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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO FOOD AND DRUGS -- RHODE ISLAND CANNABIS ACT

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

Date Introduced: March 01, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

3 CHAPTER 28.11

4 THE RHODE ISLAND CANNABIS ACT

5 **21-28.11-1. Short title.**

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

7 **21-28.11-2. Organizational structure.**

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

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

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

1 commission subject to this chapter and the rules and regulations promulgated by the commission
2 pursuant hereto.

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

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

6 (1) "Administrator" means the deputy director of the department of business regulation
7 assigned as the administrator of the cannabis office pursuant to the provisions of § 21-28.11-18.1.

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

10 (3) "Applicant" means a Rhode Island resident or a business entity with a principal place
11 of business located in Rhode Island to include, but not limited to, a corporation, limited liability
12 company, limited liability partnership or partnership, and in which one hundred percent (100%) of
13 the equity in the business entity is owned by residents of Rhode Island, and the Rhode Island
14 resident or business entity has made application for issuance of a license or certificate to own or
15 engage in a cannabis business subject to the provisions of this chapter.

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

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

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

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

30 (ii) Hemp; or

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

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

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

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

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

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

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

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

18 (13) "Cannabis office" means the office established within the department of business
19 regulation pursuant to §§ 21-28.11-18 and 21-28.11-18.1.

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

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

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

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

34 (18) "Close associate" means a person who holds a legally recognized financial interest in,

1 or is entitled to exercise power in, the business of an applicant or licensee and, by virtue of that
2 interest or power, is able to exercise a significant influence over the management or operation of a
3 cannabis establishment licensed under this chapter.

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

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

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

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

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

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

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

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

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

29 (ii) The area has a history of arrests, convictions, and other law enforcement practices in a
30 certain geographic area, such as, but not limited to, precincts, zip codes, neighborhoods, and
31 political subdivisions, reflecting a disparate enforcement of cannabis prohibition during a certain
32 time period, when compared to the remainder of the state. The commission shall, with
33 recommendations from the cannabis advisory board and the chief equity officer, issue guidelines
34 to determine how to assess which communities have been disproportionately impacted and how to

1 assess if someone is a member of a community disproportionately impacted.

2 (23) "Final issuance of the commission's rules and regulations" means the rules and
3 regulations adopted by the commission after compliance with requirements of chapter 35 of title
4 42 (the "administrative procedures act") and chapter 46 of title 42 (the "open meetings act") and
5 shall not include any emergency, provisional or interim rules, regulations, orders, instructions or
6 directives.

7 (24) "Finished cannabis" means a usable cannabis, cannabis resin or cannabis concentrate.

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

14 (26) "Host community" means a municipality in which a cannabis establishment or a
15 medical cannabis treatment center is located or in which an applicant has proposed locating a
16 cannabis establishment or a medical cannabis treatment center.

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

21 (28) "Independent testing laboratory" means a laboratory that is licensed by the commission
22 and is:

23 (i) Accredited to the most current International Organization for Standardization 17025
24 (ISO/IEC 17025) by a third-party accrediting body that is a signatory to the International
25 Laboratory Accreditation Cooperation mutual recognition arrangement or that is otherwise
26 approved by the commission;

27 (ii) Independent financially from any medical cannabis treatment center or any licensee or
28 cannabis establishment for which it conducts a test; and

29 (iii) Qualified to test cannabis in compliance with regulations promulgated by the
30 commission pursuant to this chapter. The term includes, but is not limited to, an independent testing
31 laboratory as provided in § 21-28.11-11.

32 (29) "Laboratory agent" means an employee of an independent testing laboratory who
33 transports, possesses or tests cannabis.

34 (30) "Licensee" means a person or entity licensed by the commission pursuant to the

1 provisions of this chapter. Any business structure recognized under title 7 of the general laws,
2 including, but not limited to, corporations, partnerships, limited partnerships, limited-liability
3 companies, and workers' cooperatives, which is otherwise qualified, is eligible to be considered by
4 the commission as an entity licensee.

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

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

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

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

21 (35) "Mycotoxin" means a secondary metabolite of a microfungus that is capable of causing
22 death or illness in humans and other animals. For the purposes of this chapter, mycotoxin shall
23 include alfatoxin B1, alfatoxin B2, alfatoxin G1, alfatoxin G2 and ochratoxin A.

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

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

31 (38) "Production batch" means a batch of finished plant material, cannabis resin, cannabis
32 concentrate or cannabis-infused product made at the same time, using the same methods, equipment
33 and ingredients. The licensee shall assign and record a unique, sequential alphanumeric identifier
34 to each production batch for the purposes of production tracking, product labeling and product

1 recalls. All production batches shall be traceable to one or more cannabis cultivation batches.

2 (39) "Social equity applicant" means an applicant that has been disproportionately
3 impacted by criminal enforcement of marijuana laws, including individuals convicted of nonviolent
4 marijuana offenses, immediate family members of individuals convicted of nonviolent marijuana
5 offenses and individuals who have resided in disproportionately impacted areas for at least five (5)
6 of the last ten (10) years, as determined by the commission and further specified in the rules and
7 regulations that shall identify factors and other considerations to be evaluated in certifying
8 applicants as social equity applicants, provided that such applicants shall at a minimum meet one
9 of the following criteria:

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

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

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

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

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

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

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

23 (iv) An applicant that can demonstrate significant past experience in or business practices
24 that promote economic empowerment in disproportionally impacted areas.

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

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

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

33 (42) "Unreasonable and impracticable" means that the measures necessary to comply with
34 the rules and regulations adopted pursuant to this chapter subject licensees to unreasonable risk or

1 require such a high investment of money, time or any other resource or asset that a reasonably
2 prudent businessperson would not operate a cannabis establishment.

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

5 **21-28.11-4. Cannabis control commission.**

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

12 (b) Appointment of commissioners. The Cannabis Control Commission (commission) shall
13 consist of three (3) voting commissioners. The governor shall appoint, with the advice and consent
14 of the senate, the three (3) voting members of the commission. The speaker of the house shall,
15 within thirty (30) days of the effective date of this chapter, submit to the governor a list of three (3)
16 individuals that the governor shall give due consideration to appointing one individual from this
17 list. The president of the senate shall, within thirty (30) days of the effective date of this chapter,
18 submit to the governor a list of three (3) individuals that the governor shall give due consideration
19 to appointing one individual from this list. The governor shall also appoint one individual without
20 regard to the lists submitted by the speaker of the house and the president of the senate and shall
21 designate one of the members to serve as chairperson of the commission. The governor shall within
22 forty (40) days of the effective date of this chapter submit to the senate for advice and consent the
23 list of three (3) individuals for appointment to the commission. Prior to appointment to the
24 commission, a background investigation shall be conducted into the financial stability, integrity
25 and responsibility of each appointee, including the appointee's reputation for good character, and
26 honesty. No commissioner or commissioner's spouse, or child shall have any interest whatsoever
27 in any entity regulated by the commission.

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

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

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

32 or

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

34 (d) Term Limits. Term limits on the initial commissioners shall be as follows: The

1 governor's appointee shall serve for an initial term of one year and shall be eligible for
2 reappointment in accordance with this section. The appointee chosen after consideration of the list
3 provided by the president of the senate shall serve an initial term of two (2) years and shall be
4 eligible for reappointment in accordance with this section. The appointee chosen after consideration
5 of the list provided by the speaker of the house shall serve an initial term of three (3) years and
6 shall be eligible for reappointment in accordance with this section.

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

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

15 (e) Removal of a commissioner. A commissioner may be removed with or without cause
16 pursuant to the provisions of § 36-1-7. The governor shall remove a commissioner with advice and
17 consent of the senate if the commissioner:

- 18 (1) Is guilty of malfeasance in office;
- 19 (2) Substantially neglects the duties of a commissioner;
- 20 (3) Is unable to discharge the powers and duties of the office;
- 21 (4) Commits gross misconduct; or
- 22 (5) Is convicted of a felony.

23 (f) Compensation. The chairperson of the commission shall devote their full time attention
24 to the duties of the commission. The chairperson shall be a state employee and shall receive a salary
25 as determined by the governor subject to appropriation by the general assembly. The remaining
26 commissioners shall not be state employees but shall receive a monthly stipend as determined by
27 the governor, subject to appropriation by the general assembly, and shall devote sufficient time and
28 attention to the commission to adequately perform their duties.

29 (g) Records. The commission shall keep a record of the proceedings of the commission and
30 the chair shall be the custodian and keeper of the records of all books, documents and papers filed
31 by the commission and of its minute book. The chair shall cause copies to be made of all minutes
32 and other records and documents of the commission and shall certify that such copies are true
33 copies and all persons dealing with the commission may rely upon such certification. These records
34 shall also be subject to the provisions of title 38, "public records." The chair shall have and exercise

1 supervision and control over all the affairs of the commission. The chair shall preside at all hearings
2 at which the chair is present and shall designate a commissioner to act as chair in the chair's absence.
3 To promote efficiency in administration, the chair shall make such division or re-division of the
4 work of the commission among the commissioners, as the chair deems expedient.

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

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

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

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

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

34 (k) Finance. The commission shall, for the purposes of compliance with state finance law,

1 operate as an independent state agency and shall be subject to the laws applicable to agencies under
2 the control of the governor; provided, however, that the chairperson may identify any additional
3 instructions or actions necessary for the department of administration to manage fiscal operations
4 in the state accounting system and meet statewide and other governmental accounting and audit
5 standards. The commission shall properly classify the commission's operating and capital
6 expenditures, and shall not include any salaries of employees in the commission's capital
7 expenditures. Unless otherwise exempted by law, the commission shall participate in any other
8 available state administrative services including, but not limited to, the state payroll system, the
9 state retirement system, and state purchases.

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

26 **21-28.11-5. Powers and duties of the commission.**

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

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

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

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

34 (4) Determine and establish the process and methodology by which licenses shall be

1 awarded by the commission;

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

5 (6) Establish a registration process;

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

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

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

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

16 (11) Subject to appropriation by the general assembly, provide and pay for advisory
17 services and technical assistance as may be necessary in its judgment to carry out the purpose and
18 intent of this chapter, and subject to applicable law, fix the compensation of persons providing such
19 services or assistance;

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

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

26 (14) Conduct and administer procedures and hearings in compliance with chapter 35 of
27 title 42 (the "administrative procedures act") for adoption of rules or regulations, issuance, denial
28 or revocation of licenses or permits; or for violation of the provisions of this chapter or the rules
29 and regulations adopted pursuant to the provisions of this chapter. Except as otherwise provided in
30 this chapter, the commissioner may impose a civil penalty of not more than five thousand dollars
31 (\$5,000) and a suspension or revocation of any license for each violation of the provisions of this
32 chapter or the rules and/or regulations promulgated pursuant to the provisions of this chapter;

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

1 (i) Any violation of this chapter or any rule or regulation adopted by the commission;
2 (ii) Willful violation of an order of the commission directed to a licensee or a person
3 required to be registered;
4 (iii) The conviction of a criminal offense, for the purpose of determining whether said
5 conviction substantially relates to the occupation or activity to which the license or registration
6 applies; or
7 (iv) Any other action or conduct which would disqualify a licensee from holding a license
8 pursuant to the provisions of this chapter;
9 (16) Conduct investigations into the qualifications of all applicants for employment by the
10 commission, the cannabis office and all applicants for licensure pursuant to the provisions of this
11 chapter;
12 (17) Receive from the state police, the department of attorney general or other criminal
13 justice agencies, including, but not limited to, the Federal Bureau of Investigation and the Internal
14 Revenue Service, such criminal record information relating to criminal and background
15 investigations as necessary for the purpose of evaluating licensees, applicants for licenses, lab
16 agents, and any other employee or agent of a cannabis establishment, as determined by the
17 commission or otherwise required by law;
18 (18) Be present, through its designated inspectors and agents, at any reasonable time, in
19 cannabis establishments for the purposes of exercising its powers and duties;
20 (19) Inspect cannabis establishments and have access to all equipment and supplies in a
21 cannabis establishment for the purpose of ensuring and enforcing compliance with this chapter,
22 chapter 28.6 of title 21, and all rules and regulations promulgated pursuant to this chapter and
23 chapter 28.6 of title 21;
24 (20) In coordination with the state police, seize and remove from the premises of a cannabis
25 establishment and impound any cannabis, equipment, supplies, documents and records obtained or
26 possessed in violation of this chapter, chapter 28.6 of title 21, or the rules and regulations of the
27 commission;
28 (21) Require that the books and financials or other records or statements of a licensee be
29 kept in a manner that the commission deems proper;
30 (22) For cause, demand access to and inspect all papers, books and records of close
31 associates of a licensee whom the commission reasonably suspects is involved in the financing,
32 operation or management of the licensee; provided, however, that the inspection, examination,
33 photocopying and audit may take place on the affiliate's premises or elsewhere as practicable and
34 in the presence of the affiliate or its agent;

- 1 (23) Impose and collect fees, sanctions and civil penalties, as authorized by this chapter,
2 and for a violation of any rule or regulation promulgated by the commission;
- 3 (24) Establish adjudicatory procedures and conduct adjudicatory proceedings pursuant to
4 the provisions of chapter 35 of title 42 (the "administrative procedures act");
- 5 (25) Refer cases for criminal prosecution to the appropriate federal, state or local
6 authorities;
- 7 (26) Maintain an official Internet website for the commission that, in the discretion of the
8 commission, may be in coordination with the cannabis office;
- 9 (27) Submit any matter to the advisory board for study, review or recommendation;
- 10 (28) Request and/or approve or disapprove recommendations by the cannabis advisory
11 board made pursuant to § 21-28.11-6 to include, but not be limited to, distribution of funds from
12 the social equity assistance fund established pursuant to § 21-28.11-31;
- 13 (29) Monitor any federal activity regarding cannabis;
- 14 (30) Delegate any administrative, procedural or operational matter to the cannabis office;
- 15 (31) Issue temporary emergency orders, directives or instructions, with or without prior
16 notice or hearing, in an instance in which the public health or safety is in substantial or imminent
17 danger as it relates to the activities, conduct or practices of a licensee or as a result of a defective
18 or dangerous product offered for sale by a licensee. If a temporary emergency order, directive or
19 instruction without notice or a hearing is issued by the commission then the order, directive or
20 instruction shall expire after ten (10) days unless a hearing is noticed by the commission within the
21 ten (10) day period, and the hearing is scheduled to be conducted within twenty (20) days of the
22 issuance of the order, directive or instruction;
- 23 (32) Approve transitional regulations pursuant to § 21-28.11-10.1 related to the temporary
24 regulation of cultivation, manufacture and sale of cannabis for retail sale by hybrid cannabis
25 retailers during the transitional period established by § 21-28.11-10.1.
- 26 (33) Provide recommendations to the general assembly regarding any advisable or
27 proposed amendments to chapter 26 of title 2 relative to the regulation of industrial hemp and the
28 use of hemp as a commercial product.
- 29 (b) The commission shall, pursuant to subsection (a) of this section, adopt rules and
30 regulations consistent with this chapter for the administration, clarification and enforcement of
31 provisions regulating and licensing cannabis establishments and the sale, possession and use of
32 cannabis. The rules and regulations shall include, but not be limited to:
- 33 (1) Methods and forms of application which an applicant for a license shall follow and
34 complete before consideration by the commission;

