ARTICLE 13

RELATING TO STATE CONTROLLED ADULT USE MARIJUANA

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


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

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

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

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

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

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

(b) The department of health shall not issue a registry identification card to a qualifying patient under the age of eighteen (18) unless:
(1) The qualifying patient's practitioner has explained the potential risks and benefits of the medical use of marijuana to the qualifying patient and to a parent, guardian, or person having legal custody of the qualifying patient; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8)(i) The office of cannabis regulation may adopt rules and regulations based on federal
guidance provided those rules and regulations are designed to comply with federal guidance and
mitigate federal enforcement against the registrations and licenses issued under this chapter.
(ii) All new and revised rules and regulations promulgated by the department of business
regulation and/or the department of health pursuant to this chapter shall be subject to approval by
the general assembly prior to enactment.

(h)(1) On or before December 31, 2016, the department of health shall issue registry
identification cards within five (5) business days of approving an application or renewal that shall
expire two (2) years after the date of issuance.
(2) Effective January 1, 2017, and thereafter, the department of health or the department of business regulation, as applicable, shall issue registry identification cards within five (5) business days of approving an application or renewal that shall expire one year after the date of issuance.

(3) Registry identification cards shall contain:

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

(ii) A random registry identification number;

(iii) A photograph; and

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

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

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

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

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

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

(5) When a qualifying patient cardholder changes his or her primary caregiver or authorized purchaser, the department of health or department of business regulation, as applicable, shall notify the primary caregiver cardholder or authorized purchaser within ten (10) days. The primary caregiver cardholder's protections as provided in this chapter as to that patient shall expire ten (10)
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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
5 (6) If a cardholder or authorized purchaser loses his or her registry identification card, he
6 or she shall notify the department that issued the card and submit a ten-dollar ($10.00) fee within
7 ten (10) days of losing the card. Within five (5) days, the department of health or department of
8 business regulation shall issue a new registry identification card with new random identification
9 number.

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

14 (8) If a cardholder or authorized purchaser willfully violates any provision of this chapter as
determined by the department of health or the department of business regulation, his or her registry
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
business regulation has issued authorized patient, primary caregiver, and authorized purchaser registry identification cards. Individual names and other identifying information on the list shall be confidential, exempt from the provisions of Rhode Island access to public information, chapter 2 of title 38, and not subject to disclosure, except to authorized employees of the departments of health and business regulation as necessary to perform official duties of the departments and pursuant to subsections (l) and (m) of this section.

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

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

(n) On or before the fifteenth day of the month following the end of each quarter of the fiscal year, the department of health and the department of business regulation shall report to the governor, the speaker of the house of representatives, and the president of the senate on applications for the use of marijuana for symptom relief. The report shall provide:
(1) The number of applications for registration as a qualifying patient, primary caregiver, or authorized purchaser that have been made to the department of health and the department of business regulation during the preceding quarter, the number of qualifying patients, primary caregivers, and authorized purchasers approved, the nature of the debilitating medical conditions of the qualifying patients, the number of registrations revoked, and the number and specializations, if any, of practitioners providing written certification for qualifying patients.

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

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

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

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

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

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

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

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

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

(2) The number of applications for compassion centers and licensed cultivators;
(3) The number of marijuana plant tag sets ordered, delivered, and currently held within
the state;

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

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

CHAPTER 28.11
ADULT USE OF MARIJUANA ACT

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

The general assembly finds and declares that:

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

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

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

For purposes of this chapter:

(1) “Adult use” means the use, consumption, acquisition, purchase, possession, transfer, or
transportation of marijuana, marijuana products or marijuana paraphernalia by a person who is
twenty-one (21) years of age or older within the possession limitations and subject to and in
accordance with all other limitations, restrictions, and requirements of chapters 28.11 and 28.12
of title 21 and all regulations promulgated thereunder.
(2) “Adult use marijuana contract” means a contract entered into by and between the state and an adult use marijuana contractor pursuant to the procurement procedures and requirements set forth in chapter 2 of title 37 with respect to the provision of supplies and performance of services to, for, and on behalf of, the state with respect to the state’s operation and control of adult use state stores.

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

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

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

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

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

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

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

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

(11) “Department” or “department of business regulation” means the office of cannabis regulation within the department of business regulation or its successor agency.

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

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

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

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

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

(17) “Marijuana” means all parts of the plant cannabis sativa L., whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, but shall not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks, (except the resin extracted from it), fiber, oil or cake, or the sterilized seed from the plant which is incapable of germination. Marijuana shall not include “industrial hemp” or” industrial hemp products” which satisfy the requirements of chapter 26 of title 2.
(18) "Marijuana establishment" and “marijuana establishment licensee” means any person, entity or facility that is licensed under chapters 28.12 or 28.6 of title 21, to be exempt from state penalties for engaging in or conducting the activities permitted under its respective license and includes but is not limited to an adult use marijuana cultivator licensee, an adult use marijuana processor licensee, an adult use marijuana contractor, a cannabis testing laboratory, a licensed compassion center, a licensed medical marijuana cultivator, or any other entity licensed by the office of cannabis regulation under chapter 28.12 or 28.6 or title 21.

