

1 **ARTICLE 20**

2 SECTION 1. Sections 2-26-1, 2-26-3, 2-26-4, 2-26-5, 2-26-6, and 2-26-7 of the General Laws in  
3 Chapter 2-26 entitled “Hemp Growth Act” are hereby amended as follows:

4 **2-26-1. Short title.**

5 This chapter shall be known and may be cited as the "Industrial Hemp Growth Act."

6 **2-26-3. Definitions.**

7 When used in this chapter, the following terms shall have the following meanings:

8 (1) "Applicant" means any person, firm, corporation, or other legal entity who or that, on his, her,  
9 or its own behalf, or on behalf of another, has applied for permission to engage in any act or activity that  
10 is regulated under the provisions of this chapter.

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

16 (3) "Cannabidiol" or "CBD" means cannabidiol (CBD) derived from a hemp plant as defined in §  
17 2-26-3(8), not including products derived from exempt cannabis plant material as defined in 21 C.F.R. §  
18 1308.35.

19 ~~(2)~~ (4) "Department" means the office of cannabis regulation within the department of business  
20 regulation.

21 ~~(3)~~ (5) "Division" means the division of agriculture in the department of environmental  
22 management.

23 ~~(4)~~ (6) "Grower" means a person or entity who or that produces hemp for commercial purposes.

24 ~~(5)~~ (7) "Handler" means a person or entity who or that produces  
25 or processes hemp or agricultural hemp seed for processing into commodities or who  
26 manufactures hemp, products, or agricultural hemp seed.

27 ~~(6)~~ (8) "Hemp" or "industrial hemp" means ~~the plant of the genus cannabis and any part of such~~  
28 ~~plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed~~  
29 ~~three tenths percent (0.3%) on a dry weight basis of any part of the plant cannabis, or per volume or~~  
30 ~~weight of marijuana product or the combined percent of delta-9 tetrahydrocannabinol and~~  
31 ~~tetrahydrocannabinolic acid in any part of the plant cannabis regardless of the moisture content. Hemp is~~

~~also commonly referred to in this context as "industrial hemp."~~ means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight or per volume basis regardless of moisture content, and which satisfies the requirements of this chapter.

(9) "Hemp-derived consumable CBD product" means any product meant for ingestion, including but not limited to concentrates, extracts, and cannabis-infused foods and products, which contains cannabidiol derived from a hemp plant as defined in § 2-26-3(8), which shall only be sold to persons age twenty-one (21) or older, and which shall not include ~~not including~~ products derived from exempt cannabis plant material as defined in 21 C.F.R. § 1308.35.

~~(7)~~ (10) "Hemp products" or "industrial hemp products" means all products made from the plants, including, but not limited to, concentrated oil, cloth, cordage, fiber, food, fuel, hemp-derived consumable CBD products, paint, paper, construction materials, plastics, seed, seed meal, seed oil, and seed certified for cultivation-, which satisfy the requirements of this chapter.

(11) "Licensed CBD distributor" means a person licensed to distribute hemp-derived consumable CBD products pursuant to this chapter.

(12) "Licensed CBD retailer" means a person licensed to sell hemp-derived consumable CBD products pursuant to this chapter.

~~(8)~~ (13) "THC" means tetrahydrocannabinol, the principal psychoactive constituent of cannabis.

~~(9)~~ (14) "THCA" means tetrahydrocannabinol acid.

#### **2-26-4. Hemp an agricultural product.**

Hemp is an agricultural product that may be grown as a crop, produced, possessed, distributed, sold at retail, and commercially traded pursuant to the provisions of this chapter. Hemp is subject to primary regulation by the department. The division may assist the department in the regulation of hemp growth and production.

#### **2-26-5. Authority over licensing and sales.**

(a) The department shall promulgate rules and regulations for the licensing and regulation of hemp growers, ~~and~~ handlers, licensed CBD distributors, and licensed CBD retailers ~~and~~ ~~or~~ persons ~~otherwise~~ employed by the applicant and shall be responsible for the enforcement of such licensing and regulation.

(b) All growers, ~~and~~ handlers, ~~and~~ licensed CBD distributors, and licensed CBD retailers must have a hemp license issued by the department. All production, distribution and retail sale of hemp-derived consumable CBD products must be consistent with any applicable state or local food processing and

1 safety regulations, and the applicant shall be responsible to ensure its compliance with such regulations  
2 and any applicable food safety licensing requirements including but not limited to those promulgated by  
3 the Rhode Island Department of Health.

4  
5 (c) The application for a hemp license shall include, but not be limited to, the following:

6 (1) (i) The name and address of the applicant who will supervise, manage, or direct the growing  
7 and handling of hemp and the names and addresses of any person or entity partnering or providing  
8 consulting services regarding the growing or handling of hemp-; and

9 (ii) The name and address of the applicant who will supervise, manage, or direct the distribution  
10 or sale of hemp-derived consumable CBD products, and names and addresses of any person or entity  
11 partnering or providing consulting services regarding the distribution or sale of hemp-derived CBD  
12 products.

13 (2) A certificate of analysis that the seeds or plants obtained for cultivation are of a type and  
14 variety that do not exceed the maximum concentration of delta-9 THC, as set forth in § 2-26-3(8); any  
15 seeds that are obtained from a federal agency are presumed not to exceed the maximum concentration and  
16 do not require a certificate of analysis.

17 (3) (i) The location of the facility, including the Global Positioning System location, and other  
18 field reference information as may be required by the department with a tracking program and security  
19 layout to ensure that all hemp grown is tracked and monitored from seed to distribution outlets-; and

20 (ii) The location of the facility and other information as may be required by the department as to  
21 where the distribution or sale of hemp-derived consumable CBD products will occur.

22 (4) An explanation of the seed to sale tracking, cultivation method, extraction method, and  
23 certificate of analysis or certificate of analysis for the standard hemp seeds or hemp product if required by  
24 the department.

25 (5) Verification, prior to planting any seed, that the plant to be grown is of a type and variety of  
26 hemp that will produce a delta-9 THC concentration of no more than three-tenths of one percent (0.3%)  
27 on a dry-weight basis.

28 (6) Documentation that the licensee and/or its agents have entered into a purchase agreement with  
29 a hemp handler, ~~or~~ processor, distributor or retailer, if required by the department.

30 (7) All applicants:

31 (i) Shall apply to the state police, attorney general, or local law enforcement for a National  
32 Criminal Identification records check that shall include fingerprints submitted to the Federal Bureau of  
33 Investigation. Upon the discovery of a disqualifying conviction defined in paragraph (iv) and (v), and in  
34 accordance with the rules promulgated by the department, the state police shall inform the applicant, in

1 writing, of the nature of the conviction, and the state police shall notify the department, in writing,  
2 without disclosing the nature of the conviction, that a conviction has been found;

3 (ii) In those situations in which no conviction has been found, the state police shall inform the  
4 applicant and the department, in writing, of this fact;

5 (iii) All applicants shall be responsible for any expense associated with the criminal background  
6 check with fingerprints.

7 (iv) Any applicant who has been convicted of any felony offense under chapter 28 of title 21, or  
8 any person who has been convicted of murder, manslaughter, first-degree sexual assault, second-degree  
9 sexual assault, first-degree child molestation, second-degree child molestation, kidnapping, first-degree  
10 arson, second-degree arson, mayhem, robbery, burglary, breaking and entering, assault with a dangerous  
11 weapon, or any assault and battery punishable as a felony or assault with intent to commit any offense  
12 punishable as a felony, shall be disqualified from holding any license or permit under this chapter. The  
13 department shall notify any applicant, in writing, of for a denial of a license pursuant to this subsection.

14 (v) For purposes of this section, "conviction" means, in addition to judgments of conviction  
15 entered by a court subsequent to a finding of guilty, or plea of guilty, those instances where the defendant  
16 has entered a plea of nolo contendere and has received a jail sentence or a suspended jail sentence, or  
17 those instances wherein the defendant has entered into a deferred sentence agreement with the Rhode  
18 Island attorney general and the period of deferment has not been completed.

19 (8) Any other information as set forth in rules and regulations as required by the department.

20 ~~(d) All employees of the applicant shall register with the Rhode Island state police.~~

21 ~~(e)~~ (d) The department shall issue a hemp license to the grower or handler applicant if he, she, or  
22 it meets the requirements of this chapter, upon the applicant paying a licensure fee of two thousand five  
23 hundred dollars (\$2,500). Said license shall be renewed every two (2) years upon payment of a two  
24 thousand five hundred dollar (\$2,500) renewal fee. Any licensee convicted of any disqualifying offense  
25 described in subsection (c)(7)(iv) shall have his, her, or its license revoked. All license fees shall be  
26 directed to the department to help defray the cost of enforcement. The department shall collect a  
27 nonrefundable application fee of two hundred fifty dollars (\$250) for each application to obtain a license.

28 (e) Any grower or handler license applicant or license holder may also apply for, and be issued a  
29 CBD distributor and/or CBD retailer license at no additional cost provided their grower or handler license  
30 is issued or renewed. CBD distributor and CBD retailer licenses shall be renewed each year at no  
31 additional fee provided the applicant also holds or renews a grower and/or handler license.

32 (f) For applicants who do not hold, renew, or receive a grower or handler license, CBD handler  
33 distributor and CBD retailer licenses shall have a licensure fee of five hundred dollars (\$500). Said

licenses shall be renewed each year upon approval by the department and payment of a five hundred dollars (\$500) renewal fee.

**2-26-6. Rulemaking authority.**

(a) The department shall adopt rules to provide for the implementation of this chapter, which shall include rules to require hemp to be tested during growth for THC levels and to require inspection of hemp during sowing, growing season, harvest, storage, and processing. Included in these rules should be a system requiring the licensee to submit crop samples to an approved testing facility, as determined by the department, for testing and verification of compliance with the limits on delta-9 THC concentration.

(b) The department shall adopt rules and regulations for all operational requirements for licensed growers, handlers, CBD distributors and retailers, including without limitation regulations to ensure consistency in manufactured products and appropriate packaging, labeling, and placement with respect to retail sales.

~~(b)~~ (c) The department shall not adopt under this or any other section, a rule that would prohibit a person or entity to grow, ~~or distribute or sell~~ hemp based solely on the legal status of hemp under federal law.

(d) The department may adopt rules and regulations based on federal law provided those rules and regulations are designed to comply with federal guidance and mitigate federal enforcement against the licenses issued under this chapter.

**2-26-7. ~~Registration~~ Licensure.**

(a) Except as provided in this section, beginning sixty (60) days after the effective date of this chapter, the department shall accept the application for licensure to cultivate hemp submitted by the applicant.

(b) A person or entity ~~registered with~~ licensed by the department pursuant to this chapter shall allow hemp crops or hemp products, throughout sowing, year-long growing seasons, harvest storage, and processing, manufacturing, and retail facilities, to be inspected and tested by and at the discretion of the department and as required pursuant to any applicable state or local food processing and safety regulations including but not limited to those promulgated by the Rhode Island Department of Health.

SECTION 2. Chapter 2-26 of the General Laws entitled “Hemp Growth Act” is hereby amended by adding the following Sections 2-26-10, 2-26.11 and 2-26-12:

**2-26-10 Tax obligations; enforcement.**

Licensees under this chapter shall comply with provisions of chapter 44-49.1 of the general laws, and upon the failure of a licensee to comply with its obligations under chapter 44-49.1 the department may revoke or suspend a license upon the request of the tax administrator.

**2-26-11 Enforcement of violations of chapter.**

1        (a) (1) Notwithstanding any other provision of this chapter, if the director of the department or  
2 his or her designee has cause to believe that a violation of any provision of this chapter 2-26 or any  
3 regulations promulgated hereunder has occurred by a licensee that is under the department’s jurisdiction  
4 pursuant to this chapter, or that any person or entity is conducting any activities requiring licensure by the  
5 department under this chapter or the regulations promulgated hereunder without such licensure, the  
6 director or his or her designee may, in accordance with the requirements of the administrative procedures  
7 act, chapter 35 of title 42:

8            (i) Revoke or suspend a license;

9            (ii) Levy an administrative penalty in an amount established pursuant to regulations promulgated  
10 by the department ;

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

12           (iv) Require a licensee or person or entity conducting any activities requiring licensure under this  
13 chapter 2-26 to take such actions as are necessary to comply with such chapter and the regulations  
14 promulgated thereunder; or

15           (v) Any combination of the above penalties.

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

20        **2-26-12 Revenue.**

21           (a) There is created within the general fund a restricted receipt account to be known as the  
22 “industrial hemp licensing” or “industrial hemp licensing program” account. Fees collected pursuant to  
23 this chapter shall be deposited into this account and be used to finance costs of administering this chapter,  
24 including but not limited to licensing, inspections, and enforcement. The restricted receipt account will be  
25 housed within the budgets of the departments of business regulation, behavioral healthcare,  
26 developmental disabilities and hospitals, health, revenue and public safety, and the executive office of  
27 health and human services. All amounts deposited into the industrial hemp licensing account shall be  
28 exempt from the indirect cost recovery provisions of § 35-4-27.

29           (b) All revenues remaining in the restricted-receipt accounts after payments specified in  
30 subsection (a) of this section shall first be paid to cover any existing deficit in the department of business

1 regulation's restricted-receipt account. These transfers shall be made annually on the last business day of  
2 the fiscal year.

3 (c) All revenues remaining in the restricted-receipt accounts after payments specified in  
4 subsections (a) and (b) shall be paid into the state's general fund. These payments shall be made annually  
5 on the last business day of the fiscal year.

6 SECTION 3. Section 21-28-1.02 of Chapter 21-28 of the General Laws entitled "Uniform  
7 Controlled Substances Act" is hereby amended as follows:

8 **§ 21-28-1.02. Definitions. [Effective until January 1, 2023.]**

9 Unless the context otherwise requires, the words and phrases as defined in this section are used in  
10 this chapter in the sense given them in the following definitions:

11 (1) "Administer" refers to the direct application of controlled substances to the body of a patient  
12 or research subject by:

13 (i) A practitioner, or, in his or her presence by his or her authorized agent; or

14 (ii) The patient or research subject at the direction and in the presence of the practitioner whether  
15 the application is by injection, inhalation, ingestion, or any other means.

16 (2) "Agent" means an authorized person who acts on behalf of, or at the direction of, a  
17 manufacturer, wholesaler, distributor, or dispenser; except that these terms do not include a common or  
18 contract carrier or warehouse operator, when acting in the usual and lawful course of the carrier's or  
19 warehouse operator's business.

20 (3) "Apothecary" means a registered pharmacist as defined by the laws of this state and, where  
21 the context requires, the owner of a licensed pharmacy or other place of business where controlled  
22 substances are compounded or dispensed by a registered pharmacist; and includes registered assistant  
23 pharmacists as defined by existing law, but nothing in this chapter shall be construed as conferring on a  
24 person who is not registered as a pharmacist any authority, right, or privilege that is not granted to him or  
25 her by the pharmacy laws of the state.

26 (4) "Automated data processing system" means a system utilizing computer software and  
27 hardware for the purposes of record keeping.

28 (5) "Certified law enforcement prescription drug diversion investigator" means a certified law  
29 enforcement officer assigned by his or her qualified law enforcement agency to investigate prescription  
30 drug diversion.

31 (6) "Computer" means programmable electronic device capable of multi-functions, including, but  
32 not limited to: storage, retrieval, and processing of information.

33 (7) "Control" means to add a drug or other substance or immediate precursor to a schedule under  
34 this chapter, whether by transfer from another schedule or otherwise.

(8) "Controlled substance" means a drug, substance, immediate precursor, or synthetic drug in schedules I – V of this chapter. The term shall not include distilled spirits, wine, or malt beverages, as those terms are defined or used in chapter 1 of title 3, nor tobacco.

(9) "Co-prescribing" means issuing a prescription for an opioid antagonist along with a prescription for an opioid analgesic.

(10) "Counterfeit substance" means a controlled substance that, or the container or labeling of which, without authorization bears the trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness of them, of a manufacturer, distributor, or dispenser, other than the person or persons who in fact manufactured, distributed, or dispensed the substance and that thereby falsely purports or is represented to be the product of, or to have been distributed by, the other manufacturer, distributor, or dispenser, or which substance is falsely purported to be or represented to be one of the controlled substances by a manufacturer, distributor, or dispenser.

(11) "CRT" means cathode ray tube used to impose visual information on a screen.

(12) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a controlled substance or imitation controlled substance, whether or not there exists an agency relationship.

(13) "Department" means the department of health of this state.

(14) "Depressant or stimulant drug" means:

(i) A drug that contains any quantity of:

(A) Barbituric acid or derivatives, compounds, mixtures, or preparations of barbituric acid; and

(B) "Barbiturate" or "barbiturates" includes all hypnotic and/or somnifacient drugs, whether or not derivatives of barbituric acid, except that this definition shall not include bromides and narcotics.

(ii) A drug that contains any quantity of:

(A) Amphetamine or any of its optical isomers;

(B) Any salt of amphetamine and/or desoxyephedrine or any salt of an optical isomer of amphetamine and/or desoxyephedrine, or any compound, mixture, or preparation of them.

(iii) A drug that contains any quantity of coca leaves. "Coca leaves" includes cocaine, or any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves, that do not contain cocaine, ecgonine, or substance from which cocaine or ecgonine may be synthesized or made.

(iv) Any other drug or substance that contains any quantity of a substance that the attorney general of the United States, or the director of health, after investigation, has found to have, or by regulation designates as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system.

(15) "Director" means the director of health.

1 (16) "Dispense" means to deliver, distribute, leave with, give away, or dispose of a controlled  
2 substance to the ultimate user or human research subject by or pursuant to the lawful order of a  
3 practitioner, including the packaging, labeling, or compounding necessary to prepare the substance for  
4 that delivery.

5 (17) "Dispenser" is a practitioner who delivers a controlled substance to the ultimate user or  
6 human research subject.

7 (18) "Distribute" means to deliver (other than by administering or dispensing) a controlled  
8 substance or an imitation controlled substance and includes actual constructive, or attempted transfer.  
9 "Distributor" means a person who so delivers a controlled substance or an imitation controlled substance.

10 (19) "Downtime" means that period of time when a computer is not operable.

11 (20) "Drug addicted person" means a person who exhibits a maladaptive pattern of behavior  
12 resulting from drug use, including one or more of the following: impaired control over drug use;  
13 compulsive use; and/or continued use despite harm, and craving.

14 (21) "Drug Enforcement Administration" means the Drug Enforcement Administration United  
15 States Department of Justice or its successor.

16 (22) "Federal law" means the Comprehensive Drug Abuse Prevention and Control Act of 1970,  
17 (84 stat. 1236) (see generally 21 U.S.C. § 801 et seq.), and all regulations pertaining to that federal act.

18 (23) "Hardware" means the fixed component parts of a computer.

19 (24) "Hospital" means an institution as defined in chapter 17 of title 23.

20 (25) "Imitation controlled substance" means a substance that is not a controlled substance, that by  
21 dosage unit, appearance (including color, shape, size, and markings), or by representations made, would  
22 lead a reasonable person to believe that the substance is a controlled substance and, which imitation  
23 controlled substances contain substances that if ingested, could be injurious to the health of a person. In  
24 those cases when the appearance of the dosage unit is not reasonably sufficient to establish that the  
25 substance is an "imitation controlled substance" (for example in the case of powder or liquid), the court or  
26 authority concerned should consider, in addition to all other logically relevant factors, the following  
27 factors as related to "representations made" in determining whether the substance is an "imitation  
28 controlled substance":

29 (i) Statement made by an owner, possessor, transferor, recipient, or by anyone else in control of  
30 the substance concerning the nature of the substance, or its use or effect.

31 (ii) Statements made by the owner, possessor, or transferor, to the recipient that the substance  
32 may be resold for substantial profit.

33 (iii) Whether the substance is packaged in a manner reasonably similar to packaging of illicit  
34 controlled substances.

(iv) Whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration, and whether the amount of the consideration was substantially greater than the reasonable value of the non-controlled substance.

(26) "Immediate precursor" means a substance:

(i) That the director of health has found to be and by regulation designated as being the principal compound used, or produced primarily for use, in the manufacture of a controlled substance;

(ii) That is an immediate chemical intermediary used or likely to be used in the manufacture of those controlled substances; and

(iii) The control of which is necessary to prevent, curtail, or limit the manufacture of that controlled substance.

(27) "Laboratory" means a laboratory approved by the department of health as proper to be entrusted with controlled substances and the use of controlled substances for scientific and medical purposes and for the purposes of instruction.

(28) "Manufacture" means the production, preparation, propagation, cultivation, compounding, or processing of a drug or other substance, including an imitation controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container in conformity with the general laws of this state except by a practitioner as an incident to his or her administration or dispensing of the drug or substance in the course of his or her professional practice.

(29) "Manufacturer" means a person who manufactures but does not include an apothecary who compounds controlled substances to be sold or dispensed on prescriptions.

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

(31) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(i) Opium and opiates.

1 (ii) A compound, manufacture, salt, derivative, or preparation of opium or opiates.

2 (iii) A substance (and any compound, manufacture, salt, derivative, or preparation of it) that is  
3 chemically identical with any of the substances referred to in paragraphs (i) and (ii) of this subdivision.

4 (iv) Any other substance that the attorney general of the United States, or his or her successor, or  
5 the director of health, after investigation, has found to have, and by regulation designates as having, a  
6 potential for abuse similar to opium and opiates.

7 (32) "Official written order" means an order written on a form provided for that purpose by the  
8 Drug Enforcement Administration under any laws of the United States making provision for an official  
9 form, if order forms are authorized and required by federal law, and if no order form is provided then on  
10 an official form provided for that purpose by the director of health.

11 (33) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability  
12 similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-  
13 sustaining liability.

14 (34) "Opioid analgesics" means and includes, but is not limited to, the medicines buprenorphine,  
15 butorphanol, codeine, hydrocodone, hydromorphone, levorphanol, meperidine, methadone, morphine,  
16 nalbuphine, oxycodone, oxymorphone, pentazocine, propoxyphene as well as their brand names, isomers,  
17 and combinations, or other medications approved by the department.

18 (35) "Opioid antagonist" means naloxone hydrochloride and any other drug approved by the  
19 United States Food and Drug Administration for the treatment of opioid overdose.

20 (36) "Opium poppy" means the plant of the species *papaver somniferum* L., except the seeds of  
21 the plant.

22 (37) "Ounce" means an avoirdupois ounce as applied to solids and semi-solids, and a fluid ounce  
23 as applied to liquids.

24 (38) "Person" means any corporation, association, partnership, or one or more individuals.

25 (39) "Physical dependence" means a state of adaptation that is manifested by a drug class specific  
26 withdrawal syndrome that can be produced by abrupt cessation, rapid dose reduction, decreasing blood  
27 level of the drug, and/or administration of an antagonist.

28 (40) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

29 (41) "Practitioner" means:

30 (i) A physician, osteopath, dentist, chiropodist, veterinarian, scientific investigator, or other  
31 person licensed, registered or permitted to distribute, dispense, conduct research with respect to or to  
32 administer a controlled substance in the course of professional practice or research in this state.

(ii) A pharmacy, hospital, or other institution licensed, registered or permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state.

(42) "Printout" means a hard copy produced by computer that is readable without the aid of any special device.

(43) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(44) "Qualified law enforcement agency" means the U.S. Food and Drug Administration, Drug Enforcement Administration, Federal Bureau of Investigation, Office of Inspector General of the U.S. Department of Health & Human Services, or the Medicaid Fraud and Patient Abuse Unit in the Office of the Attorney General.

(45) "Researcher" means a person authorized by the director of health to conduct a laboratory as defined in this chapter.

(46) "Sell" includes sale, barter, gift, transfer, or delivery in any manner to another, or to offer or agree to do the same.

(47) "Software" means programs, procedures and storage of required information data.

(48) "Synthetic drugs" means any synthetic cannabinoids or piperazines or any synthetic cathinones as provided for in schedule I.

(49) "Ultimate user" means a person who lawfully possesses a controlled substance for his or her own use or for the use of a member of his or her household, or for administering to an animal owned by him or her or by a member of his or her household.

(50) "Wholesaler" means a person who sells, vends, or distributes at wholesale, or as a jobber, broker agent, or distributor, or for resale in any manner in this state any controlled substance.

**§ 21-28-1.02. Definitions. [Effective January 1, 2023.]**

Unless the context otherwise requires, the words and phrases as defined in this section are used in this chapter in the sense given them in the following definitions:

(1) "Administer" refers to the direct application of controlled substances to the body of a patient or research subject by:

(i) A practitioner, or, in his or her presence by his or her authorized agent; or

(ii) The patient or research subject at the direction and in the presence of the practitioner whether the application is by injection, inhalation, ingestion, or any other means.