- 1 (2) Requirements for the information to be furnished by an applicant or licensee;
- 2 (3) Criteria for evaluation of the application for a license;
- 3 (4) Qualifications for licensure and minimum standards for employment that are directly
4 and demonstrably related to the operation of a cannabis establishment and similar to qualifications
5 for licensure and employment standards in connection with the manufacture, distribution or sale of
6 alcoholic beverages as regulated under title 3 of the general laws; provided, that a criminal
7 conviction relating solely to the possession of marijuana or cannabis shall not automatically
8 disqualify an individual or otherwise affect eligibility for employment or licensure in connection
9 with a cannabis establishment pursuant to § 21-28.11-12.1;
- 10 (5) Identification of factors to be evaluated in the approval and certification of social equity
11 applicants and establishment of procedures and policies to promote and encourage full participation
12 in the regulated cannabis industry by people from communities that have previously been
13 disproportionately harmed by cannabis prohibition and enforcement;
- 14 (6) Standards for the payment or reporting of licensure fees and taxes;
- 15 (7) Requirements for the information to be furnished by a licensee to the licensee's
16 employees;
- 17 (8) Requirements for fingerprinting or other method of identification of an applicant for a
18 license or a licensee and the employees of licensees;
- 19 (9) Procedures and grounds for the revocation or suspension of a license or registration;
- 20 (10) Minimum uniform standards of accounting procedures;
- 21 (11) Requirements for record keeping by cannabis establishments and procedures to track
22 cannabis cultivated, processed, manufactured, delivered or sold by cannabis establishments;
- 23 (12) Minimum standards for the requirement that all licensees possess and operate an
24 interoperable publicly available application programming interface seed-to-sale tracking system
25 sufficient to ensure the appropriate track and trace of all cannabis cultivated, processed or
26 manufactured pursuant to this chapter;
- 27 (13) Standards to leverage seed-to-sale tracking technology which may allow for the
28 appropriate transfer or acquisition of cannabis seeds, clones, cuttings, plants or plant tissue between
29 medical and nonmedical establishments after notification of the transfer provided to the
30 commission;
- 31 (14) Registration requirements for employees of cannabis establishments;
- 32 (15) Requirements that all cannabis establishment employees be properly trained in the
33 performance of their duties as necessary;
- 34 (16) Minimum security requirements for licensees sufficient to deter and prevent theft and

1 unauthorized entrance into areas containing cannabis, which may include ,but not be limited to, the
2 use of security personnel, security cameras, or alarms;

3 (17) Minimum standards for liability insurance coverage or requirements that a certain
4 monetary sum be placed in escrow to be expended for potential liabilities;

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

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

15 (20) Requirements for the packaging of cannabis and cannabis products that shall, at a
16 minimum:

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

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

21 (iii) Require the separation of each serving within a package containing multiple servings
22 shall be furnished in a manner that allows consumers and cardholders to easily identify a single
23 serving;

24 (iv) Prohibit the use of bright colors, cartoon characters and other features designed to
25 appeal to minors;

26 (v) Ensure that packaging is opaque or plain in design;

27 (vi) Limit each serving size to no greater than five milligrams (5 mg.) of delta-9-
28 tetrahydrocannabinol (Δ 9-THC); and

29 (vii) Prohibit any packaging that imitates or has a semblance to any existing branded
30 consumer products, including foods and beverages that do not contain cannabis;

31 (21) Requirements for the labeling of a package containing cannabis or cannabis products
32 that shall, at a minimum, include:

33 (i) A symbol or other easily recognizable mark issued by the commission that indicates the
34 package contains cannabis or a cannabis product;

- 1 (ii) A symbol or other easily recognizable mark issued by the commission on the package
2 indicating to children that the product is harmful to children;
- 3 (iii) The name and contact information of the cannabis cultivator or the cannabis product
4 manufacturer who produced the cannabis or cannabis product;
- 5 (iv) The results of sampling, testing and analysis conducted by a licensed independent
6 testing laboratory;
- 7 (v) A seal certifying the cannabis meets such testing standards;
- 8 (vi) A unique batch number identifying the production batch associated with
9 manufacturing, processing, and cultivating;
- 10 (vii) A list of ingredients and possible allergens;
- 11 (viii) The amount of delta-9-tetrahydrocannabinol (Δ 9-THC) in the package and in each
12 serving of a cannabis product as expressed in absolute terms and as a percentage of volume;
- 13 (ix) The number of servings in a package if there are multiple servings;
- 14 (x) A use-by date, if applicable; and
- 15 (xi) The following statement, including capitalization: "This product has not been analyzed
16 or approved by the FDA. There is limited information on the side effects of using this product, and
17 there may be associated health risks. Cannabis use during pregnancy and breast-feeding may pose
18 potential harm. It is against the law to drive or operate machinery when under the influence of this
19 product. KEEP THIS PRODUCT AWAY FROM CHILDREN." The commission may alter or
20 amend this statement by regulation after consultation with the department of health in accordance
21 with industry standards;
- 22 (22) Requirements for advertising, marketing and branding of cannabis and cannabis
23 products that shall, at a minimum, include, but shall not be limited to:
- 24 (i) A prohibition on advertising, marketing and branding in such a manner that is deemed
25 to be deceptive, false or misleading;
- 26 (ii) A prohibition on advertising, marketing and branding by means of television, radio,
27 Internet, billboard or print publication unless at least eighty-five percent (85%) of the audience is
28 reasonably expected to be twenty-one (21) years of age or older, as determined by reliable, up-to-
29 date audience composition data;
- 30 (iii) A prohibition on advertising, marketing and branding that utilizes statements, designs,
31 representations, pictures or illustrations that portray or purports to portray anyone less than twenty-
32 one (21) years of age;
- 33 (iv) A prohibition on advertising, marketing and branding, including, but not limited to,
34 mascots, cartoons, brand sponsorships and celebrity endorsements, that is deemed to appeal to a

- 1 person less than twenty-one (21) years of age;
- 2 (v) A prohibition on advertising, marketing and branding, including statements by a
3 licensee, that makes any false or misleading statements concerning other licensees and the conduct
4 and products of such other licensees;
- 5 (vi) A prohibition on advertising, marketing and branding through certain identified
6 promotional items as determined by the commission, including giveaways, coupons or "free" or
7 "donated" cannabis;
- 8 (vii) A prohibition on advertising, marketing and branding by a licensee that asserts its
9 products are safe, other than labeling required pursuant to this chapter;
- 10 (viii) A reasonable prohibition on timing and use of illuminated external signage, which
11 shall comply with all local ordinances and requirements, and a prohibition on neon signage;
- 12 (ix) A prohibition of the use of vehicles equipped with radio or loud speakers for the
13 advertising of cannabis;
- 14 (x) A prohibition on the use of radio or loudspeaker equipment in any cannabis
15 establishment for the purpose of attracting attention to the sale of cannabis;
- 16 (xi) An allowance that a licensee may sponsor a charitable, sporting or similar event, but a
17 prohibition of advertising, marketing and branding at, or in connection with, such an event unless
18 at least eight-five percent (85%) of the audience is reasonably expected to be twenty-one (21) years
19 of age or older, as determined by reliable, up-to-date audience composition data;
- 20 (xii) A requirement that the website of a cannabis establishment shall verify that the entrant
21 is at least twenty-one (21) years of age;
- 22 (xiii) A prohibition on the use of unsolicited pop-up advertisements on the Internet; and
- 23 (xiv) A requirement that all advertising, marketing or branding materials for cannabis and
24 cannabis products contain a standard health warning developed by the department of health;
- 25 (23) Requirements for the safe disposal of excess, contaminated, adulterated or deteriorated
26 cannabis, which shall consider policies which promote the recycling of such waste, including, but
27 not limited to, recycled industrial products;
- 28 (24) Procedures and requirements to enable the transfer of a license for a cannabis
29 establishment to another qualified person or to another suitable location in compliance with the
30 provisions of § 21-28.11-10.2 following notification and approval by the commission; provided
31 however, that a license issued to a social equity applicant shall only be transferred to another
32 qualified social equity applicant, and a license issued to a workers' cooperative applicant shall only
33 be transferred to another qualified workers' cooperative applicant.
- 34 (25) Requirements to establish a process allowing the commission to order a prohibition

1 on the sale of a cannabis product found especially appealing to persons under twenty-one (21) years
2 of age;

3 (26) Requirements to establish a process allowing a cannabis product manufacturer to
4 voluntarily submit a product, its packaging and intended marketing to the commission for
5 preliminary determination whether the product is especially appealing to persons under twenty-one
6 (21) years of age;

7 (27) Requirements that prohibit cannabis product manufacturers from altering or utilizing
8 commercially-manufactured food products when manufacturing cannabis products unless the food
9 product was commercially manufactured specifically for use by the cannabis product manufacturer
10 to infuse with cannabis; provided, however, that a commercially-manufactured food product may
11 be used as an ingredient in a cannabis product if: (i) It is used in a way that renders it unrecognizable
12 as the commercial food product in the cannabis product; and (ii) There is no statement or
13 advertisement indicating that the cannabis product contains the commercially-manufactured food
14 product;

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

17 (29) Limits for cannabis product serving sizes, doses, and potency, including, but not
18 limited to, regulations which provide requirements for reasonable tetrahydrocannabinol (THC)
19 potency limits for each type of cannabis product sold by a licensee and reasonable potency or dosing
20 limits for cannabis concentrates and edible products, that shall apply for adult use cannabis only.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (iii) Require any cannabis processor that manufactures edibles of cannabis infused food
20 products to comply with all applicable requirements and regulations issued by the department of
21 health’s office of food safety; and

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

23 (32) Standards for manufacturing or extracting cannabinoid oils or butane hash oil; and

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

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

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

33 (36) Requirements that patients with out-of-state medical marijuana cards must also
34 possess and produce a valid government issued identification demonstrating residency in the same

1 state jurisdiction that issued the medical marijuana card.

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

3 (1) Prohibit the operation of a cannabis establishment either expressly or through
4 regulations that make operation of a cannabis establishment unreasonable and impracticable;

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

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

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

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

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

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

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

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

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

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

34 (i) Licenses that authorize limited or restricted cultivation, processing, manufacture,

1 possession or storage of cannabis or cannabis products, limited delivery of cannabis or cannabis
2 products to consumers;

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

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

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

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

12 (f) The commission shall investigate, in conjunction with the department of health, the
13 effects of cannabis and cannabis products with a high potency of tetrahydrocannabinol on the
14 human body and recommend whether there should be additional restrictions on the potency of
15 tetrahydrocannabinol in cannabis and cannabis products.

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

17 (h) The commission shall cause to be deposited all fees collected and monetary penalties
18 collected pursuant to this chapter in the social equity assistance fund established pursuant to § 21-
19 28.11-31, except for medical compassion center license fees pursuant to § 21-28.6-12.

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

23 **21-28.11-6. Cannabis advisory board.**

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

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

32 (1) The board shall consist of the following non-voting members: the secretary of
33 commerce or designee, the director of the department of labor and training or designee, the director
34 of the department of health or designee, the commissioner of education or designee, the

1 superintendent of public safety or designee, the director of the department of business regulation
2 or designee, the secretary of Executive Office of Health and Human Services (EOHHS) or
3 designee, and a representative from the University of Rhode Island College of Pharmacy selected
4 by the Commission.

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

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

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

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

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

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

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

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

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

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

5 (5) Report the findings, analysis, recommendations and conclusions adopted and approved
6 by the board to the commission within thirty (30) days of adoption and approval.

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

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

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

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

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

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

23 **21-28.11-7. Licensed cannabis cultivators.**

24 (a) Except as provided pursuant to the provisions of subsection (b) of this section or § 21-
25 28.11-8, there shall be a moratorium on the issuance of new cannabis cultivator licenses for two (2)
26 years following the final issuance of the commission's rules and regulations pursuant to the
27 provisions of this chapter. This moratorium shall not apply to cannabis cultivators licensed pursuant
28 to chapter 28.6 of title 21 on or before enactment of this chapter.

29 (b) On August 1, 2022, and thereafter, any medical marijuana cultivator licensed or
30 approved pursuant to the provisions of § 21-28.6-16, upon payment of an annual license fee in an
31 amount to be determined by the commission and promulgated by rules and regulations, the fee to
32 be deposited in the social equity fund, shall be permitted to cultivate cannabis for both adult use
33 and medical use. Sale of the cultivated cannabis shall me made directly to a licensee pursuant to
34 the provisions of this chapter and chapter 28.6 of title 21, subject to the following conditions:

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

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

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

10 (1) Cultivation and production history;

11 (2) Tax payment history;

12 (3) Existing inventory and inventory history;

13 (4) Sales contracts;

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (h) Every cannabis plant possessed by a licensed cannabis cultivator shall be catalogued in
17 a seed-to-sale inventory tracking system. The commission shall review the current seed-to-sale
18 tracking system utilized pursuant to chapter 28.6 of title 21 and shall promulgate new or additional
19 regulations as it deems appropriate.

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

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

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

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

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

34 (1) A licensed cannabis cultivator shall notify and request approval from the commission

1 of any change in his or her name or address within ten (10) days of the change. A licensed cannabis
2 cultivator who fails to notify the commission of any of these changes is responsible for a civil
3 infraction, punishable by a fine of no more than one hundred fifty dollars (\$150), or other penalty
4 as determined by the commission.

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

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

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

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

22 (n) Immunity.

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

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

1 title 21 and rules and regulations promulgated by the commission.

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

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

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

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

21 (r) License required. No person or entity shall engage in activities described in this section
22 without a cultivator license issued by the commission pursuant to this chapter or by department of
23 business regulation pursuant to chapter 28.6 of title 21.

24 **21-28.11-8. Moratorium report.**

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

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

34 **21-28.11-9. Cannabis product manufacturer or wholesaler.**

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

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

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

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

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

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

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

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

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

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

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

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

34 (g) No cannabis or cannabis product shall be sold or otherwise marketed pursuant to this

1 chapter that has not first been tested by an independent testing laboratory and determined to meet
2 the commission's testing protocols issued pursuant to § 21-28.11-11.

