

1 **ARTICLE 13**

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

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

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

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

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

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

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

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

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

25 (2) Application fee, as applicable;

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

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

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

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

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

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

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

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

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

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

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

14 (d) The department of health shall not issue a registry identification card to a qualifying
15 patient seeking treatment for post-traumatic stress disorder (PTSD) under the age of eighteen
16 (18).

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

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

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

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

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

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

1 primary caregiver cardholder or an authorized purchaser cardholder to apply for a national
2 criminal records check more than once every two (2) years.

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

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

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

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

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

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

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

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

11 (3) Registry identification cards shall contain:

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

13 (ii) A random registry identification number;

14 (iii) A photograph; and

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

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

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

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

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

32 (4) When a qualifying patient cardholder or primary caregiver cardholder notifies the
33 department of health or department of business regulation, as applicable, of any changes listed in
34 this subsection, the department of health or department of business regulation, as applicable, shall

1 issue the qualifying patient cardholder and each primary caregiver cardholder a new registry
2 identification card within ten (10) days of receiving the updated information and a ten-dollar
3 (\$10.00) fee.

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

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

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

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

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

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

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

7 (3) The department of health and the department of business regulation, as applicable,
8 shall maintain a confidential list of the persons to whom the department of health or department
9 of business regulation has issued authorized patient, primary caregiver, and authorized purchaser
10 registry identification cards. Individual names and other identifying information on the list shall
11 be confidential, exempt from the provisions of Rhode Island access to public information, chapter
12 2 of title 38, and not subject to disclosure, except to authorized employees of the departments of
13 health and business regulation as necessary to perform official duties of the departments and
14 pursuant to subsections (l) and (m) of this section.

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

30 (m) It shall be a crime, punishable by up to one hundred eighty (180) days in jail and a
31 one thousand dollar (\$1,000) fine, for any person, including an employee or official of the
32 departments of health, business regulation, public safety, or another state agency or local
33 government, to breach the confidentiality of information obtained pursuant to this chapter.
34 Notwithstanding this provision, the department of health and department of business regulation

1 employees may notify law enforcement about falsified or fraudulent information submitted to the
2 department or violations of this chapter. Nothing in this act shall be construed as to prohibit law
3 enforcement, public safety, fire, or building officials from investigating violations of, or enforcing
4 state law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 CHAPTER 28.11

19 ADULT USE OF MARIJUANA ACT

20 21-28.11-1. Short title.

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

22 21-28.11-2. Legislative Findings.

23 The general assembly finds and declares that:

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

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

31 (3) It is in the best interests of the State of Rhode Island to implement a new regulatory
32 and control framework and structure for the commercial production and sale of cannabis and
33 cannabis products, all aspects of which shall be tightly regulated and controlled by the provisions
34 of this act, chapter 28.12 of title 21, and the regulations promulgated thereunder by the office of

1 cannabis regulation, the revenue which may be used to regulate and control cannabis and
2 cannabis products and to study and mitigate the risks and deleterious impacts that cannabis and
3 marijuana use may have on the citizens and State of Rhode Island.

4 **21-28.11-3. Definitions.**

5 For purposes of this chapter:

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

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

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

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

28 (5) "Adult use marijuana emporium" means any establishment, facility or club, whether
29 operated for-profit or nonprofit, or any commercial unit or other premises as further defined
30 through regulations promulgated by the department of business regulation, at which the sale,
31 distribution, transfer or use of marijuana or marijuana products is proposed and/or occurs to, by
32 or among members of the general public or other persons as further defined through regulations
33 promulgated by the department of business regulation. This shall not include a compassion center
34 regulated and licensed by the department of business regulation pursuant to chapter 28.6 of title

1 21 or an adult use state store operated and controlled by the state in accordance with the terms of
2 chapters 28.11 and 28.12 of title 21.

3 (6) "Adult use marijuana processor licensee" means an entity licensed under chapter 21-
4 28.12 of title 21 to be exempt from state penalties for purchasing marijuana from adult use marijuana
5 cultivator licensees, other adult use marijuana processors, or other marijuana establishments,
6 manufacturing and/or processing marijuana products, and selling, giving, or transferring marijuana
7 products to the state, an adult use state store, an adult use marijuana contractor, a cannabis testing
8 laboratory, or other marijuana establishment licensee in accordance with chapters 28.11 and 28.12 of title
9 21 and regulations promulgated thereunder.

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

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

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

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

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

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

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

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

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

3 (16) "Hemp-derived consumable CBD products" has the meaning given that term in § 2-
4 26-3.

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

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

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

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

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

31 (22) "Office of cannabis regulation" means the office of cannabis regulation within the
32 department of business regulation.

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

34 (24) "Public place" means any street, alley, park, sidewalk, public building other than

1 individual dwellings, or any place of business or assembly open to or frequented by the public, and
2 any other place to which the public has access.