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

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

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

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

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

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

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

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

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

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

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

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

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

21-28.11-4. Exempt activities.

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

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

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

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

   (iii) Controlling any premises or vehicle where persons who are twenty-one (21) years of age
or older possess, process, or store amounts of marijuana plant material and marijuana products that are legal under state law under subsections (1)(i) and (1)(ii) of this section, provided that any and all marijuana plant material and/or marijuana products in a vehicle are sealed, unused, and in their original unopened packaging:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) Receiving compensation for analytical testing, including but not limited to testing for
contaminants and potency; and

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

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

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

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

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

21-28.11-5. Authorized activities; paraphernalia.

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

(b) Any person who is twenty-one (21) years of age or older is authorized to distribute or sell marijuana paraphernalia to marijuana establishments or persons who are twenty-one (21) years
21-28.11-6. Unlawful activities; penalties.

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

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

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

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

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

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

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

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


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

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

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

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

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


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

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

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

(d) No person may smoke, vaporize or otherwise consume or use, sell, distribute or
otherwise transfer or propose any such sale, distribution or transfer, cannabis or cannabis products
in, on or about the premises of any place of business, establishment, or club, whether public or private, and whether operated for-profit or nonprofit, or any commercial property or other premises as further defined through regulations promulgated by the office of cannabis regulation, unless a cannabis social use license or temporary cannabis social use permit has been issued by the office of cannabis regulation with respect to such business, establishment, club or commercial property premises in accordance with regulations promulgated by the office of cannabis regulation, Any person who violates this section shall be subject to imposition of administrative fine and/or other penalty as prescribed by the office of cannabis regulation in such regulations.

21-28.11-9. Scope of chapter

This chapter shall not permit:

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

(b) The smoking of marijuana:

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

(2) On any school grounds;

(3) In any correctional facility;

(4) In any public place;

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

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

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

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


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

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

(c) The provisions of this chapter shall not permit any person to undertake any task under the influence of marijuana when doing so would constitute negligence or professional malpractice.
jeopardize workplace safety, or to operate, navigate or be in actual physical control of any motor
vehicle or other transport vehicle, aircraft, motorboat, machinery or equipment, or firearms under
the influence of marijuana.

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

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


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

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


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

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

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

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

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

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


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

(b) Any person or entity who sells, delivers, distributes or otherwise transfers or furnishes
to, or purchases or otherwise procures for, any person who is under twenty-one (21) years of age
marijuana, marijuana plants, marijuana products or marijuana paraphernalia in violation of this
chapter and chapter 28.12 and/or the regulations promulgated hereunder shall be subject to
imposition of an administrative penalty by the office of cannabis regulation in the amount of
$10,000 per violation.

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

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


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

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

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


(a) Any person who has not reached his or her twenty-first (21st) birthday and who operates a motor vehicle upon the public highways, except when accompanied by a parent, legal guardian, or another adult who is over the age of twenty-one (21) years and related, whether by blood, adoption or marriage, to the operator within the following degree of sanguinity: brother, sister,
grandfather, grandmother, father-in-law, mother-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, great uncle or great aunt and, knowingly having marijuana or marijuana products in any form in containers, opened or unopened, in any part of the vehicle shall be guilty of a criminal violation. The words “marijuana” and “marijuana products”, as used in this section, have the same meaning as defined in chapter 21-28.11 of this title.

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

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

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

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


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

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

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

CHAPTER 28.12

MARIJUANA REGULATION, CONTROL, AND REVENUE ACT


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

For purposes of this chapter:

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

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

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

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

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

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

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

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

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

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

(1) “Department” or “department of business regulation” means the office of cannabis regulation within the department of business regulation or its successor agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

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

(c) The office of cannabis regulation within the department of business regulation shall regulate, license and control cannabis including, but not limited to, strategic planning, promulgating regulations, operation, conduct and control of adult use state stores pursuant to and in accordance
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RELATING TO STATE CONTROLLED ADULT USE MARIJUANA

with chapters 28.11 ad 28.12 of title 21, including, without limitation, negotiation and entry into contracts with, and purchase of supplies and services from, adult use marijuana contractors pursuant to any delegation to the department of business regulation pursuant to § 37-2.54 and in accordance with the requirements of chapter 2 of title 37. The office of cannabis regulation shall also be responsible for educating the public about cannabis, cannabis planning and implementation, community engagement, budget coordination, data collection and analysis functions, and any other duties deemed necessary and appropriate by the office of cannabis regulation to carry out the provisions of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Community reinvestment;
2. Cannabis reform and policy;
3. Criminal justice;
4. Social equity;
5. Diversity and inclusion;
6. Business and employment opportunities;
7. Incubation opportunities; and
8. Cannabis marketplace, industry and economics.