(2) "Agent" means an authorized person who acts on behalf of, or at the direction of, a manufacturer, wholesaler, distributor, or dispenser; except that these terms do not include a common or

1 contract carrier or warehouse operator, when acting in the usual and lawful course of the carrier's or  
2 warehouse operator's business.

3 (3) "Apothecary" means a registered pharmacist as defined by the laws of this state and, where  
4 the context requires, the owner of a licensed pharmacy or other place of business where controlled  
5 substances are compounded or dispensed by a registered pharmacist; and includes registered assistant  
6 pharmacists as defined by existing law, but nothing in this chapter shall be construed as conferring on a  
7 person who is not registered as a pharmacist any authority, right, or privilege that is not granted to him or  
8 her by the pharmacy laws of the state.

9 (4) "Automated data processing system" means a system utilizing computer software and  
10 hardware for the purposes of record keeping.

11 (5) "Computer" means programmable electronic device capable of multi-functions, including, but  
12 not limited to: storage, retrieval, and processing of information.

13 (6) "Control" means to add a drug or other substance or immediate precursor to a schedule under  
14 this chapter, whether by transfer from another schedule or otherwise.

15 (7) "Controlled substance" means a drug, substance, immediate precursor, or synthetic drug in  
16 schedules I – V of this chapter. The term shall not include distilled spirits, wine, or malt beverages, as  
17 those terms are defined or used in chapter 1 of title 3, nor tobacco.

18 (8) "Co-prescribing" means issuing a prescription for an opioid antagonist along with a  
19 prescription for an opioid analgesic.

20 (9) "Counterfeit substance" means a controlled substance that, or the container or labeling of  
21 which, without authorization bears the trademark, trade name, or other identifying mark, imprint, number,  
22 or device, or any likeness of them, of a manufacturer, distributor, or dispenser, other than the person or  
23 persons who in fact manufactured, distributed, or dispensed the substance and that thereby falsely  
24 purports or is represented to be the product of, or to have been distributed by, the other manufacturer,  
25 distributor, or dispenser, or which substance is falsely purported to be or represented to be one of the  
26 controlled substances by a manufacturer, distributor, or dispenser.

27 (10) "CRT" means cathode ray tube used to impose visual information on a screen.

28 (11) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a controlled substance  
29 or imitation controlled substance, whether or not there exists an agency relationship.

30 (12) "Department" means the department of health of this state.

31 (13) "Depressant or stimulant drug" means:

32 (i) A drug that contains any quantity of:

33 (A) Barbituric acid or derivatives, compounds, mixtures, or preparations of barbituric acid; and

(B) "Barbiturate" or "barbiturates" includes all hypnotic and/or somnifacient drugs, whether or not derivatives of barbituric acid, except that this definition shall not include bromides and narcotics.

(ii) A drug that contains any quantity of:

(A) Amphetamine or any of its optical isomers;

(B) Any salt of amphetamine and/or desoxyephedrine or any salt of an optical isomer of amphetamine and/or desoxyephedrine, or any compound, mixture, or preparation of them.

(iii) A drug that contains any quantity of coca leaves. "Coca leaves" includes cocaine, or any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves, that do not contain cocaine, ecgonine, or substance from which cocaine or ecgonine may be synthesized or made.

(iv) Any other drug or substance that contains any quantity of a substance that the attorney general of the United States, or the director of health, after investigation, has found to have, or by regulation designates as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system.

(14) "Director" means the director of health.

(15) "Dispense" means to deliver, distribute, leave with, give away, or dispose of a controlled substance to the ultimate user or human research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(16) "Dispenser" is a practitioner who delivers a controlled substance to the ultimate user or human research subject.

(17) "Distribute" means to deliver (other than by administering or dispensing) a controlled substance or an imitation controlled substance and includes actual constructive, or attempted transfer. "Distributor" means a person who so delivers a controlled substance or an imitation controlled substance.

(18) "Downtime" means that period of time when a computer is not operable.

(19) "Drug addicted person" means a person who exhibits a maladaptive pattern of behavior resulting from drug use, including one or more of the following: impaired control over drug use; compulsive use; and/or continued use despite harm, and craving.

(20) "Drug Enforcement Administration" means the Drug Enforcement Administration United States Department of Justice or its successor.

(21) "Federal law" means the Comprehensive Drug Abuse Prevention and Control Act of 1970, (84 stat. 1236) (see generally 21 U.S.C. § 801 et seq.), and all regulations pertaining to that federal act.

(22) "Hardware" means the fixed component parts of a computer.

(23) "Hospital" means an institution as defined in chapter 17 of title 23.

(24) "Imitation controlled substance" means a substance that is not a controlled substance, that by dosage unit, appearance (including color, shape, size, and markings), or by representations made, would lead a reasonable person to believe that the substance is a controlled substance and, which imitation controlled substances contain substances that if ingested, could be injurious to the health of a person. In those cases when the appearance of the dosage unit is not reasonably sufficient to establish that the substance is an "imitation controlled substance" (for example in the case of powder or liquid), the court or authority concerned should consider, in addition to all other logically relevant factors, the following factors as related to "representations made" in determining whether the substance is an "imitation controlled substance":

(i) Statement made by an owner, possessor, transferor, recipient, or by anyone else in control of the substance concerning the nature of the substance, or its use or effect.

(ii) Statements made by the owner, possessor, or transferor, to the recipient that the substance may be resold for substantial profit.

(iii) Whether the substance is packaged in a manner reasonably similar to packaging of illicit controlled substances.

(iv) Whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration, and whether the amount of the consideration was substantially greater than the reasonable value of the non-controlled substance.

(25) "Immediate precursor" means a substance:

(i) That the director of health has found to be and by regulation designated as being the principal compound used, or produced primarily for use, in the manufacture of a controlled substance;

(ii) That is an immediate chemical intermediary used or likely to be used in the manufacture of those controlled substances; and

(iii) The control of which is necessary to prevent, curtail, or limit the manufacture of that controlled substance.

(26) "Laboratory" means a laboratory approved by the department of health as proper to be entrusted with controlled substances and the use of controlled substances for scientific and medical purposes and for the purposes of instruction.

(27) "Manufacture" means the production, preparation, propagation, cultivation, compounding, or processing of a drug or other substance, including an imitation controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container in conformity with the general laws

of this state except by a practitioner as an incident to his or her administration or dispensing of the drug or substance in the course of his or her professional practice.

(28) "Manufacturer" means a person who manufactures but does not include an apothecary who compounds controlled substances to be sold or dispensed on prescriptions.

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

(30) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(i) Opium and opiates.

(ii) A compound, manufacture, salt, derivative, or preparation of opium or opiates.

(iii) A substance (and any compound, manufacture, salt, derivative, or preparation of it) that is chemically identical with any of the substances referred to in paragraphs (i) and (ii) of this subdivision.

(iv) Any other substance that the attorney general of the United States, or his or her successor, or the director of health, after investigation, has found to have, and by regulation designates as having, a potential for abuse similar to opium and opiates.

(31) "Official written order" means an order written on a form provided for that purpose by the Drug Enforcement Administration under any laws of the United States making provision for an official form, if order forms are authorized and required by federal law, and if no order form is provided then on an official form provided for that purpose by the director of health.

(32) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability.

(33) "Opioid analgesics" means and includes, but is not limited to, the medicines buprenorphine, butorphanol, codeine, hydrocodone, hydromorphone, levorphanol, meperidine, methadone, morphine, nalbuphine, oxycodone, oxymorphone, pentazocine, propoxyphene as well as their brand names, isomers, and combinations, or other medications approved by the department.

(34) "Opioid antagonist" means naloxone hydrochloride and any other drug approved by the United States Food and Drug Administration for the treatment of opioid overdose.

(35) "Opium poppy" means the plant of the species *papaver somniferum* L., except the seeds of the plant.

(36) "Ounce" means an avoirdupois ounce as applied to solids and semi-solids, and a fluid ounce as applied to liquids.

(37) "Person" means any corporation, association, partnership, or one or more individuals.

(38) "Physical dependence" means a state of adaptation that is manifested by a drug class specific withdrawal syndrome that can be produced by abrupt cessation, rapid dose reduction, decreasing blood level of the drug, and/or administration of an antagonist.

(39) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(40) "Practitioner" means:

(i)(ii) A physician, osteopath, dentist, chiropractist, veterinarian, scientific investigator, or other person licensed, registered or permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(41) "Printout" means a hard copy produced by computer that is readable without the aid of any special device.

(42) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(43) "Researcher" means a person authorized by the director of health to conduct a laboratory as defined in this chapter.

(44) "Sell" includes sale, barter, gift, transfer, or delivery in any manner to another, or to offer or agree to do the same.

(45) "Software" means programs, procedures and storage of required information data.

(46) "Synthetic drugs" means any synthetic cannabinoids or piperazines or any synthetic cathinones as provided for in schedule I.

(47) "Ultimate user" means a person who lawfully possesses a controlled substance for his or her own use or for the use of a member of his or her household, or for administering to an animal owned by him or her or by a member of his or her household.

(48) "Wholesaler" means a person who sells, vends, or distributes at wholesale, or as a jobber, broker agent, or distributor, or for resale in any manner in this state any controlled substance.

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

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

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

7 Notwithstanding any other provision of the general laws, the sale, manufacture, or delivery of  
8 drug paraphernalia to a person acting in accordance with chapters 21-28.6, 21-28.10, or 21-28.11 of the  
9 general laws shall not be considered a violation of this chapter.

10 SECTION 5. Sections 21-28.6-3, 21-28.6-4, 21-28.6-5, 21-28.6-6, 21-28.6-7, 21-28.6-8, 21-28.6-9,  
11 21-28.6-12, 21-28.6-14, 21-28.6-15, 21-28.6-16, 21-28.6-16.2, 21-28.6-16.3, and 21-28.6-17 of the  
12 General Laws in Chapter 21-28.6 entitled “The Edward O. Hawkins and Thomas C. Slater Medical  
13 Marijuana Act” are hereby amended as follows:

14 **21-28.6-3 Definitions.**

15 For the purposes of this chapter:

16 (1) "Authorized purchaser" means a natural person who is at least twenty-one (21) years old and  
17 who is registered with the department of health for the purposes of assisting a qualifying patient in  
18 purchasing marijuana from a compassion center. An authorized purchaser may assist no more than one  
19 patient, and is prohibited from consuming marijuana obtained for the use of the qualifying patient. An  
20 authorized purchaser shall be registered with the department of health and shall possess a valid registry  
21 identification card.

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

28 ~~(15)(3) “Medical marijuana-Cannabis~~ testing laboratory” means a third party analytical testing  
29 laboratory licensed by the department of health, in coordination with the department of business  
30 regulation, to collect and test samples of cannabis marijuana pursuant to regulations promulgated by the  
31 departments.

~~(2)~~(4) "Cardholder" means a person who has been registered or licensed with the department of health or the department of business regulation pursuant to this chapter and possesses a valid registry identification card or license.

~~(3)~~(5) "Commercial unit" means a building, ~~office, suite, or room~~ other space within a commercial or industrial building as authorized by the department of business regulation, for use by one business or person and is rented or owned by that business or person.

~~(4)~~(6)(i) "Compassion center" means a not-for-profit corporation, subject to the provisions of chapter 6 of title 7, or a for profit entity which satisfies the requirements of 21-28.11-14(d), and ~~registered~~ is licensed under § 21-28.6-12, that acquires, possesses, ~~cultivates, manufactures, delivers,~~ transfers, transports, supplies, or dispenses medical marijuana, and/or related supplies and educational materials, to patient cardholders and/or their registered caregiver, cardholder or authorized purchaser in accordance with regulations promulgated by the department of business regulation.

(ii) "Compassion center cardholder" means a principal officer, board member, employee, volunteer, or agent of a compassion center who has registered with the ~~department of health or the~~ department of business regulation and has been issued and possesses a valid, registry identification card.

~~(5)~~(7) "Debilitating medical condition" means:

(i) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, Hepatitis C, post-traumatic stress disorder, or the treatment of these conditions;

(ii) A chronic or debilitating disease or medical condition, or its treatment, that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating, chronic pain; severe nausea; seizures, including but not limited to, those characteristic of epilepsy; or severe and persistent muscle spasms, including but not limited to, those characteristic of multiple sclerosis or Crohn's disease; or agitation of Alzheimer's Disease; or

(iii) Any other medical condition or its treatment approved by the department of health, as provided for in § 21-28.6-5.

~~(6)~~(8) "Department of business regulation" means the Rhode Island department of business regulation or its successor agency.

~~(7)~~(9) "Department of health" means the Rhode Island department of health or its successor agency.

~~(8)~~(10) "Department of public safety" means the Rhode Island department of public safety or its successor agency.

~~(9)~~(11) "Dried, ~~usable~~ marijuana" means the dried leaves and flowers of the marijuana plant as defined by regulations promulgated by the ~~departments of health~~ business regulation.

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

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

(14) "Immature marijuana plant" means a marijuana plant, rooted or unrooted, with no observable flower or buds.

(15) "Licensed medical marijuana cultivator" means a person or entity, as identified in § 43-3-6, who has been licensed by the department of business regulation to cultivate medical marijuana pursuant to § 21-28.6-16.

(16) "Licensed medical marijuana processor" means a person or entity, as identified in § 43-3-6, who has been licensed by the department of business regulation to manufacture medical marijuana products and/or process medical marijuana products pursuant to § 21-28.6-16.1.

(17) "Marijuana" has the meaning given that term in § 21-28-1.02(30).

(18) "Marijuana establishment licensee" means any person or entity licensed by the department of business regulation under chapters 21-28.6 or 21-28.11 whose license permits it to engage in or conduct activities in connection with the medical marijuana program or adult use marijuana industry. "Marijuana establishment licensees" shall include but not be limited to, compassion centers, medical marijuana cultivators, medical marijuana processors, marijuana retailers, marijuana cultivators, marijuana processors, cannabis testing laboratories, and the holder of any other license issued by the department of business regulation under chapters 21-28.6 or 21-28.11 of the Rhode Island General Laws and/or as specified and defined in regulations promulgated by the department of business regulation.

(19) "Mature marijuana plant" means a marijuana plant that has flowers or buds that are readily observable by an unaided visual examination.

(20) "Medical marijuana emporium" means any establishment, facility or club, whether operated for-profit or nonprofit, or any commercial unit or other premises as further defined through regulations promulgated by the department of business regulation, at which the sale, distribution, transfer or use of

1 medical marijuana or medical marijuana products is proposed and/or occurs to, by or among registered  
2 patients, registered caregivers, authorized purchaser cardholders or other persons as further defined  
3 through regulations promulgated by the department of business regulation. This shall not include a  
4 compassion center regulated and licensed by the department of business regulation pursuant to the terms  
5 of this chapter.

6 (21) "Medical marijuana" means marijuana and marijuana products which satisfy the  
7 requirements of this chapter and have been given the designation of "medical marijuana" due to dose,  
8 potency, form, or any other factor in accordance with regulations promulgated by the department of  
9 business regulation. Medical marijuana products are only available for use by patient cardholders, and  
10 may only be sold to or possessed by patient cardholders, or their registered caregiver, or authorized  
11 purchaser in accordance with this chapter. Medical marijuana may not be sold to, possessed by,  
12 manufactured by, or used except as permitted under this chapter.

13 ~~(21)~~ (22) "Medical marijuana plant tag set" or "plant tag" means any tag, identifier, registration,  
14 certificate, or inventory tracking system authorized or issued by the department or which the department  
15 requires be used for the lawful possession and cultivation of medical marijuana plants in accordance with  
16 this chapter.

17 ~~(16)(22)~~ (23) "Medical use" means the acquisition, possession, cultivation, manufacture, use,  
18 delivery, transfer, or transportation of marijuana or paraphernalia relating to the consumption of  
19 marijuana to alleviate a patient cardholder's debilitating medical condition or symptoms associated with  
20 the medical condition in accordance with the provisions of this chapter.

21 ~~(17)(23)~~ (24) "Practitioner" means a person who is licensed with authority to prescribe drugs  
22 pursuant to chapters 34, 37, and 54 of title 5 ~~or a physician licensed with authority to prescribe drugs in~~  
23 ~~Massachusetts or Connecticut, who may provide a qualifying patient with a written certification in~~  
24 ~~accordance with regulations promulgated by the department of health. or a physician licensed with~~  
25 ~~authority to prescribe drugs in Massachusetts or Connecticut.~~

26 ~~(18)(24)~~ (25) "Primary caregiver" means a natural person who is at least twenty-one (21) years  
27 old ~~who is registered under this chapter in order to, and who. A primary caregiver may,~~ assist one (1)  
28 qualifying patient, or upon a demonstration of need in accordance with regulations promulgated by the  
29 department of business regulation, up to but no more than five (5) qualifying patients with their medical  
30 use of marijuana in accordance with regulations promulgated by the department of business regulation,  
31 provided that a qualified patient may also serve as their own primary caregiver subject to the registration  
32 and requirements set forth in § 21-28.6-4 and any regulations promulgated thereunder.

33 ~~(19)(25)~~ (26) "Qualifying patient" means a person who has been ~~diagnosed—certified~~ by a  
34 practitioner as having a debilitating medical condition and is a resident of Rhode Island.

1       ~~(20)(26)~~ (27) "Registry identification card" means a document issued by the department of health  
2       or the department of business regulation, as applicable, that identifies a person as a registered qualifying  
3       patient, a registered primary caregiver, or authorized purchaser, or a document issued by the department  
4       of business regulation or department of health that identifies a person as a registered principal officer,  
5       board member, employee, volunteer, or agent of a compassion center, licensed medical marijuana  
6       cultivator, medical marijuana processor, cannabis testing lab, or any other medical marijuana licensee or  
7       marijuana establishment.

8       ~~(21)~~ "Seedling" means a ~~marijuana plant with no observable flowers or buds.~~

9       ~~(22)(27)~~ (28) "Unusable marijuana" means marijuana seeds, stalks, ~~seedlings~~ and unusable roots  
10      and shall not count towards any weight based possession limits established in the act.

11      ~~(23)(28)~~ (29) "Usable marijuana" means the ~~dried~~ leaves and flowers of the marijuana plant, and  
12      any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

13      ~~(24)(29)~~ (30) "Wet marijuana" means the harvested leaves and flowers of the marijuana plant  
14      before they have reached a dry ~~useable~~ state, as defined by regulations promulgated by the departments of  
15      ~~health and~~ business regulation.

16      ~~(25)(30)~~ (31) "Written certification" means ~~the qualifying patient's medical records, and a~~  
17      statement signed by a practitioner, stating that, in the practitioner's professional opinion, the potential  
18      benefits of the medical use of marijuana would likely outweigh the health risks for the qualifying patient.  
19      A written certification shall be made only in the course of a bona fide, practitioner-patient relationship  
20      after the practitioner has completed a full assessment of the qualifying patient's medical history. The  
21      written certification shall specify the qualifying patient's debilitating medical condition or conditions and  
22      include any other information required by regulations promulgated by the department of health which  
23      may include the qualifying patient's relevant medical records.

#### 24      **21-28.6-4 Protections for the medical use of marijuana.**

25      (a) A qualifying patient cardholder who has in his or her possession a registry identification card  
26      shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege,  
27      including, but not limited to, civil penalty or disciplinary action by a business or occupational or  
28      professional licensing board or bureau, solely for the medical use of marijuana; provided;

29      (1) Before July 1, 2019, tThe qualifying patient cardholder possesses an amount of marijuana that  
30      does not exceed twelve (12) mature marijuana plants and twelve (12) immature marijuana plants that are  
31      accompanied by valid medical marijuana tags (provided that if a qualifying patient cardholder has valid  
32      medical marijuana tags that were ordered and issued prior to July 1, 2019, and such tags have an  
33      expiration date that is on or after July 1, 2019, the plant possession limits set forth in this subsection shall

1 apply to such qualifying patient until the expiration date of the issued tags), ~~two and one half (2.5)~~three  
2 (3) ounces of ~~driedusable~~ marijuana, or its equivalent amount which satisfies the requirements of this  
3 chapter, and an amount of wet marijuana to be set by regulations promulgated by the departments of  
4 health and business regulation. Said plants shall be stored in an indoor facility. Marijuana plants and the  
5 marijuana they produce shall only be grown, stored, manufactured, and processed in accordance with  
6 regulations promulgated by the department of business regulation; and

7 (2) On and after July 1, 2019, the qualifying patient cardholder possesses an amount of marijuana  
8 that does not exceed six (6) mature marijuana plants and six (6) immature marijuana plants that are  
9 accompanied by valid medical marijuana tags (provided that if a qualifying patient cardholder has valid  
10 medical marijuana tags that were ordered and issued prior to July 1, 2019, and such tags have an  
11 expiration date that is on or after July 1, 2019, the plant possession limits set forth in subsection (1) above  
12 shall apply to such qualifying patient until the expiration date of the issued tags), three (3) ounces of dried  
13 marijuana, or its equivalent amount which satisfies the requirements of this chapter, and an amount of wet  
14 marijuana to be set by regulations promulgated by the department of business regulation. Said plants shall  
15 be stored in an indoor facility. Marijuana plants and the marijuana they produce shall be grown, stored,  
16 manufactured, and processed in accordance with regulations promulgated by the department of business  
17 regulation and;

18 (3) On and after July 1, 2019, in order to lawfully possess and grow marijuana plants, a qualifying  
19 patient cardholder, prior to applying for, or renewing medical marijuana plant grow tags, must first apply  
20 for and be issued a caregiver registration card by the department of business regulation. The department  
21 of business regulation may issue a caregiver registration card and plant tags to any qualified patient  
22 cardholder who qualifies to serve as their own caregiver through a demonstration of need in accordance  
23 with regulations promulgated by the department of business regulation.

24 (b) An authorized purchaser who has in his or her possession a registry identification card shall  
25 not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including,  
26 but not limited to, civil penalty or disciplinary action by a business or occupational or professional  
27 licensing board or bureau, for the possession of marijuana; provided that the authorized purchaser  
28 possesses an amount of marijuana that does not exceed ~~two and one half (2.5)~~three (3) ounces of  
29 ~~driedusable~~ marijuana, or its equivalent amount which satisfies the requirements of this chapter, and this  
30 marijuana was purchased legally from a compassion center for the use of their designated qualifying  
31 patient.

32 (c) A qualifying patient cardholder, who has in his or her possession a registry identification card,  
33 shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege,  
34 including, but not limited to, civil penalty or disciplinary action by a business or occupational or

professional licensing board or bureau, for selling, giving, or distributing, on or before December 31, 2016 to a compassion center cardholder, marijuana of the type, and in an amount not to exceed, that set forth in subsection (a), that he or she has cultivated or manufactured pursuant to this chapter.

(d) No school, ~~employer~~, or landlord may refuse to enroll, ~~employ~~, or lease to, or otherwise penalize, a person solely for his or her status as a cardholder. Provided, however, due to the safety and welfare concern for other tenants, the property, and the public, as a whole, a landlord may have the discretion not to lease, or continue to lease, to a cardholder who cultivates, manufactures, processes, smokes, or vaporizes marijuana in the leased premises.(e) No employer may refuse to employ, or otherwise penalize, a person solely for his or her status as a cardholder, except:

(1) to the extent employer action is taken with respect to such person's;

(i) use or possession of marijuana or being under the influence of marijuana in any workplace,

(ii) undertaking a task under the influence of marijuana when doing so would constitute negligence or professional malpractice or jeopardize workplace safety,

(iii) operation, navigation or actual physical control of any motor vehicle or other transport vehicle, aircraft, motorboat, machinery or equipment, or firearms while under the influence of marijuana, or

(iv) violation of employment conditions pursuant to the terms of a collective bargaining agreement, or

(2) where the employer is a federal contractor or otherwise subject to federal law such that failure of the employer to take such action against the employee would cause the employer to lose a monetary or licensing related benefit.~~(e)-(f)~~ A primary caregiver cardholder, who has in his or her possession a registry identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for assisting a patient cardholder, to whom he or she is connected through the department of health or department of business regulation's registration process, with the medical use of marijuana; provided, that;

(1)Before July 1, 2019,the primary caregiver cardholder possesses an amount of marijuana that does not exceed twelve (12) mature marijuana plants and twelve (12) immature marijuana plants that are accompanied by valid medical marijuana tags (provided that if a primary caregiver cardholder has valid medical marijuana tags that were ordered and processed prior to July 1, 2019, and such tags have an expiration date that is on or after July 1, 2019, the plant possession limits set forth in this subsection shall apply to such primary caregiver until the expiration date of the issued tags), ~~two and one-half (2.5)~~three (3) ounces of ~~driedusable~~ marijuana, or its equivalent amount which satisfies the requirements of this chapter, and an amount of wet marijuana set in regulations promulgated by the departments of ~~health and~~

1 business regulation for each qualified patient cardholder to whom he or she is connected through the  
2 department of ~~health~~-business regulation's registration process. Said plants shall be stored in an indoor  
3 facility. Marijuana plants and the marijuana they produce shall be grown, stored, manufactured,  
4 processed, and distributed to qualified patient cardholders to whom the primary caregiver is connected  
5 and in accordance with regulations promulgated by the department of business regulation; and

6 (2) On and after July 1, 2019, the primary caregiver cardholder possesses an amount of marijuana  
7 that does not exceed six (6) mature marijuana plants and six (6) immature marijuana plants that are  
8 accompanied by valid medical marijuana tags (provided that if a primary caregiver cardholder has valid  
9 medical marijuana tags that were ordered and processed prior to July 1, 2019, and such tags have an  
10 expiration date that is on or after July 1, 2019, the plant possession limits set forth in subsection (1) above  
11 shall apply to such primary caregiver until the expiration date of the issued tags), three (3) ounces of dried  
12 marijuana, or its equivalent amount which satisfies the requirements of this chapter, and an amount of wet  
13 marijuana set in regulations promulgated by the department of business regulation for each qualified  
14 patient cardholder to whom he or she is connected through the department of business regulation's  
15 registration process. Said plants shall be stored in an indoor facility. Marijuana plants and the marijuana  
16 they produce shall be grown, stored, manufactured, processed, and distributed to qualified patient  
17 cardholders to whom the primary caregiver is connected and in accordance with regulations promulgated  
18 by the department of business regulation.