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

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

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

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

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

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

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

26 **21-28.11-4. Exempt activities.**

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

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

33 (i) Actually or constructively using, obtaining, purchasing, transporting, or possessing one
34 ounce (1 oz.) or less of marijuana plant material, or an equivalent amount of marijuana product as

1 determined by regulations promulgated by the office of cannabis regulation, provided that a person
2 who is twenty-one (21) years of age or older may only purchase one ounce (1 oz.) of marijuana plant
3 material, or an equivalent amount of marijuana product as determined by regulations promulgated by
4 the department of office of cannabis regulation per day;

5 (ii) Possessing in the person's primary residence in secured and locked storage five ounces
6 (5 oz.) or less of marijuana plant material or an equivalent amount of marijuana product as determined
7 by regulations promulgated by the office of cannabis regulation, or possessing in any dwelling unit
8 used as the primary residence by two or more persons who are each twenty-one (21) years of age or
9 older in secured and locked storage ten ounces (10 oz.) or less of marijuana plant material or an
10 equivalent amount of marijuana product as determined by regulations promulgated by the office of
11 cannabis regulation;

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

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

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

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

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

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

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

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

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

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

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

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

21 (3) Except as otherwise provided in this chapter and chapter 28.12 of title 21, an adult use
22 marijuana cultivator licensee or any person who is twenty-one (21) years of age or older and acting
23 in their capacity as an owner, officer, director, partner, manager, member, employee, or
24 registered agent of an adult use marijuana cultivator licensee is exempt from arrest, civil or criminal
25 penalty, seizure or forfeiture of assets, discipline by any state or local licensing board, and state
26 prosecution for solely engaging in the following acts in accordance and compliance with chapters
27 28.11 and 28.12 of title 21, and the regulations promulgated thereunder by the office of cannabis
28 regulation;

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

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

33 (iii) Selling, delivering, or transferring marijuana to the state, an adult use state store or
34 adult use marijuana contractor, an adult use marijuana processor licensee, another adult use

1 marijuana cultivator licensee, or any other marijuana establishment;
2 (iv) Purchasing marijuana from an adult use marijuana cultivator licensee;
3 (v) Delivering or transferring marijuana to a cannabis testing laboratory;
4 (vi) Managing, supervising and controlling any premises or vehicle where marijuana is
5 possessed, manufactured, sold, or deposited, in accordance with regulations promulgated by the
6 office of cannabis regulation; and
7 (vii) Any combination of the acts described within subsections (3)(i) through (3)(vi) of this
8 section, inclusive.
9 (4) Except as otherwise provided in this chapter and chapter 28.12 of title 21, an adult use
10 marijuana processor licensee or any person who is twenty-one (21) years of age or older and acting
11 in their capacity as an owner, officer, director, partner, manager, member, employee, or
12 registered agent of an adult use marijuana processor licensee is exempt from arrest, civil or criminal
13 penalty, seizure or forfeiture of assets, discipline by any state or local licensing board, and state
14 prosecution for solely engaging in the following acts in accordance and in accordance and compliance
15 with chapters 28.11 and 28.12 of title 21 and the regulations promulgated thereunder by the office of
16 cannabis regulation:
17 (i) Producing, manufacturing, packing, processing, or transporting marijuana products;
18 (ii) Packing, processing, possessing, or transporting marijuana that was produced by an adult
19 use marijuana cultivator licensee;
20 (iii) Possessing, transporting, or producing marijuana paraphernalia;
21 (iv) Manufacturing, possessing, or producing marijuana products;
22 (v) Selling, delivering, or transferring marijuana products to the state, an adult use state
23 store or adult use marijuana contractor, another adult use marijuana processor licensee, or any
24 other marijuana establishment;
25 (vi) Purchasing marijuana from an adult use marijuana cultivator licensee, or another adult
26 use marijuana processor licensee, or any other marijuana establishment;
27 (vii) Delivering or transferring marijuana or marijuana products to a cannabis testing
28 laboratory;
29 (viii) Managing, supervising or controlling any premises or vehicle where marijuana products
30 and marijuana paraphernalia are possessed, manufactured, sold, or deposited;
31 (ix) Managing, supervising or controlling any premises or vehicle where marijuana is
32 possessed, processed, packaged, or deposited; and
33 (x) Any combination of the acts described within subsections (4)(i) through (4)(ix) of this
34 section, inclusive.

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

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

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

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

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

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

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

32 (8) No state employee shall be subject to arrest, prosecution, or penalty in any manner, or
33 denied any right or privilege, including, but not limited to, civil penalty, criminal penalty, seizure
34 or forfeiture of assets, discipline by any state or local licensing board, state prosecution,

1 disciplinary action, termination, or loss of employee or pension benefits, for any and all conduct
2 that occurs within the scope of his or her employment regarding the administration, execution,
3 implementation and/or enforcement of chapters 28.11 and 28.12 of title 21 and the regulations
4 promulgated thereunder, and the provisions of §§ 9-31-8 and 9-31-9 shall be applicable to this
5 section.

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

11 **21-28.11-5. Authorized activities; paraphernalia.**

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

15 (b) Any person who is twenty-one (21) years of age or older is authorized to distribute or
16 sell marijuana paraphernalia to marijuana establishments or persons who are twenty-one (21)
17 years of age or older in accordance with all applicable laws.

18 **21-28.11-6. Unlawful activities; penalties.**

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

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

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

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

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

1 of said plants:

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

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

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

14 **21-28.11-7. Activities not exempt.**

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

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

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

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

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

27 **21-28.11-8. Marijuana use prohibitions.**

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

33 (b) No person shall smoke or vaporize cannabis in, on or about the premises of any
34 housing that is subject to regulation or otherwise within the purview of chapters 25, 26, 53 or 60

1 of title 45 and any regulations promulgated thereunder. A person who smokes or vaporizes
2 cannabis in, on or about such housing premises shall be subject to imposition of an administrative
3 penalty by the office of cannabis regulation of one hundred fifty dollars (\$150) per violation, in
4 addition to and not in lieu of any applicable penalty, access prohibition or restriction, eviction or
5 other action that may lawfully be taken by the owner and/or applicable authority with respect to
6 said housing.