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

(c) The council’s duties shall include:

1. Collecting and reviewing data and information on matters related to the adverse impact to persons and communities based on the past criminalization of cannabis;
2. Developing recommendations that are designed to foster social equity and community reinvestment within the framework of the state’s adult use marijuana program including proposed expenditure of funds appropriated therefor; and
3. Conducting public meetings to take testimony from experts and members of the general public on issues related to the council’s charge.

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

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


(a) An adult use marijuana cultivator licensed under this section may acquire, possess, cultivate, package, process, and manufacture marijuana, but not marijuana products, in accordance with regulations promulgated by the department of business regulation. A licensed adult use marijuana cultivator may sell, deliver, or transfer marijuana products to the state, adult use marijuana state stores, an adult use marijuana contractor, a licensed adult use adult use marijuana processor, a cannabis testing laboratory, or any other marijuana establishment licensee, in
accordance with regulations promulgated by the department of business regulation. A licensed adult use marijuana cultivator shall not be a primary caregiver cardholder and shall not hold a cooperative cultivation license. A licensed adult use marijuana cultivator shall not manufacturer or process marijuana into marijuana products unless the licensed adult use marijuana cultivator has also been issued an adult use marijuana processor license by the department of business regulation and pursuant to regulations promulgated by the department of business regulation. The department of business regulation may restrict the number, types, and classes of adult use marijuana licenses an applicant may be issued through regulations promulgated by the department.

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

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

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

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

e) Adult use marijuana cultivators shall only sell marijuana to the state, adult use state stores, adult use marijuana contractors, another licensed adult use marijuana cultivator, a licensed adult use marijuana processor or another licensed marijuana establishment licensee, in accordance with regulations promulgated by the department of business regulation. The department may suspend and/or revoke the adult use marijuana cultivator’s license and the registration of any owner.
officer, director, manager, member, partner, employee, or agent of such adult use marijuana
cultivator and/or impose an administrative penalty in accordance with such regulations
promulgated by the department for any violation of this section or the regulations. In addition, any
violation of this section or the regulations promulgated pursuant to this subsection and subsection
(d) shall cause a licensed adult use marijuana cultivator to lose the protections described in § 21-
28.11-4(3) and may subject the licensed adult use marijuana cultivator and its owners, officers,
directors, managers, members, partners, employees, or agents to arrest and prosecution under
chapter 28 of title 21 (the Rhode Island Controlled Substances Act).

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

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

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

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

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

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

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

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

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

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

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

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

(4) A licensed adult use marijuana cultivator cardholder shall notify the department of business regulation of any disqualifying criminal convictions as defined in subdivision (j)(2). The department of business regulation may choose to suspend and/or revoke his or her card after such notification.
(5) If a licensed adult use marijuana cultivator or an adult use marijuana cultivator cardholder violates any provision of this chapter or regulations promulgated hereunder as determined by the department of business regulation, his or her card or the issued license may be suspended and/or revoked.

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

21-28.12-6 Licensed adult use marijuana processors.

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

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

(1) The form and content of licensing and renewal applications;
(2) Minimum oversight requirements for licensed adult use marijuana processors;
(3) Minimum record-keeping requirements for adult use marijuana processors;
(4) Minimum insurance requirements for adult use marijuana processors;
(5) Minimum security requirements for adult use marijuana processors; and

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

(7) Applicable application and license fees.

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

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

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

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

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

(h) Adult use marijuana processors shall only be licensed to manufacture and process marijuana at a single location, registered with the department of business regulation and the department of public safety provided that an adult use marijuana processor licensee who also holds
a compassion center license or a medical marijuana cultivator license under chapter 28.6 of title 21
may manufacture and process adult use marijuana at a location that is separate from its medical
marijuana licensed premises. The department of business regulation may promulgate regulations
governing where adult use marijuana processors are allowed to operate. Adult use marijuana
processors must abide by all local ordinances, including zoning ordinances.

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

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

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

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

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

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

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

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

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

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

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

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

21-28.12-7 Licensed adult use marijuana contractors.

(a) An adult use marijuana contractor that is party to an adult use marijuana contract with the state in accordance with § 21-28.12-8 and licensed under this section may acquire marijuana and marijuana products from licensed adult use marijuana cultivators, licensed adult use marijuana processors, the state, or another adult use marijuana contractor, and possess, deliver, transfer, transport, supply and sell at retail marijuana, marijuana products and marijuana paraphernalia to persons who are twenty-one (21) years of age or older in accordance with the provisions of chapters 28.11 and 28.12 of title 21, the regulations promulgated by the department of business regulation and the terms and conditions of its adult use marijuana contract with the state. A licensed adult use marijuana contractor shall not be a primary caregiver cardholder and shall not hold a cooperative
cultivation license. A licensed adult use marijuana contractor shall not hold an adult use marijuana cultivator or processor license and shall not grow or cultivate marijuana or manufacturer or process marijuana into marijuana products. The department of business regulation may restrict the number, types, and classes of adult use marijuana licenses an applicant may be issued through regulations promulgated by the department.