19 ~~(f) A qualifying patient cardholder shall be allowed to possess a reasonable amount of unusable~~  
20 ~~marijuana, including up to twelve (12) seedlings that are accompanied by valid medical marijuana tags. A~~  
21 ~~primary caregiver cardholder shall be allowed to possess a reasonable amount of unusable marijuana,~~  
22 ~~including up to twenty-four (24) seedlings that are accompanied by valid medical marijuana tags and an~~  
23 ~~amount of wet marijuana set in regulations promulgated by the departments of health and business~~  
24 ~~regulation.~~

25 (g)~~(f)~~ There shall exist a presumption that a cardholder is engaged in the medical use of marijuana  
26 if the cardholder:

27 (1) Is in possession of a registry identification card; and

28 (2) Is in possession of an amount of marijuana that does not exceed the amount permitted under  
29 this chapter. Such presumption may be rebutted by evidence that conduct related to marijuana was not for  
30 the purpose of alleviating the qualifying patient's debilitating medical condition or symptoms associated  
31 with the medical condition.

32 (h)~~(g)~~ A primary caregiver cardholder may receive reimbursement for costs associated with  
33 assisting a qualifying patient cardholder's medical use of marijuana. A primary caregiver cardholder may  
34 only receive reimbursement for the actual costs of goods, materials, services or utilities for which they

1 have incurred expenses. A primary caregiver may not receive reimbursement or compensation for their  
2 time, knowledge, or expertise. Compensation shall not constitute sale of controlled substances under state  
3 law. The department of business regulation may promulgate regulations for the documentation and  
4 tracking of reimbursements and the transfer of marijuana between primary caregivers and their registered  
5 patients.

6 (i)~~(h)~~ A primary caregiver cardholder, who has in his or her possession a registry identification  
7 card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege,  
8 including, but not limited to, civil penalty or disciplinary action by a business or occupational or  
9 professional licensing board or bureau, for selling, giving, or distributing, on or before December 31,  
10 2016 to a compassion center cardholder, marijuana, of the type, and in an amount not to exceed that set  
11 forth in subsection (e), if:

12 (1) The primary caregiver cardholder cultivated the marijuana pursuant to this chapter, not to  
13 exceed the limits of subsection (e); and

14 (2) Each qualifying patient cardholder the primary caregiver cardholder is connected with through  
15 the department of health's registration process has been provided an adequate amount of the marijuana to  
16 meet his or her medical needs, not to exceed the limits of subsection (a).

17 (j)~~(i)~~ A practitioner shall not be subject to arrest, prosecution, or penalty in any manner, or denied  
18 any right or privilege, including, but not limited to, civil penalty or disciplinary action by the Rhode  
19 Island board of medical licensure and discipline, or ~~by any other business~~ an employer or occupational or  
20 professional licensing board or bureau solely for providing written certifications in accordance with this  
21 chapter and regulations promulgated by the department of health, or for otherwise stating that, in the  
22 practitioner's professional opinion, the potential benefits of the medical marijuana would likely outweigh  
23 the health risks for a patient.

24 (k)~~(j)~~ Any interest in, or right to, property that is possessed, owned, or used in connection with  
25 the lawful medical use of marijuana, or acts incidental to such use, shall not be forfeited.

26 (l)~~(k)~~ No person shall be subject to arrest or prosecution for constructive possession, conspiracy,  
27 aiding and abetting, being an accessory, or any other offense, for simply being in the presence or vicinity  
28 of the medical use of marijuana as permitted under this chapter, or for assisting a qualifying patient  
29 cardholder with using or administering marijuana.

30 (m)~~(l)~~ A practitioner licensed with authority to prescribed drugs pursuant to chapters 34, 37 and  
31 54 of title 5, or pharmacist licensed under chapter 19.1 of title 5, or certified school nurse teacher, shall  
32 not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including,  
33 but not limited to, civil penalty or disciplinary action by an employer ~~business~~ or occupational or  
34 professional licensing board or bureau solely for:

1           (i) discussing the benefits or health risks of medical marijuana or its interaction with other  
2 substances with a patient—or;

3           (ii) administering a non-smokable and non-vaporized form of medical marijuana in a school  
4 setting to a qualified patient registered in accordance with chapter 21-28.6 of the general laws.

5           (n)~~(m)~~ A qualifying patient or primary caregiver registry identification card, or its equivalent,  
6 issued under the laws of another state, U.S. territory, or the District of Columbia, to permit the medical  
7 use of marijuana by a patient with a debilitating medical condition, or to permit a person to assist with the  
8 medical use of marijuana by a patient with a debilitating medical condition, shall have the same force and  
9 effect as a registry identification card.

10          (o)~~(n)~~ Notwithstanding the provisions of subsection (e), no primary caregiver cardholder shall;

11          (1) Before July 1, 2019, pPossess an amount of marijuana in excess of twenty-four (24) mature  
12 marijuana plants and twenty-four (24) immature marijuana plants that are accompanied by valid medical  
13 marijuana tags (provided that if a primary caregiver cardholder has valid medical marijuana tags that were  
14 ordered and processed prior to July 1, 2019, and such tags have an expiration date that is on or after July  
15 1, 2019, the plant possession limits set forth in this subsection (1) shall apply to such primary caregiver  
16 until the expiration date of the issued tags) and five (5) six (6) ounces of driedusable marijuana, or its  
17 equivalent which satisfies the requirements of this chapter, and an amount of wet marijuana set in  
18 regulations promulgated by the departments of ~~health and~~ business regulation for patient cardholders to  
19 whom he or she is connected through the ~~department of health~~ department of business regulation's  
20 registration process.

21          (2) On or after July 1, 2019, possess an amount of marijuana in excess of twelve (12) mature  
22 marijuana plants and twelve (12) immature marijuana plants that are accompanied by valid medical  
23 marijuana tags (provided that if a primary caregiver cardholder has valid medical marijuana tags that were  
24 ordered and processed prior to July 1, 2019, and such tags have an expiration date that is on or after July  
25 1, 2019, the plant possession limits set forth in subsection (1) above shall apply to such primary caregiver  
26 until the expiration date of the issued tags) and six (6) ounces of dried marijuana, or its equivalent which  
27 satisfies the requirements of this chapter, and an amount of wet marijuana set in regulations promulgated  
28 by the department of business regulation for patient cardholders to whom he or she is connected through  
29 the department of business regulation's registration process.

30          ~~(p) A qualifying patient or primary caregiver cardholder may give marijuana to another~~  
31 ~~qualifying patient or primary caregiver cardholder to whom they are not connected by the department's~~  
32 ~~registration process, provided that no consideration is paid for the marijuana, and that the recipient does~~  
33 ~~not exceed the limits specified in this section.~~

1           ~~(p)~~(p) Except as expressly authorized under this chapter, a qualifying patient or primary caregiver  
2 shall not deliver or otherwise transfer marijuana to any other person or entity.

3           ~~(q)~~(p) Qualifying patient cardholders and primary caregiver cardholders who are authorized to  
4 grow marijuana shall only grow at one premises, and this premises shall be registered with the department  
5 of ~~health~~ business regulation. Except for licensed compassion centers, licensed cooperative cultivations,  
6 licensed medical marijuana processors and licensed medical marijuana cultivators, no more than ~~twenty-~~  
7 ~~four (24)~~ twelve (12) mature marijuana plants and twelve (12) immature marijuana plants that are  
8 accompanied by valid medical marijuana tags shall be grown or otherwise located at any one dwelling  
9 unit or commercial unit (provided that if a qualifying patient cardholder or a primary caregiver cardholder  
10 has valid medical marijuana tags for the plants grown at such registered premises that were ordered and  
11 processed prior to July 1, 2019, and such tags have an expiration date that is on or after July 1, 2019, the  
12 plant possession limit of twenty-four (24) mature marijuana plants and twenty-four (24) immature  
13 marijuana plants shall apply to such qualifying patient or primary caregiver until the expiration date of the  
14 issued tags). The number of qualifying patients or primary caregivers residing, owning, renting, growing,  
15 or otherwise operating at a dwelling or commercial unit does not affect this limit. The department of  
16 ~~health~~ business regulation shall promulgate regulations to enforce this provision.

17           ~~(r)~~(q) For the purposes of medical care, including organ transplants, a patient cardholder's  
18 authorized use of marijuana shall be considered the equivalent of the authorized use of any other  
19 medication used at the direction of a physician, and shall not constitute the use of an illicit substance.

20           ~~(s)~~(r) Notwithstanding any other provisions of the general laws, the manufacture of marijuana  
21 using a solvent extraction process that includes the use of a compressed, flammable gas as a solvent by a  
22 patient cardholder or primary caregiver cardholder shall not be subject to the protections of this chapter.

23           ~~(t)~~(s) Notwithstanding any provisions to the contrary, nothing in this chapter or the general laws  
24 shall restrict or otherwise affect the manufacturing, distribution, transportation, sale, prescribing and  
25 dispensing of a product that has been approved for marketing as a prescription medication by the U.S.  
26 Food and Drug Administration and legally prescribed, nor shall hemp, as ~~defined in~~ in accordance with  
27 chapter 26 of title 2 § 2-26-3, be defined as marijuana or marihuana pursuant to this chapter, chapter 28 of  
28 this title or elsewhere in the general laws.

29           (u) The possession limits for patient cardholders, caregiver cardholders, and authorized  
30 purchasers shall only apply to medical marijuana and shall be enforced separately, and is in addition to  
31 any possession limits for adult use marijuana afforded to registry identification cardholders under  
32 chapters 21-28.10 and 21-28.11.

33           **21-28.6-5 Departments of health and business regulation to issue regulations.**

(a) Not later than ninety (90) days after the effective date of this chapter, the department of health shall promulgate regulations governing the manner in which it shall consider petitions from the public to add debilitating medical conditions to those included in this chapter. In considering such petitions, the department of health shall include public notice of, and an opportunity to comment in a public hearing, upon such petitions. The department of health shall, after hearing, approve or deny such petitions within one hundred eighty (180) days of submission. The approval or denial of such a petition shall be considered a final department of health action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the superior court. The denial of a petition shall not disqualify qualifying patients with that condition, if they have a debilitating medical condition as defined in § 21-28.6-3(56\_7). The denial of a petition shall not prevent a person with the denied condition from raising an affirmative defense.

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

(c) Not later than October 1, 2019, the department of business regulation shall promulgate regulations governing the manner in which it shall consider applications for, and renewals of, registry identification cards for primary caregivers which may include criteria for eligibility or a demonstration of need. The department of business regulation's regulations shall establish application and renewal fees. The department of business regulation may vary the application and renewal fees along a sliding scale that accounts for a qualifying patient's or caregiver's income. The department of business regulation may accept donations from private sources in order to reduce the application and renewal fees.

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

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

(1) Written certification as defined in § 21-28.6-3(2530\_31) of this chapter;

(2) Application fee, as applicable;

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

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

4 (5) Whether the patient elects to apply to the department of business regulation to serve as their  
5 own caregiver and grow medical marijuana plants for himself or herself; and

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

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

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

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

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

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

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

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

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

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

32 (f) If the qualifying patient's practitioner notifies the department of health in a written statement  
33 that the qualifying patient is eligible for hospice care or chemotherapy, the department of health and

1 department of business regulation, as applicable, shall give priority to these applications when verifying  
2 the information in accordance with subsection (e) and issue a registry identification card to these  
3 qualifying patients, primary caregivers and authorized purchasers within seventy-two (72) hours of  
4 receipt of the completed application. The departments shall not charge a registration fee to the patient,  
5 caregivers or authorized purchasers named in the application. The department of health may identify  
6 through regulation a list of other conditions qualifying a patient for expedited application processing.

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

20 (1) Any qualifying patient who qualifies to grow medical marijuana for themselves and serve as  
21 their own caregiver shall not be allowed to appoint a caregiver unless said qualifying patient is able to  
22 demonstrate the necessity of appointing a caregiver in accordance with regulations promulgated by the  
23 department of business regulation.

24 (2) A primary caregiver shall only be registered with and assist one patient cardholder with their  
25 medical use of marijuana except as allowed in subdivision (g)(3) of this section.

26 (3) A primary caregiver may be registered with more than one patient cardholder provided that  
27 any additional patient is an immediate family member of the primary caregiver or is able to demonstrate  
28 the necessity of appointing the caregiver in accordance with regulations promulgated by the department of  
29 business regulation.

30 ~~(4)~~(4) A primary caregiver applicant or an authorized purchaser applicant shall apply to the  
31 bureau of criminal identification of the department of attorney general, department of public safety  
32 division of state police, or local police department for a national criminal records check that shall include  
33 fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any disqualifying  
34 information as defined in subdivision (g)~~(4)~~(8), and in accordance with the rules promulgated by the

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

6 ~~(2)(5)~~ In those situations in which no disqualifying information has been found, the bureau of  
7 criminal identification of the department of attorney general, department of public safety division of state  
8 police, or the local police shall inform the applicant and the department of business regulation or  
9 department of health, as applicable, in writing, of this fact.

10 ~~(3)(6)~~ The department of health or department of business regulation, as applicable, shall  
11 maintain on file evidence that a criminal records check has been initiated on all applicants seeking a  
12 primary caregiver registry identification card or an authorized purchaser registry identification card and  
13 the results of the checks. The primary caregiver cardholder shall not be required to apply for a national  
14 criminal records check for each patient he or she is connected to through the department's registration  
15 process, provided that he or she has applied for a national criminal records check within the previous two  
16 (2) years in accordance with this chapter. The department of health and department of business regulation,  
17 as applicable, shall not require a primary caregiver cardholder or an authorized purchaser cardholder to  
18 apply for a national criminal records check more than once every two (2) years.

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

26 ~~(4)(8)~~ Information produced by a national criminal records check pertaining to a conviction for  
27 any felony offense under chapter 28 of title 21 ("Rhode Island Controlled Substances Act"), murder,  
28 manslaughter, rape, first-degree sexual assault, second-degree sexual assault, first-degree child  
29 molestation, second-degree child molestation, kidnapping, first-degree arson, second-degree arson,  
30 mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon, assault or battery  
31 involving grave bodily injury, and/or assault with intent to commit any offense punishable as a felony or a  
32 similar offense from any other jurisdiction shall result in a letter to the applicant and the department of  
33 health or department of business regulation, as applicable, disqualifying the applicant. If disqualifying  
34 information has been found, the department of health or department of business regulation, as applicable

1 may use its discretion to issue a primary caregiver registry identification card or an authorized purchaser  
2 registry identification card if the applicant's connected patient is an immediate family member and the  
3 card is restricted to that patient only.

4 ~~(5)(9)~~ The primary caregiver or authorized purchaser applicant shall be responsible for any  
5 expense associated with the national criminal records check.

6 ~~(6)(10)~~ For purposes of this section, "conviction" means, in addition to judgments of conviction  
7 entered by a court subsequent to a finding of guilty or a plea of guilty, those instances where the  
8 defendant has entered a plea of nolo contendere and has received a sentence of probation and those  
9 instances where a defendant has entered into a deferred sentence agreement with the attorney general.

10 (11) Notwithstanding any other provision of this chapter, a qualifying patient cardholder who  
11 applies for a caregiver registration shall not be required to obtain a criminal background check and shall  
12 be exempt from the requirements of § 21-28.6-6(g)(4), provided the qualifying patient cardholder is not  
13 registered as, and does not apply to be, a caregiver for any other qualifying patient.

14 (12) The office of cannabis regulation may adopt rules and regulations based on federal guidance  
15 provided those rules and regulations are designed to comply with federal guidance and mitigate federal  
16 enforcement against the registrations and licenses issued under this chapter.

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

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

24 (iii) Registry identification cards shall contain:

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

26 (2) A random registry identification number;

27 (3) A photograph; and

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

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

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

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

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

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

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

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

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

30 ~~(8)~~(7) If a cardholder or authorized purchaser willfully violates any provision of this chapter as  
31 determined by the department of health or the department of business regulation, his or her registry  
32 identification card may be revoked.

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

5 (k)(1) Applications and supporting information submitted by qualifying patients, including  
6 information regarding their primary caregivers, authorized purchaser, and practitioners, are confidential  
7 and protected ~~under~~ in accordance with the federal Health Insurance Portability and Accountability Act of  
8 1996, as amended, and shall be exempt from the provisions of chapter 2 of title 38 et seq. (Rhode Island  
9 access to public records act) and not subject to disclosure, except to authorized employees of the  
10 departments of health and business regulation as necessary to perform official duties of the departments,  
11 and pursuant to subsection (l) and (m).

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

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

24 (l) Notwithstanding subsections (k) and (m), the departments of health and business regulation, as  
25 applicable, shall verify to law enforcement personnel whether a registry identification card is valid and  
26 may provide additional information to confirm whether a cardholder is compliant with the provisions of  
27 this chapter and the regulations promulgated hereunder. ~~solely by confirming the random registry~~  
28 ~~identification number or name.~~ The department of business regulation shall verify to law enforcement  
29 personnel whether a registry identification card is valid and may confirm whether the cardholder is  
30 compliant with the provisions of this chapter and the regulations promulgated hereunder. This verification  
31 may occur through the use of a shared database, provided that any medical records or confidential

1 information in this database related to a cardholder's specific medical condition is protected in accordance  
2 with subdivision (k)(1).

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

11 (n) On or before the fifteenth day of the month following the end of each quarter of the fiscal  
12 year, the department of health and the department of business regulation shall report to the governor, the  
13 speaker of the House of Representatives, and the president of the senate on applications for the use of  
14 marijuana for symptom relief. The report shall provide:

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

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

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

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

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

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

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

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

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

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

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

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

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

20 **21-28.6-7. Scope of chapter.**

21 (a) This chapter shall not permit:

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

24 (2) The smoking of marijuana:

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

26 (ii) On any school grounds;

27 (iii) In any correctional facility;

28 (iv) In any public place;

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

30 (vi) Where exposure to the marijuana smoke significantly adversely affects the health, safety, or  
31 welfare of children.

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

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

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

(1) A government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of marijuana; or

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

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

#### **21-28.6-8 Affirmative defense and dismissal.**

(a) Except as provided in § 21-28.6-7, a qualifying patient may assert the medical purpose for using marijuana as a defense to any prosecution involving marijuana, and such defense shall be presumed valid where the evidence shows that:

(1) The qualifying patient's practitioner has stated that, in the practitioner's professional opinion, after having completed a full assessment of the person's medical history and current medical condition made in the course of a bona fide practitioner-patient relationship, the potential benefits of using marijuana for medical purposes would likely outweigh the health risks for the qualifying patient; and

(2) The qualifying patient was compliant with this chapter and all regulations promulgated hereunder and in possession of a quantity of marijuana that was not more than what is permitted under this chapter to ensure the uninterrupted availability of marijuana for the purpose of alleviating the person's medical condition or symptoms associated with the medical condition.

(b) A person may assert the medical purpose for using marijuana in a motion to dismiss, and the charges shall be dismissed following an evidentiary hearing where the defendant shows the elements listed in subsection (a) of this section.

(c) Any interest in, or right to, property that was possessed, owned, or used in connection with a qualifying patient's use of marijuana for medical purposes shall not be forfeited if the qualifying patient demonstrates the qualifying patient's medical purpose for using marijuana pursuant to this section.

#### **21-28.6-9 Enforcement.**

1 (a) If the department of health fails to adopt regulations to implement this chapter within one  
2 hundred twenty (120) days of the effective date of this act, a qualifying patient may commence an action  
3 in a court of competent jurisdiction to compel the department to perform the actions mandated pursuant to  
4 the provisions of this chapter.

5 (b) If the department of health or the department of business regulation fails to issue a valid  
6 registry identification card in response to a valid application submitted pursuant to this chapter within  
7 thirty-five (35) days of its submission, the registry identification card shall be deemed granted and a copy  
8 of the registry identification application shall be deemed a valid registry identification card.

9 (c) The department of health and the department of business regulation shall revoke and shall not  
10 reissue, the registry identification card of any cardholder or licensee who is convicted of; placed on  
11 probation; whose case is filed pursuant to § 12-10-12 where the defendant pleads nolo contendere; or  
12 whose case is deferred pursuant to § 12-19-19 where the defendant pleads nolo contendere for any felony  
13 offense under chapter 28 of title 21 ("Rhode Island Controlled Substances Act") or a similar offense from  
14 any other jurisdiction.

15 (d) If a cardholder exceeds the possession limits set forth in §§ 21-28.6-4 or 21-28.6-14, or is in  
16 violation of any other section of this chapter or the regulations promulgated hereunder, he or she ~~shall~~  
17 may be subject to arrest and prosecution under chapter 28 of title 21 ("Rhode Island Controlled  
18 Substances Act").

19 (e) (1) Notwithstanding any other provision of this chapter, if the director of the department of  
20 business regulation or his or her designee has cause to believe that a violation of any provision of chapter  
21 21-28.6 or the regulations promulgated thereunder has occurred by a licensee or registrant under the  
22 department's jurisdiction, or that any person or entity is conducting any activities requiring licensure or  
23 registration by the department of business regulation under chapter 21-28.6 or the regulations  
24 promulgated thereunder without such licensure or registration, the director or his or her designee may, in  
25 accordance with the requirements of the administrative procedures act, chapter 35 of title 42:

26 (i) With the exception of patient and authorized purchaser registrations, revoke or suspend any  
27 license or registration issued under chapters 2-26, 21-28.6 and 21-28.11;

28 (ii) Levy an administrative penalty in an amount established pursuant to regulations promulgated  
29 by the department of business regulation;

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

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

1           (v) Any combination of the above penalties.

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

7           (f) All medical marijuana products that are held for sale or distribution within the borders of this  
8 state in violation of the requirements of this chapter are declared to be contraband goods and may be  
9 seized by the department of business regulation, the tax administrator or his or her agents, or employees,  
10 or by any sheriff, or his or her deputy, or any police officer when requested by the tax administrator or the  
11 department of business regulation to do so, without a warrant. All contraband goods seized by the state  
12 under this chapter may be destroyed.

13           **21-28.6-12 Compassion centers.**

14           (a) A compassion center ~~registered~~ licensed under this section may acquire, possess, ~~cultivate,~~  
15 ~~manufacture,~~ deliver, transfer, transport, supply, or dispense marijuana, or related supplies and  
16 educational materials, to registered qualifying patients and their registered primary caregivers or  
17 authorized purchasers, out of state patient cardholders, or other marijuana business license holders, in  
18 accordance with regulations promulgated by the department of business regulation. Except as specifically  
19 provided to the contrary, all provisions of the Edward O. Hawkins and Thomas C. Slater Medical  
20 Marijuana Act, §§ 21-28.6-1 et seq., apply to a compassion center unless they conflict with a provision  
21 contained in § 21-28.6-12.

22           (b) ~~Registration~~ License of compassion centers—authority of the departments of health and  
23 business regulation:

24           (1) Not later than ninety (90) days after the effective date of this chapter, the department of health  
25 shall promulgate regulations governing the manner in which it shall consider applications for ~~registration~~  
26 ~~certificates~~ licenses for compassion centers, including regulations governing:

27           (i) The form and content of ~~registration~~ license and renewal applications;

28           (ii) Minimum oversight requirements for compassion centers;

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

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

31           (v) Procedures for suspending, revoking, or terminating the ~~registration~~ license of compassion  
32 centers that violate the provisions of this section or the regulations promulgated pursuant to this  
33 subsection.

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

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

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

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

13 (6) Within two (2) years of the effective date of this chapter, the department of health shall begin  
14 accepting applications to provide ~~registration certificates~~ license for two (2) additional compassion  
15 centers. The department shall solicit input from the public, and issue ~~registration certificates~~ licenses if  
16 qualified applicants exist.