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

4 (1) A licensed cannabis product manufacturer shall notify and request approval from the
5 commission of any change in his or her name or address within ten (10) days of the change. A
6 licensed cannabis product manufacturer who fails to notify the commission of any of these changes
7 is responsible for a civil infraction, punishable by a fine of no more than one hundred fifty dollars
8 (\$150) or other penalty as determined by the commission.

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

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

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

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

24 (i) Immunity.

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

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

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

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

13 **21-28.11-10. Hybrid cannabis retailers.**

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

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

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

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

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

34 (c) Following the final issuance of the commission's rules and regulations, hybrid cannabis

1 retailers shall be subject to the commission's rules and regulations for all sales authorization and
2 renewals to include, but not limited to, any licensing requirements.

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

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

20 (f) Upon enactment of this chapter, notwithstanding any other general law, rule or
21 regulation, no hybrid cannabis retailer shall be authorized to sell medical marijuana to any patient
22 with an out-of-state medical marijuana card who fails to possess and produce a valid government
23 issued identification demonstrating residency in the same state that issued the medical marijuana
24 card.

25 **21-28.11-10.1. Transitional period rules and regulations and transfer of authority.**

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

31 (b) The office of cannabis regulation shall draft proposed transitional period regulations by
32 September 1, 2022. These proposed transitional period regulations shall be submitted to the
33 commission and posted on the website of the office of cannabis regulation. During the period of
34 September 2 through September 13, 2022, the commission shall accept and consider written public

1 comment on the proposed regulations. The transitional period regulations shall be effective upon
2 approval by the commission. The administrative procedures act, chapter 35 of title 42, shall not
3 apply to the adoption or amendment of transitional period regulations pursuant to this section.

4 (c) The adopted transitional period regulations may be amended by the commission up
5 until the final issuance of the commission's regulations pursuant to the provisions of this chapter.

6 (d) The transitional period regulations shall terminate and be void upon final issuance of
7 the commission's rules and regulations.

8 (e) In no case shall the transitional period regulations be in effect beyond October 1, 2023.

9 (f) Six (6) months following the final issuance of the commission's rules and regulations,
10 the following shall occur:

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

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

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

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

22 (ii) Powers delegated to the department by the commission pursuant to rules and
23 regulations.

24 (4) There shall be established within the department of business regulation a "cannabis
25 office" with the powers, duties and responsibilities authorized pursuant to § 21-28.11-18.1.

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

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

31 **21-28.11-10.2. Cannabis retail sales.**

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

1 (1) The retail licenses shall be issued pursuant to geographic zones as specified in § 21-
2 28.11-10.3.

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

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

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

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

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

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

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

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

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

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

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

22 (7) Prior to issuance of any license and for any period of renewal, the applicant shall pay
23 an annual fee of thirty thousand dollars (\$30,000) to be deposited in the social equity fund.

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

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

33 (g) Testing. No cannabis or cannabis product shall be sold or otherwise marketed pursuant
34 to this chapter that has not first been tested by an independent testing laboratory and determined to

1 meet the commission's testing protocols issued pursuant to § 21-28.11-11

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

4 (1) A licensed cannabis retailer shall notify and request approval from the commission of
5 any change in his or her name or address within ten (10) days of the change. A licensed cannabis
6 retailer who fails to notify the commission of any of these changes is responsible for a civil
7 infraction, punishable by a fine of no more than one hundred fifty dollars (\$150) or other penalty
8 as determined by the commission;

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

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

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

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

25 (i) Immunity.

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

32 (2) No principal officers, board members, agents, volunteers, or employees of a licensed
33 cannabis retailer shall be subject to arrest; prosecution; search or seizure, except as authorized
34 pursuant to §§ 21-28.11-20 and 21-28.11-27 and by subsection (f) of this section; or penalty in any

1 manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary
2 action by a business, occupational, or professional licensing board or entity, solely for working for
3 or with a licensed cannabis retailer to engage in acts permitted by this chapter and rules and
4 regulations promulgated by the commission.

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

12 **21-28.11-10.3. Geographic zones.**

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

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

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

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

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

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

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

28 **21-28.11-10.4. Medical marijuana program parity.**

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

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

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

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

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

10 **21-28.11-11. Independent testing laboratories -- Licensure and oversight.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (1) A laboratory agent shall be registered with the commission prior to volunteering or
29 working at an independent testing laboratory;

30 (2) An independent testing laboratory shall apply to the commission for a registration
31 document for each affiliated laboratory agent by submitting, at a minimum, the name, address, and
32 date of birth of the laboratory agent.

33 (3) A laboratory agent shall undergo a criminal background check pursuant to § 21-28.11-
34 12.1 and on terms established by the commission, prior to volunteering or working at an

1 independent testing laboratory. Laboratory agents shall also have a continuing duty to notify the
2 commission of any criminal conviction(s) that occur after the issuance of a registration document.
3 A criminal conviction shall not automatically result in suspension or revocation of registration, but
4 shall be subject to § 21-28.11-12.1;

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

8 (e) An independent testing laboratory and all agents and employees shall comply with all
9 rules adopted by the commission and all applicable laws.

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

15 (g) Persons issued independent testing laboratory licenses shall be subject to the following:

16 (1) A licensed independent testing laboratory shall notify and request approval from the
17 commission of any change in his or her name or address within ten (10) days of the change. A
18 licensed independent testing laboratory who fails to notify the commission of any of these changes
19 is responsible for a civil infraction, punishable by a fine of no more than one hundred fifty dollars
20 (\$150) or other penalty as determined by the commission.

21 (2) When a licensed independent testing laboratory notifies the commission of any changes
22 listed in this subsection (g), the commission shall issue the licensed independent testing laboratory
23 a new registry identification document after the department approves the changes and receives from
24 the licensee payment of a fee specified in regulation.

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

29 (4) A licensed independent testing laboratory has a continuing duty to notify the
30 commission of any criminal conviction(s) of a laboratory licensee or agent that occur after the
31 issuance of a license or registration. A criminal conviction relating solely to a cannabis offense
32 shall not automatically result in suspension or revocation of a license, but shall be subject to § 21-
33 28.11-12.1;

34 (5) If a licensed independent testing laboratory violates any provision of this chapter or

1 regulations promulgated hereunder as determined by the commission, his or her issued license may
2 be suspended and/or revoked.

3 (h) Immunity.

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

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

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

25 **21-28.11-12. Licenses for handlers and employees.**

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

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

1 **21-28.11-12.1. Criminal record information -- Permitted use.**

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

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

25 (c) "Conviction" as used throughout this chapter shall have the same meaning as set forth
26 in § 21-28.6-6(g)(7).

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

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

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

1 provision.

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

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

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

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

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

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

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

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

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

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

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

34 (6) All other competent evidence of rehabilitation and present fitness presented, including,

1 but not limited to, letters of reference by persons who have been in contact with the applicant since
2 the applicant's release from any state or federal correctional institution.

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

5 (1) Juvenile adjudications;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (m) Notwithstanding any general or special law to the contrary, except as otherwise
34 provided in this chapter, any prior conviction for a crime that has been decriminalized, or is eligible

1 for expungement pursuant to the provisions of this chapter cannot serve as grounds, either solely
2 or in part, for denial, suspension or revocation of a license or registration pursuant to this chapter.

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

5 **21-28.11-12.2. Labor peace agreement -- Requirements.**

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

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

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

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

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

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

26 (e) Nothing in this act should be construed to limit the National Labor Relations Act, Labor
27 Management Relations Act, the Railway Labor Act, or other conflicting federal law

28 **21-28.11-13. Taxes.**

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

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

32 (2) A state cannabis excise tax equal to ten percent (10%) of each retail sale as defined in
33 § 44-18-8; and

34 (3) A local cannabis excise tax equal to three percent (3%) of each retail sale as defined in

1 [§ 44-18-8.](#)

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

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

13 [\(d\) Subject to appropriation by the general assembly, revenue collected as sales tax and the](#)
14 [state cannabis excise tax will be used to fund programs and activities related to program](#)
15 [administration; revenue collection and enforcement; substance use disorder prevention for adults](#)
16 [and youth; education and public awareness campaigns; treatment and recovery support services;](#)
17 [public health monitoring, research, data collection, and surveillance; law enforcement training and](#)
18 [technology improvements, including grants to local law enforcement; and such other related uses](#)
19 [that may be deemed necessary.](#)

20 **21-28.11-14. Municipal fees.**

21 [No fee, tax charge or expense shall be assessed or collected by a municipality from an](#)
22 [individual licensed pursuant to the provisions of this chapter except for local cannabis excise tax](#)
23 [pursuant to § 21-28.11-13 and any other fee, tax, charge or expense generally assessed or collected](#)
24 [from residents or businesses located in the municipality.](#)

25 **21-28.11-15. Municipal authority.**

26 [\(a\) Any city or town may by resolution of the city or town council, cause to be printed on](#)
27 [the ballot in an election held on or before November 8, 2022, the following question: "Shall](#)
28 [cannabis licenses for businesses involved in the cultivation, manufacture, laboratory testing and for](#)
29 [the retail sale of adult recreational use cannabis be issued in the city \(or town\)?"](#)

30 [\(b\) Upon the adoption of a resolution by the city or town council pursuant to the provisions](#)
31 [of subsection \(a\) of this section, the commission shall not issue any cannabis related license](#)
32 [pursuant to the provisions of this chapter unless and until the electors of the city or town vote to](#)
33 [approve the issuance of cannabis related licenses within the city or town.](#)

34 [\(c\) If a majority of ballots cast on which the electors indicated their choice is against](#)

1 granting the license, then no license pursuant to this chapter shall be issued by the commission
2 relating to the sale of recreational cannabis within the city or town. Any city or town that by
3 referendum declines to allow the issuance licenses relating to the sale of recreational marijuana will
4 not be eligible to receive revenue pursuant to § 21-28.11-13.

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

7 **21-28.11-16. Local control.**

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

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

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

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

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

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

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

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

32 **21-28.11-17. No right to license.**

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

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

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

8 **21-28.11-17.1 General conditions for licenses.**

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

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

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

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

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

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

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

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

34 (5) As a condition of licensing, cannabis establishments shall consent and be subject to

1 inspection by the commission for the purposes of ensuring and enforcing compliance with this
2 chapter and all rules and regulations promulgated pursuant to this chapter, to include, but not be
3 limited to, the provisions of chapter 5 of title 28 (the "fair employment practices act"), chapter 28
4 of title 21 (the "the uniform controlled substances act") and title 44 ("taxation"); and

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

11 (c) In addition to requirements established by regulation or by a city or town pursuant to
12 this chapter, a cannabis establishment shall:

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

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

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

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

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

30 (g) No cannabis establishment shall allow any person under twenty-one (21) years of age
31 to volunteer or work for the cannabis establishment.

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

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

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

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

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

11 **21-28.11-18. Enforcement.**

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

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

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

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

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

27 (v) Any combination of the above penalties.

28 (2) If the commission finds that public health, safety, or welfare imperatively requires
29 emergency action, and incorporates a finding to that effect in its order, summary suspension of
30 license or registration and/or cease and desist may be ordered pending proceedings for revocation
31 or other action. These proceedings shall be promptly instituted and determined.

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

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

7 (d) All marijuana products that are held within the borders of this state in violation of the
8 provisions of chapters 28.6 or 28.11 of title 21 or the regulations promulgated thereunder are
9 declared to be contraband goods and may be seized by the commission, the tax administrator or his
10 or her agents, or employees, or by any sheriff, or his or her deputy, or any police or other law
11 enforcement officer when requested by the tax administrator or cannabis control commission to do
12 so, without a warrant. All contraband goods seized by the state under this chapter may be destroyed.

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

19 **21-28.11-18.1. Cannabis office.**

20 (a) There is hereby established within the department of business regulation the "cannabis
21 office".

22 (b) Upon final issuance of the commission's rules and regulations whenever in the general
23 laws, rules or regulations the term "office of cannabis regulation" appears, the term shall mean the
24 "cannabis office" established pursuant to the provisions of subsection (a) of this section and the
25 provisions of § 21-28.11-18.1.

26 (c) The governor shall appoint a deputy director of the department to serve as administrator
27 of the cannabis office.

28 (d) The deputy director consistent with the provisions of this chapter and in furtherance of
29 coordinating the oversight and administration of cannabis use shall have the following powers,
30 duties and responsibilities:

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

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

1 powers, and duties:

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

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

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

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

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

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

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

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

20 (11) Issue guidance and industry advisories;

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

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

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

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

33 (e) Subject to appropriation by the general assembly, the administrator of the cannabis
34 office is authorized to retain and employ employees of the office of cannabis regulation as

1 employees in the cannabis office. Any proposed new hires or additional staff or employees to be
2 employed by the cannabis office shall be approved by the commission and are subject to
3 appropriation by the general assembly.

4 **21-28.11-19. Multiple licenses restricted.**

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

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

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

14 (d) Nothing in this chapter shall be construed to prohibit one person from investing in
15 multiple licensed entities under this chapter.

16 **21-28.11-20. Inspections, audits and investigations.**

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

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

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

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

34 **21-28.11-21. Expiration and renewal.**

1 (a) All licenses under this chapter shall be effective for one year from the date of issuance.

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

6 **21-28.11-22. Personal use of cannabis.**

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

11 (1) Possessing, using, purchasing from a licensed cannabis retailer, or processing one ounce
12 (1 oz.) or less of cannabis, except that not more than five grams (5 gr.) of cannabis may be in the
13 form of cannabis concentrate;

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

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

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

24 (5) Giving away or otherwise transferring without remuneration up to one ounce (1 oz.) of
25 cannabis, except that not more than five grams (5 gr.) of cannabis may be in the form of cannabis
26 concentrate, to a person twenty-one (21) years of age or older, as long as the transfer is not
27 advertised or promoted to the public.

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

34 (c) Absent clear and convincing evidence that the person's actions related to cannabis have

1 created an unreasonable danger to the safety of a minor child, neither the presence of cannabinoid
2 components or metabolites in a person's bodily fluids nor conduct permitted under this chapter
3 related to the possession, consumption, transfer, cultivation, manufacture or sale of cannabis,
4 cannabis products or cannabis accessories by a person charged with the well-being of a child shall
5 form the sole or primary basis for substantiation, service plans, removal or termination or for denial
6 of custody, visitation or any other parental right or responsibility.

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

9 (e) Nothing contained within this chapter or chapter 28.6 shall be construed as authorizing
10 the smoking or vaporizing of cannabis in any public place. The smoking of cannabis is prohibited
11 in any public place that prohibits the smoking or vaporizing of tobacco products.