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

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

27 **21-28.11-9. Scope of chapter.**

28 This chapter shall not permit:

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

31 (b) The smoking of marijuana:

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

33 (2) On any school grounds;

34 (3) In any correctional facility;

- 1 (4) In any public place;
2 (5) In any licensed drug treatment facility in this state; or
3 (6) Where exposure to the marijuana smoke affects the health, safety, or welfare of
4 children.

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

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

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

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

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

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

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

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

1 delta-9-tetrahydrocannabinol, delta-8-tetrahydrocannabinol, or any other active cannabinoid
2 found in marijuana which is an intoxicant or causes impairment.

3 **21-28.11-11. Private property.**

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

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

15 **21-28.11-12. False age representation.**

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

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

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

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

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

34 (c) In addition to and not in lieu of the penalties described in subsection (b), the department

1 of elementary and secondary education and, with the prior approval of the department, any city,
2 town or school district under its authority, may adopt and implement marijuana drug use policies
3 which require students to face disciplinary actions including but not limited to, suspension,
4 expulsion, community service, and prohibition from participation in school sanctioned events, for
5 any violation of this section or for the possession or use of marijuana, provided that nothing
6 herein shall alter, modify or otherwise impair the medical use protections afforded under chapter
7 28.6 of title 21 to qualifying patients that are registered with the department of health under § 21-
8 28.6-6(b). The department of elementary and secondary education shall have the authority to
9 adopt rules and regulations as are necessary and proper to carry out the foregoing.

10 **21-28.11-13. Unlawful distribution to minors: penalties.**

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

15 (b) Any person or entity who sells, delivers, distributes or otherwise transfers or furnishes
16 to, or purchases or otherwise procures for, any person who is under twenty-one (21) years of age
17 marijuana, marijuana plants, marijuana products or marijuana paraphernalia in violation of this
18 chapter and chapter 28.12 and/or the regulations promulgated hereunder shall be subject to
19 imposition of an administrative penalty by the office of cannabis regulation in the amount of
20 \$10,000 per violation.

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

28 (d) It is no defense to a prosecution for a violation of subsection (c) that in the transaction
29 upon which the prosecution is based, any person who has not reached his or her twenty-first
30 (21st) birthday acted as the agent or representative of another, or that the defendant dealt with any
31 person who has not reached his or her twenty-first (21st) birthday as the agent or representative of
32 another, or that any person who has not reached his or her twenty-first (21st) birthday
33 misrepresented or misstated his or her age, or the age of any other person or misrepresented his or
34 her age through the presentation of any of the documents described in § 3-8-6(a)(3)(i)-(iii) of the

1 general laws.

2 **21-28.11-14. Compliance check.**

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

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

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

17 **21-28.11-15. Transportation of marijuana by underage persons.**

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

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

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

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

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

4 **21-28.11-16. Unlawful marijuana extraction, penalties.**

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

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

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

16 CHAPTER 28.12

17 MARIJUANA REGULATION, CONTROL, AND REVENUE ACT

18 **21-28.12-1. Short title.**

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

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

22 For purposes of this chapter:

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

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

33 (3) "Adult use marijuana contractor" means a contractor that is party to an adult use
34 marijuana contract with the state to provide supplies and perform services to, for, and on behalf of,

1 the state with respect to the state’s operation and control of adult use state stores and who shall be
2 exempt from state penalties for the provision of supplies and performance of services in compliance
3 with the adult use marijuana contract, chapters 28.11 and 28.12 of title 21, and regulations
4 promulgated by the office of cannabis regulation.

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

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

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

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

32 (8) “Cannabis” means all parts of the plant of the genus marijuana, also known as marijuana
33 sativa L. whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and
34 every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin

1 regardless of cannabinoid content or cannabinoid potency including “marijuana”, and “industrial
2 hemp” or “industrial hemp products” which satisfy the requirements of chapter 26 of title 2.

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

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

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

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

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

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

17 (15) "Hemp products" or "industrial hemp products" has the meaning given that term in §
18 2-26-3.

19 (16) "Hemp-derived consumable CBD products" has the meaning given that term in § 2-
20 26-3.

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

29 (18) "Marijuana establishment" and “marijuana establishment licensee” means any person,
30 entity or facility that is licensed under chapters 28.12 or 28.6 of title 21, to be exempt from state
31 penalties for engaging in or conducting the activities permitted under its respective license and
32 includes but is not limited to an adult use marijuana cultivator licensee, an adult use marijuana
33 processor licensee, an adult use marijuana contractor, a cannabis testing laboratory, a licensed

1 compassion center, a licensed medical marijuana cultivator, or any other entity licensed by the
2 office of cannabis regulation under chapter 28.12 or 28.6 or title 21.

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

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

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

14 (22) "Office of cannabis regulation" means the office of cannabis regulation within the
15 department of business regulation.

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

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

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

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

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

31 (28) "State" means the state of Rhode Island and, to the extent of any delegation of purchase
32 control pursuant to § 37-2-54, the department of business regulation through its office of cannabis
33 regulation which shall be exempt from state penalties for the procurement of supplies and services
34 and the operation and control of adult use state stores and the retail sale of marijuana, marijuana

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

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

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

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

9 **21-28.12-3. Office of Cannabis Regulation.**

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

15 (b) Whenever in chapter 26 of title 2, chapters 28.6, 28.11 or 28.12 of title 21, and
16 chapter 49.1 of title 44 the words "department of business regulation" shall appear, the words
17 shall be deemed to mean the office of cannabis regulation within the department of business
18 regulation. Whenever in chapter 26 of title 2, chapters 28.6, 28.11 or 28.12 of title 21, and chapter
19 49.1 of title 44 the words "office of cannabis regulation" shall appear, the words shall be deemed
20 to mean the office of cannabis regulation within the department of business regulation.