17 (7) (i) Any time a compassion center ~~registration certificate~~ license is revoked, is relinquished, or  
18 expires on or before December 31, 2016, the department of health shall accept applications for a new  
19 compassion center.

20 (ii) Any time a compassion center ~~registration certificate~~ license is revoked, is relinquished, or  
21 expires on or after January 1, 2017, the department of business regulation shall accept applications for a  
22 new compassion center.

23 (8) (i) If at any time after three (3) years after the effective date of this chapter and on or before  
24 December 31, 2016, fewer than three (3) compassion centers are holding valid ~~registration certificates~~  
25 licenses in Rhode Island, the department of health shall accept applications for a new compassion center.  
26 If at any time on or after January 1, 2019, fewer than ~~three (3)~~ nine (9) compassion centers are holding  
27 valid ~~registration certificates~~ licenses in Rhode Island, or are approved by the department of business  
28 regulation, the department of business regulation shall accept applications for a new compassion center.  
29 No more than nine (9) ~~three (3)~~ compassion centers may hold valid ~~registration certificates~~ licenses at one  
30 time.

31 (ii) Before September 1, 2019 the department of business regulation shall not accept applications  
32 for additional compassion centers except for those submitted by a compassion center that is licensed by  
33 the department. A compassion center that holds a license in good standing by the department and whose

1 application meets the requirements of this chapter including the payment of all applicable fees, shall be  
2 issued a second compassion center license for the retail sale of medical marijuana.

3 (iii) On and after September 1, 2019 the department of business regulation shall accept  
4 applications from all other applicants.

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

10 (c) Compassion center and agent applications and ~~registration~~ license:

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

13 (i) A non-refundable application fee paid to the department in the amount of ~~two hundred fifty~~  
14 ~~dollars (\$250)~~ ten thousand dollars (\$10,000);

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

16 (iii) The proposed physical address of the compassion center, if a precise address has been  
17 determined, or, if not, the general location where it would be located. This may include a second location  
18 ~~for the a second compassion center retail location in accordance with 21-28.6-12 (b)(8)(ii) cultivation of~~  
19 ~~medical marijuana;~~

20 ~~(iv) A description of the enclosed, locked facility that would be used in the cultivation of~~  
21 ~~marijuana;~~

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

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

28 ~~(vii)~~ (vi) Proposed procedures to ensure accurate record keeping;

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

33 (ii) For applications submitted on or after January 1, 2017, any time one or more compassion  
34 center ~~registration~~ license applications are being considered, the department of business regulation shall

also allow for comment by the public and shall solicit input from registered qualifying patients, registered primary caregivers; and the towns or cities where the applicants would be located.

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

(i) Convenience to patients from underserved areas throughout the state of Rhode Island. ~~to the compassion centers if the applicant were approved;~~

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

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

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

(v) The interests of the city or town where the dispensary would be located;

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

(vii) The sufficiency of the applicant's plans for safety and security, including proposed location, security devices employed, and staffing;

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

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

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

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

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

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

(5) A compassion center approved or renewed by the department of business regulation on or after January 1, 2017, shall submit materials pursuant to regulations promulgated by the department of business regulation ~~the following to the department~~ before it may begin operations which shall include but not be limited to:

(i) A fee paid to the department in the amount of ~~five~~fifty thousand dollars (\$~~50~~50,000);

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

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

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

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

(6) Except as provided in subdivision (7), the department of health or the department of business regulation shall issue each principal officer, board member, agent, volunteer, and employee of a compassion center a registry identification card or renewal card after receipt of the person's name, address, date of birth; a fee in an amount established by the department of health or the department of business regulation; and, except in the case of an employee, notification to the department of health or the department of business regulation by the department of public safety division of state police, attorney general's office, or local law enforcement that the registry identification card applicant has not been convicted of a felony drug offense or has not entered a plea of nolo contendere for a felony drug offense and received a sentence of probation. Each card shall specify that the cardholder is a principal officer, board member, agent, volunteer, or employee of a compassion center and shall contain the following:

(i) The name, address, and date of birth of the principal officer, board member, agent, volunteer, or employee;

(ii) The legal name of the compassion center to which the principal officer, board member, agent, volunteer, or employee is affiliated;

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

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

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

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

(7) Except as provided in this subsection, neither the department of health nor the department of business regulation shall issue a registry identification card to any principal officer, board member, or agent, ~~volunteer, or employee~~ of a compassion center who has been convicted of a felony drug offense or has entered a plea of nolo contendere for a felony drug offense and received a sentence of probation. If a registry identification card is denied, the compassion center will be notified in writing of the purpose for denying the registry identification card. A registry identification card may be granted if the offense was

1 for conduct that occurred prior to the enactment of the Edward O. Hawkins and Thomas C. Slater Medical  
2 Marijuana Act or that was prosecuted by an authority other than the state of Rhode Island and for which  
3 the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act would otherwise have prevented a  
4 conviction.

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

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

20 (iii) All registry identification card applicants except for employees with no ownership, equity,  
21 financial interest, or managing control of a marijuana establishment license shall be responsible for any  
22 expense associated with the criminal background check with fingerprints.

23 (8) A registry identification card of a principal officer, board member, agent, volunteer, ~~or~~  
24 employee, or any other designation required by the department of business regulation shall expire one  
25 year after its issuance, or upon the expiration of the ~~registered~~ licensed organization's ~~registration~~  
26 ~~certificate~~ license, or upon the termination of the principal officer, board member, agent, volunteer or  
27 employee's relationship with the compassion center, whichever occurs first.

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

33 (10) When a compassion center cardholder notifies the department of health or the department of  
34 business regulation of any changes listed in this subsection, the department shall issue the cardholder a

new registry identification card within ten (10) days of receiving the updated information and a ten-dollar (\$10.00) fee.

(11) If a compassion center cardholder loses his or her registry identification card, he or she shall notify the department of health or the department of business regulation and submit a ten dollar (\$10.00) fee within ten (10) days of losing the card. Within five (5) days, the department shall issue a new registry identification card with new random identification number.

(12) On or before December 31, 2016, a compassion center cardholder shall notify the department of health of any disqualifying criminal convictions as defined in subdivision (c)(7). The department of health may choose to suspend and/or revoke his or her registry identification card after such notification.

(13) On or after January 1, 2017, a compassion center cardholder shall notify the department of business regulation of any disqualifying criminal convictions as defined in subdivision (c)(7). The department of business regulation may choose to suspend and/or revoke his or her registry identification card after such notification.

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

*(d) Expiration or termination of compassion center:*

(1) On or before December 31, 2016, a compassion center's ~~registration~~ license shall expire two (2) years after its ~~registration-certificate~~ license is issued. On or after January 1, 2017, a compassion center's ~~registration~~ license shall expire one year after its ~~registration-certificate~~ license is issued. The compassion center may submit a renewal application beginning sixty (60) days prior to the expiration of its ~~registration-certificate~~ license;

(2) The department of health or the department of business regulation shall grant a compassion center's renewal application within thirty (30) days of its submission if the following conditions are all satisfied:

(i) The compassion center submits the materials required under subdivisions (c)(4) and (c)(5), including a ~~two hundred fifty thousand dollar~~ fifty thousand dollar (\$50,000) fee;

(ii) The compassion center's ~~registration~~ license has never been suspended for violations of this chapter or regulations issued pursuant to this chapter; and

(iii) The ~~department of health and the~~ department of business regulation find that the compassion center is adequately providing patients with access to medical marijuana at reasonable rates;

(3) If the department of health or the department of business regulation determines that any of the conditions listed in paragraphs (d)(2)(i) – (iii) have not been met, the department ~~shall~~ may begin an open application process for the operation of a compassion center. In granting a new ~~registration-certificate~~

1 license, the department of health or the department of business regulation shall consider factors listed in  
2 subdivision (c)(3);

3 (4) The ~~department of health or the~~ department of business regulation shall issue a compassion  
4 center one or more thirty-day (30) temporary ~~registration certificates~~ licenses after that compassion  
5 center's ~~registration~~ license would otherwise expire if the following conditions are all satisfied:

6 (i) The compassion center previously applied for a renewal, but the department had not yet come  
7 to a decision;

8 (ii) The compassion center requested a temporary ~~registration certificate~~ license; and

9 (iii) The compassion center has not had its ~~registration certificate~~ license suspended or revoked  
10 due to violations of this chapter or regulations issued pursuant to this chapter.

11 (5) A compassion center's ~~registry identification card~~ license shall be subject to revocation if the  
12 compassion center:

13 (i) Possesses an amount of marijuana exceeding the limits established by this chapter;

14 (ii) Is in violation of the laws of this state;

15 (iii) Is in violation of other departmental regulations; or

16 (iv) Employs or enters into a business relationship with a medical practitioner who provides  
17 written certification of a qualifying patient's medical condition.

18 (e) *Inspection.* Compassion centers are subject to reasonable inspection by the department of  
19 health, division of facilities regulation and the department of business regulation. During an inspection,  
20 the departments may review the compassion center's confidential records, including its dispensing  
21 records, which shall track transactions according to qualifying patients' registry identification numbers to  
22 protect their confidentiality.

23 (f) Compassion center requirements:

24 (1) A compassion center shall be operated on a not-for-profit basis for the mutual benefit of its  
25 patients. A compassion center need not be recognized as a tax-exempt organization by the Internal  
26 Revenue Service;. A compassion center shall be subject to regulations promulgated by the department of  
27 business regulation for general operations and record keeping which shall include but not be limited to:

28 (i) Minimum security and surveillance requirements;

29 (ii) Minimum requirements for workplace safety and sanitation;

30 (iii) Minimum requirements for product safety and testing;

31 (iv) Minimum requirements for inventory tracking and monitoring;

32 (v) Minimum requirements for the secure transport and transfer of medical marijuana;

33 (vi) Minimum requirements to address odor mitigation;

34 (vii) Minimum requirements for product packaging and labeling;

1           (viii) Minimum requirements for advertising;

2           (ix) Minimum requirements for the testing and destruction of marijuana. Wherever destruction of  
3 medical marijuana and medical marijuana product is required to bring a person or entity into compliance  
4 with any provision of chapter 21-28.6, any rule or regulation promulgated thereunder, or any  
5 administrative order issued in accordance therewith, the director of the department of business regulation  
6 may designate his or her employees or agents to facilitate said destruction;

7           (x) A requirement that if a compassion center violates this chapter, or any regulation thereunder,  
8 and the department of business regulation determines that violation does not pose an immediate threat to  
9 public health or public safety, the compassion center shall pay to the department of business regulation a  
10 fine of no less than five-hundred dollars (\$500); and

11          (xi) A requirement that if f a compassion center violates this chapter, or any regulation  
12 promulgated hereunder, and the department of business regulation determines that the violation poses an  
13 immediate threat to public health or public safety, the compassion center shall pay to the department of  
14 business regulation a fine of no less than two-thousand dollars (\$2,000) and the department shall be  
15 entitled to pursue any other enforcement action provided for under this chapter and the regulations.

16          (2) A compassion center may not be located within one thousand feet (1000') of the property line  
17 of a preexisting public or private school;

18          (3) On or before December 31, 2016, a compassion center shall notify the department of health  
19 within ten (10) days of when a principal officer, board member, agent, volunteer, or employee ceases to  
20 work at the compassion center. On or after January 1, 2017, a compassion center shall notify the  
21 department of business regulation within ten (10) days of when a principal officer, board member, agent,  
22 volunteer, or employee ceases to work at the compassion center. His or her card shall be deemed null and  
23 void and the person shall be liable for any penalties that may apply to any nonmedical possession or use  
24 of marijuana by the person;

25          (4)(i) On or before December 31, 2016, a compassion center shall notify the department of health  
26 in writing of the name, address, and date of birth of any new principal officer, board member, agent,  
27 volunteer or employee and shall submit a fee in an amount established by the department for a new  
28 registry identification card before that person begins his or her relationship with the compassion center;

29          (ii) On or after January 1, 2017, a compassion center shall notify the department of business  
30 regulation, in writing, of the name, address, and date of birth of any new principal officer, board member,  
31 agent, volunteer, or employee and shall submit a fee in an amount established by the department of  
32 business regulation for a new registry identification card before that person begins his or her relationship  
33 with the compassion center;

1 (5) A compassion center shall implement appropriate security measures to deter and prevent the  
2 unauthorized entrance into areas containing marijuana and the theft of marijuana and shall insure that  
3 each location has an operational security alarm system. Each compassion center shall request that the  
4 department of public safety division of state police visit the compassion center to inspect the security of  
5 the facility and make any recommendations regarding the security of the facility and its personnel within  
6 ten (10) days prior to the initial opening of each compassion center. Said recommendations shall not be  
7 binding upon any compassion center, nor shall the lack of implementation of said recommendations delay  
8 or prevent the opening or operation of any center. If the department of public safety division of state  
9 police does not inspect the compassion center within the ten-day (10) period, there shall be no delay in the  
10 compassion center's opening.

11 (6) The operating documents of a compassion center shall include procedures for the oversight of  
12 the compassion center and procedures to ensure accurate record keeping.

13 (7) A compassion center is prohibited from acquiring, possessing, ~~cultivating, manufacturing,~~  
14 delivering, transferring, transporting, supplying, or dispensing marijuana for any purpose except to assist  
15 ~~registered-qualifying-patients~~ cardholders with the medical use of marijuana directly or through the  
16 qualifying patient's primary caregiver or authorized purchaser, unless otherwise authorized by the  
17 department of business regulations in accordance with regulations promulgated by the department.

18 (8) All principal officers and board members of a compassion center must be residents of the state  
19 of Rhode Island.

20 (9) Each time a new, registered, qualifying patient visits a compassion center, it shall provide the  
21 patient with a frequently asked questions sheet, designed by the department, that explains the limitations  
22 on the right to use medical marijuana under state law.

23 (10) Effective July 1, 2016~~7~~, each compassion center shall be subject to any regulations  
24 promulgated by the departments of health and business regulation that specify how ~~usable~~ marijuana must  
25 be tested for items included but not limited to cannabinoid profile and contaminants.

26 (11) Effective January 1, 2017, each compassion center shall be subject to any product labeling  
27 requirements promulgated by the department of business regulation.

28 (12) Each compassion center shall develop, implement, and maintain on the premises employee,  
29 volunteer, and agent policies and procedures to address the following requirements:

30 (i) A job description or employment contract developed for all employees and agents, and a  
31 volunteer agreement for all volunteers, that includes duties, authority, responsibilities, qualifications, and  
32 supervision; and

33 (ii) Training in, and adherence to, state confidentiality laws.

(13) Each compassion center shall maintain a personnel record for each employee, agent, and volunteer that includes an application and a record of any disciplinary action taken.

(14) Each compassion center shall develop, implement, and maintain on the premises an on-site training curriculum, or enter into contractual relationships with outside resources capable of meeting employee training needs, that includes, but is not limited to, the following topics:

(i) Professional conduct, ethics, and patient confidentiality; and

(ii) Informational developments in the field of medical use of marijuana.

(15) Each compassion center entity shall provide each employee, agent, and volunteer, at the time of his or her initial appointment, training in the following:

(i) The proper use of security measures and controls that have been adopted; and

(ii) Specific procedural instructions on how to respond to an emergency, including robbery or violent accident.

(16) All compassion centers shall prepare training documentation for each employee and volunteer and have employees and volunteers sign a statement indicating the date, time, and place the employee and volunteer received said training and topics discussed, to include name and title of presenters. The compassion center shall maintain documentation of an employee's and a volunteer's training for a period of at least six (6) months after termination of an employee's employment or the volunteer's volunteering.

(g) Maximum amount of usable marijuana to be dispensed:

(1) A compassion center or principal officer, board member, agent, volunteer, or employee of a compassion center may not dispense more than ~~two and one-half (2.5)~~ three (3oz.) of ~~dried usable~~ marijuana, or its equivalent, to a patient cardholder or qualifying patient directly or through a qualifying patient's primary caregiver or authorized purchaser during a fifteen-day (15) period;

(2) A compassion center or principal officer, board member, agent, volunteer, or employee of a compassion center may not dispense an amount of usable marijuana, or its equivalent, ~~seedlings, or mature marijuana plants,~~ to a patient cardholder, qualifying patient, a qualifying patient's primary caregiver, or a qualifying patient's authorized purchaser that the compassion center, principal officer, board member, agent, volunteer, or employee knows would cause the recipient to possess more marijuana than is permitted under the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act.

(3) Compassion centers shall utilize a database administered by the departments of health and business regulation. The database shall contain all compassion centers' transactions according to ~~qualifying patients-cardholders,~~ authorized purchasers', and primary caregivers', registry identification numbers, or other means as specified by the department(s) to protect the confidentiality of patient

1 personal and medical information. Compassion centers will not have access to any applications or  
2 supporting information submitted by qualifying patients, authorized purchasers or primary caregivers.  
3 Before dispensing marijuana to any patient, caregiver, or authorized purchaser, the compassion center  
4 must utilize the database to ensure that a ~~qualifying~~ patient cardholder is not dispensed more than ~~two and~~  
5 ~~one-half (2.5)~~ three (3) ounces of dried usable marijuana or its equivalent which satisfies the requirements  
6 of this chapter directly or through the qualifying patient's primary caregiver or authorized purchaser  
7 during a fifteen-day (15) period.

8 (h) Immunity:

9 (1) No ~~registered~~ licensed compassion center shall be subject to prosecution; search, except by  
10 the departments pursuant to subsection (e); seizure; or penalty in any manner, or denied any right or  
11 privilege, including, but not limited to, civil penalty or disciplinary action by a business, occupational, or  
12 professional licensing board or entity, solely for acting in accordance with this section to assist registered  
13 qualifying patients.

14 (2) No ~~registered~~ licensed compassion center shall be subject to prosecution, seizure, or penalty in  
15 any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary  
16 action, by a business, occupational, or professional licensing board or entity, for selling, giving, or  
17 distributing marijuana in whatever form, and within the limits established by, the department of health or  
18 the department of business regulation to another registered compassion center.

19 (3) No principal officers, board members, agents, volunteers, or employees of a registered  
20 compassion center shall be subject to arrest, prosecution, search, seizure, or penalty in any manner, or  
21 denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a  
22 business, occupational, or professional licensing board or entity, solely for working for or with a  
23 compassion center to engage in acts permitted by this section.

24 (4) No state employee shall be subject to arrest, prosecution or penalty in any manner, or denied  
25 any right or privilege, including, but not limited to, civil penalty, disciplinary action, termination, or loss  
26 of employee or pension benefits, for any and all conduct that occurs within the scope of his or her  
27 employment regarding the administration, execution and/or enforcement of this act, and the provisions of  
28 §§ 9-31-8 and 9-31-9 shall be applicable to this section.

29 (i) Prohibitions:

30 (1) A compassion center must limit its inventory of ~~seedlings, plants, and~~ usable marijuana to  
31 reflect the projected needs of qualifying patients; (i) A compassion center may not cultivate marijuana or  
32 manufacture or process marijuana products pursuant to its compassion center registration, provided that  
33 cultivation, processing and manufacture may be conducted under a medical marijuana cultivator license

1 and/or a medical marijuana processor license which may be issued to a compassion center by the  
2 department of business regulation pursuant to regulations promulgated by the department.

3 (ii) A compassion center which was approved by the department of health or renewed by the  
4 department of business regulation prior to July 1, 2019 may also hold a medical marijuana cultivator  
5 license and a medical marijuana processor license and shall be issued said license or licenses in  
6 accordance with regulations promulgated by the department of business regulation, provided that the class  
7 or classes of said medical marijuana cultivator license and medical marijuana processor license shall  
8 correspond to the size and scope of any growing, manufacturing, or processing facility or facilities which  
9 were in operation or were approved prior to July 1, 2019.

10 (iii) A compassion center which is first approved by the department of business regulation on or  
11 after July 1, 2019 may also hold a medical marijuana cultivator license and a medical marijuana processor  
12 license in accordance with regulations promulgated by the department of business regulation, provided  
13 the class or classes of said medical marijuana cultivator license and medical marijuana processor license  
14 shall correspond to the size of any growing, manufacturing, or processing facility or facilities which were  
15 licensed or approved by the department of business regulation prior to July 1, 2019.

16 (2) A compassion center may not dispense, deliver, or otherwise transfer marijuana to a person  
17 other than a patient cardholder or to ~~such~~ qualified patient's primary caregiver or authorized purchaser;

18 (3) A compassion center may not procure, purchase, transfer or sell marijuana to or from any  
19 entity other than a marijuana establishment licensee in accordance with regulations promulgated by the  
20 department of business regulation.

21 ~~(34)~~ A person found to have violated paragraph (2) or (3) of this subsection may not be an  
22 employee, agent, volunteer, principal officer, or board member of any compassion center;

23 ~~(45)~~ An employee, agent, volunteer, principal officer or board member of any compassion center  
24 found in violation of paragraph (2) or (3) shall have his or her registry identification revoked  
25 immediately; and

26 ~~(56)~~ No person who has been convicted of a felony drug offense or has entered a plea of nolo  
27 contendere for a felony drug offense with a sentence or probation may be the principal officer, board  
28 member, or agent, volunteer, or employee of a compassion center unless the department has determined  
29 that the person's conviction was for the medical use of marijuana or assisting with the medical use of  
30 marijuana in accordance with the terms and conditions of this chapter. A person who is employed by or is  
31 an agent, volunteer, principal officer, or board member of a compassion center in violation of this section  
32 is guilty of a civil violation punishable by a fine of up to one thousand dollars (\$1,000). A subsequent  
33 violation of this section is a misdemeanor.

34 (j) Legislative oversight committee:

(1) The general assembly shall appoint a nine-member (9) oversight committee comprised of: one member of the house of representatives; one member of the senate; one physician to be selected from a list provided by the Rhode Island medical society; one nurse to be selected from a list provided by the Rhode Island state nurses association; two (2) registered qualifying patients; one registered primary caregiver; one patient advocate to be selected from a list provided by the Rhode Island patient advocacy coalition; and the superintendent of the department of public safety, or his/her designee.

(2) The oversight committee shall meet at least six (6) times per year for the purpose of evaluating and making recommendations to the general assembly regarding:

(i) Patients' access to medical marijuana;

(ii) Efficacy of compassion centers;

(iii) Physician participation in the Medical Marijuana Program;

(iv) The definition of qualifying medical condition; and

(v) Research studies regarding health effects of medical marijuana for patients.

(3) On or before January 1 of every even numbered year, the oversight committee shall report to the general assembly on its findings.

(k) License required. No person or entity shall engage in activities described in this § 21-28.6-12 without a compassion center license issued by the department of business regulation.

#### **§ 21-28.6-14. Cooperative cultivations.**

(a) Two (2) or more qualifying cardholders may cooperatively cultivate marijuana in residential or non-residential locations subject to the following restrictions:

(1) Effective January 1, 2017, cooperative cultivations shall apply to the department of business regulation for a license to operate;

(2) A registered patient or primary caregiver cardholder can only cultivate in one location, including participation in a cooperative cultivation;

(3) No single location may have more than one cooperative cultivation. For the purposes of this section, location means one structural building, not units within a structural building;

(4) The cooperative cultivation shall not be visible from the street or other public areas;

(5) A written acknowledgement of the limitations of the right to use and possess marijuana for medical purposes in Rhode Island that is signed by each cardholder and is displayed prominently in the premises cooperative cultivation;

(6) Cooperative cultivations are restricted to the following possession limits:

(i) A non-residential, cooperative cultivation may have no more than ten (10) ounces of ~~usable~~ dried marijuana, or its equivalent which satisfies the requirements of this chapter, and an amount of wet marijuana set in regulations promulgated by the department of business regulation, forty-eight (48) mature marijuana plants, and forty-eight (48) seedlings;

(ii) A residential, cooperative cultivation may have no more than ten (10) ounces of ~~usable~~ dried marijuana, or its equivalent which satisfies the requirements of this chapter, and an amount of wet marijuana set in regulations promulgated by the department of business regulation, twenty-four (24) mature marijuana plants, and twenty-four (24) seedlings;

(iii) A non-residential or residential, cooperative cultivation must have displayed prominently on the premises its license issued by the department of business regulation;

(iv) Every marijuana plant possessed by a cooperative cultivation must be accompanied by a valid medical marijuana tag issued by the department of business regulation pursuant to § 21-28.6-15. Each cooperative cultivation must purchase at least one medical marijuana tag in order to remain a licensed cooperative cultivation; and

(v) Cooperative cultivations are subject to reasonable inspection by the department of business regulation for the purposes of enforcing regulations promulgated pursuant to this chapter and all applicable Rhode Island general laws.

