 adoption or marriage, to the operator within the following degree of sanguinity: brother, sister,

1 grandfather, grandmother, father-in-law, mother-in-law, brother-in-law, sister-in-law, stepfather,
2 stepmother, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, great uncle or great aunt
3 and, knowingly having marijuana or marijuana products in any form in containers, opened or
4 unopened, in any part of the vehicle shall be guilty of a criminal violation. The words “marijuana”
5 and “marijuana products”, as used in this section, have the same meaning as defined in chapter 21-
6 28.11 of this title.

7 (b) Any person who violates subsection (a) of this section shall be subject to the following
8 penalties enforced by the division of motor vehicles in accordance with chapter 11 of title 31 and
9 the regulations promulgated thereunder or hereunder:

10 (1) For a first offense, a fine of not more than two hundred fifty dollars (\$250) and have
11 his or her license to operate a motor vehicle suspended for not more than thirty (30) days;

12 (2) For a second offense, a fine of not more than five hundred dollars (\$500) and have his
13 or her license to operate a motor vehicle suspended for not more than ninety (90) days;

14 (3) For a third or subsequent offense, a fine of no less than five hundred dollars (\$500) nor
15 more than nine hundred and fifty dollars (\$950) and have his or her license to operate a motor
16 vehicle suspended for one year.

17 **21-28.11-16. Unlawful marijuana extraction, penalties.**

18 (a) No person, other than an adult use marijuana processor licensee who is in compliance
19 with this chapter, chapter 28.12 and accompanying regulations or a registered agent of an adult use
20 marijuana processor licensee acting in that capacity, may extract compounds from marijuana using
21 solvents other than water, glycerin, propylene glycol, vegetable oil, or food grade ethanol (ethyl alcohol).
22 No person may extract compounds from marijuana using ethanol in the presence or vicinity of open
23 flame.

24 (b) A person who violates this section shall be subject to imposition of an administrative
25 penalty by the office of cannabis regulation of up to five thousand dollars (\$5,000) per violation.

26 (c) A person who violates this section shall also be guilty of a felony punishable by imprisonment
27 and a fine in accordance with chapter 28 of title 21 and the attorney general shall prosecute such
28 criminal violation.

29 CHAPTER 28.12

30 MARIJUANA REGULATION, CONTROL, AND REVENUE ACT

31 **21-28.12-1. Short title.**

32 This chapter shall be known and may be cited as the "Marijuana Regulation, Control, and
33 Revenue Act."

34 **21-28.12-2. Definitions.**

1 For purposes of this chapter:

2 (1) "Adult use" means the use, consumption, acquisition, purchase, possession, transfer, or
3 transportation of marijuana, marijuana products or marijuana paraphernalia by a person who is
4 twenty-one (21) years of age or older within the possession limitations and subject to and in
5 accordance with all other limitations, restrictions, and requirements of chapters 28.11 and 28.12
6 of title 21 and all regulations promulgated thereunder.

7 (2) "Adult use marijuana contract" means a contract entered into by and between the state and
8 an adult use marijuana contractor pursuant to the procurement procedures and requirements set forth
9 in chapter 2 of title 37 with respect to the provision of supplies and performance of services to, for, and
10 on behalf of, the state with respect to the state's operation and control of adult use state stores.

11 (3) "Adult use marijuana contractor" means a contractor that is party to an adult use marijuana
12 contract with the state to provide supplies and perform services to, for, and on behalf of, the state with
13 respect to the state's operation and control of adult use state stores and who shall be exempt from state
14 penalties for the provision of supplies and performance of services in compliance with the adult use
15 marijuana contract, chapters 28.11 and 28.12 of title 21, and regulations promulgated by the office of
16 cannabis regulation.

17 (4) "Adult use marijuana cultivator licensee" means any person or entity that is licensed under
18 chapter 28.12 of title 21 to be exempt from state penalties for cultivating, preparing, packaging, and
19 selling or transferring marijuana (but not marijuana products) in accordance with chapters 28.11 and
20 28.12 of title 21 and regulations promulgated thereunder to the state, an adult use state store, an adult
21 use marijuana contractor, a marijuana processor, another adult use marijuana cultivator licensee, a
22 cannabis testing laboratory, or another marijuana establishment licensee.

23 (5) "Adult use marijuana emporium" means any establishment, facility or club, whether
24 operated for-profit or nonprofit, or any commercial unit or other premises as further defined through
25 regulations promulgated by the department of business regulation, at which the sale, distribution,
26 transfer or use of marijuana or marijuana products is proposed and/or occurs to, by or among
27 members of the general public or other persons as further defined through regulations promulgated
28 by the department of business regulation. This shall not include a compassion center regulated and
29 licensed by the department of business regulation pursuant to chapter 28.6 of title 21 or an adult
30 use state store operated and controlled by the state in accordance with the terms of chapters 28.11
31 and 28.12 of title 21.

32 (6) "Adult use marijuana processor licensee" means an entity licensed under chapter 21-28.12
33 of title 21 to be exempt from state penalties for purchasing marijuana from adult use marijuana
34 cultivator licensees, other adult use marijuana processors, or other marijuana establishments,

1 manufacturing and/or processing marijuana products, and selling, giving, or transferring marijuana
2 products to the state, an adult use state store, an adult use marijuana contractor, a cannabis testing
3 laboratory, or other marijuana establishment licensee in accordance with chapters 28.11 and 28.12 of title
4 21 and regulations promulgated thereunder.

5 (7) "Adult use state store" means a facility operated and controlled by the state which shall
6 be exempt from state penalties for such operation and control and the procurement of supplies and
7 services and the retail sale of marijuana, marijuana products, and marijuana paraphernalia to
8 persons who are twenty-one (21) years of age or older in accordance with the provisions of chapters
9 28.11 and 28.12 of title 21 and regulations promulgated thereunder.

10 (8) "Cannabis" means all parts of the plant of the genus marijuana, also known as marijuana
11 sativa L, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and
12 every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin
13 regardless of cannabinoid content or cannabinoid potency including "marijuana", and "industrial
14 hemp" or "industrial hemp products" which satisfy the requirements of chapter 26 of title 2.

15 (9) "Cannabis testing laboratory" means a third-party analytical testing laboratory licensed
16 by the departments of health, in coordination with the department of business regulation, to collect
17 and test samples of cannabis pursuant to regulations promulgated under chapters 28.11 and 28.12
18 of title 21.

19 (10) "Contract" has the meaning given that term in § 37-2-7.

20 (1) "Department" or "department of business regulation" means the office of cannabis regulation
21 within the department of business regulation or its successor agency.

22 (12) "Dwelling unit" means a room or group of rooms within a residential dwelling used or
23 intended for use by one family or household, or by no more than three (3) unrelated individuals, with
24 facilities for living, sleeping, sanitation, cooking, and eating.

25 (13) "Equivalent amount" means the portion of usable marijuana, be it in extracted, edible,
26 concentrated, or any other form, found to be equal to a portion of dried, marijuana, as defined by
27 regulations promulgated by the office of cannabis regulation.

28 (14) "Hemp" or "industrial hemp" has the meaning given that term in § 2-26-3.

29 (15) "Hemp products" or "industrial hemp products" has the meaning given that term in §
30 2-26-3.

31 (16) "Hemp-derived consumable CBD products" has the meaning given that term in § 2-
32 26-3.

33 (17) "Marijuana" means all parts of the plant cannabis sativa L., whether growing or not; the
34 seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture,

1 salt, derivative, mixture, or preparation of the plant, its seeds or resin, but shall not include the
2 mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the
3 plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks,
4 (except the resin extracted from it), fiber, oil or cake, or the sterilized seed from the plant which is
5 incapable of germination. Marijuana shall not include “industrial hemp” or” industrial hemp
6 products” which satisfy the requirements of chapter 26 of title 2.

7 (18) "Marijuana establishment" and “marijuana establishment licensee” means any person,
8 entity or facility that is licensed under chapters 28.12 or 28.6 of title 21, to be exempt from state
9 penalties for engaging in or conducting the activities permitted under its respective license and
10 includes but is not limited to an adult use marijuana cultivator licensee, an adult use marijuana
11 processor licensee, an adult use marijuana contractor, a cannabis testing laboratory, a licensed
12 compassion center, a licensed medical marijuana cultivator, or any other entity licensed by the
13 office of cannabis regulation under chapter 28.12 or 28.6 or title 21.

14 (19) "Marijuana paraphernalia" means equipment, products, and materials which are used
15 or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing,
16 compounding, converting, producing, processing, preparing, testing, analyzing, packaging,
17 repackaging, storing, containing, concealing, ingesting, or inhaling marijuana, or otherwise
18 introducing marijuana into the human body.

19 (20) “Marijuana plant” means a marijuana plant, rooted or unrooted, mature, or immature,
20 with or without flowers or buds.

21 (21) "Marijuana products" means any form of marijuana, including concentrated marijuana
22 and products that are comprised of marijuana and other ingredients that are intended for use or
23 consumption, such as, but not limited to, extracts, infusions, edible products, ointments, and tinctures, as
24 further defined in regulations promulgated by the office of cannabis regulation.

25 (22) “Office of cannabis regulation” means the office of cannabis regulation within the
26 department of business regulation.

27 (23) “Procurement” has the meaning given that term in § 37-2-7.

28 (24) "Public place" means any street, alley, park, sidewalk, public building other than individual
29 dwelling, or any place of business or assembly open to or frequented by the public, and any other
30 place to which the public has access.

31 (25) "Registry identification card" means a document issued by the department of business
32 regulation or department of health that identifies a person as a registered officer, director, manager,
33 member, partner, employee, or agent of an adult use marijuana cultivator licensee, an adult use
34 marijuana processor licensee, an adult use marijuana contractor, an adult use state store, a cannabis

1 testing laboratory, or any other marijuana establishment licensee.

2 (26) “Services” has the meaning given in § 37-2-7.

3 (27) "Smoke" or "smoking" means heating to at least the point of combustion, causing plant
4 material to burn, inhaling, exhaling, burning, or carrying any lighted or heated cigarette, pipe, weed, plant,
5 other marijuana product in any manner or in any form intended for inhalation in any manner or form and
6 includes but is not limited to the use of electronic cigarettes, electronic pipes, electronic marijuana delivery
7 system products, or other similar products that rely on vaporization or aerosolization.

8 (28) “State” means the state of Rhode Island and, to the extent of any delegation of purchase
9 control pursuant to § 37-2-54, the department of business regulation through its office of cannabis
10 regulation which shall be exempt from state penalties for the procurement of supplies and services and
11 the operation and control of adult use state stores and the retail sale of marijuana, marijuana products,
12 and marijuana paraphernalia to persons who are twenty-one (21) years of age or older in accordance
13 with chapters 28.11 and 28.12 of title 21 and regulations promulgated thereunder.

14 (29) "State prosecution" means prosecution initiated or maintained by the state of Rhode Island
15 or an agency or political subdivision of the state of Rhode Island.

16 (30) “Supplies” has the meaning given in § 37-2-7 and includes marijuana, marijuana products,
17 and marijuana paraphernalia to be sold at adult use state stores.

18 (31) “Vaporize” or “vape” means heating below the point of combustion and resulting in a
19 vapor or mist.

20 **21-28.12-3. Office of Cannabis Regulation.**

21 (a) The department of business regulation’s office of cannabis regulation shall oversee the
22 regulation, licensing and control of cannabis, including adult use marijuana, medical marijuana and
23 industrial hemp, and such other matters within the jurisdiction of the department as determined by
24 the director. An associate director or other designee of the director who reports to the director shall
25 be in charge of all matters relating to cannabis regulation, licensing and control.

26 (b) Whenever in chapter 26 of title 2, chapters 28.6, 28.11 or 28.12 of title 21, and chapter
27 49.1 of title 44 the words “department of business regulation” shall appear, the words shall be
28 deemed to mean the office of cannabis regulation within the department of business regulation.
29 Whenever in chapter 26 of title 2, chapters 28.6, 28.11 or 28.12 of title 21, and chapter 49.1 of title
30 44 the words “office of cannabis regulation” shall appear, the words shall be deemed to mean the
31 office of cannabis regulation within the department of business regulation.

32 (c) The office of cannabis regulation within the department of business regulation shall
33 regulate, license and control cannabis including, but not limited to, strategic planning, promulgating
34 regulations, operation, conduct and control of adult use state stores pursuant to and in accordance

1 with chapters 28.11 ad 28.12 of title 21, including, without limitation, negotiation and entry into
2 contracts with, and purchase of supplies and services from, adult use marijuana contractors pursuant
3 to any delegation to the department of business regulation pursuant to § 37-2-54 and in accordance
4 with the requirements of chapter 2 of title 37. The office of cannabis regulation shall also be
5 responsible for educating the public about cannabis, cannabis planning and implementation,
6 community engagement, budget coordination, data collection and analysis functions, and any other
7 duties deemed necessary and appropriate by the office of cannabis regulation to carry out the
8 provisions of this chapter.