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

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

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

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

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

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

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

(7) Applicable application and license fees.

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

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

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

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

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

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

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

(j) The adult use marijuana contractor applicant, and each owner, officer, director, manager, member, partner, employee and agent thereof, shall apply to the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or local police department for a national criminal records check that shall include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any disqualifying information as defined in subdivision (j)(2), and in accordance with the rules promulgated by the director of the department of business regulation, the bureau of criminal
identification of the department of attorney general, department of public safety division of state
police, or the local police department shall inform the applicant, in writing, of the nature of the
disqualifying information; and, without disclosing the nature of the disqualifying information, shall
notify the department of business regulation, in writing, that disqualifying information has been
discovered.

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

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

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

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

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

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

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

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

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

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


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

(b) The general assembly finds that:

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

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

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

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

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

(v) Issue such regulations as it deems appropriate pertaining to control, operation and
management of adult use state stores and adult use marijuana sales, receipts and funds; and
(vi) Hold all other powers necessary and proper to fully effectively execute and administer
the provisions of this chapter for its purpose of allowing the state to operate adult use state stores
through licensed adult use marijuana contractors on behalf of the State of Rhode Island.

(c) Powers and duties of the director.

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

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

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

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

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

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

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

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

(d) Licensing of adult use marijuana contractors.

(1) All adult use marijuana contractors shall be subject to licensure by the department, on
such forms and in such a manner as prescribed in § 21-28.12-8 and regulations promulgated by the
department. The department, by regulations, shall establish occupational licensing requirements for all officers, directors, managers, members, partners, employees and agents of the adult use marijuana contractors, and for all other persons engaged in activities at or in connection with the operation of the adult use state stores.

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

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

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

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


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

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

(1) The form and content of licensing and renewal applications;
(2) Minimum oversight requirements for additional adult use marijuana license holders;

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

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

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

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

(7) Applicable application and license fees.

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

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


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

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

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

(2) Application and licensing fees for licensees;

(3) Procedures for the approval or denial of a license, and procedures for suspension or revocation of the license of any licensee that violates the provisions of this chapter, chapter 28.11
or the regulations promulgated thereunder in accordance with the provisions of chapter 35 of title 42; and

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

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

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

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

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

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

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

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

(f) Except as provided in subsection (e), neither the department of health nor the office of cannabis regulation shall issue a registry identification card to any card applicant who holds an ownership, equity, controlling, or managing stake in the cannabis reference testing licensee as defined in regulations promulgated by the office of cannabis regulation, who has been convicted of a felony drug offense or has entered a plea of nolo contendere for a felony drug offense and received a sentence of probation or who the department has otherwise deemed unsuitable. If a registry identification card is denied, the applicant will be notified in writing of the purpose for denying the registry identification card. A registry identification card may be granted if the offense was for
conduct that occurred prior to the enactment of this chapter or that was prosecuted by an authority other than the state of Rhode Island and for which the enactment of this chapter would otherwise have prevented a conviction.

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

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

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

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

(i) A registration identification card holder shall notify and request approval from the office of cannabis regulation or department of health of any change in his or her name or address within ten (10) days of such change. A cardholder who fails to notify the office of cannabis regulation or health of any of these changes is responsible for a civil infraction, punishable by a fine of no more than one hundred fifty dollars ($150).
(j) When a cardholder notifies the department of health or the office of cannabis regulation of any changes listed in this subsection, the department shall issue the cardholder a new registry identification after receiving the updated information and a ten dollar ($10.00) fee.

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

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

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

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

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

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


(a) Licensed medical marijuana cultivators and compassion centers in good standing with the office of cannabis regulation may also apply for and be issued adult use marijuana cultivator and processor licenses, in accordance with regulations promulgated by the office of cannabis regulation. In the case of a compassion center licensee that so applies, an adult use marijuana cultivator or processor license may be issued and held by a for profit corporation that is an affiliate of the nonprofit compassion center through common ownership in accordance with regulations promulgated by the office of cannabis regulation. No medical marijuana cultivator licensee,
(b) A medical marijuana establishment licensee that applies for an adult use marijuana cultivator or processor license will be required to demonstrate to the satisfaction of the office of cannabis regulation in accordance with regulations promulgated hereunder that the applicant’s proposed adult use licensure will have no adverse effect on the medical marijuana program market and patient need. The office of cannabis regulation may deny an application that fails to make this demonstration and/or may impose restrictions and conditions to licensure as it deems appropriate to ensure no adverse effect on the medical marijuana program market and patient needs.