(7) Cooperative cultivations must be inspected as follows:

(i) A non-residential, cooperative cultivation must have displayed prominently on the premises documentation from the municipality where the single location is located that the location and the cultivation has been inspected by the municipal building and/or zoning official and the municipal fire department and is in compliance with any applicable state or municipal housing and zoning codes; and

(ii) A residential, cooperative cultivation must have displayed prominently on the premises an affidavit by a licensed electrician that the cultivation has been inspected and is in compliance with any applicable state or municipal housing and zoning codes for the municipality where the cooperative cultivation is located.

(8) Cooperative cultivations must report the location of the cooperative cultivation to the department of public safety.

(9) The reports provided to the department of public safety in subsection (8) of this section shall be confidential, but locations may be confirmed for law enforcement purposes. The report of the location

1 of the cooperative cultivation alone shall not constitute probable cause for a search of the cooperative  
2 cultivation.

3 (10) The department of business regulation shall promulgate regulations governing the licensing  
4 and operation of cooperative cultivations, and may promulgate regulations that set a fee for a cooperative  
5 cultivation license.

6 (b) Any violation of any provision of this chapter or regulations promulgated hereunder as  
7 determined by the department of business regulation may result in the revocation/suspension of the  
8 cooperative cultivation license.

9 (c) License required. No person or entity shall engage in activities described in this § 21-28.6-14  
10 without a cooperative cultivation license issued by the department of business regulation.

11 (d) Effective July 1, 2019, except as to cooperative cultivator licenses issued by the department  
12 of business regulation before July 1, 2019, the department of business regulation shall no longer accept  
13 applications or renewals for licensed cooperative cultivations and cooperative cultivations shall no longer  
14 be permitted.

15 (e) Effective July 1, 2019, except as permitted in regulations promulgated by the department of  
16 business regulation, not more than one registered cardholder shall be permitted to grow marijuana in a  
17 dwelling unit or commercial unit, except for two (2) or more qualifying patient or primary caregiver  
18 cardholder(s) who are primary residents of the same dwelling unit where the medical marijuana plants are  
19 grown and in all instances subject to the plant limits in § 21-28.6-4(p) (q).

20 **21-28.6-15. Medical Marijuana Plant Tags.**

21 (a) Effective January 1, 2017, the department of business regulation shall make medical  
22 marijuana tag sets available for purchase. Effective April 1, 2017, every marijuana plant, either mature or  
23 ~~seedling-immature~~, grown by a registered patient or primary caregiver must be accompanied by a physical  
24 medical marijuana tag purchased through the department of business regulation and issued by the  
25 ~~department of health~~ department of business regulation to qualifying patients and primary caregivers ~~or~~  
26 ~~by the department of business regulation to licensed cultivators.~~

1 (1) The department of business regulation shall charge an annual fee for each medical marijuana  
2 tag set which shall include one tag for a mature medical marijuana plant and one tag for a ~~a seedling an~~  
3 immature plant. If the required fee has not been paid, those medical marijuana tags shall be considered  
4 expired and invalid. The fee established by the department of business regulation shall be in accordance  
5 with the following requirements:

6 (i) For patient cardholders authorized to grow medical marijuana by the ~~department of health~~  
7 department of business regulation, the fee per tag set shall not exceed twenty-five dollars (\$25);

8 (ii) For primary caregivers, the fee per tag set shall not exceed twenty-five dollars (\$25);

9 (iii) For patients that qualify for reduced-registration due to income or disability status, there shall  
10 be no fee per tag set;

11 (iv) For caregivers who provide care for a patient cardholder who qualifies for reduced-  
12 registration due to income or disability status, there shall be no fee per tag set for such qualifying patient;  
13 and

14 (v) For licensed medical marijuana cultivators, the fee per tag set shall be established in  
15 regulations promulgated by the department of business regulation.

16 (2) ~~Effective January 1, 2017, the~~ department of business regulation shall verify ~~with the~~  
17 ~~department of health~~ that all medical marijuana tag purchases are made by qualifying patient cardholders  
18 or primary caregiver cardholders as applicable. ~~The department of health shall provide this verification~~  
19 ~~according to qualifying patients' and primary caregivers' registry identification numbers and without~~  
20 ~~providing access to any applications or supporting information submitted by qualifying patients to protect~~  
21 ~~patient confidentiality;~~

22 (3) ~~Effective January~~ July 1, 2017 and thereafter, the department of business regulation shall  
23 verify ~~with the department of health~~ that all medical marijuana tag purchases are made by ~~registered~~  
24 ~~patient cardholders who have notified the department of health of their election to grow medical~~  
25 ~~marijuana or~~ primary caregiver cardholders in accordance with regulations promulgated by the  
26 department. ~~The department of health shall provide this verification according to qualifying patients' and~~  
27 ~~primary caregivers' registry identification numbers and without providing access to any applications or~~  
28 ~~supporting information submitted by qualifying patients to protect patient confidentiality;~~

29 (4) The department of business regulation shall maintain information pertaining to medical  
30 marijuana tags ~~and shall share that information with the department of health.~~

31 (5) All primary caregivers shall purchase at least one medical marijuana tag set for each patient  
32 under their care and all patients growing medical marijuana for themselves or serving as their own  
33 caregiver shall purchase at least one medical marijuana tag set.

1 (6) All licensed medical marijuana cultivators shall purchase at least one medical marijuana tag  
2 set or utilize a seed to sale tracking system in accordance with regulations promulgated by the department  
3 of business regulation.

4 (7) The departments of business regulation ~~and health~~ shall ~~jointly~~ promulgate regulations to  
5 establish a process by which medical marijuana tags may be returned to ~~either department~~. The  
6 department of business regulation may choose to reimburse a portion or the entire amount of any fees  
7 paid for medical marijuana tags that are subsequently returned.

8 (b) Enforcement:

9 (1) If a patient cardholder, primary caregiver cardholder, licensed medical marijuana processor,  
10 compassion center, or licensed medical marijuana cultivator violates any provision of this chapter or the  
11 regulations promulgated hereunder as determined by the departments of business regulation ~~and or~~ health,  
12 his or her medical marijuana tags may be revoked. In addition, the department that issued the cardholder's  
13 registration or the license may revoke the cardholder's registration or license ~~pursuant to §21-28.6-9~~.

14 (2) The department of business regulation may revoke and not reissue, pursuant to regulations,  
15 medical marijuana tags to any cardholder or licensee who is convicted of; placed on probation; whose  
16 case is filed pursuant to §12-10-12 where the defendant pleads nolo contendere; or whose case is deferred  
17 pursuant to §12-19-19 where the defendant pleads nolo contendere for any felony offense under chapter  
18 28 of title 21 ("Rhode Island Controlled Substances Act") or a similar offense from any other jurisdiction.

19 (3) If a patient cardholder, primary caregiver cardholder, licensed cooperative cultivation,  
20 compassion center, licensed medical marijuana processor licensed medical marijuana cultivator or any  
21 other person or entity is found to have ~~mature~~ marijuana plants, or marijuana material without valid  
22 medical marijuana tags sets or which are not tracked in accordance with regulation, the ~~department or~~  
23 ~~health or department of business regulation~~ shall impose an administrative penalty in accordance with  
24 regulations promulgated by the department on such patient cardholder, primary caregiver cardholder,  
25 licensed cooperative cultivation, compassion center, licensed medical marijuana processor, licensed  
26 medical marijuana cultivator or other person or entity for each untagged ~~mature~~ marijuana plant or unit of  
27 untracked marijuana material ~~not in excess of the limits set forth in §21-28.6-4, §21-28.6-14 and §21-~~  
28 ~~28.6-16 of no more than the total fee that would be paid by a cardholder or licensee who purchased~~  
29 ~~medical marijuana tags for such plants in compliance with this chapter.~~

30 (4) ~~If a patient cardholder, primary caregiver cardholder, or licensed cooperative cultivation is~~  
31 ~~found to have mature marijuana plants exceeding the limits set forth in §21-28.6-4, §21-28.6-14, and §21-~~  
32 ~~28.6-16 in addition to any penalties that may be imposed pursuant to §21-28.6-9, the department of health~~  
33 ~~or department of business regulation may impose an administrative penalty on that cardholder or licensee~~

~~holder for each mature marijuana plant in excess of the applicable statutory limit of no less than the total fee that would be paid by a cardholder who purchased medical marijuana tags for such plants in compliance with this chapter.~~

**21-28.6-16 Licensed medical marijuana cultivators.**

(a) A licensed medical marijuana cultivator licensed under this section may acquire, possess, cultivate, deliver, or transfer marijuana to licensed compassion centers, to a licensed medical marijuana processor, to another licensed medical marijuana cultivator, or to any other marijuana establishment licensee, in accordance with regulations promulgated by the department of business regulation. A licensed medical marijuana cultivator shall not be a primary caregiver cardholder registered with any qualifying patient(s) other than themselves in accordance with regulations promulgated by the department of business regulation, and shall not hold a cooperative cultivation license. Except as specifically provided to the contrary, all provisions of the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act, §§ 21-28.6-1 – 21-28.6-15, apply to a licensed medical marijuana cultivator unless they conflict with a provision contained in § 21-28.6-16.

*(b) Licensing of medical marijuana cultivators – Department of business regulation authority.* The department of business regulation shall promulgate regulations governing the manner in which it shall consider applications for the licensing of medical marijuana cultivators, including regulations governing:

- (1) The form and content of licensing and renewal applications;
- (2) Minimum oversight requirements for licensed medical marijuana cultivators;
- (3) Minimum record-keeping requirements for cultivators;
- (4) Minimum security requirements for cultivators; and
- (5) Procedures for suspending, revoking, or terminating the license of cultivators that violate the provisions of this section or the regulations promulgated pursuant to this subsection.

(c) A licensed medical marijuana cultivator license issued by the department of business regulation shall expire one year after it was issued and the licensed medical marijuana cultivator may apply for renewal with the department in accordance with its regulations pertaining to licensed medical marijuana cultivators.

(d) The department of business regulation shall promulgate regulations that govern how many marijuana plants, ~~how many marijuana seedlings mature and immature,~~ how much wet marijuana, and how much usable marijuana a licensed medical marijuana cultivator may possess. Every marijuana plant possessed by a licensed medical marijuana cultivator must be accompanied by valid medical marijuana tag issued by the department of business regulation pursuant to § 21-28.6-15 or catalogued in a seed to sale inventory tracking system in accordance with regulations promulgated by the department of business

1 ~~regulation. Each cultivator must purchase at least one medical marijuana tag or in order to remain a~~  
2 ~~licensed cultivator.~~

3 (e) Medical marijuana cultivators shall only sell marijuana to compassion centers, a licensed  
4 medical marijuana processor, another licensed medical marijuana cultivator, or other marijuana  
5 establishment licensee, in accordance with regulations promulgated by the department of business  
6 regulation. All marijuana possessed by a cultivator in excess of the possession limit established pursuant  
7 to subsection (d) shall be under formal agreement to be purchased by a marijuana establishment in  
8 accordance with regulations promulgated by the department of business regulation ~~compassion center~~. If  
9 such excess marijuana is not under formal agreement to be purchased, the cultivator will have a period of  
10 time, specified in regulations promulgated by the department of business regulation, to sell or destroy that  
11 excess marijuana. The department may suspend and/or revoke the cultivator's license and the license of  
12 any officer, director, employee, or agent of such cultivator and/or impose an administrative penalty in  
13 accordance with such regulations promulgated by the department for any violation of this section or the  
14 regulations. In addition, any violation of this section or the regulations promulgated pursuant to this  
15 subsection and subsection (d) shall cause a licensed medical marijuana cultivator to lose the protections  
16 described in subsection (m) and may subject the licensed medical marijuana cultivator to arrest and  
17 prosecution under Chapter 28 of title 21 (the Rhode Island Controlled Substances Act).

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

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

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

26 (i) Medical Marijuana cultivators shall only be licensed to grow, marijuana at a single location,  
27 registered with the department of business regulation and the department of public safety unless the  
28 cultivator's license is held by a compassion center which was approved by the department of health or  
29 renewed by the department of business regulation prior to July 1, 2019. The department of business  
30 regulation may promulgate regulations governing where cultivators are allowed to grow. Medical  
31 marijuana cultivators must abide by all local ordinances, including zoning ordinances.

32 (j) *Inspection.* Medical marijuana cultivators shall be subject to reasonable inspection by the  
33 department of business regulation or the department of health for the purposes of enforcing regulations  
34 promulgated pursuant to this chapter and all applicable Rhode Island general laws.

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

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

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

20 (3) ~~The~~ Except for employees with no ownership, equity, financial interest, or managing control  
21 of a marijuana establishment license; the cultivator applicant shall be responsible for any expense  
22 associated with the national criminal records check.

23 (l) Persons issued medical marijuana cultivator licenses shall be subject to the following:

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

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

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

5 (4) A licensed medical marijuana cultivator cardholder shall notify the department of business  
6 regulation of any disqualifying criminal convictions as defined in subdivision (k)(2). The department of  
7 business regulation may choose to suspend and/or revoke his or her ~~license-card~~ after such notification.

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

11 *(m) Immunity:*

12 (1) No licensed medical marijuana cultivator shall be subject to prosecution; search, except by the  
13 departments pursuant to subsection (j); seizure; or penalty in any manner, or denied any right or privilege,  
14 including, but not limited to, civil penalty or disciplinary action by a business, occupational, or  
15 professional licensing board or entity, solely for acting in accordance with this section ~~to assist registered~~  
16 ~~qualifying~~;

17 (2) No licensed medical marijuana cultivator shall be subject to prosecution, seizure, or penalty in  
18 any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary  
19 action by a business, occupational, or professional licensing board or entity, for selling, giving, or  
20 distributing marijuana in whatever form and within the limits established by the department of business  
21 regulation to a licensed medical marijuana processor or registered compassion center;

22 (3) No principal officers, board members, agents, volunteers, or employees of a licensed medical  
23 marijuana cultivator shall be subject to arrest, prosecution, search, seizure, or penalty in any manner, or  
24 denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a  
25 business, occupational, or professional licensing board or entity, solely for working for or with a licensed  
26 medical marijuana cultivator to engage in acts permitted by this section.

27 (4) No state employee shall be subject to arrest, prosecution, or penalty in any manner, or denied  
28 any right or privilege, including, but not limited to, civil penalty, disciplinary action, termination, or loss  
29 of employee or pension benefits, for any and all conduct that occurs within the scope of his or her  
30 employment regarding the administration, execution, and/or enforcement of this act, and the provisions of  
31 §§ 9-31-8 and 9-31-9 shall be applicable to this section.

32 (n) License required. No person or entity shall engage in activities described in this § 21-28.6-16  
33 without a medical marijuana cultivator license issued by the department of business regulation.

1           **§ 21-28.6-16.2. Medical marijuana testing laboratories – Immunity.**

2           (a) No ~~medical-marijuana~~ cannabis testing laboratory shall be subject to prosecution; search  
3 (except by the departments pursuant to regulations); seizure; or penalty in any manner, or denied any right  
4 or privilege, including, but not limited to, civil penalty or disciplinary action by a business, occupational,  
5 or professional licensing board or entity, solely for acting in accordance with the act and regulations  
6 promulgated hereunder to assist licensees.

7           (b) No ~~medical-marijuana~~ cannabis testing laboratory shall be subject to prosecution, search  
8 (except by the departments pursuant to regulations), seizure, or penalty in any manner, or denied any right  
9 or privilege, including, but not limited to, civil penalty or disciplinary action, by a business, occupational,  
10 or professional licensing board or entity, for selling, giving, or distributing marijuana in whatever form,  
11 and within the limits established by, the department of health to another ~~medical-marijuana~~ cannabis  
12 testing laboratory.

13           (c) No principal officers, board members, agents, volunteers, or employees of a ~~medical~~  
14 ~~marijuana-cannabis~~ testing laboratory shall be subject to arrest, prosecution, search, seizure, or penalty in  
15 any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary  
16 action by a business, occupational, or professional licensing board or entity, solely for working for or with  
17 a ~~medical-marijuana~~ cannabis testing laboratory to engage in acts permitted by the act and the regulations  
18 promulgated hereunder.

19           (d) No state employee shall be subject to arrest, prosecution or penalty in any manner, or denied  
20 any right or privilege, including, but not limited to, civil penalty, disciplinary action, termination, or loss  
21 of employee or pension benefits, for any and all conduct that occurs within the scope of his or her  
22 employment regarding the administration, execution and/or enforcement of this act, and the provisions of  
23 §§ 9-31-8 and 9-31-9 shall be applicable to this section.

24           **21-28.6-17. Revenue.**

25           (a) Effective July 1, 2016, all fees collected by the departments of health and business regulation  
26 from applicants, registered patients, primary caregivers, authorized purchasers, licensed medical  
27 marijuana cultivators, licensed medical marijuana processors, cooperative cultivations, compassion  
28 centers, other licensees licensed pursuant to this chapter, and compassion-center and other registry  
29 identification cardholders shall be placed in restricted-receipt accounts to support the state's medical  
30 marijuana program, including but not limited to, payment of expenses incurred by the departments of  
31 health and business regulation for the administration of the program. The restricted receipt account will be  
32 known as the “medical marijuana licensing account” or the “medical marijuana licensing program”  
33 account and will be housed within the budgets of the departments of business regulation, behavioral

1 ~~healthcare, developmental disabilities and hospitals, health, revenue and public safety, and the executive~~  
2 ~~office of health and human services.~~ All amounts deposited into the medical marijuana licensing account  
3 or the marijuana licensing program account shall be exempt from the indirect cost recovery provisions of  
4 § 35-4-27.

5 (b) All revenues remaining in the restricted-receipt accounts after payments specified in  
6 subsection (a) of this section shall first be paid to cover any existing deficit in the department of health's  
7 restricted-receipt account or the department of business regulation's restricted-receipt account. These  
8 transfers shall be made annually on the last business day of the fiscal year.

9 (c) All revenues remaining in the restricted-receipt accounts after payments specified in  
10 subsections (a) and (b) shall be paid into the state's general fund. These payments shall be made annually  
11 on the last business day of the fiscal year.

12 SECTION 6. Chapter 21-28.6 of the General Laws entitled "The Edward O. Hawkins and  
13 Thomas C. Slater Medical Marijuana Act" is hereby amended by adding thereto the following sections:

14 **21-28.6-16.1 Licensed medical marijuana processors.**

15 (a) A medical marijuana processor licensed under this section may acquire marijuana from  
16 licensed medical marijuana cultivators, another licensed medical marijuana processor, compassion  
17 centers, or another marijuana establishment licensee, in accordance with regulations promulgated by the  
18 department of business regulation. A licensed medical marijuana processor may possess, manufacture, or  
19 process marijuana into marijuana products in accordance with regulations promulgated by the department  
20 of business regulation. A licensed medical marijuana processor may deliver, or transfer marijuana  
21 products to licensed compassion centers or another licensed medical marijuana processor, or any other  
22 marijuana establishment licensee, in accordance with regulations promulgated by the department of  
23 business regulation. A licensed medical marijuana processor shall not be a primary caregiver cardholder  
24 and shall not hold a cooperative cultivation license. A licensed medical marijuana processor shall not  
25 grow, cultivate, sell, or dispense medical marijuana unless the licensed medical marijuana processor has  
26 also been issued a medical marijuana cultivator license or compassion center registration by the  
27 department of business regulation and pursuant to regulations promulgated by the department of business  
28 regulation. The department of business regulation may restrict the number, types, and classes of medical  
29 marijuana licenses an applicant may be issued through regulations promulgated by the department. Except  
30 as specifically provided to the contrary, all provisions of the Edward O. Hawkins and Thomas C. Slater  
31 Medical Marijuana Act, §§ 21-28.6-1 et seq., apply to a licensed medical marijuana processor unless they  
32 conflict with a provision contained in this § 21-28.6-16.1.

33 *(b) Licensing of medical marijuana processor – Department of business regulation authority.* The  
34 department of business regulation shall promulgate regulations governing the manner in which it shall

1 consider applications for the licensing of medical marijuana processors, including but not limited to  
2 regulations governing:

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

10 (c) A medical marijuana processor license issued by the department of business regulation shall  
11 expire one year after it was issued and the licensed medical marijuana processor may apply for renewal  
12 with the department in accordance with its regulations pertaining to licensed medical marijuana  
13 processors.

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

18 (e) Medical marijuana processors shall only sell processed or manufactured marijuana products to  
19 licensed compassion centers, another licensed medical marijuana processor or a marijuana establishment  
20 licensee, in accordance with regulations promulgated by the department of business regulation. The  
21 department may suspend and/or revoke the medical marijuana processor's license and the license of any  
22 officer, director, employee, or agent of such medical marijuana processor and/or impose an administrative  
23 penalty in accordance with such regulations promulgated by the department for any violation of this  
24 section or the regulations. In addition, any violation of this section or the regulations promulgated  
25 pursuant to this subsection and subsection (d) shall cause a licensed medical marijuana processor to lose  
26 the protections described in subsection (m) and may subject the licensed medical marijuana processor to  
27 arrest and prosecution under Chapter 28 of title 21 (the Rhode Island Controlled Substances Act).

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

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

33 (h) Medical marijuana processors shall only be licensed to manufacture and process marijuana at  
34 a single location, registered with the department of business regulation and the department of public

1 safety unless the medical marijuana processor license is held by a registered compassion center which  
2 was approved by the department of health or renewed by the department of business regulation prior to  
3 July 1, 2019. The department of business regulation may promulgate regulations governing where  
4 medical marijuana processors are allowed to operate. Medical marijuana processors must abide by all  
5 local ordinances, including zoning ordinances.

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

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

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

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

28 (3) The medical marijuana processor applicant, unless an employee, shall be responsible for any  
29 expense associated with the national criminal records check.

30 (k) Persons issued medical marijuana processor licenses or registration card shall be subject to the  
31 following:

32 (1) A licensed medical marijuana processor cardholder shall notify and request approval from the  
33 department of business regulation of any change in his or her name or address within ten (10) days of  
34 such change. A medical marijuana processor cardholder who fails to notify the department of business

1 regulation of any of these changes is responsible for a civil infraction, punishable by a fine of no more  
2 than one hundred fifty dollars (\$150).

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

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

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

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

17 (l) Immunity:

18 (1) No licensed medical marijuana processor shall be subject to prosecution; search, except by the  
19 departments pursuant to subsection (j); seizure; or penalty in any manner, or denied any right or privilege,  
20 including, but not limited to, civil penalty or disciplinary action by a business, occupational, or  
21 professional licensing board or entity, solely for acting in accordance with this chapter;

22 (2) No licensed medical marijuana processor shall be subject to prosecution, seizure, or penalty in  
23 any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary  
24 action by a business, occupational, or professional licensing board or entity, for selling, giving, or  
25 distributing marijuana in whatever form and within the limits established by the department of business  
26 regulation to another licensed medical marijuana processor or registered compassion center;

27 (3) No principal officers, board members, agents, volunteers, or employees of a licensed medical  
28 marijuana processor shall be subject to arrest, prosecution, search, seizure, or penalty in any manner, or  
29 denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a  
30 business, occupational, or professional licensing board or entity, solely for working for or with a licensed  
31 medical marijuana processor to engage in acts permitted by this section.

32 (4) No state employee shall be subject to arrest, prosecution, or penalty in any manner, or denied  
33 any right or privilege, including, but not limited to, civil penalty, disciplinary action, termination, or loss  
34 of employee or pension benefits, for any and all conduct that occurs within the scope of his or her

employment regarding the administration, execution, and/or enforcement of this act, and the provisions of §§ 9-31-8 and 9-31-9 shall be applicable to this section.

*(m) License required.* No person or entity shall engage in activities described in this § 21-28.6-16.1 without a medical marijuana processor license issued by the department of business regulation.

**21-28.6-16.3. Other Supporting Medical Marijuana Licenses.**

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

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

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

(2) Minimum oversight requirements for additional medical marijuana license holders;

(3) Minimum record-keeping requirements for additional medical marijuana license holders;

(4) Minimum security requirements for additional medical marijuana license holders;

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

(6) Applicable application and license fees.

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

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

SECTION 7. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby amended by adding thereto the following chapters 28.10 and 28.11:

CHAPTER 28.10

ADULT USE OF MARIJUANA ACT

21-28.10-1. Short title.

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

21-28.10-2. Legislative Findings.

The general assembly finds and declares that:

(1) Prohibiting the possession, cultivation, and sale of cannabis to adults has proven to be an ineffective policy for the State of Rhode Island. In the absence of a legal, tightly regulated market, an illicit cannabis industry has thrived, undermining the public health, safety and welfare of Rhode Islanders.

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

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

21-28.10-3. Definitions.

For purposes of this chapter:

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

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

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

6       (4) "Industrial Hemp" means the plant of the genus cannabis and any part of such plant, whether  
7       growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths  
8       percent (0.3%) on a dry-weight basis of any part of the plant cannabis, or per volume or weight of  
9       cannabis product or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic  
10       acid in any part of the plant cannabis regardless of the moisture content, which satisfy the requirements of  
11       chapter 2-26 of the general laws and the regulations promulgated thereunder.