12 **21-28.11-23. Cannabis accessories authorized.**

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

19 **21-28.11-24. Lawful operation of cannabis establishments.**

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

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

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

34 (3) A cannabis product manufacturer or an owner, operator, employee or other agent acting

1 on behalf of a cannabis product manufacturer packaging, processing, manufacturing, storing,
2 testing or possessing cannabis or cannabis products, or delivering, selling or otherwise transferring
3 and purchasing cannabis or cannabis products to or from a cannabis establishment; or

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

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

18 **21-28.11-25. Contracts pertaining to cannabis enforceable.**

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

25 **21-28.11-26. Provision of professional services.**

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

30 **21-28.11-27. Penalties.**

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

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

4 (c) Except as otherwise provided in this chapter, any person licensed pursuant to this
5 chapter or acting as an agent for an entity licensed pursuant to this chapter who willfully:

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

10 (2) Possesses cannabis in excess of sixteen ounces (16 oz.) in violation of the provisions
11 of this chapter or the rules and regulations of the commission; or

12 (3) Knowingly transfers cannabis to a minor in violation of the provisions of this chapter
13 and chapter 28.6 of title 21 shall be guilty of a felony and upon conviction may be imprisoned for
14 not more than five (5) years and fined not more than ten thousand dollars (\$10,000) or both, and
15 shall forfeit any license issued pursuant to this chapter.

16 **21-28.11-27.1. No minors on the premises of marijuana establishments.**

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

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

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

25 **21-28.11-27.2. Drug awareness program.**

26 The department of behavioral healthcare, development disabilities and hospitals (BHDDH)
27 shall develop substance abuse prevention programs and student assistance programs for youth
28 pursuant to chapter 21.1 and 21.3 of title 16, and in accordance with the criteria set forth in §§ 16-
29 21.2-4(a) and 16-21.3-2(a). The drug awareness program shall provide at least four (4) hours of
30 classroom instruction or group discussion and ten (10) hours of community service.

31 **21-28.11-28. Liability to state under this chapter as debt.**

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

1 encumbrance recorded, registered or filed with respect to any site.

2 **21-28.11-29. Prohibited activities.**

3 (a) This chapter shall not permit:

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

6 (2) The smoking or vaporizing of cannabis:

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

8 (ii) On any school grounds;

9 (iii) In any correctional facility;

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

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

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

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

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

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

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

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

28 (d) Nothing contained in this chapter shall be construed to require employers to
29 accommodate the use or possession of cannabis, or being under the influence of cannabis, in any
30 workplace. Employers may implement drug use policies which prohibit the use or possession of
31 cannabis in the workplace or working under the influence of cannabis, provided that unless such
32 use is prohibited pursuant to the terms of a collective bargaining agreement, an employer shall not
33 fire or take disciplinary action against an employee solely for an employee's private, lawful use of
34 cannabis outside the workplace and as long as the employee has not and is not working under the

1 influence of cannabis except to the extent that:

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

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

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

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

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

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

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

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

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

33 (g) Except as provided in this section, the provisions of this chapter do not require any
34 person, corporation, or any other entity that occupies, owns, or controls a property to allow the

1 consumption, or transfer of marijuana on or in that property.

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

7 **21-28.11-30. Employer's duties.**

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

11 **21-28.11-31. Social equity assistance program and fund.**

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

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

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

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

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

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

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

34 (8) Therefore, in the interest of mitigating the harms resulting from the enforcement of

1 cannabis-related laws, the general assembly finds and declares that a social equity program should
2 offer, among other things, business assistance and license application benefits to individuals most
3 directly and adversely impacted by the enforcement of cannabis-related laws who are interested in
4 establishing or participating in a cannabis business entity.

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

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

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

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

18 (c) The social equity assistance fund shall be subject to appropriation. The fund shall
19 consist of all monies received on account of the state as a result of application for, and licensing of,
20 individuals and entities pursuant to the provisions of this chapter, exclusive of licensing fees paid
21 pursuant to the provisions of chapter 28.6 of title 21. Additionally, except as otherwise provided,
22 the fund shall consist of all civil penalties received for violations of this chapter and interest earned
23 on balances in the fund.

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

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

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

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

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

3 (f) Fee Waivers.

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

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

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

18 (h) Reporting.

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

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

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

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

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

1 **21-28.11-32. Severability.**

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

6 SECTION 2. Sections 44-49-1, 44-49-2, 44-49-4, 44-49-5, 44-49-7, 44-49-8, 44-49-9, 44-
7 49-9.1, 44-49-10, 44-49-11 and 44-49-12 of the General Laws in Chapter 44-49 entitled "Taxation
8 of Marijuana and Controlled Substances" are hereby amended to read as follows:

9 **44-49-1. Short title.**

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

11 **44-49-2. Definitions.**

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

15 (b) "Dealer" means a person who in violation of Rhode Island law manufactures, produces,
16 ships, transports, or imports into Rhode Island or in any manner acquires or possesses ~~more than~~
17 ~~forty two and one half (42.5) grams of marijuana, or~~ seven (7) or more grams of any controlled
18 substance, or ten (10) or more dosage units of any controlled substance which is not sold by weight.
19 A quantity of ~~marijuana or~~ a controlled substance is measured by the weight of the substance
20 whether pure or impure or dilute, or by dosage units when the substance is not sold by weight, in
21 the dealer's possession. A quantity of a controlled substance is dilute if it consists of a detectable
22 quantity of pure controlled substance and any excipients or fillers.

23 ~~(c) "Marijuana" means any marijuana, whether real or counterfeit, as defined in § 21-28-~~
24 ~~1.02(30), that is held, possessed, transported, transferred, sold, or offered to be sold in violation of~~
25 ~~Rhode Island laws.~~

26 **44-49-4. Rules.**

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

31 **44-49-5. Tax payment required for possession.**

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

1 **44-49-7. Pharmaceuticals.**

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

4 **44-49-8. Measurement.**

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

10 **44-49-9. Tax rate.**

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

13 ~~(1) On each gram of marijuana, or each portion of a gram, three dollars and fifty cents~~
14 ~~(\$3.50); and~~

15 ~~(2)~~(1) On each gram of controlled substance, or portion of a gram, two hundred dollars
16 (\$200); or

17 ~~(3)~~(2) On each ten (10) dosage units of a controlled substance that is not sold by weight,
18 or portion of the dosage units, four hundred dollars (\$400).

19 **44-49-9.1. Imposition of tax, interest and liens.**

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

25 (b) The tax administrator shall assess the dealer for any tax due at the rate provided by §
26 44-49-9. The tax shall be payable within fifteen (15) days after its assessment and, if not paid when
27 due, shall bear interest from the date of its assessment at the rate provided in § 44-1-7 until paid.

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

33 **44-49-10. Penalties -- Criminal provisions.**

34 (a) **Penalties.** Any dealer violating this chapter is subject to a penalty of one hundred

1 percent (100%) of the tax in addition to the tax imposed by § 44-49-9. The penalty will be collected
2 as part of the tax.

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

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

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

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

15 **44-49-12. Payment due.**

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

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

23 SECTION 3. Title 44 of the General Laws entitled "TAXATION" is hereby amended by
24 adding thereto the following chapter:

25 CHAPTER 70

26 CANNABIS TAX

27 **44-70-1. Definitions.**

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

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

32 (2) "Cannabis control commission" means the entity established as set forth in chapter
33 28.11 of title 21.

34 (3) "Cannabis," "Marijuana establishment," "Marijuana paraphernalia," "Marijuana

1 products" and "Marijuana retailer", shall have the same meaning as defined in chapter 28.11 of title
2 21.

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

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

5 **44-70-2. State cannabis excise tax -- Rate -- Payment.**

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

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

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

24 **44-70-3. Local cannabis excise tax.**

25 (a) Except for a sale in compliance with the provisions of chapter 28.6 of title 21, a city or
26 town shall impose a local cannabis excise tax upon sale or transfer of cannabis or cannabis products
27 by a cannabis retailer operating within the city or town to anyone other than a cannabis
28 establishment at a rate of three percent (3%) of the total sales price received by the cannabis retailer
29 as consideration for the sale of cannabis or cannabis products.

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

1 [law in the same manner as other debts.](#)

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

7 **44-70-4. Exemptions.**

8 [The state cannabis excise tax and the local cannabis excise tax provided by this chapter](#)
9 [shall not apply to the sale of cannabis or cannabis products by a medical marijuana treatment center](#)
10 [as defined in § 21-28.11-3 to a registered primary caregiver to a qualifying patient as defined in §](#)
11 [21-28.6-3, cardholder, compassion center cardholder, or authorized purchaser pursuant to chapter](#)
12 [28.6 of title 21.](#)

13 **44-70-5. Application of tax revenue.**

14 [The administrator shall deposit revenue collected pursuant to this chapter from the state](#)
15 [cannabis excise tax and the sales tax into the general fund.](#)

16 **44-70-6. Rates of taxation.**

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

20 SECTION 4. Sections 21-28.6-6, 21-28.6-12 and 21-28.6-17 of the General Laws in
21 Chapter 21-28.6 entitled "The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act"
22 are hereby amended to read as follows:

23 **21-28.6-6. Administration of departments of health and business regulation**
24 **regulations.**

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

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

29 (2) Application fee, as applicable;

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

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

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

34 (6) Name, address, and date of birth of one primary caregiver of the qualifying patient and

1 any authorized purchasers for the qualifying patient, if any primary caregiver or authorized
2 purchaser is chosen by the patient or allowed in accordance with regulations promulgated by the
3 departments of health or business regulation.

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

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

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

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

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

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

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

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

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

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

1 for expedited application processing.

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

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

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

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

1 cardholder or an authorized purchaser cardholder to apply for a national criminal records check
2 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, or
7 other institutions may implement to mitigate the potential for federal intervention or enforcement.
8 This provision shall not be construed to prohibit the overall implementation and administration of
9 this chapter on account of the federal classification of marijuana as a schedule I substance or any
10 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; assault
16 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 conviction
27 entered by a court subsequent to a finding of guilty or a plea of guilty, those instances where the
28 defendant has entered a plea of nolo contendere and has received a sentence of probation and those
29 instances where a defendant has entered into a deferred sentence agreement with the attorney
30 general.

31 (8) 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.

34 (h)(1) On or before December 31, 2016, the department of health shall issue registry

1 identification cards within five (5) business days of approving an application or renewal that shall
2 expire two (2) years after the date of issuance.

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

6 (3) Registry identification cards shall contain:

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

8 (ii) A random registry identification number;

9 (iii) A photograph; and

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

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

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

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

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

27 (4) When a qualifying patient cardholder or primary caregiver cardholder notifies the
28 department of health or department of business regulation, as applicable, of any changes listed in
29 this subsection, the department of health or department of business regulation, as applicable, shall
30 issue the qualifying patient cardholder and each primary caregiver cardholder a new registry
31 identification card within ten (10) days of receiving the updated information and a ten-dollar
32 (\$10.00) fee.

33 (5) When a qualifying patient cardholder changes his or her primary caregiver or authorized
34 purchaser, the department of health or department of business regulation, as applicable, shall notify

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

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

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

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

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

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

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

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

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

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

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

32 (1) The number of applications for registration as a qualifying patient, primary caregiver,
33 or authorized purchaser that have been made to the department of health and the department of
34 business regulation during the preceding quarter, the number of qualifying patients, primary

1 caregivers, and authorized purchasers approved, the nature of the debilitating medical conditions
2 of the qualifying patients, the number of registrations revoked, and the number and specializations,
3 if any, of practitioners providing written certification for qualifying patients.

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

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

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

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

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

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

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

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

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

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

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

34 (4) The total revenue collections of any monies related to its regulator activities for the

1 prior fiscal year, by the relevant category of collection, including enumerating specifically the total
2 amount of revenues foregone or fees paid at reduced rates pursuant to this chapter.

3 **21-28.6-12. Compassion centers.**

4 (a) A compassion center licensed under this section may acquire, possess, cultivate,
5 manufacture, deliver, transfer, transport, supply, or dispense medical marijuana, or related supplies
6 and educational materials, to registered qualifying patients and their registered primary caregivers
7 or authorized purchasers, or out-of-state patient cardholders or other marijuana establishment
8 licensees. Except as specifically provided to the contrary, all provisions of this chapter (the Edward
9 O. Hawkins and Thomas C. Slater medical marijuana act), apply to a compassion center unless the
10 provision(s) conflict with a provision contained in this section.

11 (b) License of compassion centers -- authority of the departments of health and business
12 regulation:

13 (1) Not later than ninety (90) days after the effective date of this chapter, the department
14 of health shall promulgate regulations governing the manner in which it shall consider applications
15 for licenses for compassion centers, including regulations governing:

16 (i) The form and content of license and renewal applications;

17 (ii) Minimum oversight requirements for compassion centers;

18 (iii) Minimum record-keeping requirements for compassion centers;

19 (iv) Minimum security requirements for compassion centers; and

20 (v) Procedures for suspending, revoking, or terminating the license of compassion centers
21 that violate the provisions of this section or the regulations promulgated pursuant to this subsection.

22 (2) Within ninety (90) days of the effective date of this chapter, the department of health
23 shall begin accepting applications for the operation of a single compassion center.

24 (3) Within one hundred fifty (150) days of the effective date of this chapter, the department
25 of health shall provide for at least one public hearing on the granting of an application to a single
26 compassion center.

27 (4) Within one hundred ninety (190) days of the effective date of this chapter, the
28 department of health shall grant a single license to a single compassion center, providing at least
29 one applicant has applied who meets the requirements of this chapter.

30 (5) If at any time after fifteen (15) months after the effective date of this chapter, there is
31 no operational compassion center in Rhode Island, the department of health shall accept
32 applications, provide for input from the public, and issue a license for a compassion center if a
33 qualified applicant exists.

34 (6) Within two (2) years of the effective date of this chapter, the department of health shall

1 begin accepting applications to provide licenses for two (2) additional compassion centers. The
2 department shall solicit input from the public, and issue licenses if qualified applicants exist.

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

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

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

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

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

34 (c) Compassion center and agent applications and license:

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

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

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

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

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

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

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

20 (vii) Proposed procedures to ensure accurate record keeping.