9 (d) In furtherance of its comprehensive regulation of cannabis, including marijuana, medical
10 marijuana and industrial hemp, across state agencies, the office of cannabis regulation shall:

11 (1) Coordinate with the staff designated by the respective directors of each state agency
12 regarding the agency's promulgation and implementation of rules and regulations regarding adult use of
13 marijuana, medical marijuana and industrial hemp with the objective of producing positive economic,
14 public safety, and health outcomes for the state and its citizens;

15 (2) Offer guidance to and communicate with municipal officials regarding the implementation
16 and enforcement of this chapter and chapters 28.6 and 28.11;

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

19 (4) Communicate with regulatory officials from other states that allow marijuana for adult use,
20 medical marijuana use and industrial hemp production to learn from the experiences of those states;

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

22 (6) Coordinate the collection of data on adult use of marijuana and medical marijuana use from
23 state agencies and report to the governor and legislature no later than January 1, 2022, and every year
24 thereafter. The report shall include, but is not limited to:

25 (i) The number and geographic distribution of all licensed marijuana establishments and adult
26 use state stores;

27 (ii) Data on the total amount of sales of marijuana and the total amount of revenue raised from
28 marijuana;

29 (iii) Projected estimate of the total marijuana revenue that will be raised in the ensuing
30 year;

31 (iv) The distribution of funds to programs and agencies from revenue raised from marijuana;
32 and

33 (v) Any findings from the departments of health and public safety related to changes in
34 marijuana use rates and the impact, if any, of marijuana use on public health and public safety.

1 **21-28.12-4. Community Equity and Reinvestment Council.**

2 (a) There is hereby established a community equity and reinvestment council which shall
3 consist of eleven (11) members appointed by and serving at the pleasure of the governor including,
4 without limitation, stakeholders (or their designees) with expertise in such areas as:

5 (1) Community reinvestment;

6 (2) Cannabis reform and policy;

7 (3) Criminal justice;

8 (4) Social equity;

9 (5) Diversity and inclusion;

10 (6) Business and employment opportunities;

11 (7) Incubation opportunities; and

12 (8) Cannabis marketplace, industry and economics.

13 (b) Members of the council shall serve without compensation. Seven (7) or more members of
14 the council present and voting shall constitute a quorum.

15 (c) The council's duties shall include:

16 (1) Collecting and reviewing data and information on matters related to the adverse impact
17 to persons and communities based on the past criminalization of cannabis;

18 (2) Developing recommendations that are designed to foster social equity and community
19 reinvestment within the framework of the state's adult use marijuana program including proposed
20 expenditure of funds appropriated therefor; and

21 (3) Conducting public meetings to take testimony from experts and members of the general
22 public on issues related to the council's charge.

23 (d) All meetings of the council shall be open meetings and records of the council shall be public
24 records.

25 (e) The office of cannabis regulation will provide administrative support to the council and
26 incorporate the council's recommendations into a report, which shall be approved by the council
27 and submitted to the governor on or before December 31, 2020.

28 **21-28.12-5 Licensed adult use marijuana cultivators.**

29 (a) An adult use marijuana cultivator licensed under this section may acquire, possess,
30 cultivate, package, process, and manufacture marijuana, but not marijuana products, in accordance
31 with regulations promulgated by the department of business regulation. A licensed adult use
32 marijuana cultivator may sell, deliver, or transfer marijuana products to the state, adult use
33 marijuana state stores, an adult use marijuana contractor, a licensed adult use adult use marijuana
34 processor, a cannabis testing laboratory, or any other marijuana establishment licensee, in

1 accordance with regulations promulgated by the department of business regulation. A licensed adult
2 use marijuana cultivator shall not be a primary caregiver cardholder and shall not hold a cooperative
3 cultivation license. A licensed adult use marijuana cultivator shall not manufacturer or process
4 marijuana into marijuana products unless the licensed adult use marijuana cultivator has also been
5 issued an adult use marijuana processor license by the department of business regulation and
6 pursuant to regulations promulgated by the department of business regulation. The department of
7 business regulation may restrict the number, types, and classes of adult use marijuana licenses an
8 applicant may be issued through regulations promulgated by the department.

9 (b) *Licensing of adult use marijuana cultivator – Department of business regulation*
10 *authority.* The department of business regulation may promulgate regulations governing the
11 manner in which it shall consider applications for the licensing of adult use marijuana cultivators,
12 including but not limited to regulations governing:

- 13 (1) The form and content of licensing and renewal applications;
- 14 (2) Minimum oversight requirements for licensed adult use marijuana cultivators;
- 15 (3) Minimum record-keeping requirements for adult use marijuana cultivators;
- 16 (4) Minimum insurance requirements for adult use marijuana cultivators;
- 17 (5) Minimum security requirements for adult use marijuana cultivators; and
- 18 (6) Procedures for suspending, revoking, or terminating the license of adult use marijuana
19 cultivators that violate any provisions of this chapter or the regulations promulgated hereunder.
- 20 (7) Applicable application and license fees.

21 (c) An adult use marijuana cultivator license issued by the department of business
22 regulation shall expire three (3) years after it was issued and the licensed adult use marijuana
23 cultivator may apply for renewal with the department in accordance with its regulations pertaining
24 to licensed adult use marijuana cultivators

25 (d) The department of business regulation may promulgate regulations that govern how
26 much marijuana a licensed adult use marijuana cultivator may cultivate and possess. All marijuana
27 possessed by a licensed adult use marijuana cultivator must be catalogued in a seed to sale inventory
28 tracking system in accordance with regulations promulgated by the department of business
29 regulation.

30 (e) Adult use marijuana cultivators shall only sell marijuana to the state, adult use state
31 stores, adult use marijuana contractors, another licensed adult use marijuana cultivator, a licensed
32 adult use marijuana processor or another licensed marijuana establishment licensee, in accordance
33 with regulations promulgated by the department of business regulation. The department may
34 suspend and/or revoke the adult use marijuana cultivator’s license and the registration of any owner,

1 officer, director, manager, member, partner, employee, or agent of such adult use marijuana
2 cultivator and/or impose an administrative penalty in accordance with such regulations
3 promulgated by the department for any violation of this section or the regulations. In addition, any
4 violation of this section or the regulations promulgated pursuant to this subsection and subsection
5 (d) shall cause a licensed adult use marijuana cultivator to lose the protections described in § 21-
6 28.11-4(3) and may subject the licensed adult use marijuana cultivator and its owners, officers,
7 directors, managers, members, partners, employees, or agents to arrest and prosecution under
8 chapter 28 of title 21 (the Rhode Island Controlled Substances Act).

9 (f) Adult use marijuana cultivators shall be subject to any regulations promulgated by the
10 department of health or department of business regulation for marijuana testing, including, but not
11 limited to, potency, cannabinoid profile, and contaminants;

12 (g) Adult use marijuana cultivators shall be subject to any product labeling requirements
13 promulgated by the department of business regulation and the department of health;

14 (h) Adult use marijuana cultivators shall only be licensed to cultivate and process marijuana
15 at a single location, registered with the department of business regulation and the department of
16 public safety provided that an adult use marijuana cultivator licensee who also holds a compassion
17 center license or a medical marijuana cultivator license under chapter 28.6 of title 21 may cultivate
18 and process adult use marijuana at a location that is separate from its medical marijuana licensed
19 premises . Adult use marijuana cultivators must abide by all local ordinances, including zoning
20 ordinances.

21 (i) *Inspection.* Adult use marijuana cultivators shall be subject to reasonable inspection by
22 the department of business regulation and the department of health for the purposes of enforcing
23 regulations promulgated pursuant to this chapter and all applicable Rhode Island general laws.

24 (j) An adult use marijuana cultivator applicant, unless they are an employee with no equity,
25 ownership, financial interest, or managing control, shall apply to the bureau of criminal
26 identification of the department of attorney general, department of public safety division of state
27 police, or local police department for a national criminal records check that shall include
28 fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any
29 disqualifying information as defined in subdivision (j)(2), and in accordance with the rules
30 promulgated by the director of the department of business regulation, the bureau of criminal
31 identification of the department of attorney general, department of public safety division of state
32 police, or the local police department shall inform the applicant, in writing, of the nature of the
33 disqualifying information; and, without disclosing the nature of the disqualifying information, shall
34 notify the department of business regulation, in writing, that disqualifying information has been

1 discovered.

2 (1) Where no disqualifying information has been found, the bureau of criminal
3 identification of the department of attorney general, department of public safety division of state
4 police, or the local police department shall inform the applicant and the department of business
5 regulation, in writing, of this fact.

6 (2) Information produced by a national criminal records check pertaining to a conviction
7 for a felony drug offense or a plea of nolo contendere for a felony drug offense and received a
8 sentence of probation shall result in a letter to the applicant and the department of business
9 regulation disqualifying the applicant.

10 (3) An adult use marijuana cultivator applicant shall be responsible for any expense
11 associated with the national criminal records check.

12 (k) Persons issued adult use marijuana cultivator licenses or registration cards shall be
13 subject to the following:

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

19 (2) When a licensed adult use marijuana cultivator cardholder notifies the department of
20 business regulation of any changes listed in this subsection, the department of business regulation
21 shall issue the adult use marijuana cultivator cardholder a new license or registry identification card
22 after the department approves the changes and receives from the licensee payment of a fee specified
23 in regulation.

24 (3) If a licensed adult use marijuana cultivator cardholder loses his or her registry
25 identification card, he or she shall notify the department of business regulation and submit a fee
26 specified in regulation within ten (10) days of losing the registry identification card. The
27 department of business regulation shall issue a new registry identification card with a new random
28 identification number.

29 (4) A licensed adult use marijuana cultivator cardholder shall notify the department of
30 business regulation of any disqualifying criminal convictions as defined in subdivision (j)(2). The
31 department of business regulation may choose to suspend and/or revoke his or her card after such
32 notification.

1 (5) If a licensed adult use marijuana cultivator or an adult use marijuana cultivator
2 cardholder violates any provision of this chapter or regulations promulgated hereunder as
3 determined by the department of business regulation, his or her card or the issued license may be
4 suspended and/or revoked.

5 (l) License required. No person or entity shall engage in activities described in this § 21-
6 28.12-5 without an adult use marijuana cultivator license issued by the department of business
7 regulation.

8 **21-28.12-6 Licensed adult use marijuana processors.**

9 (a) An adult use marijuana processor licensed under this section may acquire marijuana
10 from licensed adult use marijuana cultivators, another licensed adult use marijuana processor, the
11 state, adult use state stores, adult use marijuana contractors, or another marijuana establishment
12 licensee, in accordance with regulations promulgated by the department of business regulation. A
13 licensed adult use marijuana processor may possess, manufacture, or process marijuana into
14 marijuana products in accordance with regulations promulgated by the department of business
15 regulation. A licensed adult use marijuana processor may deliver, or transfer marijuana products to
16 the state, adult use state stores, adult use marijuana contractors or another licensed adult use
17 marijuana processor, or any other marijuana establishment licensee, in accordance with regulations
18 promulgated by the department of business regulation. A licensed adult use marijuana processor
19 shall not be a primary caregiver cardholder and shall not hold a cooperative cultivation license. A
20 licensed adult use marijuana processor shall not grow, cultivate, sell, or dispense medical marijuana
21 unless the licensed adult use marijuana processor has also been issued an adult use marijuana
22 cultivator license by the department of business regulation and pursuant to regulations promulgated
23 by the department of business regulation. The department of business regulation may restrict the
24 number, types, and classes of adult use marijuana licenses an applicant may be issued through
25 regulations promulgated by the department.

26 (b) Licensing of adult use marijuana processor – Department of business regulation
27 authority. The department of business regulation may promulgate regulations governing the
28 manner in which it shall consider applications for the licensing of adult use marijuana processors,
29 including but not limited to regulations governing:

30 (1) The form and content of licensing and renewal applications;

31 (2) Minimum oversight requirements for licensed adult use marijuana processors;

32 (3) Minimum record-keeping requirements for adult use marijuana processors;

33 (4) Minimum insurance requirements for adult use marijuana processors;

1 (5) Minimum security requirements for adult use marijuana processors; and

2 (6) Procedures for suspending, revoking, or terminating the license of adult use marijuana
3 processors that violate any provisions of this chapter or the regulations promulgated hereunder.

4 (7) Applicable application and license fees.

5 (c) A adult use marijuana processor license issued by the department of business regulation
6 shall expire three (3) years after it was issued and the licensed adult use marijuana processor may
7 apply for renewal with the department in accordance with its regulations pertaining to licensed
8 adult use marijuana processors.

9 (d) The department of business regulation may promulgate regulations that govern how
10 much marijuana a licensed adult use marijuana processor may possess. All marijuana possessed by
11 a licensed adult use marijuana processor must be catalogued in a seed to sale inventory tracking
12 system in accordance with regulations promulgated by the department of business regulation.