12       (5) "Industrial Hemp products" means all products made from industrial hemp plants, including,  
13       but not limited to, concentrated oil, cloth, cordage, fiber, food, fuel, paint, paper, construction materials,  
14       plastics, seed, seed meal, seed oil, and certified for cultivation which satisfy the requirements of chapter  
15       2-26 of the general laws and the regulations promulgated thereunder.

16       (6) "Marijuana" means all parts of the plant cannabis sativa L., whether growing or not; the seeds  
17       of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt,  
18       derivative, mixture, or preparation of the plant, its seeds or resin, but shall not include the mature stalks of  
19       the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other  
20       compound, manufacture, salt, derivative, mixture, or preparation of mature stalks, (except the resin  
21       extracted from it), fiber, oil or cake, or the sterilized seed from the plant which is incapable of  
22       germination. Marijuana shall not include "industrial hemp" or "industrial hemp products" which satisfy  
23       the requirements of chapter 2-26 of the general laws and the regulations promulgated thereunder.

24       (7) "Marijuana cultivation facility" means an entity that is licensed pursuant to chapter 21-28.11  
25       of title 21, to be exempt from state penalties for cultivating, preparing, packaging, and selling or  
26       transferring marijuana to a marijuana retailer, marijuana processor, another marijuana cultivation facility,  
27       cannabis testing laboratory, or another marijuana establishment licensed by the office of cannabis regulation,  
28       in accordance with regulations promulgated by the office of cannabis regulation but not for manufacturing,  
29       processing or selling marijuana products or selling marijuana at retail or otherwise to the general public.

30       (8) "Marijuana establishment" and "marijuana establishment licensee" means any person or  
31       entity licensed by the office of cannabis regulation under chapter 21-28.11 or chapter 21-28.6 whose  
32       license permits it to engage in or conduct activities in connection with the adult use marijuana  
33       industry or medical marijuana program and includes but is not limited to a licensed marijuana

1 cultivation facility, marijuana processor, marijuana retailer, marijuana testing facility, compassion  
2 center, medical marijuana cultivator, medical marijuana processor, or any other license issued by the  
3 office of cannabis regulation under chapter 21-28.11 or chapter 21-28.6 and/or as specified and  
4 defined in regulations promulgated by the office of cannabis regulation.

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

10 (10) "Marijuana processor" means an entity licensed pursuant to chapter 21-28.11 of title 21 to  
11 be exempt from state penalties for purchasing marijuana from marijuana cultivation facilities, other  
12 marijuana processors, or other marijuana establishments, in accordance with regulations promulgated by  
13 the office of cannabis regulation; and manufacturing or processing marijuana products, selling, giving, or  
14 transferring marijuana products to a marijuana retailer, marijuana testing facility, or other marijuana  
15 establishments, in accordance with regulations promulgated by the office of cannabis regulation but not for  
16 selling marijuana or marijuana products at retail or otherwise to the general public.

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

21 (12) "Marijuana retailer" means an entity that is licensed pursuant to chapter 21-28.11 of title 21  
22 to be exempt from state penalties for purchasing marijuana from marijuana cultivation facilities,  
23 marijuana processors, or other marijuana establishments in accordance with regulations promulgated by  
24 the office of cannabis regulation, and selling marijuana, marijuana products, and marijuana  
25 paraphernalia to customers who are twenty-one (21) years of age or older in accordance with the  
26 provisions of this chapter, chapter 21-28.11 and rules and regulations promulgated by the office of  
27 cannabis regulation.

28 (13) "Marijuana testing facility" and "cannabis testing laboratory" means a third party analytical  
29 testing laboratory licensed by the departments of health and office of cannabis regulation to collect  
30 and test samples of cannabis pursuant to regulations promulgated by the departments.

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

33 (15) "Public place" means any street, alley, park, sidewalk, public building other than individual  
34 dwellings, or any place of business or assembly open to or frequented by the public, and any other place

1 to which the public has access.

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

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

9 (18) "Vaporize" or "vape" means heating below the point of combustion and resulting in a vapor  
10 or mist.

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

14 (20) "Cannabis plant" means a cannabis plant, rooted or unrooted, mature, or immature, with or  
15 without flowers or buds.

16  
17 **21-28.10-4. Exempt activities.**

18 Effective from and after January 1, 2020, except as otherwise provided in this chapter:

19 (1) A person who is twenty-one (21) years of age or older is exempt from arrest, civil or  
20 criminal penalty, seizure or forfeiture of assets, discipline by any state or local licensing board, and state  
21 prosecution for solely engaging in the following acts:

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

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

1 secured and locked storage ten ounces (10 oz.) or less of marijuana plant material which satisfies the  
2 requirements of this chapter or an equivalent amount of marijuana product which satisfies the  
3 requirements of this chapter as determined by regulations promulgated by the office of cannabis  
4 regulation;

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

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

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

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

20 (2) Except as provided in this chapter and chapter 28.11 of title 21, a marijuana retailer or any  
21 person who is twenty-one (21) years of age or older and acting in their capacity as an owner, principal  
22 officer, partner, board member, employee, or agent of a retailer is exempt from arrest, civil or  
23 criminal penalty, seizure or forfeiture of assets, discipline by any state or local licensing board, and state  
24 prosecution for solely engaging in the following acts:

25 (i) Actually or constructively transporting or possessing marijuana or marijuana products that  
26 were purchased from a marijuana cultivation facility, a marijuana processor, another marijuana retailer,  
27 or any other marijuana establishment in accordance with regulations promulgated by the office of  
28 cannabis regulation;

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

30 (iii) Selling, delivering, or transferring marijuana or marijuana products to another retailer in  
31 accordance with regulations promulgated by the office of cannabis regulation;

32 (iv) Selling, transferring, or delivering, no more than, one ounce (1 oz.) of marijuana which  
33 satisfies the requirements of this chapter, or an equivalent amount of marijuana product which  
34 satisfies the requirements of this chapter per day, or marijuana paraphernalia to any person who is

1 twenty-one (21) years of age or older, in accordance with regulations promulgated by the office of  
2 cannabis regulation and within the transaction limits of this chapter, chapter 21-28.11 and transactions  
3 limits specified in regulations promulgated by the office of cannabis regulation;

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

6 (vi) Controlling any premises or vehicle where marijuana, marijuana products, and marijuana  
7 paraphernalia are possessed, sold, or deposited in a manner that is not in conflict with this chapter or the  
8 regulations pursuant thereto; and

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

11 (3) Except as provided in this chapter and chapter 28.11 of title 21, a marijuana cultivation  
12 facility or any person who is twenty-one (21) years of age or older and acting in their capacity as an  
13 owner, principal officer, partner, board member, employee, or agent of a marijuana cultivation facility is  
14 exempt from arrest, civil or criminal penalty, seizure or forfeiture of assets, discipline by any state or  
15 local licensing board, and state prosecution for solely engaging in the following acts:

16  
17 (i) Cultivating, packing, processing, transporting, or manufacturing marijuana, but not marijuana  
18 products, in accordance with regulations promulgated by the office of cannabis regulation;

19 (ii) Transporting or possessing marijuana that was produced by the marijuana cultivation facility  
20 or another marijuana establishment, in accordance with regulations promulgated by the office of  
21 cannabis regulation;

22 (iii) Selling, delivering, or transferring marijuana to a marijuana retailer, marijuana processor, a  
23 marijuana cultivation facility, or any other marijuana establishment, in accordance with regulations  
24 promulgated by the office of cannabis regulation;

25 (iv) Purchasing marijuana from a marijuana cultivation facility;

26 (v) Delivering or transferring marijuana to a marijuana testing facility;

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

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

31 (4) Except as provided in this chapter and chapter 28.11 of title 21, a marijuana processor  
32 facility or any person who is twenty-one (21) years of age or older and acting in their capacity as an  
33 owner, principal officer, partner, board member, employee, or agent of a marijuana processor facility is  
34 exempt from arrest, civil or criminal penalty, seizure or forfeiture of assets, discipline by any state or local

1 licensing board, and state prosecution for solely engaging in the following acts:

2 (i) Producing, manufacturing, packing, processing, or transporting marijuana products, in  
3 accordance with regulations promulgated by the office of cannabis regulation;

4 (ii) Packing, processing, possessing, or transporting marijuana that was produced by a  
5 marijuana cultivation center in accordance with regulations promulgated by the office of cannabis  
6 regulation;

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

8 (iv) Manufacturing, possessing, or producing marijuana products, in accordance with regulations  
9 promulgated by the office of cannabis regulation;

10 (v) Selling, delivering, or transferring marijuana products to a marijuana retailer, another  
11 marijuana processor, or any other marijuana establishment, in accordance with regulations  
12 promulgated by the office of cannabis regulation;

13 (vi) Purchasing marijuana from a marijuana cultivation facility, or another marijuana processor,  
14 or any other marijuana establishment, in accordance with regulations promulgated by the office of  
15 cannabis regulation;

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

17  
18 (viii) Controlling any premises or vehicle where marijuana products and marijuana paraphernalia  
19 are possessed, manufactured, sold, or deposited;

20 (ix) Controlling any premises or vehicle where marijuana is possessed, processed packaged, or  
21 deposited; and

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

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

31 (i) Acquiring, transporting, storing, or possessing marijuana or marijuana products, in  
32 accordance with regulations promulgated by the office of cannabis regulation;

33 (ii) Returning marijuana and marijuana products to marijuana cultivation facilities, marijuana  
34 processor facilities, marijuana retailers, other marijuana establishment licensees and industrial hemp

1 license holders, in accordance with regulations promulgated by the office of cannabis regulation ;

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

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

6 (6) The acts listed in subsections (1) through (5) of this section, when undertaken in compliance  
7 with the provisions of this chapter and regulations promulgated hereunder, are lawful under Rhode  
8 Island law.

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

19 (8) Except for the exemption set forth in subsection (2)(iv) of this section which shall be  
20 effective from and after January 1, 2020, the exemptions set forth in subsections (2), (3), (4) and (5)  
21 of this section shall be effective as to a marijuana establishment licensee from and after the date of  
22 issuance of a license by the office of cannabis regulation.

23 (9) Notwithstanding any provisions to the contrary, nothing in this chapter or the general  
24 laws shall restrict, impair or otherwise affect the manufacturing, distribution, transportation, sale,  
25 prescribing and dispensing of a product that has been approved for marketing as a prescription  
26 medication by the U.S. Food and Drug Administration and is manufactured, distributed, transported,  
27 sold, prescribed and dispensed in accordance with applicable federal and state law.

28 **21-28.10-5. Authorized activities; paraphernalia.**

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

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

1                   **21-28.10-6. Unlawful activities; penalties.**

2                   (a) Except as expressly provided in this chapter and chapters 2-26, 21-28.6 and 21-28.11, no  
3 person or entity shall cultivate, grow, manufacture, process, or otherwise produce, sell or otherwise  
4 distribute cannabis, cannabis plants or cannabis products.

5                   (b) Any person who cultivates, grows, manufactures, processes, or otherwise produces, sells  
6 or otherwise distributes cannabis, cannabis plants or cannabis products in violation of this chapter  
7 and chapters 2-26, 21-28.6, 21-28.11, and/or the regulations promulgated hereunder, or who aids and  
8 abets another in doing so, shall be subject to imposition of an administrative penalty and order by the  
9 office of cannabis regulation as follows:

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

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

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

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

21                   (v) for any violation of this section involving more than twenty (20) cannabis plants, such  
22 person and, in the case of an entity such entity's principal officers and other key persons, shall also  
23 be guilty of a felony, and upon conviction shall be punished by imprisonment and a fine as provided  
24 in chapter 21-28 of the general laws and the attorney general shall prosecute such criminal violation;  
25 and

26                   (vi) for any violation of this section involving possession of marijuana material or marijuana  
27 products over the legal possession limits of this chapter, there shall be an administrative penalty imposed by  
28 the office of cannabis regulation of \$2,000 per ounce of equivalent marijuana material over the legal  
29 possession limit and an order requiring forfeiture and/or destruction of said marijuana; and-

30                   (vii) for any violation of this chapter involving possession of marijuana material or marijuana  
31 products within the legal possession limits of this chapter which are not properly secured to prohibit access  
32 by children and individuals who are under the age of twenty-one (21) in accordance with regulations  
33 promulgated by the office of cannabis regulation, there shall be an administrative penalty imposed by the  
34 office of cannabis regulation of no less than \$100 and an order requiring forfeiture and/or destruction of

1        said marijuana.

2                    **21-28.10-7. Activities not exempt.**

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

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

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

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

13                  (4) Manufacturing or processing of marijuana products with the use of prohibited solvents, in  
14        violation of § 21-28.10-12; or

15                  (5) Possessing, using, distributing, cultivating, processing or manufacturing marijuana or marijuana  
16        products which do not satisfy the requirements of this chapter.

17                    **21-28.10-8. Marijuana use prohibitions.**

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

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

31                  (c) No person shall smoke or vaporize cannabis in, on or about the premises of any hotel,  
32        rooming house, multi-unit housing complex or building without the written permission of the owner  
33        of such property and/or any applicable governing body of the housing complex or building. A person  
34        who smokes or vaporizes cannabis in, on or about any hotel, rooming house, multi-unit housing

1 complex or building premises without such written permission shall be subject to imposition of an  
2 administrative penalty by the office of cannabis regulation of one hundred fifty dollars (\$150) per  
3 violation, in addition to and not in lieu of any applicable penalty, access prohibition or restriction,  
4 eviction or other action that may lawfully be taken by the owner and/or any applicable authority with  
5 respect to such multi- unit housing complex or building.

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

16 **21-28.10-9. Places of employment.**

17 ~~(a) The provisions of this chapter do not require employers to accommodate the use or~~  
18 ~~possession of marijuana, or being under the influence of marijuana, in any workplace.~~

19 ~~(b) Employers may implement drug use policies which prohibit the use or possession of~~  
20 ~~marijuana in the workplace or working under the influence of marijuana, provided that unless such~~  
21 ~~use is prohibited pursuant to the terms of a collective bargaining agreement, an employer shall not~~  
22 ~~fire or take disciplinary action against an employee solely for an employee's private, lawful use of~~  
23 ~~marijuana outside the workplace and so long as the employee has not and is not working under the~~  
24 ~~influence of marijuana except to the extent that the employer is a federal contractor or otherwise~~  
25 ~~subject to federal law or regulations such that failure to take such action would cause the employer to~~  
26 ~~lose a monetary or licensing related benefit thereunder.~~

27 (a) An employer shall be entitled to implement policies prohibiting the use or possession of  
28 marijuana, provided such policies are in writing and uniformly applied to all employees and an employee  
29 is given prior written notice of such policies by the employer.

30 (b) The provisions of this chapter do not require employers to accommodate the use or possession of  
31 marijuana or being under the influence of marijuana in any workplace. This chapter shall not permit any  
32 person to undertake any task under the influence of marijuana when doing so would constitute negligence  
33 or professional malpractice, jeopardize workplace safety, or to operate, navigate or be in actual physical

1 control of any motor vehicle or other transport vehicle, aircraft, motorboat, machinery or equipment, or  
2 firearms under the influence of marijuana.

3 (c) Notwithstanding any other section of the general laws, upon specific request by a qualifying  
4 patient cardholder, the department of health may verify the requesting cardholder's status as a valid  
5 patient cardholder to the qualifying patient cardholder's employer, in order to ensure compliance with  
6 patient protections of §21-28.6-4(f).

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

15 **21-28.10-10. Private property.**

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

19 (b) Except as provided in this section, in the case of the rental of a residential dwelling unit  
20 governed by chapter 18 of title 34, a landlord may not prohibit the consumption of cannabis by non-  
21 smoked or non-vaporized means, or the transfer without compensation of cannabis by the tenant as  
22 defined in § 34-18-11, provided the tenant is in compliance with the possession and transfer limits  
23 and other requirements set forth in § 21-28.10-4(1)(i) and (iv), and provided any such consumption  
24 or transfer by the tenant is done within the tenant's dwelling unit and is not visible from outside of the  
25 individual residential dwelling unit. A landlord may prohibit the consumption, display, and transfer of  
26 cannabis by a roomer as defined in §34-18-11 and by any other person who is not a tenant.

27 **21-28.10-11. False age representation.**

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

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

34 (i) for the first offense, imposition of a mandatory fine of not less than one hundred dollars

1       (\$100) nor more than five hundred dollars (\$500), the requirement to perform thirty (30) hours of  
2       community service and suspension of his/her motor vehicle operator's license or permit and driving  
3       privileges for a period of thirty (30) days;

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

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

12              (c) In addition to and not in lieu of the penalties described in subsection (b), the department  
13      of elementary and secondary education and, with the prior approval of the department, any city, town  
14      or school district under its authority, may adopt and implement marijuana drug use policies which  
15      require students to face disciplinary actions including but not limited to, suspension, expulsion,  
16      community service, and prohibition from participation in school sanctioned events, for any violation  
17      of this section or for the possession or use of marijuana. The department of elementary and  
18      secondary education shall have the authority to adopt rules and regulations as are necessary and  
19      proper to carry out the foregoing.

20              **21-28.10-12. Unlawful distribution to minors; penalties.**

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

25              (b) Any person or entity who sells, delivers, distributes or otherwise transfers or furnishes to,  
26      or purchases or otherwise procures for, any person who is under twenty-one (21) years of age  
27      marijuana, marijuana plants or marijuana products ~~to any person who is under twenty one (21) years~~  
28      ~~of age~~ in violation of this chapter and chapter 21-28.11 and/or the regulations promulgated hereunder  
29      shall be subject to imposition of an administrative penalty by the office of cannabis regulation in the  
30      amount of up to \$10,000 per violation.

31              (c) As to any knowing violation of this section, ~~such~~ by any person who is twenty-one (21)  
32      years of age or older where the sale, delivery, distribution, transfer or furnishing to, or purchase or  
33      procurement for, is as to a person who is at least three (3) years his or her junior, such person, and in  
34      the case of an entity such entity's principal officers and other key persons, shall also be guilty of a

felony, and upon conviction shall be punished by imprisonment and a fine as provided in chapter 21-28 of the general laws and the attorney general shall prosecute such criminal violation.

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

**21-28.10-12.1. Compliance check.**

(a) As used in this section the terms “marijuana”, “marijuana establishment” and “marijuana products” shall have the same meanings as defined in chapter 21-28.11 of this title. As used in this section the term "compliance check" means the sending of a minor into a marijuana establishment to see if that minor could purchase marijuana. As used in this section the term "purchase survey" refers to compliance checks that are a part of a statewide survey.

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

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

**21-28.10-12.2. Transportation of marijuana by underage persons.**

(a) Any person who has not reached his or her twenty-first (21st) birthday and who operates a motor vehicle upon the public highways, except when accompanied by a parent, legal guardian, or another adult who is over the age of twenty-one (21) years and related, whether by blood, adoption or marriage, to the operator within the following degree of sanguinity: brother, sister, grandfather, grandmother, father-in-law, mother-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, great uncle or great aunt and, knowingly having marijuana or marijuana products in any form in containers, opened or unopened, in any part of the

vehicle shall be guilty of a criminal violation. The words “marijuana” and “marijuana products”, as used in this section, have the same meaning as defined in chapter 21-28.11 of this title.

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

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

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

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

**21-28.10-12. Unlawful distribution to minors; penalties.**

~~(a) Except as expressly provided in chapters 21-28.6 of the general laws, no person or entity shall sell, deliver or otherwise transfer to any person who is under twenty-one (21) years of age marijuana, marijuana plants or marijuana products.~~

~~(b) Any person or entity who sells, delivers or otherwise transfers marijuana, marijuana plants or marijuana products to any person who is under twenty-one (21) years of age violation of this chapter and chapter 21-28.11 and/or the regulations promulgated hereunder shall be subject to imposition of an administrative penalty by the office of cannabis regulation in the amount of \$10,000 per violation.~~

~~(c) As to any violation of this section, such person, and in the case of an entity such entity’s principal officers and other key persons, shall also be guilty of a felony, and upon conviction shall be punished by imprisonment and a fine as provided in chapter 21-28 of the general laws and the attorney general shall prosecute such criminal violation.~~

**21-28.10-13. Unlawful marijuana extraction, penalties.**

(a) No person, other than a licensed processor who is in compliance with this chapter, chapter 28.11 and accompanying regulations or an agent of a processor acting in that capacity, may extract compounds from marijuana using solvents other than water, glycerin, propylene glycol, vegetable oil, or food grade ethanol (ethyl alcohol). No person may extract compounds from marijuana using ethanol in the presence or vicinity of open flame.

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

(c) A person who violates this section shall also be guilty of a felony punishable by imprisonment

1 and a fine in accordance with chapter 21-28 of the general laws and the attorney general shall prosecute  
2 such criminal violation.

3 CHAPTER 28.11

4 MARIJUANA REGULATION, CONTROL, AND TAXATION ACT

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

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

8 **21-28.11-2. Definitions.**

9 For purposes of this chapter:

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

16 (2) "Marijuana" means all parts of the plant cannabis sativa L., whether growing or not; the seeds  
17 of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt,  
18 derivative, mixture, or preparation of the plant, its seeds or resin, but shall not include the mature stalks of  
19 the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other  
20 compound, manufacture, salt, derivative, mixture, or preparation of mature stalks, (except the resin  
21 extracted from it), fiber, oil or cake, or the sterilized seed from the plant which is incapable of  
22 germination. Marijuana shall not include "industrial hemp or" industrial hemp products" which satisfy the  
23 requirements of chapter 2-26 of the general laws and the regulations promulgated thereunder.

24 (3) "Marijuana cultivation facility" means an entity that is licensed pursuant to chapter 28.11 of title  
25 21, to be exempt from state penalties for cultivating, preparing, packaging, and selling marijuana to a  
26 marijuana retailer, a marijuana processor, another marijuana cultivation facility, cannabis testing laboratory,  
27 or another marijuana establishment licensed by the office of cannabis regulation, in accordance with  
28 regulations promulgated by the office of cannabis regulation; but not for manufacturing, processing or  
29 selling marijuana products or selling marijuana at retail or otherwise to the general public.

30 (4) "Marijuana establishment" and "marijuana establishment licensee" means any person or entity  
31 licensed by the office of cannabis regulation under this chapter or chapter 21-28.6 whose license permits

1 it to engage in or conduct activities in connection with the adult use marijuana industry or medical  
2 marijuana program and includes but is not limited to a licensed marijuana cultivation facility, marijuana  
3 processor, marijuana retailer, cannabis testing facility, compassion center, medical marijuana cultivator,  
4 medical marijuana processor or any other license issued by the office of cannabis regulation under this chapter or  
5 chapter 21-28.6 and/or as specified and defined in regulations promulgated by the office of cannabis regulation.

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

11 (6) "Marijuana processor" means an entity licensed pursuant to chapter 28.11 of title 21 to be exempt  
12 from state penalties for purchasing marijuana from marijuana cultivation facilities, other marijuana processors,  
13 or other marijuana establishments, in accordance with regulations promulgated by the office of cannabis  
14 regulation and manufacturing or processing marijuana products, selling, giving, or transferring marijuana  
15 products to a marijuana retailer, marijuana testing facility, or other marijuana establishments, in accordance with  
16 regulations promulgated by the office of cannabis regulation but not for selling marijuana or marijuana products at  
17 retail or otherwise to the general public.

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

22 (8) "Marijuana testing facility" or "cannabis testing laboratory" means a third party analytical testing  
23 laboratory licensed by the departments of health and office of cannabis regulation to collect and test  
24 samples of cannabis pursuant to regulations promulgated by the departments.

25 (9) "Marijuana retailer" means an entity that is licensed pursuant to chapter 28.11 of title 21, to be  
26 exempt from state penalties for purchasing marijuana from marijuana cultivation facilities, marijuana  
27 processors, or other marijuana establishments in accordance with regulations promulgated by the office of  
28 cannabis regulation, and selling marijuana, marijuana products, and marijuana paraphernalia to customers  
29 who are twenty-one (21) years of age or older in accordance with the provisions of this chapter, chapter 21-  
30 28.11 and rules and regulations promulgated by the office of cannabis regulation.

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

1 to the use of electronic cigarettes, electronic pipes, electronic marijuana delivery system products, or other similar  
2 products that rely on vaporization or aerosolization.

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

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

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

10 **21-28.11-3. Office of Cannabis Regulation.**

11 (a) Within the department of business regulation there shall be an office of cannabis regulation  
12 that oversees the regulation, licensing and control of cannabis, including marijuana, medical marijuana  
13 and industrial hemp, and such other matters within the jurisdiction of the department as determined by the  
14 director. An associate director or other designee of the director who reports to the director shall be in  
15 charge of all matters relating to cannabis regulation and control.