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

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

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

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

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

1 in the state;

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

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

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

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

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

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

14 (4) A compassion center approved by the department of health on or before December 31,
15 2016, shall submit the following to the department before it may begin operations:

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

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

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

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

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

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

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

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

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

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

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

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

4 (A) A fee paid to the department in the amount of five hundred thousand dollars
5 (\$500,000);

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

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

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

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

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

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

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

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

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

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

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

14 (i) All registry identification card applicants 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 bureau
17 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 rules
19 promulgated by the department of health and the department of business regulation, the department
20 of public safety division of state police, the attorney general's office, or local law enforcement shall
21 inform the applicant, in writing, of the nature of the felony and the department of public safety
22 division of state police shall notify the department of health or the department of business
23 regulation, in writing, without disclosing the nature of the felony, that a felony drug offense
24 conviction or a plea of nolo contendere for a felony drug offense with probation has been found.

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

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

33 (8) A registry identification card of a principal officer, board member, agent, volunteer,
34 employee, or any other designation required by the department of business regulation shall expire

1 one year after its issuance, or upon the expiration of the licensed organization's license, or upon the
2 termination of the principal officer, board member, agent, volunteer, or employee's relationship
3 with the compassion center, whichever occurs first.

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

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

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

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

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

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

28 (d) Expiration or termination of compassion center:

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

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

1 conditions are all satisfied:

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

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

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

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

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

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

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

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

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

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

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

25 (iii) Is in violation of other departmental regulations;

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

28 (v) If any compassion center owner, member, officer, director, manager, investor, agent,
29 or key person as defined in regulations promulgated by the department of business regulation, has
30 any interest, direct or indirect, in another compassion center or another licensed cultivator, except
31 as permitted in subsection (b)(10) of this section [or pursuant to § 21-28.11-19](#). Prohibited interests
32 shall also include interests arising pursuant to the use of shared management companies,
33 management agreements, or other agreements that afford third-party management or operational
34 control, or other familial or business relationships between compassion center or cultivator owners,

1 members, officers, directors, managers, investors, agents, or key persons that effect dual license
2 interests as determined by the department of business regulation.

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

8 (f) Compassion center requirements:

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

14 (i) Minimum security and surveillance requirements;

15 (ii) Minimum requirements for workplace safety and sanitation;

16 (iii) Minimum requirements for product safety and testing;

17 (iv) Minimum requirements for inventory tracking and monitoring;

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

19 (vi) Minimum requirements to address odor mitigation;

20 (vii) Minimum requirements for product packaging and labeling;

21 (viii) Minimum requirements and prohibitions for advertising;

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

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

32 (xi) A requirement that if a compassion center violates this chapter, or any regulation
33 promulgated hereunder, and the department of business regulation determines that the violation
34 poses an immediate threat to public health or public safety, the compassion center shall pay to the

1 department of business regulation a fine of no less than two thousand dollars (\$2,000) and the
2 department shall be entitled to pursue any other enforcement action provided for under this chapter
3 and the regulations.

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

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

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

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

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

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

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

6 (8) All principal officers and board members of a compassion center must be residents of
7 the state of Rhode Island.

8 (9) Each time a new, registered, qualifying patient visits a compassion center, it shall
9 provide the patient with a frequently-asked-questions sheet, designed by the department, that
10 explains the limitations on the right to use medical marijuana under state law.

11 (10) Effective July 1, 2017, each compassion center shall be subject to any regulations
12 promulgated by the departments of health and business regulation that specify how marijuana must
13 be tested for items, included but not limited to, cannabinoid profile and contaminants.

14 (11) Effective January 1, 2017, each compassion center shall be subject to any product
15 labeling requirements promulgated by the department of business regulation.

16 (12) Each compassion center shall develop, implement, and maintain on the premises
17 employee, volunteer, and agent policies and procedures to address the following requirements:

18 (i) A job description or employment contract developed for all employees and agents, and
19 a volunteer agreement for all volunteers, that includes duties, authority, responsibilities,
20 qualifications, and supervision; and

21 (ii) Training in, and adherence to, state confidentiality laws.

22 (13) Each compassion center shall maintain a personnel record for each employee, agent,
23 and volunteer that includes an application and a record of any disciplinary action taken.

24 (14) Each compassion center shall develop, implement, and maintain on the premises an
25 on-site training curriculum, or enter into contractual relationships with outside resources capable
26 of meeting employee training needs, that includes, but is not limited to, the following topics:

27 (i) Professional conduct, ethics, and patient confidentiality; and

28 (ii) Informational developments in the field of medical use of marijuana.

29 (15) Each compassion center entity shall provide each employee, agent, and volunteer, at
30 the time of his or her initial appointment, training in the following:

31 (i) The proper use of security measures and controls that have been adopted; and

32 (ii) Specific procedural instructions on how to respond to an emergency, including robbery
33 or violent accident.

34 (16) All compassion centers shall prepare training documentation for each employee and

1 volunteer and have employees and volunteers sign a statement indicating the date, time, and place
2 the employee and volunteer received the training and topics discussed, to include name and title of
3 presenters. The compassion center shall maintain documentation of an employee's and a volunteer's
4 training for a period of at least six (6) months after termination of an employee's employment or
5 the volunteer's volunteering.

6 (g) Maximum amount of usable marijuana to be dispensed:

7 (1) A compassion center or principal officer, board member, agent, volunteer, or employee
8 of a compassion center may not dispense more than two and one-half ounces (2.5 oz.) of usable
9 marijuana, or its equivalent, to a qualifying patient directly or through a qualifying patient's primary
10 caregiver or authorized purchaser during a fifteen-day (15) period.

11 (2) A compassion center or principal officer, board member, agent, volunteer, or employee
12 of a compassion center may not dispense an amount of usable marijuana, or its equivalent, to a
13 patient cardholder, qualifying patient, a qualifying patient's primary caregiver, or a qualifying
14 patient's authorized purchaser that the compassion center, principal officer, board member, agent,
15 volunteer, or employee knows would cause the recipient to possess more marijuana than is
16 permitted under the Edward O. Hawkins and Thomas C. Slater medical marijuana act.

17 (3) Compassion centers shall utilize a database administered by the departments of health
18 and business regulation. The database shall contain all compassion centers' transactions according
19 to qualifying patients', authorized purchasers', and primary caregivers' registry identification
20 numbers to protect the confidentiality of patient personal and medical information. Compassion
21 centers will not have access to any applications or supporting information submitted by qualifying
22 patients, authorized purchasers or primary caregivers. Before dispensing marijuana to any patient
23 or authorized purchaser, the compassion center must utilize the database to ensure that a qualifying
24 patient is not dispensed more than two and one-half ounces (2.5 oz.) of usable marijuana or its
25 equivalent directly or through the qualifying patient's primary caregiver or authorized purchaser
26 during a fifteen-day (15) period.

27 [\(4\) A compassion center operating as a hybrid cannabis retailer authorized to conduct adult](#)
28 [use cannabis sales pursuant to the provisions of § 21-28.11-10 may sell up to one ounce \(1 oz.\) of](#)
29 [non-medical cannabis to a person at least twenty-one \(21\) years of age as an intended consumer, in](#)
30 [accordance with the provisions of chapter 28.11 of title 21 provided the cannabis product sold for](#)
31 [adult use consumption shall not exceed the potency restrictions provided in § 21-28.11-5 or such](#)
32 [lesser potency promulgated by the commission.](#)

33 (h) Immunity:

34 (1) No licensed compassion center shall be subject to prosecution; search, except by the

1 departments pursuant to subsection (e) of this section; seizure; or penalty in any manner, or denied
2 any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business,
3 occupational, or professional licensing board or entity, solely for acting in accordance with this
4 section to assist registered qualifying patients.

5 (2) No licensed compassion center shall be subject to prosecution, seizure, or penalty in
6 any manner, or denied any right or privilege, including, but not limited to, civil penalty or
7 disciplinary action, by a business, occupational, or professional licensing board or entity, for
8 selling, giving, or distributing marijuana in whatever form, and within the limits established by, the
9 department of health or the department of business regulation to another registered compassion
10 center.

11 (3) No principal officers, board members, agents, volunteers, or employees of a registered
12 compassion center shall be subject to arrest, prosecution, search, seizure, or penalty in any manner,
13 or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by
14 a business, occupational, or professional licensing board or entity, solely for working for or with a
15 compassion center to engage in acts permitted by this section.

16 (4) No state employee shall be subject to arrest, prosecution or penalty in any manner, or
17 denied any right or privilege, including, but not limited to, civil penalty, disciplinary action,
18 termination, or loss of employee or pension benefits, for any and all conduct that occurs within the
19 scope of his or her employment regarding the administration, execution and/or enforcement of this
20 act, and the provisions of §§ 9-31-8 and 9-31-9 shall be applicable to this section.

21 (i) Prohibitions:

22 (1) A compassion center must limit its inventory of seedlings, plants, and marijuana to
23 reflect the projected needs of qualifying patients;

24 (2) A compassion center may not dispense, deliver, or otherwise transfer marijuana to a
25 person other than a patient cardholder or to a qualified patient's primary caregiver or authorized
26 purchaser. [This provision shall not apply to hybrid cannabis retailers authorized pursuant to the](#)
27 [provisions of § 21-28.11-10;](#)

28 (3) A compassion center may not procure, purchase, transfer, or sell marijuana to or from
29 any entity other than a marijuana establishment licensee in accordance with the provisions of this
30 chapter [and chapter 28.11 of title 21 and the rules and regulations promulgated by the commission;](#)

31 (4) A person found to have violated subsection (h)(2) or (h)(3) of this section may not be
32 an employee, agent, volunteer, principal officer, or board member of any compassion center;

33 (5) An employee, agent, volunteer, principal officer or board member of any compassion
34 center found in violation of subsection (h)(2) or (h)(3) of this section shall have his or her registry

1 identification revoked immediately; ~~and~~

2 (6) No person who has been convicted of a felony drug offense or has entered a plea of
3 nolo contendere for a felony drug offense with a sentence of probation may be the principal officer,
4 board member, or agent of a compassion center unless the department has determined that the
5 person's conviction was for the medical use of marijuana or assisting with the medical use of
6 marijuana in accordance with the terms and conditions of this chapter. A person who is employed
7 by or is an agent, volunteer, principal officer, or board member of a compassion center in violation
8 of this section is guilty of a civil violation punishable by a fine of up to one thousand dollars
9 (\$1,000). A subsequent violation of this section is a misdemeanor; and

10 (7) Upon enactment of chapter 28.11 of title 21, no compassion center shall accept any out-
11 of-state medical marijuana card unless the patient also possesses and produces a valid government
12 identification demonstrating residency in the same state that issued the medical marijuana card.

13 (j) Legislative oversight committee:

14 (1) The general assembly shall appoint a nine-member (9) oversight committee comprised
15 of: one member of the house of representatives; one member of the senate; one physician to be
16 selected from a list provided by the Rhode Island medical society; one nurse to be selected from a
17 list provided by the Rhode Island state nurses association; two (2) registered qualifying patients;
18 one registered primary caregiver; one patient advocate to be selected from a list provided by the
19 Rhode Island patient advocacy coalition; and the superintendent of the department of public safety,
20 or his/her designee.

21 (2) The oversight committee shall meet at least six (6) times per year for the purpose of
22 evaluating and making recommendations to the general assembly regarding:

- 23 (i) Patients' access to medical marijuana;
- 24 (ii) Efficacy of compassion centers;
- 25 (iii) Physician participation in the Medical Marijuana Program;
- 26 (iv) The definition of qualifying medical condition; and
- 27 (v) Research studies regarding health effects of medical marijuana for patients.

28 (3) On or before January 1 of every even numbered year, the oversight committee shall
29 report to the general assembly on its findings.

30 (k) License required. No person or entity shall engage in activities described in this section
31 without a compassion center license issued by the department of business regulation.

32 **21-28.6-17. Revenue.**

33 (a) Effective July 1, 2016, except for the one hundred twenty-five thousand dollar
34 (\$125,000) fee paid by the hybrid cannabis retailers pursuant to § 21-28.11-10, all fees collected

1 by the departments of health and business regulation from applicants, registered patients, primary
2 caregivers, authorized purchasers, licensed medical marijuana cultivators, cooperative cultivations,
3 compassion centers, other licensees licensed pursuant to this chapter, and compassion-center and
4 other registry identification cardholders shall be placed in restricted-receipt accounts to support the
5 state's medical marijuana program, including but not limited to, payment of expenses incurred ~~by~~
6 ~~the departments of health and business regulation~~ for the administration of the program. The
7 restricted-receipt account will be known as the "medical marijuana licensing account" and will be
8 housed within the budgets of the departments of business regulation and health until final issuance
9 of rules and regulations by the commission, at which time said account shall be housed within the
10 budget of the commission.

11 (b) All revenues remaining in the restricted-receipt accounts after payments specified in
12 subsection (a) of this section shall first be paid to cover any existing deficit in the department of
13 health's restricted-receipt account or the department of business regulation's restricted-receipt
14 account. These transfers shall be made annually on the last business day of the fiscal year until final
15 issuance of rules and regulations of the commission, at which time the revenues subject to this
16 subsection shall be used to cover any existing deficit in the commission's budget.

17 (c) All revenues remaining in the restricted-receipt accounts after payments specified in
18 subsections (a) and (b) shall be paid into the state's general fund. These payments shall be made
19 annually on the last business day of the fiscal year.

20 SECTION 5. Chapter 21-28.6 of the General Laws entitled "The Edward O. Hawkins and
21 Thomas C. Slater Medical Marijuana Act" is hereby amended by adding thereto the following
22 section:

23 **21-28.6-19. Transfer of powers.**

24 Six (6) months following final issuance of rules and regulations by the cannabis control
25 commission pursuant to the provisions of chapter 28.11 of title 21, including, but not limited to, §
26 21-28.11-18, all powers, and duties, rulemaking authority, hearings, enforcement actions and
27 administrative responsibilities and duties of the department of business regulation and department
28 of environmental management with respect to this chapter shall be transferred to the cannabis
29 control commission established pursuant to § 21-28.11-4.

30 SECTION 6. Section 21-28.5-2 of the General Laws in Chapter 21-28.5 entitled "Sale of
31 Drug Paraphernalia" is hereby amended to read as follows:

32 **21-28.5-2. Manufacture or delivery of drug paraphernalia -- Penalty.**

33 It is unlawful for any person to deliver, sell, possess with intent to deliver, or sell, or
34 manufacture with intent to deliver, or sell drug paraphernalia, knowing that it will be used to plant,

1 propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare,
2 test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or introduce into the human
3 body a controlled substance in violation of chapter 28 of this title. A violation of this section shall
4 be punishable by a fine not exceeding five thousand dollars (\$5,000) or imprisonment not exceeding
5 two (2) years, or both.