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

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

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


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

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

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

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

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

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

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

(i) Revoke or suspend a license or registration;

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

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

(iv) Require a licensee or registrant or person or entity conducting any activities requiring licensure, registration or a contract under chapters 28.11 or 28.12 to take such actions as are necessary to comply with such chapter and the regulations promulgated thereunder; or

(v) Any combination of the above penalties.

(2) If the director of the department of business regulation finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in his or her order, summary suspension of license or registration and/or cease and desist may be ordered
pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

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

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

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

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


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

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

(2) Security requirements for marijuana establishment licensees including but not limited to the use of:
(i) An alarm system, with a backup power source, that alerts security personnel and local law enforcement officials of any unauthorized breach;

(ii) Perpetual video surveillance system, with a backup power source, that records video surveillance must be stored for at least two (2) months and be accessible to the office of cannabis regulation via remote access and to law enforcement officials upon request;

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

(iv) Additional security measures to protect against diversion or theft of cannabis from cannabis cultivation facilities that cultivate cannabis outdoors; and

(v) any additional requirements deemed necessary by the office of cannabis regulation;

(3) Requirements for inventory tracking and the use of seed to sale monitoring system(s) approved by the state which tracks all cannabis from its origin up to and including the point of sale;

(4) Permitted forms of advertising and advertising content, including but not limited to:

(i) A marijuana establishment licensee may not advertise through any means unless at least 85% of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, current audience composition data;

(ii) a marijuana establishment licensee may not engage in the use of pop up digital advertisements;

(iii) a marijuana establishment licensee may not display any marijuana product pricing through any advertising other than its establishment website which must be registered with the office of cannabis regulation, or through opt in subscription services such as email alerts or sms text messages, provided the licensee has verified the person attempting to view their webpage or opt in to advertising alerts is over the age of 21;

(iv) a marijuana establishment licensee may not use any billboard advertisements within the state of Rhode Island;

(v) A marijuana establishment licensee may display signage outside its facility displaying the name of the establishment, provided the signage conforms to all applicable local guidelines and rules and does not display imagery of a marijuana leaf or the use of marijuana or use neon signage;

(vi) a marijuana establishment licensee may be listed in public phonebooks and directories;

(vii) A marijuana establishment licensee and its logo may be listed as a sponsor of a charitable event, provided the logo does not contain imagery of a cannabis leaf or the use of cannabis;
(viii) a marijuana establishment licensee shall not use, accept, or offer any coupons, discounts, samples, giveaways, or any other mechanism to sell marijuana at prices below market value which may or may not circumvent the collection of revenue; and

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

(5) Permitted forms of marijuana products including, but not limited to, regulations which:
(i) prohibit any form of marijuana product which is in the shape or form of an animal, human, vehicle, or other shape or form which may be attractive to children;
(ii) prohibit any marijuana “additives” which could be added, mixed, sprayed on, or applied to an existing food product without a person’s knowledge; and
(iii) include any other requirements deemed necessary by the office of cannabis regulation; and

(6) Limits for marijuana product serving sizes, doses, and potency including but not limited to regulations which:
(i) limit all servings of edible forms of marijuana to no more than five milligrams (5 mg) of THC per serving;
(ii) limits the total maximum amount of THC per edible product package to one hundred milligrams (100 mg) of THC;
(iii) limits the THC potency of any product to no more than fifty percent (50%) THC unless otherwise authorized by the office of cannabis regulation;
(iv) may establish product or package limits based on the total milligrams of THC; and
(v) include any additional requirements or limitations deemed necessary by the office of cannabis regulation;

(7) Product restrictions including but not limited to regulations which:
(i) establish a review process for the office of cannabis regulation to approve or deny forms of marijuana products which may require marijuana establishment licensees to submit a proposal, which includes photographs of the proposed product properly packaged and labeled and any other materials deemed necessary by the office of cannabis regulation, to the office of cannabis regulation for each line of cannabis products;
(ii) place additional restrictions on marijuana products to safeguard public health and safety, as determined by the office of cannabis regulation in consultation with the executive branch state agencies;
(iii) require all servings of edible products to be marked, imprinted, molded, or otherwise display a symbol chosen by the department to alert consumers that the product contains marijuana;
(iv) standards to prohibit cannabis products that pose public health risks, that are easily confused with existing non-cannabis products, or that are especially attractive to youth; and

(v) any other requirements deemed suitable by the department;

(8) Limits and restrictions for marijuana transactions and sales including but not limited to regulations which:

(i) establish processes and procedures to ensure all transactions and sales are properly tracked through the use of a seed to sale inventory tracking and monitoring system;

(ii) establish rules and procedures for customer age verification;