16 (b) Whenever in chapters 2-26, 21-28.6, 21-28.10, 21-28.11 and 44-49.1 of the general laws the  
17 words "department of business regulation" shall appear, the words shall be deemed to mean the office of  
18 cannabis regulation within the department of business regulation. Whenever in chapters 2-26, 21-28.6,  
19 21-28.10, 21-28.11 and 44-49.1 of the general laws the words "office of cannabis regulation" shall  
20 appear, the words shall be deemed to mean the office of cannabis regulation within the department of  
21 business regulation.

22 (c) The office of cannabis regulation shall coordinate the executive branch response to the  
23 regulation and control of cannabis including, but not limited to, strategic planning, coordination and  
24 approval of regulations, educational content, planning and implementation, community engagement,  
25 budget coordination, data collection and analysis functions, and any other duties deemed necessary and  
26 appropriate by the office of cannabis regulation to carry out the provisions of this chapter.

27 (d) In furtherance of coordinating the oversight of cannabis, including marijuana, medical marijuana  
28 and industrial hemp, across state agencies, the office of cannabis regulation shall:

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

(2) Offer guidance to and communicate with municipal officials regarding the implementation and enforcement of this chapter and chapters 28.6 and 28.10;

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

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

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

(6) Coordinate the collection of data on adult use of marijuana and medical marijuana use from state agencies and report to the governor and legislature no later than January 1, 2021, and every year thereafter. The report shall include, but is not limited to:

(i) The number and geographic distribution of all licensed marijuana establishments;

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

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

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

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

#### **21-28.11-4. Marijuana Advisory Board.**

(a) The leaders of the general assembly shall establish a marijuana advisory board to study and make recommendations on the regulation of marijuana and marijuana products.

(b) The marijuana advisory board shall consist of fourteen (14) members, seven (7) appointed by the speaker of the house, and seven (7) appointed the senate president. Both the speaker of the house and the senate president shall appoint one member of the general assembly, one expert in law enforcement, one expert in public health, one expert in the legal marijuana business community, one attorney with experience in marijuana law and policy, one expert in social welfare or social justice, and one individual who represents marijuana consumers.

(c) Members of the marijuana advisory board shall serve terms of two (2) years.

(d) Members of the board shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their official duties. Eight (8) or more members of the board present and voting shall constitute a quorum.

(e) The marijuana advisory board's duties shall include:

(1) Advising the legislature on matters related to marijuana cultivation, processing, manufacture, transport, distribution, testing and sale;

(2) On its own initiative, recommending to the office of cannabis regulation guidelines, rules and regulations and any changes to guidelines, rules and regulations that the board considers important or necessary; and

(3) Holding public hearings to take testimony from experts and members of the general public on issues related to the regulation and taxation of marijuana.

(f) All records of the marijuana advisory board shall be public records.

(g) The chairs of the marijuana advisory board shall issue public notice at least fourteen (14) days prior to each meeting of the marijuana advisory board.

**21-28.11-5. Licensing of marijuana establishments.**

(a) Except as otherwise provided in this chapter:

(1) A person or an entity may apply, in accordance with the provisions of this chapter and regulations adopted by the office of cannabis regulation, for the issuance of a license authorizing the applicant to engage in licensed marijuana activities as a marijuana retailer, marijuana cultivator, marijuana processor, cannabis testing facility, or any other marijuana establishment licensee, pursuant to the provisions of this chapter and regulations promulgated by the office of cannabis regulation provided that a majority of equity in and/or ownership of any license is held by a Rhode Island resident, or Rhode Island residents, as defined in regulations promulgated by the office of cannabis regulation.

(2) The office of cannabis regulation shall have authority to issue a license or licenses to marijuana cultivators, marijuana retailers, marijuana processors, and any other category of marijuana establishment licensee established through this chapter or the regulations promulgated hereunder.

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

(b) The office of cannabis regulation shall have the authority to promulgate regulations to create and implement additional types and classes of commercial marijuana establishment licenses, including but not limited to, licenses for businesses to engage in marijuana destruction, delivery, disposal, research and development, transportation, social use licenses, or any other commercial activity needed to support

1 licensed marijuana cultivators, licensed marijuana processors, compassion centers, licensed cannabis  
2 testing facilities, provided no license created by the department shall allow for the retail sale of marijuana.

3 (c) The office of cannabis regulation shall promulgate regulations governing the manner in which  
4 it shall consider applications for issuing additional classes of marijuana establishment licenses, in  
5 accordance with this section.

6 (d) The office of cannabis regulation shall promulgate regulations governing the manner in which  
7 it shall consider applications for the licensing and renewal of each type of marijuana establishment license  
8 necessary and proper to enforce the provisions of and carry out the duties assigned to it under this chapter  
9 and chapter 28.10, including but not limited to regulations governing:

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

11 (2) Application and licensing fees for marijuana establishment licensees;

12 (3) Procedures for the approval or denial of a license, and procedures for suspension or revocation  
13 of the license of any marijuana establishment licensee that violates the provisions of this chapter, chapter  
14 28.10 or the regulations promulgated thereunder in accordance with the provisions of chapter 42-35 of the  
15 general laws; and

16 (4) Compliance with municipal zoning restrictions, if any, which comply with 21-28.11-10 of this  
17 chapter.

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

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

31 (ii) The legal name of the marijuana establishment licensee to which the applicant is affiliated;

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

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

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

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

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

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

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

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

3           (h) A registry identification card of a principal officer, board member, agent, volunteer, or  
4 employee, or any other designation required by the office of cannabis regulation shall expire one year  
5 after its issuance, or upon the termination of the principal officer, board member, agent, volunteer or  
6 employee's relationship with the marijuana establishment licensee, or upon the termination or revocation  
7 of the affiliated marijuana establishment's license, whichever occurs first.

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

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

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

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

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

25           (n) The department of business regulation shall have the authority to adopt regulations governing the  
26 allowable size of marijuana establishment licensees. The department of business regulation shall have the  
27 authority to adopt regulations governing the allowable size of marijuana cultivations, and whether indoor or  
28 outdoor cultivation is permitted.

29           (o) The department of business regulation may establish pursuant to regulations different  
30 classifications or schedules for marijuana establishment licensee facilities based on their physical size, scope, or  
31 authorized activities permitted under the class or schedule of marijuana establishment license.

1           (p) In order to create an open, accessible, and stable industry, the office of cannabis regulation  
2           shall have the authority to promulgate regulations which limit the number of marijuana establishment  
3           licenses or classes of marijuana establishment licenses that an applicant may be issued.

4           (q) In order to create an open, accessible, and stable industry, the office of cannabis regulation  
5           shall have the authority to promulgate regulations which sets market-based criteria for the issuance or  
6           renewal of cultivation licenses.

7           (r) The department of business regulation may not issue a marijuana cultivation facility, marijuana  
8           processor, or marijuana retailer to any entity that operates or exercises ownership, management, or other  
9           control over a marijuana testing facility.

10           (s) The department of health and department of office of cannabis regulation may not issue a  
11           marijuana testing facility license to any applicant that operates or exercises ownership, management, or other  
12           control over another marijuana establishment license or license issued under chapter 2-26 of the general laws.

13           (t) The office of cannabis regulation shall determine an annual license and renewal fee for each type  
14           and/or class of marijuana establishment licensee. The license fee must be paid upon the initial issuance of  
15           the license and every twelve (12) months thereafter. If the license fee is not remitted to the state in a timely  
16           manner, the license shall be revoked. The department of health shall determine the annual license fee for  
17           cannabis testing laboratories and employee registration cards.

18           (u) The office of cannabis regulation shall set forth procedures to require all owners, officers,  
19           investors, employees or agents with operational or managing control of a marijuana establishment license  
20           applicant to undergo a national background check conducted by the office of the attorney general, the state  
21           police, a local police department, or some other agency approved by the office of cannabis regulation. An  
22           application for a marijuana establishment license may be rejected if a background check of an owner, officer,  
23           investor or employee or agent with operational or managing control reveals past offenses or actions that the  
24           office of cannabis regulation deems to be disqualifying.

25           (v) Whenever an entity seeks to renew a license as a marijuana establishment, the office of cannabis  
26           regulation shall require the renewal application to include a question regarding any Occupational Safety and  
27           Health Administration actions. The office of cannabis regulation may issue regulations as are necessary to  
28           ensure licensee compliance to address any such Occupational Safety and Health Administration actions in  
29           light of worker safety concerns.

30           (w) Medical marijuana cultivators and compassion centers in good standing with the office of  
31           cannabis regulation may also apply for and be issued adult use marijuana establishment licenses, in  
32           accordance with regulations promulgated by the office of cannabis regulation, provided the medical

marijuana establishment licensee continues to hold any valid medical marijuana license approved or issued prior to July 1, 2019.

(x) The office of cannabis regulation may limit or prohibit a medical marijuana establishment's operation under an adult use marijuana establishment license if the office of cannabis regulation determines that failure to do so would threaten medical marijuana patients' access to marijuana products needed to treat qualifying conditions.

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

(z) The office of cannabis regulation shall prioritize the review of applications for adult use marijuana establishment licenses submitted by medical marijuana establishments that hold a license, in good standing, that was issued by the department prior to the effective date of this chapter.

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

**21-28.11-6. Ineligibility for license.**

A marijuana establishment may not operate, and a prospective marijuana establishment may not apply for a license, if any of the following are true:

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

(2) The establishment would be located at a site where the use is not permitted by applicable zoning classification or by special use permit or other zoning approval, or if the proposed location would otherwise violate a municipality's zoning ordinance which has been adopted in accordance with section 21-28.11-10 of this chapter; or

(3) The establishment would be located in a municipality in which residents have approved, by a simple majority referendum, a ban on the kind of marijuana establishment being proposed in accordance with section 21-28.11-10(c). For purpose of illustration but not limitation, a marijuana retailer may not operate in a municipality in which residents have approved by a simple majority referendum a ban on marijuana retailers.

1           (4) If any marijuana business establishment license applicant is deemed unsuitable or denied a registry  
2 identification card by the office of cannabis regulation.

3   **21-28.11-7. License Required.**

4           (1) No person or entity shall engage in any activities in which a licensed marijuana establishment  
5 licensee may engage pursuant to chapters 28.6, 28.10 or 28.11 of title 21 and the regulations promulgated  
6 thereunder, without the license that is required in order to engage in such activities issued by the office of  
7 cannabis regulation and compliance with all provisions of such chapters 28.6, 28.10 and 28.11 or title 21  
8 and the regulations promulgated thereunder.

9           (2) Notwithstanding any provisions to the contrary, nothing in this chapter or the general  
10 laws shall restrict, impair or otherwise affect the manufacturing, distribution, transportation, sale,  
11 prescribing and dispensing of a product that has been approved for marketing as a prescription  
12 medication by the U.S. Food and Drug Administration and is manufactured, distributed, transported,  
13 sold, prescribed and dispensed in accordance with applicable federal and state law.

14  
15 **21.28.11-8. Enforcement**

16           (a) (1) Notwithstanding any other provision of this chapter, if the director of the department of  
17 business regulation or his or her designee has cause to believe that a violation of any provision of chapters  
18 21-28.6, 21-28.10 or 28.11 or any regulations promulgated thereunder has occurred by a licensee that is  
19 under the department's jurisdiction pursuant to chapters 21-28.6, 21-28.10 or 28.11, or that any person or  
20 entity is conducting any activities requiring licensure or registration by the office of cannabis regulation  
21 under chapters 21-28.6, 21-28.10 or 28.11 or the regulations promulgated thereunder without such  
22 licensure or registration, the director or his or her designee may, in accordance with the requirements of  
23 the administrative procedures act, chapter 35 of title 42:

24           (i) With the exception of patients and authorized purchasers, revoke or suspend any license or  
25 registration issued under chapters 2-26, 21-28.6 and 21-28.11;

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

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

29           (iv) Require a licensee or registrant or person or entity conducting any activities requiring  
30 licensure or registration under chapters 21-28.6, 21-28.10 or 28.11 to take such actions as are necessary to  
31 comply with such chapter and the regulations promulgated thereunder; or

1       (v) Any combination of the above penalties.

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

7       (b) If a person exceeds the possession limits set forth in chapters 21-28.6, 21-28.10 or 21-28.11,  
8 or is in violation of any other section of chapters 21-28.6, 21-28.10 or 28.11 or the regulations  
9 promulgated thereunder, he or she may also be subject to arrest and prosecution under chapter 28 of title  
10 21 of the general laws.

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

16       (d) All marijuana products that are held within the borders of this state in violation of the  
17 provisions of chapters 21-28.6, 21-28.10 or 21-28.11 or the regulations promulgated thereunder are  
18 declared to be contraband goods and may be seized by the office of cannabis regulation, the tax  
19 administrator or his or her agents, or employees, or by any sheriff, or his or her deputy, or any police or  
20 other law enforcement officer when requested by the tax administrator or office of cannabis regulation to  
21 do so, without a warrant. All contraband goods seized by the state under this chapter may be destroyed.

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

29       **21-28.11-9. Regulation and control of marijuana establishments.**

1           (a) The department of business regulation shall adopt all rules and regulations necessary and  
2 convenient to carry out and administer the provisions in this chapter and chapter 28.10 including  
3 operational requirements applicable to licensees and regulations as are necessary and proper to enforce  
4 the provisions of and carry out the duties assigned to it under this chapter and chapter 28.10, including but  
5 not limited to regulations governing:

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

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

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

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

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

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

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

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

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

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

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

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

1           (iv) a marijuana establishment licensee and any other person, entity or business which is deemed  
2 by the office of cannabis regulation to advertise marijuana may not use any billboard advertisements  
3 within the state of Rhode Island;

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

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

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

10          (viii) a marijuana establishment license shall not use, except, or offer any coupons, discounts, samples,  
11 giveaways, or any other mechanism to sell marijuana at prices below market value which may or may not  
12 circumvent the payment and collection of marijuana taxes; and

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

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

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

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

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

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

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

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

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

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

1           (v) include any additional requirements or limitations deemed necessary by the office of cannabis  
2 regulation:

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

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

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

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

13           (iv) standards to prohibit cannabis products that pose public health risks, that are easily confused  
14 with existing non-cannabis products, or that are especially attractive to youth; and

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

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

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

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

21           (iii) establish rules and procedures to ensure retailers ~~tdo~~ not dispense, and customers ~~tdo~~ not  
22 purchase amounts of marijuana in excess of ~~the~~ one ounce (1 oz) of marijuana or an equivalent amount  
23 per transaction and/or per day;

24           (iv) establish rules and procedures to ensure no marijuana is dispensed to anyone under the age of  
25 21; and

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

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

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

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

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

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

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

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

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

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

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

23          (10) Online sales;

24          (11) Transport and delivery;

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

27           (i) opaque;

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

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

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

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

4           (14) Industry and licensee production limitations;

5           (15) Procedures for the approval or denial of a license, and procedures for suspension or  
6 revocation of the license of any marijuana establishment licensee that violates the provisions of this  
7 chapter, chapter 28.10 or the regulations promulgated thereunder in accordance with the provisions of  
8 chapter 42-35 of the general laws;

9           (16) Compliance with municipal zoning restrictions, if any, which comply with § 21-28.11-10 of  
10 this chapter;

11           (17) Standards and restrictions for marijuana manufacturing and processing which shall include  
12 but not be limited to requirements that marijuana processors;

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

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

16           (iii) require any marijuana processor that manufactures edibles of marijuana infused food  
17 products to comply with all applicable requirements and regulations issued by the department of health's  
18 office of food safety; and

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

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

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

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

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

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

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

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

(iii) a "produced on" date;

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

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

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

(21) Standards for the use of pesticides; and

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

**21-28.11-10. Municipal authority.**

(a) Municipalities shall:

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

(ii) Adopt all zoning and other applicable ordinances in accordance with subsection (a)(i) before January 1, 2020~~1~~. If a municipality fails to adopt ordinances before January 1, 2021, a resident may commence an action in a court of competent jurisdiction to compel the municipality to perform the actions mandated pursuant to the provisions of this chapter.

(b) Zoning ordinances enacted by a local authority shall not require a marijuana establishment licensee or marijuana establishment applicant to enter into a community host agreement or pay any consideration to the municipality other than reasonable zoning and permitting fees as determined by the office of cannabis regulation. The office of cannabis regulation is the sole licensing authority for marijuana establishment

licensees. A municipality shall not enact any local zoning ordinances or permitting requirements that establishes a de facto local license or licensing process unless explicitly enabled by this chapter or ensuing regulations promulgated by the office of cannabis regulation.

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

(i) Municipalities may enact local zoning and use ordinances which prohibit specific classes of marijuana establishment licenses, or all classes of marijuana establishment licenses from being issued within their jurisdiction and which may remain in effect until November 5, 2020. A local zoning and use ordinance which prohibits specific classes of marijuana establishment licenses, or all classes of marijuana establishment licenses from being issued within a city or town's jurisdiction may only remain in effect past November 5, 2020 if the residents of the municipality have approved, by a simple majority of the electors voting, a referendum to ban marijuana cultivation facilities, retailers, processors or marijuana testing facilities, provided such referendum must be conducted on or before November 5, 2020~~19~~, and any ordinances related thereto must be adopted before ~~January~~ April 1, 2021~~0~~;

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

(iii) Municipalities which ban the licensure of marijuana establishments located within their jurisdiction pursuant to c(i), and/or adopt local zoning and other ordinances ~~pursuant to a(ii), before January 1, 2020,~~ in accordance with this section, may hold future referenda to prohibit previously allowed licenses, or allow previously prohibited licenses, provided those subsequent referenda are held on the first Tuesday after the first Monday in the month of November.

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

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

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

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

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

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

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

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

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

15 **21-28.11-11. Transportation of marijuana.**

16 The office of cannabis regulation shall promulgate regulations regarding secure transportation of  
17 marijuana for eligible retailers delivering products to purchasers in accordance with this chapter and  
18 shipments of marijuana or marijuana products between marijuana establishment licensees.

19 **21-28.11-12. No minors on the premises of marijuana establishments.**

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

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

24 (2) If the marijuana establishment is a retailer, a medical marijuana patient registered pursuant to  
25 chapter 28.6 of title 21, if the retailer premises are also licensed as a compassion center pursuant to §21-28.6-  
26 12 and the individual under twenty-one (21) years of age is a qualifying patient registered under chapter 28.6  
27 of title 21.

28 **21-28.11-13. Contracts enforceable.**

29 It is the public policy of the state that contracts related to the operation of a marijuana establishment,  
30 compassion center, or a licensee under chapter 2-26 in accordance with Rhode Island law shall be

1 enforceable. It is the public policy of the state that no contract entered into by a licensed marijuana  
2 establishment, compassion center, hemp cultivator or other licensee under chapter 2-26 of the general laws or its  
3 employees or agents as permitted pursuant to a valid license issued by the office of cannabis regulation, or by  
4 those who allow property to be used by an establishment, its employees, or its agents as permitted pursuant to  
5 a valid license, shall be unenforceable solely on the basis that cultivating, obtaining, manufacturing, distributing,  
6 dispensing, transporting, selling, possessing, testing or using marijuana or hemp is prohibited by federal law.

7 **21-28.11-14. Compassion centers and medical marijuana cultivators.**

8 (a) Any compassion center or medical marijuana cultivator that holds a license in good standing with  
9 the office of cannabis regulation prior to July 1, 2019 shall be issued a marijuana retailer license, marijuana  
10 cultivation license, marijuana processor license, and any other applicable marijuana establishment license(s)  
11 for which it applies including but not limited to a marijuana delivery license, in accordance with this chapter,  
12 provided the compassion center or medical marijuana cultivator has been licensed or approved to engage in  
13 those corresponding activities under their current compassion center or medical marijuana license.

14 (b) Any compassion center that holds a license in good standing with the office of cannabis regulation  
15 prior to July 1, 2019 shall be issued corresponding marijuana establishment(s) license in accordance with this  
16 chapter as provided in subsection (a) for each location where they have been licensed or approved to engage in  
17 medical marijuana cultivation, manufacturing, and/or dispensing of medical marijuana by the office of  
18 cannabis regulation prior to January 1, 2019.

19 (c) Notwithstanding any other provision of this chapter, only a holder of a compassion center license  
20 in good standing with the office of cannabis regulation prior to July 1, 2019, may be issued or hold a marijuana  
21 cultivation license, and a marijuana processor license, and marijuana retail license, inclusive, at the same time  
22 before to January 1, 2023.

23 (d) Notwithstanding any other provision of the general laws, a licensed compassion center that  
24 also holds a license as a marijuana retailer, marijuana cultivator, or marijuana processor shall be exempt  
25 from the not for profit filing requirements of § 21-28.6-3(~~5~~ 6), and shall not be required to register as a  
26 not for profit corporation under chapter 6 of title 7 of the general laws, provided they maintain operation  
27 and licensure as a licensed marijuana retailer, marijuana cultivator, or marijuana processor. The office of  
28 cannabis regulation may promulgate regulations or issue guidance to facilitate the transition from a not  
29 for profit corporation to a for profit corporation or other entity including but not limited to the  
30 requirement that the compassion center must update and/or resubmit licensing and application documents  
31 which reflect this transfer.

32 **§ 21-28.11-15. Establishment of marijuana trust fund.**

1           (a) There is created with the general fund a restricted receipt accounts collectively known as the  
2 “marijuana trust fund”, otherwise known as the “adult use marijuana licensing” or “adult use marijuana  
3 licensing program” accounts. Taxes collected pursuant to § 44-49.1 and fees collected pursuant to 21-  
4 28.11 shall be deposited into this account. The state share of trust fund revenue will be used to fund  
5 programs and activities related to program administration; revenue collection and enforcement; substance  
6 use disorder prevention for adults and youth; education and public awareness campaigns; treatment and  
7 recovery support services; public health monitoring, research, data collection, and surveillance; law  
8 enforcement training and technology improvements including grants to local law enforcement; and such  
9 other related uses that may be deemed necessary by the office of management and budget. The restricted  
10 receipt account will be housed within the budgets of the departments of business regulation, behavioral  
11 healthcare, developmental disabilities and hospitals, health, revenue and public safety, ~~and the executive~~  
12 ~~office of health and human services.~~ All amounts deposited into the marijuana trust fund shall be exempt  
13 from the indirect cost recovery provisions of § 35-4-27. The allocation of the marijuana trust fund shall  
14 be:

15           (1) Twenty-five percent (25%) of trust fund revenue to the departments of business regulation,  
16 behavioral healthcare, developmental disabilities and hospitals, health, revenue and public safety, ~~and the~~  
17 ~~executive office of health and human services,~~ except that in fiscal year 2020 the office of management  
18 and budget may allocate up to an additional three million eight hundred thousand dollars (\$3,800,000)  
19 from trust fund revenues to these agencies;

20           (2) Fifteen percent (15%) of trust fund revenue to cities and towns; and

21           (3) Sixty percent (60%) of trust fund revenue to the general fund.

22           (b) All revenue allocated to cities and towns under subsection (a)(2) shall be distributed at least  
23 quarterly by the division of taxation and department of business regulation, credited and paid by the state  
24 treasurer to the city or town based on the following allocation:

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

26           (2) One-quarter based on the share of total licensed marijuana cultivators, licensed marijuana  
27 processors, and licensed marijuana retailers found in each city or town at the end of the quarter that  
28 corresponds to the distribution, with licensed marijuana retailers assigned a weight twice that of the other  
29 license types; and

30           (3) One-half based on the volume of sales of adult use marijuana products that occurred in each  
31 city or town in the quarter of the distribution.

1           (c) The division of taxation and the department of business regulation shall jointly promulgate  
2 regulations to effectuate the distribution under subsection (a)(2).

3 **§ 21-28.11-16. Transfer of revenue to the marijuana trust fund.**

4           The department of business regulation shall transfer all revenue collected pursuant to this chapter,  
5 including penalties or forfeitures, interest, costs of suit and fines, to the marijuana trust fund  
6 established by § 21-28.11-15.