6 Notwithstanding any other provision of the general laws, the sale, manufacture, or delivery
7 of drug paraphernalia to a person acting in accordance with ~~chapter~~ chapters 28.6 and 28.11 of this
8 title shall not be considered a violation of this chapter. Any person violating this section, who but
9 for his or her age at the time of the violation would be acting in accordance with chapter 28.11 of
10 this title, shall be punished by a fine of one hundred dollars (\$100), forfeiture of any drug
11 paraphernalia, and shall be ordered to complete a drug awareness program pursuant to § 21-28.11-
12 27.2.

13 SECTION 7. Chapter 12-1.3 of the General Laws entitled "Expungement of Criminal
14 Records" is hereby amended by adding thereto the following section:

15 **12-1.3-5. Expungement of marijuana records.**

16 (a) Any person with a prior misdemeanor or felony conviction for possession only of a
17 marijuana offense that has been decriminalized subsequent to the date of conviction, that requests
18 in writing in a manner specified by the chief justice, shall be entitled to have the criminal conviction
19 automatically expunged, notwithstanding the provisions of chapter 1.3 of title 12.

20 (b) Records shall be expunged pursuant to procedures and a timeline to be determined by
21 the chief justice.

22 (c) If the amount of marijuana is not stated in the record of conviction or any related record,
23 report or document then the court shall presume the amount to have been two ounces (2 oz.) or less.

24 (d) Any person who has been incarcerated for misdemeanor or felony possession of
25 marijuana shall have all court costs waived with respect to expungement of his or her criminal
26 record under this section.

27 (e) If the court determines a record is to be expunged in accordance with the provisions of
28 this section, it shall order all records and records of conviction or civil adjudication relating to the
29 conviction or civil adjudication expunged and all index and other references to it removed from
30 public inspection. Within a reasonable time the court shall send a copy of the order to the
31 department of the attorney general, the police department that originally brought the charge against
32 the person, and any other agency known by the petitioner to have possession of the records of
33 conviction or adjudication.

34 (f) Eligible expungement of convictions and civil adjudications pursuant to this section

1 shall be granted notwithstanding the existence of:

2 (1) Prior arrests, convictions, or civil adjudications including convictions for crimes of
3 violence as defined by § 12-1.3-1;

4 (2) Pending criminal proceedings; and

5 (3) Outstanding court-imposed or court-related fees, fines, costs, assessments or charges.

6 Any outstanding fees, fines, costs, assessments or charges related to the eligible conviction or civil
7 adjudication shall be waived.

8 (g) Nothing in this section shall be construed to restrict or modify a person's right to have
9 their records expunged, except as otherwise may be provided in this chapter, or diminish or
10 abrogate any rights or remedies otherwise available to the individual.

11 (h) The existence of convictions in other counts within the same case that are not eligible
12 for expungement pursuant to this section or other applicable laws shall not prevent any conviction
13 otherwise eligible for expungement under this section from being expunged pursuant to this section.
14 In such circumstances, the court shall make clear in its order what counts are expunged and what
15 counts are not expunged and/or remain convictions. In such circumstances, notwithstanding
16 subsection (e) of this section, any expungement pursuant to this subsection shall not affect the
17 records related to any count or conviction in the same case that are not eligible for expungement.

18 (i) Nothing in this section shall be construed to require the court or any other private or
19 public agency to reimburse any petitioner for fines, fees, and costs previously incurred, paid or
20 collected in association with the eligible conviction or civil adjudication.

21 (j) Any conviction or civil adjudication ordered expunged pursuant to this section shall not
22 be considered as a prior conviction or civil adjudication when determining the sentence to be
23 imposed for any subsequent crime or civil violation.

24 (k) In any application for employment, license, or other civil right or privilege, or any
25 appearance as a witness, a person whose conviction of a crime or civil adjudication has been
26 expunged pursuant to this chapter may state that he or she has never been convicted of the crime
27 or found to be a civil violator; provided, that, if the person is an applicant for a law enforcement
28 agency position, for admission to the bar of any court, an applicant for a teaching certificate, under
29 chapter 11 of title 16, a coaching certificate under § 16-11.1-1, or the operator or employee of an
30 early childhood education facility pursuant to chapter 48.1 of title 16, the person shall disclose the
31 fact of a conviction or civil adjudication.

32 (l) Whenever the records of any conviction or civil adjudication of an individual have been
33 expunged under the provisions of this section, any custodian of the records of conviction or civil
34 adjudication relating to that crime or violation shall not disclose the existence of the records upon

1 [inquiry from any source unless the inquiry is that of the individual whose record was expunged that](#)
2 [of a bar admission, character and fitness, or disciplinary committee, board, or agency, or court](#)
3 [which is considering a bar admission, character and fitness, or disciplinary matter, or that of the](#)
4 [commissioner of elementary and secondary education, or that of any law enforcement agency when](#)
5 [the nature and character of the offense in which an individual is to be charged would be affected](#)
6 [by virtue of the person having been previously convicted or adjudicated of the same offense. The](#)
7 [custodian of any records which have been expunged pursuant to the provisions of this section shall](#)
8 [only release or allow access to those records for the purposes specified in this subsection or by](#)
9 [order of a court.](#)

10 SECTION 8. Section 28-7-3 of the General Laws in Chapter 28-7 entitled "Labor Relations
11 Act" is hereby amended to read as follows:

12 **28-7-3. Definitions.**

13 When used in this chapter:

14 (1) "Board" means the labor relations board created by § 28-7-4.

15 (2) "Company union" means any committee employee representation plan or association
16 of employees which exists for the purpose, in whole or in part, of dealing with employers
17 concerning grievances or terms and conditions of employment, which the employer has initiated or
18 created or whose initiation or creation he or she has suggested, participated in or in the formulation
19 of whose governing rules or policies or the conducting of whose management, operations, or
20 elections the employer participates in or supervises, or which the employer maintains, finances,
21 controls, dominates, or assists in maintaining or financing, whether by compensating any one for
22 services performed in its behalf or by donating free services, equipment, materials, office or
23 meeting space or anything else of value, or by any other means.

24 (3)(i) "Employees" includes, but is not restricted to, any individual employed by a labor
25 organization; any individual whose employment has ceased as a consequence of, or in connection
26 with, any current labor dispute or because of any unfair labor practice, and who has not obtained
27 any other regular and substantially equivalent employment; and shall not be limited to the
28 employees of a particular employer, unless the chapter explicitly states otherwise;

29 (ii) "Employees" does not include any individual employed by his or her parent or spouse
30 or in the domestic service of any person in his or her home, or any individuals employed only for
31 the duration of a labor dispute, or any individuals employed as farm laborers, [provided that any](#)
32 [individual employed by an employer in an industry established or regulated pursuant to chapters](#)
33 [28.6 or 28.11 of title 21 shall be an employee within the meaning of this act and shall not be](#)
34 [considered a farm laborer.](#)

1 (4) "Employer" includes any person acting on behalf of or in the interest of an employer,
2 directly or indirectly, with or without his or her knowledge, but a labor organization or any officer
3 or its agent shall only be considered an employer with respect to individuals employed by the
4 organization.

5 (5) "Labor dispute" includes, but is not restricted to, any controversy between employers
6 and employees or their representatives as defined in this section concerning terms, tenure, or
7 conditions of employment or concerning the association or representation of persons in negotiating,
8 fixing, maintaining, changing, or seeking to negotiate, fix, maintain, or change terms or conditions
9 of employment, or concerning the violation of any of the rights granted or affirmed by this chapter,
10 regardless of whether the disputants stand in the proximate relation of employer and employee.

11 (6) "Labor organization" means any organization which exists and is constituted for the
12 purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning
13 grievances, terms or conditions of employment, or of other mutual aid or protection and which is
14 not a company union as defined in this section.

15 (7) "Person" includes one or more individuals, partnerships, associations, corporations,
16 legal representatives, trustees, trustees in bankruptcy, or receivers.

17 (8) "Policies of this chapter" means the policies set forth in § 28-7-2.

18 (9) "Representatives" includes a labor organization or an individual whether or not
19 employed by the employer of those whom he or she represents.

20 (10) "Unfair labor practice" means only those unfair labor practices listed in §§ 28-7-13
21 and 28-7-13.1.

22 SECTION 9. Section 21-28-4.01 of the General Laws in Chapter 21-28 entitled "Uniform
23 Controlled Substances Act" is hereby amended to read as follows:

24 **21-28-4.01. Prohibited acts A -- Penalties. [As amended by P.L. 2021, ch. 286, § 2 and**
25 **P.L. 2021, ch. 287, § 2.]**

26 (a)(1) Except as authorized by this chapter [and chapters 28.6 and 28.11 of title 21](#), it shall
27 be unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver
28 a controlled substance.

29 (2) Any person who is not a drug-addicted person, as defined in § 21-28-1.02, who violates
30 this subsection with respect to a controlled substance classified in schedule I or II, except the
31 substance classified as marijuana, is guilty of a crime and, upon conviction, may be imprisoned to
32 a term up to life or fined not more than five hundred thousand dollars (\$500,000) nor less than ten
33 thousand dollars (\$10,000), or both.

34 (3) Where the deliverance as prohibited in this subsection shall be the proximate cause of

1 death to the person to whom the controlled substance is delivered, it shall not be a defense that the
2 person delivering the substance was, at the time of delivery, a drug-addicted person as defined in §
3 21-28-1.02.

4 (4) Any person, except as provided for in subsection (a)(2), who violates this subsection
5 with respect to:

6 (i) A controlled substance, classified in schedule I or II, is guilty of a crime and, upon
7 conviction, may be imprisoned for not more than thirty (30) years, or fined not more than one
8 hundred thousand dollars (\$100,000) nor less than three thousand dollars (\$3,000), or both;

9 (ii) A controlled substance, classified in schedule III or IV, is guilty of a crime and, upon
10 conviction, may be imprisoned for not more than twenty (20) years, or fined not more than forty
11 thousand dollars (\$40,000), or both; provided, with respect to a controlled substance classified in
12 schedule III(d), upon conviction may be imprisoned for not more than five (5) years, or fined not
13 more than twenty thousand dollars (\$20,000), or both.

14 (iii) A controlled substance, classified in schedule V, is guilty of a crime and, upon
15 conviction, may be imprisoned for not more than one year, or fined not more than ten thousand
16 dollars (\$10,000), or both.

17 (b)(1) Except as authorized by this chapter, it is unlawful for any person to create, deliver,
18 or possess with intent to deliver, a counterfeit substance.

19 (2) Any person who violates this subsection with respect to:

20 (i) A counterfeit substance, classified in schedule I or II, is guilty of a crime and, upon
21 conviction, may be imprisoned for not more than thirty (30) years, or fined not more than one
22 hundred thousand dollars (\$100,000), or both;

23 (ii) A counterfeit substance, classified in schedule III or IV, is guilty of a crime and, upon
24 conviction, may be imprisoned for not more than twenty (20) years, or fined not more than forty
25 thousand dollars (\$40,000), or both; provided, with respect to a controlled substance classified in
26 schedule III(d), upon conviction may be imprisoned for not more than five (5) years, or fined not
27 more than twenty thousand dollars (\$20,000), or both.

28 (iii) A counterfeit substance, classified in schedule V, is guilty of a crime and, upon
29 conviction, may be imprisoned for not more than one year, or fined not more than ten thousand
30 dollars (\$10,000), or both.

31 (c)(1) It shall be unlawful for any person knowingly or intentionally to possess a controlled
32 substance, unless the substance was obtained directly from, or pursuant to, a valid prescription or
33 order of a practitioner while acting in the course of his or her professional practice, or except as
34 otherwise authorized by this chapter [or chapters 28.6 and 28.11 of title 21](#).

1 (2) Any person who violates this subsection with respect to:

2 (i) Except as otherwise provided in §§ 21-28-4.01.1 and 21-28-4.01.2, ten grams (10 g.) or
3 less of a mixture or substance containing a detectable amount of a controlled substance classified
4 in schedules I, II, III, IV, and V, except [buprenorphine and](#) the substance classified as marijuana,
5 is guilty of a misdemeanor and, upon conviction, may be imprisoned for not more than two (2)
6 years, or fined not more than five hundred dollars (\$500) or both.

7 (ii) Except as otherwise provided in §§ 21-28-4.01.1 and 21-28-4.01.2, more than ten grams
8 (10 g.), but less than one ounce (1 oz.) of a mixture or substance containing a detectable amount of
9 a controlled substance classified in schedules I, II and III, IV, and V, except [buprenorphine and](#) the
10 substance classified as marijuana, is guilty of a felony and, upon conviction, may be imprisoned
11 for not more than three (3) years, or fined not more than five thousand dollars (\$5,000), or both.

12 (iii) More than ~~one ounce (1 oz.)~~ [two ounces \(2 oz.\)](#) of a controlled substance classified in
13 schedule I as marijuana is guilty of a misdemeanor [unless possessed inside one's own primary](#)
14 [residence](#), except for those persons subject to (a)(1), and, upon conviction, may be imprisoned for
15 not more than one year, or fined not more than five hundred dollars (\$500), or both. [Exclusive of](#)
16 [live marijuana plants, more than ten ounces \(10 oz.\) of a controlled substance classified in schedule](#)
17 [I as marijuana, when possessed within one's personal residence is guilty of a misdemeanor, except](#)
18 [for those persons subject to \(a\)\(1\), and, upon conviction, may be imprisoned for not more than one](#)
19 [year, or fined not less than two hundred dollars \(\\$200\) nor more than five hundred dollars \(\\$500\),](#)
20 [or both.](#)

21 [Possession of live marijuana plants in excess of the number authorized pursuant to § 21-](#)
22 [28.11-22 is guilty of a misdemeanor, except for those persons subject to \(a\)\(1\) and, upon](#)
23 [conviction, may be imprisoned for not more than one year, or fined not less than two hundred](#)
24 [dollars \(\\$200\) nor more than five hundred dollars \(\\$500\), or both](#)

25 (iv) Notwithstanding any public, special, or general law to the contrary, the possession of
26 [more than](#) one ounce (1 oz.) ~~or less~~ [but not more than two ounces \(2 oz.\)](#) of marijuana by a person
27 who is eighteen (18) years of age or older, and who is not exempted from penalties pursuant to
28 chapter 28.6 of this title, shall constitute a civil offense, rendering the offender liable to a civil
29 penalty in the amount of one hundred fifty dollars (\$150) and forfeiture of the marijuana, but not
30 to any other form of criminal or civil punishment or disqualification. Notwithstanding any public,
31 special, or general law to the contrary, this civil penalty of one hundred fifty dollars (\$150) and
32 forfeiture of the marijuana shall apply if the offense is the first (1st) or second (2nd) violation within
33 the previous eighteen (18) months.