(iii) establish rules and procedures to ensure adult use state stores do not sell, deliver or otherwise transfer to, and that customers do not purchase or otherwise receive amounts of marijuana in excess of the one ounce (1 oz.) marijuana or equivalent amount per transaction and/or per day;

(iv) establish rules and procedures to ensure no marijuana is sold, delivered or otherwise transferred to anyone under the age of 21; and

(v) include any other requirements deemed necessary by the office of cannabis regulation;

(9) The testing and safety of marijuana and marijuana products including but not limited to regulations promulgated by the office of cannabis regulation or department of health, as applicable which:

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

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

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

(iv) require that all cannabis and cannabis products must undergo random sample testing at a registered cannabis testing facility or other laboratory equipped to test cannabis and cannabis products that has been approved by the office of cannabis regulation;

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

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

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

(viii) include any additional requirements deemed necessary by the office of cannabis
regulation and the department of health; and

(ix) allow the office of cannabis regulation, in coordination with the department of health, at
their discretion, to temporarily remove, or phase in, any requirement for laboratory testing if it finds
that there is not sufficient laboratory capacity for the market.

(10) Online sales;

(11) Transport and delivery;

(12) Marijuana and marijuana product packaging including but not limited to requirements
that packaging be:

(i) opaque;

(ii) constructed to be significantly difficult for children under five (5) years of age to open
and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995) or another
approval standard or process approved by the office of cannabis regulation;

(iii) be designed in a way that is not deemed as especially appealing to children; and

(iv) any other regulations required by the office of cannabis regulation; and

(13) Regulations for the quarantine and/or destruction of unauthorized materials;

(14) Industry and licensee cultivation and production limitations;

(15) Procedures for the approval or denial of a license, and procedures for suspension or
revocation of the license of any marijuana establishment licensee that violates the provisions of this
chapter, chapter 28.11 of title 21 or the regulations promulgated thereunder in accordance with the
provisions of chapter 35 of title 42;

(16) Compliance with municipal zoning restrictions, if any, which comply with § 21-28.12-
16 of this chapter;

(17) Standards and restrictions for marijuana manufacturing and processing which shall
include but not be limited to requirements that adult use marijuana processor licensees;

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

(ii) receive approval from the state fire marshal’s office for all forms of manufacturing that
use a heat source or flammable solvent;
(iii) require any adult use marijuana processor licensee that manufactures edibles of marijuana infused food products to comply with all applicable requirements and regulations issued by the department of health’s office of food safety; and

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

(18) Standards for employee and workplace safety and sanitation;

(19) Standards for employee training including but not limited to:

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

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

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

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

(ii) the tetrahydrocannabinol (THC) content of the product;

(iii) a “produced on” date;

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

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

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

(21) Standards for the use of pesticides; and

(22) General operating requirements, minimum oversight, and any other activities, functions, or aspects of a marijuana establishment licensee in furtherance of creating a stable, regulated cannabis industry and mitigating its impact on public health and safety.
(23) Rules and regulations based on federal law provided those rules and regulations are designed to comply with federal guidance and mitigate federal enforcement against the marijuana establishments and adult use state stores authorized, licensed and operated pursuant to this chapter.


(a) Municipalities shall:

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

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

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

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

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

(iii) Municipalities which ban the licensure of marijuana establishments located within their jurisdiction pursuant to (i), and/or adopt local zoning and other ordinances, in accordance with this.
section, may hold future referenda to prohibit previously allowed licenses, or allow previously
prohibited licenses, provided those subsequent referenda are held on the first Tuesday after the first
Monday in the month of November.
(d) Notwithstanding subsections (a), (b) or (c) of this section, a municipality may not
prohibit a medical marijuana establishment licensee from continuing to operate under a marijuana
establishment license issued by the office of cannabis regulation or previously issued by the
department of business regulation if that marijuana establishment licensee was approved or licensed
prior to the passage of this chapter.
(e) Notwithstanding any other provision of this chapter, no municipality or local authority
shall restrict the transport or delivery of marijuana through their jurisdiction, or to local residents,
provided all transport and/or delivery is in accordance with this chapter.
(f) Municipalities may impose civil and criminal penalties for the violation of ordinances enacted
pursuant to and in accordance with this section.
(g) Notwithstanding subsection (b) of this section, a city or town may receive a municipal
impact fee from a newly licensed and operating marijuana establishment located within their jurisdiction
provided:
(i) the municipal impact fee must offset or reimburse actual costs and expenses incurred by the
city or town during the first three (3) months that the licensee is licensed and/or operational;
(ii) the municipal impact fee must offset or reimburse reasonable and appropriate expenses
incurred by the municipality, which are directly attributed to, or are a direct result of, the licensed
operations of the marijuana establishment which may include but not be limited to, increased traffic or
police details needed to address new traffic patterns, increased parking needs, or pedestrian foot traffic
by consumers;
(iii) the municipality is responsible for estimating or calculating projected impact fees and must
follow the same methodology if providing a fee estimate or projection for multiple marijuana
establishment locations or applicants;
(iv) marijuana establishment licensees or applicants may not offer competing impact fees or
pay a fee that is more than the actual and reasonable costs and expenses incurred by the municipality;
and
(v) the office of cannabis regulation may suspend, revoke or refuse to issue a license to an
applicant or for a proposed establishment within a municipality if the municipality and/or marijuana
establishment local impact fee violates the requirements of this section.
The office of cannabis regulation may promulgate regulations regarding secure transportation of marijuana for marijuana establishment licensees delivering products to purchasers in accordance with this chapter and shipments of marijuana or marijuana products between marijuana establishment licensees.