21 (c) The office of cannabis regulation within the department of business regulation shall
22 regulate, license and control cannabis including, but not limited to, strategic planning,
23 promulgating regulations, operation, conduct and control of adult use state stores pursuant to and
24 in accordance with chapters 28.11 ad 28.12 of title 21, including, without limitation, negotiation
25 and entry into contracts with, and purchase of supplies and services from, adult use marijuana
26 contractors pursuant to any delegation to the department of business regulation pursuant to § 37-
27 2-54 and in accordance with the requirements of chapter 2 of title 37. The office of cannabis
28 regulation shall also be responsible for educating the public about cannabis, cannabis planning
29 and implementation, community engagement, budget coordination, data collection and analysis
30 functions, and any other duties deemed necessary and appropriate by the office of cannabis
31 regulation to carry out the provisions of this chapter.

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

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

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

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

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

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

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

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

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

20 (iii) Projected estimate of the total marijuana revenue that will be raised in the e n s u i n g
21 year;

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

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

26 **21-28.12-4. Community Equity and Reinvestment Council.**

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

30 (1) Community reinvestment;

31 (2) Cannabis reform and policy;

32 (3) Criminal justice;

33 (4) Social equity;

34 (5) Diversity and inclusion;

1 (6) Business and employment opportunities;
2 (7) Incubation opportunities; and
3 (8) Cannabis marketplace, industry and economics.
4 (b) Members of the council shall serve without compensation. Seven (7) or more members of
5 the council present and voting shall constitute a quorum.
6 (c) The council's duties shall include:
7 (1) Collecting and reviewing data and information on matters related to the adverse impact
8 to persons and communities based on the past criminalization of cannabis;
9 (2) Developing recommendations that are designed to foster social equity and community
10 reinvestment within the framework of the state's adult use marijuana program including proposed
11 expenditure of funds appropriated therefor; and
12 (3) Conducting public meetings to take testimony from experts and members of the general
13 public on issues related to the council's charge.
14 (d) All meetings of the council shall be open meetings and records of the council shall be
15 public records.
16 (e) The office of cannabis regulation will provide administrative support to the council
17 and incorporate the council's recommendations into a report, which shall be approved by the
18 council and submitted to the governor on or before December 31, 2020.
19 **21-28.12-5 Licensed adult use marijuana cultivators.**
20 (a) An adult use marijuana cultivator licensed under this section may acquire, possess,
21 cultivate, package, process, and manufacture marijuana, but not marijuana products, in
22 accordance with regulations promulgated by the department of business regulation. A licensed
23 adult use marijuana cultivator may sell, deliver, or transfer marijuana products to the state, adult
24 use marijuana state stores, an adult use marijuana contractor, a licensed adult use adult use
25 marijuana processor, a cannabis testing laboratory, or any other marijuana establishment licensee,
26 in accordance with regulations promulgated by the department of business regulation. A licensed
27 adult use marijuana cultivator shall not be a primary caregiver cardholder and shall not hold a
28 cooperative cultivation license. A licensed adult use marijuana cultivator shall not manufacturer
29 or process marijuana into marijuana products unless the licensed adult use marijuana cultivator
30 has also been issued an adult use marijuana processor license by the department of business
31 regulation and pursuant to regulations promulgated by the department of business regulation. The
32 department of business regulation may restrict the number, types, and classes of adult use
33 marijuana licenses an applicant may be issued through regulations promulgated by the
34 department.

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

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

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

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

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

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

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

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

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

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

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

33 (2) Information produced by a national criminal records check pertaining to a conviction
34 for a felony drug offense or a plea of nolo contendere for a felony drug offense and received a

1 sentence of probation shall result in a letter to the applicant and the department of business
2 regulation disqualifying the applicant.

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

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

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

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

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

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

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

30 (l) License required. No person or entity shall engage in activities described in this § 21-
31 28.12-5 without an adult use marijuana cultivator license issued by the department of business
32 regulation.

33 **21-28.12-6 Licensed adult use marijuana processors.**

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

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

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

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

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

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

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

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

29 (7) Applicable application and license fees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (1) License required. No person or entity shall engage in activities described in this § 21-
20 28.12-6 without a adult use marijuana processor license issued by the department of business
21 regulation.

22 **21-28.12-7 Licensed adult use marijuana contractors.**

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

1 marijuana or manufacturer or process marijuana into marijuana products. The department of
2 business regulation may restrict the number, types, and classes of adult use marijuana licenses an
3 applicant may be issued through regulations promulgated by the department.

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

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

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

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

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

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

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

18 (7) Applicable application and license fees.