34 (v) Notwithstanding any public, special, or general law to the contrary, possession of one

1 ounce (1 oz.) or less of marijuana by a person who is seventeen (17) years of age or older and under
2 the age of eighteen (18) years, and who is not exempted from penalties pursuant to chapter 28.6 of
3 this title, shall constitute a civil offense, rendering the offender liable to a civil penalty in the amount
4 of one hundred fifty dollars (\$150) and forfeiture of the marijuana; provided the minor offender
5 completes an approved, drug-awareness program and community service as determined by the
6 court. If the person seventeen (17) years of age or older and under the age of eighteen (18) years
7 fails to complete an approved, drug-awareness program and community service within one year of
8 the disposition, the penalty shall be a three hundred dollar (\$300) civil fine and forfeiture of the
9 marijuana, except that if no drug-awareness program or community service is available, the penalty
10 shall be a fine of one hundred fifty dollars (\$150) and forfeiture of the marijuana. The parents or
11 legal guardian of any offender seventeen (17) years of age or older and under the age of eighteen
12 (18) shall be notified of the offense and the availability of a drug-awareness and community-service
13 program. The drug-awareness program must be approved by the court, but shall, at a minimum,
14 provide four (4) hours of instruction or group discussion and ten (10) hours of community service.
15 Notwithstanding any other public, special, or general law to the contrary, this civil penalty shall
16 apply if the offense is the first or second violation within the previous eighteen (18) months.

17 (vi) ~~Notwithstanding any public, special, or general law to the contrary, a person not~~
18 ~~exempted from penalties pursuant to chapter 28.6 of this title found in possession of one ounce (1~~
19 ~~oz.) or less of marijuana is guilty of a misdemeanor and, upon conviction, may be imprisoned for~~
20 ~~not more than thirty (30) days, or fined not less than two hundred dollars (\$200) nor more than five~~
21 ~~hundred dollars (\$500), or both, if that person has been previously adjudicated on a violation for~~
22 ~~possession of less than one ounce (1 oz.) of marijuana under (c)(2)(iv) or (c)(2)(v) two (2) times in~~
23 ~~the eighteen (18) months prior to the third (3rd) offense.~~

24 (vii) Any unpaid civil fine issued under (c)(2)(iv) or (c)(2)(v) shall double to three hundred
25 dollars (\$300) if not paid within thirty (30) days of the disposition. The civil fine shall double again
26 to six hundred dollars (\$600) if it has not been paid within ninety (90) days.

27 (viii) No person may be arrested for a violation of (c)(2)(iv) or (c)(2)(v) of this subsection
28 except as provided in this subparagraph. Any person in possession of an identification card, license,
29 or other form of identification issued by the state or any state, city, or town, or any college or
30 university, who fails to produce the same upon request of a police officer who informs the person
31 that he or she has been found in possession of what appears to the officer to be more than one ounce
32 (1 oz.) of marijuana, or any person without any such forms of identification who fails or refuses to
33 truthfully provide his or her name, address, and date of birth to a police officer who has informed
34 such person that the officer intends to provide such individual with a citation for possession of more

1 [than](#) one ounce (1 oz.) [but less than two ounces \(2 oz.\)](#) of marijuana, may be arrested.

2 (ix) No violation of (c)(2)(iv) or (c)(2)(v) of this subsection shall be considered a violation
3 of parole or probation.

4 (x) Any records collected by any state agency, tribunal, or the family court that include
5 personally identifiable information about violations of (c)(2)(iv) or (c)(2)(v) shall not be open to
6 public inspection in accordance with § 8-8.2-21.

7 (3) Jurisdiction.

8 (i) Any and all adjudications of violations of (c)(2)(i) shall be within the original
9 jurisdiction of the Rhode Island superior court. The department of attorney general shall prosecute
10 any and all violations of (c)(2)(i).

11 (ii) Any and all violations of (c)(2)(iv) and (c)(2)(v) shall be the exclusive jurisdiction of
12 the Rhode Island traffic tribunal. All money associated with the civil fine issued under (c)(2)(iv) or
13 (c)(2)(v) shall be payable to the Rhode Island traffic tribunal. Fifty percent (50%) of all fines
14 collected by the Rhode Island traffic tribunal from civil penalties issued pursuant to (c)(2)(iv) or
15 (c)(2)(v) shall be expended on drug-awareness and treatment programs for youth.

16 (4) Additionally, every person convicted or who pleads nolo contendere under (c)(2)(i) [or](#)
17 [\(c\)\(2\)\(ii\)](#) or convicted or who pleads nolo contendere a second or subsequent time under ~~(c)(2)(ii)~~
18 [\(c\)\(2\)\(iii\)](#), who is not sentenced to a term of imprisonment to serve for the offense, shall be required
19 to:

20 (i) Perform up to one hundred (100) hours of community service;

21 (ii) Attend and complete a drug-counseling and education program, as prescribed, by the
22 director of the department of behavioral healthcare, developmental disabilities and hospitals
23 [\(BHDDH\) similar to that in § 21-28.11-27.2](#), and pay the sum of four hundred dollars (\$400) to
24 help defray the costs of this program which shall be deposited as general revenues. Failure to attend
25 may result, after hearing by the court, in jail sentence up to one year;

26 (iii) The court shall not suspend any part or all of the imposition of the fee required by this
27 subsection, unless the court finds an inability to pay;

28 (iv) If the offense involves the use of any automobile to transport the substance or the
29 substance is found within an automobile, then a person convicted or who pleads nolo contendere
30 under (c)(2)(i), (c)(2)(ii) or (c)(2)(iii) shall be subject to a loss of license for a period of six (6)
31 months for a first offense and one year for each offense after.

32 (5) All fees assessed and collected pursuant to (c)(2)(iii) shall be deposited as general
33 revenues and shall be collected from the person convicted or who pleads nolo contendere before
34 any other fines authorized by this chapter.

1 (d) It shall be unlawful for any person to manufacture, distribute, or possess with intent to
2 manufacture or distribute, an imitation controlled substance. Any person who violates this
3 subsection is guilty of a crime and, upon conviction, shall be subject to the same term of
4 imprisonment and/or fine as provided by this chapter for the manufacture or distribution of the
5 controlled substance that the particular imitation controlled substance forming the basis of the
6 prosecution was designed to resemble and/or represented to be; but in no case shall the
7 imprisonment be for more than five (5) years nor the fine for more than twenty thousand dollars
8 (\$20,000).

9 (e) It shall be unlawful for a practitioner to prescribe, order, distribute, supply, or sell an
10 anabolic steroid or human growth hormone for: (1) Enhancing performance in an exercise, sport,
11 or game, or (2) Hormonal manipulation intended to increase muscle mass, strength, or weight
12 without a medical necessity. Any person who violates this subsection is guilty of a misdemeanor
13 and, upon conviction, may be imprisoned for not more than six (6) months or a fine of not more
14 than one thousand dollars (\$1,000), or both.

15 (f) It is unlawful for any person to knowingly or intentionally possess, manufacture,
16 distribute, or possess with intent to manufacture or distribute, any extract, compound, salt
17 derivative, or mixture of salvia divinorum or datura stramonium or its extracts unless the person is
18 exempt pursuant to the provisions of § 21-28-3.30. Notwithstanding any laws to the contrary, any
19 person who violates this section is guilty of a misdemeanor and, upon conviction, may be
20 imprisoned for not more than one year, or fined not more than one thousand dollars (\$1,000), or
21 both. The provisions of this section shall not apply to licensed physicians, pharmacists, and
22 accredited hospitals and teaching facilities engaged in the research or study of salvia divinorum or
23 datura stramonium and shall not apply to any person participating in clinical trials involving the
24 use of salvia divinorum or datura stramonium.

25 SECTION 10. Section 14-1-3 of the General Laws in Chapter 14-1 entitled "Proceedings
26 in Family Court" is hereby amended to read as follows:

27 **14-1-3. Definitions.**

28 The following words and phrases when used in this chapter shall, unless the context
29 otherwise requires, be construed as follows:

30 (1) "Adult" means a person eighteen (18) years of age or older.

31 (2) "Appropriate person," as used in §§ 14-1-10 and 14-1-11, except in matters relating to
32 adoptions and child marriages, means and includes:

33 (i) Any police official of this state, or of any city or town within this state;

34 (ii) Any duly qualified prosecuting officer of this state, or of any city or town within this

1 state;

2 (iii) Any director of public welfare of any city or town within this state, or his or her duly
3 authorized subordinate;

4 (iv) Any truant officer or other school official of any city or town within this state;

5 (v) Any duly authorized representative of any public or duly licensed private agency or
6 institution established for purposes similar to those specified in § 8-10-2 or 14-1-2; or

7 (vi) Any maternal or paternal grandparent, who alleges that the surviving parent, in those
8 cases in which one parent is deceased, is an unfit and improper person to have custody of any child
9 or children.

10 (3) "Child" means a person under eighteen (18) years of age.

11 (4) "The court" means the family court of the state of Rhode Island.

12 (5) "Delinquent," when applied to a child, means and includes any child who has committed
13 any offense that, if committed by an adult, would constitute a felony, or who has on more than one
14 occasion violated any of the other laws of the state or of the United States or any of the ordinances
15 of cities and towns, other than ordinances relating to the operation of motor vehicles.

16 (6) "Dependent" means any child who requires the protection and assistance of the court
17 when his or her physical or mental health or welfare is harmed, or threatened with harm, due to the
18 inability of the parent or guardian, through no fault of the parent or guardian, to provide the child
19 with a minimum degree of care or proper supervision because of:

20 (i) The death or illness of a parent; or

21 (ii) The special medical, educational, or social-service needs of the child which the parent
22 is unable to provide.

23 (7) "Justice" means a justice of the family court.

24 (8) "Neglect" means a child who requires the protection and assistance of the court when
25 his or her physical or mental health or welfare is harmed, or threatened with harm, when the parents
26 or guardian:

27 (i) Fails to supply the child with adequate food, clothing, shelter, or medical care, though
28 financially able to do so or offered financial or other reasonable means to do so;

29 (ii) Fails to provide the child proper education as required by law; or

30 (iii) Abandons and/or deserts the child.

31 (9) "Supervised independent living setting" means a supervised setting in which a young
32 adult is living independently, that meets any safety and/or licensing requirements established by
33 the department for this population, and is paired with a supervising agency or a supervising worker,
34 including, but not limited to, single or shared apartments or houses, host homes, relatives' and

1 mentors' homes, college dormitories or other postsecondary educational or vocational housing. All
2 or part of the financial assistance that secures an independent supervised setting for a young adult
3 may be paid directly to the young adult if there is no provider or other child-placing intermediary,
4 or to a landlord, a college, or to a supervising agency, or to other third parties on behalf of the
5 young adult in the discretion of the department.

6 (10) "Voluntary placement agreement for extension of care" means a written agreement
7 between the state agency and a young adult who meets the eligibility conditions specified in § 14-
8 1-6(c), acting as their own legal guardian that is binding on the parties to the agreement. At a
9 minimum, the agreement recognizes the voluntary nature of the agreement, the legal status of the
10 young adult and the rights and obligations of the young adult, as well as the services and supports
11 the agency agrees to provide during the time that the young adult consents to giving the department
12 legal responsibility for care and placement.

13 (11) "Wayward," when applied to a child, means and includes any child:

14 (i) Who has deserted his or her home without good or sufficient cause;

15 (ii) Who habitually associates with dissolute, vicious, or immoral persons;

16 (iii) Who is leading an immoral or vicious life;

17 (iv) Who is habitually disobedient to the reasonable and lawful commands of his or her
18 parent or parents, guardian, or other lawful custodian;

19 (v) Who, being required by chapter 19 of title 16 to attend school, willfully and habitually
20 absents himself or herself from school or habitually violates the rules and regulations of the school
21 when he or she attends;

22 (vi) Who has, on any occasion, violated any of the laws of the state or of the United States
23 or any of the ordinances of cities and towns, other than ordinances relating to the operation of motor
24 vehicles; or

25 (vii) Any child under seventeen (17) years of age who ~~is in possession of one ounce (1 oz.)~~
26 ~~or less of marijuana, as defined in § 21-28-1.02~~ [violates § 21-28.11-27](#), and who is not exempted
27 from the penalties pursuant to chapter 28.6 of title 21.

28 (12) "Young adult" means an individual who has attained the age of eighteen (18) years
29 but has not reached the age of twenty-one (21) years and was in the legal custody of the department
30 on their eighteenth birthday pursuant to an abuse, neglect or dependency petition; or was a former
31 foster child who was adopted or placed in a guardianship after attaining age sixteen (16).

32 (13) The singular shall be construed to include the plural, the plural the singular, and the
33 masculine the feminine, when consistent with the intent of this chapter.

34 (14) For the purposes of this chapter, "electronic surveillance and monitoring devices"

1 means any "radio frequency identification device (RFID)" or "global positioning device" that is
2 either tethered to a person or is intended to be kept with a person and is used for the purposes of
3 tracking the whereabouts of that person within the community.

4 SECTION 11. Sections 31-27-2, 31-27-2.1 and 31-27-2.9 of the General Laws in Chapter
5 31-27 entitled "Motor Vehicles Offenses" are hereby amended to read as follows:

6 **31-27-2. Driving under influence of liquor or drugs.**

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

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

22 (2) [Deleted by P.L. 2021, ch. 170, § 1 and P.L. 2021, ch. 171, § 1.]

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

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

32 (2) A true copy of the report of the test result was hand delivered at the location of the test
33 or mailed within seventy-two (72) hours of the taking of the test to the person submitting to a breath
34 test.

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

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

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

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

18 (d)(1) (i) Every person found to have violated subsection (b)(1) shall be sentenced as
19 follows: for a first violation whose blood alcohol concentration is eight one-hundredths of one
20 percent (.08%), but less than one-tenth of one percent (.1%), by weight, or who has a blood presence
21 of any scheduled controlled substance as defined in chapter 28 of title 21, shall be subject to a fine
22 of not less than one hundred dollars (\$100), nor more than three hundred dollars (\$300); shall be
23 required to perform ten (10) to sixty (60) hours of public community restitution, and/or shall be
24 imprisoned for up to one year. The sentence may be served in any unit of the adult correctional
25 institutions in the discretion of the sentencing judge and/or shall be required to attend a special
26 course on driving while intoxicated or under the influence of a controlled substance; provided,
27 however, that the court may permit a servicemember or veteran to complete any court-approved
28 counseling program administered or approved by the Veterans' Administration, and his or her
29 driver's license shall be suspended for thirty (30) days up to one hundred eighty (180) days. The
30 sentencing judge or magistrate may prohibit that person from operating a motor vehicle, pursuant
31 to subsection (d)(9) or (d)(10) of this section, that is not equipped with an ignition interlock system
32 and/or blood and urine testing as provided in § 31-27-2.8.