13 (e) Adult use marijuana processors shall only sell processed or manufactured marijuana
14 products to the state, adult use state stores, adult use marijuana contractors, another licensed adult
15 use marijuana processor or a marijuana establishment licensee, in accordance with regulations
16 promulgated by the department of business regulation. The department may suspend and/or revoke
17 the adult use marijuana processor's license and the license of any owner, officer, director, manager,
18 member, partner, employee, or agent of such adult use marijuana processor and/or impose an
19 administrative penalty in accordance with such regulations promulgated by the department for any
20 violation of this section or the regulations. In addition, any violation of this section or the
21 regulations promulgated pursuant to this subsection and subsection (d) shall cause a licensed adult
22 use marijuana processor to lose the protections described in § 21-28.11-4(4) and may subject the
23 licensed adult use marijuana processor and its owners, officers, directors, managers, members,
24 partners, employees, or agents to arrest and prosecution under Chapter 28 of title 21 (the Rhode
25 Island Controlled Substances Act).

26 (f) Adult use marijuana processors shall be subject to any regulations promulgated by the
27 department of health or department of business regulation that specify how marijuana must be
28 tested for items, including, but not limited to, potency, cannabinoid profile, and contaminants;

29 (g) Adult use marijuana processors shall be subject to any product labeling requirements
30 promulgated by the department of business regulation and the department of health;

31 (h) Adult use marijuana processors shall only be licensed to manufacture and process
32 marijuana at a single location, registered with the department of business regulation and the
33 department of public safety provided that an adult use marijuana processor licensee who also holds

1 a compassion center license or a medical marijuana cultivator license under chapter 28.6 of title 21
2 may manufacture and process adult use marijuana at a location that is separate from its medical
3 marijuana licensed premises. The department of business regulation may promulgate regulations
4 governing where adult use marijuana processors are allowed to operate. Adult use marijuana
5 processors must abide by all local ordinances, including zoning ordinances.

6 (i) *Inspection.* Adult use marijuana processors shall be subject to reasonable inspection by
7 the department of business regulation or the department of health for the purposes of enforcing
8 regulations promulgated pursuant to this chapter and all applicable Rhode Island general laws.

9 (j) The adult use marijuana processor applicant, unless they are an employee with no
10 equity, ownership, financial interest, or managing control, shall apply to the bureau of criminal
11 identification of the department of attorney general, department of public safety division of state
12 police, or local police department for a national criminal records check that shall include
13 fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any
14 disqualifying information as defined in subdivision (j)(2), and in accordance with the rules
15 promulgated by the director of the department of business regulation, the bureau of criminal
16 identification of the department of attorney general, department of public safety division of state
17 police, or the local police department shall inform the applicant, in writing, of the nature of the
18 disqualifying information; and, without disclosing the nature of the disqualifying information, shall
19 notify the department of business regulation, in writing, that disqualifying information has been
20 discovered.

21 (1) Where no disqualifying information has been found, the bureau of criminal
22 identification of the department of attorney general, department of public safety division of state
23 police, or the local police department shall inform the applicant and the department of business
24 regulation, in writing, of this fact.

25 (2) Information produced by a national criminal records check pertaining to a conviction
26 for a felony drug offense or a plea of nolo contendere for a felony drug offense and received a
27 sentence of probation shall result in a letter to the applicant and the department of business
28 regulation disqualifying the applicant.

29 (3) The adult use marijuana processor applicant shall be responsible for any expense
30 associated with the national criminal records check.

31 (k) Persons issued adult use marijuana processor licenses or registration card shall be
32 subject to the following:

33 (1) A licensed adult use marijuana processor cardholder shall notify and request approval
34 from the department of business regulation of any change in his or her name or address within ten

1 (10) days of such change. An adult use marijuana processor cardholder who fails to notify the
2 department of business regulation of any of these changes is responsible for a civil infraction,
3 punishable by a fine of no more than one hundred fifty dollars (\$150).

4 (2) When a licensed adult use marijuana processor cardholder notifies the department of
5 business regulation of any changes listed in this subsection, the department of business regulation
6 shall issue the adult use marijuana processor cardholder a new license or registry identification
7 card after the department approves the changes and receives from the licensee payment of a fee
8 specified in regulation.

9 (3) If a licensed adult use marijuana processor cardholder loses his or her registry
10 identification card, he or she shall notify the department of business regulation and submit a fee
11 specified in regulation within ten (10) days of losing the registry identification card. The
12 department of business regulation shall issue a new registry identification card with a new random
13 identification number.

14 (4) A licensed adult use marijuana processor cardholder shall notify the department of
15 business regulation of any disqualifying criminal convictions as defined in subdivision (j)(2). The
16 department of business regulation may choose to suspend and/or revoke his or her card after such
17 notification.

18 (5) If a licensed adult use marijuana processor or adult use marijuana processor cardholder
19 violates any provision of this chapter or regulations promulgated hereunder as determined by the
20 department of business regulation, his or her card or the issued license may be suspended and/or
21 revoked.

22 (1) License required. No person or entity shall engage in activities described in this § 21-
23 28.12-6 without a adult use marijuana processor license issued by the department of business
24 regulation.

25 **21-28.12-7 Licensed adult use marijuana contractors.**

26 (a) An adult use marijuana contractor that is party to an adult use marijuana contract with
27 the state in accordance with § 21-28.12-8 and licensed under this section may acquire marijuana
28 and marijuana products from licensed adult use marijuana cultivators, licensed adult use marijuana
29 processors, the state, or another adult use marijuana contractor, and possess, deliver, transfer,
30 transport, supply and sell at retail marijuana, marijuana products and marijuana paraphernalia to
31 persons who are twenty-one (21) years of age or older in accordance with the provisions of chapters
32 28.11 and 28.12 of title 21, the regulations promulgated by the department of business regulation
33 and the terms and conditions of its adult use marijuana contract with the state. A licensed adult use
34 marijuana contractor shall not be a primary caregiver cardholder and shall not hold a cooperative

1 cultivation license. A licensed adult use marijuana contractor shall not hold an adult use marijuana
2 cultivator or processor license and shall not grow or cultivate marijuana or manufacturer or process
3 marijuana into marijuana products. The department of business regulation may restrict the number,
4 types, and classes of adult use marijuana licenses an applicant may be issued through regulations
5 promulgated by the department.

6 (b) *Licensing of adult use marijuana contractor – Department of business regulation*
7 *authority.* The department of business regulation may promulgate regulations governing the
8 manner in which it shall consider applications for the licensing of adult use marijuana contractors
9 and all of its owners, officers, directors, managers, members, partners, employees, agents and
10 subcontractors, including but not limited to regulations governing:

11 (1) The form and content of licensing and renewal applications, including, without
12 limitation, required submission materials upon which the department shall determine suitability of
13 an applicant;

14 (2) Minimum oversight requirements for licensed adult use marijuana contractors;

15 (3) Minimum record-keeping requirements for adult use marijuana contractors;

16 (4) Minimum insurance requirements for adult use marijuana contractors;

17 (5) Minimum security requirements for adult use marijuana contractors; and

18 (6) Procedures for suspending, revoking, or terminating the license of adult use marijuana
19 contractors that violate any provisions of this chapter or the regulations promulgated hereunder.

20 (7) Applicable application and license fees.

21 (c) The license issued by the department of business regulation to an adult use marijuana
22 contractor and the license issued to each of its owners, officers, directors, managers, members,
23 partners, employees and agents shall expire three (3) years after it was issued and the licensee may
24 apply for renewal with the department in accordance with its regulations pertaining to licensed
25 adult use marijuana contractors.

26 (d) The department of business regulation may promulgate regulations that govern how
27 much marijuana a licensed adult use marijuana contractor may possess. All marijuana acquired,
28 possessed and sold by a licensed adult use marijuana contractor must be catalogued in a seed to
29 sale inventory tracking system in accordance with regulations promulgated by the department of
30 business regulation.

31 (e) Adult use marijuana contractors shall only sell marijuana, marijuana products and
32 marijuana paraphernalia at retail to persons twenty-one (21) years of age or older in accordance
33 with chapters 28.11 and 28.12 of title 21, the regulations promulgated by the department of business
34 regulation thereunder and the terms of its adult use marijuana contract with the state. Adult use

1 marijuana contractors shall not sell any other products except as otherwise permitted in regulations
2 promulgated by the department of business regulation. The department may suspend and/or revoke
3 the adult use marijuana contractor's license and the license of any owner, officer, director, manager,
4 member, partner, employee, agent or subcontractor of such adult use marijuana contractor and/or
5 impose an administrative penalty in accordance with such regulations promulgated by the
6 department for any violation of chapters 28.11 or 28.12 of title 21, the regulations or its adult use
7 marijuana contract. In addition, any violation of chapters 28.11 or 28.12 of title 21 or the regulations
8 promulgated pursuant to this subsection and subsection (d) shall cause a licensed adult use
9 marijuana contractor to lose the protections described in § 21-28.11-4(2) and may subject the
10 licensed adult use marijuana contractor and its owners, officers, directors, managers, members,
11 partners, employees, agents and subcontractors to arrest and prosecution under Chapter 28 of title
12 21 (the Rhode Island Controlled Substances Act).

13 (f) Adult use marijuana contractors shall be subject to any regulations promulgated by the
14 department of health or department of business regulation that specify how marijuana must be
15 tested for items, including, but not limited to, potency, cannabinoid profile, and contaminants;

16 (g) Adult use marijuana contractors shall be subject to any product labeling requirements
17 promulgated by the department of business regulation and the department of health;

18 (h) Adult use marijuana contractors shall only be licensed to possess and sell marijuana,
19 marijuana products and marijuana paraphernalia at the location(s) set forth in its adult use
20 marijuana contract and license and registered with the department of business regulation and the
21 department of public safety. The department of business regulation may promulgate regulations
22 governing the department's approval of locations where adult use marijuana contractors are
23 allowed to operate. Adult use marijuana contractors must abide by all local ordinances, including
24 zoning ordinances.

25 (i) Inspection. Adult use marijuana contractors shall be subject to inspection and audit by
26 the department of business regulation or the department of health for the purposes of enforcing
27 regulations promulgated pursuant to this chapter and all applicable Rhode Island general laws.

28 (j) The adult use marijuana contractor applicant, and each owner, officer, director,
29 manager, member, partner, employee and agent thereof, shall apply to the bureau of criminal
30 identification of the department of attorney general, department of public safety division of state
31 police, or local police department for a national criminal records check that shall include
32 fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any
33 disqualifying information as defined in subdivision (j)(2), and in accordance with the rules
34 promulgated by the director of the department of business regulation, the bureau of criminal

1 identification of the department of attorney general, department of public safety division of state
2 police, or the local police department shall inform the applicant, in writing, of the nature of the
3 disqualifying information; and, without disclosing the nature of the disqualifying information, shall
4 notify the department of business regulation, in writing, that disqualifying information has been
5 discovered.

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

10 (2) Information produced by a national criminal records check pertaining to a conviction
11 for a felony drug offense or a plea of nolo contendere for a felony drug offense and received a
12 sentence of probation shall result in a letter to the applicant and the department of business
13 regulation disqualifying the applicant.

14 (3) The adult use marijuana contractor applicant shall be responsible for any expense
15 associated with the national criminal records check.

16 (k) Persons issued adult use marijuana contractor licenses or registration cards shall be
17 subject to the following:

18 (1) A licensed adult use marijuana contractor cardholder shall notify and request approval
19 from the department of business regulation of any change in his or her name or address within ten
20 (10) days of such change. A adult use marijuana contractor cardholder who fails to notify the
21 department of business regulation of any of these changes is responsible for a civil infraction,
22 punishable by a fine of no more than one hundred fifty dollars (\$150).

23 (2) When a licensed adult use marijuana contractor cardholder notifies the department of
24 business regulation of any changes listed in this subsection, the department of business regulation
25 shall issue the adult use marijuana contractor cardholder a new license or registry identification
26 card after the department approves the changes and receives from the licensee payment of a fee
27 specified in regulation.

28 (3) If a licensed adult use marijuana contractor cardholder loses his or her registry
29 identification card, he or she shall notify the department of business regulation and submit a fee
30 specified in regulation within ten (10) days of losing the registry identification card. The department
31 of business regulation shall issue a new registry identification card with a new random
32 identification number.

33 (4) A licensed adult use marijuana contractor cardholder shall notify the department of
34 business regulation of any disqualifying criminal convictions as defined in subdivision (j)(2). The

1 department of business regulation may choose to suspend and/or revoke his or her card after such
2 notification.

3 (5) If a licensed adult use marijuana contractor or adult use marijuana contractor cardholder
4 violates any provision of this chapter or regulations promulgated hereunder as determined by the
5 department of business regulation, his or her card or the issued license may be suspended and/or
6 revoked.