7 **21-28.11-17. Severability.**

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

12  
13           SECTION 8. Sections 31-27-2, 31-27-2.1 and 31-27-2.9 of Chapter 31-27 of the General Laws  
14 entitled “Motor Vehicles Offenses” are hereby amended as follows:

15 **§ 31-27-2. Driving under influence of liquor or drugs.**

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

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

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

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

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

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

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

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

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

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

(d)(1)(i) Every person found to have violated subsection (b)(1) shall be sentenced as follows: for a first violation whose blood alcohol concentration is eight one-hundredths of one percent (.08%), but less than one-tenth of one percent (.1%), by weight, or who has a blood presence of any scheduled controlled substance as defined in subsection (b)(2), shall be subject to a fine of not less than one hundred dollars (\$100), nor more than three hundred dollars (\$300); shall be required to perform ten (10) to sixty (60)

1 hours of public community restitution, and/or shall be imprisoned for up to one year. The sentence may  
2 be served in any unit of the adult correctional institutions in the discretion of the sentencing judge and/or  
3 shall be required to attend a special course on driving while intoxicated or under the influence of a  
4 controlled substance; provided, however, that the court may permit a servicemember or veteran to  
5 complete any court-approved counseling program administered or approved by the Veterans'  
6 Administration, and his or her driver's license shall be suspended for thirty (30) days up to one hundred  
7 eighty (180) days. The sentencing judge or magistrate may prohibit that person from operating a motor  
8 vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

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

22 (iii) Every person convicted of a first offense whose blood alcohol concentration is fifteen  
23 hundredths of one percent (.15%) or above, or who is under the influence of a drug, toluene, or any  
24 controlled substance as defined in subsection (b)(1), shall be subject to a fine of five hundred dollars  
25 (\$500) and shall be required to perform twenty (20) to sixty (60) hours of public community restitution  
26 and/or shall be imprisoned for up to one year. The sentence may be served in any unit of the adult  
27 correctional institutions in the discretion of the sentencing judge. The person's driving license shall be  
28 suspended for a period of three (3) months to eighteen (18) months. The sentencing judge shall require  
29 attendance at a special course on driving while intoxicated or under the influence of a controlled  
30 substance and/or alcohol or drug treatment for the individual; provided, however, that the court may  
31 permit a servicemember or veteran to complete any court-approved counseling program administered or  
32 approved by the Veterans' Administration. The sentencing judge or magistrate shall prohibit that person  
33 from operating a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-  
34 27-2.8.

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

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

27           (3)(i) Every person convicted of a third or subsequent violation within a five-year (5) period with  
28 a 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 who has a  
30 blood presence of any scheduled controlled substance as defined in subsection (b)(2), regardless of  
31 whether any prior violation and subsequent conviction was a violation and subsequent conviction under  
32 this statute or under the driving under the influence of liquor or drugs statute of any other state, shall be  
33 guilty of a felony and be subject to a mandatory fine of four hundred (\$400) dollars. The person's driving  
34 license shall be suspended for a period of two (2) years to three (3) years, and the individual shall be

1 sentenced to not less than one year and not more than three (3) years in jail. The sentence may be served  
2 in any unit of the adult correctional institutions in the discretion of the sentencing judge; however, not  
3 less than forty-eight (48) hours of imprisonment shall be served consecutively. The sentencing judge shall  
4 require alcohol or drug treatment for the individual; provided, however, that the court may permit a  
5 servicemember or veteran to complete any court-approved counseling program administered or approved  
6 by the Veterans' Administration, and shall prohibit that person from operating a motor vehicle that is not  
7 equipped with an ignition interlock system as provided in § 31-27-2.8.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (b) If a person, for religious or medical reasons, cannot be subjected to blood tests, the person  
13 may file an affidavit with the division of motor vehicles stating the reasons why he or she cannot be  
14 required to take blood tests and a notation to this effect shall be made on his or her license. If that person  
15 is asked to submit to chemical tests as provided under this chapter, the person shall only be required to  
16 submit to chemical tests of his or her breath, saliva or urine. When a person is requested to submit to  
17 blood tests, only a physician or registered nurse, or a medical technician certified under regulations  
18 promulgated by the director of the department of health, may withdraw blood for the purpose of  
19 determining the alcoholic content in it. This limitation shall not apply to the taking of breath, saliva or  
20 urine specimens. The person tested shall be permitted to have a physician of his or her own choosing, and  
21 at his or her own expense, administer chemical tests of his or her breath, blood, saliva and/or urine in  
22 addition to the tests administered at the direction of a law enforcement officer. If a person, having been  
23 placed under arrest, refuses upon the request of a law enforcement officer to submit to the tests, as  
24 provided in § 31-27-2, none shall be given, but a judge or magistrate of the traffic tribunal or district court  
25 judge or magistrate, upon receipt of a report of a law enforcement officer: that he or she had reasonable  
26 grounds to believe the arrested person had been driving a motor vehicle within this state under the  
27 influence of intoxicating liquor, toluene, or any controlled substance, as defined in chapter 28 of title 21,  
28 or any combination of these; that the person had been informed of his or her rights in accordance with §  
29 31-27-3; that the person had been informed of the penalties incurred as a result of noncompliance with  
30 this section; and that the person had refused to submit to the tests upon the request of a law enforcement  
31 officer; shall promptly order that the person's operator's license or privilege to operate a motor vehicle in  
32 this state be immediately suspended, however, said suspension shall be subject to the hardship provisions  
33 enumerated in § 31-27-2.8. A traffic tribunal judge or magistrate, or a district court judge or magistrate,  
34 pursuant to the terms of subsection (c), shall order as follows:

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

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

16           (3) Every person convicted for a third or subsequent violation within a five-year (5) period,  
17 except with respect to cases of refusal to submit to a blood test, shall be guilty of a misdemeanor; and  
18 shall be imprisoned for not more than one year; fined eight hundred dollars (\$800) to one thousand dollars  
19 (\$1,000); shall perform not less than one hundred (100) hours of public community restitution; and the  
20 person's operator's license in this state shall be suspended for a period of two (2) years to five (5) years.  
21 The sentencing judge or magistrate shall prohibit that person from operating a motor vehicle that is not  
22 equipped with an ignition interlock system as provided in § 31-27-2.8. The judge or magistrate shall  
23 require alcohol or drug treatment for the individual. Provided, that prior to the reinstatement of a license  
24 to a person charged with a third or subsequent violation within a three-year (3) period, a hearing shall be  
25 held before a judge or magistrate. At the hearing, the judge or magistrate shall review the person's driving  
26 record, his or her employment history, family background, and any other pertinent factors that would  
27 indicate that the person has demonstrated behavior that warrants the reinstatement of his or her license.

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

1 as provided in § 31-27-2.8. Such a violation with respect to refusal to submit to a chemical blood test  
2 shall be a civil offense.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Performs the chemical test; or

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

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

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

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

**§ 44-49-1. Short title.**

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

**§ 44-49-2. Definitions.**

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

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

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

1    **§ 44-49-4. Rules.**

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

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

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

9    **§ 44-49-7. Pharmaceuticals.**

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

12   **§ 44-49-8. Measurement.**

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

17   **§ 44-49-9. Tax rate.**

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

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

21    ~~and~~

22          ~~(2)~~(1) On each gram of controlled substance, or portion of a gram, two hundred dollars (\$200); or

23          ~~(3)~~(2) On each ten (10) dosage units of a controlled substance that is not sold by weight, or  
24 portion of the dosage units, four hundred dollars (\$400).

25   **§ 44-49-9.1. Imposition of tax, interest and liens.**

26          (a) Any law enforcement agency seizing ~~marijuana and/or~~ controlled substances as defined in §  
27 44-49-2 in the quantities set forth in that section shall report to the division of taxation no later than the  
28 twenty-fifth (25th) of each month, the amount of all ~~marijuana and~~ controlled substances seized during  
29 the previous month and the name and address of each dealer from whom the ~~marijuana and~~ controlled  
30 substances were seized.

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

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

#### **§ 44-49-10. Penalties – Criminal provisions.**

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

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

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

#### **§ 44-49-11. Stamp price.**

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

#### **§ 44-49-12. Payment due.**

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

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

SECTION 10. Title 44 of the General Laws entitled “TAXATION” is hereby amended by adding thereto the following chapter 44-49.1:

**§ 44-49.1-1. Short title.**

This chapter shall be known as the "Cannabis Taxation Act.”

**§ 44-49.1-2. Definitions.**

As used in this chapter, unless the context clearly indicates otherwise, the following words and phrases shall have the following meanings:

(1) "Administrator" means the tax administrator.

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

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

(4) “Cannabidiol” or “CBD” means cannabidiol (CBD) derived from a hemp plant as defined in § 2-26-3(7), not including products derived from exempt cannabis plant material as defined in C.F.R. § 1308.35.

(5) “Licensee” means any licensed cultivator, licensed processor, and licensed retailer, as defined below.

(6) “Licensed cultivator” means a person who has been licensed by the department of business regulation to cultivate marijuana pursuant to chapters 28.6 or 28.11 of title 21.

(7) “Licensed processor” means a person who has been licensed by the department of business regulation to process marijuana pursuant to chapters 28.6 or 28.11 of title 21.

(8) “Licensed retailer” means a compassion center who has been licensed by the department of business regulation pursuant to chapter 28.6 of title 21, or a a marijuana retailer who has been licensed by the department of business regulation pursuant to chapter 28.11 of title 21.

(9) “Licensed marijuana cultivator” means a person who has been licensed to cultivate marijuana by the department of business regulation pursuant to chapter 28.11 of title 21.

1           (10) “Licensed marijuana processor” means a person who has been licensed to process marijuana  
2 by the by the department of business regulation pursuant to chapter 28.11 of title 21.

3           (11) “Licensed marijuana retailer” means a person who has been licensed to sell marijuana by the  
4 department of business regulation pursuant to chapter 28.11 of title 21.

5           (12) “Marijuana” has the meaning given that term in § 21-28-1.02(30).

6           (13) “Marijuana flower” means the flower or bud from a marijuana plant as further defined by the  
7 office of cannabis regulation for the purpose of implementing the provisions of this chapter

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

12           (15) “Marijuana trim” means any part of the marijuana plant other than marijuana flower as  
13 defined by the office of cannabis regulation for the purpose of implementing and the provisions of this  
14 chapter.

15           (16) "Hemp products" or “industrial hemp products” means all products made from the plants,  
16 including, but not limited to, concentrated oil, cloth, cordage, fiber, food, fuel, hemp-derived consumable  
17 CBD products, paint, paper, construction materials, plastics, seed, seed meal, seed oil, and certified for  
18 cultivation-, which satisfy the requirements of chapter 26 of title 2.

19           (17) “Hemp-derived consumable CBD product” means any product meant for ingestion,  
20 including but not limited to concentrates, extracts, and cannabis-infused products, which contains  
21 cannabidiol (CBD) derived from a hemp plant as defined in § 2-26-3(7), not including products derived  
22 from exempt cannabis plant material as defined in C.F.R. § 1308.35.

23           (18) “Licensed CBD distributor” means a person licensed to distribute hemp-derived consumable  
24 CBD products pursuant to chapter 26 of title 2.

25           (19) “Licensed CBD retailer” means a person licensed to sell hemp-derived consumable CBD  
26 products pursuant to chapter 26 of title 2.

27           (20) "Person" means any individual, including an employee or agent, firm, fiduciary, partnership,  
28 corporation, trust, or association, however formed.

29           (21) “Transfer” means the change of possession of marijuana between the operations of a licensed  
30 cultivator and either a licensed processor or licensed retailer, even if any of those licenses are held by the

1 same person. Transfers do not have to include compensation and do not have to involve the physical  
2 relocation of marijuana to be taxable under this chapter.

3 **§ 44-49.1-3. Cultivator, retailer licenses required.**

4 Each person engaging in the business of cultivating marijuana, selling marijuana products, or  
5 selling hemp-derived consumable CBD products in this state, shall secure a license from the department  
6 of business regulation before engaging in that business, or continuing to engage in it. A separate  
7 application and license is required for each place of business operated by the retailer. A licensee shall  
8 notify the department of business regulation and tax administrator simultaneously within thirty (30) days  
9 in the event that it changes its principal place of business. A separate license is required for each type of  
10 business if the applicant is engaged in more than one of the activities required to be licensed by this  
11 section.

12 **§ 44-49.1-4. Marijuana cultivator excise tax.**

13 (a) An excise tax is imposed on all marijuana cultivated by licensed cultivators pursuant to  
14 chapter 28.6 of title 21 and chapter 28.11 of title 21. The rate of taxation is as follows:

15 (1) Three dollars (\$3.00) for every dried ounce of marijuana trim and a proportionate tax at the  
16 like rate on all fractional parts of an ounce thereof, and

17 (2) Ten dollars (\$10.00) for every dried ounce of marijuana flower and a proportionate tax at the  
18 like rate on all fractional parts of an ounce thereof.

19 (b) Marijuana trim and marijuana flower that has not reach a dried state will be taxed using  
20 equivalent amounts as established by regulations promulgated by the department of taxation and the  
21 department of business regulation.

22 (c) The excise tax is assessed and levied upon the sale or transfer of marijuana by a licensed  
23 cultivator to any other licensee.

24 (d) This section is effective as of October 1, 2019.

25 **§ 44-49.1-5. Adult use marijuana retail excise tax.**

26 (a) An excise tax is imposed on all marijuana sold by licensed marijuana retailers pursuant to  
27 chapter 28.11 of title 21 at a rate of ten percent (10%) of the gross sales of marijuana products. This  
28 excise tax is in addition to taxes imposed by chapter 18 of title 44.

29 (b) Any marijuana retailer shall collect the taxes imposed by this section from any purchaser to  
30 whom the sale of marijuana products is made and shall remit to the state the tax levied by this section.

(c) The marijuana retailer shall add the tax imposed by this chapter to the sale price or charge, and when added the tax constitutes a part of the price or charge, is a debt from the consumer or user to the retailer, and is recoverable at law in the same manner as other debts; provided, that the amount of tax that the retailer collects from the consumer or user is as follows:

Amount of Fair Market Value, as Tax

\$0.01 to \$ .09 inclusive No Tax

.10 to .19 inclusive .01

.20 to .29 inclusive .02

.30 to .39 inclusive .03

.40 to .49 inclusive .04

.50 to .59 inclusive .05

.60 to .69 inclusive .06

.70 to .79 inclusive .07

.80 to .89 inclusive .08

.90 to .99 inclusive .09

.100 to .109 inclusive .10

and where the amount of the sale is more than one dollar and nine cents (\$1.09) the amount of the tax is computed at the rate of ten percent (10%)

(d) It shall be deemed a violation of this section for a marijuana retailer to fail to separately state the tax imposed in this section and instead include it in the sale price of marijuana products. The tax levied in this article shall be imposed in addition to all other taxes imposed by the state, or any municipal corporation or political subdivision of any of the foregoing.

**§ 44-49.1-6. Hemp-derived consumable CBD products tax.**

(a) A tax is imposed on all hemp-derived consumable CBD products sold, or held for sale in the state by any person, the payment of the tax to be accomplished according to a mechanism established by the tax administrator. The tax imposed by this section shall be as follows at the rate of ~~eighty~~ forty percent ~~(80%)~~ (40%) of the wholesale cost of hemp-derived consumable CBD products.

1       (b) Any licensed CBD retailer who purchases hemp-derived consumable CBD products from a  
2 distributor who does not possess a valid Rhode Island distributor’s license shall, with respect to the  
3 storage or use of which a tax is imposed by this section shall, within five (5) days after coming into  
4 possession of the hemp-derived consumable CBD products in this state, file a return with the tax  
5 administrator in a form prescribed by the tax administrator. The return shall be accompanied by a  
6 payment of the amount of the tax shown on the form to be due. Records required under this section shall  
7 be preserved on the premises described in the relevant license in such a manner as to ensure permanency  
8 and accessibility for inspection at reasonable hours by authorized personnel of the administrator.

9       (c) The proceeds collected are paid into the general fund.

10       (d) This section shall be effective commencing on the first month following thirty (30) days after  
11 promulgation of the final regulations issued by the department of business regulation that establish the  
12 CBD distributor and CBD retailer licenses.

13       **§ 44-49.1-7. Returns.**

14       (a) Every licensed cultivator shall, on or before the twentieth (20th) day of the month following  
15 the sale or transfer of marijuana, make a return to the tax administrator for taxes due under § 44-49.1-4.  
16 Licensed cultivators shall file their returns on a form as prescribed by the tax administrator.

17       (b) Every licensed marijuana retailer shall, on or before the twentieth (20th) day of the month  
18 following the sale of marijuana products, make a return to the tax administrator for taxes due under § 44-  
19 49.1-5. Licensed retailers shall file their returns on a form as prescribed by the tax administrator.

20       (c) If for any reason an marijuana retailer fails to collect the tax imposed § 44-49.1-5 from the  
21 purchaser, the purchaser shall file a return and pay the tax directly to the state, on or before the date  
22 required by subsection (b) of this section.

23       (d) Every licensed CBD distributor shall, on or before the tenth (10th) day of the month following  
24 the sale of hemp-derived consumable CBD products, make a return to the tax administrator for taxes due  
25 under § 44-49.1-6. Licensed CBD retailers shall file their returns on a form as prescribed by the tax  
26 administrator.

27       (e) There is created with the general fund a restricted receipt account to be known as the  
28 “marijuana cash use surcharge” account. Surcharge collected pursuant to subsection (f) shall be deposited  
29 into this account and be used to finance costs associated with processing and handling cash payments for  
30 taxes paid under this chapter. The restricted receipt account will be housed within the budget of the  
31 department of revenue. All amounts deposited into the marijuana cash use surcharge account shall be  
32 exempt from the indirect cost recovery provisions of § 35-4-27.

1       (f) Any licensee who makes a payment in cash for taxes due under this chapter, or taxes due  
2       under chapters 18 or 67 of this title, shall pay a ten percent (10%) penalty on the amount of that payment  
3       to the division of taxation. Payment of a tax return with less than one thousand dollars (\$1,000) in taxes  
4       due per month, on average, shall not be subject to the penalty.

5       (g) Notwithstanding any other provision of law, the name of the licensee and the amount of tax  
6       paid under this chapter shall be available to the public for inspection by any person.

7       **§ 44-49.1-8. Sale of contraband products prohibited.**

8       (a) No person shall sell, offer for sale, display for sale, or possess with intent to sell any  
9       contraband marijuana, marijuana products, or hemp-derived consumable CBD products.

10       (b) Any marijuana, marijuana products, or hemp-derived consumable CBD products exchanged  
11       in which one of the two entities does not have a license or exchanged between a non-licensed entity and a  
12       consumer shall be considered contraband.

13       (c) Any marijuana, marijuana products, or hemp-derived consumable CBD products for which  
14       applicable taxes have not been paid as specified in title 44 shall be considered contraband.

15       (d) Failure to comply with the provisions of this chapter may result in the imposition of the  
16       applicable civil penalties in title 44; however, the possession of marijuana, marijuana products, or hemp-  
17       derived consumable CBD products as described in this chapter do not constitute contraband for purposes  
18       of imposing a criminal penalty under chapter 28 of title 21.

19       **§ 44-49.1-9. Recordkeeping.**

20       (a) Each licensee shall maintain copies of invoices or equivalent documentation for, or itemized  
21       for, each of its facilities for each involving the sale or transfer of marijuana, marijuana products, or hemp-  
22       derived consumable CBD products. All records and invoices required under this section must be safely  
23       preserved for three (3) years in a manner to insure permanency and accessibility for inspection by the  
24       administrator or his or her authorized agents.

25       (b) Records required under this section shall be preserved on the premises described in the  
26       relevant license in such a manner as to ensure permanency and accessibility for inspection at reasonable  
27       hours by authorized personnel of the administrator. With the tax administrator's permission, persons with  
28       multiple places of business may retain centralized records but shall transmit duplicates of the invoices or  
29       the equivalent documentation to each place of business within twenty-four (24) hours upon the request of  
30       the administrator or his or her designee.

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

**§ 44-49.1-10. Inspections and investigations.**

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

(b) In any case where the administrator or his or her duly authorized agent, or any police officer of this state, has knowledge or reasonable grounds to believe that any vehicle is transporting marijuana, marijuana products, or hemp-derived consumable CBD products in violation of this chapter, the administrator, such agent, or such police officer, is authorized to stop such vehicle and to inspect the same for contraband marijuana, marijuana products, or hemp-derived consumable CBD products.

(c) For the purpose of determining the correctness of any return, determining the amount of tax that should have been paid, determining whether or not the licensee should have made a return or paid taxes, or collecting any taxes under this chapter, the tax administrator may examine, or cause to be examined, any books, papers, records, or memoranda, that may be relevant to making those determinations, whether the books, papers, records, or memoranda, are the property of or in the possession of the dealer of another person. The tax administrator may require the attendance of any person having knowledge or information that may be relevant, compel the production of books, papers, records, or memoranda by persons required to attend, take testimony on matters material to the determination, and administer oaths or affirmations. Upon demand of the tax administrator or any examiner or investigator, the court administrator of any court shall issue a subpoena for the attendance of a witness or the production of books, papers, records, and memoranda. The tax administrator may also issue subpoenas. Disobedience of subpoenas issued under this chapter is punishable by the superior court of the district in which the subpoena is issued, or, if the subpoena is issued by the tax administrator, by the superior court or the county in which the party served with the subpoena is located, in the same manner as contempt of superior court.

1    **§ 44-49.1-11. Suspension or revocation of license.**

2           The tax administrator may request the department of business regulation to, and upon such  
3 request the department shall be authorized to, suspend or revoke any license under ~~this chapter~~ chapters 2-  
4 26, 21-28.6 and 21-28.11 for failure of the licensee to comply with any provision of this chapter or with  
5 any provision of any other law or ordinance relative to the sale or transfer of marijuana, marijuana  
6 products, or hemp-derived consumable CBD products.

7    **§ 44-49.1-12. Seizure and destruction.**

8           Any marijuana, marijuana products, or hemp-derived consumable CBD products found in  
9 violation of this chapter shall be declared to be contraband goods and may be seized by the tax  
10 administrator, his or her agents, or employees, or by any deputy sheriff, or police officer when directed by  
11 the tax administrator to do so, without a warrant. For the purposes of seizing and destroying contraband  
12 marijuana, employees of the department of business regulation may act as agents of the tax administrator.  
13 The seizure and/or destruction of any marijuana, marijuana products, or hemp-derived consumable CBD  
14 products under the provisions of this section does not relieve any person from a fine or other penalty for  
15 violation of this chapter. The tax administrator may promulgate rules and regulations for the destruction  
16 of contraband goods pursuant to this section. These rules and regulations may be promulgated jointly with  
17 the department of business regulation.

18   **§ 44-49.1-13. Penalties.**

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

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

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

28           (b) Negligence. If any part of a deficiency is due to negligence or intentional disregard of the  
29 Rhode Island General Laws or rules or regulations under this chapter (but without intent to defraud), five  
30 percent (5%) of that part of the deficiency shall be added to the tax.

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

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

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

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

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

26          (h) *Whoever fails to pay any tax imposed by § 44-49.1-4 or § 44-49.1-6 at the time prescribed by*  
27          *law or regulations, shall, in addition to any other penalty provided in this chapter, be liable for a penalty*  
28          *of one thousand dollars (\$1,000) or not more than five (5) times the tax due but unpaid, whichever is*  
29          *greater.*

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

32          **§ 44-49.1-14. Claim for refund.**

1 Whenever the tax administrator determines that any person is entitled to a refund of any moneys  
2 paid by a person under the provisions of this chapter, or whenever a court of competent jurisdiction orders  
3 a refund of any moneys paid, the general treasurer shall, upon certification by the tax administrator and  
4 with the approval of the director of administration, pay the refund from any moneys in the treasury not  
5 appropriated without any further act or resolution making appropriation for the refund. No refund is  
6 allowed unless a claim is filed with the tax administrator within three (3) years from the fifteenth (15th)  
7 day after the close of the month for which the overpayment was made.

8 **§ 44-49.1-15. Hearings and appeals.**

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

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

25 **§ 44-49.1-16. Disclosure of information to the office of cannabis regulation.**

26 Notwithstanding any other provision of law, the tax administrator may make available to an  
27 officer or employee of the office of cannabis regulation of the Rhode Island department of business  
28 regulation, any information that the administrator may consider proper contained in tax reports or returns  
29 or any audit or the report of any investigation made with respect to them, filed pursuant to the tax laws of  
30 this state, to whom disclosure is necessary for the purposes ensuring compliance with state law and  
31 regulations.

32 **§ 44-49.1-17. Transfer of revenue to the marijuana trust fund.**

1           (a) The division of taxation shall transfer all collections from marijuana cultivator excise tax and  
2 the adult use marijuana retail excise tax, including penalties or forfeitures, interest, costs of suit and fines,  
3 to the marijuana trust fund established by § 21-28.11-18.

4           (b) The division of taxation shall transfer all collections remitted by licensed retailers pursuant to  
5 § 44-18-18 due to the net revenue of marijuana products. The tax administrator may base this transfer on  
6 an estimate of the net revenue of marijuana products derived from any other tax data collected under title  
7 44 or data shared by the department of business regulation.

8   **§ 44-49.1-18. Rules and regulations.**

9           The tax administrator is authorized to promulgate rules and regulations to carry out the  
10 provisions, policies, and purposes of this chapter.

11   **§ 44-49.1-19. Severability.**

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

16           SECTION 11. This article shall take effect upon passage.

17                                   **ARTICLE 21**

18                                   RELATING TO EFFECTIVE DATE

19           SECTION 1. This act shall take effect as of July 1, 2019, except as otherwise provided herein.

20           SECTION 2. This article shall take effect upon passage.