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

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

29 (e) Adult use marijuana contractors shall only sell marijuana, marijuana products and
30 marijuana paraphernalia at retail to persons twenty-one (21) years of age or older in accordance
31 with chapters 28.11 and 28.12 of title 21, the regulations promulgated by the department of
32 business regulation thereunder and the terms of its adult use marijuana contract with the state.
33 Adult use marijuana contractors shall not sell any other products except as otherwise permitted in
34 regulations promulgated by the department of business regulation. The department may suspend

1 and/or revoke the adult use marijuana contractor's license and the license of any owner, officer,
2 director, manager, member, partner, employee, agent or subcontractor of such adult use marijuana
3 contractor and/or impose an administrative penalty in accordance with such regulations
4 promulgated by the department for any violation of chapters 28.11 or 28.12 of title 21, the
5 regulations or its adult use marijuana contract. In addition, any violation of chapters 28.11 or
6 28.12 of title 21 or the regulations promulgated pursuant to this subsection and subsection (d)
7 shall cause a licensed adult use marijuana contractor to lose the protections described in § 21-
8 28.11-4(2) and may subject the licensed adult use marijuana contractor and its owners, officers,
9 directors, managers, members, partners, employees, agents and subcontractors to arrest and
10 prosecution under Chapter 28 of title 21 (the Rhode Island Controlled Substances Act).

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

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

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

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

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

1 disqualifying information; and, without disclosing the nature of the disqualifying information,
2 shall notify the department of business regulation, in writing, that disqualifying information has
3 been discovered.

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

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

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

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

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

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

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

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

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

5 (1) License required. No person or entity shall engage in activities described in this § 21-
6 28.12-7 without an adult use marijuana contractor license issued by the department of business
7 regulation and an adult use marijuana contract in accordance with chapters 28.11 and 28.12 of
8 title 21, regulations promulgated thereunder by the department of business regulation and the
9 terms of the adult use marijuana contract.

10 **21-28.12-8 Operation, conduct, and control of adult use state stores.**

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

13 (b) The general assembly finds that:

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

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

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

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

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

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

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

5 (c) Powers and duties of the director.

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

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

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

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

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

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

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

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

32 (d) Licensing of adult use marijuana contractors.

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

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

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

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

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

25 **21-28.12-9. Other supporting adult use marijuana licenses.**

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

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

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

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

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

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

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

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

13 (7) Applicable application and license fees.

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

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

24 **21-28.12-10. Licenses regarding cannabis reference testing.**

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

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

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

5 (2) Application and licensing fees for licensees;

6 (3) Procedures for the approval or denial of a license, and procedures for suspension or
7 revocation of the license of any licensee that violates the provisions of this chapter, chapter 28.11
8 or the regulations promulgated thereunder in accordance with the provisions of chapter 35 of title
9 42; and

10 (4) Compliance with municipal zoning restrictions, if any, which comply with 21-28.12-
11 16 of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **21-28.12-11. Medical marijuana licensee’s application for adult use license.**

7 (a) Licensed medical marijuana cultivators and compassion centers in good standing
8 with the office of cannabis regulation may also apply for and be issued adult use marijuana
9 cultivator and processor licenses, in accordance with regulations promulgated by the office of
10 cannabis regulation. In the case of a compassion center licensee that so applies, an adult use
11 marijuana cultivator or processor license may be issued and held by a for profit corporation that is
12 an affiliate of the nonprofit compassion center through common ownership in accordance with
13 regulations promulgated by the office of cannabis regulation. No medical marijuana cultivator
14 licensee, compassion center licensee or adult use marijuana cultivator or processor licensee shall
15 hold an adult use marijuana contractor license.

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

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

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

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

33 **21-28.12-12. Ineligibility for licensure.**

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

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

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

13 (3) The establishment would be located in a municipality in which the kind of marijuana
14 establishment being proposed is not permitted pursuant to a referendum approved in accordance with
15 § 21-28.12-16(c). For purpose of illustration but not limitation, an adult use state store may not operate
16 in a municipality in which residents have approved by a simple majority referendum a ban on
17 marijuana retailers.

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

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

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

28 **21-28.12-14. Enforcement**

29 (a) (1) Notwithstanding any other provision of this chapter, if the director of the
30 department of business regulation or his or her designee has cause to believe that a violation of
31 any provision of chapters 28.11 or 28.12 of title 21 or any regulations promulgated thereunder has
32 occurred by a licensee that is under the department's jurisdiction pursuant to chapters 28.11 or
33 28.12 of title 21 or that an adult use marijuana contractor is not in compliance with any of the

1 terms or conditions of its adult use marijuana contract, or that any person or entity is conducting
2 any activities requiring licensure or registration by the office of cannabis regulation or an adult
3 use marijuana contract with the state under chapters 28.11 or 28.12 of title 21 or the regulations
4 promulgated thereunder without such licensure, registration or contract, the director or his or her
5 designee may, in accordance with the requirements of the administrative procedures act, chapter
6 35 of title 42:

7 (i) Revoke or suspend a license or registration;
8 (ii) Levy an administrative penalty in an amount established pursuant to regulations
9 promulgated by the office of cannabis regulation;

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

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

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

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

30 (d) All marijuana products that are held within the borders of this state in violation of the
31 provisions of chapters 28.6, 28.11 or 28.12 of title 21 or the regulations promulgated thereunder
32 are declared to be contraband goods and may be seized by the office of cannabis regulation or its
33 agents, or employees, or by any sheriff, or his or her deputy, or any police or other law

1 enforcement officer when requested by the office of cannabis regulation to do so, in accordance
2 with applicable law. All contraband goods seized under this chapter may be destroyed.