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

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

1. A government employee performing their official duties; or
2. At least eighteen (18) years old, a registered employee of the marijuana establishment licensee and the person has completed all training required under this chapter and the regulations promulgated by the office of cannabis regulation.


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

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

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

and

(3) Not against public policy.

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

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

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

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

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

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

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

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

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

(f) There is created within the general fund restricted receipt accounts collectively known as the “state-control adult use marijuana” accounts. The state share of adult use marijuana revenue will be used to fund programs and activities related to program administration; substance use
disorder prevention for adults and youth; education and public awareness campaigns; treatment and recovery support services; public health monitoring, research, data collection, and surveillance; law enforcement training and technology improvements including grants to local law enforcement; and such other related uses that may be deemed necessary by the office of management and budget. The restricted receipt accounts will be housed within the budgets of the departments of behavioral healthcare, developmental disabilities and hospitals; business regulation; health; and public safety. All amounts deposited into the state-control adult use marijuana accounts shall be exempt from the indirect cost recovery provisions of § 35-4-27.

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

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

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

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

(1) One-quarter based in an equal distribution to each city or town in the state;
(2) One-quarter based on the share of total licensed adult use marijuana cultivators, licensed adult use marijuana processors, and adult use state stores found in each city or town at the end of the quarter that corresponds to the distribution, with adult use state stores assigned a weight twice that of the other license types; and
(3) One-half based on the volume of retail sales of adult use marijuana, marijuana products and marijuana paraphernalia that occurred at adult use state stores in each city or town in the quarter of the distribution.


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

SECTION 4. Sections 31-27-2, 31-27-2.1 and 31-27-2.9 of Chapter 31-27 of the General Laws entitled “Motor Vehicles Offenses” are hereby amended as follows:
31-27-2. Driving under influence of liquor or drugs.

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

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

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

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

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

(2) A true copy of the report of the test result was mailed within seventy-two (72) hours of the taking of the test to the person submitting to a breath test.
(3) Any person submitting to a chemical test of blood, urine, saliva or other body fluids shall have a true copy of the report of the test result mailed to him or her within thirty (30) days following the taking of the test.

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

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

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

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

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

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

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

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

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

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

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

(5)(i) For purposes of determining the period of license suspension, a prior violation shall constitute any charge brought and sustained under the provisions of this section or § 31-27-2.1
(ii) Any person over the age of eighteen (18) who is convicted under this section for operating a motor vehicle while under the influence of alcohol, other drugs, or a combination of these, while a child under the age of thirteen (13) years was present as a passenger in the motor vehicle when the offense was committed shall be subject to immediate license suspension pending prosecution. Any person convicted of violating this section shall be guilty of a misdemeanor for a first offense and may be sentenced to a term of imprisonment of not more than one year and a fine not to exceed one thousand dollars ($1,000). Any person convicted of a second or subsequent offense shall be guilty of a felony offense and may be sentenced to a term of imprisonment of not more than five (5) years and a fine not to exceed five thousand dollars ($5,000). The sentencing judge shall also order a license suspension of up to two (2) years, require attendance at a special course on driving while intoxicated or under the influence of a controlled substance, and alcohol or drug education and/or treatment. The individual may also be required to pay a highway assessment fee of no more than five hundred dollars ($500) and the assessment shall be deposited in the general fund.

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

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

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

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

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

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

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

(2) Persons convicted under the provisions of this chapter shall be required to attend a special course on driving while intoxicated or under the influence of a controlled substance, and/or participate in an alcohol or drug treatment program which course and programs must meet the standards established by the Rhode Island department of behavioral healthcare, developmental disabilities and hospitals; provided, however, that the court may permit a servicemember or veteran to complete any court-approved counseling program administered or approved by the Veterans' Administration. The course shall take into consideration any language barrier that may exist as to any person ordered to attend, and shall provide for instruction reasonably calculated to communicate the purposes of the course in accordance with the requirements of the subsection. Any costs reasonably incurred in connection with the provision of this accommodation shall be borne by the person being retrained. A copy of any violation under this section shall be forwarded by the court to the alcohol and drug safety unit. In the event that persons convicted under the provisions of this chapter fail to attend and complete the above course or treatment program, as
ordered by the judge, then the person may be brought before the court, and after a hearing as to why the order of the court was not followed, may be sentenced to jail for a period not exceeding one year.