7 (l) License required. No person or entity shall engage in activities described in this § 21-
8 28.12-7 without an adult use marijuana contractor license issued by the department of business
9 regulation and an adult use marijuana contract in accordance with chapters 28.11 and 28.12 of title
10 21, regulations promulgated thereunder by the department of business regulation and the terms of
11 the adult use marijuana contract.

12 **21-28.12-8 Operation, conduct, and control of adult use state stores.**

13 (a) Notwithstanding the provisions of any other law, the department is authorized to
14 conduct and control the retail sale of adult use marijuana.

15 (b) The general assembly finds that:

16 (1) In furtherance thereof, the state, through the department of business regulation, shall
17 have full operational control to operate adult use state stores, the authority to make all decisions
18 about all aspects of the functioning of the business enterprise, including, without limitation, the
19 power and authority to:

20 (i) Determine the number, type, and placement of adult use state stores, subject to local
21 approval in accordance with § 21-28.12-17;

22 (ii) Monitor all adult use marijuana operations and have the power to terminate or suspend
23 any adult use marijuana activities in the event of a public health, safety or welfare concern, an
24 integrity concern or other threat to the public trust or in order to comply with federal guidance and
25 mitigate federal enforcement;

26 (iii) Hold and exercise sufficient powers over accounting and finances to allow for adequate
27 oversight and verification of the financial aspects of adult use marijuana;

28 (iv) Collect all receipts from adult use marijuana sales, require that the adult use marijuana
29 contractors collect adult use marijuana gross receipts in trust for the state through the department
30 of business regulation, deposit such receipts into an account or accounts of its choice, allocate such
31 receipts according to law, and otherwise maintain custody and control over all adult use marijuana
32 receipts and funds;

33 (v) Issue such regulations as it deems appropriate pertaining to control, operation and
34 management of adult use state stores and adult use marijuana sales, receipts and funds; and

1 (vi) Hold all other powers necessary and proper to fully effectively execute and administer
2 the provisions of this chapter for its purpose of allowing the state to operate adult use state stores
3 through licensed adult use marijuana contractors on behalf of the State of Rhode Island.

4 (c) Powers and duties of the director.

5 (1) In addition to the powers and duties set forth in subsection (b) above, the director shall
6 have the power to:

7 (i) Establish standards prohibiting persons under twenty-one (21) years of age from
8 purchasing marijuana, marijuana products and marijuana paraphernalia;

9 (ii) In accordance with the administrative procedures act chapter 35 of title 42, deny any
10 application and suspend or revoke any license issued pursuant to this chapter or the rules and
11 regulations promulgated under this chapter;

12 (iii) In compliance with the provisions of chapter 2 of title 37, enter into contracts for the
13 provision of supplies, services, equipment, systems, facilities, and technology necessary and/or
14 desirable for the operation of adult use state stores;

15 (iv) Establish insurance and bonding requirements for adult use marijuana contractors;

16 (v) Supervise and administer the operation of adult use state stores in accordance with this
17 chapter, the rules and regulations of the department, and any adult use marijuana contracts between
18 the department and adult use marijuana contractors. The department may establish standards, either
19 in rules and regulations or through contract, relating to the following areas without limitation:
20 recordkeeping; financial procedures and practices; security; inventory tracking; advertising;
21 purchase of inventory, equipment, services and systems for operations; permitted products and
22 product restrictions; limits on product serving sizes, doses, and potency; limits on transactions and
23 sales; testing and safety; online sales; transport and delivery; product packaging and labeling;
24 quarantine and destruction of marijuana products; workplace safety and sanitation; and employee
25 training;

26 (vi) Determine the products to be sold and control the manner of sales, including but not
27 limited to determining the retail price of all marijuana and marijuana products sold at adult use state
28 stores; and

29 (vii) Require adult use marijuana contractors to allow inspection of all facilities and records
30 by the department whenever deemed necessary by the department.

31 (d) Licensing of adult use marijuana contractors.

32 (1) All adult use marijuana contractors shall be subject to licensure by the department, on
33 such forms and in such a manner as prescribed in § 21-28.12-8 and regulations promulgated by the

1 department. The department, by regulations, shall establish occupational licensing requirements for
2 all officers, directors, managers, members, partners, employees and agents of the adult use
3 marijuana contractors, and for all other persons engaged in activities at or in connection with the
4 operation of the adult use state stores.

5 (2) Any license granted under the provisions of this chapter shall be subject to the rules
6 and regulations promulgated by the department and shall be subject to suspension or revocation for
7 any cause in accordance with § 21-28.12-15.

8 (3) As part of its investigation as to whether to issue a license to an adult use contractor,
9 the department shall require criminal background checks of individuals as it deems appropriate and
10 said individuals shall apply to the bureau of criminal investigation of the Rhode Island state police
11 or the Rhode Island department of the attorney general for a national criminal records check with
12 fingerprinting in accordance with § 21-28.12-8. Applications shall be subject to the disqualification
13 criteria set forth in § 21-28.12-8(j). The department may adopt rules and regulations establishing
14 additional suitability criteria to be used in determining whether based upon a criminal records check
15 or other due diligence an application will be approved.

16 (4) The state, through the department, shall have approval rights over matters relating to
17 the employment or other engagement of persons to be involved, directly or indirectly, with the
18 operation of or performance of activities in connection with adult use state stores.

19 (5) The department may establish the minimal proficiency requirements for those
20 individuals employed or otherwise engaged by an adult use marijuana contractor. The foregoing
21 requirements of this subsection may be in addition to any rules or regulations of the department
22 requiring licensing of personnel of adult use state stores.

23 **21-28.12-9. Other supporting adult use marijuana licenses.**

24 (a) The department of business regulation shall have the authority to promulgate
25 regulations to create and implement additional types and classes of commercial adult use marijuana
26 licenses, including but not limited to, licenses for businesses to engage in marijuana destruction,
27 delivery, disposal, research and development, transportation, social use or any other commercial
28 activity needed to support licensed adult use marijuana cultivators, licensed adult use marijuana
29 processors, adult use state stores, and licensed cannabis testing facilities; provided no license
30 created by the department shall allow for the retail sale of adult use marijuana.

31 (b) The department of business regulation may promulgate regulations governing the
32 manner in which it shall consider applications for issuing additional adult use marijuana licenses,
33 including but not limited to, regulations governing:

34 (1) The form and content of licensing and renewal applications;

1 (2) Minimum oversight requirements for additional adult use marijuana license holders;

2 (3) The allowable size, scope and permitted activities of adult use marijuana license holders and
3 facilities;

4 (4) Minimum record-keeping requirements for additional adult use marijuana license
5 holders;

6 (5) Minimum security requirements for additional adult use marijuana license holders;

7 (6) Procedures for suspending, revoking, or terminating the licenses of licensees that
8 violate the provisions of this chapter or the regulations promulgated pursuant to this chapter; and

9 (7) Applicable application and license fees.

10 (c) Any applicant, employee, owner, officer, director, manager, member or agent of a
11 holder of a license issued by the department of business regulation pursuant to this section and the
12 regulations shall be required to obtain a registry identification card from the division subject to the
13 requirements and fees set by the department pursuant to the regulations provided that employees
14 with no ownership, equity stake, financial interest, or managing control shall not be required to
15 submit to a criminal background check to obtain a registry identification card.

16 (d) With respect to any licenses and registrations issued by the department of business
17 regulation pursuant to this chapter, the department of business regulation shall be entitled to charge
18 application, license and registration fees as set by the department of business regulation and set
19 forth in regulations promulgated here under.

20 **21-28.12-10. Licenses regarding cannabis reference testing.**

21 (a) The department of health, in coordination with the office of cannabis regulation, shall have
22 authority to promulgate regulations to create and implement all licenses involving cannabis reference
23 testing requirements including approval, laboratory proficiency programs and proficiency sample
24 providers, quality assurance sample providers, round robin testing and regulations establishing
25 quality control and test standardization, and create and implement additional types and classes of
26 licensed cannabis testing facilities in accordance with regulations promulgated hereunder.

27 (b) The department of health shall promulgate regulations governing the manner in which
28 it shall consider applications for the licensing and renewal of each type of cannabis reference testing
29 license, including but not limited to regulations governing:

30 (1) The form and content of licensing and renewal applications;

31 (2) Application and licensing fees for licensees;

32 (3) Procedures for the approval or denial of a license, and procedures for suspension or
33 revocation of the license of any licensee that violates the provisions of this chapter, chapter 28.11

1 or the regulations promulgated thereunder in accordance with the provisions of chapter 35 of title
2 42; and

3 (4) Compliance with municipal zoning restrictions, if any, which comply with 21-28.12-
4 16 of this chapter.

5 (c) The department of health or the office of cannabis regulation, as applicable, shall issue
6 each owner, officer, director, manager, member, partner, agent, and employee of a cannabis
7 reference testing licensee a registry identification card or renewal card after receipt of the person's
8 name, address, date of birth; a fee in an amount established by the department of health or the office
9 of cannabis regulation; and, when the applicant holds an ownership, equity, controlling, or
10 managing stake in the cannabis reference testing license as defined in regulations promulgated by
11 the office of cannabis regulation, notification to the department of health or the office of cannabis
12 regulation by the department of public safety division of state police, attorney general's office, or
13 local law enforcement that the registry identification card applicant has not been convicted of a
14 felony drug offense or has not entered a plea of nolo contendere for a felony drug offense and
15 received a sentence of probation. Each card shall specify that the cardholder is an owner, officer,
16 director, manager, member, partner, agent, employee, or other designation required by the
17 departments of the cannabis reference testing licensee and shall contain the following:

18 (i) The name, address, and date of birth of the card applicant;

19 (ii) The legal name of the cannabis reference testing licensee to which the applicant is
20 affiliated;

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

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

23 (v) A photograph, if the department of health or the office of cannabis regulation decides
24 to require one; and

25 (vi) Any other information or card classification that the office of cannabis regulation or
26 department of health requires.

27 (f) Except as provided in subsection (e), neither the department of health nor the office of
28 cannabis regulation shall issue a registry identification card to any card applicant who holds an
29 ownership, equity, controlling, or managing stake in the cannabis reference testing licensee as
30 defined in regulations promulgated by the office of cannabis regulation, who has been convicted of
31 a felony drug offense or has entered a plea of nolo contendere for a felony drug offense and received
32 a sentence of probation or who the department has otherwise deemed unsuitable. If a registry
33 identification card is denied, the applicant will be notified in writing of the purpose for denying the
34 registry identification card. A registry identification card may be granted if the offense was for

1 conduct that occurred prior to the enactment of this chapter or that was prosecuted by an authority
2 other than the state of Rhode Island and for which the enactment of this chapter would otherwise
3 have prevented a conviction.

4 (g) (i) All registry identification card applicants who hold an ownership, equity,
5 controlling, or managing stake in the cannabis reference testing licensee as defined in regulations
6 promulgated by the office of cannabis regulation shall apply to the department of public safety
7 division of state police, the attorney general's office, or local law enforcement for a national
8 criminal identification records check that shall include fingerprints submitted to the federal bureau
9 of investigation. Upon the discovery of a felony drug offense conviction or a plea of nolo
10 contendere for a felony drug offense with a sentence of probation, and in accordance with the rules
11 promulgated by the department of health and the office of cannabis regulation, the department of
12 public safety division of state police, the attorney general's office, or local law enforcement shall
13 inform the applicant, in writing, of the nature of the felony and the department of public safety
14 division of state police shall notify the department of health or the office of cannabis regulation, in
15 writing, without disclosing the nature of the felony, that a felony drug offense conviction or a plea
16 of nolo contendere for a felony drug offense with probation has been found.

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

21 (iii) All registry identification card applicants shall be responsible for any expense
22 associated with the criminal background check with fingerprints.

23 (h) A registry identification card of an owner, officer, director, manager, member, partner,
24 agent, or employee, or any other designation required by the office of cannabis regulation shall
25 expire one year after its issuance, or upon the termination of the officer, director, manager, member,
26 partner, agent, or employee's relationship with the cannabis reference testing licensee, or upon the
27 termination or revocation of the affiliated cannabis reference testing license, whichever occurs first.

28 (i) A registration identification card holder shall notify and request approval from the office
29 of cannabis regulation or department of health of any change in his or her name or address within
30 ten (10) days of such change. A cardholder who fails to notify the office of cannabis regulation or
31 health of any of these changes is responsible for a civil infraction, punishable by a fine of no more
32 than one hundred fifty dollars (\$150).

1 (j) When a cardholder notifies the department of health or the office of cannabis regulation
2 of any changes listed in this subsection, the department shall issue the cardholder a new registry
3 identification after receiving the updated information and a ten dollar (\$10.00) fee.

4 (k) If a cardholder loses his or her registry identification card, he or she shall notify the
5 department of health or the office of cannabis regulation and submit a ten dollar (\$10.00) fee within
6 ten (10) days of losing the card and the department shall issue a new card.