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

10 **21-28.12-15. Rulemaking authority.**

11 (a) The department of business regulation may adopt all rules and regulations necessary
12 and convenient to carry out, implement and administer the provisions in this chapter and chapter
13 28.11 including operational requirements applicable to licensees and regulations as are necessary
14 and proper to enforce the provisions of and carry out, implement and administer the duties
15 assigned to it under this chapter and chapter 28.11, including but not limited to regulations
16 governing:

17 (1) Record-keeping requirements for marijuana establishment licensees:

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

20 (i) An alarm system, with a backup power source, that alerts security personnel and local
21 law enforcement officials of any unauthorized breach;

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

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

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

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

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

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

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

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

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

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

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

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

18 (vii) A marijuana establishment licensee and its logo may be listed as a sponsor of a
19 charitable event, provided the logo does not contain imagery of a cannabis leaf or the use of
20 cannabis;

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

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

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

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

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

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

1 (6) Limits for marijuana product serving sizes, doses, and potency including but not
2 limited to regulations which:
3 (i) limit all servings of edible forms of marijuana to no more than five milligrams (5 mg)
4 of THC per serving;
5 (ii) limits the total maximum amount of THC per edible product package to one hundred
6 milligrams (100 mg) of THC;
7 (iii) limits the THC potency of any product to no more than fifty percent (50%) THC
8 unless otherwise authorized by the office of cannabis regulation;
9 (iv) may establish product or package limits based on the total milligrams of THC; and
10 (v) include any additional requirements or limitations deemed necessary by the office of
11 cannabis regulation;
12 (7) Product restrictions including but not limited to regulations which:
13 (i) establish a review process for the office of cannabis regulation to approve or deny
14 forms of marijuana products which may require marijuana establishment licensees to submit a
15 proposal, which includes photographs of the proposed product properly packaged and labeled and any
16 other materials deemed necessary by the office of cannabis regulation, to the office of cannabis
17 regulation for each line of cannabis products;
18 (ii) place additional restrictions on marijuana products to safeguard public health and
19 safety, as determined by the office of cannabis regulation in consultation with the executive
20 branch state agencies;
21 (iii) require all servings of edible products to be marked, imprinted, molded, or otherwise
22 display a symbol chosen by the department to alert consumers that the product contains
23 marijuana;
24 (iv) standards to prohibit cannabis products that pose public health risks, that are easily
25 confused with existing non-cannabis products, or that are especially attractive to youth; and
26 (v) any other requirements deemed suitable by the department;
27 (8) Limits and restrictions for marijuana transactions and sales including but not limited
28 to regulations which:
29 (i) establish processes and procedures to ensure all transactions and sales are properly
30 tracked through the use of a seed to sale inventory tracking and monitoring system;
31 (ii) establish rules and procedures for customer age verification;
32 (iii) establish rules and procedures to ensure adult use state stores do not sell, deliver or
33 otherwise transfer to, and that customers do not purchase or otherwise receive amounts of

1 marijuana in excess of the one ounce (1 oz.) marijuana or equivalent amount per transaction
2 and/or per day:

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

5 (v) include any additional requirements deemed necessary by the office of cannabis
6 regulation:

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

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

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

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

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

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

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

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

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

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

1 (10) Online sales;
2 (11) Transport and delivery;
3 (12) Marijuana and marijuana product packaging including but not limited to
4 requirements that packaging be:
5 (i) opaque;
6 (ii) constructed to be significantly difficult for children under five (5) years of age to
7 open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995) or
8 another approval standard or process approved by the office of cannabis regulation;
9 (iii) be designed in a way that is not deemed as especially appealing to children; and
10 (iv) any other regulations required by the office of cannabis regulation; and
11 (13) Regulations for the quarantine and/or destruction of unauthorized materials;
12 (14) Industry and licensee cultivation and production limitations;
13 (15) Procedures for the approval or denial of a license, and procedures for suspension or
14 revocation of the license of any marijuana establishment licensee that violates the provisions of
15 this chapter, chapter 28.11 of title 21 or the regulations promulgated thereunder in accordance
16 with the provisions of chapter 35 of title 42;
17 (16) Compliance with municipal zoning restrictions, if any, which comply with § 21-
18 28.12-16 of this chapter;
19 (17) Standards and restrictions for marijuana manufacturing and processing which shall
20 include but not be limited to requirements that adult use marijuana processor licensees:
21 (i) comply with all applicable building and fire codes;
22 (ii) receive approval from the state fire marshal's office for all forms of manufacturing
23 that use a heat source or flammable solvent;
24 (iii) require any adult use marijuana processor licensee that manufactures edibles of
25 marijuana infused food products to comply with all applicable requirements and regulations
26 issued by the department of health's office of food safety; and
27 (iv) comply with any other requirements deemed suitable by the office of cannabis
28 regulation.
29 (18) Standards for employee and workplace safety and sanitation;
30 (19) Standards for employee training including but not limited to:
31 (i) requirements that all employees of marijuana establishments must participate in a
32 comprehensive training on standard operating procedures, security protocols, health and
33 sanitation standards, workplace safety, and the provisions of this chapter prior to working at the