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

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

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

27 (2)(i) Every person convicted of a second violation within a five-year (5) period with a
28 blood alcohol concentration of eight one-hundredths of one percent (.08%) or above, but less than
29 fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is unknown, or
30 who has a blood presence of any controlled substance as defined in chapter 28 of title 21, and every
31 person convicted of a second violation within a five-year (5) period, regardless of whether the prior
32 violation and subsequent conviction was a violation and subsequent conviction under this statute
33 or under the driving under the influence of liquor or drugs statute of any other state, shall be subject
34 to a mandatory fine of four hundred dollars (\$400). The person's driving license shall be suspended

1 for a period of one year to two (2) years, and the individual shall be sentenced to not less than ten
2 (10) days, nor more than one year, in jail. The sentence may be served in any unit of the adult
3 correctional institutions in the discretion of the sentencing judge; however, not less than forty-eight
4 (48) hours of imprisonment shall be served consecutively. The sentencing judge shall require
5 alcohol or drug treatment for the individual; provided, however, that the court may permit a
6 servicemember or veteran to complete any court-approved counseling program administered or
7 approved by the Veterans' Administration and shall prohibit that person from operating a motor
8 vehicle, pursuant to subsection (d)(9) or (d)(10) of this section, that is not equipped with an ignition
9 interlock system and/or blood and urine testing as provided in § 31-27-2.8.

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

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

1 treatment for the individual; provided, however, that the court may permit a servicemember or
2 veteran to complete any court-approved counseling program administered or approved by the
3 Veterans' Administration, and shall prohibit that person from operating a motor vehicle, pursuant
4 to subsection (d)(9) or (d)(10) of this section, that is not equipped with an ignition interlock system
5 and/or blood and urine testing as provided in § 31-27-2.8.

6 (ii) Every person convicted of a third or subsequent violation within a ten-year (10) period
7 whose blood alcohol concentration is fifteen hundredths of one percent (.15%) above by weight as
8 shown by a chemical analysis of a blood, breath, or urine sample, or who is under the influence of
9 a drug, toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to
10 mandatory imprisonment of not less than three (3) years, nor more than five (5) years; a mandatory
11 fine of not less than one thousand dollars (\$1,000), nor more than five thousand dollars (\$5,000);
12 and a mandatory license suspension for a period of three (3) years from the date of completion of
13 the sentence imposed under this subsection. The sentencing judge shall require alcohol or drug
14 treatment for the individual. The sentencing judge or magistrate shall prohibit that person from
15 operating a motor vehicle, pursuant to subsection (d)(9) or (d)(10) of this section, that is not
16 equipped with an ignition interlock system and/or blood and urine testing as provided in § 31-27-
17 2.8.

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

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

1 offenses, and any other applicable provision of this section.

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

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

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

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

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

32 (ii) If the person convicted of violating this section is under the age of eighteen (18) years,
33 for a second or subsequent violation regardless of whether any prior violation and subsequent
34 conviction was a violation and subsequent conviction under this statute or under the driving under

1 the influence of liquor or drugs statute of any other state, he or she shall be subject to a mandatory
2 suspension of his or her driving license until such time as he or she is twenty-one (21) years of age
3 and may, in the discretion of the sentencing judge, also be sentenced to the Rhode Island training
4 school for a period of not more than one year and/or a fine of not more than five hundred dollars
5 (\$500).

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

17 (9) Notwithstanding any other sentencing and disposition provisions contained in this
18 chapter, if the judge or magistrate makes a finding beyond a reasonable doubt that a motorist was
19 operating a vehicle in the state while under the influence of drugs, toluene, or any controlled
20 substance as evidenced by the presence of controlled substances on or about the person or vehicle,
21 or other reliable indicia or articulable conditions thereof, but not intoxicating liquor based on a
22 preliminary breath test, results from a breathalyzer that indicates no blood alcohol concentration,
23 or both, the judge or magistrate may exercise his or her discretion and eliminate the requirement of
24 an ignition interlock system; provided, that blood and/or urine testing is mandated as a condition
25 to operating a motor vehicle as provided in § 31-27-2.8.

26 (10) Notwithstanding any other sentencing and disposition provisions contained in this
27 chapter, if the judge or magistrate makes a finding beyond a reasonable doubt that a motorist was
28 operating a vehicle in the state while under the influence of drugs, toluene, or any controlled
29 substance as evidenced by the presence of controlled substances on or about the person or vehicle,
30 or other reliable indicia or articulable conditions thereof and intoxicating liquor based on a
31 preliminary breath test, results from a breathalyzer that indicates blood alcohol concentration, or
32 both, the judge or magistrate may require an ignition interlock system in addition to blood and/or
33 urine testing as a condition to operating a motor vehicle as provided in § 31-27-2.8.

34 (e) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per

1 one hundred cubic centimeters (100 cc) of blood.

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

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

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

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

29 (h) Jurisdiction for misdemeanor violations of this section shall be with the district court
30 for persons eighteen (18) years of age or older and to the family court for persons under the age of
31 eighteen (18) years. The courts shall have full authority to impose any sentence authorized and to
32 order the suspension of any license for violations of this section. Trials in superior court are not
33 required to be scheduled within thirty (30) days of the arraignment date.

34 (i) No fines, suspensions, assessments, alcohol or drug treatment programs, course on

1 driving while intoxicated or under the influence of a controlled substance, public community
2 restitution, or jail provided for under this section can be suspended.

3 (j) An order to attend a special course on driving while intoxicated, that shall be
4 administered in cooperation with a college or university accredited by the state, shall include a
5 provision to pay a reasonable tuition for the course in an amount not less than twenty-five dollars
6 (\$25.00), and a fee of one hundred seventy-five dollars (\$175), which fee shall be deposited into
7 the general fund.

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

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

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

20 **31-27-2.1. Refusal to submit to chemical test.**

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

33 (b) If a person, for religious or medical reasons, cannot be subjected to blood tests, the
34 person may file an affidavit with the division of motor vehicles stating the reasons why he or she

1 cannot be required to take blood tests and a notation to this effect shall be made on his or her
2 license. If that person is asked to submit to chemical tests as provided under this chapter, the person
3 shall only be required to submit to chemical tests of his or her breath, [saliva](#) or urine. When a person
4 is requested to submit to blood tests, only a physician or registered nurse, or a medical technician
5 certified under regulations promulgated by the director of the department of health, may withdraw
6 blood for the purpose of determining the alcoholic content in it. This limitation shall not apply to
7 the taking of breath, [saliva](#) or urine specimens. The person tested shall be permitted to have a
8 physician of his or her own choosing, and at his or her own expense, administer chemical tests of
9 his or her breath, blood, [saliva](#) and/or urine in addition to the tests administered at the direction of
10 a law enforcement officer. If a person, having been placed under arrest, refuses upon the request of
11 a law enforcement officer to submit to the tests, as provided in § 31-27-2, none shall be given.

12 (1) At the initial traffic tribunal appearance, the magistrate shall review the incident, action,
13 and/or arrest reports submitted by the law enforcement officer to determine if there exists
14 reasonable grounds to believe that the person had been driving a motor vehicle while under the
15 influence of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of
16 title 21, or any combination thereof. The magistrate shall also determine if the person had been
17 informed of the penalties incurred as a result of failing to submit to a chemical test as provided in
18 this section and that the person had been informed of the implied consent notice contained in
19 subsection (c)(10) of this section. For the purpose of this subsection only, "driving a motor vehicle
20 while under the influence of any controlled substance as defined in chapter 28 of title 21" shall be
21 indicated by the presence or aroma of a controlled substance on or about the person or vehicle of
22 the individual refusing the chemical test or other reliable indicia or articulable conditions that the
23 person was impaired due to their intake of a controlled substance.

24 (2) If the magistrate determines that subsection (b)(1) of this section has been satisfied they
25 shall promptly order that the person's operator's license or privilege to operate a motor vehicle in
26 this state be immediately suspended. Said suspension shall be subject to the hardship provisions
27 enumerated in § 31-27-2.8.

28 (c) A traffic tribunal judge or magistrate, or a district court judge or magistrate, pursuant
29 to the terms of subsection (d) of this section, shall order as follows:

30 (1) Impose, for the first violation, a fine in the amount of two hundred dollars (\$200) to
31 five hundred dollars (\$500) and shall order the person to perform ten (10) to sixty (60) hours of
32 public community restitution. The person's driving license in this state shall be suspended for a
33 period of six (6) months to one year. The traffic tribunal judge or magistrate shall require attendance
34 at a special course on driving while intoxicated or under the influence of a controlled substance

1 and/or alcohol or drug treatment for the individual. The traffic tribunal judge or magistrate may
2 prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock
3 system and/or blood and urine testing as provided in § 31-27-2.8.

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

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

27 (4) For a second violation within a five-year (5) period with respect to a case of a refusal
28 to submit to a blood test, a fine in the amount of six hundred dollars (\$600) to one thousand dollars
29 (\$1,000); the person shall perform sixty (60) to one hundred (100) hours of public community
30 restitution; and the person's driving license in this state shall be suspended for a period of two (2)
31 years. The judicial officer shall require alcohol and/or drug treatment for the individual. The
32 sentencing judicial officer shall prohibit that person from operating a motor vehicle that is not
33 equipped with an ignition interlock system as provided in § 31-27-2.8. Such a violation with respect
34 to refusal to submit to a chemical blood test shall be a civil offense.

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

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

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

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

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

27 (10) Implied consent notice for persons eighteen (18) years of age or older: "Rhode Island
28 law requires you to submit to a chemical test of your blood, breath, or urine for the purpose of
29 determining the chemical content of your body fluids or breath. If you refuse this testing, certain
30 penalties can be imposed and include the following: for a first offense, your Rhode Island driver's
31 license or privilege to operate a motor vehicle in this state can be suspended for six (6) months to
32 one year or modified to permit operation in connection with an ignition interlock device for a period
33 specified by law; a fine from two hundred dollars (\$200) to five hundred dollars (\$500) can be
34 imposed; and you can be ordered to perform ten (10) to sixty (60) hours of community service and

1 attend a special course on driving while intoxicated or under the influence of a controlled substance
2 and/or alcohol or drug treatment. If you have had one or more previous offenses within the past
3 five (5) years, your refusal to submit to a chemical test of breath or urine at this time can have
4 criminal penalties, including incarceration up to six (6) months for a second offense and up to one
5 year for a third or subsequent offense, and can carry increased license suspension or ignition
6 interlock period, fines, and community service. All violators shall pay a five hundred dollar (\$500)
7 highway safety assessment fee, a two hundred dollar (\$200) department of health chemical testing
8 programs assessment fee, and a license reinstatement fee. Refusal to submit to a chemical test of
9 blood shall not subject you to criminal penalties for the refusal itself, but if you have one or more
10 previous offenses other civil penalties may increase. You have the right to be examined at your
11 own expense by a physician selected by you. If you submit to a chemical test at this time, you have
12 the right to have an additional chemical test performed at your own expense. You will be afforded
13 a reasonable opportunity to exercise these rights. Access to a telephone will be made available for
14 you to make those arrangements. You may now use a telephone."

15 Use of this implied consent notice shall serve as evidence that a person's consent to a
16 chemical test is valid in a prosecution involving driving under the influence of liquor, controlled
17 substances, and/or drugs.

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

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

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

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

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

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

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

8 **31-27-2.9. Administration of chemical test.**

9 (a) Notwithstanding any provision of § 31-27-2.1, if an individual refuses to consent to a
10 chemical test as provided in § 31-27-2.1, and a peace officer, as defined in § 12-7-21, has probable
11 cause to believe that the individual has violated one or more of the following sections: 31-27-1, 31-
12 27-1.1, 31-27-2.2, or 31-27-2.6 and that the individual was operating a motor vehicle under the
13 influence of any intoxicating liquor, toluene or any controlled substance as defined in chapter 21-
14 28, or any combination thereof, a chemical test may be administered without the consent of that
15 individual provided that the peace officer first obtains a search warrant authorizing administration
16 of the chemical test. The chemical test shall determine the amount of the alcohol or the presence of
17 a controlled substance in that person's blood, [saliva](#) or breath.

18 (b) The chemical test shall be administered in accordance with the methods approved by
19 the director of the department of health as provided for in subdivision 31-27-2(c)(4). The individual
20 shall be afforded the opportunity to have an additional chemical test as established in subdivision
21 31-27-2(c)(6).

22 (c) Notwithstanding any other law to the contrary, including, but not limited to, chapter 5-
23 37.3, any health care provider who, as authorized by the search warrant in subsection (a):

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

25 (ii) Performs the chemical test; or

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

30 (d) The results of a chemical test performed pursuant to this section shall be admissible as
31 competent evidence in any civil or criminal prosecution provided that evidence is presented in
32 compliance with the conditions set forth in subdivisions 31-27-2(c)(3), 31-27-2(c)(4) and 31-27-
33 2(c)(6).

34 (e) All chemical tests administered pursuant to this section shall be audio and video

1 recorded by the law enforcement agency which applied for and was granted the search warrant
2 authorizing the administration of the chemical test.

3 SECTION 12. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO FOOD AND DRUGS -- RHODE ISLAND CANNABIS ACT

1 This act would legalize the possession of up to one ounce (1 oz.) of cannabis for personal
2 use by adults aged twenty-one (21) and older. This act would establish the independent cannabis
3 control commission and supporting advisory board to regulate the cultivation, manufacture and sale
4 of cannabis for both medical and adult recreational use. The act would provide additional tax
5 revenue, with a municipal three percent (3%) local excise tax for participating municipalities and a
6 ten percent (10%) state excise tax added to the sale price for adult recreational use cannabis. This
7 act would further permit the existing compassion centers to sell adult recreational use cannabis to
8 adults over the age of twenty-one (21), on or after October 1, 2022, upon payment of a fee of one
9 hundred twenty-five thousand dollars (\$125,000). Upon promulgation of final rules and regulations
10 by the cannabis control commission, twenty-four (24) retail licenses may be issued. Twenty-five
11 percent (25%) of the retail licenses would be reserved for social equity applicants and an additional
12 twenty-five percent (25%) would be reserved for issuance to workers' cooperatives. The act would
13 offer local control over the establishment of cannabis-related license holders within each
14 municipality through their municipal council, and, if desired, a ballot referendum to be placed on
15 the November 8, 2022, ballot. The act would further require that the revenue obtained through all
16 application and license fees be used to create a social equity fund to benefit those communities
17 negatively impacted by the criminalization of cannabis. The act would also provide for
18 expungement for prior cannabis possession convictions which have been decriminalized.

19 This act would take effect upon passage.

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