7 (l) Registry identification cardholders shall notify the office of cannabis regulation or
8 department of health of any disqualifying criminal convictions as defined in subdivision (c)(7). The
9 applicable department may choose to suspend and/or revoke his or her registry identification card
10 after such notification.

11 (m) If a registry identification cardholder violates any provision of this chapter or
12 regulations promulgated hereunder as determined by the departments of health and office of
13 cannabis regulation, his or her registry identification card may be suspended and/or revoked.

14 (n) The department of business regulation may not issue an adult use marijuana cultivator
15 license, adult use marijuana processor license, adult use marijuana contractor license, or other
16 marijuana establishment license to any entity that owns, operates or exercises management, or other
17 control over a cannabis testing laboratory or cannabis reference testing licensee.

18 (o) The department of health and office of cannabis regulation may not issue a cannabis testing
19 laboratory license or cannabis reference testing license to any applicant that owns, operates or
20 exercises management, or other control over another marijuana establishment license or license issued
21 under chapter 26 of title 2.

22 (p) The department of health shall determine the annual license fee for cannabis testing
23 laboratories, cannabis reference testing licensees and employee registration cards for such licensees.
24 The license fee must be paid upon the initial issuance of the license and every twelve (12) months
25 thereafter. If the license fee is not remitted to the state in a timely manner, the license shall be revoked.

26 **21-28.12-11. Medical marijuana licensee’s application for adult use license.**

27 (a) Licensed medical marijuana cultivators and compassion centers in good standing with
28 the office of cannabis regulation may also apply for and be issued adult use marijuana cultivator
29 and processor licenses, in accordance with regulations promulgated by the office of cannabis
30 regulation. In the case of a compassion center licensee that so applies, an adult use marijuana
31 cultivator or processor license may be issued and held by a for profit corporation that is an affiliate
32 of the nonprofit compassion center through common ownership in accordance with regulations
33 promulgated by the office of cannabis regulation. No medical marijuana cultivator licensee,

1 compassion center licensee or adult use marijuana cultivator or processor licensee shall hold an
2 adult use marijuana contractor license.

3 (b) A medical marijuana establishment licensee that applies for an adult use marijuana
4 cultivator or processor license will be required to demonstrate to the satisfaction of the office of
5 cannabis regulation in accordance with regulations promulgated hereunder that the applicant's
6 proposed adult use licensure will have no adverse effect on the medical marijuana program market
7 and patient need. The office of cannabis regulation may deny an application that fails to make this
8 demonstration and/or may impose restrictions and conditions to licensure as it deems appropriate
9 to ensure no adverse effect on the medical marijuana program market and patient needs.

10 (c) Licensees may only hold a medical marijuana establishment license and an adult use
11 marijuana establishment license in accordance with this chapter and regulations promulgated by
12 the office of cannabis regulation.

13 (d) The office of cannabis regulation may prioritize the review of applications for adult use
14 marijuana establishment licenses submitted by medical marijuana establishments that hold a
15 license, in good standing, issued by the department.

16 (e) The office of cannabis regulation may create a streamlined application for medical
17 marijuana establishment licensees who apply for adult use marijuana establishment licenses
18 provided an applicant holds a license, in good standing, that was issued by the department.

19 **21-28.12-12. Ineligibility for licensure.**

20 A marijuana establishment licensee including an adult use marijuana contractor may not
21 operate, and a prospective marijuana establishment licensee including an adult use marijuana
22 contractor may not apply for a license, if any of the following are true:

23 (1) The person or entity is applying for a license to operate as an adult use state store in a
24 location that is within five hundred (500) feet of the property line of a preexisting public or private
25 school, or the person or entity is applying for a license to operate as a marijuana establishment other
26 than an adult use state store and the establishment would operate in a location that is within one
27 thousand (1,000) feet of the property line of a preexisting public or private school; or

28 (2) The establishment would be located at a site where the use is not permitted by applicable
29 zoning classification or by special use permit or other zoning approval, or if the proposed location would
30 otherwise violate a municipality's zoning ordinance; or

31 (3) The establishment would be located in a municipality in which the kind of marijuana
32 establishment being proposed is not permitted pursuant to a referendum approved in accordance with §
33 21-28.12-16(c). For purpose of illustration but not limitation, an adult use state store may not operate in

1 a municipality in which residents have approved by a simple majority referendum a ban on marijuana
2 retailers.

3 (4) If any marijuana establishment licensee including an adult use marijuana contractor applicant
4 is deemed unsuitable or denied a license or any of its owners, officers, directors, managers, members,
5 partners or agents is denied a registry identification card by the office of cannabis regulation.

6 **21-28.12-13. License Required.**

7 No person or entity shall engage in any activities in which an adult use state store, adult
8 use marijuana contractor or other licensed marijuana establishment licensee may engage pursuant
9 to chapters 28.11 or 28.12 of title 21 and the regulations promulgated thereunder, without the
10 license that is required in order to engage in such activities issued by the office of cannabis
11 regulation and compliance with all provisions of such chapters 28.11 and 28.12 of title 21 and the
12 regulations promulgated thereunder.

13 **21-28.12-14. Enforcement**

14 (a) (1) Notwithstanding any other provision of this chapter, if the director of the department
15 of business regulation or his or her designee has cause to believe that a violation of any provision
16 of chapters 28.11 or 28.12 of title 21 or any regulations promulgated thereunder has occurred by a
17 licensee that is under the department's jurisdiction pursuant to chapters 28.11 or 28.12 of title 21
18 or that an adult use marijuana contractor is not in compliance with any of the terms or conditions
19 of its adult use marijuana contract, or that any person or entity is conducting any activities requiring
20 licensure or registration by the office of cannabis regulation or an adult use marijuana contract with
21 the state under chapters 28.11 or 28.12 of title 21 or the regulations promulgated thereunder without
22 such licensure, registration or contract, the director or his or her designee may, in accordance with
23 the requirements of the administrative procedures act, chapter 35 of title 42:

24 (i) Revoke or suspend a license or registration;

25 (ii) Levy an administrative penalty in an amount established pursuant to regulations
26 promulgated by the office of cannabis regulation;

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, registration or a contract under chapters 28.11 or 28.12 to take such actions as are
30 necessary to comply with such chapter and the regulations promulgated thereunder; or

31 (v) Any combination of the above penalties.

32 (2) If the director of the department of business regulation finds that public health, safety,
33 or welfare imperatively requires emergency action, and incorporates a finding to that effect in his
34 or her order, summary suspension of license or registration and/or cease and desist may be ordered

1 pending proceedings for revocation or other action. These proceedings shall be promptly instituted
2 and determined.

3 (b) If a person exceeds the possession limits set forth in chapters 28.11 or 28.12 of title 21,
4 or is in violation of any other section of chapters 28.11 or 28.12 of title 21 or the regulations
5 promulgated thereunder, he or she may also be subject to arrest and prosecution under chapter 28
6 of title 21.

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

13 (d) All marijuana products that are held within the borders of this state in violation of the
14 provisions of chapters 28.6, 28.11 or 28.12 of title 21 or the regulations promulgated thereunder
15 are declared to be contraband goods and may be seized by the office of cannabis regulation or its
16 agents, or employees, or by any sheriff, or his or her deputy, or any police or other law enforcement
17 officer when requested by the office of cannabis regulation to do so, in accordance with applicable
18 law. All contraband goods seized under this chapter may be destroyed.

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

26 **21-28.12-15. Rulemaking authority.**

27 (a) The department of business regulation may adopt all rules and regulations necessary and
28 convenient to carry out, implement and administer the provisions in this chapter and chapter 28.11
29 including operational requirements applicable to licensees and regulations as are necessary and
30 proper to enforce the provisions of and carry out, implement and administer the duties assigned to
31 it under this chapter and chapter 28.11, including but not limited to regulations governing:

32 (1) Record-keeping requirements for marijuana establishment licensees;

33 (2) Security requirements for marijuana establishment licensees including but not limited
34 to the use of:

- 1 (i) An alarm system, with a backup power source, that alerts security personnel and local
2 law enforcement officials of any unauthorized breach;
- 3 (ii) Perpetual video surveillance system, with a backup power source, that records video
4 surveillance must be stored for at least two (2) months and be accessible to the office of cannabis
5 regulation via remote access and to law enforcement officials upon request;
- 6 (iii) Protocols that ensure the secure transport, delivery, and storage of cannabis and
7 cannabis products;
- 8 (iv) Additional security measures to protect against diversion or theft of cannabis from
9 cannabis cultivation facilities that cultivate cannabis outdoors; and
- 10 (v) any additional requirements deemed necessary by the office of cannabis regulation;
- 11 (3) Requirements for inventory tracking and the use of seed to sale monitoring system(s)
12 approved by the state which tracks all cannabis from its origin up to and including the point of sale;
- 13 (4) Permitted forms of advertising and advertising content, including but not limited to:
- 14 (i) A marijuana establishment licensee may not advertise through any means unless at least
15 85% of the audience is reasonably expected to be 21 years of age or older, as determined by reliable,
16 current audience composition data;
- 17 (ii) a marijuana establishment licensee may not engage in the use of pop up digital
18 advertisements;
- 19 (iii) a marijuana establishment licensee may not display any marijuana product pricing
20 through any advertising other than its establishment website which must be registered with the
21 office of cannabis regulation, or through opt in subscription services such as email alerts or sms
22 text messages, provided the licensee has verified the person attempting to view their webpage or
23 opt in to advertising alerts is over the age of 21;
- 24 (iv) a marijuana establishment licensee may not use any billboard advertisements within
25 the state of Rhode Island;
- 26 (v) A marijuana establishment licensee may display signage outside its facility displaying the
27 name of the establishment, provided the signage conforms to all applicable local guidelines and rules
28 and does not display imagery of a marijuana leaf or the use of marijuana or use neon signage;
- 29 (vi) a marijuana establishment licensee may be listed in public phonebooks and directories;
- 30 (vii) A marijuana establishment licensee and its logo may be listed as a sponsor of a
31 charitable event, provided the logo does not contain imagery of a cannabis leaf or the use of
32 cannabis;

1 (viii) a marijuana establishment licensee shall not use, accept, or offer any coupons, discounts,
2 samples, giveaways, or any other mechanism to sell marijuana at prices below market value which may
3 or may not circumvent the collection of revenue; and

4 (viii) any other restrictions deemed appropriate by the office of cannabis regulation; and

5 (5) Permitted forms of marijuana products including, but not limited to, regulations which:

6 (i) prohibit any form of marijuana product which is in the shape or form of an animal,
7 human, vehicle, or other shape or form which may be attractive to children;

8 (ii) prohibit any marijuana “additives” which could be added, mixed, sprayed on, or applied
9 to an existing food product without a person’s knowledge; and

10 (iii) include any other requirements deemed necessary by the office of cannabis regulation;
11 and

12 (6) Limits for marijuana product serving sizes, doses, and potency including but not limited
13 to regulations which:

14 (i) limit all servings of edible forms of marijuana to no more than five milligrams (5 mg)
15 of THC per serving;

16 (ii) limits the total maximum amount of THC per edible product package to one hundred
17 milligrams (100 mg) of THC;

18 (iii) limits the THC potency of any product to no more than fifty percent (50%) THC unless
19 otherwise authorized by the office of cannabis regulation;

20 (iv) may establish product or package limits based on the total milligrams of THC; and

21 (v) include any additional requirements or limitations deemed necessary by the office of
22 cannabis regulation;

23 (7) Product restrictions including but not limited to regulations which:

24 (i) establish a review process for the office of cannabis regulation to approve or deny forms
25 of marijuana products which may require marijuana establishment licensees to submit a proposal,
26 which includes photographs of the proposed product properly packaged and labeled and any other
27 materials deemed necessary by the office of cannabis regulation, to the office of cannabis regulation
28 for each line of cannabis products;

29 (ii) place additional restrictions on marijuana products to safeguard public health and
30 safety, as determined by the office of cannabis regulation in consultation with the executive branch
31 state agencies;

32 (iii) require all servings of edible products to be marked, imprinted, molded, or otherwise
33 display a symbol chosen by the department to alert consumers that the product contains marijuana;