1 establishment. Employees must be retrained on an annual basis or if state officials discover
2 a marijuana establishment in violation of any rule, regulation, or guideline in the course of regular
3 inspections or audits; and
4 (ii) any other requirements deemed appropriate by the office of cannabis regulation; and
5 (20) Mandatory labeling that must be affixed to all packages containing cannabis or
6 cannabis products including but not limited to requirements that the label display:
7 (i) the name of the establishment that cultivated the cannabis or produced the cannabis
8 product;
9 (ii) the tetrahydrocannabinol (THC) content of the product;
10 (iii) a "produced on" date;
11 (iv) warnings that state: "Consumption of cannabis impairs your ability to drive a car or
12 operate machinery" and "Keep away from children" and, unless federal law has changed to
13 accommodate cannabis possession, "Possession of cannabis is illegal under federal law and in many
14 states outside of Rhode Island";
15 (v) a symbol that reflects these products are not safe for children which contains poison
16 control contact information; and
17 (vi) any other information required by the office of cannabis regulation; and
18 (21) Standards for the use of pesticides; and
19 (22) General operating requirements, minimum oversight, and any other activities,
20 functions, or aspects of a marijuana establishment licensee in furtherance of creating a stable,
21 regulated cannabis industry and mitigating its impact on public health and safety.
22 (23) Rules and regulations based on federal law provided those rules and regulations are
23 designed to comply with federal guidance and mitigate federal enforcement against the marijuana
24 establishments and adult use state stores authorized, licensed and operated pursuant to this
25 chapter.
26 **21-28.12-16. Municipal authority.**
27 (a) Municipalities shall:
28 (i) Have the authority to enact local zoning and use ordinances not in conflict with this
29 chapter or with rules and regulations adopted by the office of cannabis regulation regulating the time,
30 place, and manner of marijuana establishments' operations, provided that no local authority may
31 prohibit any type of marijuana establishment operations altogether, either expressly or through the
32 enactment of ordinances or regulations which make any type of marijuana establishments' operation
33 impracticable; and

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

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

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

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

22 (iii) Municipalities which ban the licensure of marijuana establishments located within their
23 jurisdiction pursuant to c(i), and/or adopt local zoning and other ordinances, in accordance with this
24 section, may hold future referenda to prohibit previously allowed licenses, or allow previously
25 prohibited licenses, provided those subsequent referenda are held on the first Tuesday after the first
26 Monday in the month of November.

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

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

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

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

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

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

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

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

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

25 **21-28.12-17. Transportation of marijuana.**

26 The office of cannabis regulation may promulgate regulations regarding secure transportation
27 of marijuana for marijuana establishment licensees delivering products to purchasers in accordance
28 with this chapter and shipments of marijuana or marijuana products between marijuana establishment
29 licensees.

30 **21-28.12-18. No minors on the premises of adult use state stores or other**
31 **marijuana establishments.**

32 No marijuana establishment licensee including an adult use marijuana contractor shall allow
33 any person who is under twenty-one (21) years of age to be present inside any room where

1 marijuana or marijuana products are stored, produced, or sold unless the person who is under twenty-
2 one (21) years of age is:

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

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

7 **21-28.12-19. Contracts enforceable.**

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

21 (b) Notwithstanding any law to the contrary including federal law, commercial activity
22 related to licensed marijuana establishments, adult use state stores, licensed compassion centers,
23 hemp cultivators or other licensees under chapter 26 of title 2, and chapters 28.11 and 28.12 of title
24 21, and the regulations promulgated thereunder, that is conducted in compliance with applicable
25 Rhode Island law shall be deemed to be:

26 (1) a lawful object of a contract;

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

29 (3) Not against public policy.

30 **21-28.12-20 Adult use marijuana fund and revenue.**

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

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

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

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

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

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

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

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

24 (f) There is created within the general fund restricted receipt accounts collectively known
25 as the “state-control adult use marijuana” accounts. The state share of adult use marijuana
26 revenue will be used to fund programs and activities related to program administration; substance
27 use disorder prevention for adults and youth; education and public awareness campaigns;
28 treatment and recovery support services; public health monitoring, research, data collection, and
29 surveillance; law enforcement training and technology improvements including grants to local
30 law enforcement; and such other related uses that may be deemed necessary by the office of
31 management and budget. The restricted receipt accounts will be housed within the budgets of the
32 departments of behavioral healthcare, developmental disabilities and hospitals; business

1 regulation; health; and public safety. All amounts deposited into the state-control adult use
2 marijuana accounts shall be exempt from the indirect cost recovery provisions of § 35-4-27.

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

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

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

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

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

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

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

23 **21-28.12-21. Severability.**

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

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

30 **31-27-2. Driving under influence of liquor or drugs.**

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

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

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

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

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

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

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

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

32 (5) Equipment used for the conduct of the tests by means of breath analysis had been
33 tested for accuracy within thirty (30) days preceding the test by personnel qualified as

1 herebefore provided, and breathalyzer operators shall be qualified and certified by the
2 department of health within three hundred sixty-five (365) days of the test.

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

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

25 (ii) Every person convicted of a first violation whose blood alcohol concentration is one-
26 tenth of one percent (.1%) by weight or above, but less than fifteen hundredths of one percent
27 (.15%), or whose blood alcohol concentration is unknown, shall be subject to a fine of not less
28 than one hundred (\$100) dollars, nor more than four hundred dollars (\$400), and shall be required
29 to perform ten (10) to sixty (60) hours of public community restitution and/or shall be imprisoned
30 for up to one year. The sentence may be served in any unit of the adult correctional institutions in
31 the discretion of the sentencing judge. The person's driving license shall be suspended for a
32 period of three (3) months to twelve (12) months. The sentencing judge shall require attendance
33 at a special course on driving while intoxicated or under the influence of a controlled substance
34 and/or alcoholic or drug treatment for the individual; provided, however, that the court may

1 permit a servicemember or veteran to complete any court-approved counseling program
2 administered or approved by the Veterans' Administration. The sentencing judge or magistrate
3 may prohibit that person from operating a motor vehicle that is not equipped with an ignition
4 interlock system as provided in § 31-27-2.8.