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

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

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

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

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

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

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

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

31-27-2.1, Refusal to submit to chemical test.

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

(b) If a person, for religious or medical reasons, cannot be subjected to blood tests, the person may file an affidavit with the division of motor vehicles stating the reasons why he or she cannot be required to take blood tests and a notation to this effect shall be made on his or her license. If that person is asked to submit to chemical tests as provided under this chapter, the person shall only be required to submit to chemical tests of his or her breath, saliva or urine. When a person is requested to submit to blood tests, only a physician or registered nurse, or a medical technician certified under regulations promulgated by the director of the department of health, may withdraw blood for the purpose of determining the alcoholic content in it. This limitation shall not apply to the taking of breath, saliva or urine specimens. The person tested shall be permitted to have a physician of his or her own choosing, and at his or her own expense, administer chemical tests of his or her breath, blood, saliva and/or urine in addition to the tests administered at the direction of a law enforcement officer. If a person, having been placed under arrest, refuses upon the request of a law enforcement officer to submit to the tests, as provided in § 31-27-2, none shall be given, but a judge or magistrate of the traffic tribunal or district court judge or magistrate, upon receipt of a report of a law enforcement officer: that he or she had reasonable grounds to believe the arrested person had been driving a motor vehicle within this state under the influence of intoxicating liquor, toluene, or any controlled substance, as defined in chapter 28 of title 21, or any combination of these; that the person had been informed of his or her rights in accordance with § 31-27-3; that the
person had been informed of the penalties incurred as a result of noncompliance with this section;
and that the person had refused to submit to the tests upon the request of a law enforcement officer;
shall promptly order that the person's operator's license or privilege to operate a motor vehicle in
this state be immediately suspended, however, said suspension shall be subject to the hardship
provisions enumerated in § 31-27-2.8. A traffic tribunal judge or magistrate, or a district court judge
or magistrate, pursuant to the terms of subsection (c), shall order as follows:

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

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

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

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

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

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

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

(8) In addition to any other fines and highway safety assessments, a two-hundred-dollar
($200) assessment shall be paid by any person found in violation of this section to support the
department of health's chemical testing programs outlined in § 31-27-2(4), that shall be deposited
as general revenues, not restricted receipts.
(9) No fines, suspensions, assessments, alcohol or drug treatment programs, course on driving while intoxicated or under the influence of a controlled substance, or public community restitution provided for under this section can be suspended.

(c) Upon suspending or refusing to issue a license or permit as provided in subsection (a), the traffic tribunal or district court shall immediately notify the person involved in writing, and upon his or her request, within fifteen (15) days, shall afford the person an opportunity for a hearing as early as practical upon receipt of a request in writing. Upon a hearing, the judge may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers. If the judge finds after the hearing that:

(1) The law enforcement officer making the sworn report had reasonable grounds to believe that the arrested person had been driving a motor vehicle within this state while under the influence of intoxicating liquor, toluene, or any controlled substance, as defined in chapter 28 of title 21, or any combination of these;

(2) The person, while under arrest, refused to submit to the tests upon the request of a law enforcement officer;

(3) The person had been informed of his or her rights in accordance with § 31-27-3; and

(4) The person had been informed of the penalties incurred as a result of noncompliance with this section, the judge shall sustain the violation. The judge shall then impose the penalties set forth in subsection (b). Action by the judge must be taken within seven (7) days after the hearing or it shall be presumed that the judge has refused to issue his or her order of suspension.

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

(e) If any provision of this section, or the application of any provision, shall, for any reason, be judged invalid, the judgment shall not affect, impair, or invalidate the remainder of the section, but shall be confined in this effect to the provisions or application directly involved in the controversy giving rise to the judgment.


(a) Notwithstanding any provision of § 31-27-2.1, if an individual refuses to consent to a chemical test as provided in § 31-27-2.1, and a peace officer, as defined in § 12-7-21, has probable cause to believe that the individual has violated one or more of the following sections: 31-27-1, 31-27-1.1, 31-27-2.2, or 31-27-2.6 and that the individual was operating a motor vehicle under the influence of any intoxicating liquor, toluene or any controlled substance as defined in chapter 21-
28, or any combination thereof, a chemical test may be administered without the consent of that
individual provided that the peace officer first obtains a search warrant authorizing administration
of the chemical test. The chemical test shall determine the amount of the alcohol or the presence of
a controlled substance in that person's blood, saliva or breath.

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

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

(i) Takes a blood, saliva or breath sample from an individual; or

(ii) Performs the chemical test; or

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

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

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

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


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

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

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

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

SECTION 6. This article shall take effect upon passage