1 (iv) standards to prohibit cannabis products that pose public health risks, that are easily
2 confused with existing non-cannabis products, or that are especially attractive to youth; and
3 (v) any other requirements deemed suitable by the department;
4 (8) Limits and restrictions for marijuana transactions and sales including but not limited to
5 regulations which:
6 (i) establish processes and procedures to ensure all transactions and sales are properly
7 tracked through the use of a seed to sale inventory tracking and monitoring system;
8 (ii) establish rules and procedures for customer age verification;
9 (iii) establish rules and procedures to ensure adult use state stores do not sell, deliver or
10 otherwise transfer to, and that customers do not purchase or otherwise receive amounts of marijuana
11 in excess of the one ounce (1 oz.) marijuana or equivalent amount per transaction and/or per day;
12 (iv) establish rules and procedures to ensure no marijuana is sold, delivered or otherwise
13 transferred to anyone under the age of 21; and
14 (v) include any additional requirements deemed necessary by the office of cannabis regulation;
15 (9) The testing and safety of marijuana and marijuana products including but not limited
16 to regulations promulgated by the office of cannabis regulation or department of health, as
17 applicable which:
18 (i) license and regulate the operation of cannabis testing facilities, including requirements
19 for equipment, training, and qualifications for personnel;
20 (ii) set forth procedures that require random sample testing to ensure quality control,
21 including, but not limited to, ensuring that cannabis and cannabis products are accurately labeled
22 for tetrahydrocannabinol (THC) content and any other product profile;
23 (iii) testing for residual solvents, poisons, or toxins; harmful chemicals; dangerous
24 molds or mildew; filth; and harmful microbials such as E. coli or salmonella and pesticides,
25 and any other compounds, elements, or contaminants;
26 (iv) require that all cannabis and cannabis products must undergo random sample testing at a
27 registered cannabis testing facility or other laboratory equipped to test cannabis and cannabis products
28 that has been approved by the office of cannabis regulation;
29 (v) require any products which fail testing be quarantined and/or recalled and destroyed in
30 accordance with regulations;
31 (vi) allow for the establishment of other quality assurance mechanisms which may include
32 but not be limited to the designation or creation of a reference laboratory, creation of a secret

1 shopper program, round robin testing , or any other mechanism to ensure the accuracy of product
2 testing and labeling;
3 (vii) require marijuana establishment licensees and marijuana products to comply with any
4 applicable food safety requirements determined by the office of cannabis regulation and/or the
5 department of health;
6 (viii) include any additional requirements deemed necessary by the office of cannabis
7 regulation and the department of health; and
8 (ix) allow the office of cannabis regulation, in coordination with the department of health, at
9 their discretion, to temporarily remove, or phase in, any requirement for laboratory testing if it finds
10 that there is not sufficient laboratory capacity for the market.
11 (10) Online sales;
12 (11) Transport and delivery;
13 (12) Marijuana and marijuana product packaging including but not limited to requirements
14 that packaging be:
15 (i) opaque;
16 (ii) constructed to be significantly difficult for children under five (5) years of age to open
17 and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995) or another
18 approval standard or process approved by the office of cannabis regulation;
19 (iii) be designed in a way that is not deemed as especially appealing to children; and
20 (iv) any other regulations required by the office of cannabis regulation; and
21 (13) Regulations for the quarantine and/or destruction of unauthorized materials;
22 (14) Industry and licensee cultivation and production limitations;
23 (15) Procedures for the approval or denial of a license, and procedures for suspension or
24 revocation of the license of any marijuana establishment licensee that violates the provisions of this
25 chapter, chapter 28.11 of title 21 or the regulations promulgated thereunder in accordance with the
26 provisions of chapter 35 of title 42;
27 (16) Compliance with municipal zoning restrictions, if any, which comply with § 21-28.12-
28 16 of this chapter;
29 (17) Standards and restrictions for marijuana manufacturing and processing which shall
30 include but not be limited to requirements that adult use marijuana processor licensees;
31 (i) comply with all applicable building and fire codes;
32 (ii) receive approval from the state fire marshal's office for all forms of manufacturing that
33 use a heat source or flammable solvent;

1 (iii) require any adult use marijuana processor licensee that manufactures edibles of
2 marijuana infused food products to comply with all applicable requirements and regulations issued
3 by the department of health's office of food safety; and

4 (iv) comply with any other requirements deemed suitable by the office of cannabis
5 regulation.

6 (18) Standards for employee and workplace safety and sanitation;
7 (19) Standards for employee training including but not limited to:

8 (i) requirements that all employees of marijuana establishments must participate in a
9 comprehensive training on standard operating procedures, security protocols, health and sanitation
10 standards, workplace safety, and the provisions of this chapter prior to working at the establishment.
11 Employees must be retrained on an annual basis or if state officials discover a marijuana
12 establishment in violation of any rule, regulation, or guideline in the course of regular inspections
13 or audits; and

14 (ii) any other requirements deemed appropriate by the office of cannabis regulation; and

15 (20) Mandatory labeling that must be affixed to all packages containing cannabis or
16 cannabis products including but not limited to requirements that the label display:

17 (i) the name of the establishment that cultivated the cannabis or produced the cannabis
18 product;

19 (ii) the tetrahydrocannabinol (THC) content of the product;
20 (iii) a "produced on" date;

21 (iv) warnings that state: "Consumption of cannabis impairs your ability to drive a car or
22 operate machinery" and "Keep away from children" and, unless federal law has changed to
23 accommodate cannabis possession, "Possession of cannabis is illegal under federal law and in many
24 states outside of Rhode Island";

25 (v) a symbol that reflects these products are not safe for children which contains poison
26 control contact information; and

27 (vi) any other information required by the office of cannabis regulation; and

28 (21) Standards for the use of pesticides; and
29 (22) General operating requirements, minimum oversight, and any other activities,
30 functions, or aspects of a marijuana establishment licensee in furtherance of creating a stable,
31 regulated cannabis industry and mitigating its impact on public health and safety.

1 (23) Rules and regulations based on federal law provided those rules and regulations are
2 designed to comply with federal guidance and mitigate federal enforcement against the marijuana
3 establishments and adult use state stores authorized, licensed and operated pursuant to this chapter.

4 **21-28.12-16. Municipal authority.**

5 (a) Municipalities shall:

6 (i) Have the authority to enact local zoning and use ordinances not in conflict with this chapter
7 or with rules and regulations adopted by the office of cannabis regulation regulating the time, place, and
8 manner of marijuana establishments' operations, provided that no local authority may prohibit any type
9 of marijuana establishment operations altogether, either expressly or through the enactment of
10 ordinances or regulations which make any type of marijuana establishments' operation impracticable;
11 and

12 (b) Zoning ordinances enacted by a local authority shall not require a marijuana establishment
13 licensee or marijuana establishment applicant to enter into a community host agreement or pay any
14 consideration to the municipality other than reasonable zoning and permitting fees as determined by the
15 office of cannabis regulation. The office of cannabis regulation is the sole licensing authority for
16 marijuana establishment licensees. A municipality shall not enact any local zoning ordinances or
17 permitting requirements that establishes a de facto local license or licensing process unless explicitly
18 enabled by this chapter or ensuing regulations promulgated by the office of cannabis regulation.

19 (c) Notwithstanding subsection (a) of this section:

20 (i) Municipalities may enact local zoning and use ordinances which prohibit specific classes of
21 marijuana establishment licenses, or all classes of marijuana establishment licenses from being issued
22 within their jurisdiction and which may remain in effect until November 3, 2021. A local zoning and use
23 ordinance which prohibits specific classes of marijuana establishment licenses, or all classes of marijuana
24 establishment licenses from being issued within a city or town's jurisdiction may only remain in effect past
25 November 3, 2021, if the residents of the municipality have approved, by a simple majority of the electors
26 voting, a referendum to ban adult use marijuana cultivator facilities, adult use state stores, adult use
27 marijuana processors or cannabis testing facilities, provided such referendum must be conducted on or
28 before November 3, 2021, and any ordinances related thereto must be adopted before April 1, 2022;

29 (ii) Municipalities must put forth a separate referendum question to ban each class of
30 marijuana establishment. A single question to ban all classes of marijuana establishments shall not be
31 permitted; and

32 (iii) Municipalities which ban the licensure of marijuana establishments located within their
33 jurisdiction pursuant to c(i), and/or adopt local zoning and other ordinances, in accordance with this

1 section, may hold future referenda to prohibit previously allowed licenses, or allow previously
2 prohibited licenses, provided those subsequent referenda are held on the first Tuesday after the first
3 Monday in the month of November.

4 (d) Notwithstanding subsections (a), (b) or (c) of this section, a municipality may not
5 prohibit a medical marijuana establishment licensee from continuing to operate under a marijuana
6 establishment license issued by the office of cannabis regulation or previously issued by the
7 department of business regulation if that marijuana establishment licensee was approved or licensed
8 prior to the passage of this chapter.

9 (e) Notwithstanding any other provision of this chapter, no municipality or local authority
10 shall restrict the transport or delivery of marijuana through their jurisdiction, or to local residents,
11 provided all transport and/or delivery is in accordance with this chapter.

12 (f) Municipalities may impose civil and criminal penalties for the violation of ordinances enacted
13 pursuant to and in accordance with this section.

14 (g) Notwithstanding subsection (b) of this section, a city or town may receive a municipal
15 impact fee from a newly licensed and operating marijuana establishment located within their jurisdiction
16 provided:

17 (i) the municipal impact fee must offset or reimburse actual costs and expenses incurred by the
18 city or town during the first three (3) months that the licensee is licensed and/or operational;

19 (ii) the municipal impact fee must offset or reimburse reasonable and appropriate expenses
20 incurred by the municipality, which are directly attributed to, or are a direct result of, the licensed
21 operations of the marijuana establishment which may include but not be limited to, increased traffic or
22 police details needed to address new traffic patterns, increased parking needs, or pedestrian foot traffic
23 by consumers;

24 (iii) the municipality is responsible for estimating or calculating projected impact fees and must
25 follow the same methodology if providing a fee estimate or projection for multiple marijuana
26 establishment locations or applicants;

27 (iv) marijuana establishment licensees or applicants may not offer competing impact fees or
28 pay a fee that is more than the actual and reasonable costs and expenses incurred by the municipality;
29 and

30 (v) the office of cannabis regulation may suspend, revoke or refuse to issue a license to an
31 applicant or for a proposed establishment within a municipality if the municipality and/or marijuana
32 establishment local impact fee violates the requirements of this section.

33 **21-28.12-17. Transportation of marijuana.**

1 The office of cannabis regulation may promulgate regulations regarding secure transportation
2 of marijuana for marijuana establishment licensees delivering products to purchasers in accordance
3 with this chapter and shipments of marijuana or marijuana products between marijuana establishment
4 licensees.

5 **21-28.12-18. No minors on the premises of adult use state stores or other marijuana**
6 **establishments.**

7 No marijuana establishment licensee including an adult use marijuana contractor shall allow any
8 person who is under twenty-one (21) years of age to be present inside any room where marijuana or
9 marijuana products are stored, produced, or sold unless the person who is under twenty-one (21) years
10 of age is:

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

12 (2) At least eighteen (18) years old, a registered employee of the marijuana establishment
13 licensee and the person has completed all training required under this chapter and the regulations
14 promulgated by the office of cannabis regulation.

15 **21-28.12-19. Contracts enforceable.**

16 (a) It is the public policy of the state that contracts related to the operation of licensed marijuana
17 establishments, adult use state stores, licensed compassion centers, hemp cultivators or other licensees
18 under chapter 26 of title 2, and chapters 28.6, 28.11 and 28.12 of title 21, the regulations
19 promulgated thereunder and other applicable Rhode Island law shall be enforceable. It is the public
20 policy of the state that no contract entered into by a licensed marijuana establishment, adult use state
21 store, licensed compassion center, hemp cultivator or other licensee under chapter 26 of title 2, and
22 chapters 28.6, 28.11 and 28.12 of title 21 or its registered officers, directors, managers, members,
23 partners, employees or agents as permitted pursuant to a valid license issued by the office of cannabis
24 regulation, or by those who allow property to be used by an establishment, its registered officers,
25 directors, managers, members, partners, employees, or its agents as permitted pursuant to a valid license,
26 shall be unenforceable solely on the basis that cultivating, obtaining, manufacturing, distributing,
27 dispensing, transporting, selling, possessing, testing or using marijuana or hemp is prohibited by federal
28 law.

29 (b) Notwithstanding any law to the contrary including federal law, commercial activity related
30 to licensed marijuana establishments, adult use state stores, licensed compassion centers, hemp
31 cultivators or other licensees under chapter 26 of title 2, and chapters 28.11 and 28.12 of title 21, and
32 the regulations promulgated thereunder, that is conducted in compliance with applicable Rhode Island
33 law shall be deemed to be:

1 (1) a lawful object of a contract;

2 (2) Not contrary to an express provision of law, any policy of express law, or good morals;

3 and

4 (3) Not against public policy.

5 **21-28.12-20 Adult use marijuana fund and revenue.**

6 (a) There is created the adult use marijuana fund, into which shall be deposited all revenue
7 collected pursuant to this chapter. The fund shall be in the custody of the general treasurer, subject
8 to the direction of the department for the use of the department.

9 (b) The adult use marijuana fund shall be used to pay for the wholesale acquisition of adult
10 use marijuana, marijuana products and adult use marijuana paraphernalia for sale in adult use state
11 stores. The department is authorized to enter into adult use marijuana contracts to acquire adult use
12 marijuana, adult use marijuana products and adult use marijuana paraphernalia, or to direct any
13 adult use marijuana contractors to acquire adult use marijuana, adult use marijuana products or
14 adult use marijuana paraphernalia on the state's behalf. The department is authorized to transfer or
15 reimburse funds from the adult use marijuana fund in order to facilitate these activities.