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

18 (2)(i) Every person convicted of a second violation within a five-year (5) period with a
19 blood alcohol concentration of eight one-hundredths of one percent (.08%) or above, but less than
20 fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is unknown, or
21 who has a blood presence of any controlled substance as defined in subsection (b)(2), and every
22 person convicted of a second violation within a five-year (5) period, regardless of whether the
23 prior violation and subsequent conviction was a violation and subsequent conviction under this
24 statute or under the driving under the influence of liquor or drugs statute of any other state, shall
25 be subject to a mandatory fine of four hundred dollars (\$400). The person's driving license shall
26 be suspended for a period of one year to two (2) years, and the individual shall be sentenced to
27 not less than ten (10) days, nor more than one year, in jail. The sentence may be served in any
28 unit of the adult correctional institutions in the discretion of the sentencing judge; however, not
29 less than forty-eight (48) hours of imprisonment shall be served consecutively. The sentencing
30 judge shall require alcohol or drug treatment for the individual; provided, however, that the court
31 may permit a servicemember or veteran to complete any court-approved counseling program
32 administered or approved by the Veterans' Administration and shall prohibit that person from
33 operating a motor vehicle that is not equipped with an ignition interlock system as provided in §
34 31-27-2.8.

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

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

29 (ii) Every person convicted of a third or subsequent violation within a five-year (5) period
30 whose blood alcohol concentration is fifteen hundredths of one percent (.15%) above by weight
31 as shown by a chemical analysis of a blood, breath, or urine sample, or who is under the influence
32 of a drug, toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to
33 mandatory imprisonment of not less than three (3) years, nor more than five (5) years; a

1 mandatory fine of not less than one thousand dollars (\$1,000), nor more than five thousand
2 dollars (\$5,000); and a mandatory license suspension for a period of three (3) years from the date
3 of completion of the sentence imposed under this subsection. The sentencing judge shall require
4 alcohol or drug treatment for the individual. The sentencing judge or magistrate shall prohibit that
5 person from operating a motor vehicle that is not equipped with an ignition interlock system as
6 provided in § 31-27-2.8.

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

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

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

29 (ii) Any person over the age of eighteen (18) who is convicted under this section for
30 operating a motor vehicle while under the influence of alcohol, other drugs, or a combination of
31 these, while a child under the age of thirteen (13) years was present as a passenger in the motor
32 vehicle when the offense was committed shall be subject to immediate license suspension
33 pending prosecution. Any person convicted of violating this section shall be guilty of a
34 misdemeanor for a first offense and may be sentenced to a term of imprisonment of not more than

1 one year and a fine not to exceed one thousand dollars (\$1,000). Any person convicted of a
2 second or subsequent offense shall be guilty of a felony offense and may be sentenced to a term
3 of imprisonment of not more than five (5) years and a fine not to exceed five thousand dollars
4 (\$5,000). The sentencing judge shall also order a license suspension of up to two (2) years,
5 require attendance at a special course on driving while intoxicated or under the influence of a
6 controlled substance, and alcohol or drug education and/or treatment. The individual may also be
7 required to pay a highway assessment fee of no more than five hundred dollars (\$500) and the
8 assessment shall be deposited in the general fund.

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

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

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

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

31 (8) Any person convicted of a violation under this section may undergo a clinical
32 assessment at the community college of Rhode Island's center for workforce and community
33 education. Should this clinical assessment determine problems of alcohol, drug abuse, or
34 psychological problems associated with alcoholic or drug abuse, this person shall be referred to

1 an appropriate facility, licensed or approved by the department of behavioral healthcare,
2 developmental disabilities and hospitals, for treatment placement, case management, and
3 monitoring. In the case of a servicemember or veteran, the court may order that the person be
4 evaluated through the Veterans' Administration. Should the clinical assessment determine
5 problems of alcohol, drug abuse, or psychological problems associated with alcohol or drug
6 abuse, the person may have their treatment, case management, and monitoring administered or
7 approved by the Veterans' Administration.

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

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

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

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

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

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

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

16 (j) An order to attend a special course on driving while intoxicated that shall be
17 administered in cooperation with a college or university accredited by the state, shall include a
18 provision to pay a reasonable tuition for the course in an amount not less than twenty-five dollars
19 (\$25.00), and a fee of one hundred seventy-five dollars (\$175), which fee shall be deposited into
20 the general fund.

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

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

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

33 [31-27-2.1. Refusal to submit to chemical test.](#)

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

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

1 operator's license or privilege to operate a motor vehicle in this state be immediately suspended,
2 however, said suspension shall be subject to the hardship provisions enumerated in § 31-27-2.8.
3 A traffic tribunal judge or magistrate, or a district court judge or magistrate, pursuant to the terms
4 of subsection (c), shall order as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 **31-27-2.9. Administration of chemical test.**

29 (a) Notwithstanding any provision of § 31-27-2.1, if an individual refuses to consent to a
30 chemical test as provided in § 31-27-2.1, and a peace officer, as defined in § 12-7-21, has
31 probable cause to believe that the individual has violated one or more of the following sections:
32 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
33 under the influence of any intoxicating liquor, toluene or any controlled substance as defined in

1 chapter 21-28, or any combination thereof, a chemical test may be administered without the
2 consent of that individual provided that the peace officer first obtains a search warrant authorizing
3 administration of the chemical test. The chemical test shall determine the amount of the alcohol
4 or the presence of a controlled substance in that person's blood, saliva or breath.

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

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

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

12 (ii) Performs the chemical test; or

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

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

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

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

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

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

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

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

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

8 SECTION 6. This article shall take effect upon passage.