16 (c) The department is authorized to enter into an agreement to allocate adult use marijuana
17 retail sales revenue between the state, any adult use marijuana contractors, and municipalities. This
18 allocation shall be on any retail sales revenue net of funds needed to acquire wholesale adult use
19 marijuana, marijuana products and marijuana paraphernalia pursuant to subsection (b). This
20 allocation shall not include any revenue resulting from licensing or other fees, penalties, fines, or
21 any other revenue not directly attributable to retail sales at adult state stores. Any such revenue
22 shall be allocated entirely to the state.

23 (d) The allocation of net adult use retail marijuana revenue shall be:

24 (1) To the state, sixty-one percent (61%) of adult use marijuana retail sales revenue;

25 (2) To the state's licensed adult use marijuana contractors, twenty-nine percent (29%) of
26 adult use marijuana retail sales revenue; and

27 (3) To municipalities, ten percent (10%) of adult use marijuana retail sales revenue.

28 (e) Adult use marijuana retail sales revenue allocated to the state shall be deposited into
29 the adult use marijuana fund for administrative purposes, described in paragraph (f) below, and
30 then the balance remaining into the general fund.

31 (f) There is created within the general fund restricted receipt accounts collectively known
32 as the "state-control adult use marijuana" accounts. The state share of adult use marijuana revenue
33 will be used to fund programs and activities related to program administration; substance use

1 disorder prevention for adults and youth; education and public awareness campaigns; treatment and
2 recovery support services; public health monitoring, research, data collection, and surveillance; law
3 enforcement training and technology improvements including grants to local law enforcement; and
4 such other related uses that may be deemed necessary by the office of management and budget.
5 The restricted receipt accounts will be housed within the budgets of the departments of behavioral
6 healthcare, developmental disabilities and hospitals; business regulation; health; and public safety.
7 All amounts deposited into the state-control adult use marijuana accounts shall be exempt from the
8 indirect cost recovery provisions of § 35-4-27.

9 (g) Payments into the state's general fund shall be made on an estimated monthly basis.
10 Payment shall be made on the tenth day following the close of the month except for the last month
11 when payment shall be on the last business day.

12 (h) All sales of adult use marijuana, adult use marijuana products, and adult use marijuana
13 paraphernalia at adult use state stores are exempt from taxation under chapter 18 of title 44.

14 (i) If there are multiple licensed adult use marijuana contractors under contract with the
15 state, the contracts between the state and those entities will specify how revenue allocated under
16 subsection (d)(2) is divided.

17 (j) All revenue allocated to cities and towns under subsection (d)(3) shall be distributed at
18 least quarterly by the department, credited and paid by the state treasurer to the city or town based
19 on the following allocation:

20 (1) One-quarter based in an equal distribution to each city or town in the state;

21 (2) One-quarter based on the share of total licensed adult use marijuana cultivators,
22 licensed adult use marijuana processors, and adult use state stores found in each city or town at the
23 end of the quarter that corresponds to the distribution, with adult use state stores assigned a weight
24 twice that of the other license types; and

25 (3) One-half based on the volume of retail sales of adult use marijuana, marijuana products and
26 marijuana paraphernalia that occurred at adult use state stores in each city or town in the quarter of
27 the distribution.

28 **21-28.12-21. Severability.**

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

33 SECTION 4. Sections 31-27-2, 31-27-2.1 and 31-27-2.9 of Chapter 31-27 of the General
34 Laws entitled "Motor Vehicles Offenses" are hereby amended as follows:

1 **31-27-2. Driving under influence of liquor or drugs.**

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

6 (b)(1) Any person charged under subsection (a), whose blood alcohol concentration is eight
7 one-hundredths of one percent (.08%) or more by weight, as shown by a chemical analysis of a
8 blood, breath, or urine sample, shall be guilty of violating subsection (a). This provision shall not
9 preclude a conviction based on other admissible evidence, including the testimony of a drug
10 recognition expert or evaluator, certified pursuant to training approved by the Rhode Island
11 Department of Transportation Office on Highway Safety. Proof of guilt under this section may also
12 be based on evidence that the person charged was under the influence of intoxicating liquor, drugs,
13 toluene, or any controlled substance defined in chapter 28 of title 21, or any combination of these,
14 to a degree that rendered the person incapable of safely operating a vehicle. The fact that any person
15 charged with violating this section is, or has been, legally entitled to use alcohol or a drug shall not
16 constitute a defense against any charge of violating this section.

17 (2) Whoever drives, or otherwise operates, any vehicle in the state with a blood presence
18 of any scheduled controlled substance as defined within chapter 28 of title 21, as shown by analysis
19 of a blood or urine sample, shall be guilty of a misdemeanor and shall be punished as provided in
20 subsection (d).

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

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

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

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

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

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

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

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

32 (ii) Every person convicted of a first violation whose blood alcohol concentration is one-
33 tenth of one percent (.1%) by weight or above, but less than fifteen hundredths of one percent

1 (.15%), or whose blood alcohol concentration is unknown, shall be subject to a fine of not less than
2 one hundred (\$100) dollars, nor more than four hundred dollars (\$400), and shall be required to
3 perform ten (10) to sixty (60) hours of public community restitution and/or shall be imprisoned for
4 up to one year. The sentence may be served in any unit of the adult correctional institutions in the
5 discretion of the sentencing judge. The person's driving license shall be suspended for a period of
6 three (3) months to twelve (12) months. The sentencing judge shall require attendance at a special
7 course on driving while intoxicated or under the influence of a controlled substance and/or
8 alcoholic or drug treatment for the individual; provided, however, that the court may permit a
9 servicemember or veteran to complete any court-approved counseling program administered or
10 approved by the Veterans' Administration. The sentencing judge or magistrate may prohibit that
11 person from operating a motor vehicle that is not equipped with an ignition interlock system as
12 provided in § 31-27-2.8.

13 (iii) Every person convicted of a first offense whose blood alcohol concentration is fifteen
14 hundredths of one percent (.15%) or above, or who is under the influence of a drug, toluene, or any
15 controlled substance as defined in subsection (b)(1), shall be subject to a fine of five hundred dollars
16 (\$500) and shall be required to perform twenty (20) to sixty (60) hours of public community
17 restitution and/or shall be imprisoned for up to one year. The sentence may be served in any unit
18 of the adult correctional institutions in the discretion of the sentencing judge. The person's driving
19 license shall be suspended for a period of three (3) months to eighteen (18) months. The sentencing
20 judge shall require attendance at a special course on driving while intoxicated or under the influence
21 of a controlled substance and/or alcohol or drug treatment for the individual; provided, however,
22 that the court may permit a servicemember or veteran to complete any court-approved counseling
23 program administered or approved by the Veterans' Administration. The sentencing judge or
24 magistrate shall prohibit that person from operating a motor vehicle that is not equipped with an
25 ignition interlock system as provided in § 31-27-2.8.

26 (2)(i) Every person convicted of a second violation within a five-year (5) period with a
27 blood alcohol concentration of eight one-hundredths of one percent (.08%) or above, but less than
28 fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is unknown, or
29 who has a blood presence of any controlled substance as defined in subsection (b)(2), and every
30 person convicted of a second violation within a five-year (5) period, regardless of whether the prior
31 violation and subsequent conviction was a violation and subsequent conviction under this statute
32 or under the driving under the influence of liquor or drugs statute of any other state, shall be subject
33 to a mandatory fine of four hundred dollars (\$400). The person's driving license shall be suspended
34 for a period of one year to two (2) years, and the individual shall be sentenced to not less than ten

1 (10) days, nor more than one year, in jail. The sentence may be served in any unit of the adult
2 correctional institutions in the discretion of the sentencing judge; however, not less than forty-eight
3 (48) hours of imprisonment shall be served consecutively. The sentencing judge shall require
4 alcohol or drug treatment for the individual; provided, however, that the court may permit a
5 servicemember or veteran to complete any court-approved counseling program administered or
6 approved by the Veterans' Administration and shall prohibit that person from operating a motor
7 vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

8 (ii) Every person convicted of a second violation within a five-year (5) period whose blood
9 alcohol concentration is fifteen hundredths of one percent (.15%) or above, by weight as shown by
10 a chemical analysis of a blood, breath, or urine sample, or who is under the influence of a drug,
11 toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to mandatory
12 imprisonment of not less than six (6) months, nor more than one year; a mandatory fine of not less
13 than one thousand dollars (\$1,000); and a mandatory license suspension for a period of two (2)
14 years from the date of completion of the sentence imposed under this subsection. The sentencing
15 judge shall require alcohol or drug treatment for the individual; provided, however, that the court
16 may permit a servicemember or veteran to complete any court approved counseling program
17 administered or approved by the Veterans' Administration. The sentencing judge or magistrate shall
18 prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock
19 system as provided in § 31-27-2.8.

20 (3)(i) Every person convicted of a third or subsequent violation within a five-year (5)
21 period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or above,
22 but less than fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is
23 unknown or who has a blood presence of any scheduled controlled substance as defined in
24 subsection (b)(2), regardless of whether any prior violation and subsequent conviction was a
25 violation and subsequent conviction under this statute or under the driving under the influence of
26 liquor or drugs statute of any other state, shall be guilty of a felony and be subject to a mandatory
27 fine of four hundred (\$400) dollars. The person's driving license shall be suspended for a period of
28 two (2) years to three (3) years, and the individual shall be sentenced to not less than one year and
29 not more than three (3) years in jail. The sentence may be served in any unit of the adult correctional
30 institutions in the discretion of the sentencing judge; however, not less than forty-eight (48) hours
31 of imprisonment shall be served consecutively. The sentencing judge shall require alcohol or drug
32 treatment for the individual; provided, however, that the court may permit a servicemember or
33 veteran to complete any court-approved counseling program administered or approved by the

1 Veterans' Administration, and shall prohibit that person from operating a motor vehicle that is not
2 equipped with an ignition interlock system as provided in § 31-27-2.8.

3 (ii) Every person convicted of a third or subsequent violation within a five-year (5) period
4 whose blood alcohol concentration is fifteen hundredths of one percent (.15%) above by weight as
5 shown by a chemical analysis of a blood, breath, or urine sample, or who is under the influence of
6 a drug, toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to
7 mandatory imprisonment of not less than three (3) years, nor more than five (5) years; a mandatory
8 fine of not less than one thousand dollars (\$1,000), nor more than five thousand dollars (\$5,000);
9 and a mandatory license suspension for a period of three (3) years from the date of completion of
10 the sentence imposed under this subsection. The sentencing judge shall require alcohol or drug
11 treatment for the individual. The sentencing judge or magistrate shall prohibit that person from
12 operating a motor vehicle that is not equipped with an ignition interlock system as provided in §
13 31-27-2.8.

14 (iii) In addition to the foregoing penalties, every person convicted of a third or subsequent
15 violation within a five-year (5) period, regardless of whether any prior violation and subsequent
16 conviction was a violation and subsequent conviction under this statute or under the driving under
17 the influence of liquor or drugs statute of any other state, shall be subject, in the discretion of the
18 sentencing judge, to having the vehicle owned and operated by the violator seized and sold by the
19 state of Rhode Island, with all funds obtained by the sale to be transferred to the general fund.

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

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

1 (ii) Any person over the age of eighteen (18) who is convicted under this section for
2 operating a motor vehicle while under the influence of alcohol, other drugs, or a combination of
3 these, while a child under the age of thirteen (13) years was present as a passenger in the motor
4 vehicle when the offense was committed shall be subject to immediate license suspension pending
5 prosecution. Any person convicted of violating this section shall be guilty of a misdemeanor for a
6 first offense and may be sentenced to a term of imprisonment of not more than one year and a fine
7 not to exceed one thousand dollars (\$1,000). Any person convicted of a second or subsequent
8 offense shall be guilty of a felony offense and may be sentenced to a term of imprisonment of not
9 more than five (5) years and a fine not to exceed five thousand dollars (\$5,000). The sentencing
10 judge shall also order a license suspension of up to two (2) years, require attendance at a special
11 course on driving while intoxicated or under the influence of a controlled substance, and alcohol
12 or drug education and/or treatment. The individual may also be required to pay a highway
13 assessment fee of no more than five hundred dollars (\$500) and the assessment shall be deposited
14 in the general fund.

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

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

21 (7)(i) If the person convicted of violating this section is under the age of eighteen (18)
22 years, for the first violation he or she shall be required to perform ten (10) to sixty (60) hours of
23 public community restitution and the juvenile's driving license shall be suspended for a period of
24 six (6) months, and may be suspended for a period up to eighteen (18) months. The sentencing
25 judge shall also require attendance at a special course on driving while intoxicated or under the
26 influence of a controlled substance and alcohol or drug education and/or treatment for the juvenile.
27 The juvenile may also be required to pay a highway assessment fine of no more than five hundred
28 dollars (\$500) and the assessment imposed shall be deposited into the general fund.

29 (ii) If the person convicted of violating this section is under the age of eighteen (18) years,
30 for a second or subsequent violation regardless of whether any prior violation and subsequent
31 conviction was a violation and subsequent conviction under this statute or under the driving under
32 the influence of liquor or drugs statute of any other state, he or she shall be subject to a mandatory
33 suspension of his or her driving license until such time as he or she is twenty-one (21) years of age

1 and may, in the discretion of the sentencing judge, also be sentenced to the Rhode Island training
2 school for a period of not more than one year and/or a fine of not more than five hundred dollars
3 (\$500).

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

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

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

22 (2) Persons convicted under the provisions of this chapter shall be required to attend a
23 special course on driving while intoxicated or under the influence of a controlled substance, and/or
24 participate in an alcohol or drug treatment program, which course and programs must meet the
25 standards established by the Rhode Island department of behavioral healthcare, developmental
26 disabilities and hospitals; provided, however, that the court may permit a servicemember or veteran
27 to complete any court-approved counseling program administered or approved by the Veterans'
28 Administration. The course shall take into consideration any language barrier that may exist as to
29 any person ordered to attend, and shall provide for instruction reasonably calculated to
30 communicate the purposes of the course in accordance with the requirements of the subsection.
31 Any costs reasonably incurred in connection with the provision of this accommodation shall be
32 borne by the person being retrained. A copy of any violation under this section shall be forwarded
33 by the court to the alcohol and drug safety unit. In the event that persons convicted under the
34 provisions of this chapter fail to attend and complete the above course or treatment program, as

1 ordered by the judge, then the person may be brought before the court, and after a hearing as to
2 why the order of the court was not followed, may be sentenced to jail for a period not exceeding
3 one year.

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

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

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

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

21 (j) An order to attend a special course on driving while intoxicated that shall be
22 administered in cooperation with a college or university accredited by the state, shall include a
23 provision to pay a reasonable tuition for the course in an amount not less than twenty-five dollars
24 (\$25.00), and a fee of one hundred seventy-five dollars (\$175), which fee shall be deposited into
25 the general fund.

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

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

33 (m) For the purposes of this section, "servicemember" means a person who is presently
34 serving in the armed forces of the United States, including the Coast Guard, a reserve component

1 thereof, or the National Guard. "Veteran" means a person who has served in the armed forces,
2 including the Coast Guard of the United States, a reserve component thereof, or the National Guard,
3 and has been discharged under other than dishonorable conditions.

4 **31-27-2.1. Refusal to submit to chemical test.**

5 (a) Any person who operates a motor vehicle within this state shall be deemed to have
6 given his or her consent to chemical tests of his or her breath, blood, saliva and/or urine for the
7 purpose of determining the chemical content of his or her body fluids or breath. No more than two
8 (2) complete tests, one for the presence of intoxicating liquor and one for the presence of toluene
9 or any controlled substance, as defined in § 21-28-1.02(8), shall be administered at the direction of
10 a law enforcement officer having reasonable grounds to believe the person to have been driving a
11 motor vehicle within this state while under the influence of intoxicating liquor, toluene or any
12 controlled substance, as defined in chapter 28 of title 21, or any combination of these. The director
13 of the department of health is empowered to make and file, with the secretary of state, regulations
14 that prescribe the techniques and methods of chemical analysis of the person's body fluids or breath
15 and the qualifications and certification of individuals authorized to administer the testing and
16 analysis.

17 (b) If a person, for religious or medical reasons, cannot be subjected to blood tests, the
18 person may file an affidavit with the division of motor vehicles stating the reasons why he or she
19 cannot be required to take blood tests and a notation to this effect shall be made on his or her
20 license. If that person is asked to submit to chemical tests as provided under this chapter, the person
21 shall only be required to submit to chemical tests of his or her breath, saliva or urine. When a person
22 is requested to submit to blood tests, only a physician or registered nurse, or a medical technician
23 certified under regulations promulgated by the director of the department of health, may withdraw
24 blood for the purpose of determining the alcoholic content in it. This limitation shall not apply to
25 the taking of breath, saliva or urine specimens. The person tested shall be permitted to have a
26 physician of his or her own choosing, and at his or her own expense, administer chemical tests of
27 his or her breath, blood, saliva and/or urine in addition to the tests administered at the direction of
28 a law enforcement officer. If a person, having been placed under arrest, refuses upon the request of
29 a law enforcement officer to submit to the tests, as provided in § 31-27-2, none shall be given, but
30 a judge or magistrate of the traffic tribunal or district court judge or magistrate, upon receipt of a
31 report of a law enforcement officer: that he or she had reasonable grounds to believe the arrested
32 person had been driving a motor vehicle within this state under the influence of intoxicating liquor,
33 toluene, or any controlled substance, as defined in chapter 28 of title 21, or any combination of
34 these; that the person had been informed of his or her rights in accordance with § 31-27-3; that the

1 person had been informed of the penalties incurred as a result of noncompliance with this section;
2 and that the person had refused to submit to the tests upon the request of a law enforcement officer;
3 shall promptly order that the person's operator's license or privilege to operate a motor vehicle in
4 this state be immediately suspended, however, said suspension shall be subject to the hardship
5 provisions enumerated in § 31-27-2.8. A traffic tribunal judge or magistrate, or a district court judge
6 or magistrate, pursuant to the terms of subsection (c), shall order as follows:

7 (1) Impose, for the first violation, a fine in the amount of two hundred dollars (\$200) to
8 five hundred dollars (\$500) and shall order the person to perform ten (10) to sixty (60) hours of
9 public community restitution. The person's driving license in this state shall be suspended for a
10 period of six (6) months to one year. The traffic tribunal judge or magistrate shall require attendance
11 at a special course on driving while intoxicated or under the influence of a controlled substance
12 and/or alcohol or drug treatment for the individual. The traffic tribunal judge or magistrate may
13 prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock
14 system as provided in § 31-27-2.8.

15 (2) Every person convicted of a second violation within a five-year (5) period, except with
16 respect to cases of refusal to submit to a blood test, shall be guilty of a misdemeanor; shall be
17 imprisoned for not more than six (6) months; shall pay a fine in the amount of six hundred dollars
18 (\$600) to one thousand dollars (\$1,000); perform sixty (60) to one hundred (100) hours of public
19 community restitution; and the person's driving license in this state shall be suspended for a period
20 of one year to two (2) years. The judge or magistrate shall require alcohol and/or drug treatment
21 for the individual. The sentencing judge or magistrate shall prohibit that person from operating a
22 motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

23 (3) Every person convicted for a third or subsequent violation within a five-year (5) period,
24 except with respect to cases of refusal to submit to a blood test, shall be guilty of a misdemeanor;
25 and shall be imprisoned for not more than one year; fined eight hundred dollars (\$800) to one
26 thousand dollars (\$1,000); shall perform not less than one hundred (100) hours of public community
27 restitution; and the person's operator's license in this state shall be suspended for a period of two
28 (2) years to five (5) years. The sentencing judge or magistrate shall prohibit that person from
29 operating a motor vehicle that is not equipped with an ignition interlock system as provided in §
30 31-27-2.8. The judge or magistrate shall require alcohol or drug treatment for the individual.
31 Provided, that prior to the reinstatement of a license to a person charged with a third or subsequent
32 violation within a three-year (3) period, a hearing shall be held before a judge or magistrate. At the
33 hearing, the judge or magistrate shall review the person's driving record, his or her employment

1 history, family background, and any other pertinent factors that would indicate that the person has
2 demonstrated behavior that warrants the reinstatement of his or her license.

3 (4) For a second violation within a five-year (5) period with respect to a case of a refusal
4 to submit to a blood test, a fine in the amount of six hundred dollars (\$600) to one thousand dollars
5 (\$1,000); the person shall perform sixty (60) to one hundred (100) hours of public community
6 restitution; and the person's driving license in this state shall be suspended for a period of two (2)
7 years. The judicial officer shall require alcohol and/or drug treatment for the individual. The
8 sentencing judicial officer shall prohibit that person from operating a motor vehicle that is not
9 equipped with an ignition interlock system as provided in § 31-27-2.8. Such a violation with respect
10 to refusal to submit to a chemical blood test shall be a civil offense.

11 (5) For a third or subsequent violation within a five-year (5) period with respect to a case
12 of a refusal to submit to a blood test, a fine in the amount of eight hundred dollars (\$800) to one
13 thousand dollars (\$1,000); the person shall perform not less than one hundred (100) hours of public
14 community restitution; and the person's driving license in this state shall be suspended for a period
15 of two (2) to five (5) years. The sentencing judicial officer shall prohibit that person from operating
16 a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.
17 The judicial officer shall require alcohol and/or drug treatment for the individual. Such a violation
18 with respect to refusal to submit to a chemical test of blood shall be a civil offense. Provided, that
19 prior to the reinstatement of a license to a person charged with a third or subsequent violation within
20 a three-year (3) period, a hearing shall be held before a judicial officer. At the hearing, the judicial
21 officer shall review the person's driving record, his or her employment history, family background,
22 and any other pertinent factors that would indicate that the person has demonstrated behavior that
23 warrants the reinstatement of their license.

24 (6) For purposes of determining the period of license suspension, a prior violation shall
25 constitute any charge brought and sustained under the provisions of this section or § 31-27-2.

26 (7) In addition to any other fines, a highway safety assessment of five hundred dollars
27 (\$500) shall be paid by any person found in violation of this section, the assessment to be deposited
28 into the general fund. The assessment provided for by this subsection shall be collected from a
29 violator before any other fines authorized by this section.

30 (8) In addition to any other fines and highway safety assessments, a two-hundred-dollar
31 (\$200) assessment shall be paid by any person found in violation of this section to support the
32 department of health's chemical testing programs outlined in § 31-27-2(4), that shall be deposited
33 as general revenues, not restricted receipts.

1 (9) No fines, suspensions, assessments, alcohol or drug treatment programs, course on
2 driving while intoxicated or under the influence of a controlled substance, or public community
3 restitution provided for under this section can be suspended.

4 (c) 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, shall afford the person an opportunity for a hearing
7 as 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 (b). Action by the judge must be taken within seven (7) days after the hearing
20 or it shall be presumed that the judge has refused to issue his or her order of suspension.

21 (d) 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 (e) 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-

1 28, or any combination thereof, a chemical test may be administered without the consent of that
2 individual provided that the peace officer first obtains a search warrant authorizing administration
3 of the chemical test. The chemical test shall determine the amount of the alcohol or the presence of
4 a controlled substance in that person's blood, [saliva](#) or breath.

5 (b) The chemical test shall be administered in accordance with the methods approved by
6 the director of the department of health as provided for in subdivision 31-27-2(c)(4). The individual
7 shall be afforded the opportunity to have an additional chemical test as established in subdivision
8 31-27-2(c)(6).

9 (c) Notwithstanding any other law to the contrary, including, but not limited to, chapter 5-
10 37.3, any health care provider who, as authorized by the search warrant in subsection (a):

11 (i) Takes a blood, [saliva](#) or breath sample from an individual; or

12 (ii) Performs the chemical test; or

13 (iii) Provides information to a peace officer pursuant to subsection (a) above and who uses
14 reasonable care and accepted medical practices shall not be liable in any civil or criminal
15 proceeding arising from the taking of the sample, from the performance of the chemical test or from
16 the disclosure or release of the test results.

17 (d) The results of a chemical test performed pursuant to this section shall be admissible as
18 competent evidence in any civil or criminal prosecution provided that evidence is presented in
19 compliance with the conditions set forth in subdivisions 31-27-2(c)(3), 31-27-2(c)(4) and 31-27-
20 2(c)(6).

21 (e) All chemical tests administered pursuant to this section shall be audio and video
22 recorded by the law enforcement agency which applied for and was granted the search warrant
23 authorizing the administration of the chemical test.

24 SECTION 5. Section 44-49-2 of Chapter 44-49 of the General Laws entitled "Taxation of
25 Marijuana and Controlled Substances" is hereby amended as follows:

26 **44-49-2. Definitions.**

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

30 (b) "Dealer" means a person who in violation of Rhode Island law manufactures, produces,
31 ships, transports, or imports into Rhode Island or in any manner acquires or possesses more than
32 forty-two and one half (42.5) grams of marijuana, or seven (7) or more grams of any controlled
33 substance, or ten (10) or more dosage units of any controlled substance which is not sold by weight.
34 A quantity of marijuana or a controlled substance is measured by the weight of the substance

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

4 (c) "Marijuana" means any marijuana, whether real or counterfeit, as defined in § 21-28-
5 1.02(30), that is held, possessed, transported, transferred, sold, or offered to be sold in violation of
6 Rhode Island laws. [Adult use marijuana sold pursuant to and in accordance with chapters 28.11](#)
7 [and 28.12 of title 21 shall not constitute marijuana for the purposes of this chapter.](#)

8 SECTION 6. This article shall take effect